



Employment Licences Unit

Graziella Cauchi
Unit Manager, Migration
Jobsplus

What are *Employment Licences*?

Immigration Act - Chapter 217

11. (1) It shall be an implied condition of any leave granted to any person under article 6(1)(a) or, saving the provisions of Part III, of a residence permit issued to any person under article 7(1) that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person or engage in business without a licence from the Minister.

(2) It shall be an implied condition of any leave granted to any person under article 6(1)(b) or extended under paragraph (c), that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person without a licence from the Minister.

Who DOES NOT need an *Employment Licence*?

- ▶ Maltese nationals;
- ▶ Foreign nationals with freedom of movement rights;
- ▶ Posted workers from EU member states;
- ▶ Interns;
- ▶ EU nationals and their family members;
- ▶ Long term residents.

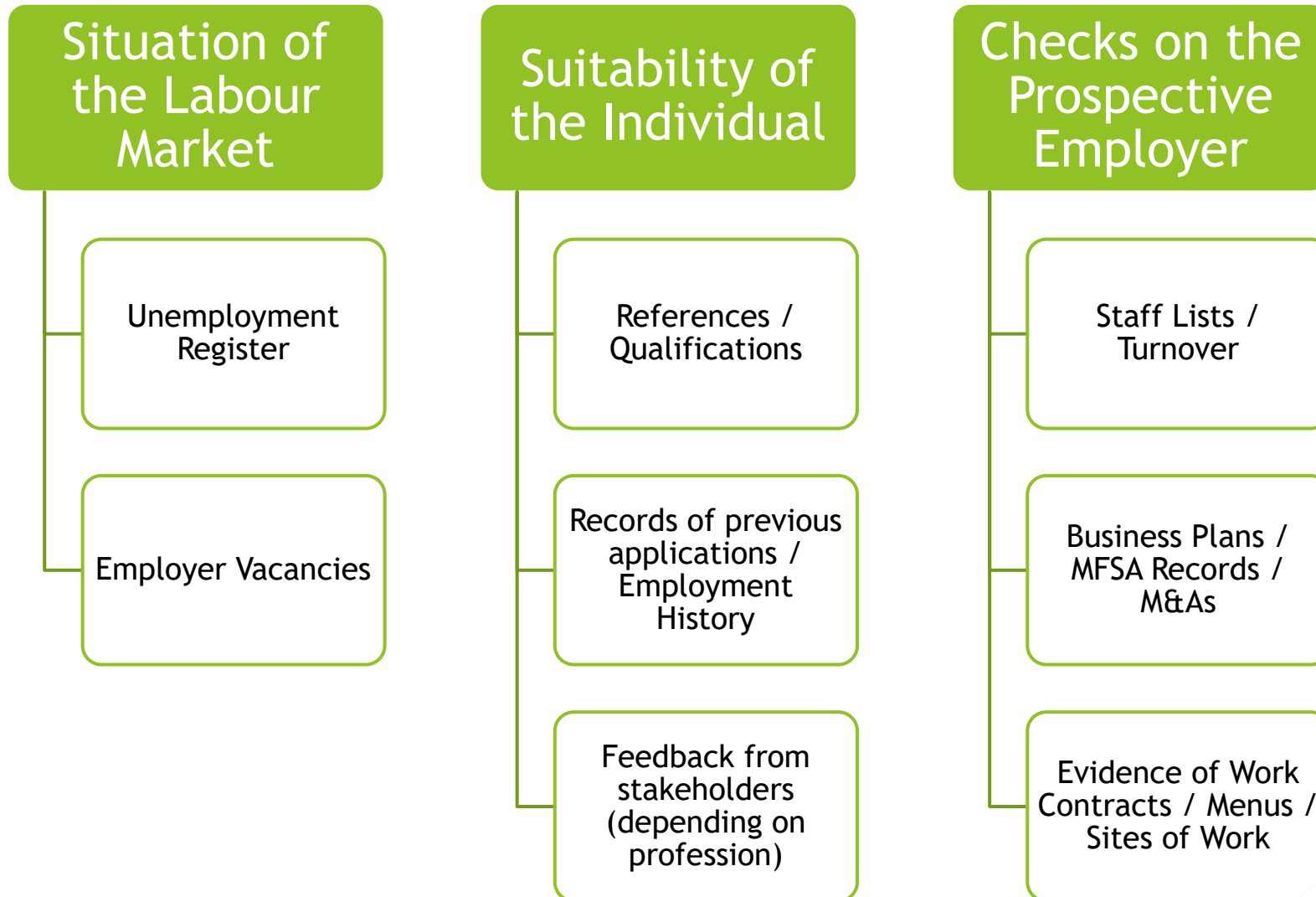
Who needs an *Employment Licence*?

- ▶ Irregular Migrants/Asylum Applicants:
 - ▶ Asylum Seekers / Failed Asylum Seekers
 - ▶ Persons granted national / international protection (THP, SP, REF), Beneficiaries of Specific Residence Authorisation
- ▶ Third Country Nationals who are not eligible for the Single Permit Process:
 - ▶ Self-Employed TCNs
 - ▶ Temporary TCN Workers (Less than 6 months)
 - ▶ TCN Student Workers
 - ▶ Other TCNs (Residence valid for more than 1 year) *such as: Malta Residence VISA Programme, Victims of Human Trafficking, Parents of Maltese Nationals, Partners*

Single Permit Applications

- ▶ As from the 21st of July 2014, TCNs eligible for a *Single Permit* need to apply for a combined Residence/Work Permit;
- ▶ Applications to be submitted at Identity Malta (Valley Road, Msida);
- ▶ Jobsplus' responsibility in this process is to approve/reject the work permit by assessing these applications from a Labour Market point of view;
- ▶ The ELU deals mainly with applications for individuals who do not fall within the scope of the SINGLE PERMIT process.

Labour Market Testing



Exemptions to the Labour Market Test

The following categories of applications are exempt from Labour Market Testing:

- ▶ Beneficiaries of Protection/SRA
- ▶ TCN with additional rights (MRVP, VoT)

Exemptions also apply to the following occupations:

- ▶ Health Related Professionals
- ▶ Technical & Building Professionals
- ▶ IT, Finance, Gaming and Education Professionals

Application Process - Single Permit

Documents Required as per information on Identity Malta's Website:

<https://identitymalta.com/>

Procedure

- ▶ Client applies for Single Permit (Online service is recommended);
- ▶ Prospective employer to endorse application;
- ▶ Application is sent to Third Parties (including Jobsplus);
- ▶ Jobsplus carries out **Labour Market Testing**;
- ▶ Feedback is sent to Identity Malta for the employment part of the application;
- ▶ Issuing of Single Permit depends on Identity Malta.

Detailed Application Process - Single Permit

- ▶ IMA sends daily a list of applications submitted to Jobsplus ;
- ▶ Jobsplus representatives download these applications;
- ▶ Applications are initially vetted and filtered;
- ▶ ELU reps carry out the **Labour Market Test**;
- ▶ Applications that can be immediately recommended are separated and processed within 2-5 working days;
- ▶ Those that require additional feedback are sent to back office to liaise with client;
- ▶ Those that have missing documents/issues are sent back to IMA;
- ▶ IMA receives daily a list of recommended permits.

Updates 2021/22

▶ Labour Market Testing

- ▶ Suitability Checks (References / Qualification) presently substituted with a *Declaration of Suitability*. May change in the future;
- ▶ Renewal applications are **not subject** to *Labour Market Testing*. However, the employer is obliged to provide evidence that such employment was duly registered with Jobsplus through the submission of an *Engagement Form*.

Exemptions vis-à-vis renewals DO NOT apply to
Temping Agencies*

**Employers of TCN workers who are posted in various places of work on the basis of a service/work contract*

General Conditions of Licence / Single Permit

- ▶ Licence is issued on a specific employer and for a specific job;
- ▶ Changes affecting such conditions will necessitate the submission of another application (Change of Employer / Change in Occupation);
- ▶ Renewal applications need to be submitted at least 2 weeks before expiry;
- ▶ Employment is regulated by the Employment & Industrial Relations Act;
- ▶ Conditions of work are to be observed according to law;
- ▶ In case of breach of conditions of work, assistance may be sought from the Department of Industrial and Employment Relations (DIER);
- ▶ The employer is obliged to declare engagement / termination to the Employment Records Unit (HRIU) - details should match information on Single Permit.

Some Tips for Employers

Avoid having your applications **sent back**:

- ▶ Employers must be registered with Jobsplus;
- ▶ Employers must have at least 1 employee featuring as employed;
- ▶ All forms need to be duly (and clearly) filled;
- ▶ Upload correct information pertaining to TCN;
- ▶ Salary shall be in line with **yearly** National Minimum Wage;
- ▶ Temping Agencies: Declaration of Posting must be verified by contractor;

- ▶ Submit your applications with IMA through their ONLINE portal;
- ▶ Compress/amalgamate documents sent to Identity Malta. Submit in PDF format

THANK YOU

Graziella Cauchi
Unit Manager, Migration
Jobsplus

Tel : 2220 1282
Email : graziella.cauchi@gov.mt
Website : www.jobsplus.gov.mt