

EMPLOYMENT LICENCE APPLICATION PROCESS

Part of our Quality Management System (QMS)



Meeting the requirements of the
International Standard ISO 9001:2015

CONTENTS

THE EMPLOYMENT LICENCE	3
NON-EU/EEA/SWISS NATIONALS	3
POSTED WORKERS	4
EU NATIONALS	4
THE MALTESE E-RESIDENCE CARD	4
DOCUMENTS REQUIRED	5
HEALTH REQUIREMENTS	8
APPLICATION PROCESS FOR NON-SINGLE PERMIT APPLICATIONS	8
PROCESSING OF APPLICATION:	9
RENEWING EMPLOYMENT LICENCE	10

CONFIDENTIAL

INTRODUCTION

THE EMPLOYMENT LICENCE

An individual who is not a citizen of a European Union member state (also known as third country nationals) must be in possession of an employment licence (also known as Work Permit). This requirement emanates from the Immigration Act, Chapter 217 of the Laws of Malta, a chapter dealing with the limitations, control and regulation of immigration relating to Malta.

It is to be remarked that in 2014, as a result of the publication of Legal Notice 160 of 2014, the authorisation for Third Country Nationals to work in Malta is now conducted by means of a Single Permit Application. Primarily, the Single Permit application process was introduced by Directive 2001/98 and consequently it was transposed into our law.

This application is aimed at third-country nationals who wish to both reside and work in Malta. As a result the relevant authorities must produce a single document which is commonly referred to as the e-Residence card, which would thus enable the individual to both work and reside in Malta.

The work permit is issued in respect of third country nationals who work with a specific employer to perform a specific job. Therefore the employee cannot use the license to take up a different job, or to work for a different employer even on a part-time basis. Employment license are, in general, issued for a maximum duration of one year.

Currently, with the exception of citizens from the EU/EEA/Switzerland and their third country national family members or other family members, all foreign nationals who wish to work in Malta need an employment licence. Employment licences are also required with regard to persons who enjoy long-term residence status.

In this respect, it is important to keep in mind that third country nationals need also to be in possession of a valid visa before entering Malta, although some third country nationals (i.e.: such as the Serbian nationals) are allowed to stay in Malta without being provided with a Visa for a set period of time (i.e.: Serbian individuals need to apply for a Visa only if they wish to stay in Malta for more than 90 days). Third country nationals must apply for a visa in their respective countries and in particular at the diplomatic mission or consular post which issues visas in representation of Malta.

NON-EU/EEA/SWISS NATIONALS

Individuals from outside the EU/EEA/Switzerland who submit a Single Permit application are subject to labour market considerations by the Employment and Training Corporation in Malta, also known as the ETC, including the national situation with regard to surpluses or shortages in the given occupation and sector, the employer's history and situation in terms inter alia of recruitment and redundancy patterns, business investments and contractual commitments. Third country national's skill level, relevant experience and overall suitability for the position in question are also taken into account.

The following categories of employees do not need to apply for a work permit in order to reside and work in Malta:

- family members of Union citizens, EEA/Swiss citizens who have exercised, or are exercising, their right to free movement;
- **posted employees** for as long as they are posted;
- employees who will not normally or habitually be carrying out work in Malta, such as seasonal workers or au pairs (i.e.: at present, "normally and habitually working and residing in Malta" means half the requested duration of the employment license);
- foreign national non-resident and non-executive directors (directors who do not ordinarily reside in Malta, who do not have an employment relationship with the company and who may be in receipt of a director's remuneration but not in receipt of a salary).

POSTED WORKERS

Posted workers are those individuals who are normally based in another EU/EEA state and who have an on-going employment relationship with an employer in that state, but who are “posted” for a defined period to Malta. Such workers are exempt from applying for a licence to work in Malta. Nonetheless, although the employment licence is not obligatory, the firm who is employing the posted worker in the posted state must inform the Department of Industrial and Employment Relations of this particular posting within a time span of twenty-four hours upon the initiation of work related activities by the posted worker.

EU NATIONALS

Unlike third country nationals, EU nationals are exempt from applying for an employment licence to work in Malta. However, it is important to note that the employer is obliged to register the new employee with the Employment and Training Corporation (ETC).

THE MALTESE E-RESIDENCE CARD

The Maltese e-residence card was formerly known as the Residence Permit. An individual who plans to take up residence in Malta for a time span of longer than three (3) months is obliged to apply for an e-residence card. Coincidentally this also applies to non-EU/EEA/Swiss nationals. The lifespan of an e-Residence card depends on the type of application submitted to the Department. An EU citizen and his family members who have resided legally in Malta for a continuous period of five (5) years may apply to reside in Malta on a permanent basis.

EU nationals may apply for the e-Residence card under the following grounds and fill in the corresponding forms:

- Economic Self Sufficiency – CEA Form J
- Study – CEA Form M
- Employment/Self Employment – CEA Form A
- Family Members – CEA Form F
- Permanent Residence – CEA Form P

On the other hand a few of the grounds which may be availed of by non-EU Nationals include the following:

- Employment/Self Employment- CEA Form C
- Family Members- CEA Form G
- Economic Self Sufficiency- CEA Form K
- Students- CEA Form N
- Posted Workers- CEA Form O

TCN PROCESS

DOCUMENTS REQUIRED


In the case of an application for a new employment licence for a third country national, the process is as follows.








The following documentation needs to be provided at application stage:

Check list- Still
Abroad Application.

Form and or Documents	Document Supplied By Employer	Document supplied by Candidate	Requirement	Example or Form required
Application Form CEA Form C	✓	✓	Fill attached form Application for a residence permit on the basis of employment. The form must be endorsed by the employer with an official stamp and signature of the responsible official	 CEA Form C.pdf ELUFM007 Application for a Ne
Curriculum Vitae		✓	The CV must contain; <ul style="list-style-type: none"> all experience corresponding with the References/ Testimonials – all Education Certificate corresponding with Copy of Qualifications Each page Signed by candidate Each page fingerprint next to Signature 	 CV_template_download_example_2.pdf
Position Description	✓	✓	<ul style="list-style-type: none"> Must be on a letter head Must be detailing the work the candidate will be doing for the organisation Must be signed by the candidate 	 Position-Description.pdf
Contract of Employment	✓	✓	<ul style="list-style-type: none"> Must meet DIER standards 	

Form and or Documents	Document Supplied By Employer	Document supplied by Candidate	Requirement	Example or Form required
			<ul style="list-style-type: none"> Signed by applicant on each page Signed by the employer Must have corporate seal Conditions of work must be listed clearly 	 HR - EMPLOYEE CONTRACT AGREEMENT
References/Testimonials		✓	All documents must have details including; <ul style="list-style-type: none"> Name of referee; Email address; Address; Telephone / contact no. Must show minimum 3 years or more experience in the job they are applying for Must be in the same line of work the candidate is applying 	
One passport photo		✓	Must be attested by a notary or lawyer that: <ul style="list-style-type: none"> this is a true image of "the NAME of candidate" 	
Copy of Travel Document/ Passport		✓	<ul style="list-style-type: none"> All pages copied in colour and clear Notarised first page by Lawyer 	
Copy of Valid visa (if TCN is in Malta)		✓	This is only if TCN is in Malta	
Copy of Qualification		✓	These documents must be attested by <ul style="list-style-type: none"> Ministry of Education of the Issuing Country Foreign Ministry of the Issuing Country 	

Form and or Documents	Document Supplied By Employer	Document supplied by Candidate	Requirement	Example or Form required
Certificates and Accreditation/Recognition		✓	These documents must be attested by <ul style="list-style-type: none"> Ministry of Education of the Issuing Country Foreign Ministry of the Issuing Country 	
Covering letter by employer indicating site of work	✓		This cover letter must: <ul style="list-style-type: none"> Be on a letter head should include which site the candidate will work must be signed by an official Employer 	 Covering Letter, Site Of Work examp
Declaration-of-Suitability	✓		<ul style="list-style-type: none"> Must be copied to a letter head Must be completed in Full 	 Declaration-of-Suit ability.pdf
Data Protection Form ID Malta	✓		<ul style="list-style-type: none"> Complete form by company submitting application 	 Data Protection Form ID Malta.pdf
Processing fee	✓		Non-Maltese Nationals application fee of €280.50 Payment must be addressed to 'Identity Malta Agency' if made by cheque; or Cash	
Evidence of search for EEA/Swiss/Maltese national	✓		Jobsplus Job Registration No. & two adverts – e.g. Facebook, Google+	 Jobsplus Request 021e.pdf
Police Conduct		✓	These documents must be attested by <ul style="list-style-type: none"> Ministry of Interior of the Issuing Country Foreign Ministry of the Issuing Country 	
Medical certificate		✓	These documents must be attested by	

Form and or Documents	Document Supplied By Employer	Document supplied by Candidate	Requirement	Example or Form required
			<ul style="list-style-type: none"> Ministry of Health of the Issuing Country Foreign Ministry of the Issuing Country 	
Form ID 1A –		✓	To be completely completed	 Form-ID-1-A-Electronic-Identity-Registr

For Long Term Residents the following documentation is needed:

- [Application form](#)
- A certified true copy of the passport (page containing personal details)
- A certified true copy of the Long Term Residence Permit
- [Processing Fee](#)

It is highly recommended that applicants obtain recognition from the [Malta Qualifications Recognition and Information Centre \(MQRIC\)](#) for certain positions. It is the responsibility of the applicant organization to submit to ETC translated and legalized documents from Maltese Embassies/Consulates abroad. Translations are to be in English. ETC may, where the need arises, refer such certificates to MQRIC or to Maltese Embassies abroad for further verification.

HEALTH REQUIREMENTS

Health Clearance from High Risk TB Country

Health clearance is necessary if applicant comes from a high-risk TB country. On receiving the application, ETC sends a Health Form to the employer, so clearance is obtained from [Qormi Health Centre](#). If TCN is already in Malta, health clearance is to be obtained before the Employment Licence can be issued. If TCN is abroad, health clearance must be presented to the ETC within 3 months of issue of the Employment Licence, or their entry in Malta

Private Insurance

Private health insurance is mandatory and must cover full duration of employment. Receipt must be presented to the ETC within 3 months of the issue of the employment licence. Private health insurance is not required for home-based carers, for persons working with persons with disability and persons needing constant care; or for TCNs working in the public service.

APPLICATION PROCESS FOR NON-SINGLE PERMIT APPLICATIONS

1. The employer must fill in an [application form](#) and submit it to the Employment Licences Unit by hand or by mail. Application is received at the Employment Licences Unit.

2. Verification that documentation is present and the fee has been paid. Preliminary verifications include checks as to the existence and operations of the company concerned and staff lists as registered with ETC.
3. The application is then considered from a labour market perspective. Key stakeholders are asked for their clearance, including health and immigration authorities, as well as other sector-specific authorities as the case may be.
4. If the application is not accepted, the applicant is informed as soon as possible. Following feedback from ETC, the applicant may, within one calendar month from the date of rejection letter, submit a request for reconsideration.
5. When the employment licence is issued the applicant is immediately informed. An automatic Engagement Form is generated, which signals the start of employment on the date when the licence was issued.
6. Applicants may apply for a Social Security number. Subsequently the applicant may register online for a tax registration number [Tax Registration Number](#). This must then be submitted to taxpayerservice.ird@gov.mt, together with a copy of the official means of identification.
7. Applicants go to the Department for Citizenship and Expatriate Affairs in order to obtain a [residence permit](#). This must be done within three months from the date of the employment licence or three months from date of entry into Malta, if the third country national is abroad on the date of issue of Licence. If you are not in Malta, applicants may need to apply for a visa before entering Malta.

PROCESSING OF APPLICATION:

When the application is received, the Employment Licences Unit verifies that all documentation is present. If incomplete, the application is returned to the applicant. If documentation is complete, the application moves on for processing. Preliminary verifications include checks as to the existence and operations of the company concerned, and its staff lists as registered with Jobsplus.

Requests for changes by the applicant organization in regard to information already submitted (ie changes relating to position, salary and hours of work) will cast serious doubt on the veracity of the application

The application is then considered from a labour market perspective (see Section 2.4 below). If the application is not accepted, the applicant is informed as soon as possible

Key stakeholders are asked for their clearance, including health and immigration authorities, as well as other sector-specific authorities as the case may be. If clearance is withheld from any of these stakeholders, the application will be rejected and applicant informed accordingly. If no stakeholder presents an objection, then the employment licence is issued to the employer, and the third country national may take up employment with that employer on the terms indicated in the application.

Applications will be considered more favourably if employers indicate in their application that the wage to be granted, reflects the average wages in the relevant occupation or sector. These may be found in the latest Labour Force Survey on www.nso.gov.mt.

In the case of single permit applications further information regarding processing is available on the information leaflet 'Single Permit (Work/Residence) Application Procedures and Rights Enjoyed by Persons Authorized to Work in Malta' (<http://mhas.gov.mt>). Reference may also be made to the provisions contained in Legal Notice 160 of 2014.

RENEWING EMPLOYMENT LICENCE

Application for renewal your employment licence must be received at least eight weeks prior to the expiry. If the application is made late and the prevailing Employment Licence expires, you are not permitted to continue to work beyond the expiry date of your licence.

Renewal for your licence must be accompanied by:

Application form, duly signed by employee

- A certified true copy of the passport (page containing personal details)
- A certified true copy of the residence permit
- Processing Fee
- Covering letter by employer including that the CV and Position Description remained the same as last year if no changes were made
- Tax Declaration form stamped from Inland Revenue Department

Renewal for Long Term Residents must be accompanied by:

- Application form, duly signed by employee
- A certified true copy of the passport (page containing personal details)
- A certified true copy of the Long Term Residence Permit
- Processing Fee

The following [fees](#) are applied for TCNs. **This application fee is not applicable to home-based carers, for persons working with persons with disability and persons needing constant care.**

CONFIDENTIAL