VERŻJONI ELETTRONIKA

L.N. 335 of 2017

MALTESE CITIZENSHIP ACT
(CAP. 188)

Grant of Citizenship for Exceptional Services Regulations, 2017

IN exercise of the powers conferred by articles 10(9)(c) and 24 of the Maltese Citizenship Act, the President of Malta has made the following regulations:-

Citation.

1. The title of these regulations is the Grant of Citizenship for Exceptional Services Regulations, 2017.

Interpretation.

2. In these regulations, unless the context otherwise requires -

"Act" means the Maltese Citizenship Act; Cap. 188.

"applicant" means the person who applies or on whose behalf it is being applied to be naturalized as a citizen of Malta under article 10(9)(c) of the Act;

"application" means an application made under these regulations;

"application requirements" means the formal and substantial requirements which each applicant must meet, as set forth in these regulations;

"authenticated translation" means a translation done by either a professional translator who is officially accredited to a court of law, a government agency, an international organization, or similar official institution, or if done in a country where there are no official accredited translators a translation, done by a company whose role or business is professional translation;

"certified copy" means a photocopy of an original document certified to be a true copy of the original by a duly licensed lawyer, a notary public or a Maltese consular or diplomatic officer;

"designated competent body" means the locally registered entity in Malta, specified in the First Schedule, that is capable to determine whether an individual is recognised in a particular field as a leading talent, or has demonstrated exceptional promise and is likely to become a leading talent;

"Evaluation Board", hereinafter referred to as "the Board", means the group of individuals appointed in accordance with these

VERŻJONI ELETTRONIKA

regulations to evaluate applications made under article 10(9)(c) of the Act and to prepare a reasoned opinion with regard to each application to be referred to the Minister responsible for Citizenship;

"exceptional" means unusually excellent or manifestly superior at a local level, and refers primarily to contributions by scientists, researchers, athletes, sports people, artists and cultural performers;

S.L. 497.07

"Identity Malta" means the agency established by the Identity Malta Agency (Establishment) Order;

"Minister" has the same meaning as assigned to it in the Act;

"police certificate" means a certificate of conduct, report or statement from a national law enforcement authority or other public authority in charge of criminal records on the status of an applicant's criminal record.

Scope.

3. The aim of these regulations is to prescribe the requirements and to administer the grant of citizenship for exceptional services to the Republic of Malta or to humanity, or on the basis of exceptional interest to the Republic of Malta, in accordance with article 10(9)(c) of the Act.

Qualifications and general requirements.

4. (1) The qualifications and general requirements for a person to apply for citizenship under article 10(9)(c) of the Act shall be that any such person:

(a) provides proof that he resided in Malta for at least eight months in the period preceding the date of application;

(b) except in the case of an applicant who is a minor, or subject to the proviso of sub-regulation 4(2)(d), provides proof of title to residential property in Malta;

(c) provides proof of the exceptional services rendered to the Republic of Malta or to humanity, or if the individual claims that his naturalisation is of exceptional interest to the Republic of Malta, provides an endorsement by the designated competent body.

(d) be recommended by two people who are qualified to act as sponsors for persons that apply for Maltese citizenship by naturalisation.

(2) Applications shall be made on the form prescribed under the Citizenship Regulations and shall be accompanied by the originals or certified copies of the following:

S.L. 188.01

VERŻJONI ELETTRONIKA

(a) documentary evidence certified by the competent body established of the exceptional services rendered to the Republic of Malta or to humanity, or if the individual claims that his naturalisation is of exceptional interest to the Republic of Malta, an endorsement in the form of a written report by the designated competent body attesting that the individual is recognised in a particular field as a leading talent, or has demonstrated exceptional promise and is likely to become a leading talent;

(b) a certificate in the form prescribed by Identity Malta from a reputable health system to the satisfaction of Identity Malta that the applicant is not suffering from any contagious disease and that the applicant is otherwise in good health;

(c) a police conduct certificate;

(d) where the applicant is not a minor, proof that the applicant has purchased or taken on lease immovable residential property in Malta:

Provided that where the applicant is still a member of the household of his family, the Minister may, if he is satisfied that the applicant is not in a position to purchase or take on lease such property, waive this requirement;

(e) any other document as may be required from time to time by notice issued by Identity Malta.

(3) All applications shall be submitted by the applicant in person to Identity Malta.

(4) Application forms and other accompanying documents shall be completed in English or, if the original language of the document is not English, the document shall be accompanied by an authenticated translation.

(5) If an applicant makes a false statement or omits information requested, the application may be declined solely on that basis.

(6) Applications shall only be accepted and processed on condition that all forms are properly completed, dated and signed, and accompanied by all required documents and fees.

Eligibility criteria.

5. In addition to the qualifications and general requirements as set out in regulation 4, the minimum eligibility criteria shall be as follows:

VERŻJONI ELETTRONIKA

(a) a proper background verification of the applicant, through a due diligence process carried out by Identity Malta, attesting that the applicant is a fit and proper person to hold Maltese citizenship;

(b) a police certificate issued by the Malta police as well as a police certificate issued by the competent authorities in the country of origin and in the country or countries of residence where the applicant has resided for a period of more than six months during the last ten years, or in exceptional cases where it is proved to the satisfaction of Identity Malta that such a certificate is not obtainable, a sworn affidavit made by the applicant, declaring a clean criminal record;

(c) the applicant is not an individual indicted before an International Criminal Court or who appeared at any time before an International Criminal Court, irrespectively of whether such person has been found guilty or otherwise by such Court;

(d) the applicant shall not be a person listed with the International Criminal Police Organization (INTERPOL) at the time of application;

(e) the applicant is not, or may not be, a potential threat to national security, public policy or public health;

(f) the applicant shall not be an individual who, at any time, had pending charges related to crimes of terrorism, money laundering, funding of terrorism, crimes against humanity, war crimes, or crimes that infringe upon such Protection of Human Rights and Fundamental Freedoms as established by the European Convention on Human Rights, or who has been found guilty of any such crimes;

(g) the applicant shall not be an individual who has been found guilty or has charges brought against him regarding sexual criminal offences, which criminal offences include, without limitation, the following:

(i) paedophilia,

(ii) defilement of minors,

(iii) rape,

(iv) violent indecent assault,

VERŻJONI ELETTRONIKA

(v) inducing persons under age to prostitution, and

(vi) abduction;

(h) the applicant shall not be an individual who at any time was found guilty, or, at the time of the application, is being interrogated and suspected, or has criminal charges brought against him for any criminal offence, other than an involuntary offence, punishable with more than one year imprisonment. The applicant shall attach with his application a sworn declaration before a commissioner for oaths, lawyer or notary public that the said information that he has provided is true and correct;

(i) where a document is required to be produced under these regulations in support of an application:

(i) such document must be an original document or if not an original, it must be a certified copy; and

(ii) the person certifying the document shall provide the full name, capacity in which the person is acting, residential or business address, telephone number and email address.

Ineligible applicants.

6. An applicant who -

(a) provides false information on his application;

(b) has a criminal record;

(c) is the subject of a criminal investigation;

(d) is a potential national security threat to Malta;

(e) is, or is likely to be, involved in any activity likely to cause disrepute to Malta; or

(f) has been denied a visa to a country with which Malta has visa-free travel arrangements and has not subsequently obtained a visa to the country that issued the denial,

shall not be approved for citizenship under article 10(9)(c) of the Act, unless the Board is satisfied that the applicant is still worthy of being considered for approval due to special circumstances to be demonstrated either by the applicant himself or by the designated competent body. In such case, Identity Malta shall refer the

VERŻJONI ELETTRONIKA

application to the Board, and the Board in its reasoned opinion shall explain why such applicant should still be considered for approval. The Minister will ultimately have the sole authority to grant such approval.

Evaluation Board.

7. (1) The Board shall evaluate applications made under article 10(9)(c) of the Act and prepare a reasoned opinion with regard to each application to be referred to the Minister responsible for Citizenship.

(2) The composition of the Board shall vary in accordance with the nature of the application to be evaluated, and shall comprise -

(a) a Chairperson to be appointed by the Minister, who shall be a person who has practiced the profession of advocate for at least seven years; and

(b) two members to be selected by the Chairperson from amongst the members of three panels to be appointed by the Minister, which panels shall include persons having knowledge of sport, culture and the arts, and science and research respectively.

(3) The Chairperson and the appointed panel members of the Board shall hold office for a term of three years and under such conditions as may be set out in their letter of appointment, and shall, on the expiration of the term of their office, be eligible to be reappointed.

(4) The Chairperson and the panel members of the Board shall, before commencing to execute their duties, take an oath in the form set out in the Second Schedule. Such oath shall be taken before, and shall be deposited with, the Attorney General.

(5) When any vacancy in the Board occurs, the Minister shall, as soon as practicable, appoint another person to fill the vacancy.

(6) A member of the Board may be removed from office by the Prime Minister, but such member may be removed only for proved inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(7) The Chairperson and any member of the Board may abstain from sitting or may be challenged for any of the causes mentioned in article 734 of the Code of Organization and Civil Procedure.

Cap. 12.

VERŻJONI ELETTRONIKA

(8) Save as otherwise expressly provided by these regulations, the Board may make its own rules and otherwise regulate its own procedure.

(9) The Minister shall appoint a Secretary to the Board and such other officers as may be necessary from time to time and shall determine their duties.

(10) The Board shall have the power to request such technical advise as it may deem necessary for the proper performance of its functions.

(11) Any notice issued by the Board shall be signed by the Chairperson and counter-signed by the Secretary.

(12) The decisions of the Board shall be taken by a majority vote, shall be in writing and shall be signed by the Chairperson and by the Secretary.

Application process.

8. (1) Every application shall be presented to, and examined by, the Citizenship Unit within Identity Malta.

(2) Identity Malta shall cause due diligence checks to be performed by one or more internationally recognized specialized due diligence agents which in any case are to be approved by Identity Malta, in respect of every applicant. Such due diligence checks shall be of a four-tier nature. Identity Malta shall in any case be responsible for the proper carrying out of due diligence tests.

(3) Where a lawyer or notary public certifies a document to be a true copy of the original, that document must be authenticated by -

(a) an apostille in accordance with the provisions of the Hague Convention of 5th October 1961 Abolishing the Requirement for Legalisation for Foreign Public Documents, in the case of a jurisdiction that is a party to that Convention; or

(b) a validation of the certificate of the lawyer or notary public by the appropriate government department in the case of a jurisdiction that is not a party to that Convention; or

(c) a validation of the certificate by a Maltese consular or diplomatic representation in the case of a jurisdiction that is not a party to that Convention.

(4) Within ninety days of the presentation of an application for citizenship, the Citizenship Unit within Identity Malta shall verify that:

VERŻJONI ELETTRONIKA

(a) the application is formally correct;

(b) all relevant information provided by the applicant has been verified by one or more independent due diligence agents;

(c) the background of the applicant has been verified by one or more independent due diligence agents;

(d) an appropriate risk weighting has been carried out.

(5) Within thirty days from the date of the completion of the verification referred to above, the Citizenship Unit within Identity Malta shall further review the application submitted to it, shall carry out appropriate further background checks, if it deems necessary, and shall refer the particular application together with the supporting documentation and the due diligence report to be reviewed by the Board.

(6) Within one hundred and eighty days from the receipt of the documents referred to above, the Board shall review the application and all documentation and reports submitted in support thereof and prepare a reasoned opinion to be referred to the Minister responsible for Citizenship. In order to properly carry out the task entrusted to it, the Board may interview the applicant in person and, or the legal representative of the designated competent body endorsing the applicant. In its written reasoned opinion, the Board shall indicate whether it deems that a particular application merits favourable consideration.

(7) Within sixty days from the date on which the Board submits a particular application and all documentation and reports submitted in support thereof together with its written reasoned opinion for the attention of the Minister, the Minister shall determine whether a certificate of naturalisation as a citizen of Malta shall be granted to the particular applicant.

Deprivation of citizenship.

9. Without prejudice to the provisions of article 14 of the Act, the Minister shall in all cases be deemed to have reserved the right to deprive a person of his Maltese citizenship if an applicant who has been granted citizenship has become a threat to national security, is involved in conduct which is seriously prejudicial to the interests of Malta or in the case of an individual whose naturalization was deemed to be of exceptional interest to the Republic of Malta, the said individual fails to use his skills for the benefit of the Republic of Malta. In such cases the procedure for deprivation of citizenship stipulated in article 14 of the Act and in any regulations made under

VERŻJONI ELETTRONIKA

the Act in respect of such deprivation shall *mutatis mutandis* apply.

Disclosure.

10. The Minister shall every year publish in the Gazette the names of all persons who during the previous twelve calendar months were granted Maltese citizenship by registration or naturalization including those persons who were granted Maltese citizenship for exceptional services.

VERŻJONI ELETTRONIKA

First Schedule
(Regulation 2)

MALTESE CITIZENSHIP ACT

DESIGNATED COMPETENT BODY

In the case of sports:
The National Sports Associations that are registered with SportMalta

In the case of culture and the arts:
The Arts Council Malta or the Superintendence of Cultural Heritage

In the case of science and research:
A recognised tertiary educational institution or the National Council for Further and Higher Education or the Malta Council for Science and Technology.

Second Schedule
(Regulation 7)

MALTESE CITIZENSHIP ACT

FORM OF OATH TO BE TAKEN BY THE CHAIRPERSON OR A MEMBER OF THE EVALUATION BOARD

I, ... having been appointed to be Chairperson/Member of the Evaluation Board for the period ..... to ....., do swear/solemnly affirm that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the said appointment.

So help me God.

.....

Chairperson/Member

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