

REPUBLIC OF COSTA RICA
MINISTRY OF GOVERNANCE, POLICE AND PUBLIC SECURITY
GENERAL DIRECTORATE OF IMMIGRATION AND FOREIGNERS
Service, Justice and Transparency
Technical Evaluation Subprocess

ADMINISTRATIVE RESOLUTION No. 135-1210365-ERH

San José, at eight hours and fourteen minutes of the sixteenth day of January of the year two thousand twenty-six. The General Directorate of Immigration and Foreigners hereby takes cognizance of the application for Temporary Residence in the country under the category of Investor in Real Estate, in the name of a foreign national of the United States of America, under file number 135-878.

RESULTING:

FIRST: That on July 2, 2024, an application was submitted on behalf of the interested party requesting the granting of Temporary Residence under the category of Investor in Real Estate, pursuant to Law No. 9996.

SECOND: That the interested party demonstrated, by means of a certification issued by the National Registry of Costa Rica and a certification issued by the Municipality of Grecia, that they possess an investment for the amount of one hundred fifty thousand United States dollars (US\$150,000.00), legal tender of the United States of America, or its equivalent in Costa Rican colones at the official selling exchange rate established by the Central Bank of Costa Rica, consisting of the acquisition under personal title of a real estate property located in the Province of Alajuela, property record number as indicated in the administrative file.

THIRD: That, in accordance with Executive Decree No. 43926-MGP-H-TUR, "Regulations to Law No. 9996 for the Attraction of Investors, Rentiers, and Pensioners," published in Supplement No. 28 to Official Gazette No. 34 of February 23, 2023, the conditions for the application of Law No. 9996 by the General Directorate of Immigration and Foreigners are established, directed at foreign persons who intend to obtain authorization of legal stay in the country under the investor subcategory.

FOURTH: That for the issuance of this resolution, the legal deadlines and procedures have been observed.

CONSIDERING:

FIRST: That, in accordance with Articles 13 subsections 1) and 19), and Article 79 subsection 4) of Law No. 8764, General Immigration and Foreigners Law; Article 8 of Law No. 9996, Law for the Attraction of Investors, Rentiers, and Pensioners, published in Official Gazette No. 135 of July 14, 2021; and Articles 4, 5, 6, 7, and 8 of Executive Decree No. 43926-MGP-H-TUR, "Regulations to Law No. 9996 for the Attraction of Investors, Rentiers, and Pensioners," this General Directorate is empowered to authorize

the stay of foreign persons in the country under the category of investor for up to two years, and to issue the documents that accredit such stay, based, in the present case, on the applicant's request for the investor temporary residence subcategory, having verified the investment made, which meets the amount established in Article 8 of Law No. 9996.

SECOND: That, in accordance with Article 4 of Law No. 9996 and Articles 4 and 6 of Executive Decree No. 43926-MGP-H-TUR, the interested foreign person must demonstrate an investment with capital not less than one hundred fifty thousand United States dollars (US\$150,000.00), whether in real estate, registered movable assets, shares, securities, productive projects, venture capital funds, sustainable tourism infrastructure projects, or through a trust, being the trustor. That, in the present case, the investment has been demonstrated in real estate for an amount not less than one hundred fifty thousand United States dollars (US\$150,000.00), according to the official selling exchange rate determined by the Central Bank of Costa Rica; therefore, it is appropriate to grant Temporary Residence under the category of Investor to the foreign person.

THEREFORE,

THE GENERAL DIRECTORATE OF IMMIGRATION AND FOREIGNERS RESOLVES:

1) To GRANT TEMPORARY RESIDENCE under the category of INVESTOR IN REAL ESTATE, pursuant to Law No. 9996, to the interested party, who shall not be authorized to perform any remunerated manual or intellectual labor, for a period of TWO (2) YEARS, renewable for equal periods, for which, prior to renewal, the foreign person must demonstrate that they have maintained their investment in a continuous and uninterrupted manner from the moment regular stay was granted in the country. This is based on Articles 13 subsections 1) and 19), and Article 79 subsection 4) of Law No. 8764; Article 8 of Law No. 9996; and Articles 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18, 22, and 25 of Executive Decree No. 43926-MGP-H-TUR, "Regulations to Law No. 9996 for the Attraction of Investors, Rentiers, and Pensioners," and other factual and legal grounds indicated herein.

2) Documentation. Once this resolution granting temporary residence as an investor has been notified, the foreign person must submit to the Documentation Subprocess or other authorized office, for the corresponding purposes, the following documents:

a) Make the following deposits detailed below: an amount of twenty-five dollars (US\$25.00) and one hundred three dollars (US\$103.00) into account number 242480-0 of Banco de Costa Rica, in accordance with Articles 33 subsections 4), 251, 252, and 253 of Law No. 8764. This deposit must be made in the name of the foreign applicant.

b) Make a deposit for the sum of three hundred sixty-one United States dollars (US\$361.00) into account number 001-80052-0 of Banco de Costa Rica, or its equivalent in Costa Rican colones at the official "selling" exchange rate calculated and published daily by the Central Bank of Costa Rica, in account number 001-80050-3, as a Security Deposit in favor of the General Directorate of Immigration and Foreigners, in accordance with Article 133 of Law No. 8764. This deposit must be made in the name of the foreign applicant.

c) Be affiliated with the Costa Rican Social Security System (CCSS) and be current in the payment of the corresponding contributions. The office of the General Directorate before which the procedure is carried out shall verify this requirement ex officio through the available means.

d) If the person is registered with the General Directorate of Taxation (DGT), they must be current in the payment of national taxes and the Solidarity Tax for the Strengthening of Housing Programs, when applicable. The office before which the procedure is carried out shall verify this requirement ex officio through the available means.

e) Presentation of a valid or expired passport, or any other identification document with photograph.

All of the foregoing in accordance with Article 9 of Executive Decree No. 43926-MGP-H-TUR.

3) For first-time documentation or renewal of the DIMEX, the appointment may be scheduled through the commercial offices of this General Directorate, as follows: Banco de Costa Rica by calling 800-BCCRITAS (800-227-2482) or on the website www.bancobcr.com; the RACSA Call Center by calling 1311; or through Correos de Costa Rica or central or regional offices of the DGME. The appointment must be requested in the name of the foreign person. One appointment is granted per person; in the case of family nuclei (father, mother, minor children, spouses), an appointment must be requested for each member. Appointments must be scheduled at least 48 business hours prior to the assigned date.

4) Additionally, it is indicated that, for the renewal of the residence document as an investor, in accordance with Articles 4 and 10 of Executive Decree No. 43926-MGP-H-TUR, the following must be submitted:

a) Proof of payment of the respective legal fees and their amendments.

b) Proof of affiliation with the CCSS insurance system, uninterrupted from the time the migratory category was granted and continuously until the time of renewal of the foreigner identification card.

c) If registered with the DGT, be current in the payment of national taxes and the Solidarity Tax for the Strengthening of Housing Programs, when applicable, which shall be verified ex officio.

d) Demonstrate that the investment has been maintained in a continuous and uninterrupted manner from the moment regular stay was granted in the country.

5) The foreign person to whom temporary residence as an investor has been approved is informed that, in accordance with Article 79 of Law No. 8764, "The General Directorate of Immigration and Foreigners shall grant authorization of entry and stay for a defined period, exceeding ninety days and up to two years (...)" Therefore, once said period has expired and three months have elapsed as established in Article 129 subsection 10), without the foreign person having carried out the documentation or renewal procedures, the condition of temporary residence shall expire due to the passage of time, without the need for an additional administrative procedure for cancellation of migratory status.

6) This authorization of stay, as well as any eventual extension, is granted under the express warning to observe the conditions imposed in Articles 70 and 129 of said legal body, which indicate, among other circumstances, that the holder must observe good conduct in accordance with morality and good customs of the country; that they must not have criminal records or engage in acts constituting a threat to public security or order. Otherwise, this General Directorate is empowered to cancel the migratory condition of the interested party.

7) In accordance with Law No. 9996 for the Attraction of Investors, Rentiers, and Pensioners, in its Articles 5, 6, and 12, this Directorate informs that in order to be a beneficiary of the incentives established therein, the respective application must be filed in compliance with the requirements set forth in Executive Decree No. 43926-MGP-H-TUR, "Regulations to Law No. 9996 for the Attraction of Investors, Rentiers, and Pensioners," published in Supplement No. 28 to Official Gazette No. 34 of February 23, 2023.

8) Likewise, the foreign person to whom temporary residence as an investor is approved is warned that: "In those cases in which the beneficiary renounces their condition of 'investor', 'pensioner', or 'rentier', or in the event that the migratory status is canceled by the Immigration and Foreigners Directorate, they must pay the taxes on the goods for which exemptions were granted, as well as any other tax benefit, and must also pay the corresponding taxes for the purpose of the benefit, and those goods that were imported without payment of duties. They must also pay the corresponding interest and penalties, in accordance with the provisions of Title III of the Tax Code." This is in accordance with Article 25 of Executive Decree No. 43926-MGP-H-TUR.

In the same sense, the foreign person to whom temporary residence as an investor is approved is informed that this General Directorate of Immigration and Foreigners, in application of Article 14 of Executive Decree No. 43926-MGP-H-TUR, shall proceed through the Foreigners Management Office to inform the Ministry of Finance of any variation in the migratory condition granted in this resolution, whether due to a voluntary change of migratory category or renunciation thereof, or due to the execution of a migratory status cancellation process, for the purposes that the Ministry of Finance may proceed with the collection of the taxes from which the foreign person was exempt, in accordance with the terms set forth in Article 7 of Law No. 9996, since the foreign person must have and maintain valid the investor temporary residence subcategory in order to be exempt by the Ministry of Finance from the taxes indicated in Article 7 of Law No. 9996 and in accordance with Article 18 subsection d) of Executive Decree No. 43926-MGP-H-TUR.

9) Regarding the period of validity of the incentives, the foreign person to whom temporary residence as an investor has been approved is informed that Article 22 of Executive Decree No. 43926-MGP-H-TUR establishes: "In accordance with the provisions of the first paragraph of Article 12 of the Law, investors, rentiers, or pensioners may opt for the benefits granted in Article 5 of Law No. 9996 solely during the first five years of its validity. In the case of investors, rentiers, or pensioners who opted for said benefits during the first five years of validity of the Law, they must retain the goods in their ownership for at least ten years. In the event that the benefit consists of the importation of vehicles, transfer to third parties shall proceed after ten years from the granting of the benefit, following the prior

completion of the tax release procedure in the EXONET System. The transfer of vehicles affects the payment of the tax established in Article 10 of Law No. 7088, Tax Adjustment and Resolution Law of the Tariff and Customs Council CA, dated November 30, 1987, and its amendments."

This resolution is issued by delegated authority under Resolution No. 33-11-2018, published in Official Gazette No. 233 of December 14, 2018; Resolution DJUR of February 26, 2019, published in Official Gazette No. 40 of February 26, 2019; and Agreement No. 003-05-2022-ABM of May 31, 2022, published in Official Gazette No. 118 of June 24, 2022.

Notify the interested party for their knowledge.

Ms. Elizabeth Ruiz Herrera

Collaborator – Foreigners Management
General Directorate of Immigration and Foreigners