



INFORMATION NOTE

Date: 11 April 2008

Re: ISSUANCE OF RESIDENCE PERMITS TO THIRD-COUNTRY NATIONALS FOR THE PURPOSE OF STUDIES

This Information Note addresses the proposed way forward with regard to third-country nationals, who wish to undertake studies in Malta, and who are not covered by the provisions of Legal Notice 29 of 2008, and aims at streamlining procedures and clarifying the policy position in this regard. Legal Notice 29 - Conditions of Admission of Third-country nationals for the purposes of studies Regulations, 2008 applies only to students who are third-country nationals and are admitted to pursue a full-time course of study leading to a higher education qualification.

The objective of the policy and procedures concerned is to manage the admittance and residence of such category of persons through the visa system, thereby avoiding, wherever possible, the issue of residence permits to such persons and curbing any forms of abuse.

It addresses two main categories, based on two different scenarios, as follows:

Category 1:

Students who are already attending such courses in Malta and who are either

- nationals of third-countries exempt from the visa requirement;
- or
- nationals of third-countries who were required to be in possession of a visa

Category 2:

Students who will, in the future, be attending such courses in Malta and who are either

- nationals of third-countries exempt from the visa requirement;
- or
- nationals of third-countries who are required to be in possession of a visa

CATEGORY 1

STUDENTS WHO ARE ALREADY ATTENDING SUCH COURSES IN MALTA AND WHO ARE EITHER

- **Class 1A**
Nationals of third-countries exempt from the visa requirement;
- OR
- **Class 1B**
Nationals of third-countries who were required to be in possession of a visa

CLASS 1A

NATIONALS OF THIRD-COUNTRIES EXEMPT FROM THE VISA REQUIREMENT

Students, nationals of those third-countries, who are exempt from the visa requirement to enter Malta, and who are already present in Malta may be given the faculty of applying for a "*fixed-term*" Residence Permit, based on the duration of their course, obviously in the case that the duration of the course exceeds three months.

The residence permit would be issued on verification of the letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended. Furthermore, students should present documentary evidence showing that they have in their possession sufficient financial resources to maintain themselves during their stay in Malta.

It is proposed that, since they are already on Maltese territory, these students would be allowed to apply for a "*fixed-term*" Residence Permit in Malta, as opposed to imposing an obligation on them to apply from abroad, which would require them to return to their countries, thereby disrupting their studies as well as the organization in the educational establishments they attend.

Upon termination of the fixed-term, these students would not be allowed to extend this Residence Permit.

Documentation required:

- Application (CEA/20) duly filled in and signed;
- Two (2) passport-size photographs
- Letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended;
- Passport;
- Copy of all extensions given;

- Means of support (foreign transfers, bank account etc) amounting to the minimum amount of €48 per day for the duration of the required extension;
- a health insurance policy valid for the national territory

CLASS 1B

NATIONALS OF THIRD-COUNTRIES WHO WERE REQUIRED TO BE IN POSSESSION OF A VISA

On the other hand, those students, nationals of third-countries who are required to be in possession of a visa to enter Maltese territory and already in Malta will also be given the opportunity to apply, unless already in possession of a valid "D" visa, for a "fixed-term" Residence Permit, based on the duration of their course. It is proposed that, since they are already on Maltese territory, these students would be allowed to apply for their residence permit in Malta, as opposed to imposing an obligation on them to return to their homeland, thereby disrupting their studies as well as the organization in the educational establishments they attend.

The residence permit would be issued on verification of the letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended and the presentation of documentary evidence showing that such students have in their possession sufficient financial resources to maintain themselves during their stay in Malta.

Upon termination of the fixed-term, these students would not be allowed to extend this Residence Permit.

Documentation required:

- Application (CEA/20) duly filled in and signed;
- Two (2) passport-size photographs
- Letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended;
- Passport;
- Means of support (foreign transfers, bank account etc) amounting to the minimum amount of €48 per day for the duration of the required extension;
- a health insurance policy valid for the national territory

CATEGORY 2

STUDENTS WHO WILL, IN THE FUTURE, ATTEND SUCH COURSES IN MALTA AND WHO ARE EITHER

- **Class 2A**
Nationals of third-countries exempt from the visa requirement;

OR

- **Class 2B**
Nationals of third-countries who are required to be in possession of a visa

CLASS 2A

It is proposed that those students who fall within this category but who have not yet entered Maltese territory should apply for a "*fixed-term*" Residence Permit, based on the duration of their course (obviously, in the case it is for a period exceeding three months), when they are still abroad. The application would have to be supported by a letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken, particularly its duration and the presentation of documentary evidence showing that such students have in their possession sufficient financial resources to maintain themselves during their stay in Malta.

Upon termination of the fixed-term, these students would not be allowed to extend this Residence Permit.

Documentation required:

- Application (CEA/20) duly filled in and signed;
- Two (2) passport-size photographs
- Letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended;
- Copy of the details page of Passport containing personal details, expiration of the document;
- Means of support (foreign transfers, bank account etc) amounting to the minimum amount of €48 per day for the duration of the required extension;
- a health insurance policy valid for the national territory

CLASS 2B

Students, nationals of third-countries who are required to be in possession of a visa to enter Maltese territory and have not yet entered Maltese territory, would follow a

different procedure depending on whether Malta has its own diplomatic representation in the third country in question.

It is being proposed that given the different options, students are to proceed as follows:

Procedure 1 (thru' Malta's diplomatic mission or consular post)

Where Malta has its own diplomatic mission or consular post students would be obliged to apply for a "D" type (National Long-Stay) visa, thereby allowing them to enter Maltese territory for the full duration of their course. The application would have to be supported by a letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken, particularly its duration and the presentation of documentary evidence showing that such students have in their possession sufficient financial resources to maintain themselves during their stay in Malta.

The "D" type visa, issued for visits of over three months, would allow students to remain in Malta for the full duration of course, as stipulated on the visa application and would allow them to transit through another Schengen State to reach Malta. The "D" visa would not allow students to stay in another Schengen State.

Upon termination of the fixed-term, these students would not be allowed to extend this visa and would have to leave the country and apply for a second "D" visa from a Consular post.

Procedure 2 (thru' Malta's consular representations) *61 countries: represented by Italy, Spain & Austria.*

If applying in a country wherein Malta has no diplomatic representation and is therefore being represented by that of another Member State with which an agreement has been reached for this purpose¹, students would be obliged to apply for a "C" type (Short-Stay) visa for the duration of the course for a maximum period of three months, allowing them to enter Maltese territory.

In the event that the duration of their course is longer than three (3) months, this visa cannot be extended and students would be obliged to apply for a "fixed-term" Residence Permit. Applications would have to be supported by a letter of acceptance from the educational institution indicating entitlement to admission and details on course and the presentation of documentary evidence showing that such students have in their possession sufficient financial resources to maintain themselves during their stay in Malta. The initial letter of admission indicating the duration of the course would have to be presented when applying for the "fixed-term" Residence Permit.

Upon termination of the fixed-term, these students would not be allowed to extend this Residence Permit. Thus, such students wishing to prolong their stay in Malta would have to return to their country of residence and re-apply for a "C" visa from a Consular post, following the same procedure as for their first stay.

¹ At present Austrian, Italian and Spanish diplomatic representations represent Malta in those countries in which Malta does not have its own representation

Documentation required:

- Application (CEA/20) duly filled in and signed;
- Two (2) passport-size photographs
- Letter of acceptance from the educational institution indicating entitlement to admission and details on course being undertaken and/or extended;
- Passport if already in Malta or copies of all the pages containing details from the passport if application is submitted from outside Malta;
-
- Means of support (foreign transfers, bank account etc) amounting to the minimum amount of €48 per day for the duration of the required extension;
- a health insurance policy valid for the national territory

On its part, the Central Visa Unit of the Ministry of Foreign Affairs will continue to explore all possible avenues to enter into bilateral agreements with other EU Member States on the issuance, in representation, of national long-stay (D) visa.
