

Maltese Citizenship Act, Cap 188 (last amended 1989)

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This is an unofficial consolidation. The Act, No. 30 of 1965, first entered into force on 21 September 1964. It has since been amended by [Act No IV of 2000 - An Act to amend the Maltese Citizenship Act](#), [Act No X of 2007 - An Act to amend the Maltese Citizenship Act](#) and [Act No. XXIV of 2017 - An Act to amend the Maltese Citizenship Act](#). The amendments included here are: Acts: No. 2 of 1970, No. 31 of 1972, No. 58 of 1974, No. 31 of 1975, No. 9 of 1977, No. 13 of 1983, and No. 24 of 1989. This latter Act No. 24 of 1989 entered into force on 1 August 1989.

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To provide for the acquisition, deprivation and renunciation of citizenship of Malta and for purposes incidental to or connected with the matters aforesaid.

Enacted by ACT XXX of 1965, as amended by: Acts: II of 1970, XXXI of 1972, LVIII of 1974.

XXXI of 1975, IX of 1977 and XIII of 1983.

PART I PRELIMINARY

1.Short title.

This Act may be cited as the Maltese Citizenship Act.

2.Interpretation.

(1)In this Act, unless the context otherwise requires-

"alien" means a person who is not a citizen of Malta;

"certificate of naturalisation" means a certificate of naturalisation granted under this Act;

"the Constitution" means the Constitution of Malta;

"Malta" has the same meaning as is assigned to it by section 124 of the Constitution of Malta;

"Maltese consulate" means an office of a consular officer of the Government of Malta where a register of births or residents is kept or, where there is no such office, such office as may be prescribed;

"the Minister" means the Minister for the time being responsible for matters relating to Maltese citizenship and, to the extent of the authority given, includes any person authorised by such Minister to act on his behalf;

"oath", "swear" and "affidavit" include, in the case of persons allowed by any law to make a declaration or affirmation instead of taking an oath, a declaration or affirmation:

"prescribed" means prescribed by regulations made under this Act.

(2) For the purpose of this Act, a person born aboard a registered ship or aircraft, or aboard an unregistered ship or aircraft of the government of any country, shall be deemed to have been born in the place in which the ship or aircraft was registered or, as the case may be, in that country.

(3) A person shall, for the purposes of this Act, be of full age if he has attained the age of eighteen years and of full capacity if he is not of unsound mind.

PART II

Citizenship by Naturalisation

3. Naturalisation of aliens or stateless persons.

(1) Subject to the provisions of subsection (5) of this section, an alien or a stateless person, being a person of full age and capacity, on making application therefor to the Minister in the prescribed manner, may be granted a certificate of naturalisation as a citizen of Malta if 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 six years before the date of application to be reckoned in computing the aggregate mentioned in paragraph (b) of this subsection.

(2) Subject to the provisions of subsection (5) of this section, any person of full age and capacity born outside Malta may, on making application therefor to the Minister in the prescribed manner, be granted a certificate of naturalisation as a citizen of Malta-

(a) if his father, or in the case of a person born on or after the 1st August, 1989, if either of his parents became, or would but for his death have become, a citizen of Malta by virtue of subsection (2) of section 22 of the Constitution. Or

(b) if his father, or in the case of a person born on or after the 1st August, 1989, if either of his parents, at the time of that person's birth, was, or would but for his death have been, a citizen of Malta by virtue of subsection (2) of section 25 of the Constitution.

(3) Subject to the provisions of subsection (5) of this section, any person of full age and capacity who-

(a) has emigrated from Malta (whether before, on or after the 21st September, 1964) and, having been a citizen of Malta by virtue of section 22(1) or 25(1) of the Constitution, has ceased to be such a citizen; or

(b)emigrated from Malta before the 21st September, 1964 and, but for his having ceased to be a citizen of the United Kingdom and Colonies before that day, would have become a citizen of Malta by virtue of section 22(1) of the Constitution.

may on making application therefor to the Minister in the prescribed manner. Be granted a certificate of naturalisation...

(4)Subject to the provisions of subsection (5) of this section, any person of full age and capacity who proves descent from a person born in Malta and who is a citizen of a country other than the country in which he resides, and whose access to the country of which he is a citizen is restricted, may on making application therefor to the Minister in the prescribed manner, be granted a certificate of naturalisation as a citizen of Malta:

Provided that such person shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta under the provisions of this subsection if the Minister is satisfied that the grant of citizenship to such person is contrary to the public interest.

(5)A person shall not be granted a certificate of naturalisation as a citizen of Malta under the foregoing subsections of this section unless and until he has made a declaration in writing in the prescribed form of his willingness to renounce any other nationality or citizenship he may possess and has taken an oath of allegiance in the form specified in the Schedule to this Act.

(6)Subject to the provisions of subsections (7) and (8) of this section, a person shall be entitled, on making application to the Minister in the prescribed manner, to be granted a certificate of naturalisation as a citizen of Malta if he satisfies the Minister that he is and always has been stateless, and-

(a)that he was born in Malta, or

(b)that his father was a citizen of Malta at the date of his birth by virtue of the provisions of subsection (2) of section 22 of subsection (2) of section 25 of the Constitution of that his mother was at that date a citizen of Malta.

(7)A person referred to in paragraph (a) of subsection (6) of this section shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta under the provisions of that subsection if the Minister is satisfied-

(a)that he has not been ordinarily resident in Malta throughout the period of five years ending with the date of the application; or

(b)that he has either been convicted in any country of an offence against the security of the State or has been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than five years.

(8)A person referred, to in paragraph (b) of subsection (6) of this section shall not be entitled to be granted a certificate of naturalisation as a citizen of Malta under the provisions of that subsection if the Minister is satisfied-

(a)that he has not been ordinarily resident in Malta throughout the period of three years ending with the date of his application: or

(b)that he has been convicted in any country of an offence against the security of the State.

4.Minors.

(1)The Minister may cause the minor child of any citizen of Malta to be granted a certificate of naturalisation as a citizen of Malta upon application made in the prescribed manner by the person who according to law has authority over him.

(2)The Minister may, in such special circumstances as he thinks fit, cause any minor to be granted a certificate of naturalisation as a citizen of Malta.

5. Effect of registration or naturalisation as a citizen.

(1) Subject to the provisions of subsection (2) of this section, a person registered as a citizen of Malta under section 23, 24 or 26 of the Constitution or granted a certificate of naturalisation under this Act shall become a citizen of Malta by registration or naturalisation, as the case may be, on the date on which he is registered or naturalised.

(2) If a person of full age who is granted a certificate of naturalisation as a citizen of Malta under this Act other than subsection (6) of section 3 thereof does not produce to such officer as the Minister may designate in that behalf, within three months of being granted such certificate of naturalisation or within such further period as the Minister or such officer may allow, evidence sufficient to satisfy such officer that he has renounced any other nationality or citizenship which he may have possessed, the certificate of naturalisation of that person as a citizen of Malta shall be cancelled and he shall be deemed never to have been so naturalised.

6. Restoration of citizenship.

Where a person ceases or has ceased to be a citizen of Malta because his renunciation of the citizenship of another country, although made within the time established by law, was not validly made according to the law of the country whose citizenship he has renounced, and the Minister is satisfied that such renunciation was made in circumstances in which the said person was justified to believe that it was validly made, the Minister shall, on the application of the same person, grant him a certificate of naturalisation as a citizen of Malta with effect from the date on which he ceased to be such citizen for the reason stated above."

PART III

RENUNCIATION AND DEPRIVATION OF CITIZENSHIP

8. Renunciation of citizenship.

(1) If any citizen of Malta of full age and capacity who is also a national of a foreign country makes a declaration in the prescribed manner of renunciation of citizenship of Malta, the Minister may cause the declaration to be registered: and upon registration, that person shall cease to be a citizen of Malta.

(2) The Minister may refuse to register any declaration of the kind mentioned in subsection (1) of this section if it is made during any war in which Malta may be engaged or if, in his opinion, it is otherwise contrary to public policy; but notwithstanding the refusal of the Minister, a person who makes any such declaration shall cease to be a citizen of Malta at the time prescribed in section 27 of the Constitution.

9. Deprivation of citizenship of citizens by registration or naturalisation.

(1) Subject to the provisions of this section, the Minister may by order deprive of his Maltese citizenship any citizen of Malta who is such by registration or naturalisation if he is satisfied that the registration or certificate of naturalisation was obtained by means of fraud, false representation or the concealment of any material fact.

(2) Subject to the provisions of this section, the Minister may by order deprive of his Maltese citizenship any citizen of Malta who is such by registration or by naturalisation if he is satisfied that the citizen-

(a) has shown himself by act or speech to be disloyal or disaffected towards the President or the Government of Malta: or

(b) has, during any war in which Malta was engaged, unlawfully traded or communicated with an enemy or been engaged in or associated with any business that was to his knowledge carried on in such a manner as to assist an enemy in that war; or

(c) has, within seven years after becoming naturalised, or being registered as a citizen of Malta, been sentenced in any country to a punishment restrictive of personal liberty for a term of not less than twelve

months; or

(d) has been ordinarily resident in foreign countries for a continuous period of seven years and during that period has neither-

(i) been at any time in the service of the Republic or of an international organisation of which the Government of Malta was a member; or

(ii) given notice in writing to the Minister of his intention to retain citizenship of Malta.

(3) The Minister shall not deprive a person of citizenship under this section unless he is satisfied that it is not conducive to the public good that that person should continue to be a citizen of Malta and, in the case referred to in paragraph (c) of subsection (2) of this section, it appears to him that that person would not thereupon become stateless.

(4) Before making an order under this section, the Minister shall give the person against whom the order is proposed to be made notice in writing informing him of the ground on which it is proposed to be made and of his right to an inquiry under this section; and if that person applies in the prescribed manner for an inquiry, the Minister shall refer the case to a committee of inquiry consisting of a chairman, being a person possessing judicial experience, appointed by the Minister and of such other members appointed by the Minister as he thinks proper.

(5) The Minister may make rules for the practice and procedure to be followed in connection with a committee of inquiry appointed under this section, and such rules may, in particular, provide for conferring on any such committee any powers, rights or privileges of any court, and for enabling any powers so conferred to be exercised by one or more members of the committee.

10. Effect of renunciation or deprivation.

(1) A citizen of Malta who is deprived of his citizenship by an order of the Minister under section 9 of this Act shall, upon the making of the order, cease to be a citizen of Malta.

(2) The renunciation by any person of his Maltese citizenship or the deprivation of any person's Maltese citizenship under the provisions of this Part of this Act shall not affect the liability of that person for any offence committed by him before the renunciation or deprivation of his citizenship.

PART IV SUPPLEMENTAL

11. Married women.

For the purposes of Parts II and III of this Act, any woman who has been married shall be deemed to be of full age.

12. Illegitimate and adopted children and foundlings.

(1) In this Act-

(a) any reference to the father of a person shall, in relation to a person born out of wedlock and not legitimated be construed as a reference to the mother of that person;

(b) any reference to the father of a person who was lawfully adopted before the 1st January, 1977, shall be construed as a reference to the adopter and in the case of a joint adoption, the male adopter; and

(c) any reference to the parents of a person who was lawfully adopted on or after the 1st August, 1989, and who was on the effective date of his adoption under the age of ten years, shall be construed as a reference to the adopters.

(2) For the purposes of this Act;

(a) an adoption of any person made on or after the 1st January, 1977, and before the 1st August, 1989, shall be without effect and shall be treated as if it had not been made; and

(b) an adoption of any person made on or after the 1st August, 1989, who on the effective date of his adoption was ten years or over, shall be without effect and shall be treated as if it had not been made."

(3) Where after the commencement of this Act a newborn infant is found abandoned in any place in Malta, that infant shall, unless the contrary is shown, be deemed to have been born in Malta.

13. Posthumous children.

Any reference in this Act to the national status of the father of a person at the time of that person's birth shall, in relation to a person born after the death of his father, be construed as a reference to the national status of the father at the time of the father's death; and where that death occurred before, and the birth occurs on or after the appointed day as defined in section 124 of the Constitution, the national status that the father would have had if he had died on the appointed day shall be deemed to be his national status at the time of his death.

14. Decision of Minister to be final.

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.

15. Certificate of citizenship in cases of doubt.

The Minister may in such cases as he thinks fit, on the application of any person with respect to whose citizenship of Malta a doubt exists, whether on a question of fact or law, certify that that person is a citizen of Malta; and a certificate issued under this section shall, unless it is proved that it was obtained by means of fraud, false representation or concealment of any material fact, be conclusive evidence that that person was such a citizen on the date thereof, but without prejudice to any evidence that he was such a citizen at an earlier date.

16. Manner of making applications.

(1) Every application under section 23, 24 or 26 of the Constitution shall be made to the minister.

(2) Every application to the Minister under section 23, 24 or 26 of the Constitution or under this Act-

(a) shall be accompanied by the prescribed fee (if any);

(b) where the form of any such application is prescribed under this Act, shall be made in such form with such variations as the circumstances require and the Minister accepts;

(c) shall be supported by such evidence of the statements made therein as may be prescribed under this Act or as the Minister may require; and

(d) shall be verified by an affidavit made before a magistrate or commissioner for oaths.

17. Evidence.

(1) Every document purporting to be a notice, certificate, order or declaration, or any entry in a register, or a subscription of an oath of allegiance or declaration of renunciation, given, granted or made under the provisions of Chapter III of the Constitution or under this act, shall be received in evidence, and shall, unless

the contrary is proved, be deemed to have been given, granted or made by or on behalf of the person by whom or on whose behalf it purports to have been given granted or made.

(2)Prima facie evidence of any such document as aforesaid may be given by production of a document purporting to be certified as a true copy thereof by such person and in such manner as may be prescribed.

(3)Any entry in a register made under the provisions of chapter III of the Constitution or under this Act shall be received as evidence of the matters stated in the entry.

18.Offences.

(1)Any person who, for the purpose of procuring anything to be done or not to be done under the provisions of Chapter III of the Constitution or under this Act, makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months or to a fine (multa) of not less than nor more than one hundred liri or to both such imprisonment and fine.

(2)Any person who fails to comply with any requirement imposed on him by regulations made under this Act with respect to the delivering up of certificates of naturalisation or certificates of registration shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months or to a fine (multa) of not less than fifty nor more than one hundred liri or to both such imprisonment and fine.

19.Regulations.

(1)The President of Malta may by regulations make provision generally for carrying into effect the purposes of Chapter III of the Constitution and this Act and in particular-

(a)for prescribing anything which is to be prescribed under Chapter III of the Constitution of this Act:

(b)for the registration of anything required or authorised under Chapter III of the Constitution or this Act to be registered:

(c)for the administration and taking of oaths of allegiance under Chapter III of the Constitution or this Act, for the time within which oaths of allegiance shall be taken and or the registration of oaths of allegiance:

(d)for the giving of any notice required or authorised to be given to any person under this Act:

(e)for the cancellation of the registration of and the cancellation and amendment of certificates relating to persons deprived of citizenship under this act, and for requiring such certificates to be delivered up for those purposes:

(f)for the registration of the births and deaths of persons of any class or description born or dying elsewhere than in Malta and otherwise for registration at Maltese consulates:

(g)for enabling the births and deaths of citizens of Malta born or dying in any country in which the Government of Malta has for the time being no diplomatic or consular representative to be registered by persons serving in the diplomatic, consular or other foreign service of any country which, by arrangement with the Government of Malta, has undertaken to represent that Government's interest in that country, or by a person authorised in that behalf by the President of Malta, and for the registration thereby of citizens of Malta ordinarily resident outside Malta:

(h)for prescribing forms, and providing for the imposition and recovery of fees, in respect of any application made to the Minister or in respect of any registration, or the making of any declaration, or the grant of any certificate, or the taking of any oath of allegiance, authorised to be made, granted or taken by or under the provisions of Chapter III of the Constitution or this Act, and in respect of supplying a certified or other copy of any notice, certificate, order declaration or entry, given, granted or made as aforesaid, and providing that the provisions or any of the provisions of the Fees Ordinance shall apply to such fees as if they were fees prescribed thereunder.

(2) Any regulations made under this section shall be laid before the House of Representatives as soon as may be after they are made, and if, within the next twenty days beginning with the day on which any such regulations are so laid before it, the House of Representatives resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of any new regulations:

Provided that there shall not be included in the computation of the said twenty days any period of four or more consecutive days intervening between any two consecutive sittings of the House of Representatives.

20. Publication of names of registered or naturalised citizens of Malta.

(1) Not later than fifteen days after the end of every quarter the Minister shall cause to be published in the Government Gazette a list containing the name and surname of all the persons who shall have become citizens of Malta by registration or by naturalisation during the immediately preceding quarter.

(2) For the purpose of this section, "quarter" means any period of three calendar months beginning on the 1st January, 1st April, 1st July or 1st October of any year.

PART V

PROVISIONS RELATING TO TIME

21. Provisions relating to sections 23 and 24 of the Constitution.

(1) The Minister and any officer of the Government authorised in that behalf by the minister may-

(a) declare that any period specified in section 23 or 24 of the Constitution as the period within which a person therein referred to may make an application shall, in relation to any such person who is of unsound mind during that period, be so extended as to permit, in the opinion of the Minister or such authorised officer, such person when of sound mind an opportunity of making application for registration under the said section 23 or 24.

(b) in any other case in which he is satisfied that any person referred to in section 23 or 24 of the Constitution is, by reason of any circumstances not attributable to his default or neglect, unable to make application within the period specified in relation to that person in such sections or prescribed in relation to him for the purposes of subsection (3) of the said section 23, declare that such period in relation to that person shall be so extended as to permit, in the opinion of the Minister or such authorised officer, that person an opportunity of making application for registration under the said section 23 or 24.

(2) The power of the Minister and any officer of the government authorised in that behalf by the Minister under this section may be exercised before or after the expiration of the relevant period specified in section 23 or 24 of the Constitution.

22. Provisions relating to section 27 of the Constitution.

(1) The expiring date of any period specified in section 27 of the Constitution in relation to any person therein referred to who is of unsound mind during any period commencing-

(a) on the date on which he attains the age of eighteen years: or

(b) on the date on which, having first attained the age of eighteen years or, in the case of a woman, having first married, he acquires the citizenship of some country other than Malta otherwise than in the circumstances described in paragraph (a) of subsection (3) of the said section 27.

and ending on the expiring date of the period specified in the said section 27 shall be the first anniversary of the date on which such person ceases to be of unsound mind; and where before the first anniversary of that date, or any later date which may be taken for the purpose under the succeeding provisions of this section,

such person again becomes of unsound mind, the expiring date shall be the first anniversary of the date on which he subsequently ceases to be of unsound mind.

(2)The Minister or any officer of the Government authorised in that behalf by the minister may, in any case in which he is satisfied that any person referred to in section 27 of the Constitution is by reason of any circumstances not attributable to such person's default or neglect, unable to renounce his citizenship of some country other than Malta or take the oath of allegiance, or make or register a declaration for the purposes of that section, within the period specified in relation to that person in the said section 27, or any extended period declared under this subsection, declare that such period in relation to that person shall be so extended as to permit, in the opinion of the minister or such authorised officer, that person an opportunity of doing all such acts, or all such acts as remain to be done:

provided that nothing in this subsection shall confer on the Minister or any such authorised officer power to make any such declaration in relation to any such person after he has ceased to be a citizen of Malta.

(3)The period specified in subsection (4) of section 27 of the Constitution as the period within which a person therein referred to may make and register a declaration for the purposes of that subsection shall be extended until the 1st October, 1965, and for the purposes of subsection (2) of this section such extended period shall be construed as if it were an extended period declared under the last-mentioned subsection.

SCHEDULE

Oath of allegiance (Sections 3 and 5)

I solemnly swear/affirm that I will bear true faith and allegiance to the People and the Republic of Malta and its Constitution. (So help me God)."

Passed by the House of Representatives at Sitting No. 272 of the 20th July.1989.

P.L MUSCAT TERRIBILE	LAWRENCE GONZI
Clerk to the House of Representatives	Speaker

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