MALTA LABOUR MIGRATION POLICY

Consultation Document

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GOVERNMENT OF MALTA
MINISTRY FOR HOME AFFAIRS,
SECURITY AND EMPLOYMENT

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List of Abbreviations

CAP	Chapter of Laws of Malta
CV	Curriculuum Vitae
EEA	European Economic Area
EU	European Union
EU-27	European Union (27 member states)
EURES	European Employment Services
FDI	Foreign Direct Investment
GDP	Gross Domestic Product
GVA	Gross Value Added
HRD	Human Rights Directorate
IELTS	International English Language Testing System
ISCO	International Standard Classification of Occupations
KEI	Key Employment Initiative
LMNT	Labour Market Needs Test
MQRIC	Malta Qualifications Recognition and Information Centre
NSC	National Skills Council
NSO	National Statistics Office
OECD	Organisation for Economic Co-operation and Development
PES	Public Employment Service
PIO	Principal Immigration Officer
S.L.	Subsidiary Legislation
SEI	Specialist Employment Initiative
SMEs	Small and Medium Enterprises
SOL	Skilled Occupation List
TCNs	Third-Country Nationals
UK	United Kingdon
WAP	Working-Age-Population



FOREWORD

Robert Abela
Prime Minister

After 2013, Malta's employment policies changed substantially, with the result that from one of the countries with the lowest employment rates in Europe, we are now one of the best performers. This reflected three factors: a substantial improvement in economic growth, a reduction in the tax burden on labour and clear financial incentives to participate in labour market activity.



These factors more than made up for the ageing of the Maltese working age population. In the absence of policy changes, the latter would have declined, and this would have further constrained Malta's economic potential.

However, the prospects of further growth in the size of the available Maltese workforce are limited now. This because the female participation rate is now amongst the highest in Europe while the number of persons who are inactive and on social benefits is at an all-time low. As a Government, we are also committed not to raise Malta's pension age.

Consequently, firms are becoming increasingly reliant on foreign labour. While this has helped address labour and skills shortages, it has also exerted some negative externalities, particularly pressures on our infrastructure and increased demand for public services.

Going forward, my administration wants to address this. Our strategy is two-pronged. On the one hand, we are changing our investment promotion strategy to shift from supporting projects based on job creation to supporting projects with higher value added and in selected strategic sectors. On the other hand, we want our employment policy to focus on skills creation rather than job creation.

To support these two changes, we are drawing up Malta's first labour migration policy. Instead of leaving this market unregulated, we want to introduce a clear framework that determines the inflow of workers, if any, on the need of sectors that are essential to our economic vision.

At the same time, even if a firm operates within a sector where we believe there is an economic case for the entry of foreign workers, we are introducing several new measures to ensure that only good employers are given permission to recruit foreign staff.

This policy will not just help our country continue to prosper economically. It places the control of labour migration firmly in the hands of authorities, while firms will have a clear level-playing field when applying for foreign workers.

The adoption of this policy is an essential part of our strategy to take Malta to the next level.

MINISTERIAL FOREWORD

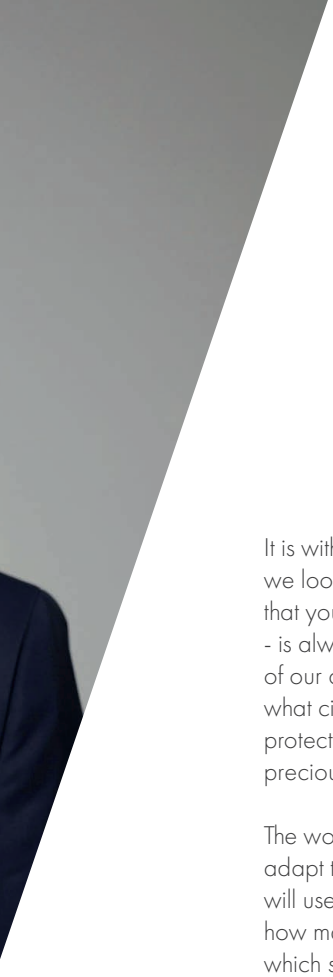


Byron Camilleri
Minister for Home Affairs, Security and Employment

There is no warmer, friendlier or more welcoming country than Malta. And, for a decade now, our success has driven more and more people to come and work on these islands.

We are proud of that success because that is the success of all Maltese and Gozitans. However, we believe that we must also address the consequences of that success to ensure a sustainable future economically, socially and environmentally. After all, Malta is our home. We must take care of it.

The National Employment Policy 2021-2030 outlines the Government's employment strategy, including a key recommendation to review Malta's labour migration policies. This review aims to ensure that economic migration addresses Malta's current and future labour market needs, whilst focusing on workers' rights and dignity.



It is with this in mind that we are changing the way we look at labour migration. We want to ensure that your government - the Maltese government - is always in control and decides in the interest of our citizens who gets to live here, and under what circumstances. We are doing this to give the protection that Maltese workers, taxpayers and our precious environment all deserve.

The world is changing around us, and we must adapt too. The Labour Market Needs Test (LMNT) will use technology and transparency to control how many workers come to our country, and in which sectors.

At the core, our principles are crystal clear:

- To prioritise and protect Malta's hard-working taxpayers.
- To emphasise stability, retention and control, over a free-for-all.
- To end exploitation and protect all worker rights.
- To transition to a more modern, skills-based migration system.

Making real, substantial change is never easy. Some will say that we are being too harsh, others will say we are not being hard enough. We know that it is a question of striking the right balance so that Malta's businesses have the workers they need and our citizens receive the services that they deserve, without the risk of over-doing it or workers exploitation.

Our proposals are very clear. This proposed policy will take on the greedy persons whose business model is only based on how many numbers they get, not how skilled or committed to our country are the workers they engage. We want to tackle abuse that is neither good for the workers nor for Malta and the Maltese.

As a government, our first priority must always be the people of Malta; the people we serve. They tell us about the pressures they face and the country they want. And it is to them that the benefits should flow. Be it economic growth, investment in education or our health system and our environment, we need to ensure that we are protecting the country we all call home.

When migration and the engagement of foreign workers are better managed, everybody who lives here gets better off, especially when complementing the strong economic and social programme that our government is implementing.

In the end, our aim is a working migration system that is fair, efficient and effective. To achieve that, we know that we must be accountable to our citizens. We are proposing the LMNT to be as transparent as possible, and launching a public consultation process. This will allow us to be as flexible as the market needs us to be, while being much firmer with those who choose to break the rules.

We know that this is one of the most pressing issues facing our country today. We know that people are concerned, and we are acting. We are also listening. So please consider this proposal and tell us what you think.

Introduction

The Maltese economy has experienced an extraordinary transformation over the past decade, registering remarkable economic growth. This rapid economic growth has brought about strong demand for labour. Indeed, employment levels have reached all-time highs, and Malta has reached full employment. At the same, unemployment has plummeted to record lows. Participation rates, for both men and women, have hit historic peaks and have outpaced most other European countries.

Given that it is subject to the same demographic trends present in many advanced economies, Malta is grappling with significant challenges stemming from an ageing population and low fertility rates, leading to a reduced local workforce. In response, labour migration has become an integral component of the Maltese labour market, filling skills gaps and supporting Malta's robust economic growth.

The rise in the number of foreign workers is a testament to Malta's economic strength and competitiveness in an increasingly challenging international economic environment. Over the past decade, Malta's economy has successfully diversified into several new and emerging sectors that demand certain specialised skills. Foreign workers make up around one-third of the workforce and now play a critical role across almost every sector.

They are indispensable to both economic growth and the delivery of essential services.
In addition to addressing key skills shortages, foreign workers have brought much-needed expertise that was lacking in the Maltese labour market. Their presence has not only filled gaps but also upskilled the local workforce through skill transfers. Moreover, it has enabled Maltese workers to advance into higher-skilled roles with better working conditions.

This remarkable and much-needed growth has, however, also given rise to new challenges, such as increased pressure on infrastructure. Furthermore, the retention of foreign workers remains a challenge that must be addressed to ensure that growth will remain driven by higher productivity levels.

Nonetheless, this scenario presents a unique opportunity to enhance Malta's attractiveness as a destination for skilled talent. To address these challenges and capitalise on emerging opportunities, a new Malta Labour Migration Policy is being proposed. This policy aims to implement key government recommendations outlined in the National Employment Policy 2021-2030, including the following:

- **Recommendation 22**
  Due to the labour shortages envisaged, the government will commence consultations to develop a National Economic Migration Policy.

- **Recommendation 23**
  Develop migrant retention schemes together with employer associations and private sector organisations.

- **Recommendation 35**
  Establish expert groups or commissions to determine whether migrant workers are truly needed by analysing labour market data and weighing the trade-offs that are inevitable in labour migration.

This proposed policy is based on four main guiding principles:

1. **Retention and Stability**

2. **Protection of Employee Rights and Enhancing Working Conditions**

3. **Aligning Labour Migration with Labour Market Needs**

4. **A Skills-Based Approach to Migration**

1

A Review of Recent Economic and Population Developments

1.1 A brief overview of economic developments

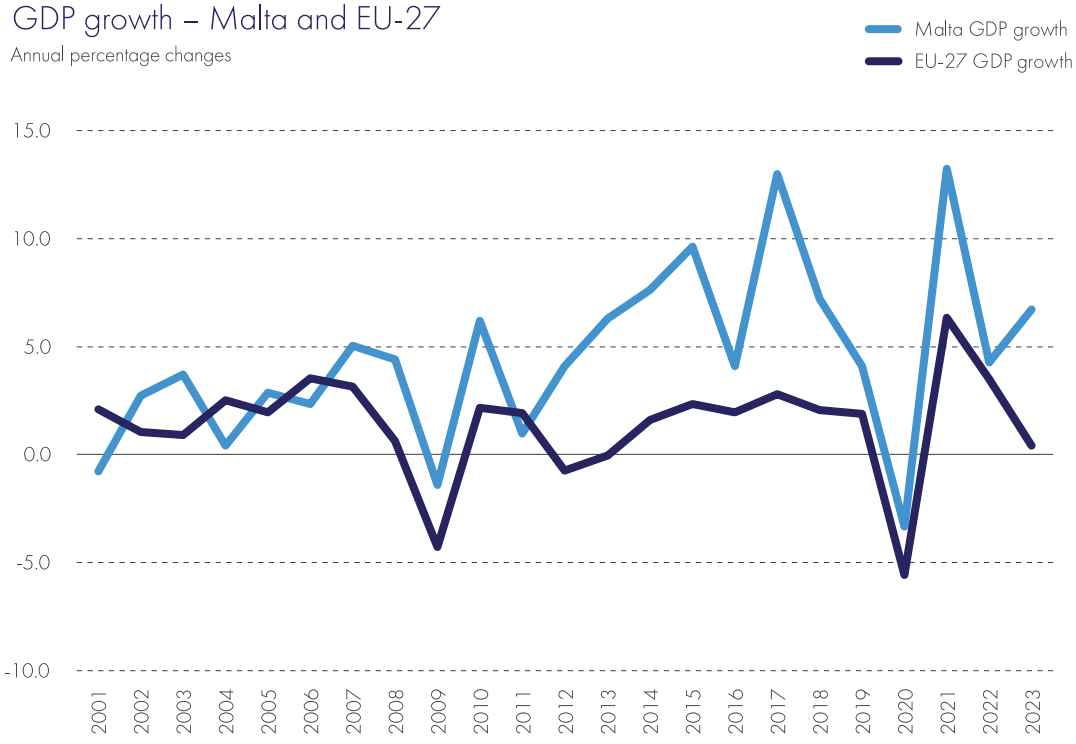
Over the past decade, Malta has experienced robust economic growth that has markedly exceeded those of other countries within the European Union (EU) (see Figure 1).

Between 2013 and 2023, Malta's real Gross Domestic Product (GDP) grew at an average annual rate of 6.6%, substantially higher than when compared to the 2.6% average growth of the previous decade (see Figure 1). This rate is well above that of the EU-27, where the average GDP growth stood at 1.4% over the past decade.

Figure 1

GDP growth – Malta and EU-27

Annual percentage changes



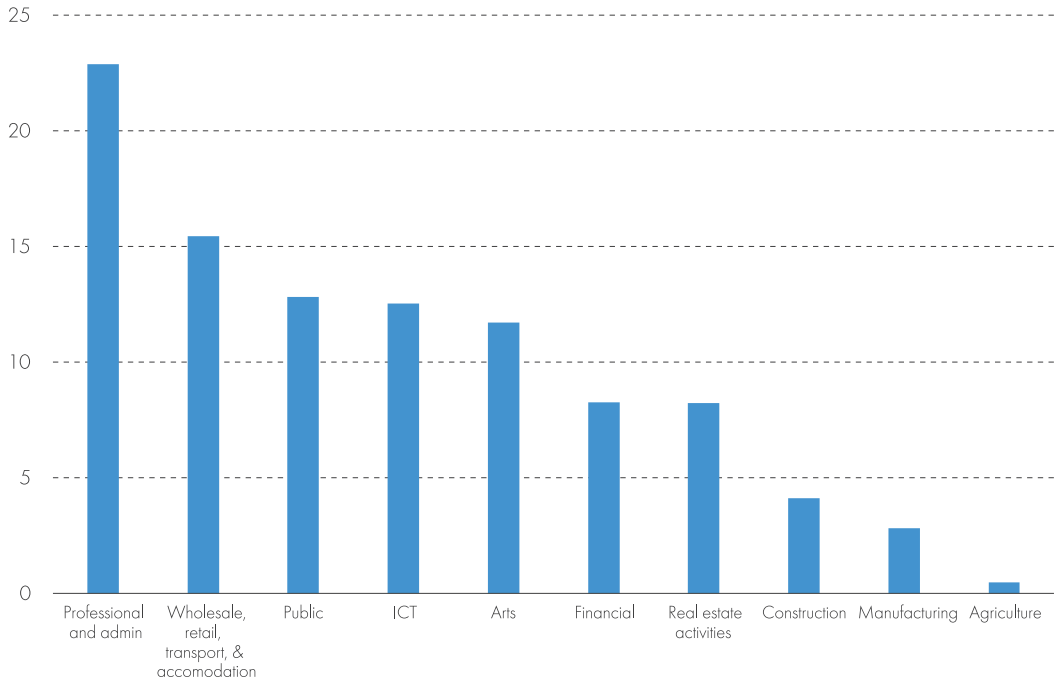
Source: NSO

On a sectoral level, the services sector has been the main driver of economic growth in Malta. Indeed, as shown in Figure 2, the professional and administrative sectors had the largest contribution to nominal Gross Value Added (GVA) growth between 2013 and 2023. Additionally, other important contributors to economic activity growth were the wholesale, retail, transport, and accommodation sectors, as well as the information and communication sectors.

Figure 2

Sectoral contributions to Gross Value Added – 2013 to 2023

Sectoral contributions to GVA



Source: NSO

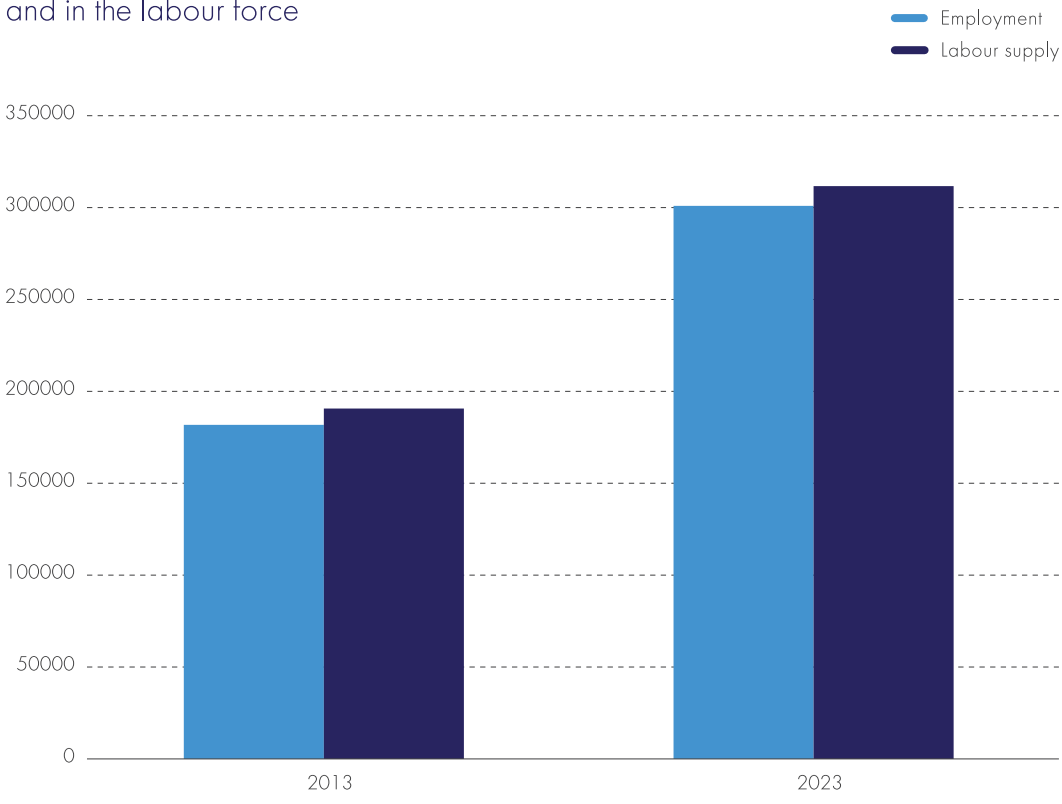
*Sectoral contributions to nominal gross value added are summed over the period 2013 to 2023 to obtain a cumulative contribution over the period 2013-2023.

This period of robust growth has brought about a surge in demand for labour. At the same time, labour supply also rose markedly and matched the increase in labour demand. Indeed, employment rose from around 181,000 in 2013 to 301,000 by 2023, which implies the creation of over 120,000 additional jobs (see Figure 3).

The rise in labour supply was driven by several factors, including higher female and male participation in the workforce, a reduction in the inactivity rate, and very strong migration inflows.

Figure 3

The number of persons employed and in the labour force



Source: NSO

Table 1 highlights the changes in employment by sector and nationality between 2013 and 2023. Of the 120,000 jobs created over this period, around 30,000 went to Maltese nationals, and around 23,000 were taken up by EU nationals. On the other hand, around 67,000 new jobs were filled by Third-Country Nationals (TCNs).

The professional and administrative sectors experienced the largest increase in employment levels, with almost 40,000 new jobs created over the span of a decade. The wholesale, retail, transport, accommodation, and food sectors added more than 27,000 jobs collectively. At the same time, public services, arts and entertainment also made strong contributions to employment growth.

Table 1 also shows how employment trends evolved by nationality. Maltese nationals have increasingly moved away from traditionally low-skilled and manual jobs in the manufacturing and construction industries opting instead for employment in sectors such as the professional and administrative sectors. Meanwhile, other EU nationals have mainly filled specialised positions, particularly in the arts & entertainment, financial, and professional sectors. The wholesale, retail, transport, accommodation, and food sectors have become heavily reliant on TCNs, which have increased by 25,000 over the past ten years. Additionally, TCNs have played a significant role in the construction sector, where they filled many of the new positions created.

Table 1

Sectoral employment by nationality

	2013	2023	Total change between 2013 and 2023	Change MT between 2013 and 2023	Change EU between 2013 and 2023	Change TCN between 2013 and 2023
Agriculture	2739	3374	635	191	68	376
Manufacturing	21708	25582	3874	-3448	1642	5680
Mining	3542	2990	-552	-1287	80	655
Construction	11750	20463	8713	-1192	1510	8395
Wholesale, retail, transport, accommodation & food	55375	82957	27582	-2751	5763	24570
ICT	6253	11300	5047	1822	1515	1710
Financial & Insurance activities	8321	15136	6815	3229	2241	1345
Real estate	1387	3627	2240	1247	413	580
Professional & admin	22406	61985	39579	15087	4929	19563
Public, education & health	45876	64505	18629	12082	1158	5389
Arts & entertainment, other services and activities	6965	20579	13614	4168	5240	4206

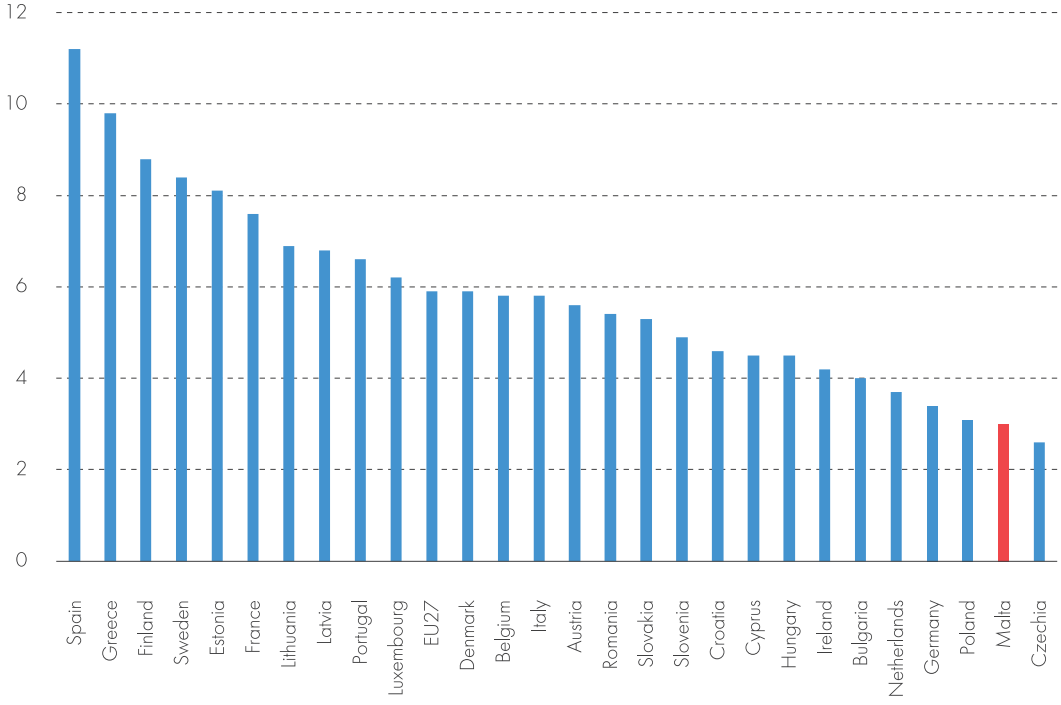
*Full-time and part-time only

Source: Jobsplus

Malta's labour market performance is further underscored by its present historically low unemployment rate, which dropped from 6.1% in 2013 to around 3.0% by October 2024. Figure 4 shows that Malta's unemployment rate is now one of the lowest in the EU despite the significant rise in labour supply over the past decade. This low rate reflects a tight labour market, where demand for workers is high, and many vacancies remain unfilled. As Grech (2023) noted, this environment has led to increased labour turnover among Maltese nationals, as workers are more likely to change jobs in a competitive market.

Figure 4

Unemployment rates across the EU-27
October 2024

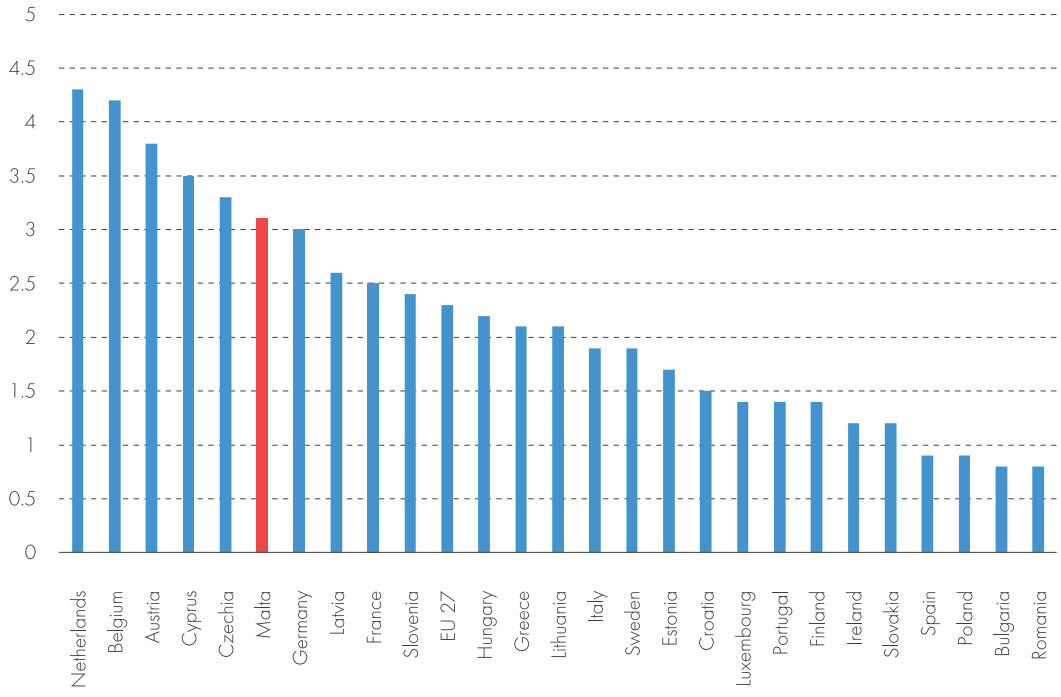


Source: Eurostat

The job vacancy rate offers further insight into the dynamics and possible imbalances of the labour market. It measures the number of job vacancies as a percentage of total jobs (both occupied and vacant). Figure 5 shows that Malta's vacancy rate for the third quarter of 2024 stood at 3.1%, the sixth highest in the EU. This scenario indicates that similar to the situation in several other EU countries, many positions remain unfilled, suggesting possible skill mismatches or labour shortages in certain sectors.

Figure 5

Vacancy rate across EU countries - 2024Q3



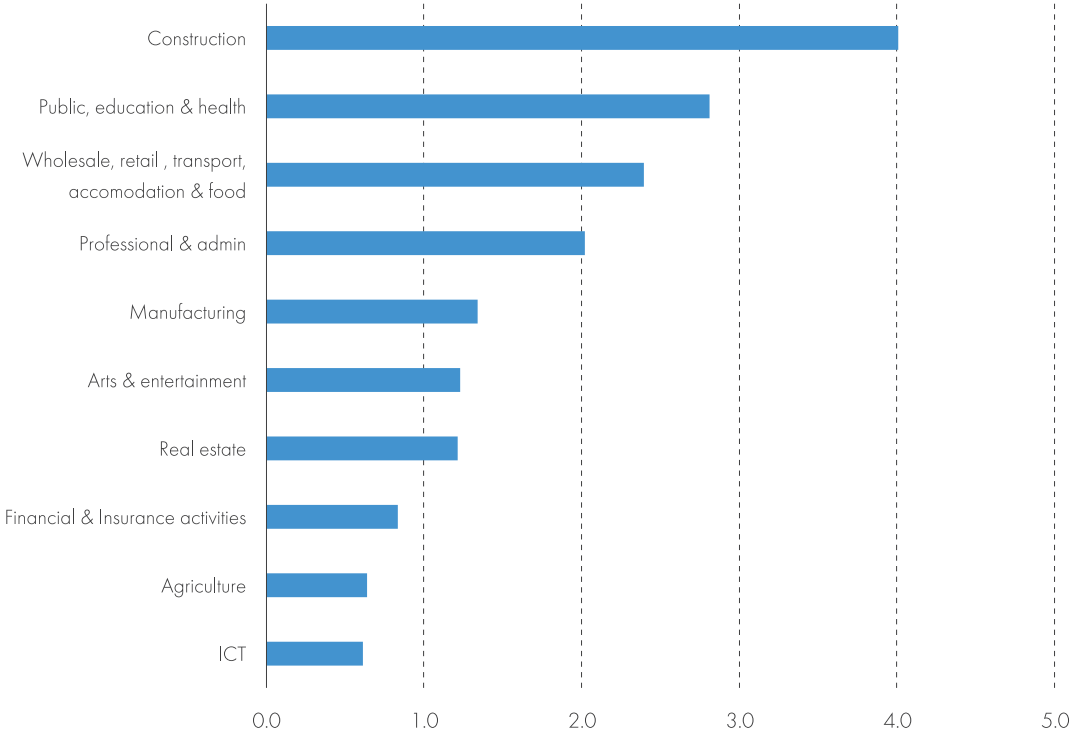
Source: Eurostat

Figure 6 illustrates an indicator of labour intensity, which is defined as the ratio of sectoral employed to sectoral output. The figure shows that construction, followed by public services, education, and health, as well as the wholesale, retail, transport, accommodation and food sectors, are the most labour-intensive sectors.

Figure 6

Sectorial Labour intensity

Ratio of sectoral employment to the sectoral gross value added



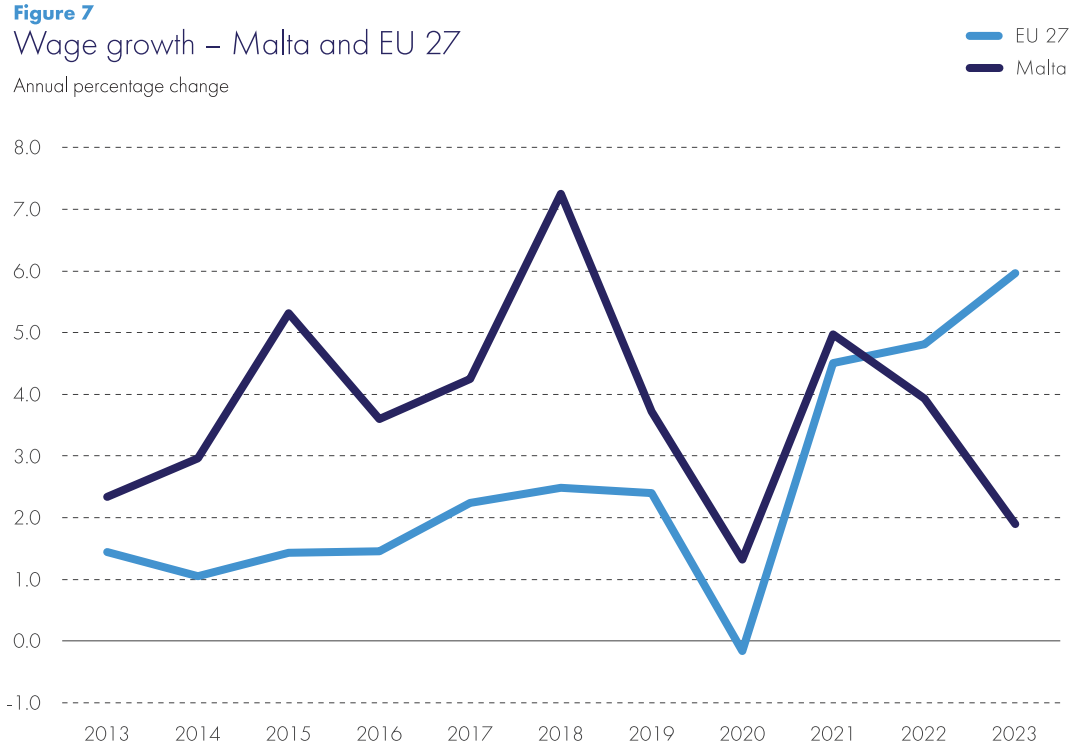
Source: NSO; author's calculations

Regarding wages, Figure 7 compares the wage growth in Malta and the EU-27 over the past decade. It shows that, in general, Malta experienced higher wage growth than the average of EU-27 countries. Specifically, the average wage growth in Malta from 2013 to 2023 was 3.8%, compared to 2.5% in the EU-27. Cumulatively, this implies that Malta experienced approximately 17 percentage points higher wage growth than the EU-27.

Figure 7

Wage growth – Malta and EU 27

Annual percentage change



*Annual percentage change of compensation per employee derived from national accounts

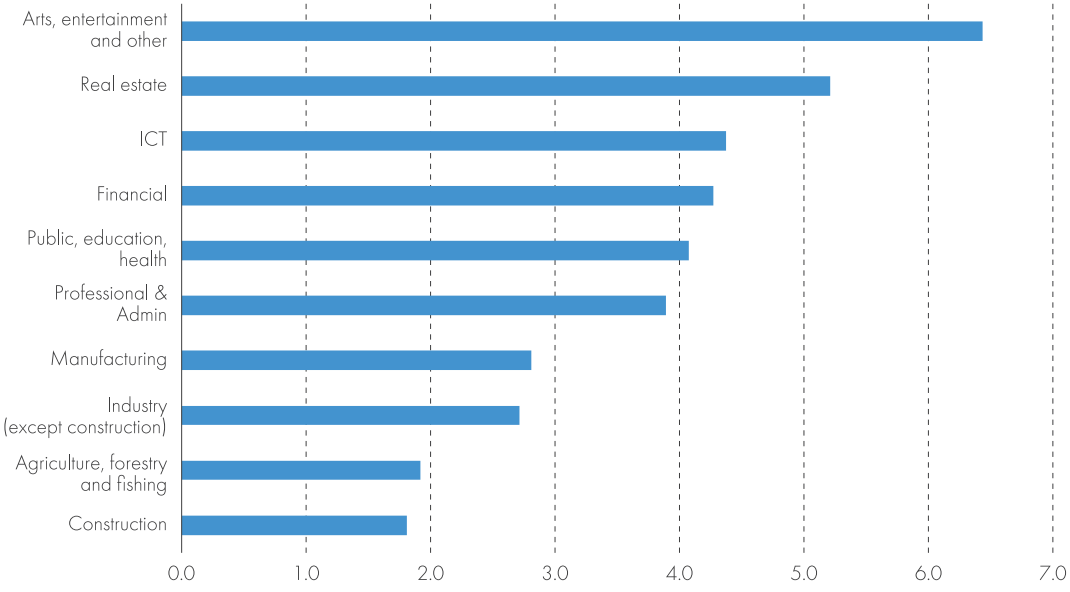
Source: Eurostat

On a sectoral level, Figure 8 indicates that wage growth was highest in the arts and entertainment sector, with an average increase of 6.4%. The next highest increase was observed in the real estate, financial, and insurance sectors. Conversely, the lowest average wage growth was observed in the construction sector, followed by the agricultural sector.

Figure 8

Sectoral Average Wage Growth

Annual percentage change



*Sectoral average wage growth is calculated over the period 2013 to 2023 calculated as wages and salaries per employee, using national accounts data.

Source: Eurostat

As regards annual average wage levels in 2023, the financial and insurance sector garnered the highest average wages, at around €47,000 on a yearly basis (see Table 2). The next highest average wage was observed in the information and communication sector and the arts and entertainment sector, respectively. The lowest wage levels were obtained in the agriculture sector, followed by construction and the wholesale, retail, transport, accommodation, and food sectors.

Table 2

Sectoral wage levels (annual average in 2023)

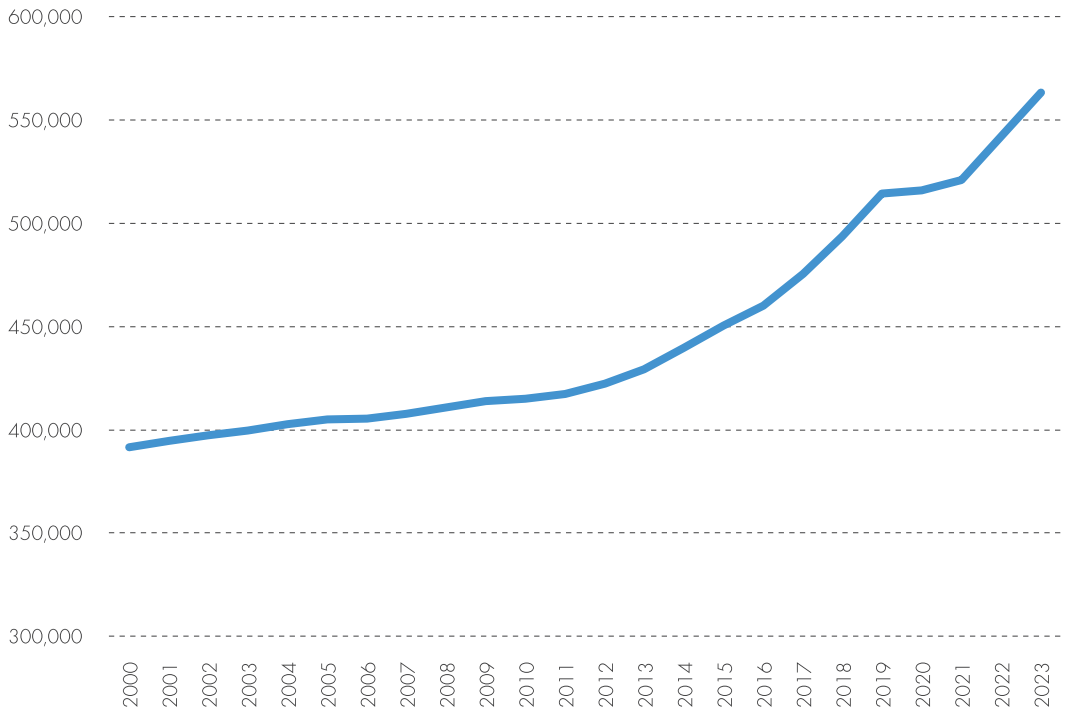
	Wage levels
Agriculture	€16,400
Manufacturing	€24,500
Construction	€18,500
Wholesale, retail , transport, accommodation & food	€21,600
ICT	€41,000
Financial & Insurance activities	€47,000
Real estate	€25,000
Professional & admin	€27,000
Public, education & health	€32,000
Arts & entertainment	€37,000

Source: Eurostat

1.2 **Demographic developments**

Malta has witnessed strong population growth over the past two decades, even as it contends with the challenges of an ageing population and persistently low fertility rates. (see Figure 9).

Figure 9
Population levels

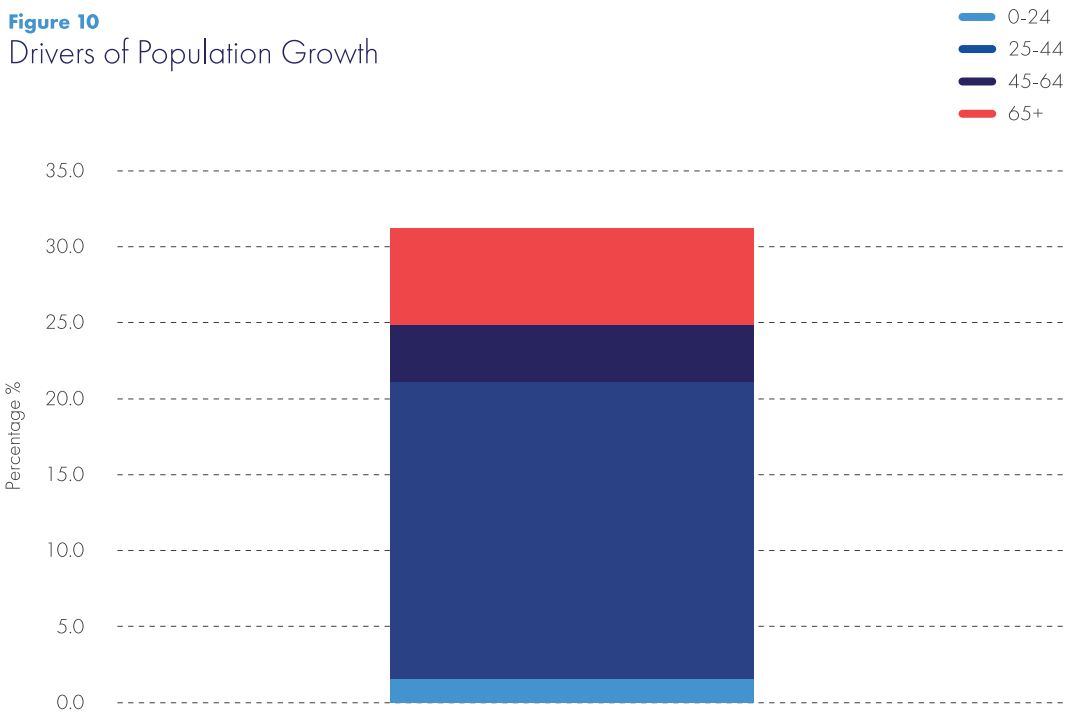


Source: Eurostat

Population growth over the past decade was largely driven by a significant increase in the number of people aged 25 to 44 and a notable rise in the elderly population (see Figure 10). Although the number of children under 15 also grew in absolute terms, this increase was much smaller than that registered in the 25-44 cohort.

Figure 10

Drivers of Population Growth



*Bars show contribution to growth in percentage points to growth in the last ten years.

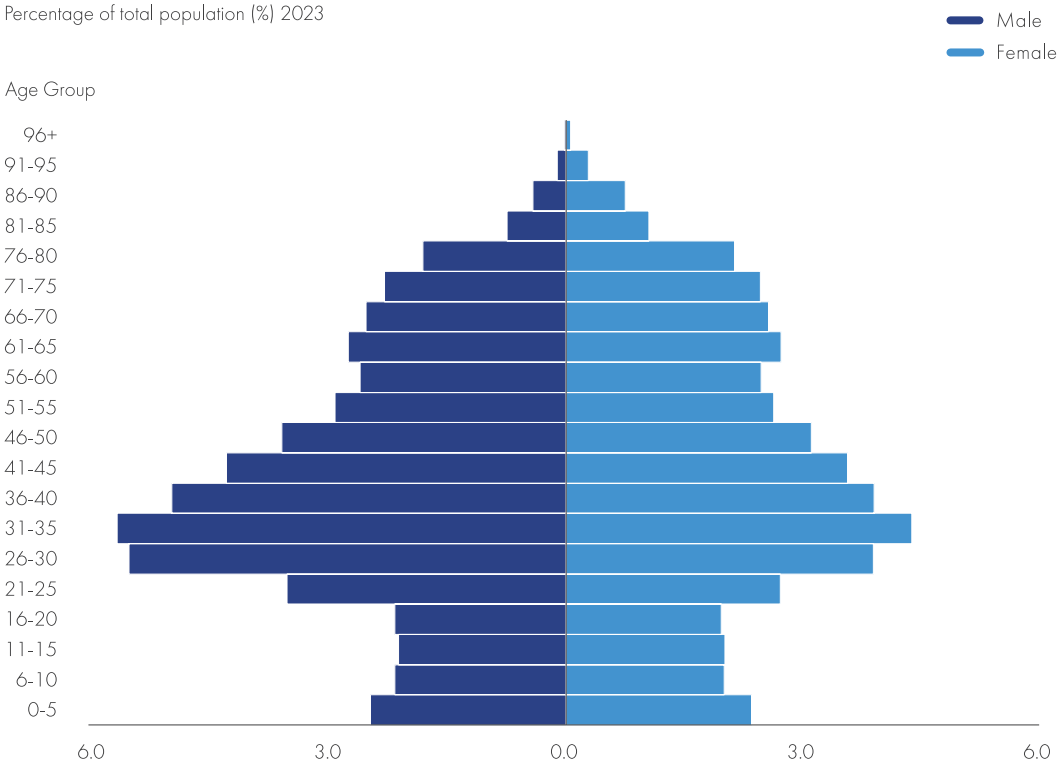
Source: Eurostat

Figure 11 illustrates Malta's population pyramid for 2023. It shows that working-age-related cohorts, particularly in the 26-45 age cohort, dominate Malta's population pyramid. This trend is particularly evident within the male population. At the same time, the share of older cohorts is relatively high compared with that of the young cohorts. Indeed, the share of those under 15 is significantly lower than the share of the working-age cohorts and very similar to the older age cohorts. Thus, the shape of Malta's 2023 population pyramid reflects high migration flows into specific working-age cohorts, an ageing native demographic, and low fertility rates.

Figure 11

Population Pyramid - 2023

Percentage of total population (%) 2023



Source: Eurostat; author's calculations

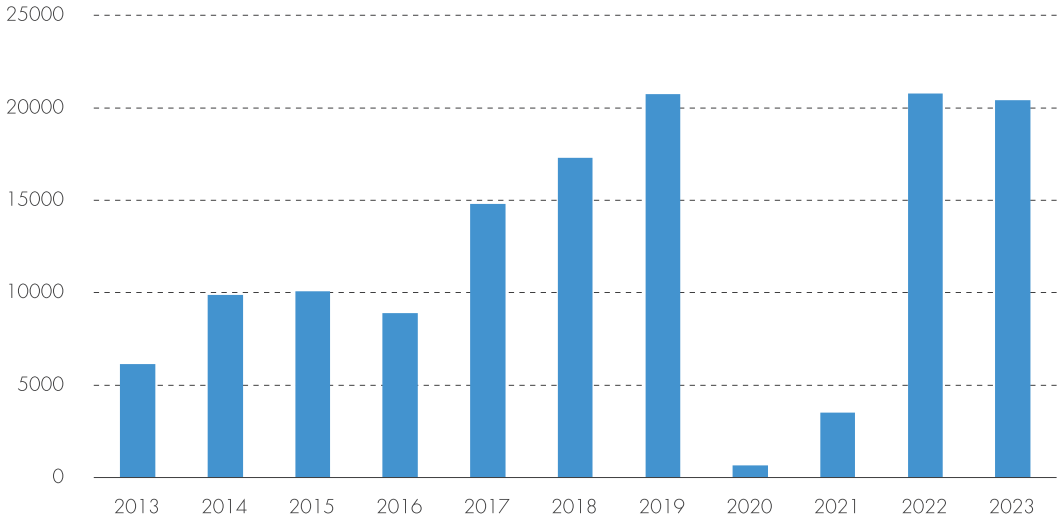
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Labour Migration Dynamics

As the Maltese economy entered a period of unprecedented rapid growth, the demand for labour surged significantly. With the native Maltese population experiencing an ageing demographic trend, the need for foreign workers became essential to address the resulting labour and skills shortages.

Figure 12 illustrates the trends in net migration over the past 10 years. In 2013, net migration stood at approximately 6100, peaking at nearly 21,000 by 2019. Although net migration fell sharply during the COVID-19 pandemic in 2020 and 2021, it remained positive. As the economy staged a strong recovery in the subsequent two years, net migration surpassed 20,000 in both 2022 and 2023.

Figure 12
Net Migration



Source: NSO

Table 3 presents data on the working-age population (15-64) over the past decade, highlighting a decline in the Maltese native working-age population. Between 2013 and 2023, the number of Maltese individuals in this age group decreased. In contrast, the number of EU nationals in the working-age population peaked at approximately 39,000 in 2019 but has steadily declined since, partly due to the United Kingdom's exit (UK) from the EU. Since then, TCNs, which now include UK citizens, have been the major driver of the influx of foreign workers in Malta.

Table 3
Working-age Population (15-64) by region

	EU nationals	TCN	Maltese	Total
Working-age				
2013	10,845	11,829	267,773	290,447
2023	37,754	101,447	252,281	390,555
Employed Maltese				
2013	12,281	6,410	170,358	
2023	36,840	78,881	200,772	

Source: NSO with authors' estimates

Table 3 also shows the number of employed workers by nationality. Despite the decline in the working-age-population of Maltese nationals, in 2023 there were around 30,000 more Maltese nationals in employment when compared to 2013. This reflects higher female and male participation rates, as well as a sharp decline in inactive persons and the unemployed. Table 3 shows that in 2023, there were more than 200,000 Maltese nationals in employment. Meanwhile, there were around 37,000 EU nationals employed and 79,000 TCNs.

The number of TCNs in the working age population is higher than the number of persons employed for several reasons. Firstly, at et end of 2023, 4504 TCN residence permit holders, were in lieu of residency by investment, whilst 585 were in lieu of application for citizenship by investment. Investment migration residents typically have a low impact on the country's infrastructure due to their lifestyle. On the other hand they contribute in a significantly positive manner to the economy.

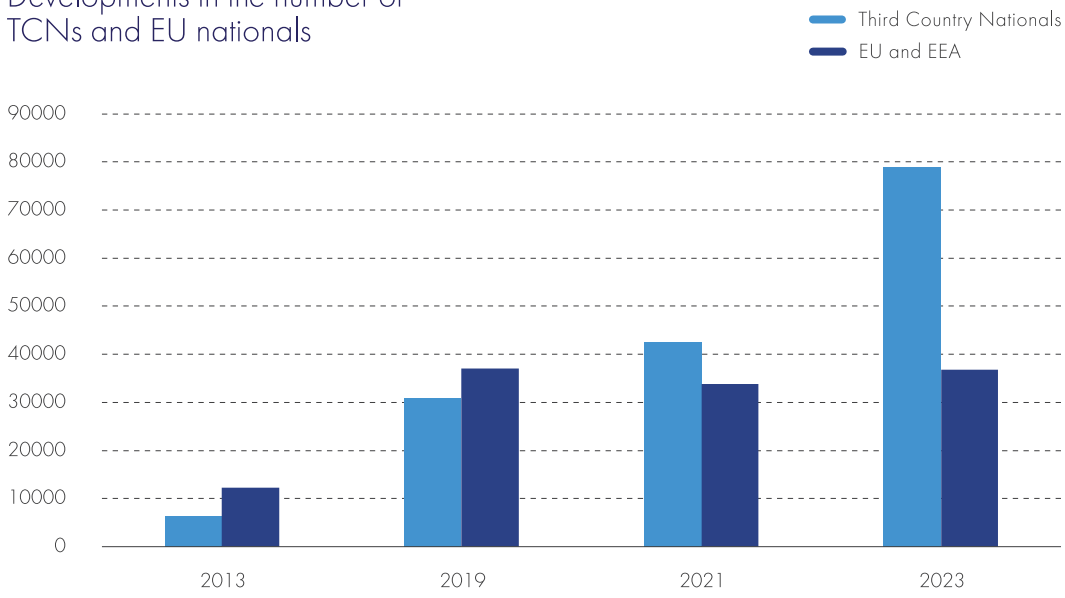
In addition, the working age population also includes family members of employed TCNs who are not yet participating directly in the Maltese labour force.

Figure 13 illustrates the number of foreign workers registered as employed, both full-time and part-time. In December 2013, foreign workers stood at just under 19,000, representing 10% of the workforce. Over the next six years, this number rose significantly, driven by an influx of both TCNs and EU nationals. The number of foreign workers reached around 68,000 by the end of 2019, equivalent to a quarter of the total workforce. While growth slowed during 2020 and 2021 due to the pandemic, the number of foreign workers rose sharply in 2022 and 2023, exceeding 115,000 by December 2023, accounting for 36% of all registered employees.

Similar to developments in the working-age population, EU nationals were initially the drivers of growth in employment levels, which were then taken over by a subsequent rise in TCNs from 2019. By 2023, the TCN workforce stood at around 25% of the total workforce in Malta.

Figure 13

Developments in the number of TCNs and EU nationals

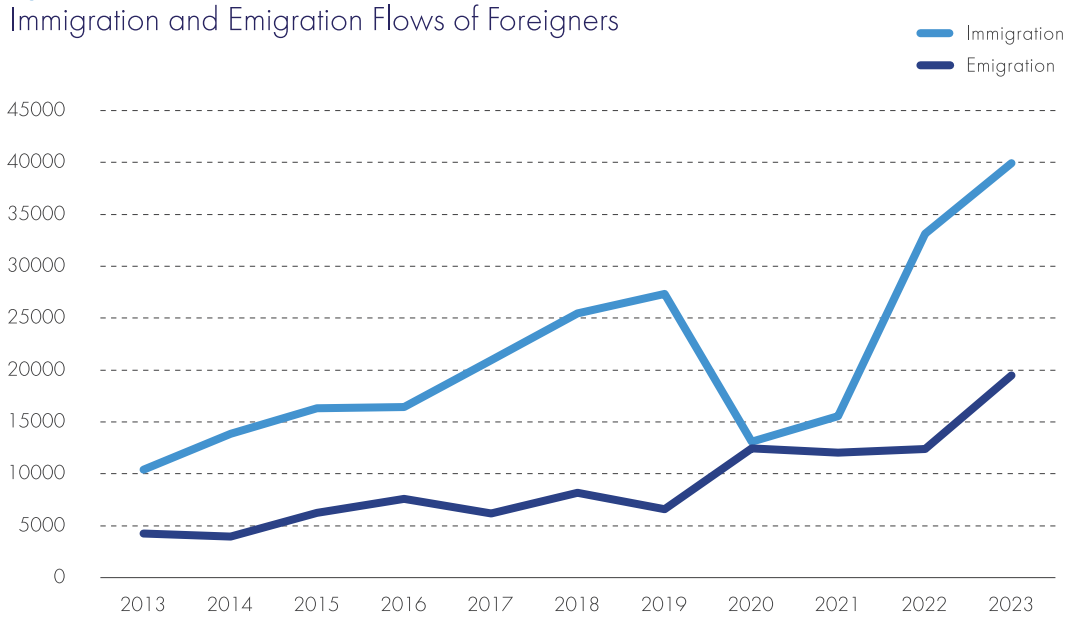


Source: Jobsplus

Figure 14 below shows that the rise in migration of foreigners has been characterised by both high immigration and high emigration rates. Indeed, in 2023, around 40,000 foreign persons migrated to Malta, while 19,500 foreigners also left Malta.

Figure 14

Immigration and Emigration Flows of Foreigners



Source: NSO

TCNs have predominantly occupied lower-skilled positions. In particular, the Services and Sales sectors and Elementary occupations together account for around half of all TCNs employed in 2023 (see Table 4). However, the last two years have seen a marked increase in TCN employment within higher-skilled roles, particularly in Professional, Technical, and Associate Professional positions, as well as Clerical and Support roles.

This new reality suggests a growing demand for TCNs across various skill levels, although lower-skilled roles remain dominant. In contrast, EU nationals are primarily employed in highly skilled positions. While the largest share (around 22%) worked in Clerical and Support roles in 2023, a significant proportion were also employed as Professionals, Technicians & Associate Professionals, and Managers.

Table 4 also shows some interesting changes that have occurred over the past decade. In particular, EU and European and Economic Area (EEA) nationals were primarily employed in Services and Sales positions in 2013. However, that share has declined considerably by 2023. Meanwhile, only a small percentage of EU and EEA nationals (around 7%) were employed as Clerks and Support workers in 2013, but this has increased to around 22% by 2023.

TCN workers' composition has always been tilted towards services, sales, and elementary occupation roles. However, over the ten-year period 2013-2023, these two occupation groups have become more dominant, while the share of higher-skilled occupations has declined.

Table 4

Decomposition of occupations by citizenship group – 2013 vs 2023

	2013		2023	
	TCNs (% of total TCNs)	**EU** (% of total EU)	**TCNs** (% of total TCNs)	**EU** (% of total EU)
Managers	9.7	15.7	4.6	14.2
Professionals	11.6	15.0	8.0	17.9
Technicians and Associate Professionals	13.0	13.2	9.6	16.3
Clerks and support workers	4.1	7.2	6.7	21.6
Services and sales workers	16.0	28.2	22.6	13.9
Skilled Agricultural, fishery and forestry workers	0.2	2.7	0.3	0.2
Craft and related trades workers	14.6	6.3	10.1	5.4
Plant and machine operator and assemblers	4.0	1.8	7.5	3.5
Elementary Occupations	26.6	9.9	30.6	7.1

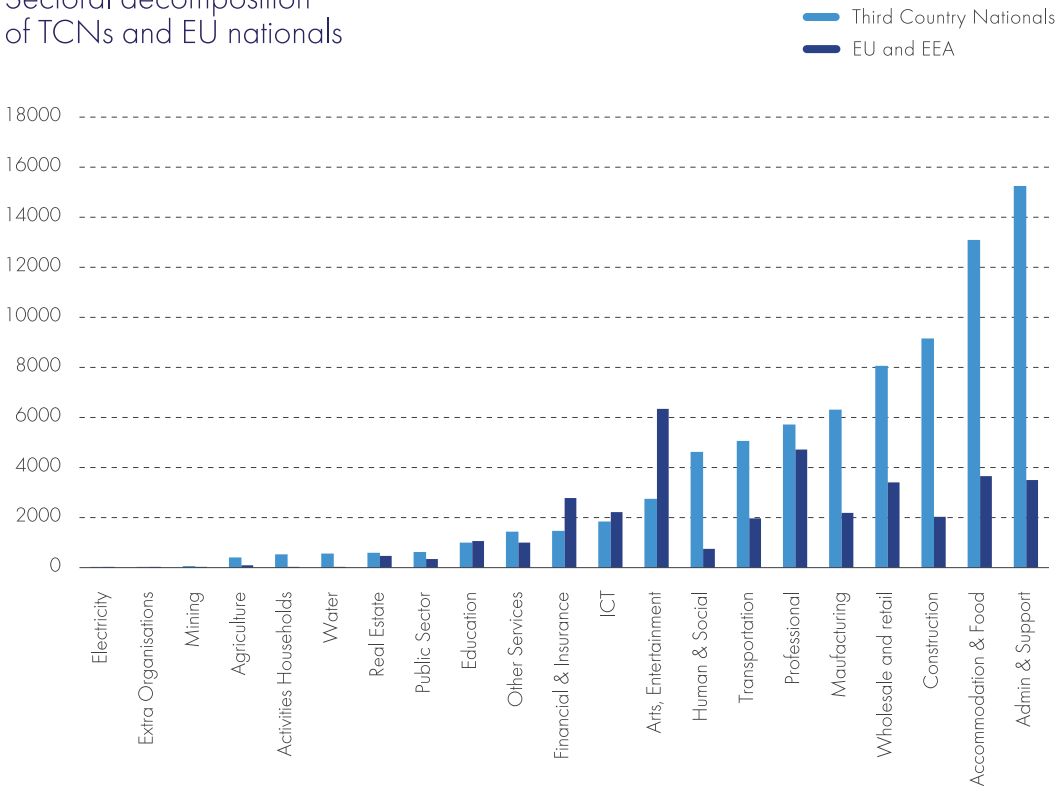
Source: Jobsplus

Turning to the composition by sector, the administrative and support services activities sector had the largest number of TCNs in 2023, followed by the accommodation sector, the construction sector, wholesale and retail trade, and manufacturing (see Figure 15). The lowest numbers are in the public sector. However, a significant number of TCNs are also used in transportation and storage, as well as in human health. In terms of shares, TCNs account for more than half of all employment in accommodation and food and slightly less than 50% in construction and the administrative and support sector.

Regarding EU nationals, the highest numbers are employed in the arts and entertainment sector, where they outnumber TCNs. A significant proportion of EU nationals also work as Professionals, followed by those in the accommodation and food, administration and support, and wholesale and retail sectors.

Figure 15

Sectoral decomposition of TCNs and EU nationals



Source: Jobsplus

3

Current Labour Migration Framework

Over the past decade, Malta's labour migration framework has evolved significantly, driven by the demographic challenges of an ageing population and the goal of achieving economic convergence with other European nations.

Malta's labour migration framework is characterised by a demand-driven, employer-led approach. Employers set immigration selection criteria based on their specific workforce needs, requiring prospective labour migrants to secure job offers. This approach contrasts with points-based systems, where migrants are assessed on various factors such as skills, education, and work experience.

Despite being employer-driven, Malta operates a managed work permit framework to align immigration with national labour market needs. A fundamental principle mandates that job opportunities be first offered to local and EU nationals.

3.1 Legislative Framework

The Immigration Act (Chapter 217) is the cornerstone legislation regulating the entry, residence, and employment of foreign nationals. TCNs must obtain an employment licence from Jobsplus, Malta's Public Employment Service (PES), which is tied to specific roles and employers. If a TCN changes jobs or wishes to extend their stay, a new licence is required while at the same time, the Principal Immigration Officer (PIO) oversees compliance.

Additionally, the Single Permit Regulations implement the EU Single Permit Directive (2011/98/EU), allowing TCNs to apply for both residence and work permits through a unified application process.

3.2 Main Entities Involved in Malta's Labour Migration Process

Three primary government entities are responsible for overseeing the labour migration process in Malta. These entities generally collaborate during the application process for work and residence permits.

Identità is the government agency responsible for identity management and the administration of migration processes in Malta. It manages the issuance of residence documentation for both EU and non-EU nationals as part of the legal migration framework. For non-EU nationals seeking employment in Malta, Identità oversees various employment-related residence permits, including the Single Permit, self-employment permits, and permits for intra-corporate transferees, among others.

Jobsplus, Malta's PES, plays a key role in granting employment licences as part of the application process for non-EU nationals. A central function of Jobsplus is conducting a Labour Market Needs Test (LMNT) to verify the unavailability of suitably qualified local candidates.

The Principal Immigration Officer, appointed under the Immigration Act (Chapter 217 of the Laws of Malta), is primarily responsible for overseeing immigration matters. This includes granting or refusing leave to land or remain in Malta, issuing removal orders for prohibited immigrants, and managing residence permits. The PIO ensures adherence to Malta's immigration laws and policies.

3.3 **Application Process**

The process for TCNs begins with securing a job offer from a Maltese employer. After this, Jobsplus conducts an LMNT to confirm the unavailability of suitable local candidates.

This test requires employers to advertise the position in appropriate channels, such as job boards, for a minimum period of 6 months before applying for an employment licence. The aim is to ensure that no qualified Maltese or EU candidates are overlooked.

Employers must provide evidence of their recruitment efforts, including details of the advertisement and the application process. The LMNT assesses whether suitable candidates are available in the local labour market and helps confirm the necessity of hiring a TCN. If no suitable candidates are found, the employer can proceed with the application for the employment licence for the TCN.

Once the LMNT is completed, Identità reviews the application in collaboration with Jobsplus and the PIO. If no objections arise, the employment licence is granted, allowing the foreign national to commence work.

3.4 **Employment-Related Permits**

In Malta, non-EU nationals must obtain a residence permit to work, starting with an employment offer. The residence permit is contingent upon specific job designations and employer details. Importantly, holding a residence permit does not confer the right to work in other EU countries, except under the EU Blue Card scheme.

The Single Permit allows TCNs to reside and work in Malta legally. Applications, however, are submitted exclusively by employers. Required documentation includes a valid passport, proof of employment, and health insurance. The permit is typically renewed annually, and health screenings may be mandated for initial applications and renewals.

3.5 Special Categories of Workers

Malta's labour migration framework includes specific categories for different types of workers:

- **Intra-Corporate Transferee Workers**:
  This category allows temporary transfers within multinational companies, enabling roles such as managers and specialists to relocate to Malta for defined periods.

- **Seasonal Workers**:
  TCNs seeking seasonal employment must maintain their primary residence outside Malta and can work under fixed-term contracts for up to nine months within a twelve-month period.

- **Highly Qualified Workers**:
  Malta has developed initiatives to attract skilled professionals facing critical shortages.

  - The **Key Employment Initiative (KEI)** streamlines the application process for highly skilled TCNs, enabling quicker processing—typically within five working days—provided all necessary documentation is submitted promptly. Eligible candidates must receive job offers for managerial or highly technical roles and have an annual gross salary of at least €35,000.

  - The **Specialist Employment Initiative (SEI)** offers another pathway for skilled TCNs who may not meet the KEI criteria but possess relevant academic or vocational skills. SEI applications are processed under the Single Permit Regulations with a timeframe of around fifteen working days. Eligible applicants must hold a signed contract with a Maltese company and meet certain conditions, including an annual gross salary of at least €25,000.

  - The **EU Blue Card**, established under the EU Blue Card Directive (2009/50/EC), allows skilled professionals to live and work across multiple EU countries, facilitating labour mobility and attracting the talent needed for the local economy. To qualify, applicants must possess advanced professional qualifications and a job offer that meets a minimum salary threshold of 1.5 times the average salary.

4

Guiding Principles for the Malta Labour Migration Policy

The Organisation for Economic Co-operation and Development (OECD), in a 2016 report titled "Recruiting Immigrant Workers—Europe," emphasises the concept of a balanced approach to labour migration.

It highlights that the primary goal of labour migration policies should be "to meet labour market needs which cannot be satisfied by the domestic labour supply in a reasonable timeframe, without adversely affecting the domestic labour."

When effectively managed, labour migration can significantly contribute to economic prosperity by addressing critical skill shortages. However, to fully harness these benefits, labour migration policies must be designed carefully to avoid disrupting the domestic labour market.

Labour migration policy must, therefore, also consider broader social implications. The new Malta Labour Migration Policy will place the worker at its core and assiduously consider both the professional and personal dimensions of work. The new policy's overarching priority will be to ensure that workers have access to fair wages and decent working conditions that, in turn, support a good standard of living.

A skills-based approach is critical to ensure that labour migration is fully aligned and effectively addresses the specific needs of the labour market by filling existing skills gaps. This strategy not only promotes economic growth but also enhances the capabilities of the domestic workforce through targeted training and upskilling programmes, fostering a more resilient and adaptable labour force.

Although labour migration remains critical to filling skills gaps, its effectiveness depends on a broader context of economic and labour market measures. These measures include substantial and targeted investment in education, training, and re-skilling of the workforce.

Labour migration is set to continue to play a key role in Malta's transformation towards a more digital and green economy. To fully capitalise on these changes, the Maltese labour market must be well-prepared to meet these challenges head-on and seize the opportunities they present.

In this context, strengthening Malta's labour migration policies and setting a clear path forward is crucial. These policies will help sustain and build upon the significant economic and social progress achieved over the past decade, fostering further advancements in the years to come.

In order to address future challenges effectively, Malta's labour migration policy will be guided by four key principles

first

Guiding Principle:

Retention and Stability

One of the defining features of labour migration in Malta is the relatively high turnover of foreign workers. Research shows that many foreign employees tend to leave Malta within two to three years of migrating to Malta. Additionally, turnover rates for foreign workers are double those of their Maltese counterparts. This level of transience creates several challenges. For businesses, it introduces risks to continuity, increases recruitment and training costs, and reduces the incentive to invest in staff development. On a broader scale, high turnover strains the housing market and infrastructure, complicating authorities' efforts to plan and allocate resources effectively.

The accompanying social implications are also significant. Short-term stays mean foreign workers often have fewer opportunities to integrate into the local community, which can lead to social isolation and weaker connections with Maltese society. Furthermore, foreign workers are sometimes at greater risk of exploitation and poor working conditions.

A sustainable Labour Migration Policy must focus on fostering long-term stability within the domestic labour market. This stability involves cultivating conditions that encourage employers to retain their workforce, thereby reducing turnover and promoting job security. Stability is critical not only for employees, who benefit from greater job certainty and the ability to develop long-term careers, but also for employers, who gain from continuity in operations, the development of specialised expertise, and a more loyal, skilled workforce. Incentives such as structured training programmes, opportunities for career progression, and competitive remuneration packages can play a vital role in promoting staff retention, which in turn strengthens Malta's economy by building a resilient and adaptable labour force.

In line with these objectives, new eligibility criteria for employers seeking to hire TCNs will be introduced, with a greater emphasis on retention. These enhanced criteria will ensure that businesses are encouraged to focus on retaining their existing employees by improving working conditions, offering career development opportunities, and investing in training. These measures aim to balance the need for foreign labour with the goal of creating a stable, productive, and cohesive workforce that benefits both the economy and society.

second

Guiding Principle:

Protection of Employee Rights and Enhancing Working Conditions

The Maltese labour migration system is primarily demand-driven and employer-led, meaning the migration process typically begins with a job offer. Employers play a key role in shaping the immigration selection criteria based on their workforce needs. However, they must fully comply with Maltese labour laws and employment regulations, regardless of a worker's nationality.

A fair migration policy must protect the rights of all employees, ensuring they are treated with dignity, receive fair wages, and work in safe conditions. Safeguarding workers' rights is fundamental to fostering a just and sustainable labour market.

Several initiatives will be implemented to ensure that both local and foreign workers are treated fairly and in full accordance with Maltese law. Strengthened oversight and compliance mechanisms will be introduced to maintain a fair and equitable working environment for all.

To preserve the integrity of the labour market, the inflow of low-skilled, low-paid workers will be limited to what is absolutely necessary. It also seeks to protect Maltese workers from unfair wage competition, especially in lower-paid jobs.

Moreover, the needs of foreign workers, particularly third-country nationals, often differ significantly from those of the local population. The Malta Labour Migration Policy aims to expand access to training and upskilling opportunities for TCNs, promoting a more inclusive workforce.

third

Guiding Principle:

Aligning Labour Migration with Labour market needs

The National Employment Policy 2021-2030 has emphasised the critical importance of determining whether migrant workers are genuinely needed by thoroughly analysing labour market data and assessing the inevitable trade-offs associated with labour migration. Similarly, the OECD has noted that the primary objective of labour market policies is to address labour market demands that cannot be satisfied by the domestic workforce.

Consequently, aligning labour migration with labour market needs is fundamental to an effective Labour Migration Policy. Specifically, such policies should prioritise the requirements of those workers who are already contributing to the local economy. By focusing on individuals currently employed in the country—including Maltese citizens, EU nationals, and TCNs — the policy ensures the optimal utilisation of the domestic workforce before seeking external recruitment. This principle not only safeguards the livelihoods of domestic workers but also strengthens the national workforce by encouraging employers to invest in the development and retention of their current employees.

In order to ensure that labour migration policies accurately reflect the actual needs of the labour market, this policy seeks to provide a comprehensive enhancement of the Labour Market Needs Test. By refining this test, one can more precisely identify genuine workforce gaps, thereby mitigating the risk of overstaffing and ensuring that foreign labour is recruited only when necessary. This approach optimises resource allocation and protects the interests of local workers, ultimately contributing to a more balanced and sustainable labour market.

fourth

Guiding Principle:

A Skills-Based Approach to Migration

Malta is currently experiencing shortages in several key sectors and occupations. So as to address these gaps effectively, the work permit regime should remain flexible and responsive. It is crucial that entry for third-country nationals is limited to those with the appropriate skills and qualifications, ensuring they can make valuable contributions to the Maltese economy. The Malta Labour Migration Policy must prioritise attracting top talent to complement the existing skills in the local labour market. This prioritisation aligns with Malta's National Employment Policy 2021-2030, which emphasises skill development.

In response to the demands of a rapidly evolving global economy, the Malta Labour Migration Policy adopts a skills-based approach. Such an approach not only supports the local labour market but also aligns with the broader objective of upskilling the domestic workforce. It encourages investment in training initiatives that equip local workers with the competencies needed to thrive in high-demand sectors.

Furthermore, the policy acknowledges and rewards employers who invest in their employees through training, professional development, and welfare initiatives.

Integration is a vital component of successfully managing economic migration, as it helps create a cohesive society where newcomers can thrive while contributing to the local community. Effective integration strategies are essential not only for the social and cultural assimilation of migrants but also for enhancing their economic potential. The new policy will also focus on launching initiatives tailored to the specific needs of the foreign workforce, enabling their upskilling.

5

Recommendations

5.1 Retention and Stability

The following recommendations aim to promote the retention of TCNs employed in Malta as well as the protection of the domestic workforce.

These measures include stricter employer eligibility criteria based on turnover, along with incentives designed to encourage the retention of workers.

Recommendation 1

Minimum termination rates allowed prior to application

Employers are encouraged to prioritise employee retention by investing in training, development, and improving working conditions. For the purpose of promoting stability in the labour market, a minimum termination rate is being proposed as a prerequisite for applying for TCNs. This threshold is set higher than the typical minimum termination rate experienced by firms to ensure that no sector is unfairly disadvantaged.

Termination rates are defined as the number of terminations divided by the total workforce for the past 12 months.

1. **Micro firms (1-9 employees)**: The condition does not apply.
2. **Small firms (10-50 employees)**: A firm with termination rates above 50% of its workforce will fail the LMNT and its application will be refused.
3. **Medium firms (51-249 employees)**: A firm with termination rates above 40% of its workforce will fail the LMNT and its application will be refused.
4. **Large firms (250+ employees)**: A firm with termination rates above 35% of its workforce will fail the LMNT and its application will be refused.

This condition will be subject to the following exemptions:

a. Applications recommended and endorsed by Malta Enterprise;
b. Occupations that fall under the health sector and the care of persons with disability and the elderly, including, Care Workers Chemists and Pharmacists, Doctors (General practice, specialised and medical, Nurses, and Veterinarians);
c. Student workers recognised under Subsidiary Legislation 212.18 (formerly known as LN29 of 2008) and students at the Institute of Tourism Studies and other higher institutions recognised by Jobsplus who require a work placement as part of their studies.

Aim of this measure: This measure is designed to incentivise employers and ensure they make the necessary efforts to retain their workforce and thus avoid the unnecessary loss of experienced employees. By encouraging employers to enhance working conditions for all workers and invest in training opportunities, the proposal seeks to create a more stable and supportive work environment while also limiting the need for new applications for TCNs.

Recommendation 2

Redundancies

If an employer has affected a redundancy of any worker of any nationality (including Maltese nationals) due to loss of business for the same designation during the previous 12 months, their application will be rejected.

Aim of this measure: This measure aims to ensure that employers have made the necessary efforts to retain their workforce and hence avoid the unnecessary loss of experienced employees by enhancing working conditions for all workers and investing in training opportunities.

Recommendation 3

Renewal period up from one to two years

To encourage retainment, the renewal period following the completion of one year of engagement will be extended from one to two years, provided that the TCN concerned has been offered a contract with a validity period that is not less than two years.

Low-skilled workers (defined as those employed under ISCO 5-9) will be encouraged to enrol in training courses and integrate into the Maltese labour market and society, as outlined in recommendations 26 and 27. Low-skilled workers who effectively demonstrate that they have enrolled in training programmes will have their renewal period extended to two years.

Additionally, work permits for TCNs under the KEI, SEI, the Blue Card Directive, and the Skilled Occupation List will be automatically renewed for three years.

Aim of this measure: To encourage employers to prioritise retaining their existing workforce, where efforts should focus on improving working conditions for all employees, investing in training opportunities, and implementing upskilling and integration measures

Recommendation 4

Higher fees for first-time permits, lower fees for renewals

Currently, the fee for submitting a first-time single permit application and a renewal of a single permit is set at €300. The proposed changes aim to incentivise retention of the existing foreign workforce and promote more careful and selected endorsement of single permit applications by prospective employers. Specifically, the proposal suggests increasing the fee for a first-time single permit application to €600 while simultaneously decreasing the fee for the renewal of a single permit to €150 annually. This restructured fee approach intends to balance the initial entry cost with a more affordable renewal process, potentially encouraging employers to retain foreign workers and approach initial applications with greater consideration.

Aim of this measure: This measure aims to further encourage retainment by making it more financially viable for the retainment of TCNs.

Recommendation 5

Enhancing direct access to TCN recruitment

Maltese firms currently face significant challenges in directly applying for TCNs, which has led many to rely heavily on third-party services. This reliance is problematic and costly, as it not only undermines a firm's ability to recruit based on organisational fit but also involves substantial service fees. In response, the relevant authorities are planning a comprehensive approach to address these issues, including the development of specialised training programs designed to enhance Maltese firms' capabilities in directly accessing the TCN application process. The goal is to empower firms with the knowledge and skills needed to manage third-country national recruitment more independently and effectively.

Aim of this measure: To make it easier for employers to directly access the TCN application process.

5.2 Protection of Employee Rights and Enhancing Working Conditions

The authorities are set to bolster their capabilities for enforcing laws and regulations by enhancing desk investigation capabilities and conducting more frequent spot checks and audits. This bolstering will ensure strict adherence to laws and regulations. These measures are intended to significantly reduce possible mistreatment of individuals who often find it challenging to assert their rights.

Recommendation 6

Desk-investigations and possible disqualifications

The proposed policy aims to significantly strengthen the regulatory oversight of work and residence permit issuance by enhancing the desk- investigative capabilities of the relevant authorities. A key innovation in this approach is the introduction of a disqualification mechanism for employers who fail to comply with established laws and regulations regarding TCN employment. This new framework will not only improve enforcement mechanisms but also incorporate administrative penalties designed to ensure strict adherence to legal requirements, thereby creating a more robust and accountable employment ecosystem for foreign workers.

1. **Prompt Submission of Engagement Forms**: Employers are required to promptly submit engagement forms for all employees, including TCNs who have been granted a work permit. Failure to fully complete these forms within two working days following engagement will result in a refusal of applications for TCNs. This refusal will remain in effect until the issue is rectified. Administrative penalties shall apply for late submission.

2. **Prohibition of Financial Compensation Requests by Employers**: Employers shall not be permitted to request any form of financial compensation from employees in relation to their hiring or subsequent termination. Legal amendments shall be enacted to enforce this prohibition.

3. **Compliance with the Persons with Disability (Employment) Act (CAP 210)**: Employers are expected to comply with the provisions of the Persons with Disability (Employment) Act (CAP 210). This act mandates that at least 2% of an employer's workforce should be persons with disabilities or require an annual contribution. Non-compliance will result in disqualification from applying for TCNs, which will remain in effect until the issue is resolved.

4. **Adherence to Conditions of Employment**: Employers found to be breaching any other conditions of employment outlined in Maltese law will be disqualified from applying for TCNs. The disqualification period can extend for a period of up to 12 months.

5. **Compliance with Employment-Related Regulations**: Employers found to be in breach of employment-related regulations will be disqualified from applying for TCNs for up to 12 months.

6. **Failure to meet legal requirements**: Any employer found in breach of any legal requirements, such as that related to taxation and social security, will be disqualified from applying for TCNs until the situation is resolved.

Aim of this measure: This measure seeks to safeguard employees from exploitation, reward employers who uphold fair treatment of their workers, and reduce unfair competition from those who fail to do so.

Recommendation 7

Consistent compliance with existing LMNT policies

Following the approval of applications, employers found attempting to circumvent the conditions that led to their successful application will be disqualified from further applications until the situation is rectified. For the purpose of facilitating compliance, a comprehensive database of third-country nationals' job postings will be created. This database will be used to verify that the roles assigned to these individuals correspond precisely with the work contract upon which the employment license was originally granted.

Aim of this measure: The primary objective of this measure is to protect employees from potential exploitation while prioritising employers who demonstrate a commitment to fair treatment of workers and, in parallel, stop unfair competition from non-compliant employers.

Recommendation 8

Salary Payment method for newly engaged TCNs

As of 2025, all salary payments to third-country nationals must be conducted exclusively via bank transfers to enhance the monitoring of employment contract conditions. Cash payments will no longer be recognised as fulfilling the requirements of the employment contract. This condition will apply to new applications and 'change of employers' starting in 2025.

Aim of this measure: The measure aims to significantly improve the Maltese authorities' ability to monitor and enforce the work contract conditions under which employment licenses for TCNs are granted.

Recommendation 9

Extension of grace period for TCNs whose employment has been terminated

Under the current legal framework (Immigration Act, Chapter 217 of the Laws of Malta), a single permit holder whose employment is terminated is mandated to leave Malta immediately. A proposed amendment to national legislation, specifically Subsidiary Legislation 217.17, would introduce a more flexible approach, granting TCNs a 30-day period following employment termination, during which these TCNs may legally remain in Malta to seek new employment. Furthermore, the proposal includes a provision to extend this initial 30-day period by an additional 30 days, bringing the total potential stay to 60 days, contingent upon the TCN demonstrating sufficient financial resources to support themselves without accessing social assistance. The underlying rationale for this proposed change is to prioritise the retention of existing skilled individuals already in Malta, thereby reducing the burden and complexity associated with processing entirely new employment applications.

Aim of this measure: This measure aims to provide adequate time for TCNs who lose their jobs to secure new employment within the Maltese labour market.

Recommendation 10

Amendment to restrict single permit applications for non-work visa holders

According to Article 8 of Subsidiary Legislation 217.17, a TCN may submit a single permit application from outside the EU, from Malta, or from any EU Member State where they are legally present. This has led to visa holders and TCNs from visa waiver countries applying for a single permit while legally present in Malta. They remain in the country pending a decision on their application, even after their visa or allowable stay under the visa waiver expires. As a result, if their single permit application is approved, it may later be revoked once authorities become aware that the TCN was residing in Malta irregularly.

Therefore, it is proposed that TCNs legally present in Malta on visas that do not permit employment should not be granted a single permit. In this regard, an amendment to Article 20 of Subsidiary Legislation 217.17 is recommended to introduce a clause stating that applications from TCNs present in Malta on visas not allowing work (e.g. tourist visas) will be rejected.

Aim of this measure: This measure seeks to prevent the exploitation of individuals without an employment license and curtail instances of irregular stays.

Recommendation 11

Interim permits for TCNs from visa waiver countries

The proposal introduces a nuanced approach for TCNs from visa waiver countries applying for single permits. Those who apply within 60 days of entering the EU will be granted an interim permit allowing them to remain in Malta while their application is processed. However, individuals applying between 61 and 90 days after entering the EU will be required to await the application's outcome from outside the EU.

Aim of this measure: This measure seeks to prioritise individuals from visa-waiver countries while simultaneously preventing irregular stays.

Recommendation 12

Partners and families

The Government's 2022 electoral manifesto proposes to enhance labour market accessibility for TCNs already residing in Malta, with a focus on facilitating their workforce participation and productive engagement. Hence, it is proposed here that two distinct categories of individuals be granted special consideration: (i) partners of Maltese nationals and (ii) parents of Maltese nationals who are under 23 years old. For these groups, the recommendation is to issue residence permits that explicitly include a notation confirming their entitlement to seek employment. Moreover, these individuals would be exempt from the standard single permit process typically required for labour migrants.

Aim of this measure: To encourage the participation of of TCNs partners and families in the labour market.

Recommendation 13

Establishing a high-risk country list for employment applications

This recommendation calls on stakeholders to develop a comprehensive list of third countries deemed as high-risk due to security, public policy, or public health concerns.
Under this proposal, applications for low-skilled employment from nationals of countries on this high-risk list will be categorically rejected. For other employment categories, a more nuanced approach is recommended, with applications to be evaluated individually on a case-by-case basis. These case-by-case assessments will consider relevant contextual factors, such as whether the TCN is already legally residing in another EU Member State or EEA country.

Aim of this measure: The primary aim of this measure is to introduce an additional protective layer for Maltese society by implementing a strategic screening mechanism that mitigates potential risks originating from high-risk jurisdictions while maintaining a balanced and contextually sensitive approach to employment applications

Recommendation 14

A study on skilled-occupation salaries

A study will be carried out to determine the salary levels across skilled occupations, which will serve as a basis for establishing occupation-specific salary thresholds. In line with practices in other countries, employers would be expected to pay TCNs a salary that reflects the market wage for the occupation in which they are hired.

Aim of this measure: Such salary thresholds ensure fair remuneration for TCNs while avoiding the use of migration to undercut the domestic workforce. Moreover, thresholds enhance alignment between the labour migration system and the needs of the local economy while promoting competitiveness. These occupation-specific thresholds will also support the attraction of highly skilled labour.

Recommendation 15

Victims of human trafficking

Third-country nationals who are identified as victims of human trafficking and apply for a residence permit under S.L. 217.07 shall be exempt from the application fee. The residence permit issued to these individuals shall be valid for one year instead of the current six-month period and renewed throughout the whole period and the whole duration of the court proceedings.

Aim of this measure: Further protection of victims of human trafficking.

5.3 Aligning Labour Migration with Labour market needs

An effective Labour Migration Policy must ensure that migration is closely aligned with labour market needs. Central to this principle is the labour market needs test, which should assess each application based on a range of factors.

In a demand-driven economic migration system like Malta's, the policy must prioritise offering vacancies to Maltese and EU nationals. Sufficient time must be allocated to thoroughly assess applications for these roles.

Furthermore, authorities must be given adequate time and resources to verify that TCNs being offered jobs possess the necessary skills and qualifications to fulfil the role. It is also essential that the application process adheres to other key principles outlined in this policy, such as the transition towards a skills-based approach to labour migration.

Regular assessments of labour and skill shortages, as well as potential surpluses, must also be conducted. Employer eligibility criteria will be introduced to prevent any undue disruption to the labour market, both at the macroeconomic level and within specific sectors.

Authorities will continue to carry out evidence-based evaluations of different labour market segments, determining whether additional measures are required to maintain the proper functioning of the labour market.

Recommendation 16

Strengthening the vacancy requirement

Prior to applying for the hiring of new TCNs, employers must issue a vacancy that allows sufficient time for Maltese, EEA, Swiss nationals, or TCNs already in the Maltese job market to apply.

An employer must place one job advert with Jobsplus and the EURES portal for at least three weeks within the two months preceding the application for a single permit. If an employer receives applications from Maltese, EEA, or Swiss nationals, they must provide reasons for their rejection. Jobsplus has the authority to evaluate these reasons and, if deemed unsatisfactory, refuse the application. Any job advert that does not meet these criteria will be considered ineligible, and the application will be automatically denied.

The following exemptions will apply:

a. TCNs eligible under the Key Employment Initiative, the Specialist Employment Initiative, the Blue Card Directive, and the Skilled Occupation List (see Recommendation 22 and Appendix A for the detailed list) must advertise for a minimum of two weeks within the two months prior to application on an appropriate local media platform.

b. The following categories will be fully exempt from the vacancy requirement:

   - Occupations that fall under the health sector the care of persons with disability and the care of the elderly, including Care Workers, Chemists and Pharmacists, Doctors (General practice, specialised and medical, Nurses, and Veterinarians).

   - Student workers recognised under Subsidiary Legislation 212.18 (formerly known as LN29 of 2008) and students at the Institute of Tourism Studies and other higher institutions recognised by Jobsplus who require a work placement as part of their studies.

   - Applications recommended and endorsed by Malta Enterprise.

Aim of this measure: This measure aims to ensure that employers prioritise the recruitment of persons already in the domestic workforce.

Recommendation 17

Suitability check

Each applicant will be subject to an independent suitability check.

Jobsplus retains the right to refuse any application that does not provide sufficient evidence of job suitability.

The following conditions and documentation shall apply:

1. A Curriculum Vitae must be presented with each application. CVs must be signed by both the applicant and employer and must be relevant to the job.

2. A Copy of qualification certificates and accreditation/recognition – in the case of lesser-known academic institutions, the applicant must obtain recognition from the Malta Qualifications Recognition and Information Centre (MQRIC).

3. All regulated occupations must be approved by the regulatory body.

4. References/testimonials – applicant must provide at least two references that can attest to the applicant's experience and character.

5. Evidence of sufficient knowledge of the English or Maltese Language must be submitted. A copy of the qualifications must be provided and must be consistent with IELTS of Band 6 or above. In the absence of sufficient qualifications. interviews might be carried out to determine language skills.

The Declaration of Suitability form is to be maintained solely for low-skilled occupations, for which the above conditions shall not apply, except for evidence of language proficiency in the English or Maltese Language.

Aim of this measure: This measure seeks to ensure that TCNs are well-suited for the roles they are recruited for and possess basic language skills in Maltese or English.

Recommendation 18

Workforce application limits

Employers are eligible to apply for additional TCNs based on a fixed percentage of their current total workforce. This will be measured as the workforce at the end of the 12-month period preceding the application for TCNs. Moreover, any terminations affected within those 12 months will be deducted from the maximum allowed applications as stated below. This does not apply to any engagements of Maltese and EU nationals, upon which no restrictions apply.

The specific percentage is determined by the size of the organisation as follows:

1. **Micro firms (1-9 employees)**: Eligible for a level of employment that does not exceed 200% of their workforce at the end of the 12-month period preceding the application.

2. **Small firms (10-50 employees)**: Eligible for a level of employment that does not exceed 100% of the workforce at the end of the 12-month period preceding the application.

3. **Medium firms (51-249 employees)**: Eligible for a level of employment that does not exceed 50% of their workforce at the end of the 12-month period preceding the application.

3. **Large firms (250+ employees)**: Eligible for a level of employment that does not exceed 25% of their workforce at the end of the 12-month period preceding the application.

Authorities may entertain requests to temporarily deviate from this condition by seeking justification where necessary, including the advice of Malta Enterprise, and considering business plans and growth projections. Any other exemptions by Malta Enterprise will be applied to ensure that this condition does not affect Malta's ability to attract investment, which is fundamental for the Maltese economy and society.

Aim of this measure: This measure aims to ensure that the recruitment of third-country nationals is fully aligned with the labour market's needs and avoids saturation.

Recommendation 19

Newly-registered businesses

The current LMNT excludes newly registered businesses from any labour market testing. This condition shall be removed. Moreover, a newly registered business whose ownership does not include Maltese, EU nationals, or long-term residents will be excluded from applying for TCNs.

Authorities may entertain requests to temporarily deviate from this condition by seeking justification where necessary, including the opinion of Malta Enterprise, especially in instances of Foreign Direct Investment (FDI), and by considering business plans and growth projections. Any other exemptions by Malta Enterprise will be applied to ensure that this condition does not affect Malta's ability to attract productive investment, which is fundamental for the Maltese economy and society.

Aim of this measure: This measure aims to limit applications for TCNs in businesses that do not align with Malta's overall economic vision.

Recommendation 20

First employment

The first employment should be of Maltese/EU nationality or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection) in the following way:

1. **Micro firms (1-9 employees)** - shall first employ **two** full-time Maltese/EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection) prior to application for TCNs.

2. **Small firms (10-50 employees)** - shall first employ **four** full-time Maltese/EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection) prior to application for TCNs.

3. **Medium (50-249 employees)** - shall first employ **20** full-time Maltese/EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection) prior to application for TCNs.

4. **Large (250+ employees)** - shall first employ **40** full-time Maltese/EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals prior to application for TCNs.

Authorities may entertain requests to temporarily deviate from this condition by seeking justification where necessary, including the advice of Malta Enterprise, as well as by considering business plans and growth projections. Any other exemptions by Malta Enterprise will be applied to ensure that this condition does not affect Malta's ability to attract productive investment that is fundamental for the Maltese economy and society.

Aim of this measure: This measure aims to ensure that the recruitment of third country nationals is fully aligned with the needs of the labour market and to avoid saturation.

Recommendation 21

Minimum number of MT/EU nationals prior to application for TCNs

Employers must have, prior to the application for TCNs, a sufficient number of Maltese/EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection) employed within their organization to be considered eligible, depending on the size of organisation:

1. **Micro firms (1-9 employees)** - at least **two** persons employed within the organisation must be Maltese or EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection). Such individuals must have a full-time contract of 40 hours a week.

2. **Small firms (10-50 employees)** - at least **four** persons employed within the organisation must be Maltese or EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection). Such individuals must have a full-time contract of 40 hours a week.

3. **Medium (50-249 employees)** - at least **20** persons employed within the organisation must be Maltese or EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection). Such individuals must have a full-time contract of 40 hours a week.

4. **Large (250+ employees)** - at least **40** persons employed within the organisation must be Maltese or EU nationals or any other TCN who enjoys equal treatment as Maltese/EU nationals (such as those who are long-term residents or beneficiaries of protection). Such individuals must have a full-time contract of 40 hours a week.

Moreover, those employers with a share of TCNs that exceeds 80% of their current workforce, will be viewed unfavourably and will be subject to enhanced LMNT.

Authorities may entertain requests to temporarily deviate from this condition by seeking justification where necessary, including the opinion of Malta Enterprise, as well as by considering business plans and growth projections. Any other exemptions by Malta Enterprise will be applied to ensure that this condition does not affect Malta's ability to attract productive investment that is fundamental for the Maltese economy and society.

Aim of this measure: This measure aims to ensure that the recruitment of third country nationals is fully aligned with the needs of the labour market and to avoid saturation.

Recommendation 22

Renewal verification

Renewals will be contingent upon verification that the working conditions, as stipulated in the work contract at the time of single permit application approval, are being maintained. Jobsplus will request confirmation that the working conditions are being met by requiring employers to present bank statements for the TCNs whose application is due for approval, as well as tax declarations.

Moreover, any compliance issues outlined above could lead to such applications not being renewed.

Aim of this measure: This measure aims to ensure that work contracts are being fully adhered to at the point of renewal while avoiding exploitation.

Recommendation 23

Assessment of shortages and surpluses with the possibility of introducing quotas or moratoriums on surplus occupations

Jobsplus will continue to adopt evidence-based methodologies to analyse the labour market, identifying both overall and sector-specific shortages and surpluses. Based on these findings, it may implement temporary or permanent measures to help re-align the labour market towards equilibrium, particularly in cases of surpluses or overstaffing. In response to such imbalances, Jobsplus could introduce quotas or even temporary moratoria on hiring for occupations where there is an excess supply of labour.

The authorities will then announce the specific occupations that would be subject to quotas or moratoriums.

Aim of this measure: This measure aims to ensure that the recruitment of third country nationals is fully aligned with the needs of the labour market and to address saturation when it occurs.

5.4 Skills-Based Approach to Migration

The overhaul of Malta's Labour Migration Policy calls for a significant advancement in the migration framework to be implemented. While the core of the system will remain employer-driven, authorities will ensure that economic migration becomes increasingly selective.

The selection criteria will prioritise skills that are in demand within the Maltese economy and society. Additionally, as part of the reform, several initiatives will be introduced to improve the integration of foreign workers into both the labour market and society at large. This approach aims to promote the upskilling of the domestic workforce and improve retention of foreign workers. It also aligns with the guiding principles of protecting employee rights and enhancing working conditions, as well as matching labour migration with labour market needs.

Recommendation 24

Skilled-occupation list

To support the adoption of a skills-based approach to economic migration, a Skilled Occupation List (SOL) has been developed. This list aims to outline the high skills needed in the Maltese economy and will be used by authorities to streamline certain application processes, including the vacancy requirement, as well as to attract high-net-worth individuals. The list is based on ISCO classifications 1-3 and will be regularly updated according to the evolving needs of the Maltese economy. This list will be updated and aligned with Malta's skills strategy following its conclusion. This list is outlined in Appendix A.

Aim of this measure: This measure aims to priortise the recruitment of highly qualified individuals.

Recommendation 25

Reviewing the salary benchmarks for the KEI and SEI

The Key Employment Initiative and the Specialist Employment Initiative are key programmes aimed at attracting high-net-worth individuals. Both initiatives are designed to streamline the application processes for individuals within these categories. Hence, to ensure that the salary benchmarks remain relevant, the KEI benchmark is set to increase to €45,000 gross annual income, while the SEI benchmark is set to rise to €30,000 gross annual income.

Aim of this measure: This measure aims to priortise the recruitment of highly qualified individuals.

Recommendation 26

Integration courses prior to arrival in Malta

Currently, there is no obligation for TCNs admitted to Malta on the basis of a single permit to attend pre-departure integration courses (i.e. integration courses offered before TCNs apply for a single permit). This creates a situation where very often TCNs do not know what to expect upon arrival in Malta, given they may not be familiar with the culture and values of Maltese society, as well as their rights and obligations.

To address integration challenges and promote societal cohesion, a collaborative proposal involving the Human Rights Directorate (HRD) suggests mandating pre-departure integration courses through a restructured 'I Belong' programme. Under this framework, Identità will only issue an approval in principle after the TCN provides documented evidence of completing the mandatory integration courses.

Therefore, prior to their arrival, TCNs will be provided with essential information to facilitate their transition into Maltese society, including information on their legal rights, Maltese cultural norms, and potential opportunities in Malta. TCNs must be able to demonstrate fluency in either Maltese or English.

Aim of this measure: This measure aims to integrate third country nationals in the labour market and Maltese society.

Recommendation 27

Upskilling and integrating the foreign workforce

The significant presence of foreign workers in low-skilled roles necessitates a collaborative approach between government and employers to invest in workforce development. Strategic training initiatives are crucial for boosting productivity, enhancing employee retention, and mitigating labour and skill shortages.

Effective upskilling requires carefully designed programmes that address the unique challenges faced by foreign workers. Malta's "I Belong" programme serves as an exemplary model, targeting non-EU nationals with comprehensive language and cultural orientation courses that support immigrants seeking long-term residence.

To expand on this foundation, additional training schemes could be developed through partnerships with private educational institutions and employers. Government support could be implemented via targeted funding mechanisms, such as tax credits for both established and newly arriving non-EU workers.

These programmes should incorporate the following key components:

1. **Language and Literacy Training**: Offering courses that enhance proficiency in Maltese and English, which is essential for effective communication and integration within the workplace.

2. **Vocational Training and Certification**: Providing industry-specific training and certification that ensures will help workers with the necessary skills to advance in their respective fields.

3. **Integration Courses**: Introducing cultural orientation and workplace norms to help foreign workers better understand and adapt to the expectations and practices in their new work environments.

4. **Recognition of Prior Learning and Foreign Qualifications**: Establishing bridging programmes that validate and recognise the skills and qualifications workers have acquired abroad, enabling smoother transitions into higher-skilled roles.

So as to support these initiatives, several schemes should be explored:

Firstly, the government could offer incentives for non-EU workers to enrol in existing training programmes within the private sector that align with the above components. These incentives could take the form of tax rebates, which could potentially enhance retainment and reduce turnover.

A comprehensive integration training programme will be developed and implemented in collaboration with HRD. This initiative aims to facilitate migrant integration into Maltese society by reducing language and cultural barriers, enhancing participation and productivity, and ultimately creating a positive societal impact.

Secondly, there is an opportunity for the government to partner with employers in the design and delivery of these training programmes, ensuring they are tailored to specific industries and meet the evolving needs of the market. Employers can contribute by shaping the curriculum, providing training facilities, and identifying the most relevant courses. Additionally, the government could incentivise employers to hire and upskill foreign workers by offering wage subsidies, grants for training programmes, or formal recognition for businesses that actively contribute to workforce development.

The current legislation on Long-Term Residence Status sends a mixed message. While the government is pushing for integration efforts to start before arrival, the legislation implies integration need not be prioritised until after four years of residence in Malta. Another inconsistency is that the "I Belong" certificate expires after 12 months.

In order to rectify this situation, the following proposed amendments aim to address current limitations in the 'I Belong' course certification process. Specifically, the recommendation is to eliminate the 12-month validity period for the course certificate, recognising that the integration course content remains relevant beyond the current time-restricted framework.

Additionally, a modification to Article 5(3) of Subsidiary Legislation 217.05 is proposed. This amendment would remove the existing requirement that integration measures must have been completed within the 12 months immediately preceding an application for long-term residence status. The change acknowledges that integration efforts and knowledge gained through such courses maintain their value over time.

These proposed modifications seek to create a more flexible and practical approach to recognising immigrants' efforts to integrate into Maltese society, removing arbitrary time constraints that may unnecessarily complicate the long-term residence application.

Aim of this measure: This measure aims to upskill the workforce.

Recommendation 28

Lowering fees for occupations within the health and care of persons with disability and the elderly

The fee for submitting a first-time single permit application is proposed to increase to €600. However, to support essential services in the health sector and in the care of persons with disabilities and the elderly, the fee for single permit applications in these sectors will be reduced to €150. The renewal fee will remain at €150, and any other fees currently below this threshold will remain unchanged.

Aim of this measure: This measure aims to priortise the needs of Maltese society in the areas of healthcare, and care of the elderly and persons with disability.

Recommendation 29

Skills card expansion

It is opportune to leverage the recent introduction of the Skills Card for Hospitality and Catering as a model for other sectors. Expanding the skills card to more sectors will ensure that individuals employed in these occupations possess the necessary skills and qualifications, benefiting the Maltese labour force. The next sector for which a skills card is envisaged is the construction sector.

Aim of this measure: This measure aims to upskill the workforce.

Recommendation 30

Align labour migration policy to the national skills strategy

The National Skills Council (NSC)'s ongoing efforts to identify skills gaps, both vertical and horizontal, could play a vital role in refining the existing methodologies developed to assess labour market needs. The National Skills Strategy could serve as an essential input to the Skilled Occupation List and identifying saturated occupations.

Aim of this measure: This measure aims to upskill the workforce.

Recommendation 31

Strategic Partnerships

As outlined in the Employment and Training Services Act, Jobsplus' role is to assist job seekers to find employment. This role has been impacted by the influx of TCNs and Malta's low unemployment rate. Specific strategic partnerships could shift this trend and improve Jobsplus' job-matching function. Authorities should establish tailored memorandums of understanding and diplomatic partnerships with other countries. This strategy ensures that individuals applying to work in Malta possess the right skills for specific occupations.

Aim of this measure: The aim of this measure is to attract people with the skills needed in the labour market.

Recommendation 32

Register of exemplary employers – longer renewal periods

A register will be created for employers who wish to hire TCNs and meet certain criteria.

In addition, employers must effectively demonstrate that they are aligned with all employment laws and have invested in their workforce by participating in official training schemes available at Jobsplus, Malta Enterprise, or any other body with official recognition.

Once registered, these employers would enjoy a streamlined labour market testing process, which would, in turn, improve the efficiency of the application procedure.

Moreover, employees working for employers in this register would be eligible for a renewal period of more than two years and up to four years. The creation of this register would, therefore, encourage the continuous upskilling and retention of the foreign workforce.

Aim of this measure: This measure aims to prioritise exemplary employers during the permit process.

6

Next Steps

This consultation document marks the initial phase of the review of the proposed Malta Labour Migration Policy. A more detailed report will follow a public consultation and stakeholder engagement process.

Given the wide-ranging impact of this policy, a broad array of stakeholders—including employer associations, unions, industry experts, government authorities, and non-governmental organisations—will be invited to share their perspectives, insights, and proposals.

Stakeholders are encouraged to acquaint themselves with the guiding principles of the proposed policy. The government remains committed to a balanced approach to labour migration that ensures workers are fully protected and have fair and decent working conditions. Labour migration will only be permitted to meet genuine labour market needs, with a focus on improving retention and market stability, which benefits all parties. Additionally, we strongly support a skills-based approach to migration.

Relevant stakeholders are invited to submit their feedback on the Malta Labour Migration Policy by 9th February. Please submit feedback on **publicconsultation.gov.mt**

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Appendix A
Skilled Occupation List

ISCO	Title EN
1330	Information and Communications Technology Service Managers
1341	Child Care Service Managers
1342	Health Service Managers
1343	Aged Care Service Managers
1344	Social Welfare Managers
1345	Education Managers
1346	Financial and Insurance Services Branch managers
1349	Professional Services Managers Not Elsewhere Classified
2111	Physicists and Astronomers
2112	Meteorologists
2113	Chemists
2114	Geologists and geophysicists
2120	Mathematicians, Actuaries and Statisticians
2131	Biologists, Botanists, Zoologists and Related Professionals
2132	Farming, Forestry and Fisheries Advisers
2133	Environmental Protection Professionals
2141	Industrial and Production Engineers
2142	Civil Engineers
2143	Environmental Engineers
2144	Mechanical Engineers
2145	Chemical Engineers
221	Medical Doctors
2211	Generalist Medical Practitioners
2212	Specialist Medical Practitioners
2221	Nursing Professionals
2222	Midwifery Professionals
2230	Traditional and Complementary Medicine Professionals

ISCO	Title EN
224	Paramedical Practitioners
2240	Paramedical Practitioners
2250	Veterinarians
2261	Dentists
2262	Pharmacists
2263	Environmental and Occupational Health and Hygiene Professionals
2264	Physiotherapists
2265	Dieticians and Nutritionists
2266	Audiologists and Speech Therapists
2267	Optometrists and Ophthalmic Opticians
1330	Information and Communications Technology Service Managers
1341	Child Care Service Managers
1342	Health Service Managers
1343	Aged Care Service Managers
1344	Social Welfare Managers
1345	Education Managers
1346	Financial and Insurance Services Branch managers
1349	Professional Services Managers Not Elsewhere Classified
2111	Physicists and Astronomers
2112	Meteorologists
2113	Chemists
2114	Geologists and geophysicists
2120	Mathematicians, Actuaries and Statisticians
2131	Biologists, Botanists, Zoologists and Related Professionals
2132	Farming, Forestry and Fisheries Advisers
2133	Environmental Protection Professionals
2141	Industrial and Production Engineers
2142	Civil Engineers
2143	Environmental Engineers
2144	Mechanical Engineers
2145	Chemical Engineers
221	Medical Doctors
2211	Generalist Medical Practitioners
2212	Specialist Medical Practitioners
2221	Nursing Professionals
2222	Midwifery Professionals
2230	Traditional and Complementary Medicine Professionals
224	Paramedical Practitioners
2240	Paramedical Practitioners
2250	Veterinarians
2261	Dentists
2262	Pharmacists
2263	Environmental and Occupational Health and Hygiene Professionals

ISCO	Title EN
2264	Physiotherapists
2265	Dieticians and Nutritionists
2266	Audiologists and Speech Therapists
2267	Optometrists and Ophthalmic Opticians
2269	Health Professionals Not Elsewhere Classified
2411	Accountants
2412	Financial and Investment Advisers
2413	Financial Analysts
2421	Management and Organization Analysts
2422	Policy Administration Professionals
2423	Personnel and Careers Professionals
2424	Training and Staff Development Professionals
2431	Advertising and Marketing Professionals
2432	Public Relations Professionals
2433	Technical and Medical Sales Professionals (excluding ICT)
2434	Information and Communications Technology Sales Professionals
2511	Systems Analysts
2512	Software Developers
2513	Web and Multimedia Developers
2514	Applications Programmers
2519	Software and Applications Developers and Analysts Not Elsewhere Classified
2521	Database Designers and Administrators
2522	Systems Administrators
2523	Computer Network Professionals
2529	Database and Network Professionals Not Elsewhere Classified
3111	Chemical and Physical Science Technicians
3112	Civil Engineering Technicians
3113	Electrical Engineering Technicians
3114	Electronics Engineering Technicians
3115	Mechanical Engineering Technicians
3116	Chemical Engineering Technicians
3211	Medical Imaging and Therapeutic Equipment Technicians
3212	Medical and Pathology Laboratory Technicians
3213	Pharmaceutical Technicians and Assistants
3214	Medical and Dental Prosthetic Technicians
3221	Nursing Associate Professionals
3222	Midwifery Associate Professionals
3230	Traditional and Complementary Medicine Associate Professionals
3240	Veterinary Technicians and Assistants
3251	Dental Assistants and Therapists
3252	Medical Records and Health Information Technicians
3113	Electrical Engineering Technicians
3114	Electronics Engineering Technicians
3115	Mechanical Engineering Technicians

ISCO	Title EN
3116	Chemical Engineering Technicians
3211	Medical Imaging and Therapeutic Equipment Technicians
3212	Medical and Pathology Laboratory Technicians
3213	Pharmaceutical Technicians and Assistants
3214	Medical and Dental Prosthetic Technicians
3221	Nursing Associate Professionals
3222	Midwifery Associate Professionals
3230	Traditional and Complementary Medicine Associate Professionals
3240	Veterinary Technicians and Assistants
3251	Dental Assistants and Therapists
3252	Medical Records and Health Information Technicians
3253	Community Health Workers
3254	Dispensing Opticians
3255	Physiotherapy Technicians and Assistants
3256	Medical Assistants
3257	Environmental and Occupational Health Inspectors and Associates
3258	Ambulance Workers
3259	Health Associate Professionals Not Elsewhere Classified
3311	Securities and Finance Dealers and Brokers
3312	Credit and Loans Officers
3313	Accounting Associate Professionals
3314	Statistical, Mathematical and Related Associate Professionals
3315	Valuers and Loss Assessors
3321	Insurance Representatives
3511	Information and Communications Technology Operations Technicians
3512	Information and Communications Technology User Support Technicians
3513	Computer Network and Systems Technicians
3514	Web Technicians
3521	Broadcasting and Audio-visual Technicians
3522	Telecommunications Engineering Technicians
5311	Child Care Workers
5312	Teachers' Aides
5321	Health Care Assistants
5322	Home-based Personal Care Workers
5329	Personal Care Workers in Health Services Not Elsewhere Classified



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