

Nru. 103

18. 10. 2019

MALTA

KAMRA TAD-DEPUTATI

HOUSE OF REPRESENTATIVES

ABBOZZ ta' Liġi mressaq mill-Onorevoli Carmelo Abela, M.P., Ministru għall-Affarijiet Barranin u Promozzjoni tal-Kummerċ, f'isem is-Segretarju Parlamentari għar-Riformi, Ċittadinanza u Simplifikazzjoni tal-Proċessi Amministrattivi, u moqri għall-Ewwel darba fis-Seduta tas-26 ta' Marzu 2019.

A BILL introduced by the Honourable Carmelo Abela, Minister for Foreign Affairs and Trade Promotion, on behalf of the Parliamentary Secretary for Reforms, Citizenship and Simplification of Administrative Processes, and read the First time at the Sitting of the 26th March 2019.

**ATT biex jemenda l-Att dwar iċ-
Ċittadinanza Maltija, Kap. 188.**

**ANACT to amend the Maltese Citizenship
Act, Cap. 188.**

RAYMOND SCICLUNA
Skrivan tal-Kamra tad-Deputati

RAYMOND SCICLUNA
Clerk of the House of Representatives

ABBOZZ TA' LIĠI
msejjah

ATT biex jemenda l-Att dwar iċ-Ċittadinanza Maltija, Kap. 188.

IL-PRESIDENT bil-parir u l-kunsens tal-Kamra tad-Deputati mlaqqgħa f'dan il-Parlament u bl-awtorità tal-istess, ħarġet b'liġi dan li ġej:-

1. (1) It-titolu fil-qosor ta' dan l-Att huwa l-Att tal-2019 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, u dan l-Att għandu jinqara u jinftiehem haġa waħda mal-Att dwar iċ-Ċittadinanza Maltija, hawn aktar 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u dhul fis-seħh.
Kap. 188.

(2) Dan l-Att għandu jidhol fis-seħh f'dik id-data li l-Prim Ministru jista' b'avviż fil-Gazzetta jstabbilixxi, u jistgħu jiġu stabbiliti dati differenti għad-dispożizzjonijiet differenti ta' dan l-Att.

2. L-artikolu 3 tal-Att prinċipali għandu jiġi emendat kif ġej:

Emenda tal-artikolu 3 tal-Att prinċipali.

(a) fil-proviso tas-subartikolu (1), il-kliem "imwieled Malta." għandhom jiġu sostitwiti bil-kliem "imwieled Malta:" u minnufih wara għandu jizdied il-proviso ġdid li ġej:

"Izda wkoll il-persuna msemmija fil-proviso preċedenti, li tipprova li hija dixxendenti fil-linja diretta ta' xi axxendent imwieled Malta minn ġenitur ukoll imwieled Malta, għandha tkun intitolata, wara li tagħmel applikazzjoni skont kif jista' jiġi preskritt u wara li tkun ħadet il-ġurament ta' lealtà, li tiġi rreġistrata bħala ċittadina ta' Malta. Id-dispożizzjonijiet tas-subartikoli (4), (5), (6) u (7) għandhom japplikaw *mutatis mutandis* ";

(b) minnufih wara s-subartikolu (6) tiegħu, għandu jizdied is-subartikolu ġdid li ġej:

"(7) Hadd ma għandu jiġi rreġistrat taht dan l-artikolu hliet jekk il-Ministru jkun sodisfatt li l-għoti ta' ċittadinanza lil dik il-persuna ma jmurx kontra l-interess pubbliku."

Emenda tal-artikolu 4 tal-Att prinċipali.

3. L- artikolu 4 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (4) tiegħu, il-kliem "l-artikolu 44(4)(b)" għandhom jiġu sostitwiti bil-kliem "l-artikolu 44(4)(a) jew (b)"; u

(b) il-paragrafu (b) tas-subartikolu (6) tiegħu, għandu jiġi sostitwit b'dan li ġej:

"(b) fid-data tal-applikazzjoni u fid-data tar-reġistrazzjoni, dik il-persuna għadha miżżewġa lil ċittadin ta' Malta u għandha tgħix miegħu u fid-data tal-applikazzjoni kienet ilha hekk miżżewġa u tgħix ma' dak iċ-ċittadin mill-anqas għal hames snin:

Izda f'każ ta' armel jew armla ta' individwu li kien ċittadin ta' Malta, dak iċ-ċittadin kien fil-mument tal-mewt tiegħu ilu miżżewġ lil dik il-persuna u jgħix miegħu jew magħha mill-anqas għal hames snin u kien għadu jgħix miegħu jew magħha fil-mument tal-mewt tiegħu, jew li, fid-data tal-applikazzjoni, hliet għall-mewt tiegħu, kien ikun ilu miżżewġ lil dik il-persuna għal hames snin u kien fid-data tal-mewt tiegħu qed jgħix ma' dik il-persuna u kien ilu hekk jgħix minn meta żżewġu."

Emenda tal-artikolu 5 tal-Att prinċipali.

4. L-artikolu 5 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fit-tielet proviso tas-subartikolu (1) tiegħu, il-kliem "għal xi ċittadinanza oħra." għandhom jiġu sostitwiti bil-kliem "għal xi ċittadinanza oħra:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Izda wkoll jekk il-persuna msemmija fit-tieni proviso, ma tkunx saret ċittadina ta' Malta izda tipprova li hija dixxendenti fil-linja diretta ta' axxendent li twieled Malta minn ġenitur ukoll imwieled Malta, dik il-persuna għandha tkun intitolata, wara li tagħmel applikazzjoni skont kif jista' jiġi preskritt u wara li tkun hadet il-ġurament ta' lealtà, li tigi rreġistrata bhala ċittadina ta' Malta. Id-dispożizzjonijiet tas-subartikoli (4), (5), (6) u (8) għandhom japplikaw *mutatis mutandis*,";

(b) minnufih wara s-subartikolu (7) għandu jiżdied is-

subartikolu ġdid li ġej:

"(8) Hadd m'għandu jiġi registrat taħt dan l-artikolu hlief jekk il-Ministru jkun sodisfatt li l-ghoti taċ-ċittadinanza ma jmurx kontra l-interess pubbliku."

5. Il-paragrafu (b) tas-subartikolu (2) tal-artikolu 6 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 6 tal-Att prinċipali.

"(b) fid-data tal-applikazzjoni u fid-data tar-registrazzjoni, dik il-persuna għadha miżżewġa lil ċittadin ta' Malta u għadha tgħix miegħu u fid-data tal-applikazzjoni kienet ilha hekk miżżewġa u tgħix ma' dak iċ-ċittadin mill-anqas għal hames snin:

Iżda f'każ ta' armel jew armla ta' individwu li kien ċittadin ta' Malta, dak iċ-ċittadin kien fil-mument tal-mewt tiegħu ilu miżżewġ lil dik il-persuna u jgħix miegħu jew magħha mill-anqas għal hames snin u kien għadu jgħix miegħu jew magħha fil-mument tal-mewt tiegħu, jew li, fid-data tal-applikazzjoni, hlief għall-mewt tiegħu, kien ikun ilu miżżewġ lil dik il-persuna għal hames snin u kien fid-data tal-mewt tiegħu qed jgħix ma' dik il-persuna u kien ilu hekk jgħixu minn meta żżewġu."

6. Is-subartikolu (5) tal-artikolu 10 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 10 tal-Att prinċipali.

"(5) Sakemm dan l-Att ma jipprovdi xort'oħra, u fil-każijiet kollha msemmija f'dan l-artikolu, persuna m'għandhiex tingħata ċertifikat ta' naturalizzazzjoni bħala ċittadina ta' Malta dment u sakemm ma tkunx hadet il-ġurament ta' lealtà bil-mod speċifikat fl-Iskeda ta' dan l-Att."

7. Fl-artikolu 12 tal-Att prinċipali, il-kliem "skont l-artikolu 4 jew 6" għandhom jiġu mhassra.

Emenda tal-artikolu 12 tal-Att prinċipali.

8. Is-subartikolu (3) tal-artikolu 14 tal-Att prinċipali għandu jiġi sostitwit b'dan li ġej:

Emenda tal-artikolu 14 tal-Att prinċipali.

"(3) Il-Ministru m'għandux iċaħhad persuna miċ-ċittadinanza taħt dan l-artikolu, sakemm ma jkunx sodisfatt li jekk dik il-persuna tibqa' ċittadina ta' Malta, dan ma jwassalx għall-ġid komuni, u fil-każ imsemmi fis-subartikolu (2)(ċ), ikun jidhirlu li dik il-persuna, konsegwentement, ma tkunx ser tispicċa apolidi u fil-każ biss tas-subartikolu 2(d), jekk matul il-perjodu inkwistjoni, irriżulta li l-imġieba tagħha hija ta'

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preġudizzju serju għall-interessi vitali ta' Malta jew jirrizulta li hija ta' theddida għas-sigurtà pubblika jew ordni pubbliku."

Emenda tal-artikolu 16 tal-Att prinċipali.

9. Fl-artikolu 16 tal-Att prinċipali, il-kliem "kull mara" għandhom jiġu sostitwiti bil-kliem "kull persuna".

Emenda tal-artikolu 17 tal-Att prinċipali.

10. L-artikolu 17 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) in-nota marginali tiegħu għandha tiġi sostitwita bil-kliem "Referenza għal termini.";

(b) fil-paragrafu (a) tas-subartikolu (1) tiegħu, il-kliem "għall-omm ta' dik il-persuna;" għandhom jiġu sostitwiti bil-kliem "għall-omm ta' dik il-persuna:" u minnufih wara għandu jiżdied il-proviso ġdid li ġej:

"Iżda kull referenza għal missier ta' persuna mwielda wara l-1 ta' Jannar 2005 għandha tintfiehem bħala referenza għall-ġenitur ta' dik il-persuna;" u

(c) fil-paragrafu (b) tas-subartikolu (2) tiegħu, il-kliem "għaxar snin" għandhom jiġu sostitwiti bil-kliem "tmintax-il sena".

Emenda tal-artikolu 27 tal-Att prinċipali.

11. L-artikolu 27 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) is-subartikolu (2) tiegħu għandu jiġi sostitwit b'dan li ġej:

"(2) Dan l-Att m'għandux japplika fir-rigward ta' kwalunkwe applikazzjoni għar-reġistrazzjoni bħala ċittadin ta' Malta magħmula skont l-artikoli 4 u 6, li tkun ġiet preżentata qabel il-15 ta' Awwissu, 1999:

Iżda r-reġistrazzjoni bħala ċittadin ta' Malta magħmula skont l-artikoli 4 u 6, qabel il-promulgazzjoni tal-Att tal-2019 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, m'għandha bl-ebda mod tiġi affetwata bid-dispożizzjonijiet tal-imsemmi Att."; u

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(b) minnufih wara s-subartikolu (2) tiegħu kif sostitwit,

għandu jiżdied is-subartikolu ġdid li ġej:

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"(3) Il-kisba taċ-ċittadinanza Maltija permezz tar-reġistrazzjoni skont l-artikoli 3 u 5, qabel il-promulgazzjoni tal-Att tal-2019 li jemenda l-Att tal-2019 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, m'għandhiex tiġi affetwata mill-artikoli 3(7) u 5(8) promulgati permezz tal-imsemmi l-Att."

Għanijiet u raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz huma sabiex jeliminaw id-differenzi fl-Att fir-rigward tal-kisba taċ-ċittadinanza Maltija minn persuni ta' dixxendenza Maltija mwielda Malta, meta mqabbla ma' dawk imwielda barra minn Malta. L-Abbozz jipprovdi wkoll għall-kisba taċ-ċittadinanza mat-twelid minn persuni mwielda minn ġenitur Malti u jgħolli l-età għall-kisba taċ-ċittadinanza ta' persuni adottati. Qed isiru wkoll emendi sabiex jiġu rettifikati ċerti referenzi testwali.

**A BILL
entitled**

AN ACT to amend the Maltese Citizenship Act, Cap. 188.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:-

Short title and
commencement
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Cap. 188.

1. (1) The short title of this Act is the Maltese Citizenship (Amendment) Act, 2019, and this Act shall be read and construed as one with the Maltese Citizenship Act, hereinafter referred to as "the principal Act".

(2) This Act shall come into force on such date as the Prime Minister may by notice in the Gazette establish, and different dates may be so established for different provisions of this Act.

Amendment of
article 3 of the
principal Act.

2. Article 3 of the principal Act shall be amended as follows:

(a) in the proviso to sub-article (1) thereof, for the words "born in Malta." there shall be substituted the words "born in Malta:" and immediately thereafter, there shall be added the following new proviso:

"Provided further that the person mentioned in the preceding proviso who proves that he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta. The provisions of sub-articles (4), (5) (6) and (7) shall apply *mutatis mutandis*.";

(b) immediately after sub-article (6) thereof, there shall be added the following new sub-article:

"(7) No person shall be registered under this article unless the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest."

3. Article 4 of the principal Act shall be amended as follows: Amendment of article 4 of the principal Act.

(a) in sub-article (4) thereof, for the words "article 44(4)(b)" there shall be substituted the words "article 44(4)(a) or (b)"; and

(b) paragraph (b) of sub-article (6) thereof, shall be substituted by the following:

"(b) on the date of the application and on the date of registration, such person is still married to a citizen of Malta and still living with him and had been, on the date of application, so married and living with that citizen for at least five years:

Provided that in the case of the widow or widower of a person who was a citizen of Malta, such citizen had at the time of his death been married to that person and living with him or her for at least five years and was still living with him or her at the time of his death, or who, on the date of application, would but for his death, have been married to that person for five years and was on the date of his death living with that person and had so lived since marriage."

4. Article 5 of the principal Act, shall be amended as follows: Amendment of article 5 of the principal Act.

(a) in the third proviso to sub-article (1) thereof, for the words "citizenship is established." there shall be substituted the words "citizenship is established:" and immediately thereafter, there shall be added the following new proviso:

"Provided further that if the person mentioned in the second proviso, has not become a citizen of Malta but proves that he is a descendant in the direct line of an ascendant born in Malta of a parent likewise born in Malta, that person shall be entitled, upon making an application as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta. The provisions of sub-articles (4), (5), (6) and (8) shall apply *mutatis mutandis*;"

(b) immediately after sub-article (7) thereof, shall be added the following new sub-article:

"(8) No person shall be registered under this article unless the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest."

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Amendment of article 6 of the principal Act.

5. Paragraph (b) of sub-article (2) of article 6 of the principal Act shall be substituted by the following:

"(b) on the date of the application and on the date of registration, such person is still married to a citizen of Malta and still living with him and had been, on the date of application, so married and living with that citizen for at least five years:

Provided that in the case of the widow or widower of a person who was a citizen of Malta, such citizen had at the time of his death been married to that person and living with him or her for at least five years and was still living with him or her at the time of his death, or who, on the date of application, would but for his death, have been married to that person for five years and was on the date of his death living with that person and had so lived since marriage."

Amendment of article 10 of the principal Act.

6. Sub-article (5) of article 10 of the principal Act shall be substituted by the following:

"(5) Except as otherwise provided in this Act, and in all cases provided for in this article, a person shall not be granted a certificate of naturalisation as a citizen of Malta unless and until he has taken an oath of allegiance in the form specified in the Schedule to this Act."

Amendment of article 12 of the principal Act.

7. In article 12 of the principal Act, the words "under article 4 or 6 of this Act" shall be deleted.

Amendment of article 14 of the principal Act.

8. Sub-article (3) of article 14 of the principal Act shall be substituted by the following:

"(3) The Minister shall not deprive a person of citizenship under this article unless he is satisfied that it is not conducive to the public good that that person continues to be a citizen of Malta and, in the case referred to in sub-article (2)(c), it appears to him that that person would not thereupon become stateless and in the case of sub-article 2(d) only, if during the period in question it has been shown that his conduct is seriously prejudicial to the vital interests of Malta or it has emerged that he is a threat to public security or public policy."

Amendment of article 16 of the principal Act.

9. In article 16 of the principal Act, for the words "any woman" there shall be substituted the words "any person".

Amendment of article 17 of the principal Act.

10. Article 17 of the principal Act shall be amended as follows:

(a) the marginal note thereof shall be substituted by the

words "Reference to terms.";

(b) in paragraph (a) of sub-article (1) thereof for the words "mother of that person;" there shall be substituted the words "mother of that person:" and immediately thereafter, there shall be added the following new proviso:

"Provided that any reference to the father of a person born after the 1st January 2005 shall be construed as a reference to the parent of that person;"; and

(c) in paragraph (b) of sub-article (2) thereof, for the words "ten years" there shall be substituted the words "eighteen years".

11. Article 27 of the principal Act shall be amended as follows:

Amendment of article 27 of the principal Act.

(a) sub-article (2) thereof shall be substituted by the following:

"(2) This Act shall not apply with regard to any application for registration as a citizen of Malta in terms of articles 4 and 6 filed before the 15th day of August, 1999:

Bill No. 103 of 2019.

Provided that the registration as a citizen of Malta made in terms of articles 4 and 6 prior to the enactment of the Maltese Citizenship (Amendment) Act, 2019 shall not be affected in any way by the provisions of the said Act."; and

(b) immediately after sub-article (2) thereof as substituted, there shall be added the following new sub-article:

Bill No. 103 of 2019.

"(3) The acquisition of Maltese citizenship by registration in terms of articles 3 and 5, prior to the enactment of the Maltese Citizenship (Amendment) Act, 2019 shall not be affected by articles 3(7) and 5(8) enacted by the said Act.".

Objects and Reasons

The objects and reasons of this Bill are to remove the differences in the Act regarding the acquisition of Maltese citizenship by persons of Maltese descent who were born in Malta, compared to those born abroad. The Bill also provides for the acquisition of citizenship at birth, by persons born to a Maltese parent and raises the age bracket for the acquisition of citizenship relative to adopted persons. Amendments are also being effected to rectify certain textual references.
