

MEMORANDUM TO CABINET BY THE
HONOURABLE THE PRIME MINISTER.

Fees for Re-acquiring Maltese Citizenship

Persons who had been citizens of Malta and citizens of another country lose their Maltese citizenship once they fail to renounce their other citizenship within the time prescribed by law.

2. Citizens of a Commonwealth country who have so lost their Maltese citizenship may avail themselves of the provisions of Section 3 of the Citizenship Act, 1965 (copy annexed) and may obtain registration as citizens of Malta against the payment of a fee of £1 as laid down in the Second Schedule to the Citizenship (Registration and Naturalization Forms and Fees) Regulations, 1965 (copy attached).

3. On the other hand, citizens of a country other than a Commonwealth one who have lost their Maltese citizenship for the same reason can only seek to become again citizens of Malta under Section 6 of the aforesaid Act (copy annexed) against the payment of a fee of £20.

4. Both categories of persons referred to under paras 2 and 3 above concern individuals who, having been citizens of Malta, lost such citizenship owing to an identical default, namely the failure to renounce their other citizenship. It is felt, and Crown Advocate General agrees, that there is no reason for such differentiation in the fees payable by Commonwealth and non-Commonwealth citizens for re-acquiring Maltese citizenship.

5. In his advice the Crown Advocate General states that there may be cases in which a citizen's failure to renounce his citizenship other than that of Malta within the prescribed period is attributable to causes beyond his control but there may be also cases in which such failure is due to the individual's negligence or indifference. In his view, therefore, it is practically impossible to ascertain in each individual case the cause of such failure and, therefore, the fee should neither be too onerous nor too low. He suggests a fee of £2 for the application and £3 for

registration/...

registration or for the grant of a certificate of naturalization as the case may be, as against £1 and £2 respectively originally contemplated by the Immigration Division of this Office.

6. Hon. Ministers may wish to agree that:

- (a) the fee leviable for re-acquiring Maltese citizenship be it by registration or by naturalization should be identical in those cases where the cause of the loss of citizenship is the failure to renounce another citizenship within a prescribed time; and, if they do, that
- (b) the Second Schedule to the Citizenship (Registration and Naturalization Forms and Fees) Regulations, 1965 should be amended as shown at Appendix A.

11th November, 1967.

Appendix A

(cfr. para. 6(b) of Cabinet Memo)

Citizenship (Registration and Naturalization
Forms and Fees) Regulations, 1965

Proposed amendments to Second Schedule

(Amendments proposed are underlined for easy reference)

<u>Matters in which fee may be taken</u>	<u>Fee payable</u>
1. Registration as a citizen of Malta, <u>other than in the case referred to under item 5.</u>	£1. 0s. 0d.
2. Application for the grant of a certificate of naturalization	£2. 0s. 0d.
3. <u>Application for registration as a citizen of Malta by a person who has lost his citizenship of Malta owing to his failure to renounce the citizenship of another country</u>	£2. 0s. 0d.
4. Grant of a certificate of naturalization, <u>other than in the case referred to under item 5 -</u>	
a) in the case of a minor	£8. 0s. 0d.
b) in other cases	£18. 0s. 0d.
5. <u>Registration as a citizen of Malta of a person, or grant of a certificate of naturalization as a citizen of Malta to a person, who has lost his citizenship of Malta owing to his failure to renounce the citizenship of another country</u>	£3. 0s. 0d.
6. Swearing an affidavit	5s. 0d.
7. Taking an oath of allegiance	5s. 0d.
8. Supplying a certified true copy or other copy of any registration or certificate referred to above	10s. 0d.

Extract from Maltese Citizenship Act, 1965

(a) Registration

Registration
of certain
persons as
citizens.

3(1) Subject to the provisions of subsection(4) of this section, a citizen of any country to which section 29 of the Constitution applies or of the Republic of Ireland or a British protected person, being a person of full age and capacity, on making an application therefor to the Minister in the prescribed manner, may be registered as a citizen of Malta if he satisfies the Minister -

(a) that he is ordinarily resident in Malta and has been so resident throughout the period of five years ending with the date of his application; and

(b) that he has an adequate knowledge of the Maltese or the English language; and

(c) that he is of good character; and

(d) that he would be a suitable citizen of Malta.

(2) Subject to the provisions of subsection(4) of this section, any person of full age and capacity born outside Malta whose father was at the time of that person's birth a citizen of Malta by virtue of the provisions of subsection (2) of section 23 or subsection (2) of section 26 of the Constitution may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Malta.

(3) Subject to the provisions of subsection(4) of this section, any person of full age and capacity who -

(a) has emigrated from Malta (whether before, on or after the 21st September, 1964) and, having been a citizen of Malta by virtue of section 23(1) or 26(1) of the Constitution, has ceased to be such a citizen or

(b) emigrated from Malta before the 21st September, 1964 and, but for his having ceased to be a citizen of the United Kingdom and Colonies before that day, would have become a citizen of Malta by virtue of section 23(1) of the Constitution, may, on making application therefor to the Minister in the prescribed manner, be registered as a citizen of Malta.

(4) A person shall not be registered as a citizen of Malta under the foregoing subsections of this section unless and until he has made a declaration in writing in the prescribed form of his willingness to renounce any other nationality or citizenship he may possess and has taken an oath of allegiance in the form specified in the first Schedule to this Act.

(5) Subject to the provisions of subsections (6) and (7) of this section, a person shall be entitled, on making application to the Minister in the prescribed manner, to be registered as a citizen of Malta if he satisfies the Minister that he is and always has been stateless, and -

- (a) that he was born in Malta, or
- (b) that his father was a citizen of Malta at the date of his birth by virtue of the provisions of subsection (2) of section 23 or subsection (2) of section 26 of the Constitution or that his mother was at that date a citizen of Malta.

(6) A person referred to in paragraph (a) of subsection (5) of this section shall not be entitled to registration under the provisions of that subsection if the Minister is satisfied -

- (a) that he has not been ordinarily resident in Malta throughout the period of five years ending with the date of the application; or
- (b) that he has either been convicted in any country of an offence against the security of the State or has been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than five years.

(7) A person referred to in paragraph (b) of subsection (5) of this section shall not be entitled to registration under the provisions of that subsection if the Minister is satisfied -

- (a) that he has not been ordinarily resident in Malta throughout the period of three years ending with the date of his application; or
- (b) that he has been convicted in any country of an offence against the security of the State.

(b) Naturalisation

Naturalisation of aliens. 5. (1) Subject to the provisions of this section -

(a) the Minister may, if application therefor has been made to him by any alien of full age and capacity who satisfies him that he is qualified under the provisions of the Second Schedule to this Act for naturalisation, grant to such alien a certificate of naturalisation; and

(b) the alien to whom such a certificate is granted shall become a citizen of Malta by naturalisation from the date of the grant.

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(2) A certificate of naturalisation as a citizen of Malta shall not be granted to a person under this section unless and until he has made a declaration in writing in the prescribed form of his willingness to renounce any other nationality or citizenship which he may possess and has taken an oath of allegiance in the form specified in the First Schedule to this Act.

(3) If a person to whom a certificate of naturalisation as a citizen of Malta has been granted under this section does not produce to such officer as the Minister may designate in that behalf, within three months of being so registered or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer that he has renounced any other nationality or citizenship which he may have possessed, the naturalisation of that person as a citizen of Malta shall be cancelled and he shall be deemed never to have been so naturalised.

 Extract from Citizenship (Registration and Naturalization Forms and Fees) Regulations, 1965

SECOND SCHEDULE

<u>Matters in which fee may be taken</u>	<u>Fee payable</u>
1. Registration as a citizen of Malta	£1. 0s. 0d.
2. Application for the grant of a certificate of naturalisation	£2. 0s. 0d.
3. Grant of a certificate of naturalisation -	
a) in the case of a minor	£8. 0s. 0d.
b) in other cases	£18. 0s. 0d.
4. Swearing of affidavit	5s. 0d.
5. Taking of oath of allegiance	5s. 0d.
6. Supplying a certified true copy or other copy of any registration or certificate referred to above	10s. 0d.