



**In the Court of Magistrates (Malta)  
as Court of Criminal Judicature**

**(Jobsplus Sitting)**

**Magistrate Dr. Donatella M. Frendo Dimech LL.D., Mag. Jur. (Int. Law)**

Today, the 6<sup>th</sup> day of the month of May, 2025

**The Police  
(Inspector Charlotte Curmi)**

**-vs-**

**Sachin Yandyo, holder of Identity Card No. 237826A**

The Court,

Having seen the charges brought against the person charged namely for having:

On the 10th April, 2024 and on previous dates, as director of Yandyo Group Limited (C105678) worked as self-employed within the outlet named Momo's Hub which is located in San Pawl il-Bahar without notifying Jobplus;

Furthermore for working as self-employed whereby not being a citizen of Malta, other than being in possession of a single permit or employment licence.*[sic]*

Having heard witnesses.

Having seen all the acts and documents exhibited;

Having heard the prosecution and defence counsel make their submissions;

Considers,

The defendant has been charged with being illegally employed with his own Company and for having failed to notify Jobsplus of his own employment.

In his defence it is being stated that the guidelines published on the Jobsplus website,<sup>1</sup> Employment Licences Unit, Guidelines for Clients, 2001, misguided the defendant in that these guidelines lay down that there was no requirement for the defendant to obtain an employment licence.

Let it be stated at the outset that the same guidelines to which learned counsel for the defendant makes reference to, in the introductory paragraphs, state in no unclear terms that the need for an Employment Licence derives from the Immigration Act. In Para 1.2 goes on to emphasise that *“all foreign nationals require authorisation to work in Malta”*.

Defendant makes strong reference to the following wording:

Employment licences are not issued in the case of foreign national non-resident and non-executive directors (that is, directors who **do not ordinarily reside in Malta**, who do not have an employment relationship with the company and who may be in receipt of a director's remuneration but not in receipt of a salary).

However the defendant immediately fails to qualify according to this very same wording since he can in no way be deemed as not being ordinarily resident in Malta. This provision ties in perfectly with the dictates of Article 11 of the Immigration Act, to which reference has already been to earlier:

11.(1) It shall be an implied condition of any leave granted to any person under article 6(1)(a) or, saving the provisions of Part III, of a residence permit issued to any person under article 7(1) that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person or engage in business without a licence from the Minister.

(2) It shall be an implied condition of any leave granted to any person under article 6(1)(b) or extended under paragraph (c), that such person shall not in Malta exercise any profession or occupation or hold any appointment or be employed by any other person without a licence from the Minister.

Notwithstanding the foregoing considerations and whilst there is no contention as to the fact that Mr. Sachin Yandyo worked at Momo's Hub, the charge brought against him is such that he was working in Momo's Hub as director of Yandyo Group Ltd., with Momo's Hub being a restaurant and not an entity enjoying legal personality.

Whilst the testimony of Identità's representative, Thomas Barry, confirms that defendant's single permit was such that he was only authorised to work

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<sup>1</sup> <https://jobsplus.gov.mt/media/pvhaduix/guide.pdf>

according to his employment licence, which Jobsplus inspectors testified was that of a Supervisor with a third company, **no evidence was brought forward tying Yandyo Group Limited to Momo's Hub.**

In view of the foregoing the defendant is being acquitted of all charges.

**Dr. Donatella M. Frendo Dimech LL.D., Mag.Jur.(Int. Law)**  
**Magistrate**