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## **Frequently Asked Questions about the Malta Residence and Visa Programme**

These Frequently Asked Questions are meant as general guidelines to particular situations which have been referred to MRVA. In case of conflicting views between these Frequently Asked Questions and the pertinent legislation, it is S.L. 217.18 that prevails.

### **1. Eligibility and fees**

#### **Q1: Who is eligible to apply?**

Third country nationals, excluding nationals from Afghanistan, North Korea, Iran, EEA and Switzerland. In the future, the list of ineligible countries may be revised from time to time by MRVA at its discretion.

#### **Q2: Can parents or grandparents of the main applicant apply as dependants?**

Yes. A parent or grandparent of the main applicant or of his/her spouse who proves to the satisfaction of the Minister that at the time of application he/she is not economically active and is principally dependant on the main applicant, is eligible as a dependant. If a grandparent is applying as a dependant, proof that shows the link between the grandparent and the main applicant/spouse has to be provided (such as a family tree through birth certificates of the applicant/spouse, the birth certificate of the respective parent, and then the grandparent). An additional fee of €5,000 per parent and grandparent applies.

#### **Q3: Can household staff be eligible as dependants?**

No. The Malta Residence and Visa Programme is only open to the main applicant and his/her family dependants.

#### **Q4: In the case of an application for the entire family, are there additional fees?**

The fee of €30,000 covers the main applicant, spouse and children who, upon submission of application, are not married and not economically active. For parents and grandparents of the main applicant and spouse, an additional fee of €5,000 each applies. A residence card processing fee applies when a residency card is issued or renewed. The fee is of €137.50 per person for the initial 5 years and €27.50 per year for renewals.

#### **Q5: What is the validity period of the residency certificate and the residency card?**

The residency certificate does not expire provided all the requirements are adhered to. The residency card is valid for 5 years or until the cut-off dates, which have been set at ages 14 and 18.

**Q6: Is it possible to add a dependant at a later stage?**

Yes, this is possible, however they are to be added to the application after the residency certificate is issued. An application pack must be submitted containing the following documents:

- MRVP7, signed in the presence and by the Commissioner for Oaths
- MRVP2,3,4,6
- Evidence of KYC
- Birth Certificate
- Change of Name (if applicable)
- ID Card or equivalent
- Marriage/Divorce Certificates
- Military Records (If Applicable)
- Certified true copy of the full International Passport
- Police Certificate (if applicable)

Application must be accompanied by the administrative fee, where applicable.

**2. Qualifying Investment**

**Q7: What form of investment is acceptable?**

In terms of regulation 2(1) of the Malta Residence and Visa Regulations (S.L. 217.18), investment referred to in regulation 6 (1) (d) of the said regulations can be made in debt or equity securities listed on the Official List of the Malta Stock Exchange. Investment in these securities may also be achieved through an investment in collective investment schemes that are licenced and are on the Official List of the Malta Stock Exchange.

Alternatively, an investment can also be made in Government Stocks or Bonds that can be purchase from a suitable stockbroker.

MRVA will need a receipt or a certified true copy of the purchase agreement.

**Q8: Can an applicant open a bank account in Malta?**

Yes, an Applicant may open a bank account in Malta at his/her discretion.

**Q9: What return does the beneficiary get on the qualifying investment? At what interval is interest paid?**

This does not fall within the remit of MRVA. The matter should be discussed with a qualified stockbroker and/or banking institution.

**Q10: What is the procedure for buying the qualifying investment?**

This matter should be discussed with a qualified stockbroker and/or banking institution. MRVA would need a certificate confirming this investment.

**Q11: After the stipulated initial 5 years, in regard to the qualifying investment, can applicant sell his/her investment portfolio but still hold a Maltese residency?**

Yes, applicant may sell the qualifying investment after 5 years and still retain Maltese residency, on condition that other requirements stipulated in S.L. 217.18 are still met.

### 3. Qualifying property

#### **Q12: Do applicants need to own/lease property at application stage?**

No. Applicant has to own/lease property and submit the relevant documentation after receiving the Letter of Approval in Principle. However, a property that would have been leased/purchased before the application submission and which satisfies the rules found in S.L. 217.18 regarding the qualifying property, is still acceptable.

#### **Q13: Can the beneficiary sell or stop leasing the declared qualifying property during the first five years and replace it with another qualifying property?**

Yes, during the first five years the beneficiary can sell the qualifying property and buy/lease a new property as long as he continuously satisfies the qualifying property conditions. There must be no gaps between the end date of the previous lease/ownership and the new lease/ownership. S/he would have to inform the Accredited Agent who in turn should inform MRVA. A certified true copy of the purchase/lease agreement of the new qualifying property has to be submitted to MRVA as evidence. In addition, in case of lease, a rental declaration form and a receipt of rent payment are required.

#### **Q14: Would purchasing a number of rooms in a hotel and owning these for a period of 5 years, naturally without anyone else having access to the rooms in the meantime, qualify?**

No, these are not accepted as a qualifying property. The main applicant must lease or purchase a residential property.

#### **Q15: A client explained that he has just bought a property in the south of Malta for circa €190,000 and will be spending a minimum of €100,000 (arising outside Malta) on it - therefore the total cost to him will be in excess of the €270,000 required for a property in the south. Will this be considered as satisfactory property investment?**

If the purchase of the property happened after L.N.217.18 came into force, the determining factor is the value of the property as declared on the contract of sale. Therefore, the said scenario does not satisfy the qualifying investment criteria.

If, on the other hand, the property had been bought prior to the date of coming into force of L.N.217.18, the following prevails:

*“Provided that an immovable property purchased before the date of coming into force of these regulations for a consideration which is less than the amounts indicated in paragraphs (a) or (b) above shall be considered to be “qualifying owned property” insofar as the value of such immovable property, as declared on the date of application by the Applicant, is not less than the amounts indicated in paragraphs (a) or (b) above as supported by a separate and independent architect valuation including architect’s plan which are delivered to Identity Malta Agency upon application: Provided further that Identity Malta Agency, or any officer authorised by it in writing, architect or surveyor shall have full and free access to the qualifying owned property to the extent that such access is likely to assist him in determining the value of the said property;”*

Therefore, the value must be met at the date when the application is submitted and not after the Letter of Approval in Principle is issued.

**Q16: Would an Acquisition of Immovable Property (AIP) permit be required for a non-EU citizen who is applying under this Programme if the property is not in a 'special designated area'?**

Yes, the acquisition of immovable property permit is still required.

**Q17: Would the minimum property requirements no longer apply, after a qualifying property has been held for the first 5 years?**

Beneficiary is not obliged to retain possession of the qualifying property stipulated in the respective legal notice. However, to retain the residency permit he must provide a suitable residential address.

**Q18: Is it possible for the main applicant to first rent and then buy a property?**

Yes, it is possible, as long as the qualifying criteria are satisfied in both cases.

**Q19: Can applicant take a loan to buy the qualifying property?**

This matter is at the discretion of the Bank.

**Q20: During application stage applicant undertakes to fulfil the obligation to buy or rent the property in Malta together with the investment obligation. Is an affidavit enough or does one need a promise of sale/rent agreement?**

A declaration (part of form MRVP1) needs to be signed before a Commissioner for Oaths.

**Q21: It is quite normal for property to be co-owned by main applicant and his/her spouse, children and sometimes grandparents. Would this be accepted as evidence of the €500,000 capital?**

The spouse's part of the property is taken into consideration only if the spouse is part of the application. If spouse is not part of the application, then it is not taken into consideration.

#### **4. Proof of assets**

**Q22: If applicant is in possession of assets amounting to €500,000, or an annual income of €100,000 (arising outside Malta), is the amount applicable only to main applicant or is it applicable also to the other listed dependants?**

The amount is applicable to main applicant only. The amount does not change according to the number of persons included in the application.

**Q23: With respect to monitoring requirements, if the certificate is provided on the basis that s/he has in his/her possession assets amounting to €500,000, or if applicant is in possession of an annual income of €100,000 (arising outside of Malta), does this monitoring requirement also apply for dependants listed on the certificate? And in what form should these declarations be presented to MRVA?**

No, monitoring of assets will only be conducted on main applicant and is not applicable to dependants. The declarations will be made through the submission of form MRVP5 Official Compliance Form, which is to be signed by the beneficiary in front of a Commissioner for Oaths, by the Commissioner for Oaths himself, and by the Accredited Agent, and submitted by the Accredited Agent to MRVA. The beneficiary and the Commissioner for Oaths sign to

endorse that the information submitted is true, factual and correct. The Accredited Agent signs for administrative purposes only. After the first five years, monitoring will happen once every five years.

**Q24: Is the €500,000 capital requirement distinctive from the value of property acquired in Malta together with the €250,000 invested in government stocks or equities?**

Yes, they are different, distinctive requirements. Clients should provide:

1. €250,000 in qualifying investment;
2. Property valued at €270,000/€320,000 or rent of €10,000/€12,000 pa +;
3. Capital of €500,000 or €100,000 (arising outside Malta) income per annum.
4. Health insurance for himself and each dependant

**Q25: In regard to the €100,000 (arising outside Malta) proof of annual income, is the declaration by the employer enough?**

Yes, as long as there is enough information on the employer. Evidence, such as income tax returns, salary slips, or contract of employment showing the annual salary would suffice.

**Q26: The guidelines make reference to a statement of source of funds and wealth. What is MRVA expecting in this regard?**

The statement of source of funds and wealth has been incorporated in form MRVP2. Also, a bank statement of the applicant's main account for the last 3 months from which the initial fee and the final contribution fee will be remitted is required.

**Q27: Not many people keep cash in a bank account for a long time. They may have investment in property, security or business. Can applicant present a security/investment portfolio and/or property appraisal and/or company financial accounts?**

Yes, these documents are acceptable as long as they are issued from a reputable company or an official entity. These documents will accompany the necessary MRVP forms, including form MRVP2 in which the statement of source of funds and wealth has been incorporated. MRVA is interested in the 'individual' financial capabilities, and applicant must convince the Board that he/she has enough funds to satisfy the MRVP requirements with regards to qualifying investment and qualifying property, and sustain him/herself and their dependants while at the same time still satisfy the programme qualification criteria with regards to € 500,000 in capital or €100,000 in income arising outside of Malta. What is important is that reliable evidence is presented to sustain applicant's declaration.

**Q29: At which stage does main applicant have to submit an affidavit declaring that he/she has a sufficient annual income?**

This declaration is part of the latest version of form MRVP1, which is considered as an affidavit, and hence submitted as part of the application pack.

**Q30: In regard to the €500,000 capital requirement, would an architect's appraisal (valuation) be acceptable as evidence for MRVA in order to establish the total net assets of a client if his/her assets were primarily real estate (and not necessarily cash or other liquid assets)?**

Yes, an architect's appraisal is acceptable and real estate can form part of main applicant's capital requirement.

**Q31: Is a spouse considered to be a dependant if he/she has assets or sources of income?**

Although the spouse is considered as a dependant, nothing precludes him/her from being in possession of certain assets and of sources of income.

**Q32: If main applicant confirms that he/she holds shares in a company that is publicly listed (that is, it is a PLC) are company documents to be submitted with the application pack?**

If main applicant's shareholding exceeds 10% of the total shareholding in a publicly listed company, the company documents are required.

**Q33: Is documentary evidence of residential address required only for main applicant or for all adult dependants, including the spouse?**

Only documentary evidence for each current residential address held by the Main Applicant is required.

**Q34: Do expired residence permits need to be submitted together with the valid ones during the submission of the application pack?**

No, only residence permits still valid at the time of application for main applicant and all dependants need to be submitted.

**Q35: What proof would be considered as satisfactory in proving that an adult dependant (child, parent, grandparent) either of main applicant or his/her spouse, is not economically active and that he/she is principally dependent on main applicant?**

Main applicant must declare this in an affidavit. It is recommended that any documentary evidence that corroborates this declaration is submitted with the application pack, together with the affidavit.

**Q36: In the event that the parent or grandparent, either of main applicant or the spouse, receives some form of retirement income, will he/she still remain eligible to be included as a dependant?**

If this retirement income is such that the parent or grandparent would still be able to prove to the satisfaction of the Minister that at the time of application he/she is principally dependant on the main applicant, he/she would still be eligible to apply. The main applicant must still provide an affidavit confirming that the afore-mentioned parents or grandparents are still principally dependant on him/her.

## **5. The Due Diligence Process**

**Q:37 With respect to KYC evidence and due diligence processes, in which format is such evidence to be presented to MRVA by the Accredited Agent?**

The Accredited Agent is responsible for introducing reputable applicants, hence the need to ensure that Accredited Agent supports MRVA by forwarding printed reports with regard to enquiries conducted from reliable sources on the potential beneficiary and all dependants over the age of 14. Other information that could be provided by Accredited Agent will facilitate MRVA work in conducting a proper due diligence assessment. Accredited Agents must remember that they should keep evidence of their investigations, for which they are solely responsible.

**Q38: At which stage do Accredited Agents need to submit evidence of KYC and other due diligence processes?**

These have to be submitted upon application stage.

## 6. Checklist of documents to be presented during application submission

### **Q39: Where do I find a list of documents that have to be presented during application submission stage?**

A list has been introduced in the Application and Documentation Guidelines available from the MRVA website.

### **Q40: Would MRVA require original certificates such as birth and marriage etc., at a later stage rather than at the initial stages of the application?**

No. Such certificates are required at initial application stage and they may be submitted either as originals or as certified true copies of originals. These documents should be either apostilled or legalised, as the case may be. If such documents are in a language other than English these should be translated to English. Translations done abroad should be apostilled or legalised. Translations done in Malta should be carried out by a registered translator.

### **Q41: Would main applicant need to submit a copy of divorce certificates, signature and copy of passport of the divorced partner(s) in case of dependent children?**

In case of a divorced individual – whether a main applicant or a qualifying dependant - a divorce certificate must invariably be submitted, even if the said individual has since re-married.

### **Q42: Which documentation is required to prove custody of minors?**

- a) In the case where main applicant has sole legal custody, a court ruling is required.
- b) In the case where main applicant and spouse share the custody and the spouse is part of the application, they both need to sign form MRVP 4 related to the minor.
- c) In the case where main applicant and spouse share the custody but the spouse is not part of the application, spouse needs to sign form MRVP 4 related to the minor and a full certified true copy of the passport is required.
- d) In the case where the spouse has sole custody, a court ruling is required.
- e) In the case where main applicant shares custody with the biological parent, who is not part of the application, the biological parent's consent is required together with a full certified true copy of the passport.
- f) In the case where the spouse shares custody with the biological parent, who is not part of the application, the biological parent's consent is required together with a full certified true copy of the passport.
- g) If the biological parent has sole custody, who is not part of the application, the minor cannot be included in the application.

Note that if the non-applying party does not hold a passport, an affidavit, signed in front of a Commissioner for Oaths must be provided.

### **Q45: Apparently, in the case of minors, consent by both parents is required. In this regard, may you kindly advise which application forms should the parent (who is not part of the MRVP) sign to give his/her consent for the minor to be part of the MRVP with the other parent?**

Reference is being made to Form MRVP4 – Declaration of Dependant. In case applicant has sole custody of the child/dependant, his/her partner is not required to sign any additional papers. This is without prejudice and subject to the national laws in the child's country of origin. In the case of shared custody, the other parent has to fill in Section C and provide a copy of his/her full passport.

### **Q43: How should an Accredited Agent proceed if main applicant and/or his/her dependants are not able to obtain a police conduct from a particular country?**

As per S.L. 217.18, the first preference is a police certificate issued by the Malta Police as well as a police certificate issued by the competent authorities (federal or national) in the country

of origin and in the country or countries of residence where main applicant has resided for a period of more than six months during the last ten years. Only in exceptional cases, where it is proven to the satisfaction of MRVA that such a certificate is not obtainable, we would require an affidavit from a police official and/or a government entity in his/her country of origin or where he has resided for a period of more than 6 months in the last 10 years, confirming that good faith attempts were made by applicant to obtain the required certificates. Moreover, another separate sworn affidavit made by applicant and any dependants, declaring a clean criminal record is required.

**Q44: In cases where applicant has never resided in Malta, is a police conduct certificate issued by the Malta Police still required?**

No, it is not required.

**Q46: Would the Accredited Agent need to submit any documents prior to setting up an appointment with the Customer Care of MRVA in order to place the application?**

No, there is no need for any documents prior to setting up an appointment. The Accredited Agent must simply ensure that all documents stipulated in the guidelines/application forms, are provided to MRVA on submission of application pack.

**Q47: With regards to the representation agreement/power of attorney to be entered into between applicant and Accredited Agent: does the representation agreement have to be in some particular form?**

It is at the discretion of Accredited Agent and applicant to agree on the form of the representation agreement, which in our case has to be a fully-fledged power of attorney (POA).

The following points must be included in the POA:

1. date of POA;
2. details of main applicant i.e. full name, passport number and country of issuance and residing address;
3. details of Accredited Agent being appointed attorney i.e. full name, ID Card number and residing address;
4. validity to cover the full duration of the application process, from submission to collection of residence certificates and residence cards;
5. signature of grantor; and
6. details of witness i.e. full name and signature, passport number and country of issuance.

If translators are mentioned, these have to be identified and must sign the POA.

**Q48: Is there a specific template for the affidavit of dependency?**

No, there is no specific template. However, it is advisable to make use of the wording found in LN288 of 2015.

**Q49: Which forms relate to data protection?**

Form MRVP10 provides for compliance with the General Data Protection Regulation EU2016/679 (GDPR). All applicants are to give their consent by signing this form. In case of a dependant who is a minor on day of application a Form MRVP10 is still required and has to be signed by one of the parents (which parent must be part of the application).

**7. Questions with regard to the supporting documentation to be submitted with the application forms and MRVP2, MRVP3 and MRVP4**

**Q50: In accordance with Article 6(2) (c) - (f), applicant must provide an undertaking to purchase or lease a qualifying immovable property, to make the qualifying investment in Malta and to remit the total of the non-refundable contribution. Is the declaration on**



**form MRVP 1 sufficient or do you require a separate undertaking executed by applicant?**

The declaration in Part C on form MRVP 1 suffices.

**Q51: Article 6(2) (f) refers to a certificate requested from a reputable health system to the satisfaction of MRVA. Does Part E of MRVP3 suffice or is a separate certificate required? Also would one need evidence of the licence/warrant to be provided in relation to the physician examining and certifying the medical report and questionnaire (form MRVP3)?**

Yes, it is covered by Part E of form MRVP3. It is recommended that a copy of the licence or equivalent, is included with form MRVP3.

**Q52: Please refer to the qualifications and general requirements mentioned in Legal Notice 217.18, being some of the eligibility criteria for applicant and dependants. Please advise whether it would suffice if applicant and dependants provide a declaration sworn before a Commissioner of Oaths confirming what is listed in the mentioned sub-articles of Article 7 of the said legal notice, or if anything else is required.**

Part C in form MRVP 1 and parts A or B, as applicable, in the form MRVP 4 suffices. No additional requirements are needed unless specified by MRVA.

**Q53: A statement of source of funds and wealth is one of the documents which will be required - would an administrative form have to be completed?**

No more documents are required as this has been incorporated in form MRVP2. Hence the information requested in form MRVP2 should suffice.

**Q54: Which administrative forms would need to be completed for applicant and his/her dependants upon submission of application pack?**

There are four forms that are required per individual:

**Main applicant requires:**

1. Form MRVP1 (Application Form);
2. Form MRVP2 (Personal Details);
3. Form MRVP3 (Medical Report and Questionnaire);
4. Form MRVP6 (Clearance Form).

**Each dependant mentioned in form MRVP1 (application form) requires:**

1. Form MRVP4 (Dependant Declaration);
2. Form MRVP2 (Personal Details);
3. Form MRVP3 (Medical Report and Questionnaire);
4. Form MRVP6 (Clearance form) for dependants over 12 years of age on the date of application.

Notwithstanding, other documents may be introduced in the future, as the need arises. It is imperative that the latest version of these forms are downloaded from the MRVA website just before the application process commences.

**Q55: We are in contact with some people in China and they have informed us that notaries in mainland China do not notarise and apostille documents. Have you encountered this issue? What is the applicable procedure acceptable to MRVP?**

Yes, we have already encountered similar occurrences. Official documents/notarial certificates originating in China have to be legalised, meaning that such documents have to be certified by the foreign ministry of China and subsequently certified by either the Maltese Embassy in Beijing or the Maltese Consulate in Shanghai. Several applicants have already done this without encountering issues.

**Q56: Which are the official documents and in which format should they be submitted?**

The official documents are:

1. ID Card;
2. birth certificate;
3. marriage certificate;
4. divorce certificate;
5. passport;
6. police conduct (original only is accepted);
7. military records;
8. award of custody.

Original official documents or a certified true copy is accepted, except for the police conduct which must always be in original. However, if certification is done abroad, an apostille/legalisation of the certifier is required. Translations of original, or of certified true copies of these official documents, need to be apostilled/legalised if done abroad.

**Q57: In which language should a self-declaration be submitted?**

A self-declaration has to be signed and dated by the issuer and has to be submitted in original. Any self-declarations not in English must be translated to English. Translations done abroad have to be apostilled/legalised. Translations done locally do not need to be apostilled/legalised but have to be carried out by a Malta registered translator.

**Q58: Should parents or grandparents applying be above a certain age?**

No, there is no age threshold.

**Q59: We assume that evidence of business ownership is applicable only to the extent that the main applicant has declared that he is self-employed. Kindly confirm.**

In the case of business ownership, whether in part or in full, this is required whatever the declared employment status.

**Q60: Is evidence of employment required when main applicant has declared that he is not self-employed?**

Evidence of employment is required when main applicant has declared that he is not self-employed.

**Q61: What evidence would main applicant who declares that he is both self-employed and not self-employed need to submit?**

In the case where main applicant is both self-employed and not self-employed, he has to mark both options in Part C of form MRVP2 and has to produce evidence on both his/her employment and his/her self-employment.

**Q62: How should form MRVP 4 be completed?**

In case of minors who are less than 12 years old on date of application, the tick boxes in Part B and all of Part C have to be completed. In the case of a minor dependant who is between 13 and 18 years, Part B and Part C have to be completed. In the case of an adult dependant Part A is to be completed. Part C1 is to be filled in and signed by the Main Applicant or the Spouse, who is to select in which role he/she is submitting the form by selecting Main Applicant or Spouse in the appropriate Field. If he/she has sole custody, he/she has to denote this by ticking the box denoting sole custody. Part C2 is to be filled in by the other parent/legal

guardian of the minor unless the other parent has sole custody. Again, this person (other parent/legal guardian) has to tick whether he/she is the Main Applicant, the Spouse or a Non-Applicant in relation to the minor whose details are written on the form.

**Q63: Is it only form MRVP1 which requires the signature of the Commissioner for Oaths?**

Form MRVP1, which is to be submitted upon application stage, and form MRVP5, which is to be submitted at compliance stage, are to be signed in front of a Commissioner for Oaths (or whoever is empowered to administer oaths in the respective jurisdiction), who has to stamp, sign and date the form. Moreover, both main applicant and the Commissioner for Oaths have to initial each page.

**Q64: On form MRVP3 (Medical Report and Questionnaire), if a specific hospital/doctor fills in and signs the form, do they still have to supplement a medical test report?**

The form should suffice as long as it is accompanied by the patient's identification document which is stamped, signed and dated by the examining physician.

**Q65: Which hospitals are accepted by the Maltese authority? If international hospitals are accepted and the client has the examination record in English, is an apostille from the Maltese Embassy required?**

National and international hospitals are accepted. There is no need for an apostille.

**Q66: When there is no Maltese embassy or consulate in a certain country, or if main applicant so desires, can a local lawyer/solicitor/notary be the witness for the signature on form MRVP1 and on any other affidavit? Also, can a local Court of Law be the witness of the signature?**

Whoever is empowered to administer oaths in the respective jurisdiction, and the MRVA has official confirmation that this is the case, can witness the signature in person on form MRVP 1 and other affidavits. A Commissioner for Oaths could also be available in local Courts of Law. It is to be remarked that all signatures should bear the stamp of office and any other relevant details.

## **9. Submission of application**

**Q67: Would main applicant need to be present when application is submitted?**

No. The Accredited Agent will submit the application on behalf of the client. The Accredited Agent is to remain throughout the entire meeting where a pre-screening of the application is done and a receipt is issued.

**Q68: How would the initial €5,500 be settled?**

The €5,500 has to be transferred via an electronic bank transfer using IBAN number MT50VALL22013000000040024744878 in the name of "MRVA" with Bank of Valletta plc. At the time the application pack is accepted by MRVA, a request for payment is handed over to the Accredited Agent, who will instruct the main applicant to affect payment within 3 working days directly from the bank account specified in Form MRVP2 to MRVA bank account, quoting the MRVA application reference number.

**Q69: Can main applicant settle payments of the initial fee and final contribution fee using a Credit or Debit Card?**

Payments to settle the initial application fee as well as the final contribution fee after the letter of approval in principle is issued should be made from the bank account as declared by the main applicant on submission of file. Card accounts are not permissible.

**Q70: What would you consider an appropriate agreement with the Accredited Agent? Would a copy of our company's standard letter of engagement suffice as proof for this purpose?**

MRVA does not need a copy of the letter of engagement. What is required is a valid power of attorney clearly granting the rights to the attorney to handle the application until the date of the finalisation of the relevant application process.

**Q71: Does MRVA require any specific format for the submission of the application, including referencing, etc.?**

Yes, please follow the provided Filing Order in the Application and Documentation Guidelines found on the MRVA website.

**Q72: In regard to dependants, is the affidavit of dependency the only requirement as proof of dependency or is any additional proof/supporting documentation required? For instance, school certificates, certificate of retirement, etc.?**

The affidavit of dependency should suffice but any supporting evidence would facilitate the process.

**Q73: Are there any guidelines on the fees which Accredited Agents should be charging in connection with their services for the purposes of the Malta Residence and Visa Programme?**

It is at the discretion of the respective Accredited Agents/individuals to decide which fees to charge their clients.

**Q74: The Accredited Agent has to provide a covering letter stating why main applicant is interested in obtaining residence in Malta. Why is this required? Other programmes request a letter of intent from the applicant.**

The MRVA requires an introductory letter from the Accredited Agent. Additionally Main Applicant may also opt to forward a letter of intent.

**Q75: Can the Accredited Agent submit one marriage certificate per couple as we do in the IIP Programme, rather than one from each married person? In regard to divorce certificates, do they all have to be provided or do the most recent ones suffice?**

There is no problem with producing one marriage certificate (or a certified true copy) for a wedded couple. However, all divorce certificates must be submitted.

**Q76: Is a written, signed declaration from the client adequate? Or does an affidavit have to be submitted?**

In certain cases a written signed declaration is needed, as in the declaration of wealth/income, for example. In other cases, and this is specifically stated, an affidavit is required. For example, when main applicant declares that dependants over 18 years are economically dependent on him/her.

**Q77: Is a Commissioner for Oaths a suitable person to attest to the signature of the affiant in an affidavit?**

Yes, the Commissioner for Oaths is a suitable person for this function.

**Q78: Can oaths be taken via video conferencing?**

Oaths taken via video calls are not accepted. Oaths are to be taken in the physical presence of the Commissioner, while also indicating the place it has been taken. During the oath-taking, the identity of the person taking the affidavit is confirmed by the Commissioner and identity documents verified. Moreover, the individual needs to thoroughly understand the seriousness of what s/he is swearing to.

**10. Issuance of letter of approval in principle, residence certificate, biometrics and issuance of residence card**

**Q79: What will happen once the application packs are submitted by the Accredited Agent?**

Application packs are to be submitted completely and correctly, including full supporting documents. Incomplete application packs will not be accepted.

Once an application pack is confirmed as complete and correct, and is accepted by the MRVA, a receipt of the application pack is given to the Accredited Agent. Applicant is also requested to pay the initial fee of €5,500. Once these fees are received by MRVA, due diligence checks on main applicant and dependants are conducted. If this is successful, the application is presented to the Board of Approvals and, if approved, a letter of approval in principle is issued by MRVA. Following this process, main applicant will need to buy/lease the qualifying property, buy the qualifying investment and purchase the necessary health insurance cover. Once main applicant provides all the documentation, within 3 to 5 days MRVA will issue the residence certificate, provided that all documentation is finalised and deemed acceptable to the Agency. MRVA will also issue a Letter of Final Approval to main applicant (the beneficiary), inviting him/her and his/her dependants to call at the MRVA offices for the capturing of biometric data. Once the biometrics are captured, and all residency forms collected, the green files are prepared by MRVA for each applicant to be submitted to the DCEA. The DCEA will be responsible for the registration, approval and printing of the cards. This process is currently taking around 1 week per application.

**Q80: Will the residence certificate and the residence card have expiry dates?**

As long as all requirements stipulated in S.L. 217.18 will continue to be met, the residency certificate will not have an expiry date. The residency card, which will reflect the said immigration position, will be initially valid for a period of 5 years, renewable. In cases where a residency card is issued to a minor of less than 14 years, and the minor turns 14 during the 5-year validity, the expiry date of such minor's card will fall due one month after his/her 14<sup>th</sup> birthday. The same applies when dependant turns 18 years of age.

**Q81: Is there any exemption from submitting the biometrics, for instance if a person is a baby or disabled?**

Yes, children are exempt from biometrics up to the age of 2. However, form ID2 together with 2 certified passport size photos need to be submitted for each child. With regards to persons with disabilities, each case will be decided on its own merits.

**Q82: Will a language test be carried out to test main applicant's and dependants' knowledge of Maltese/English?**

No.

**Q83: Upon renewal of residence card after 5 years, do other fees apply?**

Yes. Each individual has to pay €27.50 per year to have the residence card renewed.

**Q84: Following the initial five-year period, upon renewal of residency card, are main applicant and other beneficiaries required to come to Malta to retake their biometrics?**

Although three sets of biometric data are captured for each applicant, thus having two extra sets in file, the extra sets might be used up in case of technical issues, and/or in case of a change of address and/or in case of a loss of card during the validity of the card. In such circumstances, applicant and/or his/her dependants will be required to come to Malta for biometric data capturing. In cases where a residency card is issued to a minor of less than 14 years, and the minor turns 14 during the 5-year card's validity period, the expiry of such minor's card will fall due one month after his/her 14<sup>th</sup> birthday. The applicant will be required to visit our offices to have his/her biometrics data captured in order to include the fingerprints. The same applies when dependant turns 18 years of age.

**Q85: Would MRVA support or facilitate the issuance of visas for applicants for travelling purposes?**

MRVA cannot provide any support to applicants obtaining a Visa. The agency can only confirm that the applicant has applied for a residency card under MRVP.

**Q86: Will the commencement of lease of property need to be as close to the appointment of submission of final documents as possible?**

Ideally the lease agreement should commence closest to the submission of the final proofs. The same applies to the health policy. The MRVA applies a tolerance period of a maximum of 3 months.

**Q87: Is the health policy required to be submitted together with other requirements once an application has been approved?**

Yes, the health policy endorsement or its equivalent, together with the NHS declaration, has to be submitted at final proof stage.

**Q88 After acceptance of the application, where do applicants have to provide the biometric data? Does the whole family have to travel to Malta?**

After the Letter of Final Approval, main applicant and all dependants have to travel to Malta to have their biometric data captured.

**11. Period outside Malta during the 5 years of benefitting from an MRVP residence permit**

**Q89: Can a foreigner ever apply for the acquisition of Maltese citizenship by naturalisation?**

Yes, a foreigner may submit an application for the acquisition of Maltese citizenship by naturalisation after continuously residing in Malta for a period of 5 years. S/he should have resided in Malta throughout the 12 months immediately before the date of application and 4 years out of the preceding 6-year period. S/he has to be knowledgeable in spoken/written English and Maltese, of sound mind and of good conduct.

The Minister has the discretion, according to the Law, to grant or refuse the application. It does not, therefore, mean that if such person satisfies the said conditions s/he would automatically be granted citizenship by naturalisation. The Minister's decision is based on internal policies, whereby amongst other requirements, the number of years could also be a feature in the examination of the relative request.

**Q90: Is a minimum presence required in Malta on the part of applicants? Are no days spent in Malta allowed?**

There is no minimum presence required.

## 12. Licence of employment

**Q91: May a beneficiary under the Programme be granted an automatic licence to be employed or to engage in business in Malta in view of the provisions of Article 11 of the Immigration Act?**

S.L. 217.18 does not entitle beneficiary to any employment licences. Beneficiary still needs to apply for a work permit through normal procedures.

**Q92: How can beneficiary and/or dependants apply for a work permit?**

Beneficiary and/or dependants can apply by submitting an application for a work permit through the normal channels. Kindly note that dependants are only eligible to work after the issuance of residency cards.

**Q93: How can beneficiary and/or dependants apply to set up a business in Malta?**

The beneficiary or spouse can apply to launch a business in Malta through the competent authorities, as long as they satisfy the prevailing legislation. A dependant can also take this route without losing his/her residency rights.

**Q94: Does MRVP give beneficiaries any tax benefits?**

The MRVP doesn't carry any tax grants and/or incentives. The statutory tax applies and it is recommended that the advice of a tax consultant be sought.

**Q95: Would a minor dependant of an applicant be entitled to free education whilst residing in Malta? If so, does this also apply to secondary and tertiary (i.e. University) education?**

No, under the MRVP a minor is not entitled to free education. However, if main applicant acquires a work permit, his/her children would be entitled to free primary and secondary education in state schools.

**Q96: Can applicants work in an EU country under the MRVP?**

The MRVP does not grant beneficiary any employment rights in the Schengen Area. Therefore s/he will need to apply for a work permit in the Schengen country according to the provisions of that particular country.

## 13. Travel

**Q97: Will the holder of the residency card be allowed to travel Visa-free throughout Europe or only in Schengen countries?**

Holders of the MRVP residency card may only travel to Schengen countries, and for a maximum period of 90 days within a 180-day period. The traveller should invariably carry a valid travel document and the residence card.

## 14. Change in status of a person benefitting from the MRVP

**Q98: Once a dependant reaches his/her 27th birthday, does that dependant automatically lose his/her right of residence in Malta? Would the said dependant be**

required to, on or before reaching the age of 26 years, apply for an MRVP in his/her name?

No, the 27-year threshold is no longer in effect.

**Q99: When minor children under MRVP reach the age of 18, do they lose their Malta residence status?**

No, they do not lose their MRVP residence status as long as they satisfy the regulations of the S.L. 217.18.

**Q100: If beneficiary decides to give up his/her residence right in Malta within the first 5 years and move to another country, can he/she then sell the bond or equities immediately, or does he/she have to wait for 5 years until he/she can sell the bond? Same question applies to the lease agreement - if he/she wants to leave Malta before the lapse of the first 5 years, can he/she then get out of the lease agreement or does the lease agreement have to be for a five-year period? In our view, this can be done but naturally this will result in the cessation of the certificate.**

The fact that s/he sells the bonds or equities and does not adhere to the qualifying property agreement, the client will automatically lose his/her status and this applies vice versa, that is, if s/he relinquishes his/her certificate, there will be no obligations to fulfil. If beneficiary relinquishes and/or loses his/her residency rights, any dependants benefiting from residency rights through the same certificate will automatically lose their residency rights.

## **15. The Official Compliance Form (MRVP 5)**

**Q101: What is the Official Compliance Form (MRVP 5), referred to in the Guidelines?**

The Official Compliance Form (MRVP 5) referred to in the Guidelines is an official form that beneficiary will have to fill-in once a year for the first 5 years, and once every 5 years thereafter, with the Accredited Agent being responsible for the submission of such form along with the respective required documents. The form is in itself a declaration that the clients' obligations are being satisfied according to the regulations. This form has to be filled in and signed by beneficiary and a Commissioner for Oaths. The Accredited Agent's responsibility is to ensure that this form is submitted to MRVP together with all the supporting documentation approximately one week in advance, however not more than 2 weeks earlier. If the required documents at form stage or at the report MRVP41 stage are not submitted within a 3-month period, the residence cards for the entire application will be revoked. The Accredited Agent has to sign that this form is for collection and administration purposes only.

**Q102: What will the renewal process for the residency cards be? To what extent will the Accredited Agent be involved?**

Residency cards will be issued for a validity of 5 years, unless the minor dependant turns 14 or 18 years old, in which case the card validity ceases on the dependant's birthday. In the latter cases, the card is renewed automatically, free of charge. Renewal requests for the "normal" 5-year expiry, have to come from the Accredited Agent, as long as beneficiary continues to comply with the regulations of L.N.217.18 accordingly.

**Q103: Will the duration of lease have to correspond with the residency card, i.e. if residency card is issued for 5 years, will a client require a 5-year lease?**

The duration of the lease has to be not less than a year to comply with the set requirements. Beneficiary must have a valid residence in Malta at all times, with no gaps whatsoever.



**Q104: After 5 years, beneficiary will need to submit the official compliance form every 5 years, to show he/she is still fulfilling the obligations. Do all obligations need to be retained? Is there any fee to be paid? Is there any documentation that needs to be filled and submitted?**

After 5 years, client does not need to retain the qualifying investment. He/she is still required to retain a residential address in Malta, however he/she no longer has to abide by the restrictions set for the initial 5 years.

**Q105: Is the requirement to show €100,000 annual income or €500,000 capital valid just for the first five years?**

Applicant is required to hold either the €100,000 annual income or the €500,000 capital for as long as the residence permit is valid. If at any point either during or after the initial five years, the applicant does not adhere to the above-mentioned requirements, the residence permits will be revoked.

## **16. Commission to concessionaire**

**Q106: Can an Accredited Agent introduce an applicant who is a national of a country which forms part of a concession?**

Accredited Agent may introduce applicants from any country, even if a concessionaire has been awarded the concession of applicant's country.

**Q107: If applicant comes through Accredited Agent and not from concessionaire, will concessionaire be granted a commission from applicant's contribution or will MRVA/Government keep the whole investor contribution and not distribute any amount to concessionaire, because he/she did not introduce applicant?**

Concessionaire is still entitled to a commission if and when a client in concessionaire's region, referred by an Accredited Agent, acquires the relevant residence certificate.

**Q108: Is the Accredited Agent entitled to a commission?**

In terms of the pertinent regulations, effective 1<sup>st</sup> September 2018, MRVA is prescribing 5% from the contribution fee paid by main applicant to be paid to approved agent or accredited person appointed by the applicant following the issuance of a certificate.

Accredited agents or persons appointed by main applicant are required to forward an invoice to MRVA by not later than the third week following the issuance of certificate of residency for the payment of the 5% commission on the entire contribution fee paid.

The invoice should include the date of issuance of the certificate, certificate number, application number and main applicant name and surname. The invoice should also include VAT.

## **17. Clients who change programmes**

**Q109: If an MRVP beneficiary decides to change to the Malta Individual Investor Programme (IIP), will the €30,000 contribution be deduced from the IIP fees?**

No. The €30,000 fee paid for MRVP is non-refundable and non-transferable.

**Q110: Can client change his/her IIP application over to the MRVP? As yet, the client has not submitted his IIP citizenship application, however he/she has already obtained his/her 18-month residence card via the IIP.**

Yes, as long as the full MRVA process is followed. All MRVP fees contemplated in L.N.217.18 will remain in force.

**Q111: If applicant already holds a residence permit through another scheme but wishes to apply for the MRVP, would he/she still be required to submit new residence forms i.e. Form K, Form ID 1A & Form ID 2?**

Yes, applicant would be required to submit new residence application forms to MRVA. The Applicant's documentation submitted for previous permits should have no bearing on the MRVA application.

## 18. General questions

**Q112: What would the consequences be should beneficiary divorce from his/her spouse?**

In the case of a divorce, the spouse of beneficiary will lose residency rights. This might also effect the spouse's children whose other biological parent is not the beneficiary and who would have been included as dependants under said application. Each case will be assessed on its own merits.

**Q113: Our client is an EU national and his partner is a third country national. Client wishes to apply for the MRVP for his partner. In this regard, since client is of European nationality, thus prohibited from applying for the programme, may his partner (third country national) apply for the MRVP while client acts as her benefactor?**

Our legislation does not impede her from submitting an application as main applicant, supported by a benefactor.

**Q114: What is the difference between a benefactor and a donor? Which documentation is required in each case?**

### The Donor

A donor is a person who, at a certain point in time, has contributed to the accumulation of total wealth of the main applicant, with a one-time donation. In this case the following documents are to be submitted:

1. The passport bio page and page containing signature of the donor(s), required as a means of verification of the signature in all cases (in addition to the deed of the donation, etc.)
2. Benefactor documents (listed below) are required if the donation/s form a considerable part of the wealth and/or have had a considerable impact on the applicant's wealth accumulation. In view of this, the agent and/or the main applicant should in the first instance assess this themselves, and if according to their judgement, the circumstances require such documents to be submitted, they do so with the initial application to speed up the process. In any case, however, the MRVA reserves the right to ask for these documents at a later stage, if from our assessment it results that the donation's impact on the wealth requires such documents.

### The Benefactor

A benefactor is a person who takes the responsibility to cover the financial requirements established by the law that would qualify the main applicant as eligible for the issuance of the certificate of residence. The benefactor will be screened by our due diligence process as the source of funds of the main applicant. Therefore, the following documentation must be submitted:

- Form MRVP2, in the name of the benefactor, all sections fully completed (including the Source of Funds and Wealth section);
- Part A of Form MRVP 4, in the name of the benefactor;
- 3-month bank statements for the benefactor's account from which the funds for the MRVP application will be remitted
- Certified true copy of all valid passports of the benefactor (ALL pages);
- Evidence of current employment (if applicable);
- Evidence of business ownership (for business owned in part or in whole by the benefactor);
- Sworn declaration that the benefactor will fund the main applicant's MRVP application and all the related financial obligations and will also provide the main applicant with stable and regular resources.
- Form MRVP6 and a copy of the biometrics data page attached at the end of the form;
- Police certificates from the benefactor's country of origin, his/her current residence and any country he/she has lived in for a period of over 6 months in the past 10 years.

The main applicant should still complete form MRVP2 in its entirety and provide a 3-month bank statement of his/her personal bank account.

**Q115: Can main applicant rely on benefactor for proof of assets?**

Yes, however these should be in the name of the main applicant as specified in S.L. 217.18. If in order to satisfy this requirement, the benefactor will be transferring the amount to the Main Applicant, documentary evidence of this transfer such as deed of gift or sworn declaration, and evidence of the bank transfer must be submitted with the application.

**Q116: Can an adult dependant, employed and receiving the minimum wage, still be supported by main applicant where minimum wage is not enough to support their lifestyle?**

No. Dependand has to be economically inactive at time of submission of application. He/she may seek employment thereafter.

**Q117: Can residence card be renewed abroad through a Maltese Embassy?**

No, the residence card cannot be renewed through a Maltese Embassy abroad.

**Q118: In Part A of Form MRVP3, applicant needs to list the licenced medical practitioner. Is it correct to assume that this is the usual general medical practitioner?**

Yes.

**Q119: In Form MRVP3, Part D needs to be filled in by the examining practitioner. Who can this be?**

This person may be the same general medical practitioner who filled in Part A of MRVP3. However, it could be a different medical practitioner.

**Q120: Is a health certificate issued by a hospital in Russia accepted? (On this matter the legislation provides that certificate is to be issued by a reputable health system to the satisfaction of MRVA).**

Yes, as long as the certificate is signed, dated and stamped by the medical practitioner, who should also include his/her professional license number, where applicable.

**Q121: Is there particular wording which the health certificate must contain?**

The wording is at the discretion of the general practitioner/medical institution.

**Q122: Can main applicant use the company bank account for form MRVP 2 to effect payment of contribution if the company is owned by him/her and has authorisation to use the company bank account since he/she is a director/shareholder of the company?**

In order for main applicant to use his/her company's bank account, the following documentation is required:

- board resolution authorising main applicant to transfer funds from the company bank account for the MRVP application;
- certificate of incorporation, shareholder register and register of directors for the company;
- 3-month bank statement for the company account from which the funds will be transferred. The 3-month bank statement for main applicant's working bank account is still required.

**Q123: Can the decision of a refused request for residency be appealed?**

No. The Board of Approvals' decision is final and cannot be appealed.

**19. Address of MRVA offices for applications, appointments, biometrics and issuance of residence cards**

**Q124: Where should applications be submitted?**

Applications are to be submitted at Malta Residency Visa Agency, Clock Tower, Level 1, Tigné Point, Sliema TP 01, Malta.

**Q125: Where will appointments and biometrics be taken?**

Appointments and biometrics are held at Malta Residency Visa Agency, Clock Tower, Level 1, Tigné Point, Sliema TP 01, Malta.

**Q126: From where will residence cards be issued and from where can they be collected?**

The residence cards are issued by, and are collected from, the Department of Citizenship and Expatriates Affairs (DCEA), Evans Building, Merchants St, Valletta.

**ENDS**