



Abogados & Notarios

## IMMIGRATION CATEGORIES

**TYPES OF RESIDENCIES AND IMMIGRATION PERMITS IN COSTA RICA – RESIDENCY – WORKING PERMIT – VISA – IMMIGRATION ATTORNEYS COSTA RICA – COSTA RICA IMMIGRATION LAW – IMMIGRATION SERVICES COSTA RICA – COSTA RICA IMMIGRATION REQUIREMENTS** – Our specialized Immigration Law Department provides our clients with assistance and advisory in obtaining the immigration status that best suits the clients' needs, whether the client wishes to work, invest, start a business in Costa Rica, or just retire and settle in the land of "Pura Vida". Our services aim towards advising and counseling foreign individuals that wish to establish their residence in Costa Rica, permanently or temporarily, as well as transnational corporations that need to initiate or expand their operations in Costa Rica and, thus, need a working permit for their foreign employees to legally work in Costa Rica.

We gather a group of lawyers with broad experience in the field of Costa Rican Immigration Law, who have full knowledge of the way that the General Immigration Agency works, allowing us to follow the progress of each case closely and individually, and assuring successful completion of the approval process within reasonable time.

Our firm provides assistance in processing the following applications for immigration status, in accordance with the General Immigration Act (Law No. 8764) and its' regulations (Executive Decree No. 37112-G):

**PERMITS AND TEMPORARY RESIDENCIES:** annuitant, pensioner, investor/entrepreneurs, family bond, student visas and work permits in different categories.

- **RESIDENCY UNDER THE CATEGORY OF ANNUITANT:** (Article 82 of the General Immigration Act, Law No. 8764) This immigration status is based on receiving a monthly, permanent and steady income of US\$2,500.00 during a two-year term. Such income must be justified by a letter issued by an entity from the Costa Rican National Banking System (Banco Nacional de Costa Rica, Banco de Costa Rica, BAC San José, Scotiabank, Banco Davivienda, Banco Promérica, Banco Lafise, among others) or a foreign bank. The applicant must make a deposit in the amount of US\$60,000.00 in a Certificate of Deposit. These funds shall be returned to the annuitant as a monthly income during a term of two years. Those individuals able to prove that they will receive this amount on a monthly basis may apply for a residency in this category. After three years of continuously residing in Costa Rica under this category, the resident obtains a permanent residency, free of conditions (possibility to work without any restrictions). Those who apply for a residency under this category may include their spouse and sons or daughters under the age of 25 without demonstrating any income for each one of them.

- **RESIDENCY UNDER THE CATEGORY OF PENSIONER:** (Article 81 of the General Immigration Law, No. 8764) This immigration category requires the receipt of a monthly pension of US\$1,000.00 for life. The applicant must prove that he or she will receive the funds with an adequate document provided by the entity that grants the pension (duly authenticated and legalized according to the Hague Convention and Law No. 8923). After three years of residing in Costa Rica uninterruptedly under this category, the foreign individual obtains a permanent residency, free of conditions (possibility to work without restrictions). Those who apply for a residency under this category may include their spouse and sons or daughters under the age of 25.

- **RESIDENCY UNDER THE CATEGORY OF INVESTOR:** (Article 79, paragraph 4) of the General Immigration Law, No. 8764) This immigration category applies to foreign individuals who have invested in Costa Rica through businesses, purchase of real estate or vehicles, capital stock or financial products, as long as such investments are equal or exceed the amount of US\$200,000.00. Those who apply as investors in capital stock or bonds shall equally demonstrate their economic solvency with proper documents and, should they be issued outside of Costa Rica, they must be duly authenticated and legalized according to the Apostille Convention or Hague Treaty, and Law No. 8923. This regime is also applicable in forest plantations and reforestation projects that exceed US\$100,000.00. After three years of residing in Costa Rica uninterruptedly under this category, the foreign individual obtains a permanent residency, free of conditions (possibility to work without restrictions). Those who apply for a residency under this category may include their spouse and sons or daughters under the age of 25.

- **RESIDENCY PER BOND WITH A COSTA RICAN CITIZEN:** (Article 78 of the General Immigration Law, No. 8764) This category applies to foreign individuals with a bond with a Costa Rican citizen, as a spouse or domestic partner, sons or daughters, parents and siblings under the age of 18 with a disability. In their condition of son or daughter, father or mother, or sibling of a Costa Rican citizen, they may apply for a permanent residency. The spouse or domestic partner of a Costa Rican may apply for a permanent residency free of conditions.

- **SPECIAL CATEGORY PER BOND WITH A COSTA RICAN CITIZEN:** (Article 78 of the General Immigration Law, No. 8764) This category applies to foreign individuals over the age of 18 and under the age of 25, and siblings of legal age under the age of 25, who are financially dependent of a Costa Rican citizen. Applicants for this regime shall obtain a temporary residency free of conditions (possibility to work without restrictions).

- **SPECIAL CATEGORY PER BOND WITH A FOREIGN INDIVIDUAL HOLDING A PERMANENT RESIDENCY IN COSTA RICA:** (Article 78 of the General Immigration Law, No. 8764) Law provides a special category of residency per bond with a foreign individual holding a permanent residency in Costa Rica. This option will benefit spouses or domestic partners, parents, sons and daughters under the age of 25, of a foreign individual who holds a permanent residency in Costa Rica. By applying for a residency under this regime, parents and sons or daughters of a foreign individual who holds a permanent residency in Costa Rica will obtain a permanent residency free of conditions (possibility to work without restrictions); whereas spouses or domestic partners will obtain a permanent residency, free of conditions, but temporary.
- **SPECIAL CATEGORY PER BOND WITH A FOREIGN INDIVIDUAL HOLDING A TEMPORARY RESIDENCY IN COSTA RICA:** (Article 78 of the General Immigration Law, No. 8764) Parents and sons or daughters under the age of 25, of a temporary resident in Costa Rica may apply to obtain a temporary residency, free of conditions.
- **VISAS FOR STUDENTS, INVESTIGATORS, TEACHERS AND VOLUNTEERS:** (Article 94 of the General Immigration Law, No. 8764) Applicable to those foreign individuals who wish to study in Costa Rica, teach or perform investigations or volunteering activities. Those obtaining this benefit may not be authorized to work in Costa Rica (except as a teacher when said visa is requested and obtained to that end). Bearers of this type of visa shall not be able to apply for a permanent residency.
- **TEMPORARY WORKING PERMITS:** (Article 94 of the General Immigration Law, No. 8764) In Costa Rica there are several types of working permits, under various categories, which apply depending on each particular case. Temporary working permits are granted in the following special cases:
  - Workers with a specific occupation to work for a legal entity (Article 112 of the Immigration Regulations, Executive Decree No. 37112-G).
  - Workers with a specific occupation to work for another individual (Article 113 of the Immigration Regulations, Executive Decree No. 37112-G).
  - Workers with a specific occupation to work independently (Article 114 and others of the Immigration Regulations, Executive Decree No. 37112-G).
  - Business workers, ex pats and post-sale services personnel (Article 119 of the Immigration Regulations, Executive Decree No. 37112-G).
  - Cross-border employees (Article 103 of the Immigration Regulations, Executive Decree No. 37112-G).

- Workers linked to specific projects and public interest projects (Article 124 of the General Immigration Law, No. 8764, and article 130 of the Immigration Regulations, Executive Decree No. 37112-G).

**STAYS:** It is also possible to obtain a permit to temporarily remain legally in Costa Rica. This possibility is for those foreign individuals invited to perform specialized activities, without compensation for it, not as employees, and in the professional, scientific, religious, cultural or political fields of their expertise (Article 150 of the Immigration Regulations, Executive Decree No. 37112-G). Agents of companies settled in Costa Rica, arriving to tend to issues related with the company they represent, may apply for this type of special permit as well (Article 152 of the Immigration Regulations, Executive Decree No. 37112-G).

**TOURISM VISA EXTENSION:** According to article 87 of the General Immigration Law and 155 of the Immigration Regulations, it is possible to legally remain in Costa Rica as a tourist for a term longer than originally granted, as long as it does not exceed ninety calendar days, by filing an application to extend the tourism visa, when a foreign individual, due to a special situation, needs to remain in the country for a longer period of time. Such an extension may only be granted once.

**PERMANENT RESIDENCIES:** Foreign individuals with a bond with Costa Rican citizens, such as parents, son or daughter of a Costa Rican national, may apply for a permanent residency. Foreign individuals legally residing in Costa Rica uninterruptedly for at least three years may also apply for this status, including spouses of a Costa Rican citizen who become permanent residents in time. Sons or daughters, and parents who have been classified as temporary residents uninterruptedly for a period of over three years, may also apply for a permanent residency. (Article 94 and others of the General Immigration Law, No. 8764, and Article 72 of its' statutes, Execute Decree No. 37112-G).

**REQUIREMENTS:** There are specific requirements for each of the abovementioned categories or regimes. Notwithstanding the above, all applications must include:

- Certificate of criminal records issued in the applicant's country of origin.
- Birth certificate of each applicant, issued by the corresponding authority where the birth occurred.
- Marriage certificate issued in the country in which the wedding took place, in case the main applicant wishes to include his/her spouse.
- Certified copies of all pages of passport, with a valid and good standing tourism visa.
- Consular registration issued by the Consulate of the applicant's country in Costa Rica.
- Should there not be a Consulate of this country in Costa Rica, the application must be accompanied by a Costa Rican Ministry of Foreign Affairs and Worship indicating such circumstance.



- Registration of Fingerprints with the Costa Rican Ministry of Public Security.

#### **FAQs:**

**WHICH LANGUAGE SHOULD BE USED IN DOCUMENTS PERTAINING TO IMMIGRATION PROCEEDINGS AND APPLICATIONS?** The official language in Costa Rica is Spanish. All documents required may be prepared in the official language of their country of origin, but must be filed with their respective translation to Spanish. N&A provides complementary translation services.

**WHAT REQUIREMENTS DOCUMENTS COMING FROM OTHER COUNTRIES MUST MEET IN ORDER TO BE USED IN COSTA RICA?** All documents issued by a foreign authority must be duly legalized and authenticated. Costa Rica is a signatory of International Treaty 8923, also known as the Apostille Convention or the Hague Treaty, intended to simplify the legalization proceedings. Documents sealed with the “Apostille” in their country of origin will be valid and effective in Costa Rica without further legalizations. Should your country not be a party to such Treaty, the document will require legalization by the Costa Rican Consulate.

**WHAT IS THE DURATION OF IMMIGRATION PROCEEDINGS?** Immigration authorities in Costa Rica are generally not as fast and expedite as one would hope. Notwithstanding the above, there is no reason for any process should to take years to be completed if the applicant complies with all due requirements. Should you want your registration or naturalization process to be completed as quickly as possible, we strongly suggest you seek the knowledgeable and practical assistance of our Immigration experts.

If you should need further information or assistance, please contact us at: [info@costarica-law.com](mailto:info@costarica-law.com).