

## **Nru. 31**

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13. 8. 99

### **MALTA**

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**KAMRA TAD-DEPUTATI**

**HOUSE OF REPRESENTATIVES**

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**ABBOZZ ta' Liġi mressaq mill-Onorevoli Tonio Borg, M.P., Ministru ta' l-Intern, u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Lulju, 1999.**

**A BILL introduced by the Honourable Tonio Borg, M.P., Minister for Home Affairs, and read the First time at the Sitting of the 19th July, 1999.**

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

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

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**RICHARD J. CAUCHI**  
*Skrivan tal-Kamra tad-Deputati*

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**RICHARD J. CAUCHI**  
*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, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġejj:-

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1999 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, u għandu jftiehem u jinqara haġa waħda ma' l-Att dwar iċ-Ċittadinanza Maltija, hawnhekk iżjed 'il quddiem imsejjah "l-Att prinċipali".

Titolu fil-qosor u bidu fis-sehh. Kap. 188.

(2) Dan l-Att għandu jitqies li dahal fis-sehh f'dik id-data li l-Ministru responsabbli għal dak li jirrigwarda ċ-ċittadinanza Maltija jista' jistabbilixxi b'ordni fil-Gazzetta.

2. L-intestatura "Taqsimi I" minnufih qabel l-artikolu 1 ta' l-Att prinċipali għandha tithassar.

Thassir ta' l-intestatura qabel l-artikolu 1 ta' l-Att prinċipali.

3. Fl-artikolu 2 ta' l-Att prinċipali minnufih qabel it-tifsira tal-frazi "konsolat Malti" għandha tiżdied din it-tifsira ġdida li ġejja:

Emenda ta' l-artikolu 2 ta' l-Att prinċipali.

" "gurnata stabbilita" għandha l-istess tifsira bħalma hu mogħti lilha bl-artikolu 124 tal-Kostituzzjoni;"

4. It-Taqsimiet II sa IV ta' l-Att prinċipali għandhom jiġu enumerati mill-ġdid bħala t-Taqsimiet "V" sa "VII" rispettivament, it-Taqsima V għandha tithassar u l-artikoli 3 sa 5 għandhom jiġu enumerati mill-ġdid bħala l-artikoli 10 sa 12 rispettivament. L-artikolu 6 għandu jithassar u l-artikoli 8 sa 20 għandhom jiġu enumerati mill-ġdid bħala l-artikoli 13 sa 25 rispettivament.

Enumerar mill-ġdid ta' Taqsimiet II sa V ta' l-Att prinċipali.

5. Minnufih wara l-artikolu 2 ta' l-Att prinċipali ghandu jżied dan li ġej:

### “TAQSIMA I

#### ĊITTADINANZA MIKSUBA FIL-GURNATA STABBILITA U B'REGISTRAZZJONI MINN ĊERTI PERSUNI OHRA

Persuni li  
saru  
ċittadini ta'  
Malta  
fil-gurnata  
stabbilita.

3. (1) Kull min, imwieled f'Malta, kien fil-gurnata qabel il-gurnata stabbilita ċittadin tar-Renju Unit u Kolonji, ghandu jitqies li kiseb iċ-ċittadinanza Maltija fil-gurnata stabbilita:

Iżda persuna ma titqiesx li tkun saret ċittadin ta' Malta bis-sahha ta' dan is-subartikolu jekk ebda wiehed mill-genituri tagħha ma kien imwieled Malta.

(2) Kull min, imwieled barra minn Malta, kien fil-gurnata qabel il-gurnata stabbilita ċittadin tar-Renju Unit u Kolonji ghandu, jekk missieru jkun sar, jew li ma kienx ghal mewt tiegħu kien isir, ċittadin ta' Malta skond id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, jitqies li jkun sar ċittadin ta' Malta fil-gurnata stabbilita.

Persuni li  
jkollhom  
dritt li jkunu  
reġistrati  
bhala  
ċittadini.

4. (1) Kull persuna li fil-gurnata qabel il-gurnata stabbilita kienet miżżewġa, jew kienet u ma ghadhiex miżżewġa, lil xi hadd -

(a) li sar ċittadin ta' Malta bis-sahha ta' l-artikolu 3 ta' dan l-Att; jew

(b) li, billi jkun miet qabel il-gurnata stabbilita, kien, li ma kienx għall-mewt tiegħu jew tagħha, isir ċittadin ta' Malta bis-sahha ta' dak l-artikolu,

ikollha dritt, wara li tagħmel applikazzjoni b'dak il-mod li jista' jkun preskritt u wara li tiegħu l-gurament ta' lealtà, tkun reġistrata bhala ċittadin ta' Malta.

(2) Kull persuna li fil-gurnata qabel il-gurnata stabbilita kienet miżżewġa, jew kienet u ma ghadhiex miżżewġa, lil xi hadd li, fi jew wara l-gurnata stabbilita, sar ċittadin ta' Malta jkollha dritt, wara li tagħmel applikazzjoni b'dak il-mod li jista' jkun preskritt u wara li tiegħu l-gurament ta' lealtà, tkun reġistrata bhala ċittadin ta' Malta.

(3) Id-dispożizzjonijiet tas-subartikoli (1) u (2) ta' dan l-artikolu jkunu minghajr hsara ghad-dispożizzjonijiet ta' l-artikolu 3 ta' dan l-Att.

(4) Kull min, skond il-paragrafu (b) tas-subartikolu (4) ta' l-artikolu 44 tal-Kostituzzjoni jitqies li hu ċittadin ta' Malta għall-finijiet ta' dak l-artikolu, u jkun ġie lura, u ha residenza permanenti f'Malta, ikollu dritt, wara li jagħmel applikazzjoni b'dak il-mod li jista' jiġi preskritt u wara li jiehu l-ġurament ta' lealtà, ikun reġistrat bħala ċittadin ta' Malta.

(5) Minkejja kull dispożizzjoni oħra ta' dan l-Att, iżda minghajr hsara għas-subartikolu (3) ta' l-artikolu 65 ta' l-Att LVIII ta' l-1974, hadd ma jkollu dritt li jkun reġistrat bħala ċittadin ta' Malta iktar minn darba taht l-istess dispożizzjonijiet ta' dan l-Att.

(6) Hadd ma għandu jkollu dritt li jiġi reġistrat bħala ċittadin ta' Malta bis-saħħa tas-subartikoli (1) u (2) ta' dan l-artikolu, hliet jekk -

(a) il-Ministru huwa sodisfatt li l-ġhoti ta' ċittadinanza lil dik il-persuna ma jmurx kontra l-interess pubbliku; u

(b) fid-data ta' l-applikazzjoni dik il-persuna kienet għadha miżżewġa ma' ċittadin ta' Malta, jew tkun l-armla jew l-armel ta' persuna li kienet ċittadin ta' Malta jew ta' persuna li billi tkun mietet qabel il-ġurnata stabbilita kienet, hliet għall-mewt tiegħu jew tagħha, issir ċittadin ta' Malta bis-saħħa ta' l-artikolu 3 ta' dan l-Att:

Iżda hadd ma jkollu dritt li jiġi hekk reġistrat hliet jekk dik il-persuna, fid-data ta' l-applikazzjoni, tkun għadha miżżewġa ma' dak iċ-ċittadin ta' Malta u kienet hekk miżżewġa għal mill-inqas hames snin u f'dik id-data kienet qiegħda tgħix ma' dak iċ-ċittadin jew, jekk f'dik id-data kienet separata *de jure* jew *de facto*, kienet għexet ma' dak iċ-ċittadin ta' Malta għal mill-inqas hames snin wara ċ-ċelebrazzjoni taż-żwieġ, jew tkun l-armla jew ikun l-armel ta' dak iċ-ċittadin u fil-waqt tal-mewt tiegħu jew tagħha kienet miżżewġa lil dik il-persuna għal mill-inqas hames snin u kienet għadha tgħix miegħu jew magħha jew li kienet, hliet għall-mewt ta' dik il-persuna, tkun hekk miżżewġa miegħu jew magħha fid-data ta' l-applikazzjoni jew, jekk fid-data tal-mewt ta' dak

iċ-ċittadin kienet separata *de jure* jew *de facto* minn dak iċ-ċittadin, kienet ghexet ma' dak iċ-ċittadin ta' Malta għal mill-inqas hames snin wara ċ-ċelebrazzjoni taż-żwieġ.

## TAQSIMA II

### KSIB TA' ĊITTADINANZA BI TWELID JEW DIXXENDENZA

Ksib ta' ċittadinanza bi twelid jew dixerdenza minn persuni mwielda fi jew wara l-gurnata stabbilita.

5. (1) Kull min jitwieled f'Malta fi jew wara l-gurnata stabbilita għandu jitqies li jkun sar jew isir ċittadin ta' Malta fil-gurnata tat-twelid tieghu:

Iżda fil-każ ta' persuna mwielda fi jew qabel il-31 ta' Lulju, 1989, dik il-persuna ma għandhiex titqies li tkun saret ċittadin ta' Malta bis-saħha ta' dan is-subartikolu jekk fil-waqt tat-twelid tagħha -

(a) ebda wiehed mill-ġenituri tagħha ma kien ċittadin ta' Malta u missierha kellu dik l-immunità minn kawzi u proċeduri legali bħalma hija mogħtija lil *envoy* ta' potenza sovrana barranija akkreditat lil Malta; jew

(b) missierha kien frustier għadu u t-twelid sar f'post li f'dak iż-żmien kien taħt okkupazzjoni mill-għadu:

Iżda wkoll, fil-każ ta' persuna mwielda fi jew wara l-1 ta' Awissu, 1989, dik il-persuna ma ssirx ċittadin ta' Malta bis-saħha ta' dan is-subartikolu hliet jekk fil-waqt tat-twelid missierha kien jew ikun jew ommha kienet jew tkun:

(a) ċittadin ta' Malta; jew

(b) persuna msemmija fil-paragrafu (a) jew (b) tas-subartikolu (4) ta' l-artikolu 44 tal-Kostituzzjoni:

Iżda wkoll, iż-żewġ provisos ta' qabel ta' dan is-subartikolu ma għandhomx ikunu japplikaw fil-każ ta' tarbija tat-twelid li tinstab abbandunata f'xi mkien f'Malta li tkun, minhabba f'dak il-fatt, apolidi, u dik it-tarbija għandha tibqa' ċittadin ta' Malta sakemm jiġi stabbilit id-dritt tagħha għal xi ċittadinanza oħra.

(2) Min jitwieled barra minn Malta fi jew wara l-gurnata stabbilita jitqies li jkun sar jew isir ċittadin ta' Malta fil-gurnata tat-twelid tieghu:

(a) fil-każ ta' persuna mwiela fi jew qabel il-31 ta' Lulju, 1989, jekk fil-ġurnata tat-twelid ta' dik il-persuna, missierha kien ċittadin ta' Malta b'mod iehor milli bis-saħha ta' dan is-subartikolu jew tas-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att; u

(b) fil-każ ta' persuna mwiela fi jew wara l-1 ta' Awissu, 1989, jekk fil-ġurnata tat-twelid ta' dik il-persuna, missierha jkun jew ommha tkun ċittadin ta' Malta b'mod iehor milli bis-saħha ta' dan is-subartikolu jew tas-subartikolu (2) ta' l-artikolu 3 ta' dan l-Att.

### TAQSIMA III

#### ĊITTADINANZA MIKSUBA B'REĠISTRAZZJONI WARA ŻWIEĠ

Zwieġ ma'  
ċittadini  
ta' Malta.

6. (1) Kull persuna li fi jew wara l-ġurnata stabbilita tiżżewweġ lil xi hadd li jkun jew li jsir ċittadin ta' Malta jkollha d-dritt, wara li tagħmel applikazzjoni b'dak il-mod kif jista' jkun preskritt u wara li tiehu l-ġurament ta' lealtà, tkun reġistrata bhala ċittadin ta' Malta.

(2) Hadd ma jkollu d-dritt jiġi reġistrat bhala ċittadin ta' Malta bis-saħha ta' dan l-artikolu hlief jekk:

(a) il-Ministru jkun sodisfatt li l-ghoti ta' ċittadinanza lil dik il-persuna ma jmurx kontra l-interess pubbliku; u

(b) fid-data ta' l-applikazzjoni tagħha dik il-persuna kienet ghadha miżżewġa ma' ċittadin ta' Malta, jew tkun l-armla jew l-armel ta' persuna li kienet ċittadin ta' Malta fil-waqt tal-mewt tiegħu jew tagħha:

Iżda hadd ma jkollu dritt li jiġi hekk reġistrat hlief jekk dik il-persuna, fid-data ta' l-applikazzjoni, tkun ghadha miżżewġa ma' dak iċ-ċittadin ta' Malta u kienet hekk miżżewġa għal mill-inqas hames snin u f'dik id-data kienet qiegħda tgħix ma' dak iċ-ċittadin jew, jekk f'dik id-data kienet separata *de jure* jew *de facto*, kienet ghexet ma' dak iċ-ċittadin ta' Malta għal mill-inqas hames snin wara ċ-ċelebrazzjoni taż-żwieġ, jew tkun l-armla jew ikun l-armel ta' dak iċ-ċittadin u fil-waqt tal-mewt tiegħu jew tagħha kienet miżżewġa lil dik il-persuna għal mill-inqas hames snin u kienet ghadha tgħix miegħu jew magħha jew li kienet, hlief għall-mewt ta' dik il-

persuna, tkun hekk miżżewġa miegħu jew magħha fid-data ta' l-applikazzjoni jew, jekk fid-data tal-mewt ta' dak iċ-ċittadin kienet separata *de jure* jew *de facto* minn dak iċ-ċittadin, kienet ghexet ma' dak iċ-ċittadin ta' Malta għal mill-inqas hames snin wara ċ-ċelebrazzjoni taż-żwieġ.

#### TAQSIMA IV

#### ĊITTADINANZA DOPPJA

Ċittadinanza doppja. 7. Persuna jista' jkollha ċ-ċittadinanza Maltija, u fl-istess waqt ikollha ċ-ċittadinanza ta' pajjiż iehor.

Akkwist mill-ġdid ta' ċittadinanza Maltija permezz ta' reġistrazzjoni. 8. Kull min qabel id-data tad-dhul fis-sehh ta' dan l-artikolu kien jitqies, taht id-dispożizzjonijiet tal-Kostituzzjoni ta' Malta jew ta' kull ligi oħra, li temm milli jkun ċittadin ta' Malta minhabba f'li jkollu jew ikun akkwista, sew volontarjament sew mhux volontarjament, xi ċittadinanza oħra, ikollu dritt, meta jagħmel l-applikazzjoni tiegħu b'dak il-mod li jista' jiġi preskritt u wara li jiehu l-gurament ta' lealtà, li jiġi reġistrat bhala ċittadin ta' Malta:

Iżda hadd ma jkollu dritt li jiġi reġistrat bhala ċittadin ta' Malta taht dan l-artikolu jekk persuna kienet ċittadin ta' Malta b'mod iehor milli bl-artikoli 3 jew 5 ta' dan l-Att jew bis-sahha ta' l-artikoli 22 jew 25 tal-Kostituzzjoni kif kienet fis-sehh qabel id-dhul fis-sehh ta' l-Att ta' l-1999 li jemenda l-Kostituzzjoni, u l-Ministru jkun sodisfatt li l-ghoti ta' ċittadinanza lil dik il-persuna jmur kontra l-interess pubbliku.

Persuni li jitqiesu li qatt ma tilfu ċittadinanza Maltija. 9. Persuna li f'xi waqt kienet ċittadin ta' Malta skond l-artikoli 3 jew 5 ta' dan l-Att jew skond l-artikoli 22 jew 25 tal-Kostituzzjoni kif kienet fis-sehh qabel id-dhul fis-sehh ta' l-Att ta' l-1999 li jemenda l-Kostituzzjoni, u kienet residenti f'xi pajjiż barra minn Malta għal żmien li b'kollox jammonta għal mill-inqas sitt snin, tkun akkwistat jew żammet iċ-ċittadinanza ta' pajjiż li fih kienet residenti għal xi perjodu matul dawk is-sitt snin, għandha titqies bhala li qatt ma tkun temmet milli tkun ċittadin ta' Malta.”.

6. L-artikolu 10 ta' l-Att prinċipali kif enumerat mill-ġdid għandu jiġi emendat kif ġej:

(a) is-subartikolu (1) tiegħu għandu jiġi emendat kif ġej:

(i) minflok il-kliem “Bla hsara ghad-dispożizzjonijiet tas-subartikolu (5) ta’ dan l-artikolu, frustier” ghandhom jidhlu l-kliem “Frustier”;

(ii) fil-proviso li hemm mieghu, minflok il-kliem “is-sitt snin” ghandhom jidhlu l-kliem “is-seba’ snin”;

(b) is-subartikolu (2) tieghu għandu jiġi emendat kif ġej:

(i) minflok il-kliem “Bla hsara ghad-dispożizzjonijiet tas-subartikolu (5) ta’ dan l-artikolu, kull persuna” ghandhom jidhlu l-kliem “Kull persuna”;

(ii) fil-paragrafu (a) tieghu minflok il-kliem “l-artikolu 22 tal-Kostituzzjoni” ghandhom jidhlu l-kliem “l-artikolu 3 ta’ dan l-Att”;

(iii) fil-paragrafu (b) tieghu minflok il-kliem “l-artikolu 25 tal-Kostituzzjoni” ghandhom jidhlu l-kliem “l-artikolu 5 ta’ dan l-Att”;

(c) fis-subartikolu (3) tieghu:

(i) minflok il-kliem “Bla hsara ghad-dispożizzjonijiet tas-subartikolu (5) ta’ dan l-artikolu, kull persuna” ghandhom jidhlu l-kliem “Kull persuna”;

(ii) fil-paragrafu (a) tieghu, minflok il-kliem “22(1) jew 25(1) tal-Kostituzzjoni” ghandhom jidhlu l-kliem “3(1) jew 5(1) ta’ dan l-Att”; u

(iii) fil-paragrafu (b) tieghu, minflok il-kliem “22(1) tal-Kostituzzjoni” ghandhom jidhlu l-kliem “3(1) ta’ dan l-Att”;

(d) fis-subartikolu (5) tieghu l-kliem minn “ma tkunx ghamlet dikjarazzjoni” sa “cittadinanza ohra li jista’ jkollha u” għandu jiġi mħassar; u

(e) fil-paragrafu (b) tas-subartikolu (6) tieghu minflok il-kliem “tas-subartikolu (2) ta’ l-artikolu 22 jew tas-subartikolu (2) ta’ l-artikolu 25 tal-Kostituzzjoni” ghandhom jidhlu l-kliem “tas-subartikolu (2) ta’ l-artikolu 3 jew tas-subartikolu (2) ta’ l-artikolu 5 ta’ dan l-Att”.

Emenda ta' l-artikolu 12 kif enumerat mill-ġdid ta' l-Att prinċipali.

**7.** L-artikolu 12 ta' Att prinċipali kif enumerat mill-ġdid ghandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem “Bla hsara għad-dispożizzjonijiet tas-subartikolu (2) ta’ dan l-artikolu, persuna reġistrata bhala ċittadin ta’ Malta skond l-artikolu 23, 24 jew 26 tal-Kostituzzjoni” għandhom jidhlu l-kliem “Persuna reġistrata bhala ċittadin ta’ Malta skond l-artikolu 4 jew 6 ta’ dan l-Att”; u

(b) is-subartikolu (2) għandu jithassar u s-subartikolu (1) għandu jiġi enumerat mill-ġdid bhala l-artikolu shih.

Emenda ta' l-artikolu 13 kif enumerat mill-ġdid ta' l-Att prinċipali.

**8.** Fis-subartikolu (2) ta' l-artikolu 13 ta' l-Att prinċipali kif enumerat mill-ġdid il-kliem “; iżda għalkemm ikun hemm iċ-ċahda tal-Ministru, persuna li tagħmel xi dikjarazzjoni bhal dik għandha ttejjem milli tkun ċittadin ta’ Malta fiż-żmien preskritt fl-artikolu 27 tal-Kostituzzjoni” għandhom jithassru.

Emenda ta' l-artikolu 16 kif enumerat mill-ġdid ta' l-Att prinċipali.

**9.** Minflok il-kliem “tat-Taqsimiet II u III ta’ dan l-Att” fl-artikolu 16 ta’ l-Att prinċipali kif enumerat mill-ġdid għandhom jidhlu l-kliem “tat-Taqsimiet V u VI ta’ dan l-Att”.

Emenda ta' l-artikolu 17 kif enumerat mill-ġdid ta' l-Att prinċipali.

**10.** Fis-subartikolu (3) ta' l-artikolu 17 ta' l-Att prinċipali kif enumerat mill-ġdid wara l-kliem “li twieldet f’Malta” għandhom jiddiedu l-kliem “u f’kull każ bhal dak id-dispożizzjonijiet tat-tielet proviso għas-subartikolu (1) ta’ l-artikolu 5 ta’ dan l-Att għandhom ikunu japplikaw għal dik it-tarbija”.

Emenda ta' l-artikolu 21 kif enumerat mill-ġdid ta' l-Att prinċipali.

**11.** L-artikolu 21 ta' l-Att prinċipali kif enumerat mill-ġdid għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem “skond l-artikolu 23, 24 jew 26 tal-Kostituzzjoni” għandhom jidhlu l-kliem “skond dan l-Att”; u

(b) fis-subartikolu (2) tiegħu, il-kliem “skond l-artikolu 23, 24 jew 26 tal-Kostituzzjoni jew” għandhom jithassru.

Emenda ta' l-artikolu 22 kif enumerat mill-ġdid ta' l-Att prinċipali.

**12.** Fis-subartikoli (1) u (3) ta' l-artikolu 22 ta' l-Att prinċipali kif enumerat mill-ġdid il-kliem “skond id-dispożizzjonijiet tal-Kapitolu III tal-Kostituzzjoni jew” kull fejn dawn jinsabu għandhom jithassru.

Emenda ta' l-artikolu 23 kif enumerat mill-ġdid ta' l-Att prinċipali.

**13.** Fis-subartikolu (1) ta' l-artikolu 23 ta' l-Att prinċipali kif enumerat mill-ġdid il-kliem “skond id-dispożizzjonijiet tal-Kapitolu III tal-Kostituzzjoni jew” għandhom jithassru.

**14.** Is-subartikolu (1) ta' l-artikolu 24 ta' l-Att prinċipali kif enumerat mill-ġdid għandu jiġi emendat kif ġej:

Emenda ta' l-artikolu 24 kif enumerat mill-ġdid ta' l-Att prinċipali.

(i) minflok il-kliem "tal-Kapitolu III tal-Kostituzzjoni u" għandha tidhol il-kelma "ta";

(ii) fil-paragrafi (a), (b) u (ċ) tiegħu, il-kliem "il-Kapitolu III tal-Kostituzzjoni jew" għandhom jithassru;

(iii) fil-paragrafu (h) tiegħu, il-kliem "id-dispożizzjonijiet tal-Kapitolu III tal-Kostituzzjoni jew" għandhom jithassru.

**15.** Minnufih wara l-artikolu 25 ta' l-Att prinċipali kif enumerat mill-ġdid għandha tiżdied din it-Taqsima ġdida li ġejja:-

Zieda tat-Taqsima VIII ġdida ma' l-Att prinċipali.

## "TAQSIMA VIII

### DISPOŻIZZJONIJIET LI JIRRIGWARDAW IŻ-ŻMIEN

Dispożizzjonijiet li jirrigwardaw iż-żmien.

**26.** (1) Il-Ministru u kull uffiċjal tal-Gvern għaldaqshekk awtorizzat mill-Ministru jista':

(a) jiddikjara li kull perjodu speċifikat fil-Kapitolu III tal-Kostituzzjoni ta' Malta kif fis-sehh qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Kostituzzjoni ta' Malta, li matulu persuna hemm imsemmija setgħet tagħmel applikazzjoni għal reġistrazzjoni, għandu, għar-rigward ta' persuna bħal dik li jkollha mohħha marid matul dak il-perjodu, jiġi hekk imtawwal b'mod li jippermetti, fil-fehma tal-Ministru jew ta' l-uffiċjal hekk awtorizzat, lil dik il-persuna meta jkollha mohħha tajjeb l-opportunità li tagħmel applikazzjoni għal reġistrazzjoni taht l-imsemmi Kapitolu III kif kien fis-sehh qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Kostituzzjoni ta' Malta;

(b) f'kull każ iehor li fih ikun sodisfatt li persuna msemmija fil-Kapitolu III tal-Kostituzzjoni ta' Malta kif fis-sehh qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Kostituzzjoni ta' Malta, ma tkunx minhabba f'xi ċirkostanzi mhux attribwibbli għal xi nuqqas jew negligenza tagħha, tista' tagħmel l-applikazzjoni fil-perjodu speċifikat jew preskritt għar-rigward ta' dik il-persuna f'dak il-Kapitolu, jista' jiddikjara li dak il-perjodu għar-rigward ta' dik il-persuna għandu jiġi hekk imtawwal sabiex jippermetti, fil-fehma tal-Ministru jew ta' dak l-uffiċjal hekk awtorizzat, lil dik il-persuna

opportunità li taghmel applikazzjoni ghal registrazzjoni skond il-Kapitolu III tal-Kostituzzjoni ta' Malta kif fis-sehh qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Kostituzzjoni ta' Malta.

(2) Is-setgha tal-Ministru u ta' kull uffiċjal tal-Gvern awtorizzat ghaldaqshekk mill-Ministru taht dan l-artikolu tista' tiġi eżerċitata qabel jew wara l-iskadenza tal-perjodu rilevanti speċifikat fil-Kapitolu III tal-Kostituzzjoni ta' Malta kif fis-sehh qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Kostituzzjoni ta' Malta.

Dispożizzjoni  
transitorja.

27. (1) Il-ksib jew iż-żamma taċ-ċittadinanza Maltija minn persuna taht il-Kostituzzjoni ta' Malta jew kull liġi oħra, qabel ma sar liġi l-Att ta' l-1999 li jemenda l-Att dwar iċ-Ċittadinanza Maltija, ma ghandhom jintlaqtu b'ebda mod mid-dispożizzjonijiet ta' dak l-Att.

(2) Dan l-Att ma ghandux japplika ghar-rigward ta' xi applikazzjoni ghar-registrazzjoni bhala ċittadin ta' Malta li tkun giet ipprezentata qabel il-15 ta' Awissu, 1999.”.

Emenda fl-Iskeda  
li tinsab ma' l-Att  
prinċipali.

16. Fl-Iskeda li tinsab ma' l-Att prinċipali minflok il-kliem “[Artikoli 3 u 5]” ghandhom jidhlu l-kliem “[Artikolu 10]”.

Emenda ta' l-Att  
dwar l-  
Immigrazzjoni,  
Kap. 217.

17. L-Att dwar l-Immigrazzjoni ghandu jiġi emendat kif ġej:-

(a) l-artikolu 4 ghandu jiġi emendat kif ġej:

(i) fil-paragrafu (b) tas-subartikolu (1) tiegħu, minflok il-kliem minn “bis-sahha tas-subartikolu (1)” sa “l-imsemmija Kostituzzjoni; jew” ghandhom jidhlu l-kliem “bis-sahha tas-subartikolu (1) ta' l-artikolu 3 jew tas-subartikolu (1) ta' l-artikolu 5 ta' l-Att dwar iċ-Ċittadinanza Maltija; jew”;

(ii) minflok il-paragrafi (g) u (h) tas-subartikolu (1) tiegħu ghandu jidhol dan li ġej:

“(g) li tkun il-konjuġi ta' persuna msemmija f'wiehed mill-paragrafi ta' qabel dan u tkun ghadha mizzewġa u tghix ma' dik il-persuna; jew

(h) li tkun l-armla jew l-armel ta' persuna msemmija fil-paragrafu (a) jew (b) ta' dan is-subartikolu u fil-waqt tal-mewt tiegħu jew tagħha kienet ghadha tghix ma' dik il-persuna:”; u

(iii) minnufih fi tmiem is-subartikolu (2) tiegħu għandu jżied dan il-paragrafu li ġej:-

“Minkejja d-dispożizzjonijiet ta’ qabel ta’ dan is-subartikolu, dan l-Ordni jista’ wkoll jiġi notifikat lil, u jkun japplika għar-rigward ta’ kull persuna msemmija fil-paragrafu (f) tas-subartikolu (1) ta’ dan l-artikolu li tkun dipendent ta’ età ta’ ’l fuq minn tmintax-il sena.”.

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### **Għanijiet u Raġunijiet**

L-għan ta’ l-Abbozz hu sabiex jipprovdi għal dispożizzjonijiet dettaljati li jkunu jirrigwardaw iċ-ċittadinanza fl-Att dwar iċ-Ċittadinanza Maltija pjuttost milli fil-Kostituzzjoni. L-Abbozz jagħmilha wkoll haġa possibbli għal ċittadini Maltin li jzommu ċittadinanza doppja meta jemigraw u f’ċirkostanzi ohra.

**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.  
Cap. 188.

**1.** (1) This Act may be cited as the Maltese Citizenship (Amendment) Act, 1999 and shall be read and construed as one with the Maltese Citizenship Act hereinafter referred to as "the principal Act".

(2) This Act shall be deemed to have come into force on such date as the Minister responsible for matters relating to Maltese citizenship may by order in the Gazette establish.

Deletion of  
heading before  
section 1 of  
the principal Act.

**2.** The heading "Part I" immediately before section 1 of the principal Act shall be deleted.

Amendment of  
section 2 of the  
principal Act.

**3.** In section 2 of the principal Act immediately after the definition of the word "alien" there shall be added the following new definition:

" "appointed day" has the same meaning as is assigned to it by section 124 of the Constitution;".

Renumbering  
of Parts II to V  
of the principal  
Act.

**4.** Parts II to IV of the principal Act shall be renumbered as Parts "V" to "VII" respectively, Part V shall be deleted and sections 3 to 5 shall be renumbered as sections 10 to 12 respectively. Section 6 shall be deleted and sections 8 to 20 shall be renumbered as sections 13 to 25 respectively.

5. Immediately after section 2 of the principal Act there shall be added the following:

New Part I, II,  
III and IV.

"PART I

CITIZENSHIP ACQUIRED ON THE APPOINTED DAY  
AND BY REGISTRATION BY CERTAIN OTHER  
PERSONS

Persons who  
became  
citizens  
of Malta on  
appointed  
day.

3. (1) Every person who, having been born in Malta, was on the day before the appointed day a citizen of the United Kingdom and Colonies, shall be deemed to have acquired Maltese citizenship on the appointed day:

Provided that a person shall not be deemed to have become a citizen of Malta by virtue of this subsection if neither of his parents was born in Malta.

(2) Every person who, having been born outside Malta, was on the day before the appointed day a citizen of the United Kingdom and Colonies shall, if his father became, or would but for his death have become, a citizen of Malta in accordance with the provisions of subsection (1) of this section, be deemed to have become a citizen of Malta on the appointed day.

Persons  
entitled  
to be  
registered  
as citizens.

4. (1) Any person who on the day before the appointed day was or had been married to a person -

(a) who became a citizen of Malta by virtue of section 3 of this Act; or

(b) who having died before the appointed day would, but for his or her death, have become a citizen of Malta by virtue of that section,

shall be entitled upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(2) Any person who on the day before the appointed day was or had been married to a person who, on or after the appointed day, became a citizen of Malta shall be entitled upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(3) The provisions of subsections (1) and (2) of this section shall be without prejudice to the provisions of section 3 of this Act.

(4) Any person who in accordance with paragraph (b) of subsection (4) of section 44 of the Constitution is deemed to be a citizen of Malta for the purposes of that section, and who has returned to, and taken up permanent residence in, Malta, shall be entitled, upon making an application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(5) Notwithstanding any other provision of this Act, but without prejudice to subsection (3) of section 65 of Act LVIII of 1974, a person shall not be entitled to be registered as a citizen of Malta more than once under the same provisions of this Act.

(6) No person shall be entitled to be registered as a citizen of Malta under subsections (1) and (2) of this section, unless -

(a) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(b) on the date of the application such person was still married to a citizen of Malta, or is the widow or widower of a person who was a citizen of Malta or of a person who having died before the appointed day, would, but for his or her death, have become a citizen of Malta by virtue of section 3 of this Act:

Provided that no person shall be entitled to be so registered unless such person on the date of the application, is still married to that citizen of Malta and had been so married for at least five years and on that date had been living with that citizen or, if on that date had been *de jure* or *de facto* separated, had lived with such citizen of Malta for at least five years after the celebration of the marriage, or is the widow or widower of such citizen and at the time of his or her death had been married to that person for at least five years and was still living with him or her or who would, but for the death of that person, have been so married on the date of the application or, if on the date of death of such citizen had been *de jure* or *de facto* separated from such citizen, had lived

with such citizen of Malta for at least five years after the celebration of the marriage.

## PART II

### ACQUISITION OF CITIZENSHIP BY BIRTH OR DESCENT

Acquisition of citizenship by birth or descent by persons born on or after appointed day.

5. (1) Every person born in Malta on or after the appointed day shall be deemed to have become or shall become, a citizen of Malta at the date of his birth:

Provided that in the case of a person born on or before the 31st July, 1989, such person shall not be deemed to have become a citizen of Malta by virtue of this subsection if at the time of his birth -

(a) neither of his parents was a citizen of Malta and his father possessed such immunity from suit and legal process as is accorded to an envoy of a foreign sovereign power accredited to Malta; or

(b) his father was an enemy alien and the birth occurred in a place then under occupation by the enemy:

Provided further that in the case of a person born on or after the 1st August, 1989 such person shall not become a citizen of Malta by virtue of this subsection unless at the time of his birth, his father or his mother was or is:

(a) a citizen of Malta; or

(b) a person referred to in paragraph (a) or (b) of subsection (4) of section 44 of the Constitution;

Provided further that the preceding two provisos of this subsection shall not apply in the case of a new-born infant found abandoned in any place in Malta who would in virtue thereof be stateless, and any such infant shall remain a citizen of Malta until his right to any other citizenship is established.

(2) A person born outside Malta on or after the appointed day shall be deemed to have become or shall become a citizen of Malta at the date of his birth:

(a) in the case of a person born on or before the 31st July, 1989, if at the date of such person's birth, his father was a citizen of Malta otherwise than by virtue of this subsection or subsection (2) of section 3 of this Act; and

(b) in the case of a person born on or after the 1st August, 1989, if at the date of such person's birth, his father or mother is a citizen of Malta otherwise than by virtue of this subsection or subsection (2) of section 3 of this Act.

### PART III

#### CITIZENSHIP ACQUIRED BY REGISTRATION AFTER MARRIAGE

Marriage  
to citizens  
of Malta.

6. (1) Any person who on or after the appointed day marries a person who is or becomes a citizen of Malta shall be entitled, upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta.

(2) No person shall be entitled to be registered as a citizen of Malta in virtue of this section unless:

(a) the Minister is satisfied that the grant of citizenship to such person is not contrary to the public interest; and

(b) on the date of the application such person was still married to a citizen of Malta or is the widow or widower of a person who was a citizen of Malta at the time of his or her death:

Provided that no person shall be entitled to be so registered unless such person on the date of the application, is still married to that citizen of Malta and had been so married for at least five years and on that date had been living with that citizen or, if on that date had been *de jure* or *de facto* separated, had lived with such citizen of Malta for at least five years after the celebration of the marriage, or is the widow or widower of such citizen and at the time of his or her death had been married to that person for at least five years and was still living with him or her or who would, but for the death of that person, have been so married on the date of the

application or, if on the date of death of such citizen had been *de jure* or *de facto* separated from such citizen, had lived with such citizen of Malta for at least five years after the celebration of the marriage.

## PART IV

### DUAL CITIZENSHIP

Dual  
citizenship.

7. It shall be lawful for any person to be a citizen of Malta, and at the same time a citizen of another country.

Reacquisition  
of Maltese  
Citizenship  
by registra-  
tion.

8. Any person who prior to the coming into force of this section was deemed under the provisions of the Constitution of Malta or of any other law to have ceased to be a citizen of Malta because of the possession or acquisition, voluntary or involuntary of any other citizenship, shall be entitled upon making application in such manner as may be prescribed and upon taking the oath of allegiance, to be registered as a citizen of Malta:

Provided that no person shall be entitled to be registered as a citizen of Malta under this section if such person had been a citizen of Malta other than by virtue of sections 3 or 5 of this Act or by virtue of sections 22 or 25 of the Constitution as in force prior to the coming into force of the Constitution (Amendment) Act, 1999, and the Minister is satisfied that the grant of citizenship to such person is contrary to the public interest.

Persons  
deemed  
never to  
have  
lost Maltese  
citizenship.

9. Any person who was at any time a citizen of Malta in terms of sections 3 or 5 of this Act or in terms of sections 22 or 25 of the Constitution as in force prior to the coming into force of the Constitution (Amendment) Act 1999, and resided in any country outside Malta for an aggregate period of at least six years, acquired or retained the citizenship of a country in which he resided for any period during the said six years, shall be deemed not to have ever ceased to be a citizen of Malta.”.

6. Section 10 of the principal Act as renumbered shall be amended as follows:

Amendment of  
section 10 as  
renumbered of  
the principal Act.

(a) subsection (1) thereof shall be amended as follows:

(i) for the words “Subject to the provisions of subsection (5) of this section, an alien” there shall be substituted the words “An alien”;

(ii) in the proviso for the words “six years” there shall be substituted the words “seven years”.

(b) subsection (2) thereof shall be amended as follows:

(i) the words “Subject to the provisions of subsection (5) of this section, any person” shall be substituted by the words “Any person”;

(ii) in paragraph (a) thereof for the words “section 22 of the Constitution” there shall be substituted the words “section 3 of this Act”;

(iii) in paragraph (b) thereof for the words “section 25 of the Constitution” there shall be substituted the words “section 5 of this Act”;

(c) in subsection (3) thereof:

(i) for the words “Subject to the provisions of subsection (5) of this section, any person” there shall be substituted the words “Any person”;

(ii) in paragraph (a) thereof for the words “22(1) or 25(1) of the Constitution” there shall be substituted the words “3(1) or 5(1) of this Act”; and

(iii) in paragraph (b) thereof for the words “22(1) of the Constitution” there shall be substituted the words “3(1) of this Act”;

(d) in subsection (5) thereof the words from “made a declaration” to the words “possess and has” shall be deleted; and

(e) in paragraph (b) of subsection (6) thereof for the words “subsection (2) of section 22 or subsection (2) of section 25 of the Constitution” there shall be substituted the words “subsection (2) of section 3 or subsection (2) of section 5 of this Act”.

7. Section 12 of the principal Act as renumbered shall be amended as follows:

(a) in subsection (1) thereof for the words “Subject to the provisions of subsection (2) of this section, a person registered as a citizen of Malta under section 23, 24 or 26 of the Constitution”

there shall be substituted the words “A person registered as a citizen of Malta under section 4 or 6 of this Act”;

(b) subsection (2) shall be deleted and subsection (1) shall be renumbered as the whole section.

**8.** In subsection (2) of section 13 of the principal Act as renumbered the words “; but notwithstanding the refusal of the Minister, a person who makes any such declaration shall cease to be a citizen of Malta at the time prescribed in section 27 of the Constitution” shall be deleted.

Amendment to section 13 of the principal Act as renumbered.

**9.** For the words “Parts II and III of this Act” in section 16 of the principal Act as renumbered there shall be substituted the words “Parts V and VI of this Act”.

Amendment of section 16 of the principal Act as renumbered.

**10.** In subsection (3) of section 17 of the principal Act as renumbered after the words “born in Malta” there shall be added the words “and in any such case the provisions of the third proviso to subsection (1) of section 5 of this Act shall apply to such infant”.

Amendment to section 17 of the principal Act as renumbered.

**11.** Section 21 of the principal Act as renumbered shall be amended as follows:

Amendment to section 21 of the principal Act as renumbered.

(a) in subsection (1) thereof for the words “under section 23, 24 or 26 of the Constitution” there shall be substituted the words “under this Act”; and

(b) in subsection (2) thereof the words “under section 23, 24 or 26 of the Constitution or” shall be deleted.

**12.** In subsections (1) and (3) of section 22 of the principal Act as renumbered the words “under the provisions of Chapter III of the Constitution or” wherever they occur shall be deleted.

Amendment to section 22 of the principal Act as renumbered.

**13.** In subsection (1) of section 23 of the principal Act as renumbered the words “under the provisions of Chapter III of the Constitution or” shall be deleted.

Amendment to section 23 of the principal Act as renumbered.

**14.** Subsection (1) of section 24 of the principal Act as renumbered shall be amended as follows:

Amendment to section 24 of the principal Act as renumbered.

(i) the words “Chapter III of the Constitution and” shall be deleted;

(ii) in paragraph (a), (b) and (c) thereof, the words “Chapter III of the Constitution or” wherever they occur shall be deleted;

(iii) in paragraph (h) thereof, the words “the provisions of Chapter III of the Constitution or” shall be deleted.

Addition of new Part VIII to the principal Act.

**15.** Immediately after section 25 of the principal Act as renumbered there shall be added the following new Part:-

**“PART VIII**

**PROVISIONS RELATING TO TIME**

Provisions relating to time.

**26.** (1) The Minister and any officer of the Government authorised in that behalf by the Minister may:

(a) declare that any period specified in Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 1999, within which a person therein referred to could have made an application for registration, shall, in relation to any such person who is of unsound mind during that period, be so extended as to permit, in the opinion of the Minister or such authorised officer, such person when of sound mind an opportunity of making application for registration under the said Chapter III as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 1999;

(b) in any other case in which he is satisfied that any person referred to in Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 1999, is by reason of any circumstances not attributable to his default or neglect, unable to make application within the period specified or prescribed in relation to that person in such Chapter, declare that such period in relation to that person shall be so extended as to permit, in the opinion of the Minister or such authorised officer, that person an opportunity of making application for registration under Chapter III of the Constitution of Malta as it was in force prior to the enactment of the Constitution of Malta (Amendment) Act, 1999.

(2) The power of the Minister and any officer of the Government authorised on that behalf by the Minister under this section may be exercised before or after the expiration of the relevant period specified in Chapter III of the Constitution of Malta as it was in force prior to the

enactment of the Constitution of Malta (Amendment) Act, 1999.

Transitory provision.

27. (1) The acquisition or retention of Maltese citizenship by any person under the Constitution of Malta or any other law, prior to the enactment of the Maltese Citizenship (Amendment) Act, 1999 shall not be affected in any way by the provisions of the said Act.

(2) This Act shall not apply with regard to any application for registration as a citizen of Malta filed before the 15th day of August, 1999.”

16. In the Schedule to the principal Act for the words “[Sections 3 and 5]” there shall be substituted the words “[Section 10]”. Amendment to Schedule to principal Act.

17. The Immigration Act shall be amended as follows: Amendment to the Immigration Act, Cap. 217.

(a) section 4 shall be amended as follows:

(i) in paragraph (b) of subsection (1) thereof, for the words from “by virtue of subsection (1)” to “said Constitution; or” there shall be substituted the words “by virtue of subsection (1) of section 3 or of subsection (1) of section 5 of the Maltese Citizenship Act; or”;

(ii) for paragraphs (g) and (h) of subsection (1) thereof there shall be substituted the following:

“(g) who is the spouse of any person referred to in any of the foregoing paragraphs and is still married to and living with that person; and

(h) who is the widow or widower of any person mentioned in paragraph (a) or (b) of this subsection and at the time of his or her death was still living with that person.”; and

(iii) immediately at the end of subsection (2) thereof there shall be added the following paragraph:

“Notwithstanding the foregoing provisions of this subsection such Order may also be notified to, and apply in relation to, any person referred to in paragraph (f) of subsection (1) of this section being a dependant over the age of eighteen years.”.

## **Objects and Reasons**

The purpose of the Bill is to provide detailed provisions dealing with citizenship in the Maltese Citizenship Act rather than in the Constitution. The Bill also makes it possible for Maltese citizens to hold dual citizenship on emigration and in other circumstances.