



Costa Rica's New Immigration Laws

Ley General de Migración y Extranjería



Effective
March 1st
2010

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Costa Rica is a world-wide destination for vacationers, travelers, those seeking investment opportunities and for persons considering second homes, a place to relocate and/or retire.

Costa Rica is also desirable to many seeking better living conditions, improved work opportunities, asylum and/or refugee status from other countries.

However, Costa Rica is a small country with limited resources. As but one example; Costa Rica's national healthcare system cannot continue to expand as needed when foreigners are allowed to flow across its borders unchecked and without having to contribute financially to the system – similar to uninsured or underinsured costs plaguing the United States and other worldwide healthcare systems.

To better address these concerns Costa Rica recently re-wrote its immigration laws, towards:

- Setting-up official positions and commissions to pass rules, regulations and procedures under the directives of the new immigration laws.
- Centralizing and modernizing the immigration process toward better efficiency and enforcement.
- Allowing 'flexibility' in making administrative approvals on those seeking immigration statuses that may fall outside of written guidelines.
- Criminalizing human trafficking and establishing human rights for immigrants.
- 'Professionalizing' the Costa Rica Immigration Police force (la Policía Profesional de Migración y Extranjería).
- Setting higher qualifications for residency - mainly to ensure foreigners come with adequate income to support themselves.
- Attempting to close the "Marriage of Convenience" loophole that is a long standing business institution where attorneys document false marriages between Costa Rica citizens and foreigners for the sole purpose of obtaining Costa Rica residency and citizenship.
- Requiring all temporary and permanent residents to contribute to Costa Rica's national social security and healthcare system (Caja Costarricense de Seguro Social –or- CCSS) ... commonly referred to as, the "Caja"

Editors Note: The new Costa Rica Immigration Law (Ley General de Migración y Extranjería) was published in the official Costa Rica government newspaper La Gaceta on September 1st, 2009. The text of the law is in Spanish. The following simplified guide is the best information available to date but also relies on computer software for the English translations. Do Not Rely Solely on the Below Text for Costa Rica Immigration Laws – consult with a reliable Costa Rica attorney specializing in immigration matters for answers to all legal questions.

Visas

Visas designated for Local Transit, Delivery of Passengers & Goods, Cultural Events, Sports, Economic Purposes, Political Delegations, Media, Tourists, Students, Professional Workers and Medical Patients allow individuals to remain in Costa Rica for various periods of time ... anywhere from 48 hours to 2 years depending on the reason.

The largest segment of Costa Rica visas issued is without question for Tourists:

- **Tourist visas** given automatically to citizens of North America and Europe with few exceptions are granted at the time of entry for a period *not to exceed 90 days*.
 - Under both the current and new immigration law, renewing a tourist visa is as simple as leaving Costa Rica for a period of 72 hours. Upon re-entry a new 90 day Tourist visa is issued.
 - The new law does allow in-country tourists to petition for up to 90 day extensions at a cost of \$100 USD. However, this request must be done in-person and proof of sustainable income will be required ... which may negate any positives of this new provision.

Costa Rica Residency Types

as of **March 1, 2010** (new law)

LEY GENERAL DE MIGRACIÓN Y EXTRANJERÍA

<u>Pensionado</u>	<u>Rentista</u>	<u>Inversionista</u>	<u>Representante</u>	<u>Permanent</u>
Proof of \$1,000 USD per month income from permanent pension or retirement fund.	Proof of \$2,500 USD per month income guaranteed by a bank.	\$200,000 investment in any Costa Rica business OR a specified amount of investment in certain Costa Rica government approved sectors.	Director, executives, representatives, managers and technical employees of companies meeting certain requirements.	First degree relative with Costa Rica Citizen (thru marriage or having a child) OR may apply after 3 years in another residency .
<i>Previously \$600/mo.</i>	<i>Previously \$1,000/mo.</i>			
Can claim spouse and dependents under 25 years of age or older with disabilities.	Can claim spouse and dependents under 25 years of age or older with disabilities.	Can claim spouse and dependents under 25 years of age or older with disabilities.		Can claim spouse and dependents under 25 years of age or older with disabilities.
Cannot work as an employee.	Cannot work as an employee.	Income allowed from the project.	Income must exceed Costa Rica minimum wage for specified position by at least 25%.	Can work as an employee.
Can own a company and receive income.	Can own a company and receive income.	Can own a company and receive income.	Can own a company and receive income.	Can own a company and receive income.
Cannot be absent from Costa Rica more than 2 consecutive yrs.	Cannot be absent from Costa Rica more than 2 consecutive years.	Cannot be absent from Costa Rica more than 2 consecutive years.	Cannot be absent from Costa Rica more than 2 consecutive years.	Cannot be absent from Costa Rica more than 4 consecutive years.

All residency types must participate in the Caja Costarricense de Seguro Social (CCSS) national social security and healthcare insurance system -or- "Caja". Proof of participation and payments for the entire term of residency are required for renewals.

Source: www.CostaRicaBlogger.com per information obtained from La Gaceta 09-01-09. Consult with a Costa Rica residency attorney for accuracy & updates.

Non-Permanent Residency (Temporary Residency)

Authorization to remain in Costa Rica for a specified period of time:

- **Pensionado** - Proof of **\$1,000 USD or its equivalent per month income from permanent, stable foreign pension or retirement fund** (previously \$600). A Pensionado can include their spouse and children under 25 or older children with disabilities in their application. Restrictions: cannot work as an employee but can own business in supervisory capacity.
- **Rentista** - Proof of **\$2,500 USD or its equivalent per month income guaranteed by a bank** (previously \$1,000). A Rentista can include their spouse and children under 25 or older children with disabilities in their application. Restrictions: cannot work as an employee but can own business in supervisory capacity.
- **Inversionista** - **\$200,000 investment in any Costa Rica business OR a specified amount of investment in certain Costa Rica government approved sectors**. Restrictions: income allowed from project only, cannot work as an employee for another company but can own another business in supervisory capacity.
- **Representante** - **Director, executives, representatives, managers and technical employees of companies meeting certain requirements**. Qualifying income must exceed Costa Rica minimum wage for specified position by at least 25%. Restrictions: can only work for approved company as an employee but can own another business in supervisory capacity.

Important: The new income requirements are not retroactive. Any person that has applied for or been granted residency prior to implementation of the new law on March 1, 2010 will only be required to prove income at the previous levels for approval or renewal (ie: Pensionado/\$600 mo., Rentista/\$1,000 mo.)

Permanent Residency

Authorization to remain in Costa Rica indefinitely can be applied for under the following situations:

- **First degree kinship** by blood of a Costa Rica citizen (ie: parent, child or sibling under 25 years of age or older if disabled and parents if elderly)
- **First degree relative** status of a Costa Rica citizen (ie: marriage)
 - Important: The new CR immigration law allows for investigations of all marriages to determine they are legitimate. Immigration officials can now conduct interviews with both spouses as well as friends, family, neighbors and co-workers at both the time of application and for renewals.
- **After 3 consecutive years of another residency status** (applies to the foreign person, their spouse and first degree kinship by blood)

All Permanent Residency statuses allow the individual to work and earn income within Costa Rica as an employee or business owner.

Exception to Residency

Individuals convicted of a crime within the preceding 10 years either in Costa Rica or in a foreign country where the crime is recognized by Costa Rica law will not be eligible for Costa Rica temporary or permanent residency.

Requirement of Residency

The new law obligates all residency types to participate in the Caja Costarricense de Seguro Social (CCSS) national social security and healthcare insurance system ... commonly referred to as the “Caja”. Proof of participation and payments for the entire term of residency are a requirement for any renewals.

Fees

The new law establishes fees to users of the system to help fund the department and enforcement.

- An ‘additional’ \$25 USD fee for all applications and renewals of residency status.
- An annual \$5 USD fee will be charged to non-residents with some exceptions, such as tourists.
- Tourists can apply for a visa extension prior to the 90 expiration for a fee of \$100 USD.
- Non-residents can apply for a change of status while in-country for a fee of \$200 USD.

Penalties

Violating the terms of any visa or residency status now has the following penalties.

- Overstaying in-country past the specified time allowed by visa or residency results in a fine of \$100 USD per month of violation -or- expulsion of a period equal to triple the time of violation (ie: 3 month overstay violation = \$300 USD fine -or- 9 month expulsion).
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This is not a complete guide to Costa Rica’s new immigration laws ... simply an overview for quick reference with many aspects subject to change via regulations by the new authority of Costa Rica’s immigration management and commissions along with any court reviews and decisions. Consult with a reputable Costa Rica attorney specializing in immigration law for all legal questions.

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