

IDENTITY MALTA AGENCY COMPLIANCE UNIT

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Head Compliance



Compliance Unit

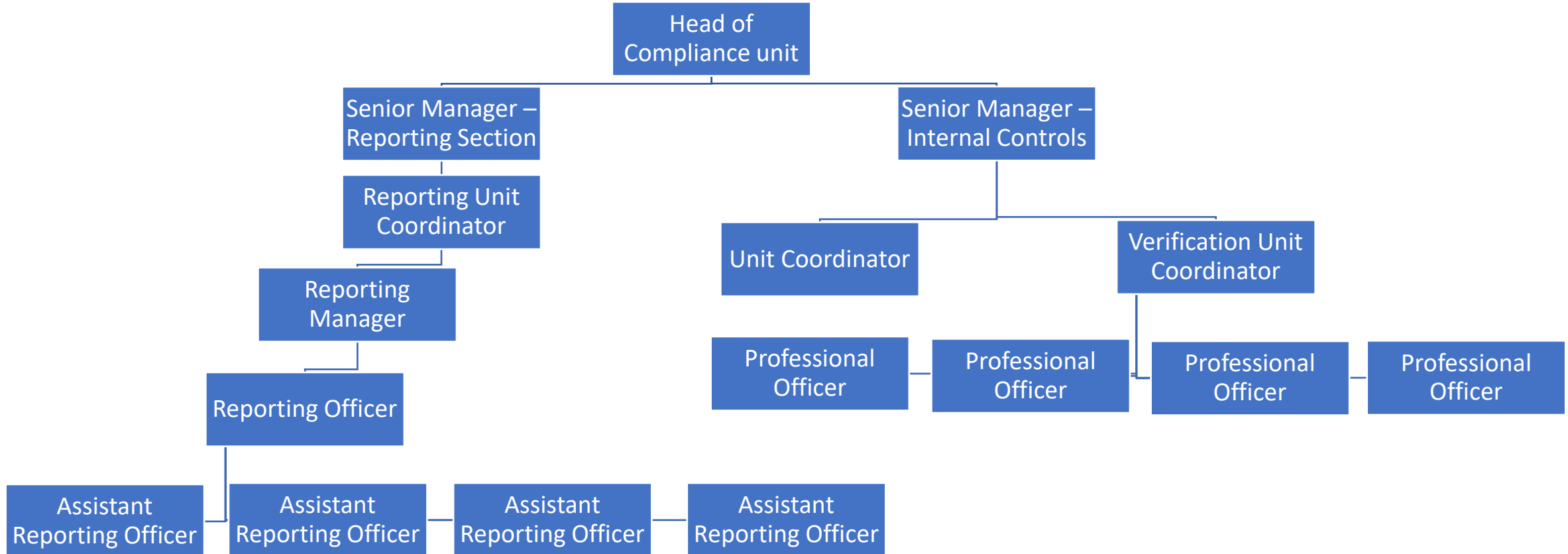
The Compliance unit (ex-Reporting Unit) was statutorily established by means of S.L 217.24. It is in charge of investigating matters both externally and internally:

The Reporting Section is entrusted with ensuring compliance of TCNs with regulations, and protection to such TCNs being subjected to abuse.

The Internal Controls Section is entrusted with ensuring that all units adhere to the agency's Standard Operating Procedures and legal requirements.



The Framework of the Establishment



REPORTING SECTION



Reporting Section - Scope

- > Conduct on-site inspections (with other stakeholders), monitor and report Third-Country Nationals (TCNs) in relation to:
 - Immigration Status
 - Employment Permits
 - Residence Status
 - Study Programs
 - Marriage / Freedom of Movement Interviews

The Reporting Function is supported by Subsidiary Legislation 217.24, “Procedure for the Inspection of Illegally Staying and Illegally Employed Third-country Nationals and the Monitoring of Third Country Nationals enrolled in Educational Establishments Regulation.”

- > This was established by virtue of S.L 217.24 dated 4th June 2019.



Subsidiary Legislation 217.24

According to the legislation, the Reporting Section shall be empowered to:

- “Enter without previous notice, at any reasonable time, any premises where third-country nationals are employed or residing or studying to conduct inspection visits with the assistance of police,”
 - “Carry out in any such premises any examination or inquiry which it may consider necessary in order to satisfy itself that the provisions of the Act or of any regulations there under as well as any conditions issued in the residence permit or visa are being observed”,
- “Require any person to produce for inspection residence documentation and take extracts from any books, registers, attendance sheets, documents or records relating to any activities regulated by or under the Act or any regulations thereunder which are under the control of that person”,
 - “Retain copies of such books, registers, attendance sheets, documents or records for such period as may be reasonable for further examination”,
and
- “If it considers that, from the inspection visit, there has been a violation of any provisions of the Act or of any regulation thereunder or any condition of residence applicable to the third -country national, report the results of the inspection visit to the responsible entity and the pertinent Police Authorities.”



Subsidiary Legislation 217.24

> Improper Influence

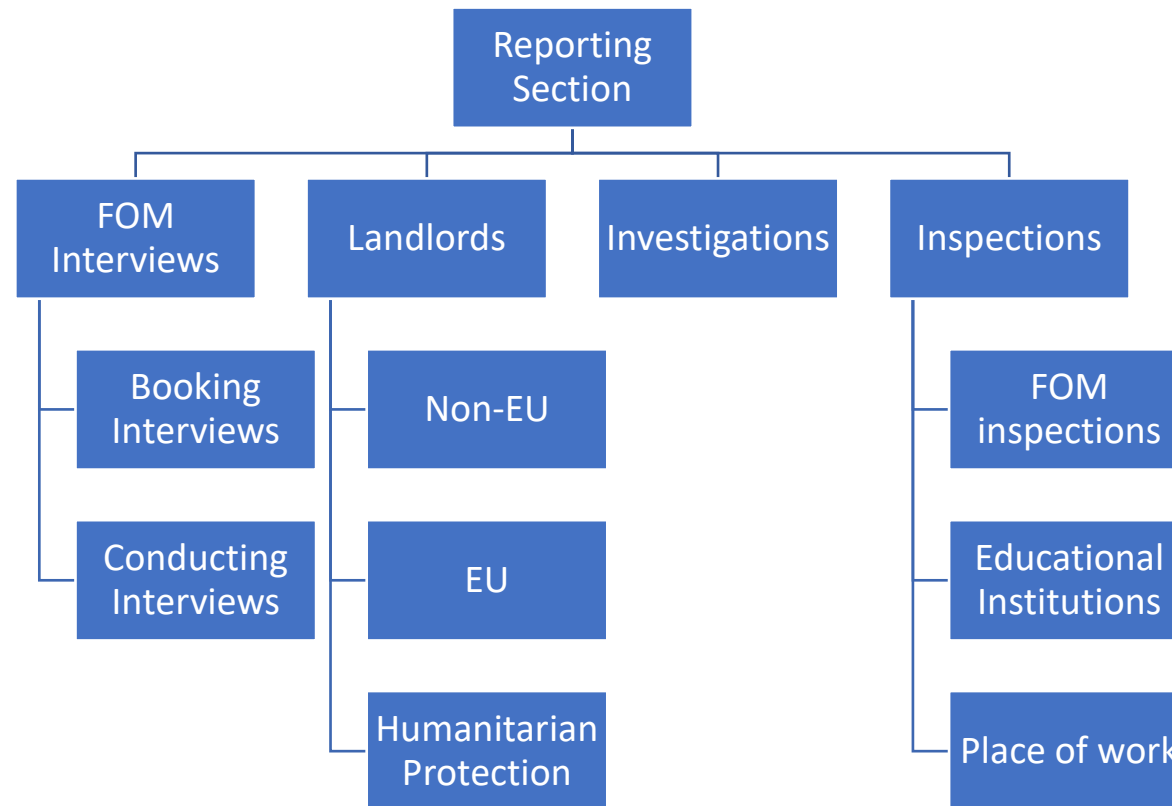
“No person shall improperly influence or attempt to influence directly or indirectly on behalf of himself or on behalf of any person, the Reporting Unit, the Agency or their officers, or persons employed by them, in the exercise of their functions under these regulations”

Offences: ”

- > (a) Obstructs, impedes or assaults an officer of the Reporting Unit in the exercise of any of the functions conferred by these regulations;
 - (b) fails or refuses to comply with a requirement under regulation 3;
 - (c) alters, suppresses or destroys any books, registers, attendance sheets, documents or records which the person concerned has been required to produce, or may reasonably expect to be required to produce;
 - (d) falsely presents himself to be an officer of the Reporting Unit or of the Agency;
 - (e) furnishes any information to the Reporting Unit or to the Agency which it may require in the exercise of its functions under these regulations, which he knows, or has reasonable cause to believe to be false or misleading, shall be guilty of an offence against these regulations and shall on conviction be liable to a fine (multa) not exceeding five thousand euro (€5,000) or to imprisonment for a period not exceeding six (6) months, or to both such fine and imprisonment.
- ”



Main Functionality





Freedom of Movement Interviews

- > Foreigners on the date of marriage to a citizen of Malta acquire exempt person status under article 4. (1) (g) of the Immigration Act Cap 217. They continue to enjoy such rights following the demise of the Maltese national under article 41(h) of said act provided that they satisfy the requirements of said legislation.

Freedom of Movement interviews are carried out to safeguard

- > regulations related to TCNs who engage in marriage with Maltese citizens.

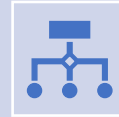
Following the FOM interview, if successful an Freedom of Movement

- > Letter is issued and an exempt status residence permit is issued for 5 years.

Reporting Section is tasked with:

- > a. Booking appointments
- b. Conducting interviews

Landlords Declaration Forms



The Reporting Section ensures that TCNs are residing in the registered address declared to Authorities.



When a TCN is no longer residing in an address, the 'Landlord Declaration Form' is required to be completed in by the Owner of property stating that the tenant is no longer renting said property.



The tenants are then contacted to start the process to change their address within 5 working days.

Investigations

- > To investigate irregularities related to TCNs residing in Malta. Examples:
 - > Fake/Forged documents submitted to IMA
 - > Illegal Immigration Status of TCNs in Malta
 - > TCNs working with improper RP status (partners not supposed to work)
- > To investigate and verify tip-offs received
- > To aid victims of fraud in regularising their application
- > To confirm that Exempt persons are residing at the same address as their spouse



Inspections

The Reporting Section is entrusted with on-site inspections on TCNs with respect to residence, workplace, and study matters.

In conjunction with other entities such as Jobsplus, Department of Industrial and Employment Relations (DIER), Central Visa Unit (IMA) and Malta Immigration Police, monitoring and inspections are executed on routine basis.

Such operations are aimed to ensure that TCNs are properly employed and have valid residence cards in accordance with applicable regulations.





Reporting Section – IMA Contact Details

- Reporting Email:
reporting.ima@gov.mt

This address is used by those who wish to report a matter for subsequent investigation.

- FOM Email:
fominterviews.ima@gov.mt

This address is used by those who wish to request an appointment for an FOM interview.

- Landlords Email:
landlords.ima@gov.mt

This address is used by landlords who require further assistance.

- Telephone: 25904500

THE INTERNAL CONTROLS SECTION



Definition

Internal control is a process, involving mechanisms, rules and procedures implemented by an organisation, designed to provide reasonable assurance:

- That information process is:
 - Reliable
 - Accurate
 - Timely
- Of compliance with applicable laws, regulations, policies and procedures

Main Aims of Internal Controls

The Internal Controls Section has been established in 2022 as part of the Compliance Unit with the aim to:

- Conduct internal checks in each unit within the Agency;
- Investigate internal reports on irregularities that may have been conducted by IMA employees;
- Review existing controls in place across all Units within Identity Malta Agency;
- Put forward recommendations that could help to enhance and improve control procedures; and
- Participate in the development and implementation of policies which should help in maintaining a sound level of internal controls.

Internal Controls – Advantages

- Mitigate the risk of fraud, errors and discrepancies
- Achieve compliance with applicable laws and regulations
- Verify the reliability, accuracy and timeliness of information
- Promote integrity, accountability and transparency
- Earn stakeholder confidence, trust and loyalty
- Optimize operational efficiency





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