



Identity Malta Agency would like to clarify the facts concerning reports on 22 children who had their residence permit application turned down.

On the contrary to what was reported, it is not true that the children will be expected to leave the country immediately. In the official letter communicated by Identity Malta it was highlighted that the applicants have the right to appeal and may contest the decision with the Immigration Appeals Board, which is an independent and autonomous body. Until such decision is taken, they shall be authorized to reside in Malta by means of an interim permit (a practice which has been adopted by the Maltese authorities for years).

Following reports, Identity Malta Agency revisited the cases and reaffirmed its decision that the applications turned down in the past weeks did not meet the set income criteria.

The income requisite for family reunification, outlined in Subsidiary Legislation 217.06, is meant to guarantee a decent standard of living to migrant families and their children. If such conditions were to be side lined, migrant families and their children may experience undesirable social conditions.

The legislation came into force in 2007 and transposes Council Directive 2003/86/EC. In the admittance of family members for the purpose of reunification, the sponsor is required to prove prospects of permanent residence and have stable and regular resources which are equivalent to the national average wage.

In such cases where applicants do not meet the two requirements, Identity Malta still gives main sponsors the opportunity to be joined by relatives in Malta. For such requests to be approved, the income of both parents is taken into consideration and the disposable income must not be lower than the at-risk-of-poverty benchmark established in the Statistics on Income and Living Conditions Survey (EU SILC). When calculating the parents' income, Identity Malta takes into account their basic gross income and deducts national social security contribution as well as accommodation cost (based on the rent contract provided by the applicant). For the purpose of this exercise, the income tax factor is not even taken into consideration.

It is worth pointing out that each application is examined on a case-by-case basis and Identity

Malta considers all relevant circumstances, including the length of stay of the applicant in Malta and the nature of the employment contract.

The cases referred to in the media are recently filed new applications of children who never had a residence permit in Malta before. The Serbian family members in question were not admitted to Malta by means of any procedure managed by Identity Malta, but had the opportunity to be physically present in Malta on the basis of their exemption from the visa requirement. Serbian nationals are non-visa nationals, therefore they do not require a visa to stay in Schengen territory for a period of 90 days within any 6 months period.

It is imperative to note that all children already residing in Malta by means of a residence permit may continue to renew their authorisation to stay in the country based on the original conditions of their first application.

Identity Malta Agency would like to reiterate that the laws and regulations explained above do not constitute to any preferential or discriminatory treatment based on one's nationality or country of origin. As a matter of fact, in 2018 Serbian nationals amounted to 5,744, resulting in the largest third-country national community in Malta.

Finally, Identity Malta Agency shall continue to assist third-country nationals planning to reside in Malta to take the appropriate decision in their best interest and that of their family, before and after leaving the country of origin.

Fact sheet

1. Income Requisite

The income requisite for family reunification in Subsidiary Legislation 217.06 (which transposes Council Directive 2003/86/EC) is meant to guarantee a decent standard of living to migrant families and their children. If such conditions were to be side lined, migrant families and their children may experience undesirable social conditions.

2. Right to Appeal

Applicants have the right to appeal and may contest the decision with the Immigration Appeals Board. Until such decision is taken, they shall be authorized to reside in Malta by means of an interim permit.

3. TCNs not eligible under 217.06

If applicants do not have prospects of permanent residence and their income is below the national average wage, Identity Malta still gives main sponsors the opportunity to be joined by relatives in Malta.

For such requests to be approved, the income of both parents is taken into consideration and the disposable income must not be lower than the at-risk-of-poverty benchmark established in

the Statistics on Income and Living Conditions Survey (EU SILC).

The number of third-country family members having a residence permit in Malta who were not eligible under Subsidiary Legislation 217.06 at the end of 2018 was 2,433.