

PART II - DECLARATION

I hereby solemnly declare that the information given in this application is true to the best of my knowledge and belief and that no details have been omitted that could be of direct importance when the application is considered.

Signature of Applicant

Date

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PART III - SUPPORTING DOCUMENTS

Persons shall be entitled to the right of permanent residence certificate in accordance with the provisions of Article 6 of Subsidiary Legislation 460.17, (Free Movement of European Union Nationals and their Family Members order which is being reproduced overleaf. In this regard the following documents are required:

1. Letter addressed to the Chief Executive Officer, in which s/he should:
 - Indicate the date of his/her first arrival in Malta
 - List all periods of absence from Malta during the last 5 years
2. Documentary evidence attesting to his/her continuous stay in Malta during the last 5 years or as applicable . Such evidence may include one or more of the following documents depending on the purpose of stay in Malta:
 - Employment
(copies of work permits/engagement letter/work contract/final settlement system – FS3's)
 - Self-employment (contracts, etc.)
 - Economic self-sufficiency. In such a case various documents could be produced such as Rental agreement; and/or utilities bills; and/or Tax payments in respect of every year under consideration; and / or A declaration by one's doctor that one has been under his/her care for the last 5 years or as applicable and, as far as s/he is aware, the person concerned has always been residing in Malta during this period; and/or bank statement which would show continuous bank activity; and/or any other document acceptable to the Department which would show continued residency in Malta for the last 5 yrs or as applicable.
 - Study. Confirmation from University of Malta, College or Education Establishment concerned attesting to continuous attendance, should be produced
 - Minors. Certificate/s from the Head of School/s attended by the minor concerned should be produced.

PART IV - NOTES TO APPLICANTS

1. The Unit reserves the right to request any other additional document to process the application.
2. If the applicant is already in his possession of a document certifying that he/she enjoys permanent residence in Malta under the above mentioned Subsidiary Legislation, the documents indicated above are not required but is only requested to submit the said document.

If the applicant, since being granted permanent residence, has, however, been absent from Malta for a period of two consecutive years, such permanent residence is deemed to have been lost.
3. Applications will be accepted by the Unit only if the applicant satisfies the conditions stipulated in the above-mentioned Subsidiary Legislation.
4. All required documents together with photocopies thereof should be enclosed with the application. English translation of the documents are required if applicable.
5. Applications in respect of minors, that is, persons who are still under 18 years of age, are to be submitted and signed by the parent/s or a person who has guardianship of the child. The relative document mentioned attesting the said authority over the child would have to be submitted.
6. Application fee, if applicable, is to be paid in full upon application and is not refundable.
7. Persons concerned are being reminded that, without prejudice to any legal action that may be taken against them if false information is deliberately given, this would lead to the rejection of the application.

**Right of permanent residence — Extract from Subsidiary Legislation 460.17
(Free movement of European Nationals and their Family Members Order)**

6. (1) Subject to the provisions of this article, a Union citizen who has resided legally for a continuous period of five years in Malta and his family members who are not nationals of a Member State and who have legally resided with him in Malta for a continuous period of five years and persons referred to in article 5 as applicable, may reside permanently in Malta and such right, once acquired, shall not, without prejudice to any provisions of articles 12 and 13 which may apply, be subject to the conditions provided for in articles 8, 9, 10 or 11:

Provided that a person who is a Union citizen and who is referred to in article 5 shall, before acquiring the right of permanent residence, be able to show that he satisfies the conditions mentioned in articles 8, 9, 10 or 11 as applicable:

Provided further that a person referred to in article 5(1), (2) and (3), who is not a Union citizen shall, before acquiring the right of permanent residence, be able to show that he satisfies the conditions mentioned in articles 8, 9 or 11 as applicable or, in the case of his family members, they are members of the family already constituted in Malta.

(2) The Director shall require the Union citizen and his family members referred to in this article to provide proof of continuous residence as may be prescribed.

(3) Continuity of residence shall not be affected by:

- (a) temporary absences not exceeding a total of six months in each year; or
- (b) absences of a longer duration for compulsory military service; or
- (c) one absence of a maximum of twelve consecutive months for important reasons including pregnancy and childbirth, serious illness, study or vocational training, or a posting in another Member State or a third country.

(4) Once permanent residence is acquired, the Union citizen and his family members shall only lose such status of permanent residence through absence from Malta for a period exceeding two consecutive years.

(5) The following persons shall enjoy permanent residence in Malta before completion of the continuous period of five years of residence provided for in sub article (1):

- (a) a worker or self-employed person who, at the time of his termination of employment, has reached the retirement age, provided that such person has been working in Malta for at least twelve months prior to the termination of his employment and has resided in Malta continuously for more than three years prior to such termination;
- (b) a worker who has ceased paid employment to take early retirement, provided that such worker has been working in Malta for at least twelve months prior to the termination of his employment and has resided in Malta continuously for more than three years prior to such termination;
- (c) a worker or self-employed person who has resided continuously in Malta for more than two years and has stopped working as a result of permanent incapacity to work, provided that the required minimum residence period shall not apply if such incapacity is the result of an accident at work or an occupational disease entitling him to a pension for which an institution or body in Malta is wholly or partially responsible;
- (d) a worker or self-employed person who after three years of continuous employment and residence in Malta works in an employed or self-employed capacity in another Member State, while retaining his place of residence in Malta to which he returns, as a rule, at least once a week.

(6) For the purposes of entitlement to permanent residence by the persons referred to in sub article (5)(a), (b) and (c), periods of employment spent in another Member State in which such person concerned has worked or is working, shall be regarded as having been spent in Malta.

(7) For the purposes of sub article (5)(a), (b) and (c) -

- (a) periods of inactivity for reasons not of the person's own making,
- (b) periods of inactivity due to illness or accident, and
- (c) periods of involuntary unemployment duly recorded by the employment agency, shall be treated as periods of activity as a worker or self-employed person.

(8) Without prejudice to any rights that may be enjoyed under the Act, the conditions as to length of residence and employment laid down in sub article (5)(a), (b) and (c) shall not apply if the spouse of any such person is a former citizen of Malta who has lost Maltese citizenship by reason of marriage to him.

(9) Family members of the person referred to in subarticle (5) and who are residing with him in Malta, shall have the right of permanent residence if such person has acquired such right:

Provided that, without prejudice to any rights that may be enjoyed under the Act, if such worker or self-employed person dies while still working before having acquired the right to remain permanently in Malta, family members shall be entitled to the right of permanent residence in Malta if -

- (a) such person had, on the date of his death, resided continuously in Malta for two years; or
- (b) that his death resulted from an accident at work or an occupational disease; or
- (c) that the surviving spouse is a former citizen of Malta and has lost Maltese citizenship by reason of marriage to such person.

**PRIVACY POLICY
CEA FORM P**

By submitting the CEA Form P and the attachment(s) required (altogether the “Form”), you provide Identity Malta Agency (“IMA”) with personal data (the “Data”) and thus become a “data subject”.

The aim of this policy is to comply with our transparency and fairness obligations under GDPR and to inform you about who will be processing your Data, for what purpose, for how long it will be kept, with whom it will be shared and about your rights as a data subject under GDPR.

You may submit personal data of individuals other than yourself with this Form (i.e. recommenders, witnesses, etc.). IMA has assessed that, in said cases, informing these individuals proves impossible and would involve a disproportionate effort. IMA will still take appropriate measures to protect the rights, freedoms and legitimate interests of these individuals.

1. Data Controller and Data Protection Officer

IMA is the data controller, meaning the entity that defines the purposes and means for collecting and processing your Data in relation to this Form.

IMA is an Agency of the Government of Malta, delivering services related to Citizenship, Identity Cards, Passports, Visas, Expatriates and Public Registry.

IMA’s Data Protection Officer is responsible to attend any query related to this policy and in general to personal data processing activities conducted by IMA. The Data Protection Officer may be contacted using the details below.

Postal Address:

Data Protection Officer

Identity Malta Agency

Valley Road, Msida, MSD 9020, Malta

E-mail: dataprotection@identitymalta.com

2. Purposes and legal basis

The purposes for processing personal data collected within this form are to process an application submitted by EU nationals and their family members to be issued with a registration certificate and populating Identity Malta Agency’s databases.

The legal basis for processing the Data are the performance of a task carried out in the public interest by Identity Malta and compliance with the legal obligation deriving from S.L.460.17, to which Identity Malta is subject.

We take pride in keeping your data secure and will take appropriate technical and organisational measures to protect your data against unauthorised or unlawful processing, including against accidental loss, destruction, storage or access. Your personal data will be stored in paper files and/or electronically on our technology systems.

3. Recipients of personal data

Data will be accessed by Identity Malta employees in charge of processing the Form.

It may also be transferred to other departments within Identity Malta in order to facilitate the delivery of the service requested by submitting this Form. Data will also be transferred to the Police Immigration Office and the National Statistics Office (NSO).

This will be done in line with data protection legislation, and arrangements are in place in order to guarantee the security and lawfulness of these transfers.

Under certain conditions, IMA may disclose your information to other third parties, (such as other Government entities or law enforcement authorities) if it is necessary and proportionate for lawful, specific purposes.

Data will not be transferred to third countries or international organizations.

4. Storage period

Data will be retained for 20 years (from the moment that the file/s is/are considered as dormant).

5. Your rights

You can contact the Data Protection Officer in order to exercise your right to access, rectify and, as the case may be, erase the Data, in compliance with applicable laws.

You also have the right to object to the processing of Data at any time, on grounds relating to your particular situation.

If you feel that Identity Malta has infringed your data protection rights, you may submit a complaint to the supervisory authority of the Member State of your habitual residence or place of work, or, alternatively, to the supervisory authority of the Member State where the alleged infringement has taken place.

IDENTITY MALTA AGENCY

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