



MEAs Information Session on the Employment of Foreign Workers

In response to an increasing number of queries from employers about the procedures and delays in the granting of permits for foreign employees, the Malta Employers' Association organised a seminar on the 16th March at the Mediterranean Conference Centre.

The seminar was well attended and was addressed by Mr. Joseph

Farrugia (MEAs Director General), Mr. Ryan Spagnol (Senior Manager, Citizen and Expatriate Affairs, Identity Malta Agency); Mr. Mario Xuereb (Head of Division – Employment Services, Employment and Training Corporation); Mr. Neil Harrison (Advisor on VISA related Matters, Identity Malta Agency); and Inspector Mario Haber, (Immigration Section, Police Commission).

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In his address, Mr. Farrugia highlighted that the Maltese labour force is becoming more cosmopolitan, and although the supply of labour hours by the Maltese labour force has increased due to an increased participation, it remains a finite resource and economic growth has become dependent on the availability of non-Maltese employees in various sectors of the economy. He added that there is a need to continue to move away from a protectionist approach of labour market management. The positive turnout is a message that most employers want to employ foreign employees with legal parameters. He concluded by stating that employers are facing strong obstacles which is impeding their companies from realising their business potential.

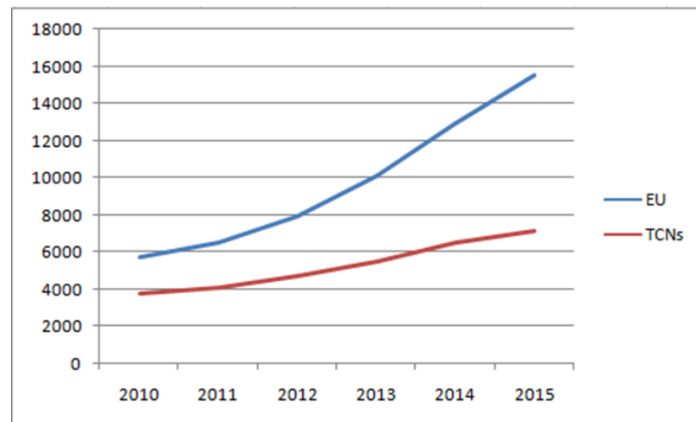
Mr. Ryan Spagnol explained the functions of Identity Malta, and the Single Permit Directive 2011/98/EU which aims to develop a coherent immigration policy within the European Union; to narrow the rights gap between citizens of the EU and Third-Country Nationals working within the member states, and to avoid exploitation of non-EU workers and safeguarding of social security. **He went in the specifics of the requirements by the employer and applicant to obtain authorisation to work in Malta. He said that Identity Malta is aiming to reduce the processing of applications from the current average of seven weeks to four weeks.**

Mr. Mario Xuereb expanded on employers' obligations to fill in the engagement and termination forms and explained the circumstances under which employment licences are necessary as well as the labour market tests and fees applicable to process applications for

employment licences. He provided details about the Employment Licences/ Work Permits which are presently active:

PERMIT TYPE	TOTAL
Third Country Nationals	519
Third Country Nationals - Single Permit	3319
Long Term Residents	293
Asylum Seekers	153
Failed Asylum Seekers	344
Refugees	157
Holders of Subsidiary Protection	1150
Holders of Temp. Humanitarian Protection	777
Croatian Nationals	76
TCN Dept on EU (Croatia)	2
GRAND TOTAL	6790

Mr. Xuereb mentioned that there were **13,463 applications** received by ETC in 2015 of which **8,471** were for single permit applications. He also explained trends in the employment of foreign employees since 2010, split between EU nationals and TCNs:



Mr. Neil Harrison delved into the VISA application process, distinguishing between Schengen Visas and National Visas, and who should have a valid Visa before travelling to Malta. He also explained the role of consulates in the application process, and the need for supporting documents to include proof that the employment licence has been approved by the competent authority in Malta before employment.

The final speaker was Police Inspector Mario Haber, who explained the importance of making the necessary checks and verifications in processing applications from TCNs to work in Malta, adding that at times it is a process which takes time as the information has to be supplied by authorities in other countries.

The presentations were ensued by a lively discussion during which a number of points were raised. Among them:

- The need for authorities to allocate more resources to expedite applications. It was remarked that many departments are overloaded and cannot deal with the increase in the number of applicants.
 - The statement that applications were taking an average of seven weeks to process was strongly contested, as company representatives mentioned cases where applications have been pending for more than 6 months.
- The role of Identity Malta as a one stop shop was questioned by the audience as they still had to remain in touch with the other authorities to have their applications processed.
- There was an unexpected revelation that other authorities were involved in the application process, for example the MTA and the Fisheries department. Many participants found this highly questionable.



- Employers were being forced to settle unpaid tax bills from the IRD after the employee will have left the island. The 20% deduction from any income for employees staying for six months or less is acting as a disincentive for foreign workers to take up job offers in Malta.
- Some company representatives said that applicants were being asked to send their original passport for their Visa application to be processed.
- Once a TCN completed his/her term of six months in employment and a new application is submitted, this would again be subject to the procedure and approval by the police department. Many found this to be an unnecessary and over-bureaucratic procedure.
- The requirements for some occupations were unreasonable. For example, why is it a requirement that a cleaner needs to have 3 years prior experience to qualify to work in Malta?
- There was a suggestion to introduce a tracking system, so that companies would know which stage

their application has reached.

- It was also suggested to have separate desks for particular industries, such as tourism, and to separate applications for employment from those for other purposes, such as tourism and family visits, for faster processing.

In his concluding remarks, Mr. Farrugia said that the MEA will be taking further action with the relevant authorities to ensure that these problems are tackled. He said that although one cannot expect a Visa to be issued instantaneously, all efforts must be made to reduce the bureaucracy and have a more streamlined procedure to expedite the application process.

