

Case No OMB-26-7135

27 March 2026

The Permanent Secretary
Ministry for Foreign Affairs & Tourism
7 St Paul's Street
Valletta

Sir

Your letter dated 11th March 2026 refers.

Your response to the Report submitted on the complaint raised by [OMISSIS] shirks the fundamental point that objectively the Ministry drove through the Constitutionally protected right of Maltese citizens to return to their country.

The procedure in place at the Embassy and supported by the Ministry did not safeguard the return of the complainant and her minor son. Of course, in an ideal world the legal procedures and official policies in cases of matrimonial disharmony would and should be respected. Legal doctrine, as you emphatically state, has invariably imposed the consent of both parents for official documentation unless the Courts order otherwise. Nevertheless, I venture to state that even the Courts are subject to the Constitution and the usual consent of both parents once the persons involved were not fleeing Malta as fugitives should not have been given more than its due weight in these circumstances.

My concern regarding this complaint is heightened by the fact that it involves a ten-year-old child who was, and presumably still is, eager to return to Malta. This case raised particular circumstances which were further complicated when the father callously reneged on his word to sign the passport renewal papers

apart from the fact that mother and child are facing the tension and stress of war. Mother and child were not trying to flee the father but come towards him by returning to Malta.

There is no issue with the Ministry following Identità's instructions. Yet, Identità itself after realising that the father refused to sign the appropriate form and was using his "*consent*" as leverage consulted the Principal Immigration Officer who suggested an alternative way for mother and child to return here with an expired passport. This was on the strength of the Principal Immigration Officer's assurance that these Maltese citizens returning to Malta would be allowed to enter Malta by the Immigration Police. Once the Embassy and the Ministry refused to countenance this, recourse would have to be had to file an application in Court to dispense with the father's consent. Accomplishing this under present conditions in Russia is, to say the least, quite challenging.

In conclusion, I find no justification for disregarding the Recommendation in my report. The requirements of the Constitution must be accorded due respect, especially considering the State's responsibility to protect Maltese citizens seeking to return home, which is particularly significant in cases involving vulnerable individuals such as a ten-year-old child. Given this, I expect your cooperation in implementing my Recommendation.

Yours sincerely

Judge Joseph Zammit McKeon
Ombudsman