

Obtaining Residency in Costa Rica

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LEGALIZING YOUR IMMIGRATION STATUS IN THE COUNTRY: A STEP THAT DUE TO RECENT POLICIES YOU SHOULD NOT WAIT TOO LONG TO TAKE

Many foreign citizens living in Costa Rica with an irregular immigration status may have felt a real and immediate threat in the last few months: a considerable increase in actions by the Immigration Authorities against individuals staying illegally in the country has been detected, which, although mainly targeted to the large number of Nicaraguan irregular immigrants historically present in Costa Rica, has certainly affected Americans, Canadians and Europeans as well.

The above-mentioned measures are a follow-up to a policy established during the administration of ex-President Rodriguez for the massive deportation of illegal aliens. To that effect, the Immigration Authorities acquired buses to transport illegal immigrants (mainly Nicaraguan) to their country of origin and trained specific officers for the duty of investigating and deporting them. Nevertheless, once this policy was ready for operation, the process was stopped by a decree authorizing an immigration amnesty for Central American citizens.

By the end of the amnesty period the deportation process reinitiated. Immigration officers and policemen have gone to several areas of the country where a large number of illegal aliens live and many of them have been deported and taken to their countries of origin. Immigration Authorities also randomly visit companies that employ foreigners and other places frequented by them in order to detect and deport individuals with an

irregular status. It must be clear that although these measures mainly affect Nicaraguans, they definitely apply and cover all foreign citizens staying illegally in Costa Rica, either because they entered the country illegally or because their tourist visas or residency permits have expired.

Under those premises, it is surprising how many foreigners living as investors or working as expatriates for multinational companies in Costa Rica do not legalize their immigration status and that of their dependents. In many cases, we consider that this happens mainly due to a lack of appropriate knowledge of the regulations and policies in force. In most cases, as stated above, these individuals face the uncertainty of an irregular situation which; if they would have been better informed, could have allowed them to become legitimate residents of the country: As we have also made clear, this situation may even result in being deported from the country, as well as spending the night in jail and/or not being permitted to re-enter after leaving for a few days.

A considerable number of the individuals forming the above mentioned groups assume that the country's immigration "entanglement" will not permit them to obtain their residency because the procedures are very complicated and offer uncertain outcomes and that the requirements are impossible to be met. In such situations, it is important to make them aware of the existence of a fairly broad menu of possibilities of being covered by the law and that although the different regimes, procedures and requirements seem not to be aligned following a clear path, understanding them, together with qualified counsel, can make obtaining residency in Costa Rica a reachable goal.

Based on the above, we consider important to briefly refer to the different immigration regimes that might be applicable for the previously mentioned profiles.

General Requirements

When initiating residency procedures, it is important for the applicants to produce a series of documents which must meet several key formalities that will facilitate the progress of the applications; among them:

- a. Birth Certificate, to be issued by the appropriate authorities at the place of birth.
- b. Certificate of Clean Criminal Record, to be issued by the corresponding authority of the country where the applicant has lived during the last six months before his arrival to Costa Rica.
- c. Marriage Certificate, to be issued by the country of registration of the marriage (if applicant's spouse is to be included under the regime).
- d. Physical presence in Costa Rica for fingerprinting (which generates a background check).
- e. All documents originating abroad require authentication by the Costa Rican Consulate nearest to their place of issue and in the event they are not in Spanish, they must be officially translated in Costa Rica.

Resident Annuitant and Resident Pensioner Policies

These two policies allow a fast and positive outcome for residency applications based on (i) receiving a monthly income of no less than one thousand United States Dollars for at least five years, in a permanent, irrevocable and constant manner (in

the case of the resident annuitant status) or (ii) receiving a life pension of no less than six hundred United States Dollars (in the case of the resident pensioner status), pension that we recommend to come from a government entity. In both cases, the applicant's spouse and children under eighteen years old can be covered in the regime.

Company Recognition Status

This policy permits companies established in the country and with an accounting net worth currently higher than approximately one hundred forty five thousand United States Dollars to be granted, after filing a series of corporate and legal documents, a specific authorization in the form of a recognition from the Immigration Authorities, permitting to obtain residencies for its foreign employees. Currently there is no limitation as to the number of non Costa Rican employees that could be covered by this regime by the company.

This residency will be linked directly to working for the applicant company (this residency allows staying in the country as long as the beneficiary works for said company only). This status allows coverage of the main applicant's spouse and children under eighteen years old, who may study but not work while in the country.

Entrepreneur's Residency

This policy is applicable to financially sound people who wish to establish a business venture in Costa Rica. The business plan must be determined beforehand, and presented to the immigration authorities as part of the application.

The applicant must be able to prove that he or she will not be a burden to the country and that his or her enterprise (of which such individual shall be the holder of a full power of attorney) will produce enough revenue to support the applicant while residing in Costa Rica.

The applicant must incorporate his business according to Costa Rican law, and must prove that all necessary permits and authorizations for the business have been at least requested, if not already granted. The existence of actual business premises must be documented, and the financial feasibility or soundness of the business venture proven.

The residency status produced in this case does not permit the beneficiary to be hired as an employee, and he or she may only work as an administrator to his own business.

Temporary Work Permit

This regime allows the applicant to obtain the residency based on the existence of a labor contract.

The applicant must be able to prove that, he has been hired by a local company, attaching a copy of the labor contract and an application by the company.

Financially Sound Immigrant Residency

This status is applicable to financially sound foreign citizens who want to reside permanently in Costa Rica, but prefer to determine how their income will be generated only after they are established in the country.

The Immigration Council has ample discretion regarding this kind of application. Policies and procedures of this entity may change from time to time and its determination of what is a financially sound individual is subjective. Due to such fact, it is difficult for us to offer certainty as to the outcome of this kind of application, although adequate planning and analysis allows for a high rate of success.

As with other similar policies, it is imperative that the applicant proves that he or she will not be a burden to the country. Among the most accepted, the following constitute strong proof of income: real estate ownership in the country or abroad, revenue from rental of houses or business premises, bonds or securities and bank accounts with balances of at least US\$100.000, and any other sources of income that could be duly documented.

An assessment of each case's particular situation will permit to better support a decision on one of the above indicated options. The applicant's awareness of the existing choices and his understanding of the broad range of existing alternatives certainly justify the regularization of a precarious immigration situation.

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