

L.N. 107 of 2017**PUBLIC ADMINISTRATION ACT
(CAP. 497)****Malta Residence Visa (Establishment of an Agency) Order, 2017**

IN exercise of the powers conferred by article 36(1) of the Public Administration Act, the Prime Minister has made the following regulations:-

1. The title of this Order is the Malta Residency Visa Citation.
(Establishment of an Agency) Order 2017.
2. In this Order, unless the context otherwise requires: Interpretation.
 - "the Act" means the Public Administration Act; Cap. 497.
 - "Agency" means the Malta Residency Visa Agency established by this Order;
 - "Agency Agreement" means the agreement as provided for in article 7;
 - "Minister" means the Minister responsible for investment;
 - "Permanent Secretary" means the Permanent Secretary in the Ministry responsible for investment.
3. There shall be established an Agency, to be known as the Establishment of Malta Residence Visa Programme Agency.
Malta Residency Visa Agency which shall carry out functions and duties of public administration in the following matters:
 - (a) issuing of residence certificates by investment and other administrative matters related to those wishing to stay or settle indefinitely in Malta or Gozo;
 - (b) to work and collaborate with Identity Malta Agency with regards to the issuance of residence documents by investment including participating on the Advisory Board and in relation to the printing of residence documents; Cap. 217.
 - (c) to setup and implement the Agency short and long-term strategy;
 - (d) to establish Agency accredited agents;
 - (e) to achieve the Agency financial operating budgets;

- (f) to perform due diligence checks on all applications;
- (g) to implement and maintain internal standard operating procedures;
- (h) to implement an innovative Corporate Branding strategy;
- (i) to issue the indefinite certificate of residence and residence document timely;
- (j) to conduct interviews with applicants for the Agency as necessary;
- (k) to remain abreast of other international residence schemes by investment whilst ensuring that the Agency remains competitive;
- (l) to meet, monitor and manage the selected Agency Concessionaires and provide them with the required support and guidance whilst ensuring compliance to the conditions of the agreements in force;
- (m) to issue, manage, oversee and monitor Request for Proposal processes in relation to the growth and dissemination of the Agency internationally; and
- (n) such other matters which are ancillary, incidental or consequential to the matters stipulated in paragraphs (a) to (m) as the Minister may from time to time determine:

Provided that when such matters as are referred to in this sub-article consist of or include the administration or investment of funds, the Minister shall act with the concurrence of the Minister responsible for finance in making the said determination.

Minister
responsible for
the Agency.

4. (1) The Minister responsible for Malta Residence Visa Agency shall be the Minister for investment.

(2) The Permanent Secretary in the Ministry responsible for investment shall supervise the Agency in terms of article 39 of the Act:

Provided that the Permanent Secretary may be assisted in such supervision by another Permanent Secretary in accordance with the proviso to article 13(5) of the Act:

Provided further that if a Minister, other than the Prime

Minister, assumes responsibility for the Agency, its supervision shall fall under the Permanent Secretary of that Ministry.

5. The Agency shall be subject to the provisions of the Act and shall be regulated thereby.

Agency to be subject to the Act.

6. The Agency shall be governed by the provisions of the Financial Administration and Audit Act unless otherwise authorised in the Agency Agreement between the Permanent Secretary and the Agency, in which case the provisions of the Agency Agreement shall prevail.

Financial arrangements. Cap. 174

7. The operations of the Agency shall be carried out in accordance with an Agency Agreement which shall be agreed between the Permanent Secretary and the Agency.

Agency agreement.

8. (1) The Agency shall be headed by the Executive Chairperson who shall be responsible for the performance, functions and duties of the Agency in accordance with the Act and who shall be responsible for the daily management of the Agency.

Head of the Agency.

(2) The Executive Chairperson shall be responsible for providing his recommendations on applications presented before the Board after all due diligence checks are performed.

(3) The legal and judicial representation of the Agency shall lie in the Executive Chairperson.

9. Subject to the provisions of the Act and of any other legislation, the Agency shall have authority to engage its own employees.

Employment of personnel.

10. (1) The Minister shall appoint a Board of Directors and a Non-Executive Chairperson.

Organisational Structure

(2) The Board of Directors shall be composed of:

- (a) the Permanent Secretary of the Ministry;
- (b) an official from MIMCOL;
- (c) a legal advisor.

(3) Board meetings shall be attended by the Board of Directors, the non-Executive Chairperson of the Agency and the Executive Officer of the Agency.

(4) Each Board member shall have the right to vote during Board meetings and meetings shall be chaired by the non-Executive

Chairperson.

(5) The remuneration paid to members of the Board of Directors shall be in accordance with the Act and established guidelines.

Advisory Board. **11.** (1) The Minister responsible for the Agency shall establish an Advisory Board to review and monitor the successful execution of the Agency processes and practices.

(2) The Board shall review cases submitted for final approval and prior to the issuance of the residency card and shall endorse the recommendations made by the Executive Chairperson.

Composition of the Advisory Board. **12.** (1) The Advisory Board shall be composed of:-

- (a) the Executive Chairperson;
- (b) the Chairperson or his representative from Identity Malta Agency;
- (c) a person nominated by the responsible Minister;
- (d) a member of staff from the due diligence team.

(2) The remuneration paid to members of the Advisory Board shall be in accordance with the Act and established guidelines.

Amendments the Fourth Schedule of the Act. **13.** In the Fourth Schedule of the Public Administration Act, immediately after the item "Malta Marittima Agency" there shall be added the following:

"Malta Residence Visa Agency	to execute the functions and duties of the public administration in matters relating to issuing of residence visas by investment and other administrative matters related to individuals wishing to stay or settle indefinitely in Malta or Gozo visas.
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