

guidelines for
**residence
permit holders**



identita.gov.mt



your permit



You are now the
holder of a
residence permit
issued by Identità.

Your residence permit gives you the right to reside in Malta. Depending on the type of permit granted, you may also enjoy the right to be gainfully employed in Malta.

This leaflet is intended to inform you of the rights and obligations of non-EU nationals who hold a valid Maltese residence permit. Whilst great care has been taken into including all the important information, there may be some details which have been omitted from this document, but which are still binding by national legislation.

➤ Rights

Without prejudice to any special provisions, **non-EU nationals** with a valid residence permit are entitled to:

- 01** Reside in Malta for the period specified on the residence permit, and provided that the conditions still subsist and the permit remarks on the document still apply.
- 02** Submit an application for Family reunification extending to marital spouse and minor children of whom the holder has custody, provided that the non-EU national is in possession of a residence permit with a validity of at least one year, has prospects of permanent residence, and complies with all the requirements as stipulated in the Family Reunification Regulations or the Family Members Policy.
- 03** Access to healthcare subject to the type of permit held. It is important to confirm eligibility and access with health authorities prior to accessing the national healthcare system.
- 04** Visit other European countries, provided that the total period of the visit/s does not exceed 90 days within a 180-day period.
- 05** If the permit is withdrawn, revoked or refused on renewal, the applicant enjoys the right to appeal the decision of the Agency within 3 working days with the Immigration Appeals Board. Information on how an appeal may be lodged can be found online on the website of the Ministry for Home Affairs, Security, Reforms and Equality and may be subject to fees as applied and administered by the Immigration Appeals Board.

The specific rights of non-EU nationals which emanate from the specific residence permit issued in their regard are further defined in the next sub-sections as applicable.

Non-EU nationals holding a residence permit issued in line with the Single Permit Regulations **(Subsidiary Legislation 217.17)**

Holders of Single Permit enjoy equal treatment with Maltese nationals with regards to:

- 01** Working conditions, including pay and dismissal as well as health and safety at the workplace.
- 02** Freedom of association and affiliation and membership of an organisation representing workers or employers of any organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security.
- 03** Access to educational and vocational training, including study grants, in accordance with the Education Act and regulations made thereunder.
- 04** Recognition of diplomas, certificates, and professional qualifications in accordance with Maltese legislation;
- 05** Tax benefits, insofar as the individual in employment is deemed to be resident for tax purposes in Malta and provided that such equal treatment shall apply to cases where the third country employee's situation of residence is the same as that applicable for a Maltese national in the same situation.
- 06** Other legal provisions securing equal treatment in connection to the right of access to goods and services available to the public and the application of provisions granting them special rights.

Such equal treatment shall apply only to those third-country nationals who are in legal employment or were in legal employment and are registered unemployed in Malta.

Non-EU nationals holding a residence permit issued in line with the Family Reunification Regulations **(Subsidiary Legislation 217.06)**

- 01** Access to education for minor children, which is compulsory until the age of 16.
- 02** Access to employment and self-employed activity in the same way as the sponsor, provided that notwithstanding the sponsor's employment position, the dependents' access to employment or self-employment is subject to a labour market assessment in Malta and the requirement of an employment licence.
- 03** Access to vocational guidance, initial and further training, and retraining.

Non-EU nationals holding a residence permit issued on the basis of Study **(as defined in Subsidiary Legislation 217.22)**

- 01** Access to employment, which may include self-employment, outside study hours, provided that student complies with eligibility criteria and as a result is issued with a valid employment license by Jobsplus.
- 02** Holders of such an employment license enjoy the same equal rights with regards to working conditions, health and safety and workplace conditions as delineated under the Rights for Single Permit holders in this leaflet.

- 03** Following the successful completion of studies, students may apply with Identità for legal authorisation in Malta for a non-renewable period of no longer than nine (9) months to seek employment or set up a business, in line with course of study followed in Malta.

Non-EU nationals holding Long-Term Resident status issued in line with **Subsidiary Legislation 217.05**

Long-term Resident status affords the holder the rights to enjoy equal treatment to Maltese nationals as regards to:

- 01** Access to employment and self-employed activity, as long as such activities do not entail the exercise of public authority, even if on occasional basis, or activities that are reserved by law for Maltese nationals as defined by the Public Administration Act and other regulations made under the said Act. Such access to employment shall not be subject to the requirement of an employment licence.
- 02** Employment rights as defined in this leaflet under the section delineating the rights of holders of Single Permit.
- 03** Access to social security and core benefits including social assistance and social protection in accordance with Maltese law.
- 04** Tax benefits.
- 05** Access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining housing.
- 06** Free access to the entire territory of Malta within the limits provided for by the national legislation for reasons of security.

Non-EU nationals holding a residence permit issued in line with **Subsidiary Legislation 217.07**

- 01** Access to employment without the need for labour market assessment, on condition that the applicant is in possession of an employment licence issued by Jobsplus.
- 02** Where the circumstances of the holder of such permit preclude from having the necessary resources, the non-EU national will be provided with:
 - The standards of living capable of ensuring his subsistence
 - Access to emergency medical care; and, where applicable:
 - ⊙ Vulnerability assistance;
 - ⊙ Psychological assistance;
 - ⊙ Translation and interpreting services;
 - ⊙ Free legal aid.

➤ Obligations

Holders of a Maltese Residence Permit, both of temporary and permanent nature, have obligations that they need to abide by in order to retain their residence status.

➤ Access to Employment

Non-EU Nationals can only hold employment in Malta if their Maltese-issued residence permit was issued on the basis of employment, or if such document specifically permits such activity. If the holder of a residence permit has permission to take up employment in Malta, it is the obligation of the holder to abide by national employment-related regulations for employees, as administered by Jobsplus.

➤ Health Requirements

All residents of Malta, including non-EU Nationals, must adhere and be compliant at all times to all health regulations issued by the Maltese Health authorities, which regulations may be revised by same authorities from time to time, as may be applicable. Such compliance includes having taken all required vaccinations.

➤ Timely Communication

A non-EU holder of a Maltese residence permit is expected to keep Identità informed, in a timely manner of any changes in personal details or situation, or details related to the acquisition of the residence permit.

The below list defines the most salient information that must be communicated, although this is not a comprehensive list:

- ② A lost/stolen residence permit must be reported to the Police of Malta, at any one of the district offices or the Headquarters of Police, in Floriana as soon as the holder realises that the physical document has been lost/stolen. Within three (3) days of reporting, the holder must visit Identità in Valley Road, Msida, bringing the Police report, to apply for a replacement card. Charges may apply, as updated on the website of Identità under the section Expatriates Unit.
- ② A damaged card must also be reported to Identità within three (3) days. The holder must visit Identità in Valley Road, Msida, bringing the damaged document, to apply for a replacement card. Charges may apply, as updated on the website of Identità under the section Expatriates Unit.
- ② If there is a change of personal details or personal status or other details relating to the acquisition of the permit, the agency must be informed within three (3) days of the change.

This may include any of the following amongst others:

- Names & Surnames;
- Address;
- Employer;
- Designation;
- School;
- Sponsor;
- Sponsor access rights;
- Sponsor's income.

When in doubt, it is best to e-mail the agency asking for guidance on whether and how any changes can be communicated. Please use the below contact e-mail address, as applicable in your case:

For employment-related residence permits **singlepermit.identita@gov.mt**

For matters related to persons who hold beneficiary status issued under the Withdrawal Agreement and their family members and other Brexit-related queries **brexit.identita@gov.mt**

For all other residence permits **noneu.identita@gov.mt**

Failure to notify the agency of any changes in a timely manner may result in the withdrawal or revocation of the residence permit.

➤ Legal and Regular Residence

Non-EU Nationals can only remain in the Schengen area, including Malta, if they hold valid legal authorisation, which may be in the form of a visa exemption in line with Annex II of Regulation 2018/1806, a visa or a residence document. Such documentation is only valid if it is not expired and if the holder still maintains the same scope and purpose for which the visa or the residence permit was issued. The validity period and the scope and purpose for which the authorisation to reside was issued is clearly marked on the visa or the residence document.

Relevant information for all non-EU nationals to ensure that legal and regular residence in Malta is maintained:

- ⊙ Submitting an application to Identità does not regularise one's migration status in Malta and a non-EU national requires a valid issued document to continue enjoying legal residence in Malta..
- ⊙ An application can only be considered as complete, and can start being processed when submitted with the entire documentation required as supporting evidence of said application. Required documentation varies according to the type of residence permit being applied for, which checklist may be found either on the application portal or the website of Identità – Expatriates Unit section. A complete application for the renewal of the residence permit must be submitted at least 30 days before the expiry of the current document. In the case of the applicant not requiring a health screening report, an application is encouraged to be submitted 90 days prior to the expiration of the legal authorisation to reside in Malta. Provided that the application was submitted at least 30 days before the expiry of the current document, if the application will take longer than 30 days to be processed by the Agency and the current document expires during that period, the Interim Receipt will be sufficient for continuous residence in Malta until the application is fully processed.
- ⊙ Holders of permanent residence documents must still renew their document before it expires.
- ⊙ If the holder of the residence permit ceases to hold the same scope of residence in Malta for which the residence permit was issued, the right of residence in Malta is lost from the date that the purpose ceased to exist. Some examples are below for reference.

Example 1

If the holder was authorised to reside in Malta on the basis of:

- ⊗ Employment with Employer A
- ⊗ Designation A
- ⊗ For a specific validity period

Should any of the above criteria change, cease to apply or terminate for any reason, then the holder no longer enjoys the right of residence in Malta unless a new application for residence has been submitted.

Example 2

If the holder was authorised to reside in Malta on the basis of:

- ⊗ Family reunification with a spouse or a parent who holds an employment-related residence permit in Malta
- ⊗ For a specific validity period

In this case, the holder would lose the right of residence should the sponsor holding employment-related residence permit no longer hold such permit, or if the validity period of the employment-related permit expires.

➤ Adherence to Laws and Regulations

All residents of Malta, irrespective of their nationality and status, are expected to be law-abiding residents at all times.

Holders of residence permits must not engage in any illicit, illegal or criminal activity, or any activity, separately or cumulatively, which is classified in law as terrorism, violent crime or organised crime.

Behaviour of residence document holders must at no time be in breach of public security, public order and public health, including:

- Disregard bans of entry into Schengen territory for the period in which the ban stands.
- Engage in activities that may lead to a removal order and alert on the Schengen Information System and other global security databases.

➤ Family members specific obligations

Non-EU nationals who are granted an authorisation of residence on the basis of being family members, as specified in the Family Reunification Regulations or the Family Members Policy, as applicable, have obligations upon which their continuous residence in Malta is dependent. Holders of such permits and/or their sponsor must:

- 01** Inform the Agency if the status of the family unit changes, such as, divorce or separation, loss of children access rights, etc.
- 02** Reside in Malta as their main country of residence. Should it be deemed that the holder of such permit is spending the majority of their time residing in another country, such permit may be revoked or withdrawn.
- 03** Minor children under the age of 16 years must attend obligatory schooling and register regular attendance. Non-attendance or non-enrolment of minor children during the age of obligatory schooling in Malta may be subject to prosecution by the relevant Authorities as provided for in national legislation.

➤ Long-term resident status \specific obligations

The long-term resident status holder is obliged to inform Identity in case/s where the holder:

- 01** Has been absent from the territory of the European Union for a period of twelve consecutive months.
- 02** Has acquired long-term resident status in another Member State.
- 03** Is absent for six years, or more, from Malta and is residing in another Member State
- 04** Had obtained the long-term resident status in Malta on the basis of international protection and has had such protection revoked, ended, or refused to be renewed.

➤ Student specific obligations

Holders of residence permits issued for the scope of Study:

- 01** are obliged to attend classes regularly in line with attendance regulations as issued by the Ministry responsible for Education in Malta. Students who do not meet the attendance criteria, and who do not have authorised exemption to do so, may, after consultation with the host entity, have their residence authorisation withdrawn.
- 02** make sufficient progress in the course. Should a student not make sufficient progress in the relevant studies, may, after consultation with the host entity, have their residence authorisation withdrawn.
- 03** cannot take up employment unless issued with an employment license in accordance with employment regulations as defined and administered by Jobsplus.

Additional Information

➤ Human Trafficking

If you believe that you or someone you know may be victims of human trafficking, scan the QR code on the right to visit the link for more information and assistance:



➤ Conditions of Employment

If you believe that your conditions of work in Malta are being breached, scan the QR code on the right to visit the link for more information and assistance:



Important Contact Details

➤ Emergency

(Police, Ambulance, Fire Brigade & Civil Protection): 112
This number will only be answered in Maltese or English.
You can call from any landline or mobile phone, even if your phone subscription is still registered in your home country.

➤ Identità – Expatriates Unit

2590 4800

➤ Police Headquarters

2122 4001, 2122 4002, 2122 4003, 2122 4004,
2122 4005, 2122 4006, 2122 4007

➤ Department for Industrial and Employment Relations

info.dier@gov.mt

➤ Jobsplus – Expatriates Section

2220 1281, 2220 1287, 2220 1290, 2220 1291

➤ Mater Dei Hospital

2545 0000

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