

# **Procedure for Authorisation to Host Third Country Nationals for Scientific Research Purposes**

in terms of Legal Notice 102 of 2008 referring to Third  
Country Nationals for Scientific Research Purposes  
(Specific Admittance Procedure) Regulations, 2008.

**August 2011  
Version 1.0**

## 1. Purpose of Document

This document specifies the procedure to be followed by a Research Organisation wishing to host a third country researcher in terms of Legal Notice 102 of 2008 referring to Third Country Nationals for Scientific Research Purposes (Specific Admittance Procedure) Regulations, 2008.

## 2. Definitions

'Council' means the Malta Council for Science and Technology

'Research' means creative work undertaken on a systematic basis in order to increase the stock of knowledge, as defined in the Frascati Manual.

'Research Organisation' means any private or public organisation which conducts research.

'Hosting Organisation' means a Research Organisation which has applied for and obtained authorisation to host third country nationals for scientific research purposes.

## 3. Scope and Exclusions

This procedure shall apply to third country nationals who apply to be admitted to Malta for a period exceeding three months for the purposes of carrying out a research project.

This procedure does not apply to

- Third-country researchers who have applied to reside in Malta as students within the terms of Legal Notice 29 Conditions of Admission of Third-country Nationals for the purposes of Studies Regulations 2008.
- Researchers seconded by a research organisation in another Member State to a research organisation in Malta.

## 4. Responsibilities

The **Research Organisation** has the following responsibilities

- to submit an 'Application for Approval as a Hosting Organisation';
- to prepare a Hosting Agreement between itself and the third country researcher;
- to submit an 'Application to Host a Third Country National' to the Council;
- to vet the qualifications and experience of the third country researcher and ensure that he or she is suitably qualified to perform the research work for which he or she is to be engaged.

The **Council** is responsible for vetting the 'Application for Approval as a Hosting Organisation' by the Research Organisation and taking a decision on whether to approve or reject the application.

The **Council** is responsible for vetting the 'Application to Host a Third Country National' by the Research Organisation and taking a decision on whether to approve or reject the application.

The third country national is responsible for submitting an application for a residence permit to the Director for Citizenship and Expatriate Affairs.

The **Director for Citizenship** and Expatriate Affairs is responsible for vetting the application by the Researcher and taking a decision on whether to approve or reject the application.

## **5. Procedure for Approval as a Hosting Organisation**

### **5.1 Application**

Prior to applying for authorisation to host a third country national for scientific research purposes, a Research Organisation must first apply for approval as a Hosting Organisation by filling in the appropriate form and submitting this to the Malta Council for Science and Technology.

### **5.2 Vetting**

The Council shall review the application and conduct the necessary checks to ensure that the applicant organisation conforms to the definition of a Research Organisation.

The Council shall accept the application if all requirements are suitably met, and shall issue a Letter of Acceptance to the Research Organisation. The term of the authorisation shall be for a minimum period of five years, although in exceptional cases approval may be granted for a shorter period.

The Council shall reject the application if one or more requirements are not suitably met, and shall issue a Letter of Rejection to the Research Organisation citing the reason(s) for rejection. Depending on the reason, the Research Organisation may be barred from reapplying for approval for a period not exceeding five years from the date of notification of the decision at the discretion of the Council.

### **5.3 Withdrawal**

The Council shall withdraw the approval as a Hosting Organisation in the following circumstances:

- If any of the relevant criteria no longer meets the requirements established by the Council;
- If it is discovered that there was negligence or fraud at any stage of the procedure.

The Council shall notify the Research Organisation of the withdrawal by issuing a Letter of Withdrawal. Following the withdrawal of approval, the Research Organisation may be barred from reapplying for approval for a period not exceeding five years from the date of notification of the decision at the discretion of the Council.

## **6. Procedure for Hosting a Third Country National**

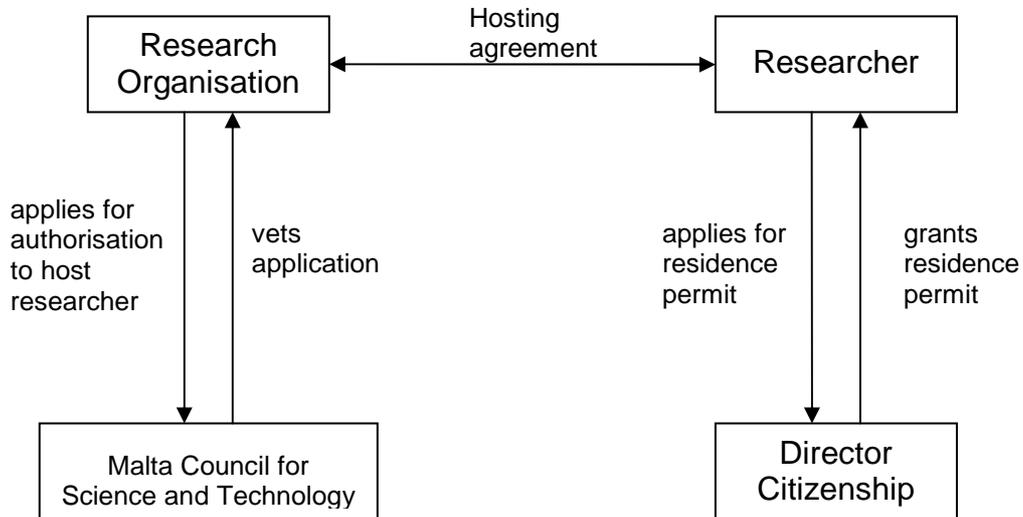
An organisation which is a registered Hosting Organisation may apply for authorisation to host a third country researcher to work on a scientific research project.

### **6.1 Hosting Agreement**

The Research Organisation shall prepare a Hosting Agreement based on the template provided by the Malta Council for Science and Technology and customised to suit the particular circumstances of the case.

The Hosting Agreement is a declaration by the Research Organisation of its intention to engage the Researcher to work on a research project once the necessary residence permit has been obtained. The Research Organisation also declares that it will provide financial

assistance in the form of a salary or a grant to enable the researcher to meet living expenses for the duration of his stay.



## 6.2 Application to Host a Third Country National

The Research Organisation shall fill in the Application to Host a Third Country Researcher and submit this to the Council. The Research Organisation shall also submit the following together with the application:

1. a copy of the c.v. and qualifications of the Researcher;
2. a copy of the Hosting Agreement;
3. evidence of the award of a grant by a funding organisation if the research project is not funded internally.

The Council may at its discretion request additional information or documentation.

## 6.3 Vetting of Application

The Council shall review the application and conduct the necessary checks to ensure the following:

1. that the applicant Research Organisation is registered as an approved Hosting Organisation;
2. that the envisaged project conforms to the definition of a research project;
3. that the applicant organisation has the necessary financial and other resources to undertake the project and to finance the remuneration of the researcher for the duration of the project;
4. that the third country national appears suitably qualified to perform the required role of researcher.

The Council shall accept the application if all requirements are suitably met, and shall issue a Letter of Acceptance to the Research Organisation.

The term of the authorisation shall normally run until the planned end date of the project, or the planned termination date of the engagement of the researcher by the Research Organisation, whichever is the sooner.

The Council shall refuse the application if one or more of the requirements are not satisfied, and shall issue a Letter of Rejection citing the reason(s) for rejection. Depending on the reason, the Research Organisation may be barred from reapplying for approval for a period not exceeding five years from the date of notification of the decision at the discretion of the Council.

#### **6.4 Application for Residence Permit**

The third country Researcher shall submit an application for a residence permit to the Department of Citizenship and Expatriate Affairs.

Together with his application, the applicant shall submit:

1. a travel document which shall be valid, at least, for the duration of the residence permit;
2. a copy of the Hosting Agreement;
3. a copy of the Letter of Acceptance to host a third country researcher sent by the Council to the Research Organisation.

The Director of Citizenship and Expatriate Affairs shall process the application in accordance with its standard procedures. If all is in order, it shall issue a residence permit to the third country researcher for a period of one year, or for the duration of the project if it is scheduled to last less than one year. The residence permit can be renewed according to standard departmental procedures.

#### **6.5 Extension of Authorisation to Host a Third Country Researcher**

In the event that the Research Organisation would like extend the engagement of the Researcher beyond the validity period of the current authorisation period (for example in the case of the project being extended), it shall send a request in writing to the Council explaining the reason for the requested extension.

The Research Organisation shall also submit the following together with the request:

1. a copy of the Hosting Agreement updated to reflect the new dates;
2. evidence of extension to the award of a grant by a funding organisation if the research project is not funded internally.

The Council may at its discretion request additional information or documentation.

#### **6.6 Withdrawal**

The Council shall withdraw the approval to host a third country researcher in the following circumstances:

- If any of the relevant criteria no longer meets the requirements established by the Council;
- If it is discovered that there was negligence or fraud at any stage of the procedure.

The Council shall notify the Research Organisation of the withdrawal by issuing a Letter of Withdrawal. Following the withdrawal of approval, the Research Organisation may be barred from reapplying for approval for a period not exceeding five years from the date of notification of the decision at the discretion of the Council.

## **7. Publication**

In accordance with the provisions of LN 102 of 2008, in January of each year the Council shall publish a list of research organisations which have been granted approval as hosting organisations in the Government Gazette and on the Council's official website.

## **8. Records**

The Council shall maintain copies of all documentation and correspondence for a period of ten years.