

## A.L. 370 tal-2010

**ATT DWAR L-IMMIGRAZZJONI  
(KAP. 217)****Regolamenti tal-2010 li jemendaw ir-Regolamenti dwar Status ta' Residenti li joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi)**

BIS-SAHHA tas-setgħat mogħtija bl-artikoli 4A u 36 tal-Att dwar l-Immigrazzjoni, il-Ministru tal-Ġustizzja u l-Intern għamel dawn ir-regolamenti li ġejjin:-

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2010 li jemendaw ir-Regolamenti dwar Status ta' Residenti li Joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi), u għandhom jinqraw u jiftiehmu haġa waħda mar-Regolamenti dwar Status ta' Residenti li Joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi) aktar 'il quddiem imsejha bħala "ir-regolamenti prinċipali".

Titolu u għan.

L.S. 217.05.

(2) L-għan ta' dawn ir-regolamenti hu li jemenda r-Regolamenti dwar Status ta' Residenti li Joqgħodu għal Żmien Twil (Ċittadini ta' Pajjiżi Terzi) sabiex jiġu implimentati iżjed id-disposizzjonijiet tad-Direttiva tal-Kunsill 2003/109/KE dwar l-istatus ta' ċittadini ta' pajjiżi terzi li jkunu residenti għat-tul.

(3) Dawn ir-regolamenti għandhom jidhlu fis-sehħ fl-1 ta' Awissu, 2010.

2. Ir-regolament 4 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

Jemenda r-regolament 4 tar-regolamenti prinċipali.

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

"(2) Fil-kalkolu tal-perjodu ta' hames snin provdut fis-subregolament (1), perjodi ta' residenza għar-raġunijiet msemmija fir-regolament 3(2)(a), (e) u (f) m'għandux jittiehed kont tagħhom."; u

(b) minflok il-proviso tas-subregolament (3) tiegħu, għandu jiġi sostitwit dan li ġej:

"Izda, id-Direttur jista' jikkonsidra perjodu itwal ta' nuqqas mit-total tal-għaxar xhur msemmija fis-subregolament (3), b'perjodu ieħor ta' tnax-il xahar, bħala wiehed li ma jinterrompix dak il-

perjodu ta' hames snin meta dak in-nuqqas ikun minhabba:

- (i) raġunijiet ta' saħħa;
- (ii) sekondament mill-prinċipal taċ-ċittadin ta' pajjiż terz;
- (iii) safar fuq negozju; jew
- (iv) finijiet ta' edukazzjoni jew taħriġ.

F'dawn il-każijiet, il-perjodu ta' nuqqas itwal mit-total ta' għaxar xhur m'għandux jittiehed kont tiegħu għal kalkolu tal-perjodu msemmi fir-regolament 4(1).".

Jemenda r-  
regolament 5  
tar-regolamenti  
prinċipali.

**3.** Ir-regolament 5 tar-regolamenti prinċipali għandu jiġi emendat kif ġej:

(1) Il-paragrafi (a) u (b) tas-subregolament (2) tiegħu, għandhom jiġu sostitwiti b'dan li ġej:

Kap. 318.  
Kap. 261.

"(a) riżorsi stabbli u regolari li jkunu biżżejjed biex ikun jista' jmantni lilu nnifsu u lill-membri tal-familja tiegħu mingħajr ma jkollu jirrikorri għas-sistema ta' għajnuna soċjali f'Malta jew għal xi tip ta' benefiċċji jew assistenza li tithallas taħt l-Att dwar is-Sigurtà Soċjali, l-Att dwar l-Awtorità tad-Djar u xi liġijiet oħra li jipprovdu xi assistenza ta' natura soċjali u li jkunu ekwivalenti għal, mill-inqas, l-ammont tal-paga medja f'Malta flimkien ma żjeda ta' għoxrin fil-mija tad-dhul gross medju għal kull membru tal-familja tiegħu;

(b) akkomodazzjoni xierqa li ma tkunx maqsuma ma' persuna jew persuni oħra li ma jkunux membri tal-familja li titqies bħala waħda normali meta mqabbla ma' familja f'Malta u li tkun konformi mal-*standards*, li għandhom jiġu ppubblikati permezz ta' avviż fil-Gazzetta fid-data tad-dhul fis-seħħ ta' dawn ir-regolamenti u sussegwentement kull hames snin, kif imfissra mill-Ministeru responsabbli għad-djar;"

(2) Minnufih wara s-subregolament (2) għandhom jiżdiedu dawn is-subregolamenti godda li ġejjin:

"(3) Sabiex ikun eliġibbli għall-applikazzjoni ta' status ta' resident li joqgħod għal żmien twil, ċittadin ta' pajjiż terz għandu jgħib provi illi hu qed josserva dawn il-kondizzjonijiet ta' integrazzjoni li ġejjin, b'mod partikolari:

(a) fl-aħħar tnax-il xahar minnufih qabel l-applikazzjoni ta' status ta' resident li joqgħod għal żmien twil, kien attenda kors organizzat mis-servizz tax-xogħol pubbliku jew kull awtorità kompetenti oħra u li kien jikkonsisti għall-anqas mitt siegħa u li kellu bħala materji tas-sugġett l-ambjent u l-istorja soċjali, ekonomika, kulturali u demokratika ta' Malta, u li għab prova li tiċċertifika illi kien tal-anqas attenda mitt siegħa tal-lezzjonijiet ta' dawn il-korsijiet b'attenzjoni sodisfaċenti u li kien għab marka tal-eżami li ma tkunx anqas minn hamsa u sebghin fil-mija;

(b) għab marka tal-eżami li ma tkunx anqas minn hamsa u sebghin fil-mija wara li kien evalwat mill-awtoritajiet kompetenti illi għab rizultat ekwivalenti għal-Livell 2 tal-Qafas tal-Kwalifiki għal Malta kemm bil-Malti jew bl-Ingliż; u

(ċ) għab prova illi l-miżati neċessarji li jithallsu fir-rigward tal-korsijiet, eżamijiet u ċertifikati msemmija hawn fuq ġew mħallsa."

4. Fil-verżjoni Maltija biss, fis-subregolament (3) tar-regolament 8 tar-regolamenti prinċipali, il-kliem "resident li joqgħod għal żmien twil - KE" għandhom jiġu sostitwiti bil-kliem "resident fit-tul - KE".

Jemenda r-regolament 18 tar-regolamenti prinċipali.

5. Il-paragrafu (a) tas-subregolament (1) tar-regolament 11 tar-regolamenti prinċipali għandu jiġi sostitwit b'dan li ġej:

Jemenda r-regolament 11 tar-regolamenti prinċipali.

"(a) aċċess għall-attivitajiet ta' impieg u ta' persuna li timpjega lilha nnifisha, sakemm dawk l-attivitajiet ma jkunu jimplikaw ebda involviment, lanqas okkażjonali, fl-eżerċizzju ta' awtorità pubblika jew ikunu riservati bil-liġi għal ċittadini Maltin skont l-Att dwar l-Amministrazzjoni Pubblika u kull regolamenti maħruġa tahtu;"

Kap. 497.

Jemenda r-regolament 14 tar-regolamenti prinċipali.

6. Ir-regolament 14 tar-regolamenti prinċipali għandu jigi emendat kif ġej:

(1) Fil-paragrafu (a) tas-subregolament (2) tiegħu, il-kelma "(e)" għandha tiġi sostitwita bil-kelma "(d)".

(2) Minflok il-paragrafu (b) tas-subregolament (2) tiegħu, għandu jidhol dan li ġej:

"(b) Iċ-ċittadin ta' pajjiż terz għandu jgħib provi li huwa jkollu riżorsi stabbli u regolari li jkunu suffiċjenti biex imantni lilu nnifsu u lill-membri tal-familja tiegħu mingħajr ma jkollu jirrikorri għas-sistema ta' għajjnuna soċjali f'Malta u li jkunu ekwivalenti għall-paga gross medja f'Malta flimkien ma' żjieda ta' għoxrin fil-mija tad-dhul medju għal kull membru tal-familja tiegħu;"

(3) Fis-subregolament (2) tiegħu, għandu jiżdied dan il-paragrafu ġdid li ġej:

"(ċ) Meta mhux kostitwiti fl-ewwel Stat Membru, il-membri tal-familja għandhom jithallew jakkumpanjaw liċ-ċittadin ta' pajjiż terz li jkollu l-permess ta' residenza għal żmien twil jekk d-disposizzjonijiet applikabbli tar-Regolamenti dwar ir-Rijunifikazzjoni tal-Familji ikunu mharsa."

S.L. 217.06.

(4) Minflok is-subregolament (3) tiegħu, għandu jidhol dan li ġej:

"(3) Il-persuna msemmija fis-subregolament (1) għandha tippreżenta l-provi meħtieġa bir-regolament 5(3):

Izda jekk hu kien diġà osserva l-miżuri ta' integrazzjoni fl-ewwel Stat Membru, hu għandu jippreżenta provi ta' osservazzjoni ta' dawk il-miżuri kif ukoll il-provi msemmija fir-regolament 5(3)(b)."

Jemenda r-regolament 18 tar-regolamenti prinċipali.

7. Fil-proviso tas-subregolament (1) tar-regolament 18 tar-regolamenti prinċipali, il-kliem "regolamenti 13 u 14" għandhom jiġu sostitwiti bil-kliem "regolamenti 13 u 14(2)(a) u (b)."

8. Minnufih wara r-regolament 22 tar-regolamenti prinċipali għandu jizdied dan ir-regolament ġdid li ġej:

Żjieda ta' regolament ġdid mar-regolamenti prinċipali.

"Disposizzjonijiet tranżitorji.

**23.** Dawn ir-regolamenti, kif emendati, m'għandhomx japplikaw fir-rigward ta' xi applikazzjoni għal status ta' resident li joqgħod għal żmien twil li tkun ġiet pprezentata qabel jew wara d-data tad-dhul fis-seħh ta' dawn l-emendi, sakemm l-applikant kien eliġibbli biex jikkwalifika għal status ta' resident li joqgħod għal żmien twil qabel id-dhul fis-seħh ta' dawn l-emendi."

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## L.N. 370 of 2010

**IMMIGRATION ACT  
(CAP. 217)**

**Status of Long-term Residents (Third Country Nationals)  
(Amendment) Regulations, 2010**

IN exercise of the powers conferred by articles 4A and 36 of the Immigration Act, the Minister for Justice and Home Affairs has made the following regulations:-

Title and  
purpose.

1. (1) The title of these regulations is the Status of Long-term Residents (Third Country Nationals) (Amendment) Regulations, and they shall be read and construed as one with the Status of Long-term Residents (Third Country Nationals) Regulations hereinafter referred to as "the principal regulations".

S.L. 217.05.

(2) The purpose of these regulations is to amend the Status of Long-term Residents (Third Country Nationals) Regulations so as to further implement the provisions of the Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents.

(3) These regulations shall come into force on the 1st August, 2010.

Amends  
regulation 4 of  
the principal  
regulations.

2. Regulation 4 of the principal regulations shall be amended as follows:

(a) for sub-regulation (2) thereof, there shall be substituted the following:

"(2) In calculating the period of five years provided for in sub-regulation (1), periods of residence for the reasons stated in regulation 3(2)(a), (e) and (f) shall not be taken into account."; and

(b) for the proviso to sub-regulation (3) thereof, there shall be substituted the following:

"Provided that, the Director may consider a longer period of absence than the total of ten months referred to in sub-regulation (3), by a further period of twelve months when such absence is due to:

(i) health reasons;

- (ii) secondment by the employer of the third country national;
- (iii) business travel; or
- (iv) education or training purposes.

In such cases, the period of absence longer than the total of ten months shall not be taken into account in the calculation of the period referred to in regulation 4(1)."

3. Regulation 5 of the principal regulations shall be amended as follows:

Amends regulation 5 of the principal regulations.

(1) Paragraphs (a) and (b) of sub-regulation (2) thereof shall be substituted by the following:

Cap. 318.  
Cap. 261.

"(a) stable and regular resources which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta or to any benefits or assistance of any type payable under the Social Security Act, the Housing Authority Act and any other law providing any assistance of a social nature and which would be equivalent to, at least, the average wage in Malta with an addition of another twenty percent of the average gross wage for each member of the family;

(b) appropriate accommodation that is not shared with any other person or persons not being family members regarded as normal for a comparable family in Malta and which meets the standards, which shall be published by notice in the Gazette on the date of the coming into force of these regulations and subsequently every five years, as defined by the Ministry responsible for housing;"

(2) Immediately after sub-regulation (2) there shall be added the following new sub-regulations:

"(3) In order to be eligible to apply for long-term resident status, a third country national shall provide evidence that he has complied with the following integration conditions, namely:

(a) in the last twelve months immediately prior to the application for long term resident status he has attended a course organised by the public employment service or any other competent authority of at least one hundred hours having as its subject matter the social, economic, cultural and democratic history and environment of Malta, and that he provides evidence certifying that he has attended at least one hundred hours of the lessons of these courses with satisfactory attention and that he has achieved an examination pass mark of at least seventy five percent;

(b) has obtained a pass mark of at least seventy five percent after being assessed by the competent authorities to have achieved the equivalent of Malta Qualifications Framework Level 2 in either Maltese or English; and

(c) provides evidence that the necessary fees charged in relation to the courses, examinations and certificates referred to above have been paid."

Amends  
regulation of the  
principal  
regulations.

4. In the Maltese version only, in sub-regulation (3) of regulation 8 of the principal regulations, the words "resident li joqghod għal żmien twil - KE" shall be substituted by "resident fit-tul - KE".

Amends  
regulation 11 of  
the principal  
regulations.

5. Paragraph (a) of sub-regulation (1) of regulation 11 of the principal regulations shall substituted by the following:

"(a) access to employment and self-employed activity, as long as such activities do not entail even occasional involvement in the exercise of public authority and are not reserved by law for Maltese nationals in terms of the Public Administration Act and any regulations issued thereunder;"

Cap. 497.

Amends  
regulation 14 of  
the principal  
regulations.

6. Regulation 14 of the principal regulations shall be amended as follows:

(1) In paragraph (a) of sub-regulation (2) thereof, the word "(e)" shall be substituted by the word "(d)".

(2) For paragraph (b) of sub-regulation (2) thereof, there shall be substituted the following:

"(b) The third country national shall provide evidence that he has stable and regular resources which are sufficient to maintain himself and the members of his family without recourse to the social assistance system in Malta and which would be equivalent to the average gross wage in Malta with an addition of another twenty percent of the average wage for each member of the family;"

(3) For sub-regulation (2) thereof, there shall be added the following new paragraph:

"(c) When not constituted in the first Member State, family members shall be allowed to accompany the third country national holding the long-term residence permit if the applicable provisions of the S.L. 217.06. Family Reunification Regulations are satisfied."

(4) For sub-regulation (3) thereof, there shall be substituted the following:

"(3) The person mentioned in sub-regulation (1) shall submit the evidence required in regulation 5(3):

Provided that if he has already complied with integration measures in the first Member State, he shall submit evidence of having complied with such measures as well as the evidence referred to in regulation 5(3)(b)."

7. In the proviso to sub-regulation (1) of regulation 18 of the principal regulations, the words "regulations 13 and 14" shall be substituted by the words "regulations 13 and 14(2)(a) and (b)".

Amends regulation 18 of the principal regulations.

8. Immediately after regulation 22 of the principal regulations there shall be added the following new regulation:

Adds a new regulation to the principal regulations.

"Transitory Provisions.

**23.** These regulations, as amended, shall not apply with regard to any application for long term resident status submitted prior to or after the date of the coming into force of these amendments, as long as the applicant was eligible to qualify for long-term resident status prior to the coming into force of these amendments."

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## VERŻJONI ELETTRONIKA

