

A.L. 18 tal-2020

**ATT DWAR L-IMMIGRAZZJONI  
(KAP. 217)**

**Regolamenti tal-2020 dwar l-Istatus tar-Residenza taç-Cittadini tar-Renju Unit u l-Membri tal-Familja tagħhom skont il-Ftehim dwar il-Hruġ tar-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq mill-Unjoni Ewropea u mill-Komunità Ewropea dwar l-Energija Atomika**

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 4A tal-Att dwar l-Immigrazzjoni, il-Ministru responsabbli għall-immigrazzjoni, għamel dawn ir-regolamenti li ġejjin:-

**TAQSIMA I  
Preliminari**

1. (1) It-titolu ta' dawn ir-regolamenti hu r-Regolamenti tal-2020 dwar l-Istatus tar-Residenza taç-Cittadini tar-Renju Unit u l-Membri tal-Familja tagħhom skont il-Ftehim dwar il-Hruġ tar-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq mill-Unjoni Ewropea u mill-Komunità Ewropea tal-Energija Atomika. Titolu u bidu fis-seħħ.

(2) Dawn ir-regolamenti għandhom jidhlu fis-seħħ mill-ghada tad-data tal-hruġ.

2. F'dawn ir-regolamenti, kemm il-darba r-rabta tal-kliem ma tkunx teħtieġ xort'oħra: Tifsir.

"Aġenzija Identità Malta" tfisser l-entità stabbilita taħt l-Ordni li Jwaqqaf l-Aġenzija Identità Malta skont ir-regolament 3; L.S. 595.07.

"l-Att" tfisser l-Att dwar l-Immigrazzjoni; Kap. 217.

"benefiçjarju" tfisser çittadin tar-Renju Unit jew il-membri tal-familja tiegħu li jikkwalifikaw minn dritt ta' residenza taħt il-Ftehim;

"il-Bord" tfisser il-Bord tal-Appell dwar l-Immigrazzjoni mwaqqaf skont l-artikolu 25A tal-Att;

"çittadin tar-Renju Unit" tfisser çittadin tar-Renju Unit, kif definit fid-Dikjarazzjoni l-Ġdida mill-Gvern tar-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq tal-31 ta' Diçembru 1982 dwar

id-definizzjoni tat-terminu "ċittadini" flimkien mad-Dikjarazzjoni Nru 63 annessa mal-Att Finali tal-konferenza intergovernattiva li adottat it-Trattat ta' Lisbona;

"data tal-ħruġ" tfisser 31 ta' Jannar 2020;

"dokument ta' residenza" tfisser id-dokument imsemmi fl-Artikolu 18 tat-Tieni Parti tal-Ftehim;

"Dritt tal-Unjoni" tfisser:

(i) it-Trattat dwar l-Unjoni Ewropea "TUE", it-Trattat dwar il-Funzjonament tal-Unjoni Ewropea "TFUE" u t-Trattat li jstabilixxi l-Komunità Ewropea tal-Energija Atomika "it-Trattat Euratom", kif emendati jew supplimentati, kif ukoll it-Trattati tal-Adeżjoni u l-Karta tad-Drittijiet Fundamentali tal-Unjoni Ewropea, flimkien imsejha "t-Trattati";

(ii) il-prinċipji generali tad-Dritt tal-Unjoni;

(iii) l-atti adottati mill-istituzzjonijiet, mill-korpi, mill-uffiċċji jew mill-aġenziji tal-Unjoni;

(iv) il-ftehimiet internazzjonali li għalihom hi parti l-Unjoni u l-ftehimiet internazzjonali konklużi mill-Istati Membri li jaġixxu f'isem l-Unjoni;

(v) il-ftehimiet bejn l-Istati Membri li jkunu dahlu fihom fil-kapaċità tagħhom bħala Stati Membri tal-Unjoni;

(vi) l-atti tar-rappreżentanti tal-Gvernijiet tal-Istati Membri li jiltaqgħu fi ħdan il-Kunsill Ewropew jew il-Kunsill tal-Unjoni Ewropea "il-Kunsill";

(vii) id-dikjarazzjonijiet magħmula fil-kuntest tal-konferenzi intergovernattivi li adottaw it-Trattati;

"Ftehim" tfisser il-Ftehim dwar il-ħruġ tar-Renju Unit tal-Gran Brittanja u l-Irlanda ta' Fuq mill-Unjoni Ewropea u mill-Komunità Ewropea dwar l-Energija Atomika;

"membri tal-familja" tfisser dawk il-persuni stipulat fl-Artikolu 10 tat-Tieni Parti tal-Ftehim;

"perijodu ta' transizzjoni" tfisser il-perjodu msemmi fl-Artikolu 126 tar-Raba' Parti tal-Ftehim;

"Uffiċjal Kap Eżekuttiv" tfisser il-persuna maħtura fil-kariga ta' Uffiċjal Kap Eżekuttiv, Immaniġjar tal-Identità u Servizzi Anċillari skont ir-regolament 9 tal-Ordni li Jwaqqaf l-Aġenzija Identità Malta; L.S. 595.07.

## TAQSIMA II

### Status tar-Residenza

3. Dawn ir-regolamenti għandhom jiġu moqrija flimkien mal-proviżżjonijiet tal-Ftehim fir-rigward tad-dritt tar-residenza ġewwa Malta taċ-ċittadini tar-Renju Unit u l-membri tal-familja tagħhom.

4. Sabiex igawdu mid-drittijiet imsemmija fil-Ftehim, benefiċjarji ta' dawn ir-regolamenti għandhom jissottomettu applikazzjoni għal dokument ta' residenza.

5. (1) L-Uffiċjal Kap Eżekuttiv għandu joħroġ lill-applikant għall-istatus ta' residenza, dokument ta' residenza li jkun validu għall-perjodu ta' għaxar (10) snin, jekk:

Perjodu ta' validità tad-dokument u l-proċedura sabiex jinkiseb id-dokument ta' residenza.

(i) il-persuna tikkwalifika taħt il-kundizzjonijiet stipulati fit-Tieni Parti tal-Ftehim;

(ii) il-persuna tissottometti l-applikazzjoni qabel it-30 ta' Ġunju 2021 jekk tkun qiegħda tirisjedi ġewwa Malta waqt il-perjodu ta' tranżizzjoni jew, għal persuni li għandhom id-dritt li jibdeu jirrisjedu wara it-tmiem tal-perjodu ta' tranżizzjoni skont il-Ftehim, l-iskadenza biex jissottomettu l-applikazzjoni għandha tkun ta' tliet (3) xhur wara l-wasla tagħhom, jew wara d-data tal-iskadenza msemmija hawn fuq, skont liema minnhom tkun l-aktar tard:

Izda ċittadin tar-Renju Unit u membri tal-familja li jkunu qed jakkumpanjawh, biex jibdeu jirrisjedu f'Malta qabel tmiem il-perijodu tranżitorju, jistgħu jissottomettu din l-applikazzjoni unikament wara l-perjodu ta' tliet (3) xhur mill-wasla tagħhom f'Malta;

(iii) il-persuna tissottometti id-dokumenti rilevanti kollha;

(iv) il-persuna tiddikjara, permess ta' dokumentazzjoni, il-kundanni kriminali li kellha fil-passat u li jidhru fil-fedina penali tagħha f'konformità mad-dritt tal-Istat tal-kundanna fi żmien li l-applikazzjoni tkun qedgħa tiġi sottomessa;

(v) l-Uffiċjal Kap Eżekuttiv aċċerta ruġu li saru l-kontrolli neċessarji fuq l-applikant u li l-għotja tal-istatus ma tkunx kuntrarju għall-interess pubbliku jew għas-sigurtà pubblika u li ma kien hemm l-ebda abbuż tad-drittijiet jew frodi abbinata mal-applikazzjoni ta' tali dokument.

(2) Id-dokument ta' residenza imsemmi fis-subregolament 1 għandu jiġgedded ladarba jiskadi u ssir applikazzjoni u dan diment li l-benefiċjarju jibqa jissodisfa' l-kundizzjonijiet ta' dawn ir-regolamenti u tal-Ftehim.

L.S. 217.01. (3) Il-ħlas marbut mal-ħruġ ta' dokument ta' residenza għandu jkun bħal dak preskritt taħt ir-Regolamenti dwar id-drittijiet li jithallsu dwar permessi għal residenza u liċenzji għal Impjeg.

### TAQSIMA III Drittijiet

Drittijiet. 6. Il-benefiċjarji għandhom igawdu id-drittijiet kollha imsemmija taħt it-Tieni Parti tal-Ftehim.

### TAQSIMA IV Ċessjoni tad-Drittijiet u Appelli

Ċessjoni ta' drittijiet. 7. Il-benefiċjarju jitlef l-istatus taħt dawn ir-regolamenti, jekk wara l-perjodu ta' transizzjoni, jinstab ħati ta' reat u jkun ikkundannat għal sentenza ta' priġunerija għal tmax (12) il-xahar jew aktar, f'Malta jew barra minn Malta.

Dritt tal-appell. L.S. 460.17. 8. Il-benefiċjarju jew il-membri tal-familja tiegħu, li jkunu miċhuda l-istatus ta' residenza mill-Uffiċjal Kap Eżekuttiv skont dawn ir-regolamenti, għandu jkollhom id-dritt li jipprezentaw appell lill-Bord u f'dan ir-rigward għandhom japplikaw il-provvedimenti ta' regolament 14 tal-Ordni dwar il-Moviment Liberu tal-Unjoni Ewropea u tal-Membri tal-Familji ta' għom.

Validità temporanja tad-dokument ta' residenza. 9. Id-dokument ta' residenza maħruġ għal persuna preċedentament, abbażi tad-dritt tiegħu tal-moviment liberu qabel id-data tal-istess tluq, lill-persuna meqjusa bħala benefiċjarju taħt dawn ir-regolamenti, għandu jibqa kkunsidrat bħala validu sakemm jinħareġ fir-rigward tiegħu id-dokument ta' residenza imsemmi fir-regolament 5.

**TAQSIMA V**  
**Thassir**

**10.** Ir-Regolamenti dwar l-Istatus tal-Immigrazzjoni taċ-  
Ċittadini Brittaniċi Residenti f'Malta fid-Data tat-Tluq tar-Renju Unit Thassir.  
L.S. 217.23.  
mill-Unjoni Ewropea, għandhom jiġu mħassra.

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**L.N. 18 of 2020**

**IMMIGRATION ACT  
(CAP. 217)**

**Residence Status of United Kingdom Nationals and their Family  
Members in Malta in accordance with the Agreement on the  
Withdrawal of the United Kingdom and Northern Ireland from  
the European Union and the European Atomic Energy  
Community Regulations, 2020**

IN EXERCISE of the powers conferred upon him by article 4A of the Immigration Act, the Minister for immigration, has made the following regulations:-

**PART I  
Preliminary**

Title and  
commencement.

**1.** (1) The title of these regulations is the Residence Status of United Kingdom nationals and their family members in accordance with the Agreement on the Withdrawal of the United Kingdom and Northern Ireland from the European Union and the European Atomic Energy Community Regulations, 2020.

(2) These regulations shall come into force on the day following the withdrawal date.

Interpretation.

**2.** In these Regulations, unless the context otherwise requires:

Cap 217.

"the Act" means the Immigration Act;

"Agreement" means the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community;

"beneficiary" means the United Kingdom national or his family members who qualify for the right of residence under the Agreement;

"Board" means the Immigration Appeals Board constituted by article 25A of the Act;

S.L. 595.07.

"Chief Executive Officer" means the person appointed as Chief Executive Officer, Identity Management and Ancillary Services in accordance to regulation 9 of the Identity Malta

Agency (Establishment) Order;

"family members" means those persons defined in Article 10 of Part Two of the Agreement;

"Identity Malta Agency" means the entity established by the Identity Malta Agency (Establishment) Order in accordance to regulation 3; S.L. 595.07.

"residence document" means the document referred to in Article 18 of Part Two of the Agreement;

"transition period" means the period stipulated in Article 126 of Part Four of the Agreement;

"Union law" means:

(i) the Treaty on European Union "TEU", the Treaty on the Functioning of the European Union "TFEU" and the Treaty establishing the European Atomic Energy Community "Euratom Treaty", as amended or supplemented, as well as the Treaties of Accession and the Charter of Fundamental Rights of the European Union, together referred to as "the Treaties";

(ii) the general principles of the Union's law;

(iii) the acts adopted by the institutions, bodies, offices or agencies of the Union;

(iv) the international agreements to which the Union is party and the international agreements concluded by the Member States acting on behalf of the Union;

(v) the agreements between Member States entered into in their capacity as Member States of the Union;

(vi) acts of the representatives of the Governments of the Member States meeting within the European Council or the Council of the European Union "Council";

(vii) the declarations made in the context of intergovernmental conferences which adopted the Treaties;

"United Kingdom national" means a national of the United Kingdom, as defined in the New Declaration by the Government of the United Kingdom of Great Britain and Northern Ireland of 31 December 1982 on the definition of the term "nationals"

together with Declaration No. 63 annexed to the Final Act of the intergovernmental conference which adopted the Treaty of Lisbon;

"withdrawal date" means 31 January 2020.

## **PART II**

### **Residence Status**

**3.** These regulations shall be read in conjunction with the provisions of the Agreement in respect of the right of residence in Malta of citizens of the United Kingdom and their family members.

**4.** In order to enjoy the rights laid down in the Agreement, beneficiaries of these regulations shall submit an application for a residence document.

Validity period of document and procedure for obtaining the residence document.

**5.** (1) The Chief Executive Officer shall issue an applicant for residence status with a residence document valid for a period of ten (10) years if:

(i) the person qualifies under the conditions stipulated in Part Two of the Agreement;

(ii) the person submits the application before 30 June 2021 if he is residing in Malta during the transition period or, for persons who have the right to commence residence after the end of the transition period in accordance with the Agreement, the person submits the application within three (3) months after their arrival or from the above-mentioned date, whichever is later:

Provided that a UK national and family members accompanying him, who intend to start residing in Malta during the transition period, shall only be allowed to submit such application after a period of three (3) months from the date of such arrival to Malta;

(iii) the person submits all relevant documentation;

(iv) the person has declared, by means of documentation, any past criminal convictions which appear in his criminal record in accordance with the law of the State of conviction at the time the application has been submitted;

(v) the Chief Executive Officer has ascertained that all checks have been conducted on the applicant and the



grant of the status is not contrary to public policy or public security and that there has not been any abuse of rights or fraud in relation to the application for such document.

(2) The residence document referred to in sub-regulation 1 shall be renewed on expiry by means of an application, unless the beneficiary ceases to meet the conditions set out in these regulations and the Agreement.

(3) The fees charged for the issue of a residence document shall be those prescribed in the Fees Payable for Residence permits and Employment Licences Regulations. S.L. 217.01.

### **PART III Rights**

6. Beneficiaries shall enjoy all the rights set out in Part Two of the Agreement. Rights.

### **PART IV Cessation of Rights and Appeals**

7. The beneficiary shall lose the status provided for under these regulations if, subsequent to the transition period, he has been found guilty of an offence and sentenced to imprisonment for twelve (12) months or more, in Malta or abroad. Cessation of rights.

8. A beneficiary or his family members, who have been divested of the residence status by the Chief Executive Officer in terms of these regulations, may file an appeal with the Board and the provisions of regulation 14 of the Free Movement of European Union Nationals and their Family Members Order shall apply in this respect. Right to file an appeal. S.L. 460.17

9. The residence document issued previously to a person, on the basis of his right of free movement prior to the said withdrawal date, who would qualify as a beneficiary under these regulations, shall be deemed to be valid until the residence document referred to in regulation 5 is issued in his respect. Temporary validity of residence document.

### **PART V Repeal**

10. The Immigration Status of British Citizens Resident in Malta on the Withdrawal Date of the United Kingdom from the European Union Regulations, are hereby being repealed. Repeal. S.L. 217.23.

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