



PARLAMENT TA' MALTA

IT-TNAX-IL LEGISLATURA

P.L. 2244

Dokument imqiegħed fuq il-Mejda tal-Kamra tad-Deputati fis-Seduta Numru 116 tal-4 ta' Frar 2014 mill-Ministru għall-Affarijiet Barranin, f'isem il-Prim Ministru.

Raymond Scicluna
Skrivan tal-Kamra

Suppliment tal-Gazzetta tal-Gvern ta' Malta, Nru. 19,205, 4 ta' Frar, 2014

Taqsimha B

A.L. 47 tal-2014

**ATT DWAR IĊ-ĊITTADINANZA MALTIJA
(KAP. 188)**

**Regolamenti tal-2014 dwar il-Programm tal-Investitur
Individwali tar-Repubblika ta' Malta**

BIS-SAHHA tas-setghat moghtija bl-artikoli 10(9)(b) u 24 tal-Att dwar iċ-Ċittadinanza Maltija, il-President ta' Malta għamel ir-regolamenti li ġejjin:-

1. It-titolu ta' dawn ir-regolamenti huwa r-Regolamenti tal-2014 dwar il-Programm tal-Investitur Individwali tar-Repubblika ta' Malta. Titolu.

2. F'dawn ir-regolamenti, sakemm ir-rabta tal-kliem ma Tifsir.
tehtiegħ xort'oħra -

"Agent Approvat" tfisser ditta ta' awdituri, ditta ta' avukati, ditta li tagħti pariri finanzjarji, ditta li tagħxi ta' intermedjarju, jew kull persuna jew korp ieħor li fi kwalunkwe każ ikun ġie awtorizzat li jagħmel ix-xogħol ta' ditta intermedjarja minn Identità Malta għall-finijiet ta' dawn ir-regolamenti;

"applikant" tfisser il-persuna li tapplika jew li f'isimha qed jiġi applikat għan-naturalizzazzjoni tagħha bħala ċittadin ta' Malta taħt il-programm dwar investitur individwali kemm bħala applikant ewlieni jew bħala dipendenti;

"applikant ewlieni" tfisser il-persuna li tkun, kemm bħala applikant waħedha jew bħala kap ta' familja, li tintrabat biex tagħmel kontribuzzjoni għall-finijiet ta' dawn ir-regolamenti u li tiffirma l-ftehimu impenni rilevanti f'isem id-dipendenti tagħha;

"applikazzjoni" tfisser applikazzjoni magħmula taħt dawn ir-regolamenti;

"Att" tfisser l-Att dwar iċ-Ċittadinanza Maltija;

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"ċertifikat tal-pulizija" tfisser ċertifikat ta' kondotta, rapport jew dikjarazzjoni minn awtorità tal-infurzar tal-liġi nazzjonali jew minn awtorità pubblika oħra li hija inkarigata mill-fedini penali fuq l-istatus tal-fedini penali tal-applikant;

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"dipendenti" tfisser:

(a) il-konjuġi tal-applikant ewlieni fi żwieġ monogamu jew f' relazzjoni oħra li għandha l-istess status jew status simili għal dak ta' żwieġ, sakemm il-Ministru ma jawtorizzax mod ieħor fuq bażi ta' każ b'każ;

(b) tfal, inklużi tfal adottati, tal-applikant ewlieni jew tal-konjuġi tiegħu li għandhom inqas minn tmintax-il sena;

(c) tfal tal-applikant ewlieni jew tal-konjuġi tiegħu li għandhom bejn it-tmintax u s-sitta u għoxrin sena li ma jkunux miżżewġa u li jipprovaw għas-sodisfazzjon tal-Ministru li huma mantnuti kompletament mill-applikant ewlieni;

(d) ġenitur jew in-nanniet tal-applikant ewlieni jew tal-konjuġi tiegħu li għandhom aktar minn ħamsa u ħamsin sena li jipprovaw għas-sodisfazzjon tal-Ministru, li huma mantnuti jew sostnuti kompletament mill-applikant ewlieni u li jiffirmaw parti mill-familja tal-applikant ewlieni; jew

(e) tfal tal-applikant ewlieni jew tal-konjuġi tal-applikant ewlieni li għandhom tal-inqas tmintax-il sena, huma fiżikament jew mentalment diżabbli, u jgħixu ma' u huma mantnuti kompletament mill-applikant ewlieni:

Izda dawn il-persuni għandu jkollhom il-kapaċità li jieħdu ġurament ta' lealtà;

"Fond għall-Iżvilupp Nazzjonali u Soċjali" tfisser il-fond stabbilit mill-Gvern ta' Malta biex jirċievi il-kontribuzzjonijiet;

"ħlas li ma jingħatax lura" tfisser il-parti mill-kontribuzzjoni imħallsa bil-quddiem meta tkun qed tiġi sottomessa l-applikazzjoni;

"ħtiġiet fl-applikazzjoni" tfisser il-ħtiġiet formali u sostanzjali li kull applikant irid jissodisfa, kif stabbiliti f' dawn ir-regolamenti;

L.S. 497.07

"Identità Malta" tfisser l-aġenzija stabbilita bl-Ordni li Jwaqqaf l-Aġenzija Identità Malta;

"konċessjonarju" tfisser l-entità li tkun ingħatat kuntratt ta' konċessjoni ta' servizz pubbliku sabiex tiddizinja, timplimenta, tamministra, topera, u tipromwovi l-programm, jew xi sussidjarja ta' dik l-entità, debitament awtorizzata mill-kuntratt dwar konċessjoni ta' servizz pubbliku;

"konċessjoni ta' servizz pubbliku" tfisser il-konċessjoni ta' servizz pubbliku mogħtija lill-konċessionarju sabiex jiddizinja, jimplimenta, jamministra, jopera u jippromwovi l-programm;

"kontribuzzjoni" tfisser kontribuzzjoni mħallsa skont dawn ir-regolamenti illi sebgħin fil-mija minnha għandha tithallas lill-Fond għall-Iżvilupp Nazżjonali u Soċjali, skont dawn ir-regolamenti;

"kopja ċċertifikata" tfisser fotokopja ta' dokument oriġinali ċċertifikata minn avukat jew nutar pubbliku debitament liċenzjati jew minn uffiċjal konsulari jew diplomatiku Malti jew minn uffiċjal anzjan tal-konċessjonarju bħala li tkun vera kopja tal-oriġinali;

"Ministru" għandha l-istess tifsira mogħti lilha fl-Att;

"programm" tfisser il-Programm ta' Investitur Individwali tar-Repubblika ta' Malta;

"traduzzjoni awtentikata" tfisser traduzzjoni li tkun saret kemm minn traduttur professjonali li jkun uffiċjalment akkreditat ma' qorti tal-gustizzja, aġenzija tal-gvern, organizzazzjoni internazzjonali, jew minn istituzzjoni uffiċjali simili, jew f'każ illi issir f'pajjiż fejn m'hemmx tradutturi akkreditati uffiċjalment, traduzzjoni magħmula minn kumpanija, li l-irwol jew in-negozju tagħha ikun ta' servizzi ta' traduzzjoni professjonali.

3. (1) B'dan huwa stabbilit programm li għandu jkun magħruf bħala "Il-Programm ta' Investitur Individwali tar-Repubblika ta' Malta", li għandu jippermetti li tingħata ċittadinanza b'ċertifikat ta' naturalizzazzjoni lill-persuni barranin u l-familji tagħhom li jikkontribwixxu għall-iżvilupp ekonomiku ta' Malta, kif provdut f'dawn ir-regolamenti.

Twaqqif tal-
Programm ta'
Investitur
Individwali.

(2) It-tħaddim tal-programm għandu jitwettaq mill-konċessjonarju.

(3) L-Aġenti Approvati għandu jkollhom liċenza li tinħareġ minn Identità Malta wara li tkun wettqet proċess ta' *due diligence* dwarhom. Huma jkollhom il-jedd li jintroduċu applikanti prospettivi lil Identità Malta.

(4) L-Aġenti Approvati għandhom ihallsu dritt tal-liċenza ta' kull sena u għandhom jimxu mal-kundizzjonijiet tal-liċenza tagħhom.

(5) Identità Malta jkollha l-jedd illi tirtira liċenza mahruġa lil Aġent Approvat jekk, wara investigazzjoni kif jixraq, tkun sodisfatta illi:

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(a) l-Aġent Approvat ikun ġab ruħu b'mod mhux etiku jew mhux professjonali u jkun ippreġudika l-programm b'mod sostanzjali; jew

(b) l-Aġent Approvat ikun ikkommetta ksur serju ta' linji ta' gwida, kodiċijiet ta' kondotta jew kodiċijiet ta' etika maħruġa minn Identità Malta minn żmien għal żmien u li jkunu speċifikament magħmula applikabbli lill-Aġenti Approvati.

Kwalifiki u
ħtiġiet ġenerali.

4. (1) Il-kwalifiki u l-ħtiġiet ġenerali biex persuna tkun applikant ewlieni għaċ-ċittadinanza taħt il-programm ikunu li kull tali persuna:

(a) għandha tal-anqas tmintax-il sena;

(b) tipproponi li tagħmel kontribuzzjoni kif stabbilit fl-Iskeda;

(ċ) tissodisfa l-ħtiġiet tal-applikazzjoni;

(d) tintrabat li tipprovdi prova ta' residenza f'Malta, u li tipprovdi prova ta' titolu fuq proprjetà residenzjali f'Malta kif provdut f'dawn ir-regolamenti;

(e) tintrabat li tinvesti, fost oħrajn, f'dawk l-*istocks, bonds, debentures special purpose vehicles* jew li tagħmel investimenti oħra kif Identità Malta tipprovdi minn żmien għal żmien b'avviż fil-Gazzetta:

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Iżda l-benefiċjarji tal-Programm ta' Residenza Globali provdut taħt l-Att dwar it-Taxxa fuq l-*Income* għandhom jithallew japplikaw għall-Programm ta' Investitur Individwali salv illi jkunu jissoddisfaw il-ħtiġiet addizzjonali għall-eligibilità għall-programm.

L.S. 188.01

(2) Applikazzjonijiet għandhom isiru fuq il-formuli preskritti taħt ir-Regolamenti dwar iċ-Ċittadinanza u għandu jkollhom magħhom id-drittijiet preskritti ta' *due diligence* u d-drittijiet li jithallsu lill-bank, kif speċifikat fl-Iskeda, u għandhom jinkludu wkoll l-originali jew kopji ċertifikati ta' dawn li ġejjin:

(a) ċertifikat fuq il-formula preskritta minn Identità Malta minn sistema tas-saħħa ta' reputazzjoni tajba għas-sodisfazzjon ta' Identità Malta illi l-applikant ewlieni u d-dipendenti tiegħu ma jbatux minn mard li jittiehed u li jinsabu mill-bqija fi stat ta' saħħa tajjeb;

(b) ċertifikat jew ċertifikati tal-pulizija li jistgħu iżda jiġu sottomessi sussegwentament f'data aktar tard, imma li f'kull każ tiġi qabel ma tkun approvata l-applikazzjoni;

(ċ) prova permezz ta' proċessi ta' *due diligence* illi l-applikant ewlieni u d-dipendenti tiegħu huma persuni xierqa u f'lokhom biex ikollhom iċ-ċittadinanza Maltija;

(d) obbligazzjoni li jiġihallas l-ammont sħiħ tal-kontribuzzjoni meħtieġa li jkun imnaqqas bl-ammont tal-ħlas li ma jingħatax lura li jkun diġà sar fiż-żmien meta tkun giet sottomessa l-applikazzjoni, bl-ammont speċifikat fl-Iskeda meta ssir sejha għal dan il-għan minn Identità Malta;

(e) obbligazzjoni li jixtri jew jikri proprjetà immobbli residenzjali f'Malta skont dawn ir-regolamenti;

(f) obbligazzjoni illi jagħmel dawk l-investimenti oħra f'Malta skont dawn ir-regolamenti; u

(g) kull dokument ieħor kif jista' jintalab minn żmien għal żmien permezz ta' avviż mahruġ minn Identità Malta.

(3) L-applikazzjonijiet kollha għandhom jiġu sottomessi mill-applikant ewlieni lil Identità Malta jew permezz tal-Aġenti Approvati jew permezz tal-konċessjonarju.

(4) Il-formuli tal-applikazzjoni u d-dokumenti ta' magħhom għandhom jintlew bl-Ingliż jew, jekk il-lingwa oriġinali tad-dokument ma tkunx l-Ingliż, id-dokument għandu jkollu miegħu traduzzjoni awtentikata.

(5) L-applikant ewlieni għandu, bl-eċċezzjoni tal-konjuġi, jipprovdri affidavit dwar sostenn ta' kull dipendenti li jkollu aktar minn tmintax-il sena.

(6) Kull formula tal-applikazzjoni għandha tiġi mimlija mill-applikant u f'każ li l-applikant ma jkunx jista' jimla l-formuli hu personalment, il-formuli għandhom jintlew minn rappreżentant legali u jiġu ffirmati minn kull wiehed mill-applikanti.

(7) Il-kondizzjonijiet li ġejjin għandhom japplikaw għad-dipendenti li għandhom inqas minn tmintax-il sena:

(a) il-formuli għandhom jiġu ffirmati miż-żewġ ġenituri għan-nom tad-dipendenti; u

(b) fil-każ li ġenitur wiehed ikollu l-kustodja ewlenija

ta' dipendenti, jew persuna oħra jkollha kustodja legali ta' dipendenti, għandhom jiġu provduti dokumenti legali xierqa sabiex jiġi muri li għiet dekretata kustodja ewlenija jew kustodja legali minn qorti tal-gustizzja jew awtorità rilevanti oħra.

(8) F'każ li applikant jagħmel dikjarazzjoni falza jew iħalli barra xi informazzjoni mitluba, dik l-applikazzjoni tista' tiġi miċhuda ukoll fuq dik ir-raġuni biss.

(9) L-applikazzjonijiet għandhom ikunu aċċettati u proċessati biss bil-kundizzjoni li l-formuli kollha jkunu mtlew kif suppost u jkunu ġew iddatati, iffirmati u jkollhom magħhom id-dokumenti u d-drittijiet kollha meħtieġa kif ukoll obligazzjoni, inkluża, iżda mhux biss, biex il-kontribuzzjoni meħtieġa tintbagħat, kif mitlub minn Identità Malta, wara l-approvazzjoni tal-applikazzjoni fil-prinċipju:

Iżda ċ-ċertifikati tal-pulizija jistgħu jiġu sottomessi f'data sussegwenti sakemm jiġu sottomessi qabel ma l-applikazzjoni tkun approvata.

Kriterji ta' elegibilità.

5. B'żieda mal-kwalifiki u l-ħtiġiet generali stabbiliti fir-regolament 4, il-kriterji minimi ta' elegibilità għal applikazzjoni skont il-programm, għall-applikant u kull wieħed mid-dipendenti tiegħu, għandhom ikunu kif ġej:

(a) verifika xierqa dwar l-applikant kif ukoll dwar id-dipendenti tiegħu li jkollhom aktar minn tnax-il sena, skont il-każ;

(b) ċertifikat tal-pulizija maħruġ mill-Pulizija ta' Malta kif ukoll ċertifikat tal-pulizija maħruġ mill-awtoritajiet kompetenti fil-pajjiż ta' orġini u fil-pajjiż jew pajjiżi ta' residenza fejn l-applikant ikun irrisjeda għal perjodu ta' aktar minn sitt xhur matul l-aħħar għaxar snin, jew f'każijiet eċċezzjonali fejn ikun ippruvat għas-sodisfazzjon ta' Identità Malta li ċertifikat bħal dak ma jkunx jista' jinkiseb, affidavit maħluf magħmul mill-applikant u minn kull dipendenti fejn jiddikjaraw li jkollhom fedina penali nadifa;

(ċ) l-applikant u, jew xi wieħed mid-dipendenti tiegħu li ma jkunux persuni li f'xi żmien kienu akkużati quddiem Qorti Kriminali Internazzjonali jew f'xi żmien deheru quddiem Qorti Kriminali Internazzjonali, kemm jekk il-persuni jkunu nstabu hatja jew xort' oħra minn dik il-Qorti;

(d) l-applikant u, jew xi wieħed mid-dipendenti tiegħu, ma jkunux persuni elenkati mal-Organizzazzjoni tal-Pulizija dwar Kriminalità Internazzjonali (INTERPOL) fiż-żmien li tkun

qed tiġi sottomessa l-applikazzjoni;

(e) l-applikant u, jew xi wieħed mid-dipendenti tiegħu, ma jkunx, jew x'aktarx ma jkunx, ta' theddida potenzjali għas-sigurtà nazzjonali, għall-ordni pubbliku jew għas-saħħa pubblika;

(f) l-applikant u, jew xi wieħed mid-dipendenti tiegħu ma jkunux individwi li, f'xi żmien kellhom akkużi pendenti ta' reati relatati ma' terroriżmu, il-*money laundering*, il-finanzjament ta' terroriżmu, reati kontra l-umanità, delitti tal-gwerra, jew reati li jiksru l-Protezzjoni tad-Drittijiet tal-Bniedem u tal-Libertajiet Fundamentali stabbiliti fil-Konvenzjoni Ewropea dwar id-Drittijiet tal-Bniedem jew li nstab ħati ta' tali reati;

(g) l-applikant u, jew xi wieħed mid-dipendenti tiegħu ma jkunux individwi li jkunu nstabu ħatja jew jinsabu akkużati rigward xi reati kriminali kontra l-bon-ordni tal-familja, liema reati kriminali jinkludu, iżda mhux limitati għal dawn li ġejjin:

- (i) pedofelija,
- (ii) korruzzjoni ta' minorenni,
- (iii) stupru,
- (iv) attentat vjolenti għall-pudur,
- (v) tħajjir ta' persuni taħt l-età għall-prostituzzjoni, u
- (vi) ħtif ta' persuni;

(h) l-applikant u, jew xi wieħed mid-dipendenti tiegħu ma jkunux individwi li f'xi żmien instabu ħatja, jew fiż-żmien li tkun qed tiġi sottomessa l-applikazzjoni, qed jiġu interrogati u suspettati, jew għandhom akkużi kriminali miġjuba kontrihom għal xi reat kriminali barra minn reat involontarju, punibbli b'sentenza ta' prigunerija għal aktar minn sena. L-applikant għandu jehmeż mal-applikazzjoni tiegħu gurament li jkun ħa quddiem kummissarju b'setgħa li jagħti gurament, avukat jew nutar pubbliku fejn jiddikjara li dik l-informazzjoni li pprova hija vera u korretta;

(i) meta dokument jinħtieġ li jiġi provdut taħt dawn ir-regolamenti flimkien ma' applikazzjoni:

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(i) dak id-dokument għandu jkun dokument originali u f'każ li ma jkunx originali, għandu jkun kopja ċertifikata; u

(ii) il-persuna li tiċċertifika d-dokument għandha tipprovdi l-isem sħiħ, il-kariga li fiha l-persuna qed taġixxi, indirizz residenzjali jew tan-negozju, numru tat-telefon, u indirizz elettroniku.

Applikanti
mhux eliġibbli.

6. Applikant li -

(a) jkun ipprova informazzjoni falza fl-applikazzjoni tiegħu;

(b) għandu rekord kriminali;

(c) huwa soġġett għall-investigazzjoni kriminali;

(d) huwa potenzjalment ta' theddida kontra s-sigurtà nazzjonali ta' Malta;

(e) huwa, jew jista' jkun, involut f'xi attività li tagħti isem ħazin lil Malta; jew

(f) ma tkunx inħarġitlu viża għal pajjiż li Malta jkollha arrangamenti ta' vjaġġar li ma jkunx hemm il-ħtieġa ta' viża u li sussegwentement ma jkunx kiseb viża għal pajjiż li jkun ħareġ iċ-ċaħda,

m'għandux ikun approvat għaċ-cittadinanza taħt il-programm, sakemm Identità Malta tkun sodisfatta li l-applikant huwa xorta waħda xieraq li jiġi kkunsidrat għall-approvazzjoni minhabba f'ċirkostanzi speċjali li għandhom jiġu murija mill-applikant. F'dan il-każ, Identità Malta għandha tagħti opinjoni, bir-raġunijiet għaliha, għaliex dak l-applikant għandu jibqa' jiġi kkunsidrat sabiex jiġi approvat u Identità Malta għandha tirreferi dik l-applikazzjoni lill-Ministru li għandu l-awtorità waħdanija li jagħti approvazzjoni bħal din.

Il-proċess ta'
applikazzjoni.

7. (1) Kull aplikazzjoni għandha tiġi preżentata lil Identità Malta u għandha tiġi eżaminata minnha direttament jew permezz tal-konċessjonarju.

(2) Identità Malta għandha direttament jew permezz tal-konċessjonarju tipprokura testijiet ta' *due diligence* li għandhom isiru minn aġent wiehed jew iżjed speċjalisti tad-*due diligence* li jkunu rikonoxxuti b'mod internazzjonali illi f'kull każ għandhom ikunu approvati minn Identità Malta, dwar kull aplikant. Dawk il-verifiki

ta' *due diligence* għandhom isiru fuq erba' livelli. Identità Malta għandha f'kull każ tkun responsabbli għat-twettiq kif jixraq ta' testijiet ta' *due diligence* u għandha wkoll twettaq testijiet ta' *due diligence* indipendentement mill-konċessjonarju.

(3) Meta avukat jew nutar pubbliku jiċċertifika li dokument huwa kopja vera tal-orijinali, dak id-dokument għandu jiġi awtentikat bi -

(a) *apostille* skont id-dispożizzjonijiet tal-Konvenzjoni tal-Aja tal-5 ta' Ottubru 1961 dwar it-Tneħħija tal-Ħtieġa ta' Legalizzazzjoni fuq Dokumenti Pubbliċi Barranin, fil-każ ta' ġurisdizzjoni li hija parti f'dik il-Konvenzjoni; jew

(b) validazzjoni taċ-ċertifikat minn avukat jew nutar pubbliku mogħti mid-dipartiment kompetenti tal-gvern f'każ ta' ġurisdizzjoni li mhijiex parti f'dik il-Konvenzjoni; jew

(ċ) validazzjoni taċ-ċertifikat minn konslu jew rappreżentant diplomatiku Malti fil-każ ta' ġurisdizzjoni li mhijiex parti f'dik il-Konvenzjoni.

(4) Fi żmien disgħin jum mindu tiġi preżentata applikazzjoni għaċ-ċittadinanza, Identità Malta għandha tivverifika illi:

(a) l-applikazzjoni tkun giet ċertifikata bħala li tkun formalment korretta;

(b) l-informazzjoni kollha rilevanti pprovduta mill-applikant giet verifikata minn aġent indipendenti wiehed jew aktar li jipprovdu rapporti ta' *due diligence*;

(ċ) il-passat tal-applikant u d-dipendenti tiegħu, jekk applikabbli, ikun gie verifikat minn aġent indipendenti wiehed jew aktar li jipprovdu rapporti ta' *due diligence*;

(d) id-drittijiet kollha meħtieġa dwar *due diligence*, passaport u hlasijiet bankarji kif ukoll il-ħlas li ma jinghatax lura, kif definit fl-Iskeda akkont tal-kontribuzzjoni, ikunu thallsu;

(e) is-sors tal-fondi kollha ġew ivverifikati; u

(f) saret valutazzjoni xierqa ta' riskju.

(5) Fi żmien tletin jum mid-data meta tintemm il-verifika imsemmija hawn fuq, Identità Malta għandha tirrevedi ulterjorment l-applikazzjoni li tkun giet sottomessa lilha, għandha twettaq aktar

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indaġini kif jixraq dwar il-passat, jekk jidrilha li jkun meħtieġ, u għandha tavża bil-miktub lill-konċessjonarju u, fejn ikun applikabbli, lill-Aġent Approvat, skont l-istruzzjonijiet tal-Ministru, illi l-applikazzjoni tkun ġiet:

- (a) approvata fil-prinċipju;
- (b) rifjutata; jew
- (c) ittardjata minħabba li tkun għadha qed tiġi proċessata:

Iżda fejn applikazzjoni tkun ġiet approvata fil-prinċipju skont il-paragrafu (a), Identità Malta għandha toħroġ Ittra ta' Approvazzjoni fil-Prinċipju lill-applikant ewlieni fejn tinformah illi huwa għandu jipprovdi:

(a) prova li l-applikant ewlieni u d-dipendenti tiegħu huma koperti minn polza ta' assikurazzjoni dinjija dwar saħħithom u illi huma jiddikjaraw illi huma f'qagħda li jzommu dik il-polza għal żmien indefinit;

(b) obligazzjoni bil-miktub biex l-applikant ewlieni jew:

(i) jakkwista u jzomm proprjetà immobbli residenzjali f'Malta li bħala minimu jkollha valur ta' tlett mija u ħamsin elf euro (Euro 350,000); jew

(ii) jikri proprjetà immobbli residenzjali waħda f'Malta versu kera annwali ta' sittax-il elf euro (Euro 16,000):

Iżda ukoll, il-prova meħtieġa taht dan is-subregolament għandha tingħata fi żmien erba' xhur mill-ħruġ tal-Ittra ta' Approvazzjoni fil-Prinċipju billi jiġi sottomess kuntratt ta' akkwist jew ta' kera tal-imsemmija proprjetà lil Identità Malta. Il-proprjetà li tkun ġiet akkwistata jew mikrija għall-iskop ta' dawn ir-regolamenti ma tkunx tista', wara li tkun ġiet akkwistata jew mikrija, tinkera jew tiġi sullokata, iżda dik il-proprjetà għandha tinzamm mill-applikant għal żmien ta' mill-inqas tlett snin mid-data tal-akkwist jew tal-kirja:

Iżda ukoll, meta l-applikant ikun akkwista jew kera proprjetà immobbli residenzjali skont dawn ir-regolamenti, huwa jkollu l-jedd illi jiddisponi mill-proprjetà jew li jittermina l-kirja dment illi jgħib prova għas-sodisfazzjon ta' Identità Malta li huwa jkun akkwista jew kera proprjetà residenzjali oħra f'Malta li tkun tissoddisfa l-ħtieġiet stabbiliti f'dawn ir-regolamenti u ta' regolamenti

oħra rilevanti li jistgħu jkunu fis-seħħ minn żmien għal żmien u jobbliga ruħu li jzomm dik il-proprjetà sakemm jiskadi l-perjodu ta' tlett snin stabbilit f'dan is-subregolament.

(6) L-applikant ewlieni għandu jintrabat bil-miktub biex jagħmel dawk l-investimenti oħra f'Malta sa l-ammont ta' mija u ħamsin elf euro (EUR 150,000), fost oħrajn, f'dawk l-*istocks, bonds, debentures, special purpose vehicles* jew mezzi oħra ta' investiment kif tidentifika Identità Malta minn żmien għal żmien b'avviż fil-Gazzetta u li jzomm dawk l-investimenti għal perijodu ta' mill-inqas ħames snin:

Izda l-prova meħtieġa taħt dan is-subregolament għandha tingħieb fi żmien erba' xhur minn meta toħroġ l-Ittra ta' Approvazzjoni fil-Prinċipju billi tingħata lil Identità Malta l-prova illi l-imsemmija investimenti jkunu saru.

(7) Intervista personali mal-applikant m'għandhiex tkun ħtieġa mandatorja izda tista' tkun rakkommandata mill-konċessjonarju u, jew ikkunsidrata minn Identità Malta, fuq bażi ta' każ b'każ. Il-proċeduri applikabbli għall-intervisti personali għandhom jiġu stabbiliti minn Identità Malta.

(8) Fi żmien ħamest ijiem mill-approvazzjoni fil-prinċipju taħt is-subregolament (5)(a), l-applikant ewlieni għandu jingħata istruzzjonijiet li jibgħat il-kontribuzzjoni li minnha jkun tnaqqas l-ammont tal-pagament li ma jingħatax lura li jkun diġà ġie riċevut, li għandu jiġi riċevut fi żmien għoxrin jum minn meta jingħataw dawk l-istruzzjonijiet. Malli tircievi l-kontribuzzjoni mnaqqsa bl-ammont tal-pagament li ma jingħatax lura, Identità Malta għandha sakemm il-kundizzjonijiet tal-Ittra tal-Approvazzjoni fil-Prinċipju ikunu ġew sodisfatti, tavża lill-Ministru biex johroġ ċertifikat ta' naturalizzazzjoni.

(9) Fi żmien sentejn izda mhux inqas minn sitt xhur mid-data tal-applikazzjoni u suġġett għal verifika li l-kundizzjonijiet tal-Ittra ta' Approvazzjoni fil-Prinċipju jkunu ġew sodisfatti kif stipulat fis-subregolament (8), il-Ministru għandu, sakemm il-kundizzjonijiet ta' dawn ir-regolamenti ikunu għadhom sodisfatti, johroġ ċertifikat ta' naturalizzazzjoni f'isem l-applikant bla ħsara għas-subregolament (11).

(10) Fi żmien ħamest ijiem mill-ħruġ ta' tali ċertifikati, il-konċessjonarju għandu jikkompleta t-trasferiment tal-fondi meħtieġa lil Identità Malta u għandu jzomm l-ammont dovut lill-konċessjonarju. Malli tircievi l-kontribuzzjoni Identità Malta għandha tħallas sebghin fil-mija minnha lill-Fond għall-Iżvilupp Nazzjonali u

Soċjali u għandha thallas il-kumplament tagħha fil-Fond Konsolidat.

(11) Iċ-ċertifikat ta' naturalizzazzjoni għandu biss jiġi effettiv u jiġi disponibbli lill-applikant, u l-applikazzjoni għall-passport tista' titmexxa biss, wara li l-applikant ikun ha l-gurament ta' lealtà.

(12) Ebda ċertifikat ta' naturalizzazzjoni taht dawn ir-regolamenti ma għandu jinhareġ sakemm l-applikant ewlieni ma jipprovdix prova li huwa kien residenti f'Malta għal żmien ta' mill-inqas tnax il-xahar qabel il-jum tal-ħruġ taċ-ċertifikat ta' naturalizzazzjoni.

Rifużjoni ta' drittijiet u ta' kontribuzzjonijiet

8. (1) Id-drittijiet għad-*due diligence* u l-ispejjeż tal-bank ma jistgħux jingħataw lura.

(2) Il-bilanċ tal-kontribuzzjoni, għaladarba jkun gie riċevut f'Malta, ma jistax jingħata lura wara li l-Ittra tal-Approvazzjoni fil-Prinċipju tkun diġà ħarġet.

(3) Id-drittijiet tal-passaport jistgħu jingħataw lura fil-każ li ma tkunx saret applikazzjoni għal passaport.

Tixrid ta' informazzjoni.

9. (1) L-ebda persuna, hliet Identità Malta jew il-konċessjonarju jew Aġent Approvat, ma għandha, għal gwadan u mingħajr ma tkun debitament awtorizzata, tirreklama, tippubblika jew ixxerred pubblikament, b'kull mezz, ikun li jkun, informazzjoni relatata mal-programm:

Iżda Aġent Approvat għandu jirreklama, jippubblika jew ixxerred pubblikament informazzjoni relatata mal-programmi biss fl-osservanza stretta ta' linji ta' gwida maħruġa minn żmien għal żmien minn Identità Malta.

Privazzjoni ta' ċittadinanza.

10. Bla ħsara għad-dispożizzjonijiet tal-artikolu 14 tal-Att, il-Ministru għandu jitqies illi fil-każijiet kollha ikun irriserva d-dritt li jippriva miċ-ċittadinanza Maltija lil persuna li tkun ingħatat dik iċ-ċittadinanza taht il-programm jekk applikant li jkun ingħata iċ-ċittadinanza jonqos milli jħares xi htieġa illi jikri, jixtri jew iżomm għandu proprjetà f'Malta jew li jagħmel u jzomm investimenti f'Malta kif stabbilit f'dawn ir-regolamenti jew ikun sar theddida għas-sigurtà nazzjonali jew ikun involut f'imgħiba li tkun tippregudika serjament l-interessi vitali ta' Malta. F'dawk il-każijiet il-proċedura għall-privazzjoni taċ-ċittadinanza stipulata fl-artikolu 14 tal-Att u f'kull regolamenti magħmula taht l-Att dwar tali privazzjoni, għandhom japplikaw *mutatis mutandis*.

Formuli u linji gwida ta' proċedura.

11. Identità Malta għandha, minn żmien għal żmien, toħroġ linji gwida ta' proċedura, sabiex tispeċifika l-aspetti operattivi u

interpretazzjonijiet taht dawn ir-regolament.

12. In-numru ta' applikanti ewlenin aċċettati, mingħajr ma jitqiesu d-dipendenti, m'għandux ikun aktar minn elf u tmien mija għaż-żmien kollu li għalih idum il-programm. Ammont massimu ta' ammissjonijiet.

13. (1) Għandu jkun hemm fond li jkun magħruf bħala l-Fond ta' Żvilupp Nazzjonali u Soċjali illi fih għandhom jithallsu sebghin fil-mija tal-kontribuzzjonijiet li jiġu riċevuti taht il-programm. Fond ta' Żvilupp Nazzjonali u Soċjali.

(2) Il-fondi riċevuti mill-Fond ta' Żvilupp Nazzjonali u Soċjali għandhom jintużaw fl-interess pubbliku *inter alia* għall-avvanz tal-edukazzjoni, ir-riċerka, l-innovazzjoni, għanijiet soċjali, il-ġustizzja u l-istat tad-dritt, inizjattivi tal-impjieġ, l-ambjent u s-saħħa pubblika.

(3) Il-Fond għandu jkollu personalità ġuridika separata u jista' ukoll jiġi sussegwentement stabbilit bħala fondazzjoni, *trust* jew fil-forma ta' persuna ġuridika oħra kif il-Ministru jista' jiddetermina minn żmien għal żmien.

(4) Il-Fond għandu jkun amministrat minn Bord ta' Gvernaturi li jkun magħmul minn hames membri li minnhom wiehed ikun *Chairman* u iehor ikun id-Deputat *Chairman* li għandhom jinhatru mill-Prim Ministru.

(5) Il-Bord ta' Gvernaturi tal-Fond ikun responsabbli biex jiżgura l-oġġla livell ta' governanza tal-Fond u illi l-fondi miżmuma fil-Fond jintużaw biss għal skopijiet intiżi fuq imsemmija.

(6) Il-Fond għandu jippubblika l-kontijiet verifikati tiegħu kull sena u għandu jirrapporta lill-Ministru responsabbli għall-Finanzi dwar l-attivitajiet tiegħu hekk kif dak il-Ministru jista' jinhtieg iżda f'kull każ mhux anqas minn darba fis-sena. Il-kontijiet verifikati u r-rapport annwali tal-Fond għandhom jitqegħdu fuq il-mejda tal-Kamra tad-Deputati mill-Ministru responsabbli għall-Finanzi.

(7) Il-Fond ikun soġġett għall-verifika mill-Awditur Ġenerali.

14. (1) Il-programm għandu jitmexxa bl-akbar Svelar. konsiderazzjoni għall-obbligi internazzjonali ta' Malta u għall-preservazzjoni tar-reputazzjoni tajba ta' Malta bħala centru finanzjarju ta' denn, trasparenti u ta' reputazzjoni u bħala ġurisdizzjoni għall-kummerċ internazzjonali.

(2) Il-Ministru għandu ta' kull sena jippubblika fil-Gazzetta l-ismijiet tal-persuni kollha illi matul it-tnax-il xahar kalendarji ta' qabel ikunu ingħataw iċ-ċittadinanza Maltija b'registrazzjoni jew

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b'naturalizzazzjoni, inklużi dawk il-persuni illi jkunu ingħataw iċ-
cittadinanza Maltija taħt il-programm.

Drittijiet. **15.** (1) Id-drittijiet kif stabbiliti fl-Iskeda għandhom
jithallsu għall-materji hemm rispettivament speċifikati.

Kap. 35. (2) Id-dispożizzjonijiet tal-Ordinanza dwar id-Drittijiet
għandhom japplikaw għad-drittijiet stabbiliti fl-Iskeda bħallikieku
kienu drittijiet preskritti taħt l-imsemmija Ordinanza.

Revoka tal-A.L.
450 tal-2013. **16.** Ir-Regolamenti tal-2013 dwar il-Programm tal-Investitur
Individwali tar-Repubblika ta' Malta huma b'dawn revokati.

SKEDA

Htiġiet tal-Kontribuzzjonijiet u Skeda tad-Drittijiet

1. Htiġiet tal-Kontribuzzjonijiet

Il-kontribuzzjonijiet li ġejjin għandhom jinħtieġu bhala l-minimu sabiex persuna tikkwalifika għaċ-ċittadinanza taht il-programm:

(a) applikant ewlieni: 650,000 euro (sitt mija u ħamsin elf euro), li minnhom hlas ta' 10,000 euro (għaxart elf euro) li ma jingħatax lura għandu jingħata bhala depożitu li ma jingħatax lura qabel is-sottomissjoni tal-applikazzjoni;

(b) konjuġi: 25,000 euro (ħamsa u għoxrin elf euro);

(c) għal kull wild taht it-18-il sena: 25,000 euro (ħamsa u għoxrin elf euro);

(d) għal kull wild mhux miżżewweġ bejn it-18 u l-26 sena: 50,000 euro (ħamsin elf euro);

(e) għal kull ġenitur dipendenti li għandu aktar minn 55 sena: 50,000 euro (ħamsin elf euro).

2. Skeda tad-Drittijiet

Id-drittijiet li ġejjin għandhom jithallsu ma' kull applikazzjoni:

(1) Drittijiet ta' *due diligence*:

(a) applikant ewlieni: 7,500 euro (sebat elf u ħames mitt euro);

(b) konjuġi: 5,000 euro (ħamest elf euro);

(c) għal kull wild ta' bejn it-13-il sena u t-18-il sena: 3,000 euro (tliet elf euro);

(d) għal kull wild dipendenti mhux miżżewweġ li għandu bejn it-18 u l-26 sena matul is-sena li ssir l-applikazzjoni: 5,000 euro (ħamest elf euro);

(e) għal kull ġenitur dipendenti li għandu aktar minn 55 sena: 5,000 euro (ħamest elf euro).

(2) Drittijiet tal-Passaporti u spejjeż tal-bank

(a) Passaport: 500 euro (ħames mitt euro) kull persuna;

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(b) Spejjeż tal-Bank: 200 euro (mitejn euro) għal kull applikazzjoni

(3) Il-ħtiġiet tal-kontribuzzjoni u d-drittijiet stipulati f'din l-Iskeda għandhom japplikaw fir-rigward ta' applikazzjonijiet u għotjiet ta' ċittadinanza taħt il-programm minkejja d-dispożizzjonijiet ta' xi regolamenti oħra.

L.N. 47 of 2014

**MALTESE CITIZENSHIP ACT
(CAP. 188)**

**Individual Investor Programme
of the Republic of Malta Regulations, 2014**

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

1. The title of these regulations is the Individual Investor Programme of the Republic of Malta Regulations, 2014. Citation.

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

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

"applicant" means the person who applies or on whose behalf it is being applied for his naturalisation as a citizen of Malta under the individual investor programme either as a main applicant or as a dependant;

"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 by a duly licensed lawyer, or notary public, a Maltese consular or diplomatic officer or a senior officer of the concessionaire to be a true copy of the original;

"concessionaire" means the entity awarded with the public service concession contract to design, implement, administer, operate and promote the programme, or any subsidiary of that entity, duly

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authorized by the public service concession contract;

"contribution" means a contribution paid under these regulations seventy per cent of which shall be paid to the National Development and Social Fund, in accordance with these regulations;

"dependant" means:

(a) the spouse of the main applicant in a monogamous marriage or in another relationship having the same or a similar status to marriage, unless the Minister authorises otherwise on a case by case basis;

(b) a child, including an adopted child, of the main applicant or of his spouse who is less than eighteen years of age;

(c) a child of the main applicant or of his spouse who is between the age of eighteen and twenty-six years and who is not married and who proves, to the satisfaction of the Minister, that he is wholly maintained by the main applicant;

(d) a parent or grandparent of the main applicant or of his spouse above the age of fifty-five years who prove to the satisfaction of the Minister that they are wholly maintained or supported by the main applicant and form part of the household of the main applicant; or

(e) a child of the main applicant or of the spouse of the main applicant who is at least eighteen years of age, is physically or mentally challenged, and who is living with and is fully supported by the main applicant:

Provided that such person has the capacity to take an oath of allegiance;

S.L. 497.07

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

"Approved Agent" means an audit firm, a law firm, a financial advisory firm, an intermediary firm or any other person or body which in all cases has been authorised to act as an authorised intermediary firm by Identity Malta for the purposes of these regulations;

"main applicant" means the person who, either as a single applicant or as the head of a family, undertakes to make a contribution for the purposes of these regulations and signs the relevant agreements and undertakings on behalf of his dependants;

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

"National Development and Social Fund" means the fund established by the Government of Malta to receive the contributions;

"non-refundable payment" means the portion of the contribution paid up front at the time of submission of the application;

"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;

"programme" means the Individual Investor Programme of the Republic of Malta;

"public service concession" means the public service concession awarded to the concessionaire to design, implement, administer, operate and promote the programme.

3. (1) There is hereby established a programme, to be known as the "Individual Investor Programme of the Republic of Malta", which shall allow for the grant of citizenship by a certificate of naturalization to foreign individuals and their families who contribute to the economic development of Malta, as provided in these regulations.

Establishment
of Individual
Investor
Programme.

(2) The operation of the programme shall be carried out by the concessionaire.

(3) Approved Agents shall be licensed by Identity Malta after carrying out a due diligence process in their regard. They shall be entitled to introduce prospective applicants to Identity Malta.

(4) Approved Agents shall pay an annual licence fee and shall abide by the conditions of their licence.

(5) Identity Malta shall be entitled to withdraw a licence issued to an Approved Agent if, after due investigation, it is satisfied that:

(a) the Approved Agent has acted in an unethical or an unprofessional manner and has substantially prejudiced the programme; or

(b) the Approved Agent has committed a serious breach of guidelines, codes of conduct or codes of ethics issued by Identity Malta from time to time and made specifically

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applicable to Approved Agents.

Qualifications
and general
requirements.

4. (1) The qualifications and general requirements for a person to be a main applicant for citizenship under the programme shall be that any such person:

- (a) is at least eighteen years of age;
- (b) proposes to make a contribution as determined in the Schedule;
- (c) meets the application requirements;
- (d) commits himself to provide proof of residence in Malta, and to provide proof of title to residential property in Malta in accordance with these regulations;
- (e) commits himself to invest, amongst others, in stocks, bonds, debentures, special purpose vehicles or to make other investments as provided from time to time by Identity Malta by means of a notice in the Gazette:

Cap. 123.

Provided that beneficiaries of the Global Residence Programme provided for under the Income Tax Act shall be allowed to apply for the Individual Investor Programme subject to satisfying all the additional eligibility requirements of the Programme.

S.L. 188.01

(2) Applications shall be made on the forms prescribed under the Citizenship Regulations and shall be accompanied by the prescribed due diligence and bank charges fees, as specified in the Schedule, and by the originals or certified copies of the following:

- (a) a certificate in the form prescribed by Identity Malta from a reputable health system to the satisfaction of Identity Malta that the main applicant and his dependants are not suffering from any contagious disease and that they are otherwise in good health;
- (b) a police certificate or certificates, which may however also be submitted subsequently at a later date but in any case before the application is approved;
- (c) evidence, through due diligence processes, that the main applicant and his dependants are fit and proper persons to hold Maltese citizenship;
- (d) an undertaking to remit the total of the required contribution, less the non-refundable payment already made at

the time of submission of the application, of the amount as specified in the Schedule, when called to do so by Identity Malta;

(e) an undertaking to purchase or take on lease immovable residential property in Malta in accordance with these regulations;

(f) an undertaking to make such other investments in Malta in accordance with these regulations; and

(g) 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 main applicant to Identity Malta either through Approved Agents or the concessionaire.

(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) The main applicant shall, with the exception of the spouse, provide an affidavit of support for each dependant who is over eighteen years old.

(6) Each application form shall be completed by the applicant and if the applicant is unable to complete the forms personally, it must be completed by a legal representative and signed by each and every applicant.

(7) The following conditions shall apply to dependants who are below the age of eighteen:

(a) the forms shall be signed by both parents on behalf of the dependant; and

(b) in the case where one parent has sole custody of a dependant, or another person has legal guardianship of a dependant, the appropriate legal documentation shall be provided to demonstrate that sole custody or guardianship was awarded by a court of law or other relevant authority.

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

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(9) Applications shall only be accepted and processed on condition that all forms are properly completed, dated and signed, and accompanied by all required documents, fees and undertakings, including, but not limited to, an undertaking to remit the required contribution as called upon by Identity Malta following the approval in principle of the application:

Provided that police certificates may be submitted at a later date provided that they are submitted before the application is approved.

Eligibility
criteria.

5. In addition to the qualifications and general requirements as set out in regulation 4, the minimum eligibility criteria for an application under the programme, for the applicant and any of his dependants, shall be as follows:

(a) a proper background verification of the applicant and his dependants over the age of twelve years, as the case may be;

(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 and any dependants, declaring a clean criminal record;

(c) the applicant and, or any of his dependants are not individuals indicted before an International Criminal Court or who appeared at any time before an International Criminal Court, whether such persons have been found guilty or otherwise by such Court;

(d) the applicant and, or any of his dependants, shall not be persons listed with the International Criminal Police Organization (INTERPOL) at the time of application;

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

(f) the applicant and, or any of his dependants 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 and, or any of his dependants shall not be an individual who has been found guilty or has charges brought against him regarding any of the criminal offences that disturb the good order of the family, which criminal offences include, without limitation, the following:

- (i) paedophilia,
 - (ii) defilement of minors,
 - (iii) rape,
 - (iv) violent indecent assault,
 - (v) inducing persons under age to prostitution,
- and
- (vi) abduction;

(h) the applicant and, or any of his dependants 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.

6. An applicant who -

(a) provides false information on his application;

Ineligible applicants.

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- (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 the programme, unless Identity Malta is satisfied that the applicant is still worthy of being considered for approval due to special circumstances to be demonstrated by the applicant. In such case, Identity Malta shall issue a reasoned opinion as to why such applicant should still be considered for approval and shall refer such application to the Minister, who will have the sole authority to grant such approval.

Application
process.

7. (1) Every application shall be presented to, and examined by, Identity Malta, either directly or through the concessionaire.

(2) Identity Malta shall either directly or through the concessionaire cause due diligence checks to be performed by one or more internationally recognized specialised 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 and shall also carry out due diligence tests independently of the concessionaire.

(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, Identity Malta shall verify that:

(a) the application has been certified as 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 and his dependants, if applicable, has been verified by one or more independent due diligence agents;

(d) all required due diligence fees, passport fees and bank charges fees as well as a non-refundable payment, as defined in the Schedule, towards the contribution has been paid;

(e) the source of all funds have been verified; and

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

(5) Within thirty days from the date of the completion of the verification referred to above, Identity Malta shall further review the application submitted to it, shall carry out appropriate further background checks, if it deems necessary, and shall notify the concessionaire and, where applicable, the Approved Agent in writing, in accordance with the Minister's instructions, that the application has been -

(a) approved in principle;

(b) refused; or

(c) delayed for the cause that it is still being processed:

Provided that where an application is approved in principle in accordance with paragraph (a), Identity Malta shall issue a Letter of Approval in Principle to the main applicant informing him that he must provide:

(a) evidence that the main applicant and dependants are covered by a global health insurance policy and they declare that they are in a position to retain such a policy indefinitely;

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(b) a written undertaking to either:

(i) acquire and hold a residential immovable property in Malta having a minimum value of three hundred and fifty thousand euro (EUR 350,000); or

(ii) take on lease a residential immovable property in Malta for a minimum annual rent of sixteen thousand euro (EUR 16,000):

Provided further that the proof required under this sub-regulation shall be provided within four months from the issue of the Letter of Approval in Principle by the submission of a contract of purchase or of lease of the said property to Identity Malta. Property purchased or taken on lease for the purposes of these regulations may not, after having been purchased or taken on lease be let or sublet but such property shall be retained by the applicant for a period of at least five years from the date of purchase or lease:

Provided further that when the applicant has purchased or taken on lease a residential immovable property in accordance with these regulations, he shall be entitled to dispose of the property or terminate the leasehold, provided that he proves to the satisfaction of Identity Malta that he has purchased or taken on lease another residential property in Malta which satisfies all the requisites set by these regulations and other relevant regulations which may be in force from time to time and commits himself to retain the said property until the expiration of the period of five years established in this sub-regulation.

(6) The main applicant shall provide a written undertaking that he will make such other investments in Malta to an amount of one hundred and fifty thousand euro (EUR 150,000), amongst others, in stocks, bonds, debentures, special purpose vehicles or other investment vehicles as may be identified from time to time by Identity Malta by means of a notice in the Gazette and to retain the said investments for a period of not less than five years:

Provided that the proof required under this sub-regulation shall be provided within four months from the issue of the Letter of Approval in Principle by the submission to Identity Malta of proof that the said investments have been made.

(7) A personal interview with an applicant shall not be a mandatory requirement but may be recommended by the concessionaire and, or considered by Identity Malta, on a case by case basis. The procedures applicable to personal interviews shall be

determined by Identity Malta.

(8) Within five days of the approval in principle under sub-regulation (5)(a) the main applicant shall be instructed to remit the contribution less the non-refundable payment already received, to be received within twenty days from such instruction. Upon receipt of the contribution less the non-refundable payment, Identity Malta shall, provided that the conditions of the Letter of Approval in Principle have been satisfied, notify the Minister to issue a certificate of naturalisation.

(9) Within two years but not less than six months from the date of application and subject to a verification that the conditions of the Letter of Approval in Principle have been satisfied as provided in sub-regulation (8), the Minister shall, provided that the conditions of these regulations are still satisfied, issue a certificate of naturalisation in the name of the applicant subject to sub-regulation (11).

(10) Within five days of issuance of such certificates, the concessionaire shall complete the necessary disbursements of the contribution to Identity Malta and shall retain the amount due to the concessionaire. Upon receipt of the contribution Identity Malta shall pay seventy per cent of the same into the National Development and Social Fund and shall pay the remainder into the Consolidated Fund.

(11) The certificate of naturalisation shall only become effective and be made available to the applicant, and the application for a passport may only proceed, after the oath of allegiance has been taken by the applicant.

(12) No certificate of naturalisation under these regulations shall be issued unless the main applicant provides proof that he has been a resident of Malta for a period of at least twelve months preceding the day of the issuing of the certificate of naturalisation.

8. (1) The due diligence fees and bank charges fees are not refundable. Refund of fees and contributions.

(2) The contribution balance, once received in Malta, shall not be refundable after the letter of approval in principle has been issued.

(3) Passport fees are refundable in the case where passports have not been applied for.

9. No person, except Identity Malta, the concessionaire or an Approved Agent shall for gain and without being duly authorised, advertise, publish or disseminate publicly through any means whatsoever any information relating to the programme: Dissemination of information.

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Provided that Approved Agents shall only advertise, publish or disseminate publicly any information relating to the programme in strict compliance with guidelines issued from time to time by Identity Malta.

Deprivation of citizenship.

10. 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 granted under the programme if an applicant who has been granted citizenship fails to comply with any requirement to lease, purchase and retain property in Malta or to make and retain investments in Malta, as established by these regulations or has become a threat to national security or is involved in conduct which is seriously prejudicial to the vital interests of Malta. In such cases the procedure for deprivation of citizenship stipulated in article 14 of the Act and in any regulations made under the Act in respect of such deprivation shall *mutatis mutandis* apply.

Forms and procedural guidelines.

11. Identity Malta shall, from time to time, issue procedural guidelines to specify the operational aspects and interpretations under these regulations.

Maximum number of admissions.

12. The number of successful main applicants, excluding dependants, shall not exceed one thousand and eight hundred for the whole duration of the programme.

National Development and Social Fund.

13. (1) There shall be a fund to be known as the National Development and Social Fund into which seventy per cent of contributions received by Identity Malta under the programme shall be paid.

(2) The funds received by the National Development and Social Fund shall be used in the public interest *inter alia* for the advancement of education, research, innovation, social purposes, justice and the rule of law, employment initiatives, the environment and public health.

(3) The Fund shall have a separate legal personality and may also subsequently be established as a foundation, a trust or in the form of another legal person as may be determined by the Minister from time to time.

(4) The Fund shall be administered by a Board of Governors consisting of five members of whom one shall be the Chairman and another shall be the Deputy Chairman who shall be appointed by the Prime Minister.

(5) The Board of Governors of the Fund shall be responsible to ensure the highest level of governance of the Fund and that the funds

held in the Fund are used solely for the said intended purposes.

(6) The Fund shall publish its audited accounts on an annual basis and shall report to the Minister responsible for Finance on its activities as the said Minister may require but in any case not less than once a year. The audited accounts and the annual report of the Fund shall be laid on the table of the House of Representatives by the Minister responsible for Finance.

(7) The Fund shall be subject to being audited by the Auditor General.

14. (1) The programme shall be operated with the utmost consideration of the international obligations of Malta and of preserving Malta's good reputation as a worthy, transparent and reputable financial centre and a jurisdiction for international business. Disclosure.

(2) 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 under the programme.

15. (1) The fees set out in the Schedule shall be paid for the matters therein respectively specified. Fees.

(2) The provisions of the Fees Ordinance shall apply to the fees set out in the Schedule as if they were fees prescribed under the said Ordinance. Cap. 35.

16. The Individual Investor Programme of the Republic of Malta Regulations, 2013 are hereby revoked. Revocation of L.N. 450 of 2013.

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SCHEDULE

Contribution Requirements and Schedule of Fees

1. Contribution Requirements

The following contributions shall be required as a minimum to qualify for citizenship under the programme:

(a) main applicant: EUR 650,000 (six hundred and fifty thousand euro), of which a non-refundable payment of EUR 10,000 (ten thousand euro) shall be remitted as a non-refundable deposit prior to submission of the application;

(b) spouse: EUR 25,000 (twenty five thousand euro);

(c) for each and every child below 18 years of age: EUR 25,000 (twenty five thousand euro);

(d) for each and every unmarried child between 18 years of age and 26 years of age: EUR 50,000 (fifty thousand euro);

(e) for each and every dependant parent above 55 years of age: EUR 50,000 (fifty thousand euro).

2. Schedule of Fees

The following fees shall be payable under each application:

(1) Due diligence fees:

(a) main applicant: EUR 7,500 (seven thousand five hundred euro);

(b) spouse: EUR 5,000 (five thousand euro);

(c) for each and every child aged between 13 years of age and 18 years of age: EUR 3,000 (three thousand euro);

(d) for each and every dependant unmarried child between 18 years of age and 26 years of age, EUR 5,000 (five thousand euro);

(e) for each and every dependant parent above 55 years of age: EUR 5,000 (five thousand euro).

(2) Passport fees and bank charges fees:

(a) Passport: EUR 500 (five hundred euro) per person;

(b) Bank charges: EUR 200 (two hundred euro) per application.

(3) The contribution requirements and the fees stipulated in this Schedule shall apply in respect of applications and grants of citizenship under the programme notwithstanding the provisions of any other regulations.

