L.N. 107 of 2024

PUBLIC ADMINISTRATION ACT
(CAP. 595)

Residency Malta Agency (Establishment) (Amendment) Order, 2024

IN EXERCISE of the powers conferred by articles 26(4)(b) and 39 of the Public Administration Act, the Prime Minister has made the following order:-

Citation.

S.L. 595.40.

1. The title of this order is the Residency Malta Agency (Establishment) (Amendment) Order, 2024 and this order shall be read and construed as one with the Residency Malta Agency (Establishment) Order, hereinafter referred to as the "principal order".

Substitutes article 3 of the principal order.

2. Article 3 of the principal order shall be substituted by the following new article:

"Establishment and functions of the Agency.

3. There shall be established an Agency, to be known as the Residency Malta Agency, which shall carry out functions and duties of public administration in the following matters:

S.L. 217.26.

(a) administer the process of applications for the grant of residency in accordance with the Malta Permanent Residence Programme Regulations and all other required processes in order to implement the provisions of the said regulations, issue residence-by-investment certificates relating to applications by third country nationals applying to stay or reside indefinitely in Malta or Gozo, including the general implementation and administration of the Programme for the grant of permanent residency rights on the basis of investment, and to order the cessation of the benefits conferred by residence-by-investment certificates;

(b) administer the process of applications for the grant of temporary residency rights to third country nationals as the Government may set up and direct the Agency to administer from time to time, including the Nomad Residence Permit for persons wanting to work from Malta for a temporary period of time and the Startup Residence Programme for persons investing in Malta through a start-up enterprise, and such other permits for the granting of temporary residency rights as the Government may establish and direct the Agency to administer from time to time, in accordance with the general conditions and policy established by the Government for the granting of such residence permits, to implement and administer the said permits, and to order the cessation of benefits conferred by the said permits;

(c) perform due diligence checks on all applicants who have submitted an application for the grant of residency rights in accordance with the Programme or any other residence permit administered by the Agency;

(d) ensure that applicants satisfy all conditions and requirements imposed by the Programme or under any permit granting residency rights administered by the Agency;

(e) implement and maintain internal standard operating procedures;

(f) advise the Minister on all matters concerning the functions of the Agency;

(g) work and collaborate with the Identity Malta Agency with regards to the issuance of residence-by-investment permits or other residence permits, and with regards to the capturing of biometric data;

(h) perform or manage due diligence checks and processes for other government entities, agencies or authorities;

(i) work and collaborate with the competent authority with regards to agents duly licensed under the Agents (Licences) Regulations; and

S.L. 188.05.

(j) all such other matters which are ancillary, incidental or consequential to the matters stipulated in this article, as the Minister may determine from time to time:

Provided that when such matters as are referred to in this order consist of or include the administration of funds, the Minister shall act with the concurrence of the Minister responsible for finance in making a determination in respect thereof.".

Amends article 12 of the principal order.

3. Immediately after sub-article (2) of article 12 of the principal order there shall be added the following new sub-article:

"(3) Employees of the Agency shall treat any information acquired in the discharge of their duties as confidential, both during and after the termination of their employment, and may be required to take an oath confirming their adherence to the said obligation.".

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