

Memorandum to Cabinet by the Prime MinisterThe Immigration Act, 1970

As Ministers are aware, the Immigration Act, 1970, came into operation on the 21st September, 1970, and repealed the Immigration (British Subjects) Ordinance, 1948, and the Aliens Ordinance, 1949. The Immigration (British Subjects) Ordinance made provision for a class of British Subjects who were referred to as persons "belonging to the Island". These were:

- (a) persons born in Malta, or of parents who at the time of such persons' birth, were ordinarily resident in Malta; or
- (b) persons who had been ordinarily resident in Malta continuously for a period of seven years or more and had not since been ordinarily resident for a similar period of seven years or more in any other British territory; or
- (c) persons who had become British Subjects by virtue of a certificate of naturalization granted in Malta; or
- (d) any dependant of the above.

2. None of the above persons, whose number is not known, required permission to reside or work in Malta and they virtually enjoyed the same privileges as any citizen of Malta with certain exceptions, such as voting rights and employment with Government. The Immigration Act has now done away with this privileged class of British Subject and they must all decide now what they wish to do, namely:-

- (a) apply for permission to reside in Malta; or
- (b) apply for permission to reside and work in Malta; or

(c) apply for registration as citizens of Malta; or

(d) leave Malta altogether.

The only concession made under the Act is that persons who had been ordinarily resident in Malta continuously for fifteen years or more on the coming into operation of the Act, have up to the 21st September, 1971, to decide what to do. All others must regularize their position now. These requirements have been given publicity. It should be borne in mind that these people have made Malta their home and have probably nowhere else to go. It is also likely that a number of them are occupying posts which normally would be preserved for Maltese citizens.

L-ARKIVI NAZZJONALI TA' MALTA

3. Those persons who simply wish to continue to reside here without working, such as British exservicemen, some of whom are veterans of World War I, do not raise any particular problem. They may apply for permission to reside here indefinitely without working. They would in no way be accorded any special privileges and would continue to be subject to all forms of taxation which are applicable to Maltese citizens.

4. However, those who have to work for a living raise a problem in that it would be unfair to force on them the choice of either ceasing to work altogether or leaving Malta for good. It is true that they could apply for Maltese citizenship but this would be contrary to the spirit of the application for citizenship, which should be voluntary and not a matter of compulsion. Moreover, the grant of citizenship is not automatic as it is entirely within the discretion of the Minister for the time being responsible for citizenship matters, to grant or refuse an application. It is, therefore, for consideration whether such persons ought to be allowed to continue in their jobs until they reach the age at which they would become eligible for an old-age pension.

5. Another matter on which a decision is required as a result of the provisions of the Immigration Act, 1970, is the question of those persons who, though they became citizens of Malta on Independence Day, ceased to be such citizens

13...
because they did not renounce any other citizenship held by them in the time prescribed by law and also never emigrated from the Island. Examples of such cases would be

- (a) a person born in Malta of a mother born in Malta but whose father was born abroad; or
- (b) a woman born in Malta of a father born in Malta, and married to a citizen of the United Kingdom and Colonies or Italy.

These are the two commonest instances falling within this category. Whilst those who have emigrated from Malta whether before, on or after Independence Day have freedom of movement (i.e. they may reside here without any permission being sought) and do not require a licence to work in Malta, those who did not emigrate but have remained here all their lives, except perhaps for short visits abroad, now fall under the same fifteen-years' provision of the Immigration Act and have likewise to decide whether they wish to continue to reside, or to reside and work here.

6. These persons, whose number is again not known, are for practical purposes the same as citizens of Malta, except for such matters as voting rights and employment with Government. It is, therefore, also for consideration whether these persons ought to be given permission to reside or to reside and work here indefinitely, as each case comes to light.

7. Ministers are therefore asked to consider whether:-

- (a) British Subjects who, in terms of the former Immigration (British Subjects) Ordinance, 1968, were exempt from the obligation to obtain a residence permit, be granted permission to continue to reside in Malta indefinitely, without working, provided that they have resided in Malta for a continuous period of fifteen years or more;

(b) British Subjects who similarly, in terms of the Immigration (British Subjects) Ordinance, 1948, were exempt from the obligation to obtain a permit both to reside and to work in Malta, be granted permission to reside and a licence to work in Malta, which latter licence would operate until they reach the age at which they would become eligible for an old-age pension, subject likewise to their having resided continuously in Malta for a period of fifteen years or more;

(c) those persons who became citizens of Malta on Independence Day because of their birth in Malta and either of their parent's birth in Malta but who never emigrated from the Island, be granted permission to continue to reside or to reside and work in Malta.

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25th February, 1971.