

Ghanijiet u Raġunijiet

L-għanijiet u r-raġunijiet ta' dan l-Abbozz ta' Liġi huma sabiex jipprovdi bażi legali ċara għall-għoti ta' ċittadinanza bin-naturalizzazzjoni permezz ta' servizzi eċċezzjonali u biex jestendi s-setgħat tar-Regolatur biex jinvestiga lmenti sottomessi relattivament għar-rifjut ta' applikazzjonijiet.

C 4166

**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. **1.** (1) The short title of this Act is the Maltese Citizenship (Amendment) Act, 2020 and this Act shall be read and construed as one with the Maltese Citizenship Act hereinafter referred to as "the principal Act".

Cap. 188.

Amendment of article 2 of the principal Act. **2.** In sub-article (1) of article 2 of the principal Act, the definition "individual investor programme" shall be substituted by the following new definition:

" "individual investor programme" means the individual investor programme established in the Act prior to the coming into force of the Maltese Citizenship (Amendment) Act, 2020;"

Bill No.138 of 2020.

Amendment of article 10 of the principal Act. **3.** Sub-article (9) of article 10 of the principal Act shall be substituted by the following new sub-article:

"(9) Notwithstanding the provisions of this or any other Act, the Minister may grant a certificate of naturalisation as a citizen of Malta to an alien or stateless person, who has rendered exceptional services to the Republic of Malta or to humanity, or whose naturalisation is of exceptional interest to the Republic of Malta, and who satisfies the requirements prescribed under this Act. For the purposes of this paragraph 'exceptional' means unusually excellent or manifestly superior at a local level, and refers primarily to contributions by scientists, researchers, athletes, sports people, artists, cultural performers, investors and entrepreneurs:

Provided that the Minister shall also grant a

certificate of naturalization to an eligible dependent of an alien or a stateless person who has rendered exceptional services to the Republic of Malta through investment:

Provided further that such person makes an application in such manner as may be prescribed and upon taking the oath of allegiance in Malta."

4. Sub-article (3) of article 23 of the principal Act shall be substituted by the following new sub-article: Amendment of article 23 of the principal Act.

"(3) Any person who for gain and without being duly authorised, in violation of regulations made under this Act, advertises, publishes or disseminates publicly through any means whatsoever any information relating to the granting of citizenship by naturalisation referred to in article 10(9) shall be guilty of an offence against this Act and shall, on conviction, be liable to a fine (*multa*) not exceeding twenty thousand euro (€20,000)."

5. Article 24 of the principal Act shall be amended as follows: Amendment of article 24 of the principal Act.

(a) paragraph (h) of sub-article (1) thereof shall be substituted by the following new paragraph:

"(h) for prescribing forms, and providing for the imposition and recovery of fees, in respect of any application made to the Minister or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under this Act, and in respect of supplying a certified or other copy of any notice, certificate, order, declaration or entry, given, granted or made as aforesaid, and for providing for any contributions or investments or other fees of whatever nature in respect of the granting of citizenship by naturalization and providing that the provisions or any of the provisions of the Fees Ordinance shall apply to such fees as if they were fees prescribed thereunder;"

Cap. 35.

(b) in paragraph (i) of sub-article (1) thereof, the words "individual investor programme" shall be substituted by the words "process for the granting of citizenship by naturalisation"; and

(c) in paragraph (j) of sub-article (1) thereof, the words "article 10(9)(c)" shall be substituted by the words "article 10(9)".

C 4168

Amendment of
article 25 of the
principal Act.

6. Article 25 shall be amended as follows:

(a) the marginal note thereof shall be substituted by the following new marginal note "Appointment of the Regulator";

(b) sub-article (1) thereof shall be substituted by the following new sub-article:

"(1) The Prime Minister after consulting the Leader of the Opposition, shall appoint as a Regulator for the purposes of the application process of the granting of Maltese citizenship by naturalization through exceptional services and the Individual Investor Programme by collating and analysing data and information, a person who has held the office of judge or magistrate, or who has held the office of Attorney General, State Advocate or Permanent Secretary, or who has practiced as an advocate or auditor or accountant or professional in Malta for a period of at least twelve (12) years:

Cap. 385. Provided that during such time when a Regulator is not appointed the Ombudsman appointed under the Ombudsman Act shall act *ex officio* as Regulator.";

(c) sub-article (3) thereof shall be substituted by the following new sub-article:

"(3) In addition to his functions under this Act and such other functions as may be assigned to him under any law the Regulator shall ensure that the process of naturalisation through exceptional services is duly followed.";

(d) sub-article (6) thereof shall be substituted by the following new sub-article:

"(6) In the discharge of his functions, the Regulator shall be entitled to require any officer or employee entrusted with the administration of applications for the grant of Maltese citizenship by naturalisation through exceptional services to disclose or give such documents or information as he may require for the purpose of enabling him to discharge his functions."; and

(e) sub-article (8) thereof shall be substituted by the following new sub-article:

"(8) The Regulator shall make an annual report to

the Minister on the discharge of his functions as provided under article 25(1). In his report, the Regulator shall not include personal data relating to individuals who have acquired Maltese citizenship by naturalisation through exceptional services or the Individual Investor Programme."

7. Article 25A of the principal Act shall be substituted by the following:

Substitution of article 25A of the principal Act.

"Investigation of complaints.

S.L. 13.01.

25A. The Regulator may also investigate complaints received in the prescribed form, by the applicant or his agent, as defined in the Commission Agents (Licences) Regulations, on behalf of the said applicant, about the process undertaken during the eligibility assessment, which led to its refusal in the manner prescribed under this Act. The Regulator shall present his findings to the Minister."

8. Sub-article (1) of article 25B of the principal Act shall be substituted by the following new sub-article:

Amendment of article 25B of the principal Act.

"(1) There shall be a Committee, to be known as the Monitoring Committee, to monitor the workings of the granting of Maltese citizenship by naturalisation through exceptional services."

9. In article 27 of the principal Act, immediately after sub-article (2) there shall be added the following new sub-article:

Amendment of article 27 of the principal Act.

Bill No. 138 of 2020.

"(3) The Maltese Citizenship (Amendment) Act, 2020 shall not apply with regard to any applications for granting of Maltese citizenship by naturalization filed before the coming into force of the Maltese Citizenship (Amendment) Act, 2020."

Objects and Reasons

The objects and reasons of this Bill are to provide a clear legal basis for the granting of citizenship by naturalisation through exceptional services and to extend the powers of the Regulator to investigate complaints submitted relative to the refusal of applications.

