



## List of Abbreviations

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CVU	Central Visa Unit, Identity Malta
DCEA	Department of Citizenship and Expatriate Affairs, IM
IMA	Identity Malta Agency
MFTP	Ministry for Foreign Affairs
MEDE	Ministry for Education and Employment
MQRIC	Malta Qualifications Recognition Information Centre
TCN	Third Country National/s

### 1. Scope

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The scope of this policy is to provide clear guidelines on the facilitation of the visa process for third-country nationals (TCNs) who plan to take up an education course in Malta. The necessary due diligence required to process visa applications will not change, and the duration of approved visas depends on the duration of the applicant's course. The policy may be reviewed from time to time according to local or European Union legislation.

### 2. Courses of a maximum duration of 90 calendar days

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TCNs attending courses of a duration that does not exceed 90 days are to be issued with a Schengen Short-Stay Visa (C-Visa). Application submission and processing parameters as set out by Regulation (EC) No 810/2009 of the European Parliament and

of the Council of 13th July 2009, establishing a Community Code on Visas (Visa Code); and Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9th July 2008, concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) are to be followed. This essentially means that the applicant is to present his/her application at one of the submission points indicated below where the applicant resides or is legally present together with supporting documents:

- a. Directly at one of Malta's missions or consular posts;
- b. At the premises of another Member State representing Malta, or;
- c. At the premises of an authorised External Service Provider.

Together with his/her application, the applicant is required to submit their biometric data as per the said regulations.

If approved, the visa shall be granted on the basis of a multiple entry visa for the duration of the entire course, plus a 7-day grace period, provided that the total amount does not exceed 90 days.

In normal circumstances, the processing time, from the date of submission of the application to the final decision on the application, shall not exceed the period of 15 working days and/or as provided for in Article 23 of the Visa Code. The timeframe indicated is inclusive of the EU consultation process where applicable. It shall start as soon as the complete application reaches the Consular Post.

The above procedure is not applicable for students who are listed as visa-exempt nationals in Annex II of the Council Regulation (EC) 539/2001.

### **3. Courses exceeding 90 calendar days**

Applicants (including those TCNs who are visa exempt for 90 days) who apply for courses which exceed 90 calendar days are to be issued with a National Long Stay Visa (D-Visa). Application submission and processing are to be carried out based on the parameters set out by Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13th July 2009 establishing a Community Code on Visas (Visa Code).

Applicants must present their application at one of the submission points indicated below:

- a. Directly at one of Malta's missions or consular posts, or;
- b. At the premises of an authorised External Service Provider, or;
- c. In exceptional cases, where it is physically impossible for the prospective applicant to submit his/her application in one of the submission points mentioned in (a) and (b) above, the prospective applicant may submit his/her application via courier/postal service subject to prior authorisation by the CVU. Such procedure is subject to the condition that no restrictions exist on the passport to travel via courier. The Consular Post has the right to decide, that prior to issuing the visa, may request that the student is required for a physical interview.

The following procedure refers:<sup>1</sup>

The prospective applicant will be initially requested to send a scanned copy of his/her application duly completed in English, together with all supporting documentation, a soft copy of a passport-sized photo of the applicant, and the respective visa application fee.

Once the Consular post is satisfied with the documents in hand and is able to issue a provisional approval, the applicant will be requested to submit all original documents as indicated above via courier or postal services. Furthermore, the applicant is to forward to the consulate the receipt issued by the school, showing that she/he has duly paid the course fees (more details are available in point 15 of **Section 5**). The Consulate is to confirm the authenticity of these receipts directly with the schools. The provisional approval is without prejudice to further verification carried out once the original documentation and the passport are received at the Consular Post.

If the application at the first instance merits a refusal, the consulate will inform the applicant of the said refusal via email with the refusal letter attached.

The applicant will be requested to make his/her own arrangements for the delivery of documentation to the Consular Post.

Applicants do not need to provide their biometric data. If approved, the applicant will be provided with a multiple entry D-Visa for a period that does not exceed 180

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<sup>1</sup> It is imperative to note that this process applies only when the laws of the country of residence of the applicant, as well as the country where the consulate is located, allow that a passport travels through postal/courier service or by other means, and not by hand. In such cases, the MFTP or its Consulates are not to be held liable for the displacement of the passport whilst in transit.

days, or the duration of the entire course plus a grace period of 7 days, if the course does not exceed 180 days.

If the course is longer than 180 days, the provisions on the extensions of stay will be provided through the CVU or DCEA as explained below.

It is important to note that extensions of stay are only granted subject to good performance and satisfactory attendance of students.

#### **4. Extensions of stay**

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- a. In all cases where the course exceeds 90 days, except for higher-education courses recognised by MQRIC at Malta Qualifications Framework Level 5 or higher, the further authorisation to stay in Malta shall be extended by a national D-visa for a maximum period of 365 days counting from the initial date of entry into the Schengen area.
- b. Students who would require a further authorisation to stay in Malta are required to contact the CVU not before 30 days, and by not later than 21 days, before the expiry of their visa, and present all the required documents including proof of satisfactory performance and attendance.
- c. If the duration of the course exceeds 365 days and the student would have already exhausted the validity of the national visa, or his/her stay in the Schengen area already exceeded 365 days, the student must apply for a residence permit in order to extend his/ her stay in Malta. Applicants will be required to contact the DCEA not before 30 days and by not later than 21 days before the expiry of his/her visa and present all the required documents including proof of satisfactory performance and attendance.
- d. Students following a higher-education course which exceeds 90 days must apply for a residence permit before the expiry of their initial authorisation to stay. This process is regulated by means of LN 29/2008, transposing Directive 2004/114/EC of 12<sup>th</sup> December 2004. Applicants will be required to contact the DCEA not before 30 days and by not later than 21 days before the expiry of their current authorisations and produce all the required documents, including proof of satisfactory performance and attendance.
- e. To maintain eligibility to hold a student *visa*, all students are required to attend *lessons regularly* unless there are genuine reasons for absences as well as to make satisfactory progress. A minimum of 75% attendance is required. The Central

Visa Unit-Identity Malta- Immigration Police can revoke visa of students who do not attend classes or make satisfactory progress. It is the students' responsibility to comply with the requirements to hold a student visa, and it is extremely important, as it may affect any future visa applications and studies in Malta. For instances of sickness/being unable to come to classes, students must inform School and provide the necessary certification. If there is another reason for absence (eg for travel or other reasons) approval must be sought from the School and the School must be kept informed at all times.

## **5. Relevant documents related to the application for a visa**

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Persons applying for a visa on the basis of their studies must present the following documentation:

- a. Completed and signed visa application form duly filled in English, together with one recent passport-sized photo;
- b. Valid passport, showing at least three blank pages, with a validity period beyond the duration of the entire course plus three months<sup>2</sup>;
- c. Proof of sufficient financial means which are equivalent to 75% of the national minimum wage for every month of study;
- d. Air ticket/s to the final destination with the return trip, where applicable;
- e. Host/hotel confirmation for the duration of the course;
- f. Letter of sponsorship, including a copy of the identification document and contact details of sponsor/s, if the applicant is sponsored by a third party;
- g. Proof of scholarship, if applicable;
- h. Students who are not pursuing a higher-education qualification must provide an enrolment/ acceptance letter from a local education institution licensed by the national regulator. For courses below MQF level 5, the documentation must include a confirmation that the student will be covering a minimum of 15 contact hours per week, a copy of the time table and a schedule of lessons per every month of study.

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<sup>2</sup> The passport needs to have been issued within the previous ten years in line with the Visa Code.

- i. Students who are pursuing a higher-education qualification must provide an enrolment/ acceptance letter from a local education institution licensed by the national regulator. The document must include a confirmation that 60 European Credit Transfer System (ECTS) are obtained within a maximum period of one year. The same proportion will be applied for other credit systems. These students also have to present evidence of the time table and a schedule of lessons per every month of study.
- j. Proof of sufficient language proficiency to be eligible to apply for the selected course of study;
- k. Travel medical insurance with a minimum coverage of €30,000;
- l. Full-refund medical health insurance from a recognised provider covering the entire duration of the course. The policy must cover the entire duration of the course and not the duration of the visa originally issued to the applicant;
- m. Birth certificate/family book, in case of minors;
- n. Authorisation of the two parents or legal guardians, in case of minors. The authorisation document has to be duly authenticated. In case of any doubts the Consul may always request further information or documents;
- o. Passport data page of both parents or legal guardians, in case of minors;
- p. Proof of payment received by the education institution related to the applicant's course:<sup>3</sup>
  - i. For courses of a value of up to €1,000, the receipt covering full payment shall be requested;
  - ii. For courses of a value of more than €1,000 but less than €2,500, the receipt covering up to 75% of the course shall be requested;
  - iii. For courses of a value that is equal to or higher than €2,500, the receipt covering up to 50% of the course shall be requested;
- q. Any additional documents that may be deemed necessary by the Consular Post.

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<sup>3</sup> Course cost is understood to mean the value of the course excluding accommodation, meals or any other related expenses.

## 6. General rules and obligations

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1. Representatives of educational establishments will be requested to submit a list of accepted students to the CVU prior to the commencement of the visa process. Following preliminary checks, CVU will communicate the approved list of students to the respective Consular post or Member State (in case of representation). CVU shall inform the respective educational establishment of the list of students that may submit their application and the relevant submission point. CVU clearance does not equate to an approval of the visa application.
2. Normal visa procedures, including interviews with the applicants and additional due diligence procedures, are to be followed at the discretion of the CVU and the Consular Post.
3. Consular offices will process student visa applications as provided for by CVU in line with IMA policies.
4. Consular offices will keep CVU updated on the outcome of the visa process. They must return the list of applicants together with information about the outcome of their applications.
5. CVU shall inform the relevant educational establishment, MEDE and DCEA of the list of students who have been granted a visa to pursue a study course in Malta.
6. Education establishments are obliged to inform MEDE and CVU immediately regarding:
  - i. Non arrivals of student/s in Malta who have therefore not reported to the school;
  - ii. Any changes in accommodation arrangements or course of study of the students;
  - iii. Unjustified students' absence from the school, or;
  - iv. Any other relevant matters which may lead the authorities to revoke an issued visa or residence permit.
7. Schools may be obliged to forward to IMA monthly attendance records of each student issued with a visa or residence permit. IMA may also request a progress report on individual students.

8. IMA and the Police Immigration Office may carry out physical inspections at the school and monitor attendance of the students concerned. Any information concerning irregularities or shortcomings by the schools with respect to immigration matters will be passed on to the relevant national regulator for any action which may be deemed appropriate.

## **7. Employment**

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Students who do not qualify under the provisions of Subsidiary Legislation 217.09, and are following courses which exceed 90 days, may take up employment in Malta. Access to employment may be granted subject to conditions imposed by Jobsplus, including those sectors where these students would be allowed to work. Students will only be allowed to work a maximum of 20 hours per week after their first three months of study in Malta. These provisions are subject to change from time to time according to the discretion of the Ministry responsible for Jobsplus.

TCNs pursuing a full-time course leading to a higher education qualification recognised by MQRIC may take up employment for a maximum period of 20 hours per week, starting from their first year of study. In such instances, the student may apply for a work permit upon the issuance a residence permit, which will include specific reference to S.L. 217.09. It must also be noted that an application for a work permit will be considered more favourably if the employment offer is related to the student's chosen area of studies.

## **8. Starting a career**

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Third-country nationals who obtain a higher-education qualification in Malta recognised by the MQRIC may extend their stay in Malta by six months. The extension of stay is subject to the presentation of a valid full-refund medical health insurance and sufficient means of subsistence.

A non-renewable residence permit will be issued to these graduates allowing them to work for a maximum period of 20 hours per week. The purpose of this extended authorisation to stay in Malta is aimed at helping graduates start a career in Malta. Beneficiaries of this incentive may apply for a single permit within the six-month



period as soon as they find an employment offer which is: (i) related to their area of specialization, and (ii) involves a gross monthly income which is equivalent to 1.5 the national minimum wage. The privileges afforded to non-European graduates may vary according to restrictions imposed by Jobsplus related to the availability of employment.