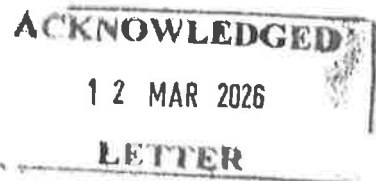


11 March, 2026

Parliamentary Ombudsman
Office of the Ombudsman
11, St Paul Street,
Valletta



Re: Final Opinion on Case No: OMB-26-7135

Communication received from your Office, dated February 24th refers:

Background to the case and procedures in place

Upon first contact from [redacted] with the Malta Embassy in Moscow, the latter immediately requested the customary documentation that is generally required in the case of application for renewal of passports for minors. Several reminders were in fact sent to [redacted] to send these documents to allow the Embassy to proceed with the appointment for application. Having already applied for a passport for the minor in question, [redacted] was aware of the requirements, even in Malta, of both parents needing to sign on the passport application, as this is carried out in the best interests of the minor. These rules are designed to, first and foremost, protect the safety of minors.

As per conversation with the Embassy (Attachment 1), there is set procedure for the issuance of passports for minors who are not presently in the physical presence of both parents, as further confirmed by the officer at Identita' in the attachment, that both signatures are indeed required, even where the parent holding sole custody is not granted by a Court the feasibility to apply on his/her own for a passport for the minor. The officer, in fact states that *"that having full and exclusive custody of a child even if granted by the Maltese Courts does not mean that a parent can automatically apply for a passport/ETD. In the court papers it has to be clearly specified that the mother/father of the child can apply and collect the relevant document without the consent of the other parent."* The latter communication was between 17th and 19th January.

The Consulate did recommend an alternative way which involved the issuance of a Court decree from the Maltese Courts, which is often resorted to in similar instances. This alternative way was also highlighted to [redacted] as per Attachment 2. This was relayed to the Office of the Ombudsman, so that the mother would be encouraged to apply for a Court decree at the Maltese courts even though she is in Russia by using the services of a Maltese lawyer, something which is often done in similar legal cases.

- The procedures for applications of minors

In terms of the procedures set for the application for a passport or an Emergency Travel Document (ETD) for minors, whether in Malta or abroad, the consent of both parents is required. On the passport application form, Section 6 specifically includes the parental consent section, which must be duly completed and signed by both parents for the application to be accepted.

In circumstances where one parent is unable to complete and sign the consent section on the same application form, for example because he or she is in another country, that parent must visit either the Passport Office (if residing in Malta) or the nearest Embassy or Consulate to provide formal consent for the other parent to proceed with the passport or ETD application. In such cases, a specific consent form must be completed and witnessed by the relevant authority.

Should one parent refuse to provide consent, the other parent may proceed by obtaining a court order. The court order must clearly state that the mother or father of the child is authorised to apply for and collect the relevant document without the consent of the other parent.

Communication with the Office of the Ombudsman

It later transpires that [redacted] has immediately taken this matter to the Ombudsman, as on 21st January, Dr Said contacted the Consular Directorate directly (copying in another officer at the Ministry, but not the Ombudsman Liaison Officer), informing that the Office received a complaint and requesting for the matter to be treated with urgency, hence the acknowledgment that the matter was still unresolved. In fact, the Ministry was not informed at any time that there was an ongoing investigation by the Office of the Ombudsman on the matter, so much so that Dr Said was being included *ex-ante* as an interested party to the communication. The Director for Consular Services contacted Dr Said providing information and direction to refer to the father, to expedite the issuance of the passport for the minor. There was continuous direct communication between Dr Said, the parents of the minor (individually), the Embassy, the



Ministry and Identita' in order to reach an unassailable solution for the issuance of said passport.

Direction by Identita'

From its end, the Ministry, as well as the Embassies across the world follow the instructions given by Identita' in the issuance of passports, whether in ordinary circumstances or extraordinary. To this end, in relation to the requirement of signatures of parents to minors, the process is always invariable, that is, the requirement of both signatures if there is no Court order declaring that a parent may have the minor's passport issued on their signature alone. The process is set in policy on passport applications and has been so set for years.

As per communication available at the Office of the Ombudsman, there was several exchanges of communication with Identita' officers, however, there was no official instruction issued by the CEO or the Head of the Passport Section instructing the Embassy to issue the requested passport without the signature of the father. Actions veering off the accepted policy require the direct instructions of the Head of the Entity, or the Unit responsible for the policy. On the contrary, a communication from (Attachment 3) reaffirmed the alternative way of opting for a Court decree.

Other matters raised in the Final Opinion

- Return via Istanbul with expired passports

The Ministry wishes to underline that it has not and will not advice its nationals to ever travel and cross international borders with expired travel documents, especially involving minors. The Ministry will not take unnecessary risks and responsibility for advising such travel knowingly, especially in relation to transit where the minimum requirement is of a six-month period of validity of such passports.

- Right to return to Malta

The Ministry is at no point denying or her son the right to enter Malta. It is not the Ministry for Foreign Affairs' remit to deny or grant entry to any person, least of all a Maltese national. The Ministry, through the Consular Directorate and its Embassy in Moscow was guiding in pursuing her way to Malta in the procedurally correct manner.



Conclusion

To this end, and for the reasons provided above, the Ministry respectfully refutes the conclusions reached by the Office of the Ombudsman, namely that the Foreign Ministry has abrogated from its duties in assisting and guiding a Maltese national on the appropriate procedures to follow in her circumstances, and that to this end, it should incur any expenses, yet to be made by The Ministry and its Embassy have (i) acted in good faith, (ii) in accordance with established procedures and practices, (iii) guided the Maltese national on appropriate correct procedures to resolve her difficulties, as well as (iv) guided on what is the safest and less distressing way to travel to Malta.



Christopher Cutajar
Permanent Secretary