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Consultative Assessment on the Integration of Third Country Nationals

Report Prepared for the International Organization for Migration (IOM)

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1 Introduction

The objective of this report is to study the factors promoting the integration (or lack of it) of Third Country Nationals who do not possess a humanitarian status in Malta. In so doing, this report promises to open a window upon a hitherto largely unexplored vista in migration research in Malta, which has generally over the past decade focused on the “Boat-People” phenomenon. At the same time, this research has a clear and practical policy focus as it aims to identify policy changes which can promote better migrant integration into Maltese society.

2 Defining the Scope of the Research

We should however be careful when unpacking the term ‘integration’. In practise its meaning is variable and highly indeterminate, despite its pervasiveness in policy and in public discourse. Since it is the root metaphor in terms of which successful migrant insertion into ‘host’ societies is imagined, ‘integration’ will here be understood to refer mainly to the kind of social positioning/incorporation which an individual migrant might achieve within Maltese society, whether this be closer to the multicultural or assimilatory poles of the spectrum. This is of course an extremely flexible use of the term and this study will try to gauge the integration of Third Country Nationals by looking at various different factors, ranging from housing and education to food, legal frameworks and policies. In the process we also aspire, to some extent, to problematise the concept of integration itself, not least by trying to discover the particular models of integration presupposed by different laws and policies and invoked by various stakeholders and Third Country Nationals themselves.

This exercise will be undertaken keeping in mind the “**Common basic principles for immigrant integration policy in the European Union**” developed by the EU in 2004 under the Dutch Presidency. This document, which was intended to guide the Member States in formulating their national integration policies, emphasises the following common basic principles:

- “1. Integration is a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.
2. Integration implies respect for the basic values of the European Union.

3. Employment is a key part of the integration process and is central to the participation of immigrants, to the contributions immigrants make to the host society, and to making such contributions visible.
4. Basic knowledge of the host society's language, history and institutions is indispensable to integration; enabling immigrants to acquire this basic knowledge is essential to successful integration.
5. Efforts in education are critical to preparing immigrants, and particularly their descendants to be more successful and more active participants in society.
6. Access for immigrants to institutions, as well as to public and private goods and services, on a basis equal to national citizens and in a non-discriminatory way is a critical foundation for better integration.
7. Frequent interaction between immigrants and Member State citizens is a fundamental mechanism for integration. Shared forums, inter-cultural dialogue, education about immigrants and immigrant cultures and stimulating living conditions in urban environments enhance the interactions between immigrants and Member State citizens.
8. The practice of diverse cultures and religions is guaranteed under the Charter of Fundamental Rights and must be safeguarded, unless practices conflict with other inviolable European rights or with national law.
9. The participation of immigrants in the democratic process and in the formulation of integration policies and measures, especially at the local level, supports their integration.
10. Mainstreaming integration policies and measures in all relevant policy portfolios and levels of government and public services is an important consideration in public policy formation and implementation.
11. Developing clear goals, indicators and evaluation mechanisms are necessary to adjust policy, evaluate progress on integration and to make the exchange of information more effective.¹

3 Methodological Issues

This report is the outcome of anthropological research, albeit relying more heavily on semi-structured interviews and less on participant observation, than is usual for ethnographers. The choice of such an approach was largely dictated by the need to try to penetrate an informal and invisible social grouping, to win their trust and to describe their experiences from their perspective. The core research was coordinated by Dr David E. Zammit LLD, PhD, with the assistance and collaboration of Dr Jean Paul Baldacchino Ph.D., Ms. Catherine Gallais, Gabriella Orsini, PhD candidate at the University of Malta, Ibtisam Sadegh, LLD candidate at the University of Malta, and Mrs. Julia Scerri Diacono.

The choice of an anthropological methodology focusing mainly on interviews with individuals drawn from selected categories of Third Country Nationals also means that this report privileges the experiences of these migrants as elicited during the

¹These principles are quoted from pages two and three of the paper “Updated Concept of Immigrant Integration”, found here:

http://www.google.com/mt/url?sa=t&ret=j&q=updated%20concept%20of%20immigrant%20integration&source=web&ccd=1&cad=rja&ved=0CCIOFjAA&url=http%3A%2F%2Fwww.cizinci.cz%2Ffiles%2Fclanky%2F329%2FConcept_of_II.pdf&ei=qLFoULrFGNH64QSbrYHQcw&usq=AFQjCNEh3Ij9q_psoZVih66DvtFH-rOz0Q

interviews conducted with them and using as far as possible their own words to convey their perspectives. This focus on the ‘native’s point of view’ implies that their experiences have been used in order to contextualise authoritative interpretations of the laws and policies applicable to Third Country Nationals in Malta that are produced by state officials and other local stake-holders. Where there is a discrepancy an effort has been made to avoid muting the voices of the migrants concerned in favour of more authoritative viewpoints. The challenge has rather been to try to account for such discrepancies without resorting to facile solutions such as attributing ignorance to one side or mendacity to the other.

This report could also be described as anthropological in the sense that it is an exercise in “thick description”, in anthropologist Clifford Geertz’s sense², viz. it attempts to combine different kinds and layers of information, obtained from a variety of sources, to try to describe and account for the world inhabited by Third Country Nationals in Malta. Thus a literature review summarising the main insights gleaned from recent anthropological dissertations on ethnic minorities in Malta is integrated with the results of interviews carried out with stakeholders and Third Country Nationals themselves; as well as information leaflets, blogs and other information found on the internet, photographs, statistics and Maltese and EU laws and policies.

One of the most difficult aspects of this research proved to be identifying Third Country Nationals who conformed to the criteria of the target group and were willing to be interviewed. In this regard the flexibility which is another characteristic of the anthropological approach proved very helpful. In order to locate our interviewees we used the snowball method by which one interviewee led us to another and we also drew upon the links which particular members of the research team had with particular nationality groups. Thus Dr Jean Paul Baldacchino’s links with the Chinese, Korean and Australian national groups, Ibtisam Sadegh’s with Libyans and Arabs more generally and Julia Scerri Diacono’s contacts with the Russian and Ukrainian communities proved invaluable. As non-Maltese nationals, Catherine Gallais and Gisella Orsini proved to be sensitive and disarmingly tactful interviewers, who managed to elicit the trust of the Third Country Nationals they interviewed.

Interviews were also conducted with the following Maltese stakeholders: Anna Callus, Deputy Director of the University of Malta’s International Office, Graziella Cauchi from the Employment and Training Corporation (ETC), Alexei Dingli, Mayor of Valletta, Mr Joe Mizzi, Head of the Department of Citizenship and Expatriate Affairs, Ministry of Foreign Affairs, Mr Robert Suban, Assistant Lecturer of the Department of Banking and Finance of the University of Malta, Mr Michael Parnis, International Secretary at the General Workers Union, Mr Andrew Seychell of the Immigration Police, Ms J. Dalmas, the Head of School, Maria Regina College, St. Paul’s Bay Primary, Dr Jonathan Zammit MD from the Emergency Department at Mater Dei Hospital and a private employer of Third Country Nationals (henceforth TCNs).

² See Clifford Geertz. 1973. *The Interpretation of Cultures*, New York: Basic Books, pp.5-6 & 9-10.

4 Integration Policies Pursued by the State and Civil Society

4.1 Introduction

This part of the report aims at investigating and analysing the policy framework for managing the integration of TCNs which has been constructed by the Maltese state in conjunction with what could be termed “civil society”; if the latter term is understood very broadly to include institutions like schools and hospitals, unions, local councils and the University of Malta. It draws upon the ten interviews conducted with local stakeholders as well as various other relevant reports and publications.

Two caveats need to be made at this point. Firstly it is important to note that the aim of this section is not to produce a comprehensive guide to the detailed processes involved in applying for and obtaining a recognised legal status (be it citizenship, long term residence or a simple residence permit) on the part of a TCN. Such material can be found elsewhere and does not conform to the mandate which the writer was given, which is to conduct anthropological research focusing on the integration experiences of TCNs in Malta. Rather the aim will be twofold: (1) to provide a “bare bones” account of the relevant rules and processes that will enable the reader to contextualise the experiences of TCNs as they emerged from the interviews conducted and the literature review; and (2) to identify general structural aspects of the relevant policy-making and implementation which can shed some light on the way the system as a whole works, particularly the relationship between bureaucratic processes, social attitudes and migrant experiences and aspirations.

The second caveat has to do with the understanding of “policy” that informs this report. Recent anthropological research has heavily critiqued the conventional “authoritatively instrumentalist” assumption that “policy” must be understood as a reified, bounded text, which is rationally generated by elite bureaucrats and implemented on an unresisting society. Instead it has proposed that research on policy should:

“Not just focus a new lens on particular fields of policy but, in doing so, reveal larger processes of governance, power and social change that are shaping the world today. As the title suggests, policies belong to and are embedded within – particular social and cultural worlds or ‘domains of meaning’. But they create as well as reflect those worlds. From our perspective policies are not simply external, generalised or constraining forces, nor are they confined to texts. Rather, they are productive, performative and continually contested. A policy finds expression through sequences of events; it creates new social and semantic spaces, new sets of relations, new political subjects and new webs of meaning.”³

This perspective highlights the cultural and imaginative construction of policy as well as the agency of the subjects of policy. Statements as to whether a particular policy “exists” must be contextualised by asking in relation to whom, for what purposes and in what manner this existence can be gauged. Rather than adopting an exclusively ‘top-down’ perspective on the matter, the integration policies pursued by actors at the

³ Shore, Chris, Susan Wright and Davide Pero. 2011. *Policy Worlds: Anthropology and the Analysis of Contemporary Power*, New York: Berghahn Books, p.1

grass roots level must also be focused on and the underlying power relations taken into account.

Keeping this perspective in mind helps to make sense of what at first sight appears to be the almost total absence of a national policy on the integration of TCNs within Maltese society. This impression can be substantiated in various ways. First of all, a recent study⁴ examined the various government documents through which its medium-term vision for the country is outlined⁵ and concluded:

“None of these policy documents discuss migration as a possible solution to tackling future labour or skills shortages. Usually migration is mentioned briefly, if at all, discussed in very generic terms and when reference is made to migration and Malta, it concerns irregular migration”⁶

The absence of a positive vision of economic migrants in these documents is paralleled by the absence of institutional structures which explicitly cater for the integration of TCNs. Thus the same report observes that: “there is no migrant integration agency in the form of a ‘one stop shop’ in Malta”⁷ and that although Malta has nominated a national contact point on integration, “no information on the name of this person is directly available on the Ministry of Justice and Home Affairs website.”⁸ Furthermore to date the author of this study was unable to identify the Ministry responsible for the integration of TCNs within Maltese society, despite repeated attempts to do so. When questioned civil servants and administrators gave conflicting replies and seemed themselves somewhat uncertain as to who might be responsible.

It is clear that both the failure to elaborate explicit national policies which promote the integration of particular categories of TCNs as well as the absence of a single clearly identifiable institutional structure responsible for coordinating such integration must be understood in relation to the impact of the measures developed to cater for irregular migrants. Since 2002 these have mainly focused on the annual arrival of boatloads of sub-Saharan asylum seekers coming from Libya in numbers which are generally understood to be disproportionate to the island’s size and population. Media reports on these arrivals together with the political debate which has developed in their regard, have tended to oscillate between repressive and humanitarian approaches to migration policy, which has not left much space for debate on the integration of TCNs who are not asylum seekers. The government has focused on developing legal and institutional structures to cater for asylum seekers⁹ as well as providing information intended to aid the integration of EU nationals who migrate to Malta.¹⁰ Its

⁴ Suban, Robert & David E. Zammit. 2012. *Satisfying Labour Demand through Migration – Malta National Report for the European Migration Network*, http://emn.intrasoft-intl.com/Downloads/prepareShowFiles.do?jsessionid=4A16DEDCB56AFF3582B5682962595F48?entryTitle=05_Satisfying%20LABOUR%20DEMAND%20through%20migration

⁵ Such as the *Vision 2015 and Beyond* available at: <http://vision2015.gov.mt/library>

⁶ Suban, Robert & David E. Zammit, *op. cit.* p.14

⁷ Suban, Robert & David E. Zammit, *op.cit.* p.32

⁸ *Ibid.*

⁹ Key milestones include the enactment of the Refugees Act (2000), the development of the Office of the Refugee Commission and the setting up of an organization to promote the welfare and integration of asylum seekers (OIWAS). Significantly, the latter was later renamed: AIWAS (Agency for the Welfare of Asylum Seekers), dropping the reference to integration.

¹⁰ In relation to the EURES network (see <https://www.eures.com.mt/>)

order of priorities is neatly captured by the title of the policy document jointly issued in 2005 by the Ministry of Justice and Home Affairs and the Ministry of Social Welfare and the Family: “Irregular Immigrants, Refugees *and Integration*.”¹¹ Only three pages of this policy document focus on integration, envisaged primarily in terms of practical steps to promote the well-being of irregular migrants and asylum seekers. Thus, as one recent study has concluded:

“National politics reflect the official and general public attitude that migration and particularly irregular migration is one of the greatest problems in Malta. Political debate on immigration is still focused on matters of border control with little discussion on integration matters and civic participation. These cultural and political attitudes towards migrants reproduce self-protective mentalities and practices.”¹²

And another study observes:

“The dominant discourse of migrant exclusion prevails to such a degree in Malta as to detract attention away from the policy and empirical realities on the ground.”¹³

Nevertheless, as our perspective on policy and the above-quoted study suggest, this absence of a clearly articulated explicit national policy and centralised institutional infrastructure promoting the integration of third country nationals in Malta does not mean that policies affecting the integration of TCNs do not exist. On the contrary, the moment we shift our gaze away from the national level and focus on the “policy and empirical realities on the ground,”¹⁴ it becomes clear that there is a plethora of ‘policies’ which have been developed at an administrative level in order to compensate for the absence of an overarching national vision. In order to understand the character of these policies, it is important to keep in mind four points: (1) Firstly that the initiative to develop these policies has largely come from high and middle ranking civil servants in particular Ministries and public corporations in response to specific practical challenges (linked to the implementation of particular EU Directives and/or the felt need to cater for a particular client group); (2) That in the absence of a

¹¹ Ministry for Justice and Home Affairs and Ministry for the Family and Social Solidarity. 2005. *Irregular Immigrants, Refugees and Integration: Policy Document*. Valletta: Repubblika ta’ Malta.

¹² Galea, Simone. 2010. *Young migrant women: Promoting Integration and Mutual Understanding in Secondary Education*, European Fund for the Integration of Third Country Nationals National Policy Review: Malta, EMCER (Euro-Mediterranean Centre for Educational Research), p.10:

[http://www.google.com/mt/url?sa=t&rct=j&q=Galea%2C%20Simone.%202010.%20Young%20migrant%20women%3A%20Promoting%20Integration%20and%20Mutual%20Understanding%20in%20Secondary%20Education%2C%20European%20Fund%20for%20the%20Integration%20of%20Third%20Country%20Nationals%20National%20Policy%20Review%3A%20Malta%2C%20EMCER%20\(Euro-Mediterranean%20Centre%20for%20Educational%20Research\)&source=web&cd=1&ved=0CEQQFjAA&url=http%3A%2F%2Fwww.medinstgenderstudies.org%2Fwp-content%2Fuploads%2FFinal-Policy-Review-Malta.pdf&ei=4HvIT52IDYjN4QTf87CoAQ&usg=AFQjCNHw9unvugW5KhBTjNXUAH9I8whPGw](http://www.google.com/mt/url?sa=t&rct=j&q=Galea%2C%20Simone.%202010.%20Young%20migrant%20women%3A%20Promoting%20Integration%20and%20Mutual%20Understanding%20in%20Secondary%20Education%2C%20European%20Fund%20for%20the%20Integration%20of%20Third%20Country%20Nationals%20National%20Policy%20Review%3A%20Malta%2C%20EMCER%20(Euro-Mediterranean%20Centre%20for%20Educational%20Research)&source=web&cd=1&ved=0CEQQFjAA&url=http%3A%2F%2Fwww.medinstgenderstudies.org%2Fwp-content%2Fuploads%2FFinal-Policy-Review-Malta.pdf&ei=4HvIT52IDYjN4QTf87CoAQ&usg=AFQjCNHw9unvugW5KhBTjNXUAH9I8whPGw)

¹³ Thomson, Mark. 2006. *Migrants on the Edge of Europe: Perspectives from Malta, Cyprus and Slovenia*, Sussex Migration Working Paper no. 35, Sussex Centre for Migration Research, p.6

http://www.google.com/url?sa=t&rct=j&q=migrants%20on%20the%20edge%20of%20europe%20perspectives&source=web&cd=1&ved=0CFUQFjAA&url=http%3A%2F%2Fwww.sussex.ac.uk%2Fmigration%2Fdocuments%2Fmwp35.pdf&ei=olTIT_DIK_CL4gSF9fG2AQ&usg=AFQjCNFVMcWvKzePd-GCL8440SkSMtbOw&cad=rja

¹⁴ *Ibid.*

clear and authoritative national political vision, the public officials concerned have often had to rely on their own sense of what kinds of policies they should develop in terms of balancing between Ministerial direction, the objectives behind the applicable legislation and the expectations of the general public; (3) That, EU entry notwithstanding, their primary legal reference point in regard to TCNs has remained the Malta Immigration Act enacted in 1970 and having as its stated objective: “To restrict, control and regulate immigration into Malta and to make provision for matters ancillary thereto”¹⁵ and (4) That the resulting policies have been complex, legalistic and restrictive in spirit and highly discretionary and variable in their application.

4.2 Obtaining an Employment Licence/Residence Permit

These points can be illustrated by examining the intertwined systems of granting residence permits, allocated by the Citizenship and Expatriate Affairs Directorate of the Ministry of Foreign Affairs, and employment licences (commonly known as work permits), issued by the Employment and Training Corporation. While a residence permit is not required for a TCN to apply for an employment licence; once an employment licence is granted and a TCN applies for it a residence permit is automatically given. Since work is an important means of integration, the process of obtaining an employment licence deserves to be focused on in this study. In fact as of the 30th April 2012, ETC data showed that there were 2,715 employment licences issued to TCN. By contrast the table of residence permits issued by the Directorate of Citizenship and expatriate affairs showed just 1,777 valid residence permits for work purposes as on 31st December 2011. The discrepancy between these figures can be explained on various grounds, including: (i) Failure to apply for a residence permit on the part of Employment Licence holders; (ii) That particular categories of Employment Licence holders would still be waiting for their Residence Permit to be issued and (iii) That since the ETC data lists licences and not individual persons, you could have more than one valid licence per TCN.

Employment licences are normally renewable and issued for a maximum duration of one year on the request of an employer in respect of a specific employee to perform a specific job. The ETC has issued specific guidelines to explain the nature of these licences and the process of applying for and granting them.¹⁶ In terms of these guidelines the following documents need to be provided when applying:

- (a) Application form
- (b) Curriculum vitae
- (c) Position description
- (d) References/testimonials
- (e) One passport photo
- (f) Copy of travel document
- (g) Copy of valid visa (if third country national is in Malta)
- (h) Copy of qualification certificates and accreditation/recognition
- (i) Covering letter by employer indicating site of work
- (j) The fee

¹⁵ *Immigration Act*, Chapter 217 Laws of Malta, p.1

¹⁶ See <http://etc.gov.mt/etc-portal/page/3/ELU-Guidelines.aspx>

(k) Evidence of search for EEA/Swiss/Maltese nationals

The following documents must also be supplied, depending on the case as indicated:

- (l) A valid police certificate (if the foreign national is an asylum seeker or a person enjoying Subsidiary Protection/Temporary Humanitarian Protection Status and Refugee Status.
- (m) Valid certificate issued by the Refugee Commissioner in the case of THP⁵s/SPs, Refugees and Asylum Seekers
- (n) Proof of long-term residence status, or of relation to long-term resident, where applicable
- (o) Evidence from a medical specialist in the case of a home-based foreign carer
- (p) A power of attorney signed and attested by a Notary, Advocate or Public official, when a person applies or withdraws an application on behalf of another, in the case of a home-based carer.
- (q) Birth certificates of children, if not born in Malta, if application is for nanny
- (r) Proof of relationship to diplomat, if application is for family member of diplomat
- (s) Approval of the regulatory body, in the case of applications for third country nationals to perform a regulated profession
- (t) Health clearance form in the case of third country nationals already in Malta
- (u) Proof of study in Malta, in the case of students
- (v) Proof of relationship with EEA/Swiss national in the case of TCN dependent on EEA/Swiss national.

Once the application is submitted with all the relevant documentation, the ETC proceeds to run a 'labour market test' intended to assess the national employment situation in regard to the particular occupational sector concerned, the employer's history, the TCNs own abilities and suitability and various other factors. This test is normally concluded within 15 working days and, if the outcome is positive the ETC must then contact various other stakeholders for their views, including the Immigration Police (who run a security check). I was told that as this stage of the process is not controlled by ETC, delays often arise and in fact ETC inform applicant that s/he should apply to the Citizenship and Expatriate Affairs Directorate to ensure that s/he is granted an interim residence permit of 6 weeks to try to cover the entire processing period of his application. However the applicant is given no clear and explicit guarantee that the application will not in fact take longer than six weeks to be processed. Once this process is concluded, applicant is informed of the reply and if the application is approved, he will receive a letter with the employment licence enclosed and informing him that he must apply to the Director of the Department for Citizenship and Expatriate Affairs to request that a residence permit is issued in his regard.¹⁷

While the above might appear to be a relatively straightforward, if long drawn out, process, it must be stressed that it is more complicated than it appears at first glance and that there are various hidden pitfalls which render it rather problematic when viewed from the applicant's perspective. In the first place this is because the decision as to which stake-holders need to be consulted is a discretionary one taken by the

¹⁷ The letter continues: "Failure to do so within three months from the date of this letter or three months from the date of entry into Malta, in the case where the foreign national is still abroad, shall entail the revocation of the above-mentioned licence."

ETC and applicant is not consulted or informed about this. This also means that it may take quite some time for the application to be processed, and this when the applicant can least afford to wait, since he is not allowed to work during the pendency of the application.¹⁸ Secondly the requirements to which applicants need to conform in order to pass the labour market test differ for different occupational criteria according to policies developed by the ETC. For example, applications which fulfil the criteria to be considered as applications for highly qualified employment are generally considered favourably, while applications for home-based carers are presently not subjected to a labour market test at all. In respect of cleaners and steel fixers evidence of work contracts is required. Thirdly, the controls required for applications from TCNs and the associated fees have increased and become more expensive over time. In fact a recent study observes:

“On the other hand, since 2010, the checks and evidence required for applications from third country nationals have increased...new third –country national applications to work in take-away or fast food companies are refused. There has also been an increase in the work-permit fee for third country nationals. Besides an increase in the work permit fee,¹⁹ employers must also produce a copy of the private medical insurance before the work permit is issued.”²⁰

Apart from the problem of shifting discretionary criteria for granting an employment licence, which appear to be becoming more restrictive over time, it is important to keep in mind that this process requires the cooperation of various stakeholders who are located at different points of the government apparatus and may not always liaise as closely as is desirable. In fact during my interviews staff at ETC expressed a desire for greater coordination with the Immigration Police and this would clearly serve to render the process more efficient. Moreover a restrictive orientation is also visible when licences come to be renewed, insofar as there are strict deadlines for submission of the application²¹ and until recently there appears to have been an informal policy that work permits could only be renewed for three times consecutively.²²

It is clear that most of the micro-policies we are dealing with here have been developed relatively recently as part of a process through which the informal exercise of discretion is replaced by written categories and guidelines. Thus, staff at ETC informed me that their written guidelines came out in 2009 and have been of great help to staff and clients alike and the Director of Citizenship and Expatriate Affairs observed that their policies had mainly been developed from 2006 onwards. This

¹⁸ The Migrant Integration Policy Index observes that: “Unlike in Malta, most non-EU workers and families have immediate equal access to the labour market in two thirds of the 31 MIPEX countries” (See section on ‘Labour Market Mobility here: <http://www.mipex.eu/malta>).

¹⁹ From a total of €139.76 to a total of €230 in the case of TCNs

²⁰ Suban, Robert & David E. Zammit, *op. cit.* p.25

²¹ TCNs are advised that their application for renewal of the employment licence should be deposited at least eight weeks before the expiry of the prevailing Employment Licence. Should the existing Employment Licence expire without such a prior application having been lodged, the TCN is not permitted to continue to work and must submit a new application for an employment license, which would need to be processed afresh.

²² Suban, Robert & David E. Zammit, *op. cit.* p.23 However, I was informed that this policy was enforced before the Legal Notice regarding long term residency permits was amended in 2010.

ongoing process of formalisation²³ is to be welcomed, although it is clear that the system for granting work/residence permits is still quite dependent on the exercise of informal discretion and that it tends to be interpreted in a restrictive manner. At the same time ETC staff I interviewed commented that:

“Third Country Nationals often come to ETC with a certain fear or misconception that the procedure is rigorous, that we are going to fail them and so on. Often they have no independent access to a computer from which to access our website and are simply sent by their employers to apply despite having little information on the system”²⁴

My interviewee observed that she often felt that she was caught between a rock and a hard place in trying to develop and revise their policies while trying to balance between the interests of the employers, whom she described as “our clients” and on the other hand keeping in mind the interests of the “7,000 Maltese unemployed”. In this context she saw her role as being primarily that of a facilitator who resolved problems, while also tending to set clear limits to the role of her institution, observing: “the role of the ETC is not to take responsibility for the integration of all Third Country Nationals into Malta...it is limited to the employment aspect.”

4.3 Other Kinds of Residence Permit granted to TCNs:

While work is one of the principal grounds for which residence permits are issued, they are also granted for various other causes; as the table below; based on data on TCNs generated by the Citizenship and Expatriate Affairs Directorate²⁵ on the 31st December 2011, shows:

Reason for Permit	Total No. Of Permit Holders	Percentage of TOTAL
Family Member	357	3.46%
Partner	138	1.3%
Temporary	1120	10.84%
Exempt Persons	1510	14.62%
Humanitarian	2	0.02%
Religious Purpose	35	0.34%
Long Term Resident	345	3.3%
Economically Self Sufficient	767	7.4%
Study	303	2.9%
Work	1,777	17%
Interim Permit	1,882	18%
International Protection/ Temporary Humanitarian	2,089	20%

Table 1 – Residence Permits Classified according to the Reason on 31/12/2011

²³ For example I was told that ETC is launching a tracking system on the internet, through which clients can log on with their electronic identity and obtain information regarding the status of their application.

²⁴ Interview conducted on the 25th May 2012

²⁵ I am grateful to the Director, Mr Joe Mizzi, for passing this data on to me.

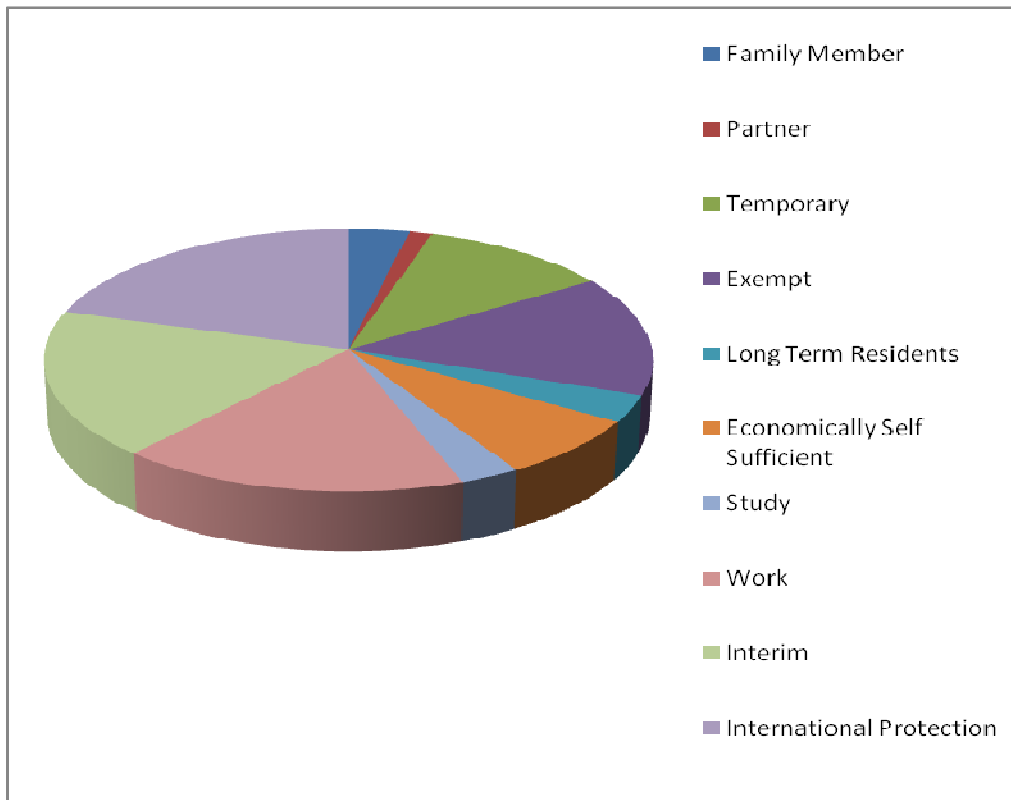


Figure 1 - Distribution of Residence Permits on 31/12/2011

A brief survey of these various categories of residence permits will also serve to illustrate key features of the applicable policies in relation to TCNs. First of all, however it is necessary to exclude the 2,089 residence permit holders (20% of the 10,325 total valid residence held by TCNs on the 31st December 2011), whose permit was granted on the basis that they qualified for International Protection or enjoyed some kind of Temporary Humanitarian Status. The reason for this exclusion is that this study is meant to focus on Third Country Nationals who are not asylum seekers/refugees or beneficiaries of international protection and thus fall outside its scope. The other categories are:

A) *Family Reunification*

The 357 Residence permits granted to Family Members (3.46% of the total) were allocated on the basis of family reunification. The only persons entitled to be reunited with the TCN sponsor are: the spouse (provided he/she is at least 21 years old) and his/her unmarried minor children (provided they are less than 18 years old) and provided that other conditions (such as that they are not considered as a threat to public security and public health. This restrictive approach to the right to family reunification (why are grandparents or siblings excluded from the list of persons entitled to reunification?), also finds expression in the requirements the sponsor (or applicant) must fulfil in order to benefit from this right. He/she can only apply for family reunification after residing in Malta for at least one year and the family members in question will only be allowed to join the sponsor if the latter has resided in Malta for a minimum period of two years. Moreover the sponsor will only enjoy the right to family reunification if he/she shows *inter alia*:

- That he/she has reasonable prospects of permanent residence in Malta
- Has accommodation regarded as normal for a comparable family in Malta
- Has stable and regular resources, which are the equivalent of the average wage in Malta, with an additional 20% of the said average wage for each member of the family²⁶

It is clear that, when taken as a whole, the laws and policies by which Malta has implemented the Family Reunification Directive reflect a restrictive orientation and aim at a minimalist implementation. Thus a recent study on migrant integration observes that:

“Malta is one of the few countries to use EU law (2003/86/EC) to restrict family members’ access to employment or self-employment. As of 2007 they need to pass a labour market assessment in their first year and may need an employment license.”²⁷

Furthermore a cursory glance at the required criteria is sufficient to show that their meaning in practice also depends very much on how they are interpreted by administrators. For instance how precisely does one determine whether the sponsor has ‘reasonable prospects of permanent residence in Malta’? The vagueness of these criteria leave much of the actual decision-making to the discretion of the administrators concerned and this is further reinforced by the fact that a TCN who does not qualify for Family Reunification may nevertheless apply to bring his spouse and/or minor children over.

Another interesting feature of these criteria is the extent to which they build upon a conservative minimalist understanding of “family” as a married couple with their children. This is also a feature of other grounds for which residence permits are issued, such as:

B) Partner

The 138 individuals in this category include TCNs who are partners of Maltese citizens or of other TCNs lawfully residing in Malta. They may be granted a residence permit provided the applicant shows *inter alia* that he has a regular and stable income amounting to the minimum wage plus 20% *and* that the partnership has been subsisting for at least two years. This latter criterion is clearly not a straightforward one to apply and much depends on the standard of proof required by the administrators, which may also vary over time. In practice it seems that the length of the residence permit given on this basis depends on the duration and strength of the

²⁶ See the leaflet CEA/L/7 on the “Issue of residence documents to EU nationals who are exercising any of their Treaty Rights in Malta as workers, self-employed persons, economically self-sufficient persons or students (and to their family members)”, downloadable from the website of the Department of Citizenship and Expatriate Affairs at: <http://www.mfa.gov.mt/default.aspx?MDIS=552>

²⁷ Quote taken from the Migrant Integration Policy Index report for Malta in 2011 (See sections on ‘Labour Market Access and Family Reunion here: <http://www.mipex.eu/malta>).

relationship as assessed subjectively by the administrator.²⁸ It is also very doubtful whether same-sex partners can benefit from this kind of residence permit.

C) Exempt Persons

The 1510 TCNs in this category, representing some 15% of the total number of residence permit holders are mainly composed of TCNs who are married to a Maltese spouse, or else a minor child (under 21 years old) of a Maltese citizen. These persons enjoy freedom of movement (the right to enter or leave Malta without restrictions), may reside in Malta and may work in Malta without an employment licence. Upon confirmation of their exempt status by the Department, these persons receive a uniform residence permit which is either valid for 5 years, or until the expiry of their passports, or until the child reaches the age of 21.

The size of this category reflects the importance which these laws and policies attribute to marriage and the nuclear family as one of the primary grounds for the lawful residence of TCNs in Malta. At the same time, however, these policies clearly state that this resident permit:

“Will be cancelled if, subsequent to its issue, the third country national concerned does no longer live with his/her Maltese spouse.”²⁹

Here it would seem that there is some room for manoeuvre in determining whether or when the TCN and his/her Maltese spouse have stopped living together. Significantly, this policy creates a certain dependency of the TCN on the Maltese spouse and might appear to empower the latter to terminate the residence permit of his/her spouse even before terminating the marriage.

D) Family Member of EEA National

This category of TCNs should be considered in this context albeit it does not figure within the table of residence permit holders issued by the Citizenship and Expatriate Affairs Department and although I did not manage to identify any figures for the number of TCNs falling within this category. TCNs that are family members of EEA nationals are defined as including:

“(1) The spouse; (2) children or grandchildren of EEA nationals or those of his/her spouse who are under 21 years of age or who are dependent on him/her; (3) the dependent parents or grandparents of the EEA national or of his/her spouse.”³⁰

²⁸ A TCN in a durable relationship with a Maltese lasting for two years will be awarded a residence permit for 1 year and if the relationship has lasted for three years, the residence permit will be for a two year period.

²⁹ See page 7 of the leaflet CEA/L/8 on the “Issue of uniform residence permits to third country nationals who have been authorized to reside in Malta in accordance with existing legislation or policies”, downloadable from the website of the Department of Citizenship and Expatriate Affairs at: <http://www.mfa.gov.mt/default.aspx?MDIS=552>

³⁰ See page 1 of the leaflet CEA/L/7 on the: “Issue of residence documents to EU nationals who are exercising any of their Treaty Rights in Malta as workers, self-employed persons, economically self-sufficient persons or students (and to their family members), downloadable from the website of the Department of Citizenship and Expatriate Affairs at: <http://www.mfa.gov.mt/default.aspx?MDIS=552>

These TCNs have the right to reside in Malta and to work there. An employment licence is automatically granted to them. However the picture is less clear when it comes to other family members, such as siblings and partners. In fact the explanatory leaflet issued by the Department of Citizenship and Expatriate Affairs clearly notes that such ‘Other Family Members’: “do not have an automatic right to live in Malta.”³¹ While they may nevertheless apply for facilitation of residence, their application will only prove successful if they manage to prove that either they are dependent on the EEA national concerned or, if they are partners, that their relationship is a durable one which has lasted for at least two years.

The effect of these policies in regard to TCNs who are considered as ‘Other Family Members’ is effectively to place them in a situation of double dependency towards: (1) the administrators who have the discretion to decide whether to accept their request to live in Malta and: (2) their EEA family member, in regard to whom they must prove their dependency or the fact that they have had a durable relationship. In this regard the criteria they must satisfy are very similar to those which Exempt Persons and Partners must fulfil.

E) Temporary and Interim Permits

Collectively these two categories account for some 30% of the total. Temporary residence permits are issued with a validity of a few months for various reasons, such as to TCNs who are visiting Malta for a few weeks as students in one of the English language schools, or to cover the visit of TCN family members. Interim permits may also be utilised for various different purposes. In each case these categories of residence permits continue to enhance the flexibility of the administrative response to cater for particular requests for residence permits. As departmental staff observed to me in these matters: “each case is different” and therefore flexibility is important. The downside, however, is that when viewed from the applicant’s perspective there is ambiguity as to what needs to be done in order to qualify for such permits and this continues to feed his/her dependency on the administrators to the same degree that it expands their discretion.

F) Long Term Residents

345 persons (3.3% of the total number of TCNs who hold a resident permit) possess long-term residence. This kind of residence permit appears to be highly favourable to integration because it grants the holder permission to move freely and reside within Malta and the EU during the five year period for which it applies and also to work without needing to pass a labour market test (although an employment licence is still required). These permits are also renewed almost automatically. However the requirements to achieve this status are difficult to fulfil because of the restrictive and minimalist way in which Malta chose to implement the relevant EU Directive. In particular three major obstacles have developed as a result of local laws and policies, which impede access to this status:

³¹ *Ibid.*

(i) An applicant must provide documentary evidence that s/he has resided legally and continuously in Malta for five years before submitting this application. This requirement must be understood in the context of the practice of the ETC not to renew employment licences (which usually are given for one year) more than three times in a row and that if applicant's residency for any period during these five years was due only to temporary grounds or to study or vocational training, applicant will not qualify;

(ii) Twelve months before the application is submitted, applicant must show that s/he has attended at least 100 hours of lessons in a course organised by ETC about "the social, economic, cultural and demographic history and environment of Malta"³² and must achieve a mark of at least 75% in the final examination.

(iii) Applicant must also obtain a mark of at least 75% when assessed in his knowledge in either Maltese or English for the equivalent of the Malta Qualifications Framework Level 2.

The relatively low numbers of TCNs who have managed to obtain long term resident status clearly illustrate the impact of these restrictive requirements, policies and procedures.

G) Economically Self Sufficient

The 767 (7.4%) of TCNs who have this kind of residence permit are those who fall under the old Permanent Residency Scheme or the new High Net Worth Individuals Scheme which replaced it on the 15th September 2011. Each of these schemes was intended for foreign property buyers, to encourage affluent people to settle in Malta, buy property there and also channel their income to the island. The Permanent Residency Scheme allowed TCNs to reside in Malta and to leave and enter the island at will, provided they spent at least €75,000 on property, passed a wealth test to prove they had an annual income of at least €23,500 and remitted a minimum of €14,100 income annually to Malta. They were charged a flat rate of tax and were also given free access to state healthcare. However they were prohibited from working in Malta unless specifically authorised by the competent authorities. The Permanent Residency Scheme remains in place for those who originally came to Malta under this scheme. It has now been replaced by the High Net Worth Individuals Scheme for new applicants, who must purchase a property worth a minimum of €400,000 and, if they are third party nationals, commit to pay an annual minimum tax of €25,000. Clearly both the old and the new schemes, while ostensibly aiming at attracting affluent people to settle in Malta, are really more concerned with attracting the capital these individuals possess. Therefore they cannot really be considered as policies promoting TCN integration. In fact it is significant that apparently what led to the abandonment of the Permanent Residency scheme were fears that it would be used by TCNs to acquire

³² See page 5 of the leaflet CEA/L/8 on the "Issue of uniform residence permits to third country nationals who have been authorized to reside in Malta in accordance with existing legislation or policies", downloadable from the website of the Department of Citizenship and Expatriate Affairs at: <http://www.mfa.gov.mt/default.aspx?MDIS=552>

residence rights under EU laws and to enjoy the benefits of Maltese social welfare, educational and medical services available to citizens.³³

H) Other kinds of Residence Permit:

Apart from the above-mentioned case and student visas (which are considered below), it should be born in mind that there are various other routes by which a TCN can legally reside in Malta. These include the granting of a residence permit on religious or diplomatic grounds and the EU blue card scheme which is meant to favour highly skilled migrants. At the time of writing I was told that Malta may be about to receive its first application under the Blue Card Scheme. These are, however, minor cases which are of limited relevance to this study.

4.4 Policies applied to Students

303 persons (2.9% of the total) qualified for a Residence Permit for Purposes of Study. Students are given a special permit which does not automatically entitle them to work. However they may be given permission to work up to ten hours upon request. Some of these students are following courses at one of the English language schools in Malta. Yet given the relatively shorter duration of these courses, it would seem that most of these persons who are in Malta for a year or more are international students following courses at the University of Malta. Here interviews with staff at the University of Malta's International Office revealed an interesting discrepancy; since they claimed that there are currently some 900 International Students following courses at the University. This discrepancy may be due to the fact that not all these students necessarily had a Resident Permit for Study Purposes and also that interviewees did not distinguish between non-Maltese students who are TCNs and those who are citizens of other EU countries. Still the fact that some 10% of the University students are non-Maltese and that it is from this category of TCNs that most of the University's fee-paying students come, underlines the importance given to these students by the University and emphasises the need to examine the policies developed by this institution through its International Office in order to obtain a comprehensive view of the policy framework affecting the integration of this sector of TCNs.

TCNs who are students at the University of Malta fall into two main categories: a) those who are in Malta as part of a student exchange program (normally lasting some 6 months) and those who are attending full degree courses at the University (many of these are students attending Erasmus Mundus programmes or one of the range of International Masters Programmes developed by the University in recent years). They come from 18 different countries, including the United States, Kuwait³⁴ and various

³³ Matthew Xuereb, "New Scheme to attract only 'desirable' people to Malta", *Times of Malta*: 16th September 2011, <http://www.timesofmalta.com/articles/view/20110916/local/New-scheme-to-attract-only-desirable-people-to-Malta.384960>

³⁴ The biggest cohort is currently the Kuwaitis, with around 160 Kuwaiti students at the University. Most of these students are following undergraduate degree courses and they are expected to attend foundation courses at the University to brush up their English and other skills before commencing their degree courses and in some cases pre-foundation courses as well.

others. While they initially come for purposes of study, we were told that quite a few end up finding employment and settling in Malta on a long term basis.³⁵

The role assumed by the International Office to facilitate the social integration of these TCN students involves explaining the applicable legal and policy framework to them and mediating between them and Maltese state institutions and administrative bodies such as the ETC and the Department of Citizenship and Expatriate Affairs. Apparently the Office pursues these aims by explaining to prospective applicants that being allowed to study in Malta does not provide any guarantee that one would be allowed to live and work in Malta following the end of applicant's studies and that students would be expected to return to their home country at this point. At the same time, Office staff expressed some perplexity as to the procedure by which students could apply to be allowed to work up to ten hours in the course of their studies, pointing out that it was not clear to them how students could access this procedure and on what basis this permission was granted by the ETC in some cases and withheld in others.³⁶ Furthermore some puzzlement was expressed as to whether or not students would have to leave Malta for a period of some six months following the end of their studies before being allowed to return and qualify for an employment license in Malta. I was told that in some cases this is insisted on and in others it is not. Staff expressed the hope that they would develop a more collaborative relationship with the ETC so as to clarify and resolve these ambiguities.

The International Office also maintains continuous relations with the Department of Citizenship and Expatriate Affairs. I was told that these have improved over time and that staff now liaise continuously to ensure that changes to government policies in relation to TCN students are adequately catered for and communicated to them. Apparently this followed a difficult experience a few years back when Malta's entry into the Shengen zone required TCN students at the University to obtain a Shengen visa in order to leave Malta and staff at the International Office could not ascertain the precise requirements that students had to fulfil in order to qualify for such a visa. This meant that some TCN students could not leave Malta to return home until the requirements were clarified. At the same time, this episode illustrates the proactive attitude adopted by the International Office staff, who worked with the Department in order to define precisely what these requirements are and to develop procedures to ensure that students satisfy them.³⁷ This proactive attitude is also clearly evidenced by the way staff at the Office have responded to student feedback by installing cctv cameras on campus and a system of signs and maps designed to help international students orientate themselves.

³⁵ Our informant observed: "If they've been here for a number of years they would have forged relationships which help them stay on...Some (of the TCNs) would do their foundation, their undergraduate and their Masters course with us and along that time they would have made enough links and networks to find themselves a job afterwards, if they weren't already working before, while they were studying."

³⁶ Our informant explained the strategy developed by the Office to clarify this opaque situation and ensure the success of students' applications for work: "We suggest to them (the students): 'if a person is willing to give you a job, let them speak to ETC' (to obtain the employment license on your behalf)."

³⁷ For example it was required that students perform a Health test and University developed a standard form letter in which the kind of certificate required from the medical doctor who performed the test was spelled out.

It is thus clear that the University's International Office is an important actor in the development of policies which can help TCN students to integrate. At the same time, however, Office staff identified various obstacles and challenges to such integration. These include generally racist and hostile attitudes on the part of the population at large, including a particularly hostile attitude towards black and/or Muslim people.³⁸ It was observed that these attitudes flourish due to the absence of political leadership in this area, which was reflected in the lack of a real integration policy for TCNs at the national level. In practice the interviewee acknowledged that this vacuum had been filled by the policies and procedures developed by state employees such as himself. However he argued that in effect this amounted to: "more of a rejection policy really."

The causes for this "rejection policy" were ultimately ascribed to certain aspects of Maltese legal and political culture which will not be examined here, as they will be explored in depth in the concluding section (4.8) of this part of this Report. However it is interesting to exemplify how our interviewee saw this "rejection policy" operating in practise:

"If my partner comes as a spouse or as a conjugal status and they're not recognised in Malta. I cannot settle here. We've had a case where a student, well he had retired. But he came to do a Masters. He'd been married with his wife for twenty five years. There's no clear acceptance of them coming along. It was very much left in the hands of the Director of Citizenship.³⁹ And still is in a way. Well we had this American guy: a lawyer. Did so well in his job that he decided to retire and come and do a Masters in Sustainable Research...just change his area a bit. Obviously he had no thought of leaving his wife at home alone. She'd come with him to accompany him for the whole year. They wanted to know what she'd be doing. Many a time you have to be registered doing something: either working or doing a course or something like that. The idea of her sitting around at home, reading, on holiday, doing everything, was not good enough in a way and it varies on whether they accept it according to financial backing and nationality."

In this case study (above), the "policy of rejection" is identified in the rigidity and suspicion with which the categories of residence permit are understood, which does not envisage the possibility that someone should come to Malta purely as a spouse accompanying her TCN husband. The fact that such an approach could be adopted in regard to a well-off American couple who were going to inject significant funds into the local economy suggests that TCN students holding other nationalities are also

³⁸ Asked to spell out the greatest obstacles to the integration of TCN students in Malta, the interviewee replied: "You have to put it differently. You have to see the physical such as finding a job and so on. Some people manage it and that's fine. And then there's another thing which is the perception and the attitude of (Maltese) people – all Chinese are the same and they're all dishwashers and trying to pull one over on you. All black people are the same and they should go back to where they came from. And they make no distinction if it is a football player on the National Team, if it is a student with a PhD or a (medical) doctor who's giving a lot to Malta, you know by research and everything. There are nationalities which the Maltese don't frown so much upon, such as Indians. Because we have a long history of Indians in Malta and they've integrated well and so Maltese don't even look at them in a racist way because they think they're Maltese in a way. And then it all depends on the flavour of the month. If we've had a huge influx of dark skinned people in their opinion then it is: all Blacks should go home and you shouldn't get on the bus and the bus driver keeps driving past and all this kind of thing, you know. And before it was Arabs. Don't associate us with Arabs. So racism is rife."

³⁹ The Department of Citizenship and Expatriate Affairs.

likely to face problems resulting from a combination of restrictive bureaucratic attitudes (themselves rooted in Maltese legal culture) on the one hand and hostile grass roots attitudes on the other.

Our informant observed that the problems caused by this restrictive attitude to spouses accompanying students, even if accompanied by flexibility in particular cases, make it impossible for her Office to advise prospective TCN students with any degree of certitude in advance of their coming to Malta, regarding whether or not their spouse will receive a residence permit. Every such request is treated as a *sui generis* case and the authorities must be persuaded to grant permission. As a result many prospective TCN students decide not to come to study in Malta:

“If you are moving as a couple and you’re foreseeing staying (in Malta) for twelve months (to allow one spouse to follow a Masters course), you’d probably do things like not renting your apartment back home or rent it out to someone else. I don’t know. You make all these long term arrangements which you don’t make for three months. So if I’m coming here and I’m paying shed loads of money and plan on settling here short term for a year although it’s not that short term and then find out four months in, five months in, my spouse cannot be with me as we planned, some people think: what’s the reason for *me* to stay? And that’s it. And they end up getting this feeling cheated kind of thing. So we’re having to communicate with people: you may consider bringing your spouse along, but take these things into consideration. We cannot give a blanket answer. It was not allowed. As in, when we questioned it we did not get a blanket answer. So we cannot go back to them... Each time that I get a spouse inquiry it’s starting all over again. And I can refer back to previous cases. It’s a bit like being a lawyer sometimes, it’s funny.”

She further suggested that such restrictive policies combine with a certain hostility towards TCN students expressed by many Maltese to shape the experience of these students of Maltese society. Thus, when asked what kind of complaints TCN students make, she replied:

“What they (TCN students) face is people being very cold, staring... They might pass comments, but never being beaten up or picking a fight with them or things like that. It seems that the Maltese nature is not very much: ‘pull out your knife and let’s have a fight’ kind of thing. It’s more like: ‘let’s pass bitchy comments and make them feel unwanted.’”

This often affects the TCN students who become disenchanted and hostile towards the Maltese:

“The students who come here come with a positive attitude. They come here to want to learn, to study, to do well over here. The more obstacles we put in their way, the more we make their attitude negative. And, you know, so many people to prove their point they say; ‘oh I met this student –just a silly example- and I said good morning and he didn’t say good morning back to me. But after being here for four months and just because you are a different skin colour you get treated differently by everyone, what do you expect? You know, the person’s human.”

4.5 Access to Citizenship

The principal route through which a TCN can gain Maltese citizenship, if he/she is not of Maltese descent, is by marrying a Maltese citizen and living together with his/her spouse for a subsequent period of at least five consecutive years. Children born in Malta usually only become citizens of Malta if one of their parents is or was himself or herself a citizen of Malta. In fact while the possibility of acquiring Maltese citizenship by naturalisation also exists and is in theory available to any foreigner who has resided in Malta legally throughout the five years prior to the date of application; statistics show that relatively few TCNs attain to citizenship in this way. Thus, between 2004 and 2009, over 1,000 non-Maltese spouses acquired Maltese citizenship after five years of marriage and only 353 attained to citizenship through naturalisation and this was usually only granted after they had resided in Malta for more than a decade and on purely discretionary grounds.⁴⁰ Various aspects of this procedure need to be highlighted. Firstly it explains the high proportion of Exempt persons noted in section 4.3 c) of this report. Secondly one should note the absence of an efficient route to citizenship -based on formal criteria which are knowable *a priori*- for TCNs who do not marry a Maltese spouse. This continues to underline the importance of marriage and kinship as the principal official modality of social integration which is made available to such individuals in Malta. Furthermore as five consecutive years of living together after marriage must pass before the TCN can apply for citizenship, it renders him/her dependent on the Maltese spouse, who can block the TCNs access to citizenship simply by ending their relationship at any point during these five years.

4.6 Different Utility Rates, Bus Tariffs and Security Controls

This section of the report deals with areas of ordinary social life where TCNs are treated differently from ordinary Maltese residents. While this distinct treatment does not necessarily reflect intentional policies for segregating and discriminating against TCNs, it is in practice often *experienced by* TCNs as part and parcel of such a policy of segregation. Water and electricity rates represent a good example, where non-residents are charged at a “domestic” rate which is some 30% more than that charged to residents. This difference in rates is formally based upon residence, not nationality and non-residents become eligible to pay the reduced “residential” rates if they prove that they are permanent residents or that they pay taxes in Malta.⁴¹ While this approach to charging utility rates may or may not amount to discrimination covertly based upon nationality, which is prohibited by EU law, it has certainly contributed to a sense of disenfranchisement shared by citizens of other EU member states in Malta and TCNs. In fact, in 2010 two Irish MEPs reported this practice to the EU

⁴⁰ See James Debono, “Who wants to be Maltese?” *Malta Today on Sunday*: 16th August 2009, <http://www.maltatoday.com.mt/2009/08/16/t14.html>. This article also observes: “Malta Today is informed that applications for naturalisation are only given a favourable consideration if they are made by persons who have resided in Malta for more than 18 years. Maltese-born children of non-naturalised foreigners are still treated as foreigners and are even asked to pay for university fees”

⁴¹ Apparently EU citizens and their family members can obtain a registration certificate from the Director of Citizenship and Expatriate Affairs after three months of residence in Malta and this certificate may then be presented to the utility operators as proof of ‘permanent residence’ in order to be billed at the residential rate. In the case of TCNs, they have the option of providing proof that they pay taxes in Malta instead of presenting the registration certificate.

Commission, which is currently investigating its legality.⁴² EU residents complain that their attention was not drawn to these differences in utility rates and that the terminology used (where “domestic” rates are the rates at which foreigners are charged) is misleading. In the words of Maltese MEP Simon Busuttil:

“The problem lies in the fact that this distinction requires non-Maltese EU citizens who live here to prove they are regular residents in order to qualify for reductions. No such evidence is sought from the rest of us. Moreover, the assumption is that we are regular residents whereas in the case of other EU citizens living here the assumption is that they are not. The burden of proof to confirm residence is put on them. Not only, but the administrative requirements for them to do so are somewhat disproportionate. For instance, rather than just present an ID card and get on with it they are often asked for a copy of an income tax return and, at times, even for a marriage certificate. The process to establish residence is not just burdensome but also slow; the company concerned is not known for its efficiency. All this makes it difficult for EU citizens to qualify for the same reductions as us.”⁴³

Clearly if non-Maltese EU citizens experience this system as discriminating against them, the experience of TCNs must be even worse. This is because many TCNs who have a temporary and precarious status are not in a position to be aware that they may be paying higher utility bills than they need to, nor to present all the documentation that may be required from them to prove that they have attained ‘permanent resident’ status. Moreover more extensive proof of ‘permanent residency’ is demanded of them than is required of EU citizens. Whether it constitutes unlawful discrimination or not, it is clear that this system gives an incentive to TCNs to reach agreements with Maltese landlords in terms of which the utility bills continue to be addressed to the latter and paid by them. It thus constitutes a psychological disincentive to integration as a self-reliant individual in Maltese society.

The sense that foreigners in general and TCNs in particular are socially discriminated against is exacerbated by other institutional practices on the part of the bus operator Arriva and the police force. As regards the former, Arriva operate a two-tiered fare system, where the tariffs Maltese residents pay are almost half those paid by non-Maltese residents. This system has also been criticised on the grounds that it effectively discriminates on grounds of nationality and it seems that the EU Commission is investigating it.⁴⁴ Here too it would appear that even if the system does not technically discriminate on grounds of nationality but of residence (presentation of a Maltese ID card should suffice to prove residence), its

⁴² See Ivan Camilleri, “No discrimination in foreigners’ higher tariffs”, *Times of Malta*, Monday January 24 2011, <http://www.timesofmalta.com/articles/view/20110124/local/no-discrimination-in-foreigners-higher-tariffs.346770> & Sarah Carabott, “Utility bills still higher for expats”, *The Sunday Times*, Sunday May 6 2012, <http://www.timesofmalta.com/articles/view/20120506/local/Utility-bills-still-higher-for-expats.418500>

⁴³ Simon Busuttil, “Higher Bills for Foreign Residents”, *Times of Malta*, 25th August 2010, <http://www.timesofmalta.com/articles/view/20100825/opinion/higher-bills-for-foreign-residents.323900>

⁴⁴ Raphael Vassallo, “Brussels bombarded by complaints about Arriva Malta’s ‘discriminatory’ fares”, *Malta Today*: Sunday 20 November 2011, <http://www.maltatoday.com.mt/en/newsdetails/news/national/Brussels-bombarded-by-complaints-about-Arriva-Malta-s-discriminatory-fares>

implementation in practice often conveys a sense that there is an invisible dividing line between ‘Maltese looking’ and ‘foreign looking’ individuals:

“The Sunday Times has on many occasions witnessed passengers who appear to be Maltese being charged discounted fares for Maltese ID card holders without being asked to show identification. On the other hand, Maltese and Maltese resident passengers who appear to be foreign were seen being asked to present proof of residence. This means ‘Maltese looking’ non-residents could be charged the discounted rate, whereas ‘foreign looking’ Maltese or Maltese resident passengers might be charged the standard fare, depending on the driver’s judgement.”

It is also important to note that TCNs are also liable at any time to be forced to undergo a security check if the suspicions of the Immigration Police are aroused by their behaviour and/or appearance. When interviewing members of the Immigration Police, it was pointed out to me that there are four principal reasons why such a check could be required, which are to verify whether the TCN concerned is: (1) Working without an Employment License, (2) Over-staying in Malta without a valid Visa or Residence Permit, (3) Does not have the means to sustain himself/herself, (4) Has been involved in some criminal activity. The need to carry out such security-checks appears to be difficult to question. It is nevertheless clear that in a context where even the price a TCN is asked to pay for a bus ticket may depend on whether he/she looks Maltese or foreign, the possibility that a TCN may be obliged to submit to a security check because he looks foreign and unable to sustain himself may lead a TCN to feel that he is being unjustly singled out for discriminatory treatment.

4.7 Policies Adopted by non-State Stakeholders

Apart from the more or less formal policies developed by the state and its organs, informal practices to facilitate integration of TCNs are also being developed by non-State bodies or lower level functionaries within State institutions. The urgent need for such practices and the way they have been developed is clearly brought out by my interviews with a medical doctor working in the *Mater Dei* Hospital’s Emergency Ward and with the headmistress of *Maria Regina* College, St. Paul’s Bay Primary (Government) School. The former commented on the linguistic problems confronted by Emergency staff when they are seeking the consent of the patient herself or her next of kin for urgent medical procedures and the latter cannot understand Maltese, English or Italian. He pointed out that in some instances they have to resort to contacting foreign Embassies or Consulates in order to identify an interpreter and he further observed that the inevitable delays may be life-threatening in certain cases.

The composition of the school’s student body reveals tremendous diversity. In fact, the headmistress observed that some 250 of the school’s 811 pupils are ‘foreign’ and that 27 different nationalities are represented in the student body.⁴⁵ She pointed out

⁴⁵ See Appendix Three for a list of the students attending St Paul’s Bay School classified according to nationality provided by the headmistress. There are actually 31 and not just 27 nationalities represented on that list. One should also note that there are less than 250 foreign students on that list. However, this is because, as the Headmistress observed, by ‘foreign’ students she understood not only students who have a foreign nationality but all those students who are brought up in a non-Maltese cultural setting at home: “*Għax ahna qed inqisu ukoll foreigners dawk it-tfal li...ghandna foreigners dawk it-tfal li jkunu gejjin, li both parents mhux Maltin, u imbghad ghandna tfal li per eżempju l-mama taghhom kienet*

that there is also great social diversity, with students coming both from very poor backgrounds (Qawra) and more middle class homes (Xemxija) and with some students coming from traditional family backgrounds and others from single parent households and same sex parents. When asked whether she feels that the children integrate, she drew a nuanced picture, pointing out that North African students settle in quite well, despite cultural differences, but that there were various other problems with other nationalities, including:

“a bit of resistance from pupils who come from England, Scotland, Ireland. They do not want to learn the language. They are very against learning Maltese. Most of them have social problems and they have a certain grudge against the system. We can’t understand what is going on, but they feature as the most problematic.”

The Latvian students also posed problems as they traditionally start school at the age of seven:

“The pupils from Latvia, for example...we have pupils who have never been to school. So when they come here and they have to start school. They usually start school at the age of seven. So they enter in Year Two. Our pupils have been coming to school for four years. So they find themselves like lost.”

Language differences are among the biggest obstacles to integration, particularly with East European pupils:

“The integration sometimes is hindered by the language problem. Most pupils from the Eastern bloc do not speak English. They do not know Maltese. So maybe we end up having to use either other pupils who have learnt the language within the school, or else signs. The younger they are the faster they learn the languages. But it’s a bit difficult. It’s difficult to communicate with the parents. It’s difficult to communicate. For example last time I had this mother who knew some English words. She was from Bulgaria. And I was telling her: ‘don’t worry, your daughter is working hard’. When I used the word ‘hard’ she started crying. Because she thought it was something negative not something positive. So I had to use thumbs up, smiling, you know, and all this sort of thing...to get the message through. So language is a bit of a barrier for integration.”

When asked to identify what steps her school was taking to promote integration, she observed that her resources were limited and that there were not many measures they could take. Thus, they had a language support teacher who was “inundated with work” and could not possibly support all the pupils who needed her help. Within these constraints, however, she tried to facilitate integration by, for example, trying to ensure that a certain proportion of the children in each class know English and Maltese, so they can teach the children who do not.⁴⁶ She also organises a “multicultural day when parents from different cultures come and cook the food of the country they were in” and also “wear traditional costumes and so on.” She further

mizzewga Malti, per ezempju, u t-fjal qed ighixu ma’ persuna barranija. Allura daww jigu wkoll foreigners in a certain way. Ikkalkolajna li ghandna madwar 250 pupils li huma barranin minn 811.”

⁴⁶ She observed: “We usually try to put them in a class where we have a student who has an idea of the language. For example when they’re Russian and we have pupils who have a Russian mother and a Maltese father, usually they have an idea of the language.” She also told the story, which was recently reported in the newspapers, of two pupils at her school: an English child and a Bulgarian, who had decided to use their break time to teach each other their respective languages.

observed that in the school race and skin colour make no difference,⁴⁷ as she believes that integration:

“means that you have all the pupils, they’re treated all the same. It doesn’t make any difference whether they speak English, Maltese, German or whatever. You literally forget that they’re foreigners or whatever.”

When it comes to religion lessons, she observed that non-Catholic children stay in the classroom and perform other activities while the other pupils are being taught religion. When a Catholic mass is organised: “I’m usually left here at school with about 175 pupils.” However some parents had offered to help the school with the pupils who do not go to mass by organising some activities for them to do instead. The headmistress expressed the hope that the tensions caused by religion lessons would diminish in the future as a result of the changes envisaged in the curriculum which will ensure that these lessons focus more on common ethical values and less on specific religious beliefs. She further pointed out that the biggest problems in this regard were caused not by the children but by their parents:

“It does affect us because sometimes we have parents who are concerned. They do not want their pupils to attend Assembly. They want to know what kind of prayers they are telling. They want a translation of the prayers. I like to wear crosses `cause I love crosses and they specifically told me whether I should wear them to school. *Jigifieri* you find some parents who are obsessive about this thing.”

Our informant further pointed out that the parents who were Third Country Nationals rarely complained of any of the school’s policies or practices, because they tended to feel inferior to the Maltese. By contrast, European parents, particularly those coming from the UK, tend to feel superior and sometimes act in an inappropriately aggressive way, even demanding that the school not stage a play in the Maltese language:

“*Bhal per ezempju ghamilna play tal-Kristmas*. One of the plays was in Maltese and the other was in English. The complaint was: ‘you should not do Maltese language on the stage’. I’m very sorry but you can’t...*ma tistax tindahalli. Il-problema meta naghmel parent meeting jiena. I have to...l-ewwel bicca bil-Malti, imbaghad I translate*. It’s quite taxing.”

While the headmistress generally celebrated the multicultural setting in which she worked, she also made it clear that it caused major problems which her policies and tactics could only go so far in alleviating. She thus expressed a desire for the state to invest in some kind of induction course to prepare pupils and their parents before they start school.⁴⁸

⁴⁷ She pointed out: “once I had these pupils and they came to hug me. *Ghedtilhom qisni Riklam tal-Benetton*, because we had this Chinese girl and then I had this blonde girl and then I had this dark boy and it was, you know and they took this photo and it was, you know! *Hekk ghedtilhom: qisni l-Benetton*. And pupils are not aware of the differences.” She also told the story, which was recently reported in the newspapers of two pupils at her school: an English child and a Bulgarian, who decided

⁴⁸ She pointed out that this is an urgent matter: “And the pupils feel that they’re not being integrated well. So as a school we do need support. We can’t really keep on boasting: this school is different, it’s multicultural. It *is* multicultural and it needs support. And we get parents coming here from places I have never heard before!”

“I think that most pupils who come to our school, pupils *and* their parents, they should be given a sort of an induction course or a preparation before being placed in a school. You have to explain to them what the system is. Because most parents, I find it difficult, they tend to expect *us* to change to *their* culture. No they have to adapt themselves. We try as much as we could to tolerate, to you know, integrate different issues, different cultures. But we can’t change for each and every type of belief or whatever. So everything has to be explained to them: you can’t simply dump the pupils into the class or dump the parents into the system without giving them an induction course. You know, just a week to explain to them. And pupils have to be at least given. There has to be some form of support where they are first given. I mean you can’t have pupils coming in Year 3 who don’t have certain motor skills, they don’t know how to use a pencil...in Year 3! So there has to be some form of, you know...like a school you stay with them for a month. *Then* you can take them in the mainstream.”

Another example of integration policies being developed at the sub-state level is represented by the activity of the General Workers’ Union, Malta’s largest union. In our interview with him, the International Secretary of the GWU observed that the Union had responded to the growing number of immigrants working in Malta by developing an informal working group with four other unions based in different European countries⁴⁹ to learn from each other and discuss the best strategy for dealing with this issue. This group had just organised a conference in Malta on *Migrants’ Rights and Mediterranean Policies*⁵⁰ and were constantly liaising with one another in this respect.

Internally the GWU has set up a unit specifically to represent members who are Third Country Nationals and to deal with their problems. This unit originated in the Union’s Arab/Maltese Committee launched on the 21st October 2011 and it now has over a hundred members from eight different nationalities. The members of this unit meet regularly and take initiatives in coordination with the International Secretary in order to fight the exploitation of TCNs on the workplace. In this respect, our interviewee observed that there sometimes develops a pattern by which TCNs are both exploited by Maltese employers and themselves exploit Asylum-seekers.⁵¹ The Union had also set up another unit specifically for the latter, focusing on migrants who enter into the workforce after a stay in the closed detention centres. For the latter, the GWU also organises regular free courses to teach them English.

As regards TCNs, our informant observed that he encountered many cases where they come on an individual basis for help. He mentioned the case of Indian and Bangladeshi workers who had worked on the hospital construction project and whom he had helped with problems relating to withheld salaries and who also needed assistance in finding accommodation in Malta. He also observed that often the Union was faced with requests for assistance from Indian or Philippine sailors who came to Malta as the crew of a ship which was subsequently abandoned by its owner. The

⁴⁹ Apart from the GWU, the unions concerned are: CGIL (Italy), CGT (France), CCOO (Spain) and CGTP (Portugal).

⁵⁰ This conference was held in the *Corinthia Palace Hotel* on the 28th May 2012.

⁵¹ He observed that you might employ a Maltese worker to carry out some construction work and he would bring a TCN to actually do the work and the next day the TCN would bring an Asylum Seeker to replace him.

Union has now employed a part-time worker specifically to deal with these requests by helping them secure their pay and accommodation.

The GWU is also taking other steps to advocate for the rights of TCNs and Asylum seekers in Malta as it is drawing up a pre-Elections Memorandum addressed to the political parties in which it is proposing various policy measures aimed to ensure that the rights of these workers are respected and that excessive bureaucratic obstacles to their freedom of movement are reduced.⁵²

The Mayor of Valletta observed that there are few TCNs in Valletta and that the bulk of the foreigners living there are Asylum seekers, of whom there are some fifty or so. He held that the latter are hardly integrated into Maltese society and that it should not be a priority of the Local Councils but of other entities to promote their integration. Still, he did describe an activity his Local Council had carried out in 2011 with the Asylum Seekers who live in Valletta, which aimed to obtain their agreement as to how to dispose of their rubbish in a way which is not too visible.⁵³ Since then it seems this situation has improved. His comments on integration are interesting as he claimed that integration does not take place in Malta and that migrants should be trained before coming to Malta as to what to expect. He pointed out that the Asylum seekers in Valletta had an added problem of integrating as they resided in areas which already had a bad reputation. Furthermore he pointed out that integration requires mutual adaptation and should also involve an acknowledgement by locals of the different cultural backgrounds of the TCNs concerned.

Finally a small businessman who is married to a TCN and employs another two TCNs was interviewed. He complained about what he saw as the bureaucratic obstacles he faced in employing them and explained various strategies he has developed for getting around them, most of which involve him applying for certain permits, loans etcetera which his wife needs by using his own name as a Maltese citizen.

4.8 Conclusion: Policy Trends

Some of the key characteristics of the specific “Integration Policies” which have been identified in this section will now be summarised. Specifically it has been noted how these policies have been elaborated by civil servants and non-state actors in the absence of a national policy vision for integration of TCNs. Many of the policies developed in relation to residence permits and employment licenses tend to have a restrictive and exclusionary orientation and their implementation in practice is dilatory, variable and highly discretionary. In most cases it is difficult to obtain a legal status which is sufficiently long term to promote social integration (citizenship/long-term residence); unless the TCN marries a Maltese spouse or has a Maltese employer who is willing to act as his or her patron. In these cases, the power and responsibility to socially integrate TCNs is transferred by the state to the Maltese spouse/employer/partner and the possibility of social integration is purchased by the TCN at the cost of dependency upon the former and only if the TCN conforms to conservative Maltese

⁵² For example the GWU is recommending that the laws relating to citizenship should be clear and applied in the same manner to all, without distinctions based on race, religion or nationality.

⁵³ Apparently they did not realize that they could phone for free disposal of their bulky refuse.

understandings of marriage and work.⁵⁴ The Water and Electricity tariffs show how hidden barriers to integration exist at the level of implementation of apparently neutral policies and how these barriers in practice discriminate between foreigners (including TCNs) and Maltese to the detriment of the former. At the same time, the policies developed by various other stakeholders, particularly by the Headmistress, the University's International Office and the General Workers Union show a strong awareness of the importance of creatively adapting to a new multicultural environment by facilitating the integration of TCNs.

It is now helpful to illustrate these points by referring to one of the interviews conducted with an employee of the University's International Office. She observed that one of the biggest problems her Office has encountered in relation to integrating TCNs was a lack of coordination with the responsible Government departments. This was particularly problematic because the policies of these departments could sometimes be changed without any notice, resulting in new regulations, or new interpretations of existing rules, being developed.⁵⁵ This in turn reflected the discretionary nature of the system, which made it impossible for her Office to know in advance how the applicable rules would be interpreted in practise, so as to standardise the way they handled requests by individuals intending to study in Malta. The problem is compounded by the lack of an overall positive political vision and direction regarding migrant integration, which fosters negative attitudes:

“if I emigrated to a country and I want to integrate, I think the country should have an integration policy if it's wanting to have any foreign people here...of all sorts not only students. Any foreign person...which I believe Malta does not have. We have a rejection kind of attitude more than integration. I would want to be recognised as a person, as someone who can contribute. So that would affect my employability chances. That would affect the way I am perceived by people, mentality, which I know not everyone can have control over, I know. But if it is directed from up above, as in no encouragement of racism of any sort, or sexism, or ethnicity, whatever. Then people will follow. If you have politicians in place who feel they have the divine right to encourage a racist policy, then... the people are just going to follow them.”

Negative attitudes and hostility towards TCNs at the grassroots level⁵⁶ were thus seen as forming part of a hegemonic “exclusionary discourse” which is promoted by the

⁵⁴ Our interviewee from the University's International Office observed that an Egyptian student was unable to bring his wife over, save by registering her in an English language school so that she could obtain a student's residence permit. She observed that in order to promote TCN integration, Malta should be prepared to grant: “Recognition of my status. If I'm married ... If I'm not... but I've been with my partner for twenty five years. My country, where I'm coming from, would recognise that but Malta does not. So, if my partner comes as a spouse or as a conjugal status and they're not recognised in Malta, I cannot settle here.”

⁵⁵ A case in point is the consultation that developed after some TCN students were stranded in Malta following a change in the visa requirements after Malta joined Shengen. She said: “How about that consultation being carried out before? (Omissis) But all of this was scrambling to get the thing in order *after* and in time not to have more students trapped in Malta. When it could have been done *before* and we would have looked a little bit more professional as a nation... a little bit better?”

⁵⁶ She gave the example of the comments in the *Times of Malta* website to illustrate these negative attitudes: “The Maltese as a nation can be quite petty in regard to these things. This chap, a horticulturalist, has been living in Malta for six years and tried to stop them from cutting off the branches of these trees because it will harm these trees. And the Local Council actually stopped this cutting to investigate further whether it will really harm these trees or not. And all the comments

absence of a positive national policy for integration and the negative messages sent by certain politicians:

“Now with regard to us as Maltese and our attitude towards them being Muslim or something like that, yes, there is a bit of an attitude. But I believe that is fed from the authorities, as I said before. If you have statements where people say: ‘we do not want Malta to become a Muslim state’, coming out or ‘send all the people who come to our shores back to where they came from’, it’s not leading by example. You can say the same thing but in a much better way, in a more diplomatic way. And the person on the street is influenced by these statements.”

When pressed to explain why she thinks Maltese immigration policy is discretionary and restrictive when it is applying European Union laws which appear to be more liberal where migrant integration is concerned, our informant argued that the explanation can be found in the generic terminology of the EU rules, which usually take the shape of broad Directives and which allow a restrictive implementation at the national level:

“There is no rule; it’s all exceptions to the rule. But I’m not one hundred percent sure about the rule. The rule is a bit confusing, yes. I feel that the rules have been left vague to be interpreted in a positive, as much as possible, way. But I think we have chosen to interpret them very conservatively, as in recognition of status. For example, when Malta was questioned about how we were recognising couples that were not married... there was this case when the European Commission questioned Malta about the way we were interpreting the whole couple thing, where either they’re a gay couple or they have the PACS or something like that, and it was not being recognised as a reason to give both people a residence permit, a chance to stay here. And it was questioned, I believe. And so Malta has been slowly pushed to have to change its way of interpreting. But a lot of stuff, I get the impression, is being interpreted in the most conservative, tightest, way possible. Because the European Commission does not give you direct orders: you must do this, you must do that. There’s a general blanket regulation sent out and then you interpret it as a nation and it has to be put in with your laws concurrently. Because the European Commission does not dictate to us what we must do as a nation. But from what I’ve understood, the interpretations have not been sometimes the most beneficial.

She agreed that this means that the power of interpretation of these ambiguously worded rules is largely left to the discretion of local bureaucrats, observing:

“With regard to us (the University’s International Office), it is not clear enough (how to interpret these rules) and when we’ve questioned it, we have not been given clear answers... When it comes to interpreting law as regards these key things like permits, giving them and recognition of spouse and all this kind of thing, then the way I interpret it and the way they will interpret it may be different. They will not give a statement on the interpretation, so I can follow that (line of approach) all the time. They refuse to do that... to allow them either to tighten the reins or to loosen them, according to how they wish.”

underneath the story in *The Times*, it does not encourage tolerance and acceptance. They were: ‘Go back to your country. *Tipo*: we cut our trees in this way in this country and in another way in yours.’”

The result is a general lack of predictability and efficiency in the system by which different kinds of legal status are granted to or withheld from TCNs. Every case is seen as different and must be argued anew on its own merits. In the process, everything depends on one's ability to create and maintain a good social relationship with the civil servants concerned and on the specific understandings which the latter possess of, *inter alia*, Maltese sovereignty, migration and integration policies, the behaviour to be expected from people coming from particular national/socio-economic backgrounds, marriage and kinship. By contrast our informant argued that if a national policy existed which sees migration and integration in a positive way, then even if the same ambiguously worded rules are kept, they could be applied in a more liberal and standardised way which would promote TCN integration without necessarily undermining national security and social cohesion:

“If you have this positive policy in place, you don't even need to have a step by step policy for every definition. You have a procedure in place and you see everyone with regards to this policy as a human and as a person, with a chance. Then what your decision should be based on is financial; whether they have enough funds to stay here or whether they're going to be a burden on society; lodging; whether they are here to really study or whether they are here to do illegal activities and this doesn't mean to work illegally only. You know things have changed a lot after 11th September and all that. Those people who blew up the Twin Towers were students and doing different things in the US. So you look out for these things. You don't look out whether you like the idea that these two men are married to each other and whether it is valid. Although legally in Malta same sex marriage is not recognised yet. So...”

This interviewee emphasised how a generally restrictive policy towards TCN integration has developed in the space between the law, which “is there” and “the enacting of it.” This reflects a process of local interpretation and ‘vernacularization’⁵⁷ of EU laws occurring in the void left by national political discourses while it simultaneously responds to and shapes negative and discriminatory attitudes by the grass roots. In the process, written regulations posted on the internet and negative verbal comments passed by policemen or clerks can come to be understood as part of the same hegemonic “policy” which militates against integration of all but those select few TCNs, who are willing to submit to a relationship of dependency to local actors by becoming “part of the family.” The prevailing model of integration which this enacts is thus assimilatory and kinship based and places the onus on TCNs to find ways to integrate through developing informal connections with Maltese actors. To a limited extent, the integration policies developed by such local stakeholders as trade unions, the University and local schools are challenging this model of integration and proposing a more formal, multicultural and standardised approach. However there are clear limitations to what can be achieved by these institutions failing a radical change of orientation on the part of those responsible for interpreting the applicable regulations defining administrative/legal status. This indicates that Maltese legal and political culture functions simultaneously as the framework through which TCN experiences of Maltese society are formed and channelled and as the medium through which Maltese perceptions of TCN integration are shaped.⁵⁸

⁵⁷ On legal ‘vernacularization’, see Mark Goodale and Sally Engle Merry (eds.) 2007. *The Practice of Human Rights: Tracking Law between the Global and the Local*, pp.130-162, Cambridge: University Press.

⁵⁸ See section 6.2 of this Report for a definition of legal culture.

5 Integration of Third Country Nationals in Malta – the Ethnographic Literature⁵⁹

5.1 Introduction

Overall there were a total of six dissertations dealing with the topic under investigation (5 undergraduate and 1 postgraduate). Most of these studies adopted a qualitative approach to the subject and they tended to focus on individual national groups in Malta except for one study which was quantitative and sought to quantify attitudes towards race and tolerance among university students (Micallef). There were two dissertations at undergraduate level dealing with the Indian population in Malta. However the Indian community, like the Greek community, is one of relatively long standing in Malta so most of the members of these communities have in fact acquired Maltese citizenship. Because of this factor I did not focus in great detail on these studies except for the study George (2005) that focuses on the integration of Sindhi women in Malta. Because of the high percentage of brides that are imported to Malta through arranged marriages and patrilocality that characterise Indian marriages I believe that this community is of particular interest to the parameters of this study since it shows the way in which it is difficult to simply categorize people as third country national due to the highly varied reasons and approaches towards immigration.

While these brides gain Maltese citizenship by means of marriage, to all intents and purposes they maintain their identity as third country nationals and only achieve naturalisation after a certain number of years. Since this is a phenomenon which is reproduced from generation to generation I felt it important enough to focus on in this study. Less attention was devoted to Falzon's study, which focused on those Indian businessmen who -despite strong endogamous practices- have been in Malta for a number of years. Two studies were conducted by the same person (Egere nee Borg) on the legal migration of Nigerians to Malta. This study provides an interesting perspective on a kind of migration which seems to focus on a highly specialised occupational sector – football. These mostly male migrants are traced back to the end of the 1980's and the early 1990's. Another late 20th century population is constituted of Philippine people who in turn tend to be mostly females working in the care sector or spouses of Maltese men. This community has been studied by Romano (2008). The Palestinian community in Malta provides another very specific immigrant population that was largely the result of local political clashes in the late 1970's, and perhaps this dissertation more than any other highlights the importance of understanding the national political climate as a major factor influencing the reception and integration of immigrant population.

In the case of the Palestinians studied by Vella these were Palestinians who arrived to Malta at the express invitation of the government at the time to deal with labour shortages due to an industrial dispute. The Turkish population in Malta, while smaller, has shown a much higher rate of inter-marriage with the Maltese population, but in this case it was often an essential strategy to overcome difficulties in the freedom of setting up an enterprise in Malta as documented by Calleja. Apart from the Filipinas

⁵⁹ This section of the report was researched and written by Dr Jean Paul Baldacchino of the University of Malta.

studied by Romano and the case of the rather affluent Indian community, most of the populations discussed in these studies reported having experienced negative and oftentimes outright racist reactions from the Maltese population. In particular this seems to concentrate on the pejorative connotations of 'Arab' and 'Black'. While the earlier diasporas experienced difficulties integrating because of the negative connotations attached to 'Arabs' (even when the people concerned were not technically Arabs, for example the Turks), in more recent studies it emerges that negative associations are mostly constructed out of racial categories i.e. 'blacks' which tends to be a result of the influx of illegal immigration to Malta from predominantly 'black' African nations. From such studies it seems that racism has definitely increased making integration quite problematic for these populations. From these studies it emerges that different populations of third country nationals have their own unique experience of migration and tend to occupy quite specialize sectors in the economy. Their reception and integration must be studied in relation to the local political and economic climate and seems to depend much more on the domestic situation than to any in-depth knowledge or even contact with third country nationals as such. In examining the stereotypes that people hold towards such third country nationals and the problems towards integration I believe it is therefore much more useful to look at the Other as a 'floating signifier' who tends to function as an outward expression of local political and economic tensions.

Last but not least I briefly mentioned the earliest study done on ethnic minorities in Malta – the Greek community (Sammut 1993), while the Greek community is composed of an elderly and diminishing population who have acquired Maltese citizenship, they still maintain a distinct community identity and provide an interesting contrast group to the immigrants that are the focus of this study in particular in relation to the question of integration and I have therefore included a brief discussion of them in my report..

5.2 'Acceptance and Tolerance of Diversity amongst University Students' – B.A. (Hons) Sociology Graziella Micallef May 2009

This dissertation adopts a quantitative methodology on the basis of a random survey of university students (n=210). It is designed to test whether university students are racist or exhibit racist tendencies. Micallef adopted the Bogardus scale, used to assess racism in the EU and adapting questions from the World Values Survey. Micallef's hypothesis was that the more 'different' a person is the more likely the Maltese are to exhibit racist tendencies. Her understanding of difference was based on whether or not the foreigner is a member of the E.U., a member of a different religion or is 'visibly' (ethnically) different.

Existing studies on the values of the Maltese people show that the Maltese, in comparison with Europeans, are more exclusive especially in relation to Jews and Muslims. According to the European Values Survey (Abela 2000) the Maltese want the government to put stricter limit on the number of foreigners (45%) or ban their entry altogether (23%). The European Network against Racism Report (2007: 8-10) comments that members of ethnic minorities who are Maltese citizens or long term residents who have established themselves and their families in Malta or those who adopted children who are visibly different are affected by extensive prejudice and verbal abuse.

In this study racism was quantified on the basis of attitudes towards closer social relationships with foreigners as well as the general impression towards people of different nationalities. There seems to be a consistent difference in the results of the findings, while on the whole the majority of the people did not object to closer social relations, including inter-marriage, with foreigners; there was a marked difference in terms of the nationality of such foreigners. For example while the Maltese felt that they would accept having foreigners as in-laws (78.5% of male respondents and 81.5% of female respondents); when it came to the nationality of these in-laws there was a marked preference for Europeans, Americans and Australians (Total 73.9% for males and 75.3% for females) compared to Asians and Africans (Total 24.1% males and 24.8 females).

On the whole there seems to be no objection to having foreigners as friends and as parts of their social activity group with a similar preference however for Americans, Europeans and Australians. While there was a large degree of acceptance of having children attending schools with children from other nationalities there was a degree of hesitancy as to whether or not children should be allowed to mix at schools with Africans and Asians with more that (65%) of the respondents preferring their children to mix with Europeans, Americans and Australians compared to Africans and Asians (17%). Similar statistical differences were reported throughout the study as to whether one should have foreigners as neighbours and whether children should play with other children from different nationalities.

There was, however, a greater degree of hesitancy as to the nature of the religion of foreigners in Malta. The respondents were less likely to tolerate people with a different religion (Approx. 19% were unsure as to whether they would tolerate such people). Overall there was a determined conviction that the presence of foreigners in Malta exacerbates the rate of criminal behaviour with 60.4% of the males being utterly convinced of this and 38.1% of the females. There was a marked impression that that such crime was mostly the result of Africans (c.33%), Asians (20.2%) and Americans (c18.2%).

There was a high degree of hesitancy as to whether foreigners should be allowed access to social rights with an overall less agreeable disposition towards Africans and Asians. A significant percentage perceived Africans and Asians to be a strain on the welfare system (31%) while only 12% believed Australians and Americans to be a burden on the welfare system.

Overall however there is a remarkable comfort with contact with difference in Malta. Interestingly enough 100% of the respondent agreed to the idea that foreigners should be allowed in Malta as visitors. However when it comes to the integration of foreigners in Malta the dominant model seems to be assimilationist based on paradigms of kinship. More than 50% believed that having a consanguineous relationship to a Maltese citizen should be important in determining citizenship. Over 80% of the respondents believed that it was important that naturalized citizens adopt Maltese customs with almost 40% of the respondents believed that ethnic diversity erodes the unity of the country.

5.3 'Living Double Lives: Mobility, Integration and Adaptation among Sindhi women Living in Malta' B.A. (Hons.) Sociology 2005
-Madeline George

This study is based on a total of 8 in-depth interviews conducted with Sindhi women in Malta (In total there are approximately 40 Sindhi families in Malta). She relied on a snowball sampling method for recruiting her informants. Most of her informants were between 50 and 70 years old. The focus for her tape-recorded semi-structured interviews was on Mobility, gender roles, contact with relatives and most significant for the purposes of this study the adaptation and integration in the 'Maltese Culture'.

The Sindhi migrants to Malta came here during the partition of India. However the Sindhi diaspora can be traced back to 1887 when the first Sindhi workers set up shops in Valletta's main street selling handicrafts. In 1947, as a result of a destabilization of the community back home, the bulk of the migration occurred, with a business community being established in Valletta as far back the end of the nineteenth century.

All of the women interviewed in this study came to live in Malta as a result of arranged marriages where upon marriage they came to live with their husbands who were already settled in Malta. There were mixed feelings as to the decision to live in Malta however most of the informants had no idea where Malta was or what it was like as a country before having to move to Malta. These women exhibited a marked preference for their children to marry other Sindhis; even though:

'they claim to have integrated well with the Maltese, including their children who do mix with the Maltese both at school and at socializing activities.' (P.52).

The Sindhis in Malta have their own distinct community which facilitates the transition of these women to Malta providing a ready-made social network. Most of the women claimed that their contact with the Maltese was through their husbands who had already settled in here for a number of years. Through their husbands they befriended Maltese. Some of the informants pointed out to some similarities between the Maltese and the Indians which facilitates exchange and communication. According to one informant both the Maltese and the Indians are:

"very home loving, they are domesticated, you know they are very family proud, they have a very tight culture" (P.57).

The Indians in Malta seem to have extensive networks with the Maltese despite maintaining a distinct communal identity. This ranges from membership in sports clubs to broad friendship networks. The fact that most of these Sindhi settlers run businesses serves to facilitate contact and integration with the Maltese. Some of the Sindhi women have grown to consider Malta as their home. One of the greatest difficulties in adaptation experienced by these women where in the nature of domestic arrangements. In India the most common family type is the joint family while in Malta they had to adapt to nuclear arrangements. This is probably why many of these women complained of loneliness despite having large networks of friends. Most of these came from affluent families and were used to certain luxuries such as a driver and a housekeeper. However, on their move to Malta, these women had to leave behind these luxuries. In the words of one of the informants: "I have be like the

Maltese housewife, I have to do everything for myself”. The ready availability of Indian food was also one of the things that were missed by some of the informants. That said the informants preferred to live a life deprived of luxuries in Malta because their children have a better future. It remains unclear in this study what such a ‘better future’ entails.

Since most of these women came to Malta as brides of Indian men of Maltese nationality they did not find any particular legal difficulties in obtaining employment and while most of them worked in the businesses of their husbands the ones that found employment outside the family business spoke of this in very positive terms as an experience that helped them integrate with “the locals”. Some of the informants spoke of the process of adaptation as one that required them to draw upon their own ‘inner strength’ and was challenging but not optional:

“Others claimed that they found adaptation quite a difficult process which required a lot of inner strength. Finding a job, meeting new people and accepting one’s situation, that is being away from family and friends, and convincing oneself that one has to adapt ... no matter what, is all part of the adaptation process” (P.61).

The author of this study singles out religion as a particularly important factor facilitating integration. All of the informants interviewed were brought up in Catholic Schools and in turn all of their children underwent an education in Catholic schools. The informants spoke of a great deal of compatibility between Hindu beliefs and Catholic beliefs with one of the informants stating that “Indians believe that Catholicism and Hinduism have the same teachings”. In fact one of the informants emphasised that it was important for her children to learn the Roman Catholic religion so that they can fit in with their classmates. One must also keep in mind that as the informants themselves noted Catholic schools were generally preferred because it was believed that they offered a better quality of education.

While most of these informants have come to see Malta as their home country now they still keep alive aspects of their Indian culture. This includes the maintenance of religious festivals such as *Diwali* – the ‘Festival of Lights’, ritual fasting and regular attendance at the temple every Monday. While not all the informants went regularly to the temple the ‘Festival of Lights’ and annual ritual fasting seems to have been performed by all of the informants in the study. Some of the informants were quite sceptical as to the capacity for Indian culture to be transmitted inter-generationally since there is such a small community of Indians in Malta: “I can’t expect them to be Indian, if there’s nothing here to teach them to be Indian”. Some of the other informants however prioritized the transmission of Indian culture and believed it to be part of their roles as mothers to do so. In general such informants were more active at the local temple and urged children to attend free Hindi lessons as well as watching television programs in Hindi via satellite TV. They explained such activities in terms of what I believe would qualify as forms of ‘cultural capital’, since they argued that knowing the language was important in case the children decide to study in India.

In order to facilitate integration a lot of these women had to adopt a different style of dress. While before moving to Malta (these women hailed from many different countries not just India) they used to go in public wearing the sari when they did so in

Malta they were the subject of undue social attention. Nowadays they most wear the sari for religious or ritual activities.

The author concludes from her study that these women: “have the capacity and determination to integrate,” (P.76) while still managing to keep their identity. This study highlights the ways in which informants manage to adapt elements of their culture to their new settings in order to enable the endurance of one’s home culture. In the case of the Indian diaspora to Malta however immigration is largely a gendered phenomenon as marriages are contracted and brides migrate to join their established husbands in Malta. It is perhaps this preference for endogamous marriages contracted with Sindhi wives from overseas that enables not so much the maintenance of Indian culture in Malta as the regeneration and transformation from generation to generation.

It is worth mentioning at this stage the 1996 B.A. (Hons.) dissertation by Mark-Anthony Falzon on the Maltese-Indian community. It remains unclear what the citizenship status of the informants interviewed by Falzon actually is. Although to all intents and purposes it seems that since most of his informants can trace their presence in Malta to almost a century ago, they do actually have Maltese citizenship; perhaps in a situation not too dissimilar to that experienced by the Greek community as described by Sammut whereby following independence they became legally Maltese. That said one must also note however that unlike the Greek there is a high rate of inwards migration which seems to enable and preserve a certain degree of distinct Indian identity due to the practice of patrilocality and arranged marriages which means that marriages as noted by George (above) are contracted with overseas brides who then migrate to Malta and achieve Maltese citizenship by means of their marriages.

5.4 ‘Migratory Networks and Flows: A Case Study of Legal Male Nigerian Migrants in Malta’ - B.A. (Hons.) Sociology 2007 Marita Borg.

The federal republic of Nigeria is the ninth most populous country in the world with a diverse ethnic population. There is a high diasporic population mostly as a result of political and economic unrest in the 1980’s and 1990’s. The diasporic population is mostly located in the United Kingdom, United States and Canada.

The study focuses on the experience of migration from pre-departure to the present situation of the informants. This thesis adopts a qualitative approach based on tape-recorded, semi-structured interviews with nine Nigerian male informants in the middle to late twenties adopting a snowball sampling strategy. These were all legal migrants More than half the sample worked as professional footballers and had been residing in Malta for anywhere between 4 to 10 years. The professional footballer component of the sample did not conceive of Malta as the preferred destination for migration. They would have preferred to start playing in other European countries like Germany or Italy where a career in football is better paid and highly sought after.

The football players came to Malta thanks to the networks of a Nigerian professional football agent based in Malta or through FIFA agents which bring players in contact with clubs in Malta. Two of the migrants got married to Maltese women after they migrated to Malta. Aside from the football professionals two of the migrants were

brought over by their brothers who were either students or gainfully employed in Malta in factories or in the service sector.

All of the migrants generally characterised the situation in their home country as very bad and characterized by widespread corruption. They all considered Malta to be simply a stepping stone in their trajectories. While they generally consider Nigerian football to be 'better' than football in Malta the main attraction of playing football in Malta is that Malta is considered to be a European country and therefore could provide a stepping stone to playing for the major European footballing nations. There was a marked difference however between those migrants that came to Malta as football players and those that did not. Those informants that came to Malta as football players had a contract and were sponsored by a club and therefore they did not experience any particular difficulty in their migration. However when for a variety of reasons they find themselves temporarily unemployed or injured these players resort to social networks with other Nigerians established in Malta in order to help them. One informant, for example, ran out of credit and could not pay his rent and he found temporary shelter in an apartment with Nigerian friends. In turn some of the informants who had settled in Malta were able to assist friends and relatives to migrate to Malta from Nigeria either by sponsoring them or by providing accommodation or assistance once they came.

Danny, one of the chief informants in the study, has been working officially and unofficially as a migration broker. He brings over football players to play for Maltese clubs (to date he has brought 30 Nigerian players over) as well as assisting several Nigerians to come to Malta as students.

There was a general preference to aiding other males to migrate since there was a fear that women would probably end up working as prostitutes in order to survive in Europe.

The Nigerians kept regular contact with relatives back home and with other Nigerian migrants overseas either through electronic media or travel. While the researcher was not able to find out the quantity of money that is sent back to relatives it emerged clearly from her study that money is simply one form of migrant remittances. The informants claimed to send a variety of things. One informant, for example, claimed to send over both used and unused football gear. This is because, certainly for the affluent migrants, the value of the remittance lies less in its exchange value but more in its symbolic value forming part of kinship obligations. In other cases however the aid was purely chosen on the basis of its use or exchange value such as items of clothing or money.

Working as professional footballers has meant that many of these Nigerian immigrants became known locally and this assisted their integration which has meant that 'you get good communication and reception'. That said they have also pointed out that outside sporting circles they have often experienced 'negativity', especially on the buses where they are considered as 'black persons'. There was however a noticeable difference with the experience of integration between those migrants that came as footballers and those that were assisted by family members. The latter felt that it was very hard to integrate in Maltese society. The Maltese were described as 'hostile' by some while others noted that they kept being referred to in racial terms as

'the black' (*I-iswed*). All of the informants related to the researchers times where they felt that they were the targets of racial prejudice and stereotyping. At other times the obvious racial differences was however an enabling factor in terms of facilitating the identification and integration with other Nigerian migrants - at least in the past. In the words of one informant:

"In Malta ten years ago there were few black people, immediately you see a black person ...immediately you need to call his number or he is going to call you, then you start a relationship like back home"

From the findings of this study it seems that Nigerians tend to form close social networks with other Nigerians in Malta, oftentimes these are simply extensions of networks from their own hometowns. In this respect one could speak of a Nigerian community having been established in Malta. In fact one of the more enterprising Nigerian migrants took it upon himself to establish a Nigerian Community Association in order:

"to get together Nigerians to meet once a month, discuss our common goals and problems in Malta...our integration, how we can be of benefit to Malta, how we can be better friends and neighbours to the Maltese."

The football players engaged with various different clubs also meet in the mornings amongst themselves to: 'train together as a family twice a week'.

Most of the Nigerians who came to Malta come from the Ibo ethnic group with only a few Yorubas and Calabas. However ethnic differences do not seem to be a major dividing factor in Malta, unlike in Nigeria for example. The experience of migration has led to a formation of a new sort of identity on the basis of a racial identity. As Borg notes:

"the key informant confirmed that one's ethnic group does not matter when a black person is in a host country struggling for survival" (Pg. 54).

The informants adopted kinship metaphors to describe their relations with other Nigerians. Interestingly enough, I believe that this could be considered to be both a result of the negative racial experiences of the Nigerians in Malta or indeed a means of transforming such experiences into the basis for agency. In fact as noted by the key informant:

"When most of us (Nigerians) are in Malta, we experience racism, so when we see one another, we feel at home, tend to call each other brothers".

Despite such assertions of unity one must also keep in mind that there are both Nigerian Muslims and Nigerian Christians residing in Malta. Also one must also note that significant status distinctions in Nigeria are also relevant in the Maltese context. Denny, the football agent and a significant migrant broker had returned to Nigeria a number of years ago and had purchased for himself the title of chief. He has been called as such ever since, by the other Nigerians in Malta.

5.5 Assimilation of Legal Nigerian Immigrants in Maltese Society? **- M.A. Sociology 2009 Marita Egere**

This is the second study carried out at the University of Malta focusing on the phenomenon of legal Nigerian migration to Malta carried out by the same author (See Borg 2007). Although the exact relationship of the author to the Nigerian community remains unknown since the study does not contain any reflexive analysis the author seems to have had ready access to both Maltese and Nigerians and seems to be fluent in the Maltese language. This study adopts a qualitative methodology using semi-structured in-depth interviews with Nigerian immigrants (n=27) and their Maltese neighbours (n=40) in order to analyse the push and pull factors for Nigerian immigration to Malta including an analysis of the role that the government plays in facilitating and hindering immigrants' 'incorporation'. 8 of Egere's Nigerian informants had acquired Maltese citizenship. Egere is also studying the host individuals' reception of immigrants and the strategies for 'incorporation' adopted by the immigrants. In my discussions of Egere's findings I will focus my attention on findings which were different from those of her 2007 study. As noted in her 2007 study the phenomenon of Nigerian migration to Malta is traceable back to the late 1980's with the arrival of six migrants, two of whom came for study purposes while the rest initially came only for a temporary visit and ended up staying here. The ones who came here for further study eventually established a Pentecostal church while two of the others became football agents and assisted in bringing in further Nigerians to Malta in chain migration. For those that came as football players. Almost half of Egere's sample consisted of males who came here as football players. Since such players never intended to settle in Malta they reported not being concerned with integrating in Maltese society, even though most of them never did end up leaving Malta. As such the Nigerian migration to Malta is dominated and sustained by males. According to Egere's sources there are a total of 11 Nigerian female migrants.

Only half of Egere's sample were aware that one of their neighbours was a Nigerian immigrant and only four of these actually built a good relationship with them with seven of her informants maintaining contact to a minimum if not avoiding contact with them altogether. Almost 50% of Egere's Maltese sample stated that they believed that the Nigerians settled in Malta were mostly illegal immigrants were not aware that in Malta you can find Nigerians who were not refugees or illegal immigrants. There was a general lack of awareness of the different nationalities with an overriding emphasis places on race with the Nigerians simply referred to as 'blacks'. Egere's Maltese informants reported fear of the 'black' immigrants. She classified this fear according to two types: fear that the black person might be a thief or a violent person who can cause physical harm to the Maltese and fear that Malta will be overrun by immigrants. This seems to be mostly expressed by Egere's female informants. For example:

"Before we did not hear about them, that they are committing thefts, rapes and other things, but suddenly everything was exposed. One hears a lot about these incidents on the news or newspaper... Now they are showing their real self, because they do not care anymore, since we are too good to them"

In some cases this fear is expressed as a fear that Malta and Europe more generally will be 'overrun' by 'black immigrants'. The Nigerians are well aware that they are subject of fear. They reported that they would often see Maltese people deliberately going to the other side of the street when they are alone in the same street. The Nigerian immigrants commented that as a direct result of the influx of illegal immigration into Malta has resulted in a situation where many Maltese do not distinguish between legal or illegal immigrants. For the majority of the Maltese informants interviewed by Egere, to be black means to be Muslim. In fact Egere's Maltese informants also mentioned they are afraid that Islam will prove to be detrimental to the Catholic faith in Malta, since they believed that the Muslims will eventually attempt to impose their religion on the host nations. As a matter of fact, however, most of the Nigerian informants interviewed by Egere were Christians. On the whole Maltese perceptions of Nigerians tend to be characterised by prejudice born out of a lack of interaction and outright avoidance:

"Neglectful communication in the form of lack of interaction, avoidance and low level of information-seeking, together with unsupportive criticism and denial, were found to be the reaction of Maltese towards Nigerian residents in their neighbourhood" (P.106).

Egere's informants stated that they wish that the Nigerians would move out from their neighbourhood. Some of the Maltese girls do not want to associate with Nigerians because they believe that they would be stigmatised socially. Maltese girls who engaged in relationships with Nigerian man were often perceived to be '*xi prostituti*' ('some prostitutes': P.108). Despite some of these Nigerian immigrants having obtained citizenship they still reported being perceived as foreigners.

Egere concludes that the main reason that the Maltese negatively stereotype Nigerian immigrants is because of an insecure identity which has identified due to the influx of illegal immigrants. Egere found a correlation between the perception of a threat to one's identity and ethnocentric attitudes. In some cases the Nigerians were characterised as 'evil' since they were perceived to be mass murderers, uncivilized and unhygienic. Some of these ethnocentric Maltese felt that the Nigerians in Malta should:

'abandon their culture and adopt ours. If they do not like it they can go back to their country' (P.115).

It is interesting to note that all of Egere's Maltese informants were aware that after five years of marriage to a Maltese an immigrant has a right to obtain Maltese citizenship. The majority of her interviewees voiced their opposition to such legislation because in their point of view Nigerian men are using Maltese women to obtain Maltese citizenship. Indeed one of her informants reported that:

'The first thing that they (Nigerians in Malta) do before marrying is to impregnate a woman, so she marries them' (P.117).

The Nigerians reported personal experiences of this sort of prejudice when, for example, they reported to Egere that it was extremely difficult for them to gain acceptance with Maltese in-laws. The negative stereotypes also mean that it is difficult for Nigerians to find employment since they are seen as: 'untrustworthy,

corrupt and generally lazy' (P.118). Such attitudes make it difficult for the Nigerians to incorporate with Maltese society in terms of marriage, work and even the rental of housing. That said being able to say that they play for a well-known football team in Malta was a way in which they could by-pass the difficulties in finding housing. An often used strategy was to gain access to resources by means of a Maltese intermediary. Overall it seems that the colour of the skin is a major stigmatizing trait for the Nigerians which signifies cultural difference and presents a barrier to incorporation in spite of the fact that Nigerian immigrants might have obtained Maltese citizenship. The Maltese people, as reported by Egere seem to be alarmed by the presence of 'black' people among them and they perceive them as a threat to the economy and to Maltese society and culture. Egere argues that as a result of illegal immigration Nigerians in Malta tend to be immediately assumed to be illegal immigrants and face the same sort of hostility that such illegal immigrants receive. This means that, as Egere notes, 'some Nigerians do not feel at home in Malta; as highlighted by a Nigerian immigrant who has been living in Malta for five years. He commented that:

"Not at all (I do not feel at home) because the Maltese have this attitude of looking down on you, looking at you as if you are nobody" (Pg.127).

It is a shame that from Egere's study we do not really get an idea as to how widespread some of the ideas she is presenting were since, as we see from the example above, she tends to only quantify her responses with descriptors like 'some', 'the majority' or 'substantial'. The Nigerians, irrespective of how many years in Malta, feel themselves to be constantly under scrutiny so they tend to be very cautious in their behaviour around Maltese where relationships with Maltese co-workers are kept to a formal minimum. The racist and hostile attitude has certainly meant that the Nigerians were ill-disposed towards learning the Maltese language and integrating in Maltese society.

5.6 Memory Identity and Community... A Study of the Greek Community in Malta - B.A. (Hons.) Anthropology 1993 Nadia Sammut

The author describes the Greek community in Malta as composed of "invisible migrants". Although the Greek Orthodox community to Malta dates to at least 1810 (with the Catholic community even earlier) the Greek community in the late twentieth century is significantly smaller. The author observes that for the Greek Catholic mass there are only ten people who regularly attended the celebration while the Orthodox community numbers to around forty. Meetings are only held at the important liturgical celebrations with informal meetings held. The majority of the community is composed of elderly people with a limited influx of new immigrants. This leads to a general feeling among the community that they are dying out. The disappearance of the community is blamed on a number of factors which include the Maltese society in general, the Roman Catholic Church and simply 'fate'. The original members of the community were immigrants, war refugees or simply married to a Maltese spouse. However, all these have by Law of citizenship Act (1965) been naturalised as citizens. Prior to this Act, they were considered as an autonomous group: "Greeks". The community seems to be well integrated into Maltese society: their outward appearance is indistinguishable from other Maltese, they speak the Maltese language and have Maltese children and spouses. While they do consider themselves to be

somewhat different even though they do not deny that they are Maltese such a population does not fall within the parameters of the study in question since these Greeks, or at least those studied by Sammut have been naturalised citizens. In fact, as Sammut argues, 'when the members [of the Greek community] became part of the wider society by becoming Maltese citizens, the community seems to have gone through a physical transformation – from a group which was easily detected and recognized (*il-Griegi*: 'the Greeks') the community changed into a group with a very low profile (*il-Maltin ta origini Griega*: 'the Maltese of Greek origins') (Pg.107).

5.7 'An Invisible World Passport' - B.A. (Hons.) Anthropology 1995 Joseph J. Vella

This dissertation is an ethnographic study of the Palestinian community in Malta. At the time of the study the author calculated that there were some thirty-eight families, averaging four persons per family, thirty singles (mostly male students) and a few others who had overstayed their Visas. The researcher held both interview sessions as well as discussion meetings which covered a variety of topics. The preferred language for such interviews was in Maltese since the informants felt much more at ease speaking in Maltese than in English.

The Palestinian community in Malta is of a relatively recent origin, going back to the 1970's where most of the Palestinians that arrived were either medical professionals or medical students or else were teachers employed by the Libyan Institute in Malta. Part of the reason why there was this immigration of Palestinians to Malta was as part of a government response to industrial action being undertaken by medical and health care professionals in 1977/78. As part of the recognition for the help being provided by the Red Crescent to alleviate this shortage, students from the PLO were given the opportunity to study courses at the University of Malta. Having arrived in the midst of industrial and national political turmoil the first group of 60 medics and students flown in September 1977 were either treated with extreme regards and respect or else considered simply as a political instrument used by the government and more generally seen to interfere with internal affairs.

The tense circumstances that accompanied their arrival meant that the Palestinians were often regarded as being both 'socially inferior and politically dangerous' (P.41). They reported feeling demoralized when faced with derogatory comments and social attitudes. Such attitudes were also generated by the Maltese elite. One prominent University lecturer, for example, was recorded as saying 'Malta is becoming a second Beirut'. Students complained that they do not want to share classrooms with 'Arab terrorists'. The Palestinian community, in the face of such a reception, organized itself in order to transform this popular image of the Palestinians. They joined youth centres and participated in the activities of local NGO's. Some of those initial students decided to stay on in Malta and subsequently went on to form their own families. The informants interviewed by Vella reported instances of prejudice. They were viewed on with suspicion as being Libyans. The author argues however that negative racial stereotyping with regards to Arabs was the result of the local political situation where the Christian Democratic Party maintained an emphasis on a European identity. Interestingly enough the Palestinian women tended to consider Maltese women as having an 'identity crisis', that they know they have a Semitic background and yet they want to think of themselves as purely European which often means that:

‘they are losing their heritage to a more complex way of life deprived of any morality’ (Pg.81).

They mentioned the fact that Maltese families resisted marriages involving a Palestinian groom and a Maltese bride, and it would take along time of such a marriage to be accepted. In fact the Maltese family would tend to hide such marriages for fear of becoming the object of gossip. This was the case of all the mixed marriages contracted by Vella’s interviewees.

It is important to note that the Palestinian presence in Malta came in the midst of an important contested shift in the international relations strategy adopted by Malta. The Labour government, then in power, sought to build stronger relations with the Arab Mediterranean world and distancing itself from the Western and European powers, a strategy which was vehemently opposed by the opposition.

The establishment of the Palestinian Embassy in Malta certainly helped assist and establish the formation of a Palestinian community in Malta. In fact the Palestinian embassy in Malta was the second one to open up in the world.

As the author notes that on the whole the core of the community as such seems to consist of these students who eventually stayed on in Malta and the medical professionals, it also consists of refugee families as well as others who made their way to Malta to seek a ‘better future’ mainly via Libya or Italy as well as those who overstay their Visas.

The students that were sent to Malta were not solely those recommended by the PLO but indeed students come recommended from all from all of the Palestinian political factions. At the time of the study the religious needs of the community were seen to by means of a Palestinian Imam who has been residing in Malta since 1979. The Mosque is situated on grounds purchased and funded by the Libyan government especially for this purpose. The migrants often claimed that they were not able to observe the same level of religious activity as they would have in their home countries simply because Maltese employers do not observe Friday as a holy day and are not allowed time off for prayers when they are on duty. The Mosque however was also a contested space because it brought together Muslims from all nationalities and many of the Palestinians were not comfortable mixing with certain nationalities because of the different levels of support for the Palestinian cause by the different Arab governments. The political situation, therefore, seems to have made it quite difficult for a successful integration with other Muslims in Malta and the formation of a Pan-Islamic identity. This does not mean that religion was neglected but rather that it became more of a private and domestic affair for these migrants.

The immigrants to Malta had a very positive impression of the freedom of speech possible in Malta when compared to the sort of restrictions in the civil liberties they had experienced in their home countries, even though they harboured nostalgic sentiments for Palestine they saw a return to a peaceful home country as something that their future children might enjoy.

On the whole the Palestinian community as described by Vella is very much alive and is based on frequent social meetings and interactions as well as forms of local political organization. All of the parents expressed a desire to return to a peaceful Palestine with their families with the exception of those Palestinians married to Maltese. The author concludes that the Palestinians on the whole have:

“shown hesitatingly that they will never form part of Maltese society; but this is not the case since they expect full benefits from the state” (P.92).

While it is somewhat unclear how the author understands ‘engagement’ this particular study does highlight the importance in contextualizing any notions of integration within national and international politics since the interpretation and interaction of the other is highly dependent on the political realities that are ascribed to such identities over and above any intrinsic cultural factors.

5.8 ‘Ethnic Entrepreneurship: Turkish Kebab shop owners in Malta’ - B.A. (Hons.) Anthropology 2003 Vanessa Calleja

This study represents an ethnographic study of three Turkish Kebab shop owners in Malta. The Turkish community in Malta, at the time of this study numbered a total of 300 individuals. Calleja estimates that over 50% of this figure are mostly males who are involved in kebab enterprises either as owners and employers or as employees. At the time of the study there were a total of 20 kebab shops spread throughout the island. The kebab shop owners and the community in general tend to be first generation immigrants of a lower socio-economic status who moved to Malta out of aspirations for social mobility. That said the three informants that formed the centre of Calleja’s study did not originally intend to come to Malta or even to open a kebab shop. In fact when they initially came to Malta they lacked the necessary social and economic capital necessary to start up such an enterprise. It was through the involvement of a female Maltese citizen in their lives that such entrepreneurs went on to open their own businesses. As Calleja notes: “Emotional attachment and marriage went parallel to the establishment of the shops.” At the time of this study, Maltese law restricted the entrepreneurial possibilities of non-Maltese nationals. In fact a non-Maltese citizen was not allowed to open up a business unless in partnership with a Maltese citizenship. Marriage to a Maltese citizen and the subsequent achievement of Maltese citizenship circumvented this restriction.

The kebab shops provide a loose social network with a preference for co-ethnic labour recruitment. According to Calleja the profitability of these enterprises is quite low and this means that for financial support in establishing new ventures the potential kebab shop owner has to look outside this loose network and establish relationships with Maltese mainly through the networks of the Maltese spouse. It seems that marriage was an important means that such entrepreneurs used to overcome restrictive policies towards the length of stay of immigrants as well as the aforementioned limitation on ethnic entrepreneurship. Calleja argues that Malta did not provide a dense enough co-ethnic network (due mainly to the absence of kin), in order to generate the sufficient social capital necessary to develop an enterprise. This has meant that the opportunities provided by marriage loomed large in the formation these kebab shops. All of the informants interviewed by Calleja were married to Maltese citizens and acquired Maltese citizenship as a result. As such this study would therefore fall outside the

parameters of this study however it provides an interesting approach to the issue of integration. Despite having relationships with Maltese nationals, Calleja's informants had a very limited knowledge of the English language and even more limited knowledge of Maltese so Calleja often used the services of a translator in her study. In the case of Mehmet a middle aged informant who came to Malta in the late eighties and gotten married to a Maltese woman in the mid-nineties, his marriage broke down together with his initial business venture. In the meantime he had met his current Turkish partner and they proceeded to set up another Turkish restaurant even though the permits and the establishment are owned by another Turkish national. Mehmet had always intended to stay and get himself established in Malta.

Khan, is another informant in his late twenties. He has two children and harbours hopes of returning to Turkey. He owns two enterprises even though he is under some level of financial difficulty. Ali came to Malta as a chef to work as a chef for Khan though working permits never materialized leading to Khan's deportation. He eventually found legal employment and came again from Turkey to work as a chef in 1999. This time he met and married his Maltese wife. In 2001 he set up his own enterprise. Few of the migrants seem to have wanted to move to Malta and largely described their coming here as a matter of 'fate'. Two of the three informants had come to Malta as extras on a film which was originally being shot in Turkey after which they stayed on. None of the owners of this study had any family in Malta prior to their arrival. Importation of family labour does however occur including cousins and nephews generally informally. In all three cases initial work in Malta was as 'chefs' in kebab shops and they aspired for greater freedom and a more substantial income. All of Calleja's informants emphasized that they did not have any help from co-ethnics and they are suspicious of any such help mentioning jealousy as an important factor. That said co-operation was not totally absent in intra-ethnic relations which mainly takes the form of employment of co-ethnics who are not themselves shop owners. The Maltese wives of Calleja's informants reported having to face stiff family opposition to their marriages. In the case of the wife of Ali, Valerie, for example, the family only accepted Ali once he agreed to having a Roman Catholic wedding and to the child being christened. In helping Ali to set up business Valerie repeatedly referred to problems they faced '*ghax anke it-Torok jahsbuhom Gharab*' (Because even the Turks they think of them as Arabs). In many situations it was Valerie's name, as a Maltese, which had to appear on official documents even though Ali was a citizen by marriage. From this study it clearly emerges that marriage is an essential strategy for being able to set up businesses in Malta and however despite marriage with a Maltese integration is still very difficult as there is a general level of mistrust towards these Turkish immigrants.

5.9 "We all share the same Blood" The Glocalization of the Philippine Diaspora - B.A. (Hons) Anthropology 2008 Jeffrey Romano

This thesis explores the Philippine community in Malta. It is written by a second generation Philippine migrant and fieldwork was carried out among acquaintances and friends and family and is therefore quite reflexive. The author adopted participant observation together with long semi-structured interviews with key informants. Most of the migrants at the end of the twentieth century were women and undertook jobs as overseas contract workers as caregivers, nurses, entertainers or domestic helpers in the Middle East, Asia and America. Under the leadership of President Arroyo (2001-

2010) the Philippine president at the time of the study, migration continued to flourish so that now there are over 8 million Philippine migrants settled in over 190 countries (Incidentally former president Arroyo is now incarcerated having been found guilty of election fraud). The Filipina migrants to Malta are mostly carers or domestic helpers, some of whom decided to stay in Malta after having worked here a number of years and having obtained 'long term residence permits'. While the Philippine migration, according to the author, could be traced back to the 1970's the numbers significantly increased only in the 1990's. Romano's sample consisted of either Filipinas who are married/engaged to a local or Filipinas who are single or have transnational families. Those who do not have family in Malta tended to spend a lot of their time working; their prime concern that of supporting their family in the homeland. The Filipinas interviewed by Romano came to Malta from a variety of countries. Given the close connections with Libya, and the US embargo on travel to Libya many Filipinas came into Malta either from leaving Libya or to get into Libya. Some of these workers even formed relationships with the Maltese who were working in Libya and subsequently moved with their husbands to Malta. A similar situation characterized those Filipinas that came to Malta from Canada who had met Maltese migrants who had settled there. Most of the Maltese husbands to the Filipina migrants tend to be well-educated, middle class and have had experience living abroad. There was also a smaller percentage of Filipinas from both Hong Kong and the Philippines who had met their husbands through pen-pal networks with a small minority of 'Internet brides'. That said one must also mention that a high percentage of Filipinas who came to Malta came directly from the Philippines through the almost exploitative role of Philippine licensed recruitment agencies. The increased demand for nurses, carers and domestic workers coupled with EU accession has meant that has grown to become an increasingly attractive destination for migration despite strong competition from Eastern European counterparts whose qualifications provide an easier transition. It must also be mentioned that the fact that Malta, like the Philippines, is a Catholic majority country has served as another pull factor in Philippine migration to Malta. The vast majority of Filipinas in Malta are Roman Catholic and they often come together thanks to religious functions bringing together Filipinas of radically different socio-economic status. In the Sunday mass the languages of worship are English and Tegalog thus ensuring that most of the congregation are from the Philippines. Despite the presence of two community organizations (both of whom were only a couple of years old at the time of the study) the 'Philippine mass' is, according to Romano: "the only activity that is organized on a regular basis within the Philippine community." (P.44).

Focusing on interviewing females meant that the author often found it difficult to be part of their social milieu coupled together with the fact that he did not speak Pilipino. The author also reports that most of the Filipinas only engaged in a limited fashion in community events due to their occupational demands.

Many of the female migrants however seem to associate exclusively with other Filipina migrants with only limited contacts with the Maltese. At the time of the study the vast majority of Filipina migrants were first generation immigrants visiting their homeland every few years. The second generation Philippine migrants to Malta, by contrast, have integrated very well with Maltese society and retain only weak links with their homeland. In fact the author argues that with the second generation

migrants 'the Philippine identity has largely not been carried forward' (P.49) even though the second generation has not been able to learn the Maltese language.

Many of the Filipinas felt very positive about Malta, in particular they appreciated the safety that it provided. Some of the migrants however experience discrimination in their everyday life especially in the workplace. Since their stay is dependent on having a valid work permit there is a constant fear of deportation. Most of these Philippine immigrants could be described as economic migrants looking to find employment for a higher financial return than in their home countries. It is important to keep in mind that these Philippine migrants do not exclusively come to Malta from the Philippines but come to Malta from a diverse range of countries. While they maintain strong links with their homeland they do not necessarily identify strongly with the Philippines as a state but rather with particular sub-national localities maintaining communication with relatives and friends and sending goods and remittances to them.

Romano argues that the Filipinas maintain a strong sense of ethnic identity and they have: "managed to organize themselves in such ways that encourage the continuity of the diaspora." (p. 34) That said second-generation Philippine migrants in Malta do not learn Pilipino with English being the main language learnt and utilized. The Filipinos tend to work mostly as seamen, IT professionals and a minority as care workers while the Filipinas mostly worked as care workers or domestic helpers. According to Romano the Philippine migrants tend to help each other out especially when it comes to finding and applying for work.

6 The Experiences of Third Country Nationals - Interview Results

6.1 General Characteristics of TCNs Interviewed:

Having explored the results of previous studies on the integration of TCNs in Malta, it is now important to assess the experiences of TCNs at the present time. For this purpose, 42 semi-structured interviews were conducted using the “snowball method”⁶⁰ to locate interviewees:

	N	Female	Male
Serbian	6	0	6
Croatian	1	1	0
Bosnian	1	1	0
Indian	3	0	3
Japanese	1	1	0
Korean	1	0	1
Turkish	4	3	1
Colombian	1	1	0
Australian	1	1	0
Kuwaiti	1	1	0
South African	1	1	0
Nigerian	1	1	0
Chinese	4	3	1
Philippine	4	1	3
Benin – Africa	1	0	1
US	1	1	0
Russian	3	3	0
Ukrainian	2	1	1
Mali	1	0	1
Libya	3	1	2
Morocco	1	1	0
TOTAL	42	22	20
%	100	52.4%	47.6%

Table 2 - TCNs interviewed classified according to gender and nationality

While an attempt was made to ensure that the sample of TCNs interviewed was representative, in ethnic and national terms of the principal national categories of

⁶⁰ A good description of this approach is: “A third type of sampling, snowballing – also known as chain referral sampling – is considered a type of purposive sampling. In this method, participants or informants with whom contact has already been made, use their social networks to refer the researcher to other people who could potentially participate in or contribute to the study. Snowball sampling is often used to find and recruit “hidden populations,” that is, groups not easily accessible to researchers through other sampling strategies.” This quotation is referenced from:

<http://www.fhi360.org/NR/rdonlyres/etl7vogszehu5s4stpz3tyqlpp7rojv4waq37elpbyei3tgmc4ty6dunb ccfxxtaj2rvbaubz4f/overview1.pdf>

TCNs in Malta which formed the object of this study, these national backgrounds will not be prominently highlighted in the following analysis and this for two reasons:

- (1) To protect the anonymity of the TCNs interviewed, and:
- (2) Because the principal finding which emerged from these interviews is that of highlighting the importance of the administrative system for allocating work/residence permits and citizenship in shaping the experiences of TCNs. Time and again, interviewees referred to issues connected with their residence, employment and legal status more generally in order to explain aspects of their experiences in Malta. Rather than seeing the character of these experiences simply as a function of their respective national backgrounds, it seems more correct to see their national backgrounds themselves as gaining importance from the differential way in which particular groupings are treated by the applicable administrative rules and policies.

6.2 Legal/Political Dimension of Integration

This section of the report will focus on the answers given by interviewees to questions B1-B12 of the report questionnaire; which were intended to explore the role played by legal/administrative institutions, rules and policies in shaping the integration experiences of TCNs. Questions aimed to discover how TCNs experienced Maltese legal culture, understanding this expression in the broad sense given to it by David Nelken:

“Legal culture, in its most general sense, is one way of describing relatively stable patterns of legally oriented social behaviour and attitudes. The identifying elements of legal culture range from facts about institutions such as the number and role of lawyers or the ways judges are appointed and controlled, to various forms of behaviour such as litigation or prison rates, and, at the other extreme, more nebulous aspects of ideas, values, aspirations and mentalities. Like culture itself, legal culture is about who we are not just what we do.”⁶¹

More specifically, the objective of section B was to try to explore how the TCNs sampled interpreted, understood and experienced the applicable laws and policies, placing the focus on their “legal consciousness.”⁶²

“Legal consciousness as a theoretical concept and topic of empirical research developed within law and society in the 1980s and 1990s to address issues of legal hegemony, particularly how the law sustains its institutional power despite a persistent gap between the law on the books and the law in action. Why do people acquiesce to a legal system that, despite its promises of equal treatment, systematically reproduces inequality? How do the different experiences of law become synthesized into a set of circulating, often taken-for-granted understandings and habits?”⁶³

⁶¹ Nelken, David. 2004. “Using the Concept of Legal Culture” in the *Australian Journal of Legal Philosophy*, p.1 This article can be downloaded from: <http://escholarship.org/uc/item/7dk1j7hm>

⁶² Patricia Ewick and Susan Silbey. 1998. *The Common Place of Law: Stories from Everyday Life*. Chicago, Univ. of Chicago Press.

⁶³ Silbey, Susan S. 2005. “After Legal Consciousness”, *Annual Review of Law and Social Science*. 1:323–68

What is really striking is that most of the TCNs interviewed consistently identified a series of difficulties in establishing and maintaining an appropriate legal status as being the main obstacle which they faced in their efforts to integrate into Maltese society. This result was rather unexpected and meant that the answers to this section of the questionnaire acquired more importance than those to the other sections, which deal with integration from a social, economic and cultural standpoint. For this reason, they will be explored at length by looking at the problems identified by TCNs possessing different kinds of status and their implications:

TCNs possessing an annually renewable work/residence permit:

Included in this category are the Serbian and Croatian interviewees, three of the Chinese and most of the Turks. The Serb cohort is entirely composed of men who have resided in Malta from a minimum of 4 years to a maximum of 12. Despite their long standing residence in Malta, only one member of this group had a long term residence permit and most of the others had to renew their residence permit every year. All of the persons falling within this category were united in complaining that they had to endure a great deal of stress in order to renew their residence permit owing to what they saw as the slow and opaque procedures involved. These prevent proper planning for the future and also annually inspire an anxiety that the residence permit will be refused without clear and precise explanations.⁶⁴ Some TCNs even feel envious of what they see as the greater security of residence enjoyed by irregular migrants. As one Chinese woman whose partner and son are Maltese replied when asked if she felt that her rights are respected in Malta:

“No, eventually I don’t think so. For example: for Blacks and us (Chinese migrants). We are here hard-working. We are here the quieter people. We haven’t got a right to get a working permit. And they always ask us: this document, that document...a lot of checks. And for the Blacks...they are immigrate. They come here and they get the right for five years here. And we need to go for our visa every one month, every two months, every half year! Even I have my partner. He is Maltese. I have my son. He is Maltese. But I still have to go for my visa for, just for half months, one month, two months! And this time I just got five months!”

Two of the Serbian interviewees also observed that there were many obstacles to obtaining long-term residence status, particularly:

- (1) The very complicated procedure for applying for such status, involving proof that applicant has attended at least a hundred hours of lessons for the course on Maltese culture, which are held during working hours and are therefore very difficult to attend;
- (2) One of the applicants, who had been present in Malta for nine years, pointed out that he had to return to Serbia after his fifth year in Malta as his sixth application for renewal of his employment licence and resident permit was refused. As a result, he lost any benefit he might have derived from the previous five years of consecutive

⁶⁴ I am indebted to Gisella Orsini for pointing this out.

lawful residence in Malta and could not apply for long term residence status.⁶⁵ When asked if he felt that he had been discriminated against in Malta, he replied: “Yes, because I have been here for a long time and still do not possess any rights.”

(3) It was also pointed out that some employers would threaten to terminate the contract of employment if the TCN employee did not accept exploitative conditions as the TCN knew that if his contract was terminated, he would lose his employment licence and residence permit and would have to return to Serbia.

One of the Chinese interviewees also claimed that two weights and two measures are employed when allocating residence permits/employment licenses:

“For the students of Korean or Japanese to give the right paper as well... but, if they want to get a visa, it’s very easy for them. But we are Chinese... very difficult.”

When asked how she explained this discrepancy, our informant continued:

“We have no right to explain them why. They don’t give you what’s the reason. No reason. They don’t give you the reason.”

The Croatian interviewee observed that she had been in Malta for 15 years and also paid her way through University. Moreover her father had some sort of EU recognised status. Therefore she felt that she should be entitled to a permit which is not subject to annual renewal. In her interview she expressed anxiety at the prospect that her permit might not be renewed in a particular year, observing that there was always some obstacle to renewal. Her comments were echoed by one of the Turkish interviewees, who also observed that despite being in Malta for seven years and building a career in the e-gaming sector, apart from being involved in various other activities (such as helping to manage a prominent local charity), he was still on an annual renewable residence permit. Nor does he have the opportunity of applying for a long term residence permit as there was an interruption of the continuity of his lawful residency due to a refusal to renew his employment licence a few years back. Another Turkish interviewee observed that foreign people have no real rights in Malta and proceeded to explain how she had once had a job in which she only realised that her employer had not applied for an employment licence on her behalf after two years had passed from the date on which she commenced her employment.

There were also two cases of TCNs who each forgot to apply for a residence permit once they obtained their respective employment licences. In each case they spent a period over-staying, before resolving the matter with the help of their lawyers.

TCN attempting Family Reunification

Another two of our interviewees had tried to bring family members over. One of them, who had long term resident status, wished to bring her husband, but was told by a clerk that: “in Malta there is no family reunification”. She persevered until she discovered that he would have to independently pass a labour market test in order to

⁶⁵ One of the Turkish interviewees had exactly the same experience.

be allowed to work in Malta and that otherwise he could only come as a dependent sustained by her income, which was not large enough to qualify.

Spouses of Maltese Nationals

Twelve of the interviewees were all married to Maltese and therefore considered as exempt persons. All of the individuals concerned seem to have profited from the possibilities that this status gives them, since they enjoy freedom of movement and can work and reside in Malta without any major difficulties. As pointed out in section 4.3 of this report, this category of TCNs is the one which has the greatest rights to live and work in Malta and it is clear that this is because the applicable laws and administrative practices implement what was described in section 5.2, as the dominant model of integration in Malta, which is: “based on assimilatory paradigms of kinship.” As one might expect, in most cases, this category of TCNs reported least problems with the applicable rules and policies. Typical is the comment of one Russian woman, who is happily settled in Malta and soon intends to apply for citizenship, who observed that there is far less corruption in Malta than in Russia and that the applicable rules are fair and just.

At the same time it is important to note that various TCNs within this category did not intend to apply for Maltese citizenship and this despite the fact that they had lived in Malta for a number of years and that, as pointed out in section 4.5, such marriages with Maltese spouses constitute the principal route through which citizenship can be achieved by TCNs. This diffidence appears to be partly due to their perception that it is difficult to obtain Maltese citizenship and that it is best not to cause trouble and draw attention to oneself by applying for it. Often these attitudes are shaped by problems these migrants encountered before their marriage in obtaining permission to work and stay in Malta. Thus one Beninese migrant who married his Maltese wife in Benin was rather bitter about the fact that instead of giving him a residence permit for five years, like other TCNs who had married Maltese, he had only been given a residence permit for the two years left until his Beninese passport expired; after which he would have to go through the whole process of applying for a residence permit again. He then described the complicated trajectory he and his wife had to go through, involving transiting through Egypt for two weeks and liaising with the Maltese Embassy in Cairo, in order to come to Malta and be recognised as a married couple:

“Yes, yes, yes! It was really complicated you know. Me I was living in my own kingdom of ideas. But my wife was really crazy about it. And it is very complicated, eh, to be honest with you. To reside in Malta is a big problem. Even now if I my daughter should come on vacation is a big problem. She is a minor and needs to be assisted...Malta does not help at all for this kind of people like me, from sub-Sahara, you know. So. Is not really... That is why I'm thinking otherwise anyway. I'm not thinking of staying too much in Malta”

He demurred when the interviewer asked: “But apart from that it wasn't difficult for you to obtain a residence permit because of your wife and so on?” and when the interviewer asked: “And you told me you're not planning to stay in Malta?” he replied:

“What, is it good? You want me to tell you again? You want me to analyse? I am not used to... I go straight to the point. That is my own opinion, you know. You

say that I have the freedom of speech. So...I have the freedom to think. To say whatever I think too. So. I'm not even thinking of applying for Maltese citizenship now. Because they told me from the beginning I could apply. After the five years of married life. But then this is not automatic again. It can last one or two years or whatever. So whatever... the way they want. I don't care."

Many of these TCNs would have first come to Malta as students (at University or to learn English) or had an annual renewable residence permit/employment license before marrying their Maltese spouse. The decision to marry a Maltese appears to have been itself part of a larger decision to settle in Malta and to integrate within Maltese society using the quickest and most efficient route available to them. This is not to say that they entered into marriages of convenience; but rather that they made marriages which were convenient in terms of the laws and policies regulating residence and employment in Malta.⁶⁶

This sense of diffidence also appears to be rooted in the experiences these TCNs had with the way other Maltese laws and policies were interpreted and implemented in their regard. A Turkish woman found that she was taken to the police station and forced to pay a fine for throwing a cigarette away in the street. The Moroccan wife of a Maltese man found that when she reported that a theft had occurred from her house, the policeman who came to investigate the theft took her husband aside and asked him whether he could be sure that the thieves were not fellow Arabs whom his wife had invited into the house in his absence! This same woman had entered into an Islamic marriage with her Maltese husband and this was not legally recognised in Malta, with the result that for a period she ran the risk of being deported until she managed to prove that she was the mother of the son she had with her Maltese husband. This also meant that the three years in which she was married according to Islam did not count as part of the five years which need to pass following the date of marriage in order to apply for Maltese citizenship.

Apart from its tendency to rely on restrictive Catholic definitions of marriage, the flip-side of exempt status is firstly that its existence is conditional upon the continued validity of the marriage and secondly that the residence permit which is issued to exempt persons can be withdrawn if the married couple are no longer living together and it seems that this is understood to mean that they must prove that they are living together in the same house. This makes the TCN dependent upon the Maltese spouse's continued goodwill in order to maintain his/her residence in Malta and thus increases his or her vulnerability. Thus one South American TCN who had been living and working in Malta for eight years and was separating from her Maltese husband found that once he reported this to the authorities, she lost her residence status and the possibility of applying for Maltese citizenship on the basis of marriage and was going to be deported from Malta. She then had to beg her (separating) husband to make a new joint declaration with her that they were living together in the same house in order to be given a temporary residence permit which was only valid for 6 months. After this her husband refused to cooperate with her on a consensual separation agreement and she found herself in a kind of legal limbo, where the only way she could continue to reside and work in Malta was by dragging out the

⁶⁶ I am grateful to Dr Jean Paul Baldacchino for coming up with this distinction between marriages of convenience and convenient marriages.

separation and where she could not go abroad for fear of losing her temporary residence status. She thus described Malta as “Alcatraz with disco,” pointing out:

“If you read the law in Malta it’s very contradictive. That is the problem. It’s really confusing and the culture is Arabic with a Catholic religion, so it’s worse. They’re taking everything as if it’s right. And I’m like: ‘come on guys I’ve been living here eight years. I know all of you working here. Lawyers, clerks, I know them all. And after go to the church. And so don’t tell me that after all this Jesus wants me to make reconciliation with my husband. Because after all this they force you to make reconciliation in the Church!’”

It is thus clear that the reliance which Maltese law places upon marriage as the primary route to their integration into Maltese society also places TCNs in a position where they may feel obliged to keep dysfunctional relationships going with much better connected Maltese spouses in order to keep their residence and their job. If the relationship with the Maltese spouse is vitiated, they may be left with no external resources to which to turn for assistance. Thus when the South American interviewee was asked whether she had contacted any lawyer or other organisation for assistance, she observed:

“Not working. Normally the lawyers I contact they get back and say: ‘I know the guy (her husband). We have business with him and so I don’t want to take the case.’ Once I found a lawyer who was ready and I was really happy. And he was like I want to speak with your husband and see what the options are and bla bla... He back to me and he say: ‘look what you need to do is to go with your husband to an interview and then...’ And I say: ‘why everybody force me to stay with him if I don’t want to?’ I then contacted two organisations. They never got back to me.”

TCN Partners of Maltese or EEA nationals

Another of our interviews was with the US partner of an EEA national in Malta. Her initial attempt to obtain an employment licence in her own name as a freelance writer was rejected. She claimed:

“The bottom line is that the ETC does not want non-EU persons working in Malta. They DO NOT want them. They make it very clear. Each year that I’ve been here, they’ve made it harder and harder for non-EU, particularly Americans, Canadians, South Africans, Australians, New Zealand. Anybody and everybody who’s not in the EU. I get the feeling they don’t like Americans because Americans are difficult to deal with when anyone comes to America. So I get the feeling that they’re doing it to spite Americans, you know, sort of. Well they gave me a very hard time. They rejected the first application and then they said I could write a big long letter describing why I want to stay in Malta and why I feel I have the qualifications to work as a freelance writer. I did it. They rejected it again. And then just at the very end I found that a (language) school could apply for it. The ETC made it sound like a very terrible ordeal for the school to vouch for an American. They had to say you weren’t going to commit a crime. I mean that they just came up with everything and no school wanted this big responsibility. And you have to fill up like about thirty forms and everything. I did find one school that gave me a contract for 6 months. So that was it and then I had to renew it. And then the renewal went to ETC and they denied it.

They denied it. Now here I am already living in Malta, starting a life, my partner is here. They denied it on the grounds that there were already enough native English language teachers in Malta. They didn't need anybody from outside the EU."

Having given up on the idea of applying directly for an employment license, our interviewee observed that the only avenue available to her was for her to try to get residence status through her German boyfriend. This required her to prove that she enjoyed a long term serious relationship with him which had lasted for more than two years. As she observed:

"Then we had to prove that we had a relationship together for a minimum of two years. *And* that we had been living in Malta for this period. I used my letters. We were short for about one month. We started fighting, me and my boyfriend and they let us in as he (the Immigration official) said: I can see that you've definitely been together for a long time. My point is that part of it depends on the whim and the mood of the person who is interviewing you. "

This indicates how even TCNs with this kind of residence permit become dependent, firstly upon their European Economic Area partner and more subtly upon the way particular Immigration officials understand a "continuing relationship".

Students

Two of the interviewees were students. One of them, a Kuwaiti, was very happy with the way she had been treated and cared for by the University's International Office, which had even appointed a special advisor to deal with his group. The other, an Indian, was more critical and although he claimed that he liked Malta and appreciated his course, was scathing about the fact that students in his position were not given an automatic right to work, pointing out that he and other TCN students were paying large sums of money for courses which Maltese students followed for free and that if he was not given the opportunity to raise revenue and gain practical experience he would not benefit much from the course he was following. He said he sometimes regretted not heading for a university in the UK and observed that if things do not change soon Malta would be losing a lot of revenue from other students in his same position voting with their feet.

Permanent Residence Holders

Two of the interviewees were permanent resident holders. While clearly liking the Maltese scenery and lifestyle and despite the fact that their national backgrounds were very different (one is Chinese and the other South African), their views converged around the impression that they were being to some extent exploited. The South African woman, a retired and well off hedge fund trader, observed that what she was allowed to do was not much more than live in her house in Malta and that she had to pay quite a lot for the privilege. She resented the fact that she was not allowed to work in Malta. She described the (old) Permanent Resident scheme in these terms:

"So basically you have requirements regarding what assets you must have, what value of property you must buy, what income you must have every year. You

don't get any social benefits, you've got to have your own medical scheme. You can't work in a manner which competes with the Maltese basically."

She complained about the procedure for applying for this status, observing:

"Yah. Getting the permanent residence permit was difficult. Lots and lots of paperwork. It's expensive, getting lawyers to do it. And they make it so complicated that you actually *need* a lawyer to do it. Yah, I know, it's terrible. And then when you still go to Immigration, I mean, it's like chaos. I hate going there. It's like nobody knows anything, nobody wants to help you. Every time, even with the help of lawyers, they send me to the wrong room. You end up sitting in a queue with a whole lot of equally confused people for three hours. And then finally you get a chance to get in, while other people I find jump the queue all the time. It's chaos. It's also unbelievable the amount of paperwork that is required. And you've got to get accountants to prove how much assets you have. It was just endlessly complicated...I think I had to pay my lawyers two and a half thousand Euros just to do my first year's paperwork and my first tax return. So it's a lot of money."

The Chinese woman, who claimed that she had to pay €12,000 to her lawyer, who did not give her a proper receipt, for the privilege of guidance as to how to become a permanent residence holder, was also rather bitter about the way she was treated, claiming that she often felt that people discriminated against her and tried to exploit her for racist reasons. She also resented the fact that as a permanent resident she could not work in Malta although she was investing a lot of money in the country.

Citizenship:

Practically all the interviewees agreed that citizenship was unattainable for TCNs unless they married a Maltese. This tendency to construe citizenship as "not for the likes of us" was so strong that one Turkish woman, whose mother married a Maltese had lived on the island for ten years before she realised that she could have applied for and probably obtained citizenship at least five years earlier. The dominant discourse is clearly reflected in the answer one TCN received from a clerk when she went to apply for citizenship after ten years residence and was told: "even if you're here for twenty years you can't get citizenship unless you marry a Maltese." When a Chinese permanent resident asked her lawyer whether she could become a citizen of Malta, he told her that for her it was impossible as the only way was by marrying a Maltese. Similarly an American interviewee was apparently told by other American residents that she could never, as an American, aspire to become a Maltese citizen. When one Philippine TCN, who already has long term resident status, inquired with the authorities whether she could apply for citizenship, she was told to return in five years' time. When she protested at the delay, she was told that she could kick start the process by going to the police herself with all her papers and after they had checked them, she could apply. Nevertheless she was assured that it would still take five years for the police to process her application from their end!

Legal Consciousness:

What all this adds up to, in terms of what it says about the legal consciousness of TCNs, is a rather pessimistic picture where they feel disenfranchised, discriminated

against and unable to use the law as a weapon to assert their rights. In this context it comes as no surprise that when asked how the law in Malta differed from that of their home countries, they produced the following accounts:

“The law in Malta is very different from the law in China. Because in China... the law... we might know more... But in Malta we don't know what's happened. If we do something we may against the law. Who knows? We don't know the law in Malta because they don't have simple law to the foreigners to show him what he cannot do. And here the law is very funny. Everything you need to ask for permit. You are not doing the thing very free. You cannot for example. I want to do some business. I just take what I have and do some business on the street, for example selling some small things. No you cannot. The Local Council or some Parties they will against you doing this one.”

An interviewee from the United States observed:

“Law in US is more like Germany and the UK where it is understood by the people, and especially by the people who make the law. In Malta it's at times like lawless.”

While a Japanese woman also said:

“It's quite a lawless country I would have thought. People just behave the way they believe that this is okay. Like the traffic laws that's very questionable. Even the signs doesn't really make sense, you know, to us. Very disorganised. I don't know. I think they never really applied the concept of human rights to be respected in this country in this island. It's because I don't think they've ever been aware of many sort of issues for ages and then suddenly entering the EU, probably even what this questionnaire said never reached normal Maltese public to understand it.”

What should be noted here is that our interlocutors were shifting from a description of the administrative systems by which their work, residence and legal status are defined to a kind of naturalised description of the country's legal system as a whole, which is identified with an archaic mentality and way of life. What is common to all these different descriptive levels is a sense of exclusion and discrimination against the other (ie the TCN). When one adds to this the security checks and surveillance by the police which are undergone by some TCNs, it is clear that the whole “system” can be experienced by them as a particularly oppressive one. This can be illustrated by an anecdote recounted by a South American migrant, when asked whether her rights are respected in Malta:

“The police followed me 24/7. They make surveillance on me like for three months after we (her husband and her) made the last application to see if we was living together or no. It was funny. Just one thing I didn't like it. I was at the bar you know and the police like he tried to make that he was strong and like to take my name and bla bla. And I was like: I'm just going home. Bye. And he was saying: But you're from (Deleted: Name of her Country) and I was like: How do you know that? And when I look at him and I say: Now come on, *u ejja man*, how many times I see an Immigration Officer? And he was like: but where are you going bla bla... And I say: first this is not your business. You're job is to follow me. Just follow me.”

The perception that her problems obtaining a stable residence status are symptomatic of a whole legal system and society which does not recognise the equal rights of all also emerges from this carefully worded reflection by a Croatian migrant:

“Overall yes my rights are respected. But going back to the issue of before (her problems obtaining long term legal status) you kind of feel taken for granted for some things. It’s like you don’t feel... I feel like Malta being a small country and it’s ok that people want to protect themselves and also in Malta to protect from foreign occupiers and things like that, which is understanding and everybody wants to protect their identity, especially since they entering the EU, maybe even more so. But then on the other hand I don’t understand why somebody who has been here for two three years. Still! And I know a lot of people from ex-Yugoslavia who are complaining that anywhere else in Europe you have more rights and it’s easier to get a job...to work legally. But then here you have also to consider the other dimension. It’s the size of the country and...But no. I don’t think it’s entirely respected.”

The way in which TCNs use their experiences of their residence status as a lens through which to conceive and portray the fairness of the Maltese legal system as a whole also emerges from this section of an interview with a female Bosnian migrant who currently has an annually renewable residence permit. When asked whether she feels that her rights are respected in Malta, she said:

“Sometimes yes and sometimes no. Like for example when I compare to my country, for example working conditions, they are much better. But on the other hand when you see how it is like for certain European citizens and how it is when you are not European citizen, it is difficult.”

6.3 Socio-Economic Dimension of Integration

This part of the questionnaire contained a series of questions designed to assess the experiences of TCNs in relation to the sectors of Employment, Healthcare, Education and Housing. As regards employment, the principal finding, which echoes the conclusions of section 5 of this report (the literature review), is that there exists an ethnic division of labour, into which different national groups of migrants are inserted. This division of labour appears to be partly a result of subjective characteristics of the TCN group concerned (nationality, race, religion) and partly a result of the different forms of legal status in relation to residence and employment which members of distinct migrant groups are granted. Thus most of the Chinese migrants interviewed worked in catering and had annual renewable work/residence permits; the Filipino migrants worked almost exclusively as carers and some of them had long term residence status; many of the Russians were females married to Maltese men and had jobs in the services sector if at all and the Turkish migrants mostly worked in Turkish restaurants. In this light, one of the moot points which this report raises is whether ethnic identity or legal/administrative status plays the most important role in determining a TCNs experience of employment and social integration in Malta, albeit the two generally coincide. The overlap between ethnic identity and legal/administrative status has significantly conditioned the extent to which individual migrants participate in the socio-economic dimension of integration, as have other important features of the Maltese system; such as its overall preference for temporary and insecure forms of status for TCNs and its reliance on kinship or

quasi-kinship ties with a Maltese spouse and/or employer as the principal route to integration which is made available to TCNs.

Many of the TCNs interviewed reported that they were happy with the jobs they had found in Malta and with their salaries. Thus the Filipino carers were earning more than they had in Dubai and Serbians working in the IT sector expressed satisfaction with their salaries and working conditions. At the same time they saw a clear relationship between their residence/employment status and the jobs they found. Thus a Turkish woman who works on the internet as an online content moderator observed that she was lucky to get her job and that she feels that she was selected because her husband happens to be Maltese, meaning that she had no legal problems working in Malta. A Chinese interviewee who worked in a restaurant and had an annual renewable residence permit was less happy with her experience of working in Malta, observing that the status she had access to also made her feel insecure and she could not leave the island without imperilling her residence status. The implications of this annually renewable status for the experience of finding work in Malta are underlined by these comments of a Croatian employee in the tourism sector:

“When I was applying for my work permit I had problems because ETC were saying: ‘okay have you received applications from other EU nationals?’ Okay so why give first preference to others from EU if you have a person who has been living here (in Malta) for so long (fifteen years) and they have the qualifications that they need. Why can’t that person be given the opportunity to have a work permit? Why must you look for somebody from EU? And it’s always like that.”

When it comes to recognition of their qualifications obtained before coming to Malta, all the TCNs expressed the view that it is very difficult to obtain such formal recognition from state institutions and local professional associations; although they often claimed that their employers informally recognised the value of their qualifications and experience. A South American civil engineer and urban planner described her experience of trying to obtain recognition of her degree:

“The thing is the first time I tried to go to the Engineers’ Association here. Seven years ago. I didn’t try again to be honest. Was just boys and you need to speak Maltese and they actually say no to me. Directly. So was a little difficult to come in inside the circle.”

Similarly, two Russian women who were each married to a Maltese and had trained as a facilitator and hotel manager in Russia respectively, each said that they could not obtain formal recognition of their qualifications in Malta. This was also the experience of a Philippine nurse, who observed that the process of trying to obtain recognition of her qualifications in Malta was a very bad experience. She first came to Malta in 2001. In 2002 she applied for recognition of her nursing diploma which she had obtained in the Philippines and was told that she would need to attend a conversion course in order to obtain recognition as a nurse. It took a long time for her application to attend this course to be processed and in the meantime she found work effectively as a nurse, but without recognition of this status and salary, in a private Church-run institution. Then when the course was due to begin in 2004, it was cancelled and again in 2005. Since then she has applied for recognition of her qualifications another three times and each time her application could not be processed for a different reason, although nobody ever told her openly that her

application was rejected. She began crying as she explained to me that the last time this was on the grounds that her documentation, which had been accepted the previous three times, was not sufficient. She felt very disheartened as a result of this experience, explaining that she felt that she had been treated “like rubbish”. A similar response was elicited from a Bosnian migrant, who used to work as a nurse in a big hotel before coming to Malta, when she was asked if she feels her skills and qualifications are acknowledged in Malta:

“No they are not. Because I’m a nurse; but in Malta you cannot work as a nurse. So I’m working as a paramedic or carer; although I have five years of experience! But they don’t accept my diploma because I’m not European.”

The difficulty of obtaining recognition of foreign qualifications appears to be most pronounced in relation to TCNs who have come to Malta with a status which does not envisage them working on the island and who subsequently attempt, on their own initiative, to obtain recognition of their foreign degrees/diplomas and/or to obtain an employment license on the basis of the particular specialised occupational niche that they fill. These problems are non-existent or substantially mitigated when there is a large local employer who is prepared to vouch for the TCN concerned and who has brought the TCN over to perform a particular specialised job. Thus a Korean chef in a large local tourist complex reported no difficulties in obtaining recognition of his culinary expertise and neither did an Indian working on software development for a company working in the IT sector. A Ukrainian ship surveyor observed that while he had no problems obtaining an employment license as his employer did the work for him, specific recognition of his qualifications on the part of the state was still lacking. This last was an extremely long and complicated process which was currently still ongoing and had already taken more than a year since he first applied for it.

In response to the difficulties they encountered obtaining work matching the qualifications and skills they acquired before coming to Malta, TCNs have evolved various strategies, including:

- (1) Temporary withdrawal from the labour market in order to focus on family responsibilities. This strategy was favoured by those TCNs who were married or partners of a Maltese or an EEA national. Thus, two of the Russian interviewees had done this and become full-time mothers until their children grew older and they could return to the labour market. Similarly a Japanese partner of a German national was focusing on looking after and renovating the house they lived in while he worked in Malta.
- (2) Accepting a different kind of employment than the one for which they had qualified, generally with a lower status and pay. Thus a Filipino nurse accepted to act as a carer in a Church institution, just as a Bosnian nurse accepted work in the hospital as a paramedic. Some of the other TCNs had managed to find some kind of work on the internet.
- (3) Opening their own business: effectively working as self-employed and using their Maltese/EEA spouse or partner to help them access bank loans and register their businesses. Thus a Russian married to a Maltese opened a beauty salon in which she could work as a beautician in Malta.
- (4) Finding work with a foreign employer. For instance most of the Libyan interviewees had some sort of diplomatic status through the Libyan Embassy and

were employed by Libyan companies, such as the Libyan Arab Airlines while residing in Malta.

Another strategy, which deserves particular attention because it highlights the adaptable and entrepreneurial attitude of some of the TCNs, involves branching out into new lines of work and using the educational opportunities available in Malta to train oneself for this purpose. Thus a Turkish English language student transformed himself into an IT industry worker and found a good job in e-gaming after following an IT course at the University of Malta. A South American civil engineer also followed a similar trajectory to find herself a job in the same sector of the economy. A Nigerian footballer who was also married to a Maltese found a new occupation after his football career ended in Malta:

“When I came here it took me something like three years to find a job. I’m a machine operator. I work with (name of food producing company). I’ve been some two years working on this job. Because actually before I was working as an I.T. in Personnel and then I lost my job due to the economic crisis some two years ago and then I applied for jobs, was going to interviews...I said let me... let me start something here... I worked as an I.T. administrator before with Inter-Continental for five years. It was a better job and then I had to leave. But I’m still applying for a job again with I.T. because that’s my specialist area.”

He currently combines work as a machine operator with the role of a Protestant Pastor and teaching an evening course in ICT at the university, showing how some TCNs are using the possibilities offered by the knowledge economy to create new occupational roles for themselves, instead of simply fitting into pre-designed niches in the ethnic division of labour.

The strategies adopted by these TCN’s also challenge the legal/ administrative system for allocating residence permits insofar as this system implies symmetry between ethnically defined occupational roles and legal statuses. The extent to which this system conditions the experiences of TCNs living in Malta is brought out by the answers to the sections of the questionnaire dealing with Education, Healthcare and Housing respectively. As regards Education, seven of the forty two TCNs interviewed were following courses at the University of Malta or were former students of the University. This group was quite well educated and used educational opportunities in Malta well. The five members who were not current students at the University were mostly from first world countries and four of them were married to Maltese and thus enjoyed a status which offered very good opportunities for integration. It is members of this latter group which also expressed most interest in learning Maltese, because they clearly were in a position where they could form long term plans to integrate into Maltese society.

Attitudes to healthcare appear to be similarly stratified and those TCNs who had annually renewable residence permits generally preferred to use private rather than rely on public healthcare; observing that they had to pay for the latter anyway and that they preferred to avoid the queues in the public hospital. By contrast those TCNs who were married to Maltese generally liked and used public healthcare services. In general the migrants felt that the level of healthcare in Malta was good but complained of the long queues at Mater Dei hospital. Finally when it came to housing and residence matters, those TCNs who married Maltese tended to settle all round the

island, whereas those who had annually renewable residence permits were concentrated in the Gzira/Imnsida region. Arab nationals often lived in San Gwann which, with its concentration of shops selling *halal* meat, is fast emerging as a hub for this group. It is also interesting that most TCNs preferred to avoid living in the Marsa region, as they did not want to live near the African migrant boat-people who live in the Open Centre there.

These findings relating to socio-economic integration underline the significance of administrative/legal status in shaping the perceptions of TCNs. They confirm that the best opportunities for integration exist for those TCNs who married Maltese, or who can count on the support of their Maltese employer. Those TCNs who have a temporary status and are socially isolated would appear prima facie to have limited possibilities for integration. At the same time, the agency of TCNs must be taken into account. Entrepreneurs are emerging among them who are converting the difficulties with ascribed status into opportunities for growth. This, together with the emergence of new economic sectors like e-gaming, is challenging the ethnic division of labour which is the naturalised economic form that the administrative/legal system of statuses takes.

6.4 Cultural Dimension of Integration

This part of the questionnaire explored the role of cultural factors in TCN integration, understanding by the term ‘culture’ a mixed bag of issues relating to language acquisition, schooling, religious practise and rituals, food, sports and other ‘cultural’ activities and Maltese attitudes towards TCNs and foreigners in general. Here too variations in legal/administrative status seemed to throw a light on attitudes towards cultural integration. Russian TCNs who had married Maltese often sent their children to private schools and were quite happy with the scholastic experiences of their children and keen for them to learn both Maltese and English through their school. They did not report any cases of bullying.

By contrast a Libyan man who was married to a Libyan and had a diplomatic status in Malta, had sent his children to the Libyan school in *Ta’ Giorni*. While he would ideally have preferred to send his children to a Maltese school where they could learn English and Maltese, he observed that the youngest was already ten years old by the time he brought him over and he felt it would have been too much of a shock for him to be suddenly immersed in an environment where he would have been expected to know these languages without any form of induction beforehand. Another example, which indicates how much more alienated towards the Maltese educational system TCNs who have an annually renewable residence permit are, is the case of a Moroccan woman who had married a Maltese and was not recognised as an Exempt person due to non-recognition of her Muslim marriage ceremony. This woman was bitter about what she perceived as the cold and indifferent treatment she felt she and her husband had received from their Maltese in-laws and also about what she saw as the total absence of any form of state assistance for her son:

“I wanted help for my Downs Syndrome son. I found *no help! Zero!* I went to many political figures: Labour and Nationalist and all the ministries. The Government gave me no help whatsoever. No I don’t want to vote for these people when no one helped me with my son!”

TCN attitudes to local religious practices and rituals are telling about their perceptions of Maltese society and bureaucracy, and are also influenced by their legal/administrative status. For instance, the Russians who had married Maltese citizens were quite happy for their children to attend Catholic Mass and other religious rituals in Malta, seeing few incompatibilities with the Orthodox faith. A Chinese woman who had a child with and intended to marry her Maltese partner was ready to have the child baptized with the idea that in future he could choose to become a Buddhist or a Catholic. There were also generally positive attitudes towards the *festas* as well as to Catholic weddings and funerals on the part of most TCNs.

There were, however, two or three migrants who vociferously objected to what they perceived as the theocratic nature of the Maltese state and society posing a direct threat to their rights and freedoms. An example is the South American engineer cited in section 6.2 of this report as well as the views of a Turkish woman married to a Maltese national, who observed:

“Can I make a speech here? Because generally law in Malta is better than Turkey. But not about the Church effect. Is not good. In Turkey is a secular country. Malta is not secular. It’s like my son...he’s going to school. He’s only four and like when he was three he start to... at school the children are imposed religious stuff. Wherever you go you see religious symbols everywhere. You go to the grocers...to the hospital...Jesus! And my son he knows about the crucifying of Jesus. You know a four year old boy! I mean Malta’s not secular and it does not suit a European country.”

These complaints clearly reflect the national backgrounds of the speakers in overtly secular states such as Turkey as well as their subjective perceptions of what an EU country should be like in terms of separation between Church and State. Yet it is significant that, particularly in the case of the South American migrant, the “Church effect” which is being complained of focuses attention not so much on the intensity of Maltese Catholic beliefs, but on how Catholicism is embedded in Maltese law and public life. This is confirmed by one of the local stakeholders we interviewed, who works in the University of Malta’s International Office. When asked whether students found the fact that ‘Malta is a Roman Catholic country’ to be an obstacle for their integration, she observed:

“I haven’t really had comments like that. They actually find it interesting because we have so much tradition linked to the Church. They do scratch their heads about how close the Church is to the State and some of them find it baffling because in their country it is very separate. They have not been told: ‘oh you are not a Roman Catholic. Therefore you’re not welcome here. You know there isn’t much of that.’”

In other words, complaints about the “Church effect” mainly attack Maltese Catholicism insofar as it functions as a metaphor for Maltese legal and political culture which highlights the exclusionary, intolerant and homogenous aspects of the “system.” TCNs see these characteristics as reflected both in the attitudes of locals at the grass roots level and in the administrative/legal system through which residence permits are allocated. Thus these complaints have also to be understood as directed against a system which continues to rely on kinship or fictive kinship ties with a

Maltese as the principal route to real social integration. Ultimately it would seem that the related failures to elaborate a secular Maltese identity and to effectively implement formal secular and bureaucratic criteria for social integration of migrants lie at the heart of these complaints.

While the complaints of TCNs that the Maltese administrative/legal system fails to openly accept and acknowledge multiculturalism appear to be well founded, this does not negate the fact that a certain kind of multiculturalism is nevertheless emerging at the grass roots level. This trend, however opposed and contested it may be by racist and xenophobic elements, appears to be prevailing. It is clearly evidenced by the stores catering for foods consumed by particular national/cultural groups that have opened in various parts of the island in recent years. In the *Gzira/Imsida* region, for example, a Turkish mini-market has opened opposite to the old entrance of the University of Malta and its shop sign sports a number of flags of different East European nations and informs passers-by that it doubles as an “International Balkans Food Store.” Less than a hundred metres away an Indian food store has opened. In the adjacent village of *San Gwann*, three shops have opened selling *halal* meat. Further inland, in *Naxxar*, a store selling Chinese food has opened. I have also heard of a store selling Russian food, although its location could not be identified.⁶⁷

When religion is looked at from the perspective of how comfortable those non-Catholic and non-Christian TCNs who are religious are with practising their own religion in Malta, it is again interesting to note that few migrants reported any problems with this.⁶⁸ Often this was because the migrants concerned were not religious or practised an eclectic New Age spirituality; mixing and matching different religious beliefs and practices. In other cases this was because of the nature of the religion concerned, which was of a more private and inward nature. Thus Buddhists and Shinto TCNs said they had no problems practising their religion in Malta. In still other cases, this reflected the perceived proximity between the religious beliefs and practices concerned and those of the Catholic Church. Thus, the Russian Orthodox TCNs were generally happy to attend Catholic rituals, albeit expressing the desire to have their own church built in Malta. It seems that moves are afoot in this direction.

An exception to the above relates to some of the Arab TCNs interviewed, who claimed to have experienced discrimination and intolerance when practising certain religious beliefs and rituals in Malta. For example a Libyan migrant was arrested because he tried to slaughter a sheep for the festival of *Eid*. Another Libyan observed that they had been requested not to group together when leaving or entering the mosque for Friday prayers as apparently it made the Maltese uncomfortable. A Moroccan woman reported that people continually stared at her in the street when she wore the *Hijab*. When asked whether her rights are respected in Malta she observed:

⁶⁷ See Appendix Four for photos of some of these stores.

⁶⁸ Our informant who works in the University’s International Office pointed out: “there are a huge amount of different religions on the Island. So students find them and they settle in well... You’ve got the Mosque, you’ve got the Hindu set up, you’ve got the Baptist church and the Anglican and I don’t know what other kind of. There was this organisation which wanted to have a meeting. They were students and they asked me if I could help them find a room. And I spoke to the University Chaplain, and Father Michael runs the Chaplaincy in a very ecumenical kind of way. He’s not: ‘only Roman Catholics are welcome here, that sort of thing. He’s there for everyone’s spirituality, to help them out. And we push this policy as an Office that Campus is accepting, not only tolerant, of different religions and cultures.’”

“There is no respect for my rights in Malta at all. Malta is against Arabs. Look at the media. Even the bank...they did not want to help because I’m foreign. They discriminated me a lot. (Language) Schools did not want me to be a host family and discriminated me by asking me to get many documents. When I did bring them the papers, they then got issues about my English not being good enough. I then went to study English for a year. Then I went to the interview and the daughter of the person who interviewed me was a doctor specialising in Downs Syndrome and I changed the topic to our children and managed to get a permit for a year. Next year I do not know how I’m going to do.”

The sense that certain nationalities are looked down upon and made to feel unwelcome for reasons which are unrelated to residence status and have everything to do with race and skin colour also emerges clearly from this interview with a Nigerian TCN who also works as a Pastor:

“I do my job from my heart. I do it as if it belongs to God. Though there are certain things around me... like the wage... it’s one fourth of what I was receiving before, I see the way things happen here. Sometimes, you know, the way they treat people, I see things happening with my heart. ‘Cause that’s what I teach people. So you have to practise what you teach. Do your job, don’t mind how you are treated... Do it as if it belongs to God because it’s God that sees you and he’s going to reward you.”

Pressed to explain what he meant by referring to ‘the way people are treated’, he continued:

“The way people treat me at work. Because they are like illiterate. They don’t go to schools. So they are saying: ‘what are you doing? Why are you here? You should be there. How did you come? Did you come by boat?’ And I say (ironically): ‘yes I came by boat’ Do you know how to drive? I tell them: If you knew who I am you wouldn’t talk to me like that. But that’s something I’m used to hearing them in Malta.”

If all Black Africans are seen as illegal immigrants, Asians do not fare much better. When asked if she feels discriminated against in her job as a restaurant chef, this Chinese TCN replied:

“Yes sometimes it happens because I am Chinese and some people they think that because they are Europeans they feel them higher than us. And they speak not nicely. For example once a Maltese he speak very rude for me. He told me: ‘I fancy you’ and then he speak some very rude words. I cannot, you know to say you know... It’s Maltese. It’s so rude and he think, you know, that I am like...He treated me like I am working for the money of selling the sex. But you know it’s really, really, really, rude!”

Similarly, a Philippine TCN observed that in her work as a carer in a Church home other carers who were less qualified than her as they did not have qualifications in nursing often accused her of taking their bread from them as a migrant working in Malta. Moreover the cleaner felt that she could order her around since she was Asian.

Other TCNs complained of discrimination in social life generally. Thus a Chinese woman with permanent resident status observed:

“Sometimes I don’t feel my rights are respected in Malta. My home is very close to Tower supermarket and is very normal I bought some food out of date from that supermarket and if you are a Maltese you can not only get your food refund but also, you know, you can get some vouchers. But for me even if sometimes I eat this food and many times I was getting sick and I mean I got a letter from my doctor and then I go through the manager of the supermarket and then they only give me a refund and then they do nothing. I mean it’s not fair.”

This same woman also felt that she was treated as a cash cow when she went to a private medical clinic in order to inquire about possible plastic surgery treatment:

“I go there and I want to ask the doctor how much I have to pay and the doctor say: okay...come to my office, I tell you how much you need to pay. And then they make me the appointment. I wait for two weeks and then I come to the office. And the doctor only talk to me for two minutes and they give me the price €4,000 for the plastic surgery and then I came out and the Reception charged me €50 and I said. Even the Reception was very surprised. I came out so quick. And the Reception was: oh you finished! And I said: yes I finished. The doctor only asked me which kind of surgery and then he told me to speak to you. And then the Reception said: you want to continue the surgery? And I said: no because it’s too expensive. And the Reception said: okay that’s €50. That’s very...”

In the light of this sense of generalised discrimination that many TCNs complained of, it is clear that the different utility rates which they are billed are also perceived negatively, as this Japanese migrant made clear:

“But I think when it comes to utility bills, we have a different rate. You know that the properties that are owned by Maltese, they want to evade tax that you have a second property, which should be subject to capital gains tax. But because they want to hide it, they register that they still live there and therefore register as zero occupancy. So you don’t get any allowance from the utility company. So you pay more. This thing is becoming very prominent these days and I have a friend who actually told the owner of his house: we’re going to report your case to the tax authority. And then they agree not to charge the full rate.”⁶⁹

When asked whether Maltese are different from (other) Europeans, the TCNs interviewed seemed to oscillate between praising aspects of Maltese culture which they liked or at least tolerated and a sense that the Maltese are “different” in a way which makes it more difficult to integrate with. It seems that various TCNs try to overcome this distance by means of sports and other leisure activities. The gym was a particular favourite of most migrants interviewed as were martial arts and scuba diving. Furthermore many of the TCNs interviewed had at least one Maltese friend and they had also created support networks for themselves. Thus most of the Russians attended activities organised by the Russian Cultural Centre; the Philippine migrants had their own association and so did the Serbians. TCNs are also very active on the internet, running their own blogs and contributing to highly organised web-sites such as the Malta Expats Forum.⁷⁰

⁶⁹ The above quotation suggests that the interviewee had misunderstood the basis on which different utility rates are charged to foreigners in Malta. See section 4.6 of this report for an explanation.

⁷⁰ <http://www.expatsforum.com/expats/>

6.5 Aspirations and Recommendations

When the Croatian interviewee, who had been in Malta for fifteen years with an annually renewable residence permit, was asked whether she intended to stay in Malta, she replied:

“For the time being, yes. Yes. I don’t know how long or the duration, but yes. I feel very safe here. I feel that it is my...I feel at home I can say. Not that I. You never feel one hundred percent. You’re always kind of treated as a foreigner and you feel the difference, at least in my experience. But I love it here. I love Malta”

Yet she was not interested in participating in Maltese politics:

“I’m not active, not involved. Maybe because of this whole issue I don’t feel like I’m part of this thing. You know it’s...I don’t know how to explain it. It’s like you’re living here... you’re part of the co... kind of...you don’t feel fully integrated.”

When asked whether she would consider voting in the national or local elections in Malta, she replied:

“From this perspective right now, that I don’t feel involved: no. I would have to say no.”

These quotations summarise the attitudes of many of the TCNs interviewed. While intending to stay on the island, they nevertheless feel that various laws, policies and social attitudes conspire to always remind them that they are foreigners and can never really aspire to fully integrate into Maltese society. The reasons for this and the recommendations that flow from it are examined in more depth in the next section of this report.

7 Analytical Conclusion

This report is composed of three principal, complementary, sections. The first (Section 4) consists of an overview of the major policies developed by local institutions and other stakeholders which affect the integration of TCNs in Malta. A prominent place was given to the procedures for obtaining an employment license and the associated residence permit, to the various classes of residence permits, to students and to the available routes to citizenship. It was argued that aspects of these policies are produced by a particular legal culture in the absence of a national political vision and that they are discretionary, produce insecurity and do not facilitate the long-term integration of the majority of TCNs. Furthermore these aspects often combine with other policies adopted by governmental and non-governmental agencies (such as Arriva) and with negative grassroots social attitudes towards TCNs to form a quasi-hegemonic exclusionary discourse which is activated in their regard. This discourse was, however, being challenged by a more open, multicultural and “integration-friendly” approach, which was being pursued by some local ‘stakeholders’.

The second section of this report (Section 5) reviewed the ethnographic literature on minorities in Malta; profiling the different experiences, including distinct paths to integration, pursued by different national groups. This section focused mainly on attitudes of Maltese and experiences of TCNs and tended to downplay the importance of laws and policies. Yet it confirmed many of the conclusions reached in the other sections, among which is the dominance of a kinship-based assimilationist model of integration (see Section 4) and the existence of an ethnic division of labour in the Maltese labour market (see Section 6). It showed how the various strategies adopted by different national groups of TCNs to work and reside in Malta respond to the various kinds of exclusionary factors they face, be they based upon race, religion or nationality. At the same time as it chronicled various shifting criteria of social inclusion and exclusion in Malta, this section suggests that racial bias seems to permeate Maltese attitudes towards TCNs and that this factor plays a prominent role in shaping their experiences of discrimination.

The final section of this Report (Section 6), focused on the experiences of TCNs as they resulted from the interviews conducted with them, placing the focus on the impact of the legal/administrative status they possess and the process of obtaining it on their legal consciousness and their experiences of working and living in Malta. Evidence was brought to document the hypothesis that it is ultimately their experience of the policies outlined in Section 4 of this Report which had the deepest influence on the integration experiences of TCNs in Malta and that in various cases these policies tended to alienate TCNs such that integration was pursued in spite of these policies rather than through them. It does appear that the overall impact in many cases is to push TCNs away from pursuing formal, bureaucratic, legal, avenues to integration and towards informal avenues based upon their ability to construct helpful alliances with particular sections of Maltese society.

This report has argued that Third Country nationals experience the administrative rules and processes through which their legal status is negotiated and defined as obscure, arbitrary, complex and discretionary. This reflects real features of the system, which appears initially to be transparently simple but actually has various inbuilt features which are can be employed to restrict access to the benefits of

citizenship and long term status to a deserving few. At the same time, these same features often seem to frame their experience of Maltese society, blending seamlessly with hostile and quasi-racist attitudes of rejection expressed by the grass-roots. Thus, the ethnic background of the TCN becomes less important than the kind of residence permit he/she has and the administrative apparatus through which Migration law is implemented becomes a metaphor for his/her experience of Maltese society as a whole. All of this raises the question whether a more liberal, open and clearly defined administrative framework might not contribute to a change in attitudes at the grass roots level and better integration of the TCN in Maltese society. This appears to be already happening, thanks to the moves that are underway, particularly in the ETC and the Department of Citizenship and Expatriate Affairs to define more clearly the applicable rules and categories and to formalise the systems used and it is in the spirit of building upon what is already being done that I am proposing the policy proposals that follow in the next and final section of this report.

8 Policy Recommendations

General/Administrative:

- 1) The government should constitute a co-ordinating unit to act as an umbrella organization to coordinate and harmonise all the services it offers to assist the immigration, residence, employment and integration of TCNs. This unit would also be responsible for collating, harmonising and simplifying the existing rules and procedures in relation to these services. I was informally told that such a unit had been intended to be set up in relation to Smart City in 2008. This project should be revived.
- 2) The unit should establish two front-offices located in easily accessible urban zones (ideally one in Valletta and one in Gzira), to give advice and provide administrative services relating to residence, employment and integration to all TCNs. These offices would be responsible for providing clear, accurate and up to date information regarding all aspects of these services. An online portal should also be set up to allow TCNs to apply for particular services online, thus reducing the need for queuing.
- 3) A proposal which I understand the GWU is putting forward in this regard should be implemented, i.e. that: “The refusal of any application, whether it concerns citizenship, visas, work permits, family reunification or freedom of movement, must contain the precise reasons for this refusal and those involved must be granted the right of appeal.”
- 4) An office of Ombudsman for Third Country Nationals should be established along the same lines as the Ombudsman for the University. This would serve to shine a spotlight on the special problems encountered by this section of the population.
- 5) All hidden and overt differences between the fees charged to Maltese citizens, EEA nationals or Third Country Nationals for utilities, such as water and electricity, or public services such as bus transport, to be immediately eliminated.
- 6) The Police should receive expert training on how to operate in multicultural environments and disciplinary action should be immediately taken in regard to any racist speech and actions on the part of police officers.
- 7) Long term residents who have completed two full terms as Long Term residents should receive Maltese Citizenship automatically at the beginning of the third five-year term.

Employment Related:

- 8) When an application for an employment licence is filed by a TCN and passes the labour market test, the Government should take measures to minimise the delays that often result when the application is passed on to the Police and other stakeholders for their feedback. This could be done by imposing a 6 week deadline following the labour market test for feedback to be received. If no feedback is received after the lapse of this deadline, the application would be deemed to have been accepted. Alternatively, the process of issuing certain employment licences could be fast-tracked against the payment of an additional fee to cover the extra administrative costs, by the applicant.
- 9) Once an Employment Licence is issued, the presumption should be that it will be renewed, unless valid reasons arise why it should not be. In such a case the reasons must be stated in the letter sent to applicant in sufficient detail to allow applicant to understand and, if necessary, contest this decision.
- 10) The grant of an employment licence should entail the *ipso facto* issuance of a residence permit and both should be mailed to applicant. Apparently a system to implement this proposal has already been envisaged in terms of the Single Permit Directive and should soon be implemented.
- 11) In cases where an application for an Employment Licence is filed by the parent of a minor child, any temporary residence permit issued to the parent to cover the period until the application is processed will be deemed also to cover the minor child.
- 12) The requirements for qualifying for long term residence should be made less restrictive and onerous. Specifically, the requirement that applicant must have attended at least 100 hours of lessons in the relevant ETC organised course should be dropped and the requirement that applicants must achieve a mark of at least 75% in the final examination should be retained. Thus applicants would be allowed to attend other courses or read up for the exam on their own, provided they then succeed to obtain a mark of 75% or over in the final exam. In this way, applicants for long term residence would not be obliged to take time off from work in order to attend the ETC course, threatening their employment. Alternatively, arrangements should be made so that the ETC course is organised at a time which does not overlap with the working hours of most TCNs or that the course is taught more than once and at different times during the same year.

Education, Culture & Language:

- 13) The University in association with the Ministry of Justice should set up a legal clinic to provide *pro bono* legal advice and assistance to Third Country Nationals. The Ministry should allocate part of the legal aid budget to this clinic, which will also serve to train law students.
 - 14) University should move from the current system of grants for local students and fees for TCN students to a system where the same fees are charged to all students. Deserving local students could then receive a separate maintenance grant.
 - 15) University should establish its own English language test for admission into the University and charge a lower fee for this test than the privately administered exams.
 - 16) There should be both an Islamic and an ecumenical prayer room made available on the University premises apart from the existing chapel;
 - 17) There should be a two-three week inductive course offered by the state to all children of TCNs in the summer before they commence formal schooling in state schools so as to prepare the children for school in Malta
 - 18) Government should develop a policy to avoid too heavy a concentration of foreign school children in any one school and should seek to distribute these children as far as possible equally throughout the school children
 - 19) Government should identify, train and appoint a cadre of part-time interpreters and translators in the principal languages spoken by most TCNs in Malta. These interpreters and translators will be available in order to assist the government in state hospitals and schools.
 - 20) There should be a short news bulletin available on TV and the Internet of local news in English every day, apart from news in Maltese. Abstracts of all court judgements should also be commissioned and published in English.
-

Appendix One:

Questionnaire Used in the Project for Interviews with TCNs

INTERVIEW INTRODUCTION

Hello and thank you for your willingness to meet with us today. My name is _____ on behalf of the _____. The purpose of this interview is to obtain information about your expectations and experiences during the process of integration into Maltese society. With your feedback we will be able to identify the best possible ways to address your needs as an foreigner in Malta.

During this interview you will be asked a series of questions which are divided into five sections. The sections include questions about employment, language, education, housing, social relations, as well as questions about your perspectives and plans, expectations and overall satisfaction regarding your life in Malta. There are no right or wrong, desirable or undesirable answers. I would like you to feel comfortable to say what you really think. Feel free to include additional information which you think is relevant, even if you are not directly questioned about it

Instructions

Audio Recording

Also, if you agree we would like to audio tape our conversations of today. This will help us obtain all the details of your answers and at the same time in order to be able to carry on an attentive conversation with you. For your information, this interview will remain confidential and only researchers on the project will have access to the recordings.

Consent Form

Before we get started, please take a few minutes to read and sign this consent form. Essentially, this document states that: 1) all your answers will be confidential and your identity anonymous and 2) your participation is voluntary and you may stop at any point if you feel uncomfortable. The International Organization for Migration and _____ appreciates the fact that you took off part of your time to come here and reply to our questions.

We have planned this interview to last no longer than one hour. During this time, we have several questions that we would like to cover, beginning with some general questions about yourself.

Interviewee:

Date _____

Interviewer _____

Organization _____

START TIME

__20__ :-00__
hh mm

PART A - BACKGROUND INFORMATION

A1) Female **Male**

A2) What are your date of birth and place of birth?

A3) In which country were you born?

A4) What is your nationality? Other nationality?

A5) What is your mother tongue and which other languages do you speak?

A6) Where is your place of residence?

A7) How long have you been living in Malta?

A8) In which country/ies have you resided before coming to Malta?

A9) What made you choose Malta as your place of residence/work? (*work, studies, family etc*)?

A10) Are you married? If yes, what is your spouse's nationality? Where did you marry? If not, do you have a (cohabiting) partner and is he/she Maltese?

A11) Did you have other family members living in Malta when you first arrived?

A12) Do you have a child(ren)? If yes, was he/she/were they born in this country?

PART B - LEGAL/POLITICAL DIMENSION OF INTEGRATION

B1) With what kind of visa did you come to Malta? Have you ever been in Malta with an expired visa? If yes, did you manage to resolve the situation? How?

B2) Do you have a residence permit? Which kind of residence permit?

B3) Have you encountered any difficulties in getting a residence permit in Malta? If yes, did you have an organization or lawyer who helped you with the process?

B4) Do you plan to stay in Malta?

B5) Have you applied for acquisition of Maltese citizenship? If yes, what was the outcome?

B6) Have you been involved in any activity or been a member of a group aiming to influence political decisions? (*such as NGO, political part, trade union*)

B7) What are the political parties in Malta?

B8) Would you consider voting in national/local elections in Malta? Why? Why not?

B9) Do you return home for elections?

B10) What is the law in Malta like compared to back home? Are your rights respected in Malta?

B11) Have you ever had any dealings with the courts in Malta/consulted a lawyer or had dealings with the police? Why and what was it like?

B12) Do you believe that paying Maltese lawyers/police/public officials can facilitate matters in order to ensure services are delivered/delivered promptly? Is there any experience you would like to share in regard?

PART C – SOCIO/ECONOMIC DIMENSION OF INTEGRATION

EMPLOYMENT

C1) Were you employed before coming to Malta? What kind of job did you have?

C2) Do you feel your skills and qualifications are acknowledged here?

C3) Do you have a driving license? Obtained abroad or in Malta?

C4) Starting from the time you started looking for a job, how long did it take you to find your first job in Malta? Had you already found it before you came?

C5) Currently, do you have a job?

5.1) If yes, what is your job and how long have you been working on this job?

5.2) Do you like your job?

5.3) How did you find this job?

5.4) Do you use your skills or your highest qualification?

5.5) What kind of contract do you have?

5.6) What language do you mainly use for this job?

5.7) What nationality are your employers/employees/customers?

5.8) Do you feel discriminated in your job?

**5.9) Which of the following brackets does your weekly income fall into?
(i) less than €158, (ii) €158-€300 (iii) €300-€500 (iv)**

C6) If unemployed,

6.1) Are you looking for a job?

6.1) In your opinion what is the main reason why you are still without a job?

6.2) What have you been doing to find a job?

C7) If you are a student, could you tell us which course you are following and where (University/MCAST/Language School...)

C8) Have you been self-employed or involved in an entrepreneurial activity?

C9) Have you ever worked without a valid work permit?

C10) Do you think that having a stable job in Malta is difficult? If yes, why do you think this is so?

C11) Compared to your situation before you came to Malta, how did your financial situation change? How it has changed since you have been here?

C12) Do you send any money back home? If so, how often and how much?

C13) Have you ever contacted the ETC/Dept of Labour/ Visited a lawyer or trade union regarding your conditions of employment?

HEALTHCARE

C14) Do you have access to healthcare in Malta? Have you ever experienced any difficulties in having access to medical healthcare in Malta? (for example expired visa, language or cultural barriers)

C15) Do you use public or private healthcare here?

C16) what do you think of the level of healthcare here?

C17) Do you have a family doctor? Is your doctor Maltese?

EDUCATION

C18) What level of education have you completed? Did you obtain the highest qualification abroad or in Malta?

C19) Have you asked for official recognition for your qualification (academic or professional)? If yes, what kind of official recognition have you been given? (e.g. none, lower level, same level)?

C20) Are you aware of the availability of educational/vocational training in Malta?

C21) Have you taken part in any training program or attended University since you first arrived in Malta? If yes, please tell us about your experience? If no, why?

C22) Were you speaking English before you came to Malta? If no, was it easy for you to have access to English courses in Malta?

C23) Do you speak Maltese?

23.1) If no, is it a problem in your daily life?

23.2) Are you thinking about taking any lessons? Why?

HOUSING

C24) Have you encountered any problems with finding accommodation in Malta?

C25) In which type of accommodation are you living? (for example, accommodation that you rent/own/run by an association/migrant workers home)

25.1) How did you find this accommodation?

25.2) Do you share this accommodation with other people? If so, what is their nationality? What kind of partners are sharing accommodation?

(work colleagues/cohabiting partner/family)

25.3) If you live in rented property, how much rent do you pay?

25.4) If you live in rented property, is your landlord Maltese? Is he welcoming to migrants?

25.5) If you live in rented property, did your landlord ask you for a deposit to be able to rent the property to you? If so, how much did you have

C26) Why did you choose this particular area to live? Would you be prepared to live in any part of Malta or are there some areas you would avoid? Which ones?

C27) Generally, would you say that your neighbors are mainly from the same country as you? Are they Maltese, or from other countries?

C28) As far as your current accommodation is concerned, are you satisfied?

PART D – CULTURAL & RELIGIOUS DIMENSION OF INTEGRATION

D1) You told us your mother tongue is Marathi, today what language do you often use to speak with your spouse/child(ren)? With your friends? Your employer?

D2) If you have child(ren):

2.1) Does he/she (do they) speak your native language/Maltese/English?

2.2) Are your children/is your child being educated here?

2.3) Which school do(es) he/she/they attend? (State/Private/Religious?)

2.4) How do you feel about the education your child(ren) is (are) receiving?

2.5) Did your child(ren) experience any school bullying due to their nationality?

2.6) Do your children attend any 'after-hours' or extra-curricular activities? Which ones?

2.7) Do your children have Maltese friends who play with them?

2.8) What do your children do during the time set aside for (Catholic) religious instruction? Are you happy with this system?

2.9) Do you find childcare support? Who from (state/private/family)?

D3) Have you ever attended any Catholic rituals here (baptism, weddings, funerals, mass)? What about festas? Did you ever attend one? What was it like?

D4) If you have attended school/university since you came to Malta, would you say that you have been made to feel welcome?

D5) Are you interested in local news? In what way? (*for example, do you read the papers, listen to television and radio broadcasts, active in a movement or organization*)

D6) Do you want to tell us what your religion is?

6.1) How important is it in your life?

6.2) Do you think that in your everyday life it is easy to practice your religion?

D7) How do you practice your religion in Malta? Are there any differences from back home?

D8) Where do you get your food from? Is your preferred food easily available in Malta?

Appendix Two:

TCN statistics according to Residence Permit and Nationality - 31/12/2011*

Country of Origin	Family member	Partner	Temporary	Exempt Persons	Humanitarian	Religious Purpose	Long Term Resident	Economically sufficient	Self-sufficient	Study	Work	Interim Permit	International protection / Temporary Humanitarian	Total
Albania	10	1	5	17			9		1	15	17			75
Algeria		1	4	5			2	1		2	8	2		25
Antigua & Barbuda								1						1
Argentina										1	1			2
Armenia	1		1	5				14		2	5	2		30
Australia	3	3	4	49			2	10		18	8			97
Azerbaijan			4	2				11		2	1			20
Bahamas			1	1										2
Bahrain										1				1
Bangladesh	3		2	1			3			5	6	2		22
Belarus		4	5	22			1	3	1	5	2			43
Belize											2			2
Benin				1		1								2
Bosnia & Herzegovina	17	1	2	19			22			70	44			175
Brazil		1	18	10		1		2		14	34			80
British National Overseas										1				1
British Overseas Citizens			1											1
Burkina Faso											1	13		14
Cambodia			2								6			8
Cameroon				2					1	1	5			9
Canada		7	15	32				19	1	22	13			109
Chad													1	1
Chile			4							1	4			9
China	31	6	55	63			48	282	19	212	214			930
Cocos Island											42			42
Colombia			27	6				1		1	12			47
Congo				1									13	14
Costa Rica								1						1
Cote D'Ivoire (Ivory Coast)				1							1	74		76
Croatia	8		6	6			6		1	30	12			69
Cuba				4				2						6
Dominica								3						3
Dominican Republic										1				1
Ecuador			17	1					1		1			20

Country of Origin / Purpose	Family member	Partner	Temporary	Exempt Persons	Humanitarian	Religious Purpose	Long Term Resident	Economically sufficient	Self-sufficient	Study	Work	Interim Permit	International protection / Temporary Humanitarian	Total
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Egypt	5		27	38			10	13	2	24	38			157
El Salvador				1							1			2
Eriterea	3										5		291	299
Ethiopia	3								3	1	4		66	77
Gambia				1										1
Georgia	8		9	7			5	3	1	16	13			62
Ghana				7		1			3	1	3		19	34
Grenada								1						1
Guam													1	1
Guatemala				1							1			2
Guinea - Bissau													1	1
India	16	1	25	15		11	19	4	6	136	70			303
Indonesia			1	2					1	3				7
Iran	4	1	8	1				25		2	8		3	52
Iraq				3						1			7	11
Israel			12	3				6		6	1			28
Jamaica			1								1			2
Japan	5	2	32	20			3	8	5	14	19			108
Jordan		2	5	9			1			1	5			23
Kazakhstan		1	12	4					1		5			23
Kenya						9	1			4	2			16
Korea			90	3						6	50			149
Korea (Dem Peoples Rep)			1							1	8			10
Kuwait			4						155	2	5			166
Kyrgyzstan				2				3		2	2			9
Lebanon	1	1	5	7			2	4		2	12			34
Liberia													16	16
Libya	46	4	136	100			9	27	13	52	79	3		469
Macedonia			4	6					2	5	3			20
Malaysia				4			1			5	2			12
Maldives										3	1			4
Mali				1				1					6	8
Mauritania			2											2
Mauritius										2				2
Mexico			2	3		1				1	6			13
Moldova	1	1	5	11			2			8	4			32
Mongolia											1			1
Montenegro				1			1			2				4

Country of Origin Purpose	Family member	Partner	Temporary	Exempt Persons	Humanitarian	Religious Purpose	Long Term Resident	Self-Sufficient	Study	Work	Interim Permit	International protection / Temporary	Total
Morocco		5	28	79				1		14	42		169
Myanmar						2							2
Namibia										1			1
Nepal			1						12	2		1	16
Nevis (Saint Kitts & Nevis)								5					5
New Zealand		3	1	4				2		8			18
Niger												32	32
Nigeria	4	2	10	58			2		4	21	24	11	136
Pakistan	2			7		4	8	19		58	20	10	128
Palestine				6					4	1	8	8	27
Panama										1	1		2
Paraguay										1			1
Peru			5	7			1			3	6		22
Philippines	9	10	21	88		1	10		1	307	166		613
Republic of Serbia	71	7	59	62			86	10	3	281	234		813
Reunion											1		1
Russia	31	28	234	279	2		35	98	14	103	175		999
Saudi Arabia								4			2		6
Senegal										1			1
Serbia & Montenegro											8		8
Seychelles							1	2					3
Sierra Leone				5							1	7	13
Singapore	3			1						2	2		8
Somalia												1362	1362
South Africa	1	3	13	12			3	92		16	14	1	155
Sri Lanka				3		3	1			6	1		14
Sudan	2	1	1	1			1			1	5	71	83
Surinam								1					1
Syria	2	1	9	50			1			4	41	22	130
Taiwan			1	1				1		1			4
Tajikistan									1				1
Tanzania						1				3	1		5
Thailand	2	8	6	59			4		1	20	37		137
Togo												35	35

Country of Origin \ Purpose	Family member	Partner	Temporary	Exempt Persons	Humanitarian	Religious Purpose	Long Term Resident	Economically sufficient	Study	Work	Interim Permit	International protection / Temporary Humanitarian	Total
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Trinidad and Tobago				1									1
Tunisia	13	4	13	59			6	3	3	18	28		147
Turkey	24	1	52	48			13		5	85	64	3	295
Turkmenistan			1	1									2
Ukraine	23	22	53	121			17	61	4	66	58		425
United Kingdom								2		2			4
United States of America	2	3	46	50			6	12	33	37	42		231
Unknown	2			2			2	7		6	102	5	126
Uzbekistan		1	2	4						4	8	1	20
Venezuela			9										9
Viet Nam		2	1	2							3		8
Yemen				1									1
Zambia								2	1				3
Zimbabwe	1			1			1						3
Total	357	138	1120	1510	2	35	345	767	303	1777	1882	2089	10325

* The above table was kindly forwarded by Mr Joe Mizzi, Director of the Department of Citizenship and Expatriate affairs of the Ministry of Foreign Affairs and is taken from the Annual Report of this department for 2011.

Appendix Three:

“Foreign” students attending Saint Paul’s Bay State Primary School:*

gender	dob	year	Class	nationality
Female	05-May-08	K1	3	BANGLADESH
Male	01-Sep-06	P1	4	BANGLADESH
Male	31-Dec-03	P4	3	BANGLADESH
Female	28-May-02	P5	1	BOSNIA - HERZEGOVINA
Male	03-Jul-04	P2	5	BOSNIA - HERZEGOVINA
Female	28-Apr-08	K1	2	BRITISH
Female	25-Aug-08	K1	6	BRITISH
Female	29-Aug-07	K2	1	BRITISH
Female	23-Mar-07	K2	1	BRITISH
Female	30-Apr-07	K2	3	BRITISH
Female	29-Nov-06	P1	6	BRITISH
Female	17-Mar-06	P1	2	BRITISH
Female	27-Jul-06	P1	4	BRITISH
Female	15-Sep-05	P2	1	BRITISH
Female	10-May-05	P2	2	BRITISH
Female	14-Mar-05	P2	3	BRITISH
Female	06-Jun-05	P2	3	BRITISH
Female	12-Nov-05	P2	4	BRITISH
Female	17-Aug-04	P3	2	BRITISH
Female	20-Dec-04	P3	3	BRITISH
Female	17-Jun-03	P4	1	BRITISH
Female	19-May-03	P4	3	BRITISH
Female	17-May-02	P4	1	BRITISH
Female	05-Feb-03	P4	2	BRITISH
Female	11-Oct-03	P4	3	BRITISH
Female	09-Jan-01	P6	1	BRITISH
Female	10-Dec-00	P6	1	BRITISH
Female	22-Oct-01	P6	4	BRITISH
Male	05-Jan-09	K1	12	BRITISH
Male	15-Sep-08	K1	6	BRITISH
Male	13-Oct-08	K1	6	BRITISH
Male	06-Oct-08	K1	6	BRITISH
Male	10-Mar-07	K2	2	BRITISH
Male	03-Oct-06	P1	1	BRITISH
Male	06-Feb-06	P1	1	BRITISH
Male	03-Jun-06	P1	2	BRITISH
Male	24-Oct-04	P3	3	BRITISH
Male	27-Sep-03	P4	2	BRITISH
Male	04-Oct-06	P4	2	BRITISH
Male	01-Nov-02	P4	3	BRITISH
Male	30-Aug-02	P5	2	BRITISH
Male	01-Oct-02	P5	1	BRITISH
Male	15-Jan-02	P5	2	BRITISH

Male	07-Apr-02	P5	2	BRITISH
Male	18-Aug-01	P6	1	BRITISH
Male	28-Mar-01	P6	2	BRITISH
Male	20-Jan-01	P6	2	BRITISH
Male	22-Nov-01	P6	3	BRITISH
Male	16-Jun-01	P6	4	BRITISH
Male	28-Nov-01	P6	4	BRITISH
Female	30-Apr-08	K1	2	BULGARIA
Female	03-Oct-08	K1	9	BULGARIA
Female	17-Mar-07	K2	2	BULGARIA
Female	11-Sep-07	K2	6	BULGARIA
Female	26-Jun-06	P1	3	BULGARIA
Female	17-Oct-06	P1	5	BULGARIA
Female	02-Nov-06	P1	6	BULGARIA
Female	08-Jul-05	P2	2	BULGARIA
Female	18-Mar-04	P3	1	BULGARIA
Female	17-Apr-04	P3	2	BULGARIA
Female	21-Oct-04	P3	3	BULGARIA
Female	11-Jan-01	P6	2	BULGARIA
Female	02-Oct-01	P6	3	BULGARIA
Female	20-Sep-01	P6	4	BULGARIA
Female	09-Aug-01	P6	4	BULGARIA
Female	09-Oct-01	P6	4	BULGARIA
Female	05-Feb-01	P6	4	BULGARIA
Male	24-Jun-08	K1	4	BULGARIA
Male	20-Jul-08	K1	7	BULGARIA
Male	06-May-08	K1	9	BULGARIA
Male	03-Mar-07	K2	2	BULGARIA
Male	06-Apr-06	P1	2	BULGARIA
Male	28-Apr-05	P1	3	BULGARIA
Male	18-Jul-03	P3	1	BULGARIA
Male	17-Feb-03	P4	2	BULGARIA
Female	18-Feb-08	K1	9	BURKINA FASO
Female	30-Mar-07	K2	3	CAMEROON
Male	30-Apr-08	K1	1	CAMEROON
Female	25-Dec-07	K2	6	CHINA
Male	31-Aug-07	K2	4	CHINA
Male	23-Mar-04	P3	3	CZECH REPUBLIC
Female	27-May-05	P2	4	EGYPT
Female	31-Jul-03	P4	3	GEORGIA (ABKHAZIA)
Female	20-Jul-01	P6	4	GEORGIA (ABKHAZIA)
Female	03-Aug-05	P2	3	GHANA
Male	29-Feb-08	K1	1	GHANA
Female	03-Jun-04	P3	1	HUNGARY
Female	17-Nov-01	P6	1	HUNGARY
Male	24-Dec-07	K2	5	HUNGARY
Female	09-Oct-04	P3	2	INDIA
Female	11-Mar-06	P1	2	IRELAND
Female	30-May-05	P2	5	ITALY

Female	01-Dec-02	P5	3	ITALY
Female	13-May-07	K2	3	LATVIA
Female	28-May-06	P1	3	LATVIA
Male	24-Jun-06	P1	3	LATVIA
Male	09-Oct-03	P4	2	LATVIA
Female	18-Mar-08	K1	2	LIBYA
Female	08-Jan-08	K1	2	LIBYA
Male	07-Mar-06	P1	1	LIBYA
Male	14-Jul-02	P4	2	LIBYA
Male	15-Oct-00	P6	1	LIBYA
Female	15-Jun-08	K1	9	MOROCCO
Female	23-Aug-08	K1	12	NIGERIA
Female	21-Nov-08	K1	9	NIGERIA
Female	29-Nov-08	K1	9	NIGERIA
Male	06-Mar-09	K1	11	NIGERIA
Male	12-Sep-08	K1	9	NIGERIA
Male	17-May-08	K1	9	NIGERIA
Female	25-Jun-02	P5	1	POLAND
Male	10-Jan-05	P2	2	POLAND
Female	25-Nov-08	K1	7	REPUBLIC OF SERBIA
Male	26-Nov-05	P1	1	REPUBLIC OF SERBIA
Male	04-Dec-05	P2	4	REPUBLIC OF SERBIA
Male	19-May-05	P2	5	REPUBLIC OF SERBIA
Male	01-Oct-02	P4	4	REPUBLIC OF SERBIA
Male	01-Aug-01	P6	2	REPUBLIC OF SERBIA
Female	08-Oct-02	P5	3	ROMANIA
Female	12-May-08	K1	3	RUSSIA
Female	26-Aug-06	P1	4	RUSSIA
Male	10-Sep-07	K2	3	SIERRE LEONE
Male	06-Oct-07	K2	4	SIERRE LEONE
Female	08-May-02	P5	1	SLOVAK REPUBLIC
Female	08-Nov-08	K1	12	SUDAN
Male	03-Mar-09	K1	11	SUDAN
Female	13-Mar-08	K1	2	SWEDEN
Female	18-Jan-04	P3	1	SWEDEN
Female	26-Nov-01	P5	1	SWEDEN
Male	06-Jun-06	P1	4	SWEDEN
Male	01-Sep-05	P1	2	SYRIA
Female	31-Mar-05	P2	5	TANZANIA
Female	18-Apr-03	P4	4	TURKEY
Male	16-Aug-02	P5	3	TURKEY
Female	09-Nov-03	P4	1	UKRAINE

* The above table was kindly forwarded by the Headmistress of Saint Paul's Bay Primary State School.

Appendix Four:

Photographs of International/Halal Food Stores in the San Gwann/Gzira region:



The shop above is conveniently located just opposite the old entrance to University. Its shop-sign (below) makes clear that it caters for all the Balkans and not just Turkey





Just down the road from the first store, the Indian food store above testifies to the emergence of the Gzira area as a hub for TCNs.



It is now standard for pharmacy signs to use a number of different languages apart from English: in this case German, Italian and Arabic.



The two *Halal* food stores pictured on this page face one another on opposite sides of San Gwann's main street. San Gwann is emerging as the main hub of activity for Malta's Arab Muslim population. Also note the Libyan flag hanging in front.





The El Medina Butcher (above) is a leading supplier of *Halal* meat, centrally located at the junction of Naxxar and Mensija roads in San Gwann. Below is a close up view of the shop façade.