



European
University
Institute

ROBERT
SCHUMAN
CENTRE FOR
ADVANCED
STUDIES

EUDO CITIZENSHIP OBSERVATORY

NATURALISATION PROCEDURES FOR IMMIGRANTS MALTA

Daniela DeBono

March 2013



European University Institute, Florence
Robert Schuman Centre for Advanced Studies
EUDO Citizenship Observatory

***Naturalisation Procedures for Immigrants
Malta***

Daniela DeBono

March 2013

EUDO Citizenship Observatory
Migration Policy Group
in collaboration with
Robert Schuman Centre for Advanced Studies
Naturalisation Procedures Report, RSCAS/EUDO-CIT-NP 2013/30
Badia Fiesolana, San Domenico di Fiesole (FI), Italy

© 2013 Daniela DeBono

This text may be downloaded only for personal research purposes.
Additional reproduction for other purposes, whether in hard copies or electronically,
requires the consent of the authors.

Requests should be addressed to eucitac@eui.eu

The views expressed in this publication cannot in any circumstances be regarded as
the official position of the European Union

Published in Italy
European University Institute
Badia Fiesolana
I – 50014 San Domenico di Fiesole (FI)
Italy
www.eui.eu/RSCAS/Publications/
www.eui.eu
cadmus.eui.eu

Research for EUDO Citizenship Observatory Reports has been jointly supported by the European Commission grant agreement HOME/2010/EIFX/CA/1774 ACIT and by the British Academy Research Project CITMODES (both projects co-directed by the EUI and the University of Edinburgh).

The financial support from these projects is gratefully acknowledged.

For information about the project please visit the project website at <http://eudo-citizenship.eu>

Naturalisation Procedures for Immigrants

Malta

Daniela DeBono

1. Introduction	1
2. Naturalisation in Malta	2
2.1. General requirements	2
2.2. Institutional setup	2
2.3. Demographic background and immigration trends.....	3
2.4. Guidance and information provided for naturalisation applicants.....	4
2.5. The application procedure.....	5
2.6. Non-reviewable discretionary power of the Minister	6
2.7. Official costs involved in filing an application.....	7
3. Concluding reflections	8

1. Introduction

The Maltese legal regime conferring and regulating citizenship came into being when Malta became an independent state in 1964. This consists of Chapter III of the Constitution of Malta and Chapter 188 of the Laws of Malta, the Maltese Citizenship Act. Substantial changes were introduced in reforms in 1989, 2000 and 2007 which brought about a radical change of policy regarding citizenship. These changes, however, were limited to the acquisition of citizenship by registration – primarily through descent and marriage - whereas citizenship by naturalisation remained virtually unchanged.¹

The acquisition of citizenship by naturalisation in Malta is overshadowed by the singular non-reviewable discretion that the Minister enjoys in the decision of each case. The Maltese Citizenship Act lays out general requirements that the applicants need to meet to be eligible for citizenship by naturalisation. The general requirements are rather broad and vague, and in practice there is no systematic assessment of their fulfilment like language tests, and so on. These requirements guarantee eligibility but are non-binding on the Ministerial decision. In practice therefore each case is dealt with on its own merits.

¹ For a description of these changes see: Eugene Buttigieg, 'Malta', *European Union Democracy Observatory*, European University Institute, Florence, 2010, <<http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>>, (accessed 22 July 2012).

2. Naturalisation in Malta

2.1. General requirements

General requirements for the acquisition of citizenship by naturalisation that need to be met by applicants are set out in Article 10 of the Maltese Citizenship Act. Article 10 states that an alien or stateless person, being a person of full age and capacity may be granted citizenship by naturalisation on the basis of residence if s/he satisfies the Minister –

- (a) that he has resided in Malta throughout the period of twelve months immediately preceding the date of application; and
- (b) that, during the six years immediately preceding the said period of twelve months, he has resided in Malta for periods amounting in the aggregate to not less than four years; and
- (c) that he has an adequate knowledge of the Maltese or the English language; and
- (d) that he is of good character; and
- (e) that he would be a suitable citizen of Malta:

Provided that the Minister may, if he so thinks fit in the special circumstances of any particular case, allow periods of residence earlier than seven years before the date of application to be reckoned in computing the aggregate mentioned in paragraph (b).

The fulfilment of these requirements does not guarantee citizenship, since the final Ministerial decision remains in absolute terms discretionary.

2.2. Institutional setup

The Department for Citizenship and Expatriate Affairs (DCEA) is assigned the responsibility to implement legislation concerning citizenship matters as provided for in the Constitution of Malta - Chapter III and the Maltese Citizenship Act.

The DCEA offers a full service to applicants for citizenship by naturalisation. Applicants are given an appointment at the DCEA where an officer explains the procedure and assists them in filling in the application form. Once the forms have been completed and checked, the DCEA passes on the application forms to the Minister responsible. The DCEA is also entrusted with informing the applicant on the outcome of the decision.

Under this legislature, the DCEA falls under the auspices of the Ministry for Foreign Affairs. This is not however prescribed by law and, for example, in the previous legislature the same Department was to be found within the Ministry for Justice and Home Affairs.

The DCEA has produced information leaflets which simplify and explain the citizenship acquisition process based on the various sections of the Maltese Citizenship Act, including citizenship by naturalisation. Hard copies of these leaflets are available at the DCEA's office and also online.

The DCEA's office is centrally located in Valletta, which is the capital city. It is therefore easily accessible to all.

There are no NGOs providing specific assistance to applicants for naturalisation.

2.3. Demographic background and immigration trends

A short overview of the demographic background of Malta and contemporary immigration trends illustrates the particularity of this case study. This is necessary to understand Malta's policies on naturalisation which cannot be seen in isolation from demographic characteristics of the country and recent immigration flows. In addition, this shows, as will be argued later on in this report, the unlikelihood of changes in naturalisation policies in the near future.

The population of Malta stands at 412,970, which on an area of 316km squared,² makes Malta the most densely populated Member State of the European Union.³ According to the Demographic Review of 2009, the total number of immigrants residing in Malta in 2009 was 16,692 or 4.4 per cent of the total population.⁴ It shows a steady increase from 2005, when the migrant population accounted for 3.0 per cent,⁵ and the increase becomes even starker when compared with 1995 when it accounted for 1.9 per cent of the total population.

Immigrants, defined by the National Statistics Office as individuals who establish their residence in Malta for a period that is expected to last a minimum of 12 months, includes: a) foreigners with a permanent residence permit; b) foreigners with a temporary residence permit; c) refugees and asylum-seekers and d) other irregular immigrants in detention and outside in the community. The majority of migrants are from the EU – 57 per cent, who have less of an interest in applying for Maltese citizenship. The remaining 43.0 per cent constitute asylum seekers, and other third country nationals, from countries like the United States.⁶ A large number of migrants are of working age. In particular, foreign nationals in the 25-49 age bracket accounted for 47.0 per cent of new arrivals in 2008.⁷

Between 1991 and 2008, 23.0 per cent of individuals who acquired citizenship did so through naturalisation, the rest acquired citizenship through registration.⁸ According to the DCEA, there have been no major fluctuations of this percentage over the years.⁹ This is not surprising given that

² Department of Information – Malta, 'The Maltese Islands', <<http://www.doi.gov.mt/EN/islands/location.asp>>, 2010, (accessed 20 March 2011).

³ National Statistics Office, *Demographic Review – 2009*, National Statistics Office, Valletta, 2010 p. vi.

⁴ Ibid.

⁵ National Statistics Office, *Census of Population and Housing*, 2005. Also reported in Natalino Fenech, 'More foreigners living in Malta', *The Times of Malta*, 11 August 2007.

⁶ Idem.

⁷ Jean-Pierre Gauci, 'Malta: Migration trends' in *Part 1: Migration and the labour markets in the European Union (2000 – 2009)*, Independent Network of Labour Migration and Integration Experts, <<http://www.labourmigration.eu/research/report/15-part-1-migration-and-the-labour-markets-in-the-european-union-2000-2009>>, (accessed 24 July 2012).

⁸ European Union Democracy Observatory on Citizenship, 'EUODO Citizenship Statistics', <<http://eudo-citizenship.eu/stat/index.php?stype=1&coun=Malta>>, 2008, (accessed 26 July 2012).

⁹ Personal Interview with Mr Joe Mizzi, Director, Department of Citizenship and Expatriate Affairs, 4 April 2012.

citizenship by naturalisation is, according to the Director of the DCEA, really only granted for exceptional, humanitarian purposes.¹⁰ Further statistics and information on the main reasons behind the granting of citizenship by naturalisation or the types of people who have been naturalised are not publicly available and none were forthcoming for this report. It is therefore difficult to confirm this comment by reference to the percentage of applicants who were actually granted citizenship for ‘exceptional humanitarian purposes’. Another dataset which might have shed more light on the practices of naturalisation in Malta is that of the profile of unsuccessful applicants but this is also lacking or unavailable.

What is clear is that the conferring of citizenship by naturalisation is kept to the bare minimum. This protectionist policy is in line with the general spirit of this section of the law. Applications are given favourable consideration if the person has resided in Malta for many years and have humanitarian grounds for applying, most notably having formed a family and/or having children.¹¹ Eugene Buttigieg confirms this protectionist approach when he notes that income and property are not determining factors in the successful acquisition of citizenship, and that no exception to this practice is made for long term labour migrants.¹² The difficulty of obtaining citizenship by naturalisation was highlighted in a newspaper article in which it was stated that in practice applications for citizenship by naturalisation were only given favourable consideration if the applicants had resided for at least 18 years.¹³ Apart from this, the lack of transparency and non-reviewable discretion of the Minister in taking a decision on the application in general puts people off from applying.¹⁴

2.4. Guidance and information provided for naturalisation applicants

The dearth of any state-sponsored activity promoting the acquisition of Maltese citizenship by naturalisation since independence in 1964 is glaring. There have never been any state-run or funded promotional campaigns, nor the production of promotional material encouraging individuals to apply for citizenship through naturalisation. Neither have there ever been any citizenship ceremonies celebrating the acquisition of citizenship (by naturalisation or registration).

The absence of such activities is not reflected in the quality of the service made available at the DCEA for individuals interested in applying for citizenship by naturalisation. Indeed the DCEA aims to offer a ‘one-stop-shop’ service, from distribution of application forms to checking application forms before they are forwarded to the Minister. An appointment with a DCEA case officer, generally made by phone, consists of first, pre-application information and counselling, and once individuals decide to apply, they are personally guided through the process and helped to compile their application form. In addition, the DCEA has made available a number of information leaflets informing interested applicants of the criteria and process. These are available as hard copies from the DCEA’s office in Valletta and online on the following web page: “Services offered by the Department for Citizenship

¹⁰ Ibid.

¹¹ Ibid.

¹² Eugene Buttigieg, *European Union Democracy Observatory*, European University Institute, Florence, 2010, <<http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>>, (accessed 22 July 2012).

¹³ James Debono, ‘Who wants to be Maltese?’, *MaltaToday*, 16 August 2009.

¹⁴ Ibid.

and Expatriate Affairs in respect of citizenship matters”,

<http://www.mfa.gov.mt/default.aspx?MDIS=553>. Application forms are also available as hard copies from the DCEA and online together with Subsidiary Legislation 188.01, “Citizenship Regulations” on the following web link:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=9536&l=1>

With regard to the general criteria for citizenship, there are three points which stand out as anomalous and unclear. The first concerns language proficiency. The Maltese Citizenship Act states that an adequate knowledge of the Maltese or English language is a criteria for naturalisation. However, in practice, language proficiency is not assessed. In fact there are no language assessments or tests, and there have never any publicly-run or subsidised language courses for naturalisation applicants. The second issue concerns the lack of clarity on the interpretation of a person of ‘good character’ and a ‘suitable citizen of Malta’, both essential criteria for eligibility, according to the same Act. There are no publicly available policy guidelines. According to the Director of the DCEA, these two provisions also include the integration capacity of the applicant, but not further information or guidelines are available.¹⁵ Another avenue which might have helped, albeit indirectly, to shed some light on this issue would have been the curriculum of publicly run or subsidised integration courses or tests, a practice common in some other EU countries. However no such courses, or tests, have ever been held for applicants of citizenship by naturalisation. Furthermore an important issue to note at this stage is that Malta does not have a national integration policy for immigrants. It is a clear sign that Malta, similar to other southern European countries with recent emigration histories, does not yet see itself as a country of immigration and does not perceive immigration as desirable.

2.5. The application procedure

Applicants for citizenship through naturalisation first have to submit a residence certificate issued by the Principal Immigration Officer to the DCEA. On the basis of the residence certificate the DCEA confirms or denies the eligibility of the applicant for citizenship by naturalisation. The applicant is responsible for acquiring the rest of the documentation from other authorities and individuals, which are then used to complete the application form together with an officer from the DCEA. The DCEA is also the authority entrusted with checking whether the application is complete and which formally receives the application.

According to the Information Leaflet CEA/L/3, prior to submitting an application, an applicant who is applying solely on the basis of residence (with no Maltese parentage or connection, for example, marriage) has to present a residence certificate. This residence certificate has to be issued by the Principal Immigration Officer at the Police General Headquarters in Floriana, Malta. The Principal Immigration Officer requests the current passport, as well as all expired passports in the individual’s possession which cover the periods of residence in Malta.

Once the DCEA assesses the above certificate and confirms that the applicant is eligible to proceed with the application, the following additional documents will have to be produced:

¹⁵ Personal Interview with Mr Joe Mizzi, Director, Department of Citizenship and Expatriate Affairs, 4 April 2012.

- 1) The applicant's birth certificate (country of origin);
- 2) Passport (country of origin);
- 3) Identity card (country of origin);
- 4) A police conduct certificate (country of residence);
- 5) Three passport-size photographs.
- 6) At the time of application the applicant is asked to submit a letter explaining why s/he wishes to become a citizen of Malta. This letter should contain information on period/s of stay in Malta, details about employment in Malta if applicable, participation in social activities and any other information which is considered appropriate.
- 7) In addition, the applicant must then find two sponsors (not relatives) who will be required to complete the relevant part of the application form. Their signature would then have to be witnessed and countersigned by another person. The first sponsor may be any of the below:
 - A member of Parliament;
 - A judge;
 - A magistrate;
 - An advocate;
 - A notary public;
 - A legal procurator;
 - A medical practitioner;
 - A public officer not below the rank of principal;
 - A police officer not below the rank of inspector;
 - An officer of the Armed Forces of Malta not below the rank of captain;
 - A parish priest.

The second sponsor may be any citizen of Malta provided that he/she did not acquire Maltese citizenship by naturalisation and that he/she is over eighteen years of age.

All completed applications are passed from the DCEA to the Minister responsible who, as explained further in the next section, is solely vested with the authority to reject or accept the application of citizenship by naturalisation.¹⁶

Once a decision has been taken, the DCEA is responsible for notifying the applicant on the outcome of their application.¹⁷ Successful applicants become citizens of Malta on the date on which they are naturalised, which in practice is the date specified on the certificate and upon taking the oath of allegiance.¹⁸

2.6. Non-reviewable discretionary power of the Minister

Application for citizenship by naturalisation is in absolute terms discretionary. This is clearly set out in Article 10 of the Maltese Citizenship Act which states that an alien or stateless person, being a person

¹⁶ *Laws of Malta*, Maltese Citizenship Act, Chapter 188, 1964, Article 10.

¹⁷ Department for Citizenship and Expatriate Affairs, 'Information Leaflet: Acquisition of Maltese Citizenship by Naturalisation', <http://www.foreign.gov.mt/Library/Cit/CEA3-NAT.pdf> (accessed 28 July 2012)

¹⁸ *Laws of Malta*, Maltese Citizenship Act, Chapter 188, 1964, Article 10.

of full age and capacity may be granted citizenship by naturalisation on the basis of residence if s/he satisfies the Minister –

- (a) that he has resided in Malta throughout the period of twelve months immediately preceding the date of application; and
- (b) that, during the six years immediately preceding the said period of twelve months, he has resided in Malta for periods amounting in the aggregate to not less than four years; and
- (c) that he has an adequate knowledge of the Maltese or the English language; and
- (d) that he is of good character; and
- (e) that he would be a suitable citizen of Malta:

Provided that the Minister may, if he so thinks fit in the special circumstances of any particular case, allow periods of residence earlier than seven years before the date of application to be reckoned in computing the aggregate mentioned in paragraph (b).

The absolute discretionary power of the Minister in the granting of citizenship by naturalisation to persons who have no connection to Maltese persons (by descent, marriage or otherwise) is also explained in the Information Leaflet issued by the DCEA entitled ‘Acquisition of Maltese Citizenship by Naturalisation’. This Information Leaflet goes further than the Act and states that citizenship by naturalisation will “only be given favourable consideration if there are humanitarian aspects involved”.¹⁹ Indeed this seems to be the practice since it was reiterated during an interview conducted for the purposes of this project with the Director of the DCEA, and has been reported in other articles on citizenship.²⁰

According to the Maltese Citizenship Act the decision of the Minister is final and is not subject to appeal or review in any court. This is unequivocally stated in Article 19:

The Minister shall not be required to assign any reason for the grant or refusal of any application under this Act and the decision of the Minister on any such application shall not be subject to appeal to or review in any court.

The Maltese Citizenship Act in Article 10 specifies that the Minister may make an exemption and allow the aggregation of periods of residence earlier than seven years prior to the application (as specified in the same Article), “if he so thinks fit in the special circumstances of any particular case”.

2.7. Official costs involved in filing an application

Fees are prescribed in the Third Schedule (Regulation 7) of Subsidiary Legislation 188.01. The prescribed application fee mentioned in Article 21(2)a. of the Maltese Citizenship Act, is payable on submission of the application and amounts to 34.94 euro. If an application is deemed successful the applicant is liable to pay an additional prescribed fee on the issue of the certificate of citizenship of

¹⁹ Department for Citizenship and Expatriate Affairs, ‘Information Leaflet: Acquisition of Maltese Citizenship by Naturalisation’, <http://www.foreign.gov.mt/Library/Cit/CEA3-NAT.pdf> (accessed 28 July 2012)

²⁰ Personal Interview with Mr Joe Mizzi, Director, Department of Citizenship and Expatriate Affairs, 4 April 2012; Eugene Buttigieg, ‘Malta’ in *European Union Democracy Observatory*, European University Institute, Florence, 2010, <<http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>>, (accessed 22 July 2012).

23.29 euro, and 2.33 euro for taking the oath of allegiance. There are no exemptions or reductions of fees for applicants of citizenship by naturalisation.

The following documents may incur additional costs:

- A residence certificate from the Principal Immigration Officer (country of residence)
- The applicant's birth certificate (country of origin)
- Passport (country of origin)
- Identity card (country of origin)
- A police conduct certificate (country of residence) – 3 euro
- Three identity sized photographs – 10 euro (estimate)

The Maltese Citizenship Act does not prescribe any time limits during the procedure. In addition, due to a number of factors, with the foremost being the assistance given to the applicant to complete the application by the DCEA and the brevity of the procedure, delays are rare for both applicants and deciding authority. The DCEA's Quality Service Charter commits to processing the application in less than three months.²¹

Delays might occur however if the applicant fails to pay a fee. The Fees Ordinance gives the right to the officer in charge of any public office or department, required to do any act or service for which a fee is chargeable (under the Fees Ordinance) to decline to do such act or service until the fee is paid.²²

3. Concluding reflections

The overwhelming characteristic that emerges from this overview of the legal framework and practice of naturalisation in Malta is one of protectionism, and at times outright exclusion. This might not altogether come as a surprise from a densely populated island state with a small labour market and limited resources. The restriction of citizenship by naturalisation however contrasts heavily with the sharp increase in the annual number of people conferred with Maltese citizenship since the year 2000. This gives the idea that citizenship through naturalisation is an anomaly that does not fit with the rest of the citizenship regime. A closer look will show that this is not so.

The annual rate of total citizenship acquisitions sharply increased as a result of the reforms in the citizenship regime in the year 2000. Citizenship acquisitions peaked in 2001 with 1190 persons being granted citizenship in that year. The average remained high: between 2000–2008 the average number of acquisitions was 663 as compared to the period 1991-1999 when the average was 234.²³ According to the breakdown of statistics presented by the EUDO Citizenship Project, this increase was due to citizenship by registration: spousal transfer, reacquisition, filial transfer (children of a Maltese mother), filial transfer (minor children of Maltese descent) and at a later stage, persons of Maltese descent. With the exception of the latter, the other types of registration accounted for an initial increase

²¹ Department of Citizenship and Expatriate Affairs, Quality Service Charter, <http://www.servicecharters.gov.mt/depts/citizenship/Expat%20Eng.pdf> (accessed 26 July 2012)

²² *Laws of Malta*, Fees Ordinance, Chapter 35, 1905.

²³ European Union Democracy Observatory on Citizenship, 'EUDO Citizenship Statistics', <<http://eudo-citizenship.eu/stat/index.php?stype=1&coun=Malta>>, 2008, (accessed 26 July 2012).

in applications, which are however expected to decrease with time. The percentage of citizenship by naturalisation between 1991-2008 was 23 per cent, however the annual rate of naturalisations regularly decreased in the same period. The figures below serve to explain this. The data is from a secondary source which describes in more detail than the table below citizenship acquisitions by mode of acquisition in Malta between 1991 and 2008.

Procedure	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Naturalisation	135	109	141	116	132	160	128	110	54	75	128	99	93	70	72	68	93	50
Total acquisitions (including naturalisation)	246	187	249	237	277	318	239	221	133	587	1190	783	489	584	562	562	553	644

For the disaggregated statistics by procedures and year, see EUDO Citizenship Statistics - Mode of acquisition (procedure) – Malta. Source: www.eudo-citizenship.eu.²⁴

The removal, in certain instances even retrospectively, of the prohibition of dual/multiple citizenship is the only area which has the potential to increase the rate of citizenship by registration although the effect would have been felt after the enactment of the Dual Citizenship Act in 2007. Dual citizenship was extended to those who had been Maltese citizens by birth in Malta and lost their Maltese citizenship by emigrating. It was also extended to first, second and subsequent generations of Maltese born outside Malta and living abroad whose Maltese citizenship derived from descent rather than birth in Malta. This constitutes a significant number when one takes into consideration that there are at least 200,000 Australians of Maltese descent.²⁵

Buttigieg points out that the changes concerning the acknowledgement of dual and multiple citizenship were brought about by two factors. The main factor was to do justice to the thousands of Maltese citizens who had lost their citizenship when they were forced to emigrate to seek work overseas and thereafter acquired foreign citizenship (as a result of which they often had to renounce Maltese citizenship). The amendments extended citizenship to the third generation thus creating a link to the diaspora beyond former Maltese citizens.²⁶ The second factor which certainly had an impact on the increasing interest in Maltese citizenship is the higher ‘value’ of Maltese citizenship following EU accession, with which Maltese citizens may partake of the benefits of European citizenship.²⁷

²⁴ European Union Democracy Observatory on Citizenship, 'EUDO Citizenship Statistics', <<http://eudo-citizenship.eu/stat/index.php?styp=1&coun=Malta>>, 2008, (accessed 26 July 2012).

²⁵ According to the Australian census of 1986 in which people were asked about their ancestry. One of the problems with these estimates is whether the descendants of Maltese migrants actually identified themselves as ‘Maltese’ does the generation line.

²⁶ Eugene Buttigieg, ‘Malta’ in *European Union Democracy Observatory*, European University Institute, Florence, 2010, <<http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>>, (accessed 22 July 2012), p. 17.

²⁷ Ibid.

But still the question that remains is, what difference would a few more naturalised citizens have made, when citizenship by descent accounted for such a sharp increase in numbers? In other words: why has Maltese citizenship by registration, in particular through descent, been ‘opened’ and facilitated, whereas Maltese citizenship through naturalisation remains overly restricted? I offer two explanations. The first has to do with the fact that Malta does not perceive itself as a country of immigration, or immigration as desirable on the whole. The second explanation concerns general elections and voting rights.

The empirical ‘migration turnaround’ - that saw Malta from a country of emigration become a country of immigration – is not reflected in policy. King et al have shown that this is typical of southern European countries.²⁸ Indeed Malta still sees itself as a country of emigration, and the reforms extending citizenship by descent must be seen in this light. The conferring of citizenship by descent has more to do with the relationship with emigrants rather than an ‘opening’ of the citizenship regime. This is reflected in practice in the increasing restrictions on other areas of citizenship through marriage, but also the lack of a general immigration policy and the lack of an integration policy. Ultimately however citizenship in this case has to do with membership, but not necessarily with immigration. This is an important separation because persons granted Maltese citizenship who are not resident in Malta do not have voting rights.

Citizenship therefore does not translate into voting rights. This is significant for the Maltese case since general elections, which have a voter turnout of around 96 per cent, are highly contested by the two major political parties. The last general elections were won by 1,600 votes. The immediate application of the right to vote makes the naturalised citizen a politically-relevant entity. Citizens by descent, on the other hand, are in the vast majority from distant countries like Australia, Canada and the US and are less likely to take up residence in Malta, making the cohort less politically sensitive with regards to general elections. The opening of citizenship through descent therefore has very different political repercussions at a national level than the conferring of citizenship through naturalisation. The former has to do with membership, the latter with membership and immigration.

Naturalisation in Malta is located at the nexus between membership and immigration. Citizenship might mean membership but not necessarily immigration, as in the Maltese descendants’ case; and on the other hand, naturalisation immediately implies immigration and therefore voting rights. The non-reviewable discretionary power of the Minister and the associated lack of transparency are avenues of potential abuse and conflicts of interest. It is in the Maltese governments’ interest to ensure a fair and transparent system in order to dispel the possibility of any such allegations.

The overall higher rate of citizenship acquisition, reforms in citizenship by registration and in particular citizenship through descent might have given the impression that the citizenship regime was ‘opening up’. This is in sharp contrast to the sub-field of naturalisation where the lower rates of citizenship acquisition, the lack of clear guidelines and the non-reviewable discretionary power of the Minister clearly convey a protectionist outlook. This short explanation has shown that in fact both the larger citizenship regime and the sub-field of naturalisation are governed by the same protectionist

²⁸ Russell King, Anthony Fielding & Richard Black, ‘The international migration turnaround in Southern Europe’, in *Southern Europe and the New Immigrations*, eds. R. King & R. Black, Sussex Academic Press, Brighton, 2007, pp. 1-25.

outlook and immigration concerns. More importantly, the legal aspects of naturalisation and the current practices raise grave questions of fairness and justice. Symbolically this is seen in the Minister's discretionary power which, by denying transparency or an appeal, serves to mark a distinction and a hierarchy between a citizen and a non-citizen. The lack of transparency in the decision-making process serves to deter criticism, as does the lack of data which does not permit conclusions to be drawn. It remains however in itself a damning practice, which goes unchallenged. In spite of this, there are no indications of developments in the near future since severe restrictions of citizenship acquisition by naturalisation are an accepted political stance.

Sources:

Buttigieg, Eugene, Country Report: Malta, EUDO Citizenship Observatory, Sept 2009, Revised April 2010. HTTP <<http://eudo-citizenship.eu/docs/CountryReports/Malta.pdf>> (accessed 28 July 2012)

Debono, James, 'Who wants to be Maltese?', *MaltaToday*, 16 August 2009.

Department for Citizenship and Expatriate Affairs, 'Information Leaflet: Acquisition of Maltese Citizenship by Naturalisation'. HTTP <<http://www.foreign.gov.mt/Library/Cit/CEA3-NAT.pdf>> (accessed 28 July 2012)

Department for Citizenship and Expatriate Affairs, *Information Leaflet: Acquisition of Maltese Citizenship by Naturalisation*, CEA/L/E, 2010. HTTP <<http://www.mfa.gov.mt/default.aspx?MDIS=553>> (accessed 28 July 2012)

Department for Citizenship and Expatriate Affairs, *Quality Service Charter*, 2007. HTTP <http://www.servicecharters.gov.mt/depts/citizenship/index_e.asp> (accessed 28 July 2012)

Department of Information – Malta, 'The Maltese Islands. HTTP <<http://www.doi.gov.mt/EN/islands/location.asp>>, 2010, (accessed 28 July 2012)

European Union Democracy Observatory on Citizenship, 'EUDO Citizenship Statistics'. HTTP <<http://eudo-citizenship.eu/stat/index.php?stype=1&coun=Malta>>, 2008, (accessed 26 July 2012).

Gauci, Jean-Pierre, 'Malta: Migration trends' in *Part 1: Migration and the labour markets in the European Union (2000 – 2009)*, Independent Network of Labour Migration and Integration Experts. HTTP <<http://www.labourmigration.eu/research/report/15-part-1-migration-and-the-labour-markets-in-the-european-union-2000-2009>>, (accessed 24 July 2012).

King, R. Fielding, A. & Black, R. 'The international migration turnaround in Southern Europe', in *Southern Europe and the New Immigrations*, eds. R. King & R. Black, Sussex Academic Press, Brighton, 2007

Laws of Malta, Fees Ordinance, Chapter 35, 1905 (last amended 1986).

Laws of Malta, Maltese Citizenship Act, Chapter 188, 1965 (last amended 2007).

Ministry of Foreign Affairs - Malta, *Services offered by the Department for Citizenship and Expatriate Affairs in respect of citizenship matters*. HTTP <<http://www.mfa.gov.mt/default.aspx?MDIS=553> [Last accessed 3 May 2012]>

National Statistics Office, *Census of Population and Housing*, 2005. Also reported in Natalino Fenech, 'More foreigners living in Malta', *The Times of Malta*, 11 August 2007

National Statistics Office, *Demographic Review – 2009*, National Statistics Office, Valletta, 2010.

Personal Interview, Director, DCEA, 4th April 2012.

Subsidiary Legislation 188.01, *Citizenship Regulations*, 1989.

