



RESIDENCE AND VISA PROGRAMME OF MALTA

2016

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INTRODUCTION

In its efforts to further attract investors into Malta, the Maltese Government has introduced a new framework of regulations that in effect **grant a residence permit** to the applicants and their dependents.

To this effect, the Malta Residence and Visa Programme (hereinafter 'the Programme') was launched, seeking to attract non-EU/EEA/Swiss citizens wanting to reside, settle or stay indefinitely in Malta and obtain the benefit of a Schengen.

It is applicable to a main applicant as well as to his dependants as defined hereunder and all applications must be submitted via authorized intermediaries or agents.

A. QUALIFICATION CRITERIA

In order to benefit from the Programme, the applicant must satisfy the following criteria.

Requirements	Main Applicant
Nationality	Must not be an EU / EEA / Swiss national.
Age	Main applicant must be minimum 18 years of age.
Contributions	€30.000 – of which €5.500 are non-refundable and payable prior to the submission of the application.
Property in Malta	For 5 years from issuance of certificate, the applicant must either: <ul style="list-style-type: none"> • Acquire residential property in Malta having a minimum value of €320.000 or €270.000 if in Gozo/South of Malta; or • Lease residential property in Malta for a minimum annual lease of €12.000 or €10.000 if in Gozo/South of Malta.
Approved Investments	€250.000 investment in approved investments and held for 5 years from issuance of certificate.

B. DOCUMENTS AND FURTHER CRITERIA

Requirements	Comment
Undertaking	The applicant must provide an undertaking to satisfy the criteria explained above.
Background Description	The applicant and his dependants over the age of 12 are required to provide detailed and proper background verifications.
Health Certificate	A certificate from a reputable health system that the main applicant and his dependants are not suffering from any contagious disease and that they are otherwise in good health.
Passports	The applicant and his dependants have to be in possession of a valid travel document.
Health Insurance	The applicant and his dependants have to be in possession of a health insurance in respect of all risks across the European Union.
Proof of Funds	An affidavit declaring that from date of application he has either an annual income of not less than €100,000 arising out of Malta, or has in possession capital of not less than €500,000.
Dependents	The applicant shall provide an affidavit of the support for each dependant who is over 18 years of age.
Sworn Declaration	A sworn declaration before a notary/lawyer that neither he or any of his dependants has ever been found guilty, interrogated or suspected for any criminal offence punishable with more than 2 years' imprisonment.
Police Certificates	The applicant is required to provide in original or certified copies: <ul style="list-style-type: none"> • Police Certificate issued by Malta Police; and • Police Certificate issued by country of origin of applicant; and • Police Certificate issued by country of residence where the applicant has resided for more than 6 months during the last 10 years.
Non-Criminal	The applicant and any of his dependents cannot be individuals that have been indicted before an International Criminal Court, listed with the INTERPOL, at any time had/has pending charges related to terrorism, money laundering, crimes against humanity or crimes that disturb the food order of the family.

If an applicant makes a false statement or omits information requested, the application may be declined solely on that basis.

C. WHO CAN APPLY UNDER THE PROGRAMME?

The general rule is that all persons applying have to be non-EU / EEA or Swiss nationals.

The Programme allows a main applicant to submit his application on his behalf, and for his dependants, who are defined as follows:

- Spouse of main applicant;
- A child, including an adopted child, of the main applicant or of his spouse who is less than 18 years of age;
- A child of the main applicant or of his spouse who is between the age of 18 and 26 years and who:
 - is not married and
 - who proves, that he is not economically active and is principally dependant on the said person;
- A parent or grandparent of the main applicant or of his spouse who proves that he is not economically active and is principally dependant on the said person;
- A child of the main applicant or of the spouse of the main applicant who:
 - is at least 18 years of age, and
 - who has been certified by a recognized medical professional as having a disability and
 - who is living with the main applicant and
 - who is fully supported by the main applicant.

D. CESSATION OF CERTIFICATE OF THE PROGRAMME

The beneficiary, with effect from the date of issuing of the certificate shall cease to benefit from the certificate issued under the Programme if:

- He becomes a Maltese, EU, EEA or Swiss national.
- He becomes a beneficiary under the Residents Scheme, HNWI Rules, Malta Retirement Rules, Residence Programme Rules, Highly Qualified Persons Rules or the Qualifying Employment in Innovation and Creativity Rules.

- He does not satisfy any of the conditions mentioned above.
- His stay is not in the public interest.
- He stays legally and continuously in Malta for a period of 4 years or more.
- He notifies the authorities of his intention not to remain a beneficiary in terms of these regulations.

Individuals who cease to benefit from such a certificate shall notify the authorities of such an event by not later than 4 weeks from the date when he becomes aware of such event. Where such notification is not made within the time specified, an administrative penalty of €15,000 shall apply.

E. DOCUMENTATION FORMAT

By law, the following conditions have to be abided with while submitting the documentation and application form.

Criteria	Comments
English Language	All supporting documentation must be submitted in English or otherwise, must be accompanied by an authenticated translation.
Authenticated Translations	Done by a professional translator who is officially accredited to a court of law, a government agency, an international organization or similar institution. If the translation is done in a country where there are no official accredited translators, it is to be done by a company whose role or business is professional translation.
Completion of Form	This must be done by the applicant. If he is unable, it must be completed by a legal representative and signed by the applicant.
Dependants who are minors	Dependants who are below 18 years of age shall have the forms signed by both parents. If only 1 parent has legal custody of the child, the appropriate documentation proving this is to be submitted.
Documentation Submitted	When any documentation is submitted, it must be either in original or must be a certified copy by a notary or lawyer. The person certifying shall provide full name, capacity in which the person is acting, residential and business address, contact numbers and email address. If a document is certified as true copy, it must be duly apostilled.

F. TAXATION ISSUES

Though the Programme is not a tax scheme, it is important to take into account the tax treatment of the applicant, once he obtains a certificate under the Programme.

Taxation depends on whether the individual will be considered to be tax resident in Malta, i.e. whether he spends 183 days in Malta in a calendar year. Thus, the following applies:

- *If applicant is tax resident in Malta,* such a person will only be taxed on:
 - Foreign source income which is remitted to Malta;
 - Income that arises in Malta.

- *If applicant is not tax resident in Malta,* such a person will only be taxed on:
 - Income that arises in Malta.

G. CONCLUSION

The Programme aims to attract high net worth clients who seek to obtain a residence in the European Union with Schengen access.

A successful applicant will be able to enjoy the benefits of residing in a Mediterranean island that boasts 300 days of sunshine, an idyllic climate and a safe environment. The regulatory and fiscal framework offered by Malta to such residents further complements the advantages offered to these investors.

H. DISCLAIMER

This publication has been prepared as a general guide and for information purposes only. It is not a substitution for professional advice. One must not rely on it without receiving independent advice based on the particular facts of his/her own case. No responsibility can be accepted by the authors or the publishers for any loss occasioned by acting or refraining from acting on the basis of this publication.

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The Firm

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