Costa Rica Immigration Guide

A Guide to Legal Residency in Costa Rica

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8th Edition 2018
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Introduction

Anyone interested in relocating to Costa Rica will eventually have to go through the immigration process. It is a slow and bureaucratic process so it's not surprising that most of the questions that I get on our website are related to immigration matters.

In this book I will break down the entire immigration process for you so you can evaluate the best options available for you when considering Costa Rica as a place to live.
Chapter 1

Arriving in Costa Rica

The Tourist Visa

The requirements to enter Costa Rica depend on your country of nationality. Generally, citizens of the United States, Canada and the European Union countries do not require a visa application to enter Costa Rica since they will automatically be given a tourist visa at the immigration point of entry. With a valid passport these nationalities can enter Costa Rica and remain in the country for up to a maximum of 90 days.

If you are traveling to Costa Rica it is recommended that you have at least 3 months validity on your passport expiration from the date of entry for those nationalities included in the no visa requirement group below and 6 months for those in the rest of the categories.

Costa Rica divides countries for visa purposes into those that require a visa for entry and those that do not as follows:

**NO VISA REQUIRED. MAY STAY UP TO 90 DAYS.** Those countries designated as No Visa countries may enter Costa Rica without an entry Visa and may remain in Costa Rica for up to 90 days.

*Example: United States, Canada, European Union, Australia, Brazil, Mexico, Peru, Panama, Russian Federation, Denmark, Finland, Japan.*

**VISA REQUIRED. MAY STAY 30 DAYS. RENEWABLE UP TO 90 DAYS.**

If you are a citizen of a visa required entry group you need to obtain an entry VISA from a Costa Rican Embassy or Consulate abroad before you enter Costa Rica. If the visa is granted it is for a period of 30 days and may be renewable up to a maximum of 90 days.
**Example: Colombia, Ecuador, India, Nicaragua, Egypt, Vietnam, China.**

**RESTRICTED VISA:** This is the most restrictive category. This means that citizens of the restricted visa category must have an entry visa BEFORE they are allowed to enter Costa Rica. The visa must be reviewed by the Director of Immigration before it can be granted. If granted the visa is for a period of 30 days.

Example: Cuba, Jamaica, Iran, Iraq, Syria, Palestine, Haiti.

You can see the Visa Requirement List by Country by clicking on this link: [Costa Rica Visa Entry Country List](#).

Most of the tourist visitors that come to Costa Rica come from the United States, Canada, Europe and Latin America. The following chart indicates tourists arrival from country of origin.

![Chart showing tourist arrivals from various countries](chart.png)

**WHAT IF I OVERSTAY MY VISIT**

Have you heard about a perpetual tourist? Generally a perpetual tourist is somebody who enters the country legally and then remains illegally after
their tourist visa expires. They may also travel to the neighboring countries of Nicaragua or Panama to renew their tourist visa and enter Costa Rica on multiple occasions.

In the past Costa Rica was very lax with this practice. However, the immigration law has provisions which depending on the seriousness of the violation could prevent you from re-entering the country.

The current immigration law in Article 33 section (3) makes it clear that it is the obligation of the visitor who enters with a tourist visa to leave the country when the authorized visa term expires. The only exception is if you have filed a residency application or have received an extension to stay prior to the expiration of the tourist visa.

The immigration law provides for a $100 per month fine for overstaying the visa. If you fail to pay the fine the law indicates that you can be blocked from re-entry for a period equal to 3 times the amount which you overstayed the visa. [Article 33 (3) of the Immigration Law and Article 59 (c) of the Regulations]. The application of this fine is in effect as of April 20, 2018 so be sure you understand the consequences of overstaying your visa to avoid an surprises.

CAN I RENEW MY VISAA?

The Department of Immigration has taken the position that only those that have visas of less than 90 days may request a visa extension and only up to a maximum of 90 days. As such, if you came in with a 90 day visa you will not be able to apply for an extension in Costa Rica.

Keep in mind that article 33 (3) of the Immigration Law states that “The foreign person has the obligation to leave the country once the visa term has expired...” If you want to extend your stay then you will have to exit the country and re-enter to get a new visa.

While in Costa Rica your passport and the immigration stamp that was placed in it when you entered the country is your proof of legal status as a tourist visitor in Costa Rica. Once inside Costa Rica, the Department of Immigration allows you to carry a copy of your passport with a copy of the entry date stamp as well so that you can safeguard your original passport.
Always carry a copy of your passport and the entry date stamp but leave the original in your hotel room (or wherever you're staying) preferably in a safe.

Once you have enjoyed Costa Rica for some time and have adapted to the “pura vida” lifestyle and decide that this is the right place for you to live, it is time to explore your residency options. Once your decision is made to live here on a permanent basis your next step is to decide which of the Immigration residency categories you will qualify for. Let’s take a look in more detail.

**Chapter 2**

**The Residency Categories**

All residency applications are processed by the Costa Rican Department of Immigration (*Dirección General de Migración y Extranjera*) which in turn is overseen by the Ministry of Public Security and Police (*Ministerio de Seguridad Publica*).

The Immigration Law allows residency applications to be filed directly in the office of the Department of Immigration in Costa Rica or via a Costa Rican Consular office in your country of origin. The residency application fee is US $50. If you file for residency directly in Costa Rica then you will pay an additional $200 for a change of status fee. As such your total application fee would be US$250. To apply in Costa Rica your entry visa must be valid and not expired.

The Immigration Law breaks down the residency categories available under three subsections. The first one is **Permanent Residency** (Article 77-78) the second is **Temporary Residency** (Article 79-86) and the final category is defined as **Specialized Categories** (Article 93-97).

The most common initial classification for all initial applicants will be that of Temporary Residents. As such I will start explaining that category for you.
Temporary Residency

The Temporary Residency category is regulated by Article 79 of the Immigration Law and the Immigration Regulations Decree Nº 37112-G and has the following subcategories:

(1) The Spouse of a Costa Rican citizen as set forth in Article 73 of the law

(2) Those of religious orders for religions that have been accredited by the Ministry of Foreign Relations and Culture

(3) Executives, Managers, Technical Personnel for Corporations which are established in the country. This may also include those specialized workers that are independent workers but whose technical expertise is specifically required. The applicant has to comply with the Department of Immigration qualification criteria to allow that specialist to work in Costa Rica

(4) Investors

(5) Scientific, Professional and Specialized persons

(6) Sports figures recognized by the National Council on Sports and Recreation.

(7) International Press Correspondents

(8) Rentistas

(9) Pensionados

Permanent Residency

The Immigration Law provides two ways in which you can become a Permanent Resident of Costa Rica. First, you must have held a Temporary Residency category for at least three (3) years and then request the change to Permanent Residency. The other option is limited to Immediate Relative
Petitions. These are applicants that have a family relationship with a Costa Rican citizen. The spouse of a Costa Rican citizen is no longer automatically entitled to Permanent Residency as was the case under the old law. Instead the spouse is given temporary residency and then will be allowed to convert it to permanent residency after the authorities confirm that the marriage is not a fraud.

**Specialized Categories**

Article 94 of the law sets forth the residency status that the Department of Immigration will confer under the Specialized Category and those include:

(1) Cross border workers

(2) Temporary Worker’s

(3) Workers with a Specific Occupation, business visitors, and transfer employees from within a corporation and support personnel or contract workers related to that entity.

(4) Students, Researchers, Faculty and Volunteers

(5) Special guests of the government, its institutions and those which the Ministry of Public Security deem pertinent including whistle blowers or witnesses in judicial or administrative proceedings

(6) Artists, Sports figures or members of public events, known professionals or technicians invited to carry out activities of importance to the country

(7) Refugees

(8) Asylum Seekers

(9) Stateless individuals

(10) Victims of Human Trafficking

(11) Workers tied to a specific project which is of National Interest to the country
Those which the Directorate of Immigration deems necessary for humanitarian reasons

**WHAT RESIDENCY CATEGORY IS BEST FOR YOU?**

I always recommend that you apply for the easiest category that you will qualify for. For many of you those categories are generally the Pensionado, Rentista or Investor category. The Pensionado and Rentista category do not give immigration officials much discretion since the applicant just needs to comply with the minimum required income to qualify. So, as long as you properly demonstrate the income requirements then the Department of Immigration will grant the status. Other categories have more extensive requirements and the Department of Immigration exerts more discretion as to the approval or denial of the status.

**Chapter 3**

**Retiring in Costa Rica**

**Pensionado and Rentista Residency**

If you are planning to retire in Costa Rica and you have a pension or investment income then you may qualify for either Pensionado Residency or Rentista Residency. These categories in one form or another have been in existence for more than 40 years.

**Pension Based Residency [Pensionado]**

The Pensionado (Retiree) applicant must demonstrate a permanent fixed income from a pension or similar retirement income of at least **US$1,000 per month**. The typical applicant in this category has a government, private
sector pension or social security retirement benefits. The legal basis for the pensionado category under the Immigration Law is Article 81 of Law 8764.

**Baby Boomers a National Priority**

Prior to leaving office former President Oscar Arias signed an executive decree declaring “Baby Boomers” a National Priority for Costa Rica and the idea was to grant incentives to attract baby boomers to Costa Rica. Don’t get excited yet! This declaration has been purely symbolic since the benefits and incentives that were discussed have not been implemented and there is no sign from the current government that this will happen any time soon.

In 1971 Costa Rica was at the forefront in legislation attracting foreign retirees. In that year Costa Rica passed the Pensionado-Rentista program which at the time was administered by the Costa Rican Tourism Board. These two residency categories, Pensionado and Rentista have been offered for the past 40 years. The National Priority declaration shows the continued commitment by Costa Rica to the Pensionado and Rentista category.

**Income Based Residency [Rentista]**

To apply for residency under the Rentista portion of the law, the applicant must demonstrate that they will receive income in the amount of **US$ 2,500 per month** in a permanent and stable manner for a period of at least two years. This amount includes the applicant, their spouse and all their children which are under the age of twenty five. The legal basis for the rentista category is Article 82 of Law 8764.

Generally, those who seek the Rentista category do so because they do not have a pension source and instead have investment income. To apply for this category it is necessary to provide proof of the investment income that will be the basis for your application. The most common way to fulfill this requirement is to provide a letter from your bank or financial institution where your funds are deposited. The letter would certify the existence of the required income and indicate that it will be available to the applicant in a permanent and stable manner for the two years required by the law. It is not required that the funds be held in Costa Rica. The letter can be issued by international banks as well as Costa Rican banks.
The immigration law specifically requires that the words *income* (renta) in a *permanent* (permanente) and *stable* (estable) be included in the letter that you will use as the basis of the application. This means that the Immigration Department when evaluating your application will review your income letter to ensure that it complies with the applicable law.

There are Costa Rican banks that will work with you to provide the required letter to immigration. They will generally require that you open an investment account and deposit with the bank US$60,000 which they will then structure so that you receive US$2,500 per month during the 2 years required by law.

In both cases, Pensionado and Rentista the beneficiaries must contribute to the Social Security System of Costa Rica. The Immigration Law requires all residency holders to register and contribute to the Costa Rican Social Security and Medical System (C.C.S.S.) Here is the exact wording of the law:

"Article 86. As long as the temporary resident maintains the conditions on which their residency status was granted and obtains insurance from the CCSS they may request a renewal of status pursuant to the disposition of the regulations to this law."

Once your application for Pensionado or Rentista has been approved you will need to obtain the health insurance coverage before you can get your residency identification card. The most common form of application is to apply for the Voluntary Insurance program (*Seguro Voluntario*) with the CCSS. The cost of the health insurance policy is based on a sliding fee schedule based upon the amount of pension or income you have reported on your immigration application. For Pensionado with a $1,000 income requirement established it is around US$ 60 per month. For a rentista with $2,500 per month then the payment is around $195 per month. If you applied jointly with a spouse then the monthly amount will cover both of you since the main applicant can claim their spouse as a dependent.

Many of you may have your own insurance and will never use the Costa Rican Public health care (CCSS) medical plan. However the requirement is mandatory and there is no way to opt out of the system.
Chapter 4

The Application Process

Supporting Documents

The Immigration Law allows residency applications to be filed in Costa Rica directly with the Department of Immigration. You also have the option of filing the application through a Costa Rican consulate in your country of origin. Since the number of Costa Rican consulates abroad is limited this can be cumbersome and we prefer to file the application directly at immigration in Costa Rica. If you choose to file locally you will be charged an additional US$200 to the US$50 standard application fee. The reason for this fee is that the Department of Immigration considers a local filing as a change of immigration status which triggers the US $200 fee.

Before any application can be filed the applicant must compile all the supporting documentation that must be attached to the application. Keep in mind that every document that you submit to Costa Rica must go through a document authentication process called and Apostille which I discuss in more detail below.

The documents that will need to apply for residency in Costa Rica will be the following:

1. Birth Certificate: You must provide a certified copy of your birth certificate and that of your dependents.
2. **Marriage Certificate**: If the main applicant is going to include their spouse as a dependent on the application then a certified copy of a marriage certificate will also be required.

3. **Proof of Income**: If your source of income is a government pension then obtain a letter from your government certifying the income (US citizens on Social Security can obtain this letter from the United States Embassy - Consular Section in Costa Rica).

If the income is from a bank or financial institution then that particular financial entity must issue the income letter.

4. **Police Certificate of Good Conduct**: The police clearance certification is obtained from the police department where you last resided.

5. **Finger Prints for Interpol Background Check**: This step is done in Costa Rica at the Ministry of Public Security. The applicant will be finger printed in Costa Rica and the prints will be checked with Interpol. You must take at least 2 photographs facing front and 2 face to the side. You will not be allowed to be fingerprinted until you have first filed your residency application. Once the application is filed you can then show up to the fingerprinting office to complete the process.

   **Note**: *Do not* wear shorts or sandals when appearing before the fingerprinting department. They are very strict on dress code requirements and they will reject you from entering the premises.

6. **Photographs**: The application requires photographs during the various stages of processing and we recommend that you take at least 4 photographs facing the front.

7. **Photocopy of Your Entire Passport**: With your application you will need to provide a complete copy of your passport. This means every single page from front cover to back. You will also require a very clear copy of the date of the immigration stamp where you entered the country. It is
important that the entry stamp be clearly visible otherwise it could delay your application process.

8. **Translation of Documents**: Once you have compiled all your documentation, all documents must be translated into Spanish by an official Costa Rican translator licensed by the Ministry of Foreign Relations. This procedure can generally be handled by the Attorney that you have retained to process your application or by contacting a translator from the official list provided at the Ministry of Foreign Relations website: [www.ree.go.cr](http://www.ree.go.cr).

9. **Power of Attorney for Representation**. If you have hired an Attorney to process your application you will have to confer upon them a Power of Attorney to act on your behalf before the Department of Immigration.

10. **Background Information Sheet (Hoja de Filiación)**. This form requests the personal background information of the applicant and must be attached to the application. The form is included in the Appendix section.

11. **Proof of Registration with Your Local Embassy**. The Department of Immigration requires that all applicants show proof that they are registered with their local Embassy in Costa Rica.

Note for U.S. citizen. In the case of U.S. citizens it means registering with the [Smart Traveller Enrollment Program - STEP](https://sstep.smartrvl.com) and then printing out the registration.

**Note**: All documents that you obtain for residency purposes are only valid for **SIX MONTHS (6)** from the date they were issued. As such please carefully plan your timing for filing your application so that your documents do not expire before you file them with Immigration in Costa Rica. If the documents expire AFTER you have filed the application then this is not an issue since you have complied with the filing requirement.

**Document Authentication Process**

As previously indicated many of the documents that you will submit with your residency application require authentication to be valid in Costa Rica.
This means that your original documents must go through a document authentication process.

This part of the process is where you will likely spend most of your time and effort. Since this involves the collection of private documents such as birth certificates, marriage certificates, police certificates it is generally something you will have to compile on your own.

First of all any document for use in Costa Rica must first be certified by your local government office that is responsible for the validation of certified copies. Those documents must then be authenticated for use in Costa Rica.

The authentication process that you must follow will depend on your country of origin. Costa Rica is a member of the “Hague Convention Abolishing the Requirement for Legalization of Foreign Public Documents” also known as the “Apostille Treaty”. As such, Costa Rica will accept foreign documents that have an Apostille attached to it issued by any of the other 72 member countries. (See the list of member countries in the Appendix).

If your country is also a member of the Apostille Treaty then there is nothing further that you need to do. Once you have the Apostille that document will be accepted by the Department of Immigration of Costa Rica.

If your country is not a signatory to the Apostille Treaty then your documents will have to be sent to the Costa Rican Embassy or Consulate within your country of origin for authentication. Then they can be legalized by the Ministry of Foreign Relations in Costa Rica.

Let’s walk you through the process by using a birth certificate as an example since every applicant will have to provide one.

If you are from the United States your birth certificate is issued by the Vital Records office of your local state. If you are a Canadian citizen your birth certificate can be issued by your Provincial vital records department. Citizens of the European Union will need to obtain their certificates according to the requirements of their particular country.
Once you have an original certified birth certificate on hand you will need to proceed to the next step which is to have the birth certificate authenticated by the office in the country where your certificate was issued which carries out document authentications.

In the case of the United States the Secretary of State of the State where the document was issued can authenticate or Apostille the document for you. You need to contact the Secretary of State for your particular state since the procedures vary from State to State. I have provided the websites for all 50 Secretary of State offices in the United States in the Appendix.

For Canadians the Foreign Affairs and International Trade Office authenticates a variety of Canadian documents.

Check out their website at canadainternational.gc.ca for more details.

Why is this required? The Costa Rican Embassy, Consulate or Ministry of Foreign Relations has no way of keeping track or authenticating the signatures of individual county or state registrars. As such it is a common practice in International Law that the authenticating capacity be delegated to the Secretary of State. Since the United States has fifty Secretaries of State, it is safer for a foreign government such as Costa Rica to limit the authentication capacity to those fifty individuals rather than trying to verify multiple local and state governments.

The document below is a sample of what a certification from the Secretary of State looks like.

This certification would be attached to your birth certificate.

Since the United States is a signatory to the Hague Convention Apostille Treaty these documents do not have to go to the Costa Rican Embassy or Consulate and instead can be legalized directly in Costa Rica at the offices of the Ministry of Foreign Relations.
The European Union (EU) countries are also members of the Apostille Treaty and documents coming from EU countries do not have to be authenticated by the Costa Rican Embassy or Consulate.

Canada is not a signatory to the Apostille Treaty and as such all documents coming from Canada must be sent to the Costa Rican Embassy in Ottawa or to a Costa Rican consular office in the province where the document was issued.

The Costa Rican Embassies and Consulates located abroad are all under the direction of the Costa Rican Ministry of Foreign Relations. The main office is located in the capital city of San Jose.

The following link takes you to the Ministry of Foreign Relations website that lists the contact information for the Costa Rican Embassies and Consulates.

Once the Costa Rican Embassy or Consulate certifies your document it will adhere a certification similar to the image on the right. In this particular case it contains the certification of the Costa Rican Consular Office and legalization stamp form the Ministry of Foreign Relations.

You can follow the document authentication process in the following chart below:
You are almost done with the document authentication process. If you have hired a local Attorney to assist you with the process they will complete the final step for you once you deliver the authenticated documents. When the document arrives in Costa Rica it must be delivered to the Ministry of Foreign Relations Office in San José in order to complete the legalization process. Once completed your documents are now valid to use in Costa Rica.

I limited the example to the birth certificate but remember that this procedure must be followed for ALL documents which you submit with your Residency application such as marriage certificates, income letters, police certificates etc. The only exception will be for citizens of the United States that have a social security pension. In that case the Citizens Service Office of the United States Embassy in San José will certify your social security
pension amount in a format which is acceptable by the Department of Immigration.

Any document that is not in the Spanish language must translated into Spanish before it is presented to the Department of Immigration. The Attorney that is processing your residency application will more than likely have a list of translators that they work with and which they can refer you to.

The Ministry of Foreign Relations has a list of official translators which you can access with this link: Translator List Ministry of Foreign Relations

### Filing the Residency Application

Once you have all the documentation set forth above you are ready to submit your application to the Department of Immigration. You have two options in filing the application. You can file it in your country of origin with the Costa Rican Embassy or Consulate located in your country or you can file the application in Costa Rica directly with the Department of Immigration. My preference is to file directly in Costa Rica.

In order to file the application in Costa Rica you must ensure that you do so while your tourist visa is still valid. Most of you will enter Costa Rica as a tourist and thus will be under the tourist category when you apply for residency. If your tourist visa has expired while you are in Costa Rica you cannot submit a residency application. If you already had a 90 day tourist visa and it expired in Costa Rica then you will have leave the country and then re-enter to obtain a new tourist visa which make you legal to then file a residency application.

The residency application fee is US$50 payable to the Costa Rican government. If you file in Costa Rica as opposed to a Costa Rican Embassy or Consular office you will also have to pay an additional fee of US$200 as a change of status fee. In Costa Rica the residency application fees can be deposited directly to the account of the Department of Immigration at Banco
de Costa Rica, account number 242480-0, and attach the payment receipt to
the application.

I recommend that a complete application package be assembled by you or
your legal representative including the application and all the supporting
documentation that we discussed above. Get a complete copy of the file and
then submit it either in person or by conferring a Power of Attorney to a
third party to present it for you.

The main office of the Department of Immigration is located in the capital
city of San Jose in La Uruca. The number for the call
center of the Department of
Immigration is 1311 and the
central telephone number is
2299-8100.

The following regional offices of the Department of Immigration are also
authorized to receive residency applications.

Delegación de Liberia Telf. 2666-4644

Delegación de San Carlos (Ciudad Quesada) Telf. 2299-8003 / 24600805

Delegación de Puntarenas Telf. 2661-1446 / 2299-8002

Delegación de Paso Canoas (Corredores) Telf. 2299-8007 / 2732-2150

Delegación de Limón Telf. 2798-2097 / 2299-8005

Keep in mind that all the original documents that you submit become the
exclusive property of the Department of Immigration and will NOT be
returned to you.

Within the application process you will be required to provide the
Department of Immigration with the following information:

• Full Name
• Nationality
• Occupation
• Name of your Father
• Name of your Mother
• Name of your Spouse if applicable
• Marital Status
• Place of Birth
• Date of Birth
• Original Entry Date into Costa Rica
• Point of Entry into Costa Rica
• Physical Address in Costa Rica
• Telephone number in Costa Rica

Once your application is received by the Department of Immigration in Costa Rica it will be assigned a file number (expediente). This file number is important since it is your proof that you have a pending residency
application with the Department of Immigration. The example on the right is a proof of filing receipt.

Your application first goes to the Legal Department of the Department of Immigration who will review all the documentation to ensure it complies with the requirements established by law. If all your paperwork is in order the Legal Department will forward the application to the approval committee for final evaluation.

If there are any defects in the application the Legal Department of the Department of Immigration will notify your legal representative of the defect and request that it be corrected before it will submit the application for approval.

The Department of Immigration will serve you with a defect notice and then by law you have ten (10) days to correct the defect. If you fail to respond to any notice requiring additional documents then Immigration
may close out your file. If you need additional time file a request for an extension to provide the required document before the time expiration.

If your application is approved then the Department of Immigration will issue a formal resolution indicating the date on which the application was approved. You or your legal representative must appear personally at the Department of Immigration to formally retrieve the resolution granting the residency status. The resolution will indicate that you have 90 days in which to finalize the immigration process.

Once you have the final resolution from the Department of Immigration you can then start the final process to obtain you identification card which involves the following:

1. Proof of Health Insurance with CCSS. The first step is to have registered for the health insurance program of the CCSS and have your receipt of payment of the first month. The amount you will pay depends on the income that was reported on your application. It is based on sliding fee schedule that goes from 6% to 12%. To determine the amount the local CCSS office where you live will conduct an interview and review your financial documents. Based on that interview it will access the amount you have to pay. For example we had an applicant with Social Security of $1,117 per month pay $70 per month. Another individual with rentista status of $2,500 per month pays $195 per month. These amounts include the primary applicant and the dependent spouse.

2. Payment of Immigration Bond and Processing Fees. You must pay directly to the Department of Immigration your immigration bond fee which is $300 and the residency card processing fees which are $125. These must be paid at the Banco de Costa Rica accounts of the Department of Immigration.

3. Proof of fingerprinting. If you were not fingerprinted during the application process you can also do it at this stage and show up to your final appointment with proof that you have been fingerprinted by the Ministry of Public Security.
Once you have completed the items above then you can request an appointment through the call center of the Department of Immigration which is 1311. Depending on your category you may request that the final identification card be processed at a branch of Banco de Costa Rica that is authorized to do so or at a Post Office branch that has immigration processing capacity. To find out just ask the call center operator and ask them which is the closest processing center to your place of residence.

To obtain your residency card for the first time you must personally appear at the specific center where you were given an appointment. On the day of the appointment you will get your picture taken and sign the processing form. After that you can specify that your card be delivered to the closest post office center to you where you can then pick it up in person.

Chapter 5

Investing in Costa Rica

The Investor Category

The Investor Category requires an applicant to demonstrate to the Department of Immigration that they will be coming to Costa Rica to invest at least US$200,000 in the country. The Immigration Law specifies the investor category under Article 79 (4) of the law.

The regulations allow an investment in Costa Rica as follows:

"The investment amount must be $200,000 United States dollars or more according to the official exchange rate which is established by
the Central Bank of Costa Rica. The investment can be made in tangible property, shares, negotiable instruments, productive projects or projects which are deemed of national interest”

This category is particularly useful for those individuals that are purchasing property in Costa Rica. If a Costa Rica corporation owns property in Costa Rica you can also qualify by purchasing the shares of that corporation so long as the valuation is greater than US$ 200,000. If the applicant is investing in shares or negotiable instruments locally they will have to provide the following:

i. a detailed description of the invest that is made.

ii. A certified copy of the articles of incorporation of the company where the investment is being made.

iii. An income statement prepared by a CPA demonstrating the financial solvency of the applicant and audited financial statements to demonstrate the investment.

iv. Certificate of Standing for the company.

v. Proof that the company is registered with the tax department and is current with all tax obligations.

If the applicant is investing in real estate property then the following documentation must accompany the application:

i. Detailed description of the investment in real estate property that the applicant owns.

ii. Certification issued by the Property Section of the National Registry demonstrating the recorded value of the property.

iii. Certificate of registration and proof of payment of taxes before the Department of Revenue or the local Municipal property
taxes.

Keep in mind that the granting of investor category is a discretionary matter with the Department of Immigration. As such take your time to properly document the investment that has been made. The more official documentation and certifications that you provide to document the investment the better chances for the approval of the application.

Chapter 6

Relative Based Immigration Petitions

Immediate Relative Petitions

This category of residency is available to foreigners who are immediate relatives of a Costa Rica citizen.

1. Who is an Immediate Relative for Purposes of the Law

First Degree Relative of a Costa Rican citizen. The law recognizes the following to qualify:

i. Parents of Costa Rican citizens,

ii. The minor children of a Costa Rican citizen.

iii. The children of a Costa Rican citizen that has a disability regardless of age.

iv. Minors which are siblings of a Costa Rican citizen or siblings that have a disability of any age.

2. The Spouse of a Costa Rican Citizen
The procedure by which a Spouse of a Costa Rican citizen may process residency has changed under the current immigration law. Under Article 73 and 79 (1) of the new immigration law the Spouse of a Costa Rican citizen is no longer allowed to apply for Permanent residency status. A Spouse must first apply under the Temporary residency category.

This is a response to massive marriage fraud cases that have been uncovered whereby foreigners would pay Costa Rican citizens to marry them in order to obtain permanent residency.

Under the Immigration Law a spouse of a Costa Rica citizen will be given temporary immigration status for one year and renewable for additional one year periods so long as the immigration authorities do not determine that the marriage is a sham. After three years of marriage and with temporary residency status then the spouse may apply for Permanent Residency

This application may be filed directly in the Department of Immigration. The applicant must provide the following supporting documentation:

1. **Birth Certificate**: You must provide a certified copy of your birth certificate and that of your dependents.

2. **Proof of Relationship to Costa Rican Citizen**: If you are basing your petition on marriage then you must have a certified copy of the marriage certificate issued by the Civil Registry. If you are a parent or sibling to a Costa Rica citizen then provide the certified birth certificate of the relative. You must also provide a certified copy of the identification document of the Costa Rican relative.

3. **Police Certificate of Good Conduct**: This certification is obtained from the police department where you last resided.

4. **Interpol Background Check**: This step is done in Costa Rica at the
Ministry of Public Security. The applicant is fingerprinted and the fingerprints are run through the Interpol computer index.

5. **photographs:** The application must provide 6 photographs facing towards the front.

6. **Translation of Documents:** Once you have compiled all your documentation, all documents which are in English must be translated into Spanish.

**Chapter 7**

**Costs and Processing Time**

**Filing and Legal Fees**

When applying for residency you have to take into consideration the following components within the process.

1. **Document Authentication Costs**

This is the cost of having all your documents authenticated by the applicable authorities and then having them further authenticated by the Costa Rican consulate with proper jurisdiction. If your country is a signatory of the Hague Convention Apostille Treaty then you are only required to provide the Apostille. If your country is not a signatory then you will need to have your documents authenticated by the Costa Rican consular office or Embassy in your country of origin. They will charge you $40 per document authentication.

2. **Document Translation Fees**

All documents that are not in Spanish must be translated into Spanish by an official translator that is authorized by the Ministry of Foreign Relations. The
costs vary by translator depending on the number of words to be translated. The average cost is generally between .05 to .07 US cents per word so check the list of available translators.

3. **Costa Rican Government Fees**

The Costa Rica Government will charge $50 to file the application. If you file your application in Costa Rica directly with the Department of Immigration you will pay an additional $200 as a change of status fee.

Once your application is approved you will be required to post a bond in the amount of US$300. The cost of processing the residency card is $125.

4. **Attorney Fees**

If you hire an Attorney to represent you during the residency process they will charge their legal fees for that service. The fees will vary depending on the residency category that you are applying for and the complexity of your application. Discuss the fee agreement with your Attorney in advance.

**Processing Time**

The time it takes for your initial application to wind its way through the Department of Immigration can vary depending on the residency category that you are applying for and the amount of residency files that are being processed by the Department of Immigration. You should expect your residency application to take anywhere from seven (7) months to twelve (12) months from the date the file is received by the Department of Immigration.

If you applied through a Consulate or Embassy abroad it may take some time for the Department of Immigration to make the initial review of the file. If you applied from abroad your initial reference is the Courier number which is provided by the Costa Rican Consulate of Embassy that sent your
immigration application to the Department of Immigration. You or your Attorney should ensure that you obtain the actual residency file number (Numero de Expediente) for your application so that you can track the progress of your file based upon that residency file number.

The current immigration law allows you to apply in Costa Rica if you pay an additional fee of US$200, when you do so you will receive a receipt for the application which will include the file number.

**NOTE:** Keep in mind that incomplete files cause extended delays in the processing of your application. Generally the Department of Immigration will not initiate a review of file until 60 days have passed from the date of filing. If you have a defected application and then have to submit a corrected document then add another 60 days to review the corrected document and so forth.

It is therefore extremely important that your file have *ALL the documents* requested by the Department of Immigration filed with your initial application to avoid delays in the processing.

**Chapter 8**

Renewal of Your Immigration Status

*How to Renew Your Residency*

Depending on your residency status you will be required to renew your status when it expires. The Temporary Residency category such as Pensionado, Rentista and Investor categories are granted for a period of two years. After two years the applicant must renew the status on a yearly basis. If you have held a Temporary Residency category for at least 3 years then you are eligible to apply for a change of status from Temporary to Permanent Residency. Be aware that it can take several months to have the Department of Immigration approve the change of status. As such I think it is prudent to renew your residency status and at the same time initiate the
change of category from Temporary to Permanent. That way you always have a valid residency card during the process. The Department of Immigration has signed an agreement with Banco de Costa Rica and with the Costa Rican Post Office service (Correos de Costa Rica) which allows residency holders to renew their residency cards at designated branch offices of Banco de Costa Rica.

You must first call the Immigration call center 1311 or the 900 number for Banco de Costa Rica in order to set up the appointment. To renew at a Post Office the number to call is 1311 and to renew at Banco de Costa Rica the number is 900-00-34639.

You must provide proof that you are up to date with all payments to the Costa Rican Social Security system (CCSS) before you will be allowed to renew your residency.

When you renew your temporary residency category (Pensionado, Rentista, Inversionista) you will have to bring with you the following documents:

1. Your existing residency card (DIMEX)

2. Proof that your are registered and up to date with the health insurance payments to the CCSS (Caja).

3. Payment of the renewal fee for the residency card. This payment is paid to the Banco de Costa Rica account of Immigration. If you are renewing at a Banco de Costa Rica branch then you can pay the fee there at the time of renewal.

4. Your original passport.

5. Proof that the source of income you reported as the basis for your application is still in place.
If you have a Permanent Residency status you do not have to re-apply for the status. All you need to do is call the call center or Banco de Costa Rica and get an appointment to renew your residency card.

Chapter 9

Working in Costa Rica

Can I Legally Work in Costa Rica?

This is the most often asked question and not all of you are going to like the answer. Costa Rica is very protective of its local labor force and therefore the laws favor the hiring of Costa Rican workers as opposed to foreign workers. On the other hand the law does have an established process to obtain work permits and facilitate the immigration status of those individuals that are coming to Costa Rica with an established company and those which can clearly demonstrate that they have a skill set required by Costa Rica.

However, if your intent is to come to Costa Rica and look for employment and then sort out your immigration status – that may pose a challenge. In this section I will review the immigration law as it relates to working in Costa Rica.

The Work Permit

In order to obtain a work permit in Costa Rica you or the employer that will be hiring you will need to show that you have a set of skills which cannot be found locally in order to justify your work permit. A work permit is NOT a residency category. A work permit falls under the “Special Immigration Category” and allows you to remain in Costa Rica so long as the conditions of employment for which it was granted continue in effect. Article 100 of the Immigration Law governs permits for workers with specific occupations. This category applies to salaried workers as well as to individuals who are self
employed who are able to justify before the Department of Immigration that their services and expertise are required in Costa Rica. To apply for this category you or your intended employer must present the following to the Department of Immigration:

i. A Letter from the Employer stating the reason they need the employee and specifying the exact activity which that worker will carry out in the country:
   a. Full name, nationality, occupation or trade and exact address of the Employer
   b. Full name; date of birth; exact address where they will be working; where the worker will live; and the amount of time they will remain in Costa Rica.

ii. Proof from the Employer that they have the economic means to pay the salary of the Employer. This usually requires financial information such as certified financial statements to demonstrate the financial capacity of the Employer.

iii. The Applicant must provide a certified copy of their entire Passport as well as a Certified Birth Certificate which must be authenticated by the Costa Rican consulate in the country of origin.

iv. Fingerprinting in Costa Rica. As part of the application process you will have to be fingerprinted in Costa Rican and proof of that attached to your application.

If an employee is being sent to Costa Rica to work on a specific project then Article 124 of the Immigration Law which specifically applies to employees of companies that are working on project specific ventures in Costa Rica may apply. This generally applies to foreign companies that have been awarded government contracts and need to have their personnel in Costa Rica to carry out those projects.

Working with a Permanent or Temporary Residency Category

The new Immigration Law distinguishes between Permanent Residency and Temporary Residency. The Permanent Residency category (Article 77 & 78)
is the best immigration category to have in Costa Rica because there are **NO** restrictions with this category. If you have a Permanent Residency you can work in Costa Rica. So what is the catch? In order to obtain Permanent Residency you generally must have had a Temporary Residency category for at least three (3) years. Most Temporary Residency categories have restrictions which prohibit the holder to work in Costa Rica. The only exception to this is Article 79 (3) which applies to the “Executives, representatives, managers and technical personnel for companies which are established in Costa Rica.” If your company has an established physical presence in Costa Rica then it is possible to bring in your support staff under this category to work in Costa Rica.

All other Temporary Residency categories are restricted from carrying out work in Costa Rica. To that end Article 80 of the Immigration Law is pretty specific when it states that “The Temporary Resident may only carry out remunerated work or lucrative self employed activities which have been authorized by the Department of Immigration. The Department will evaluate the recommendations of the Ministry of Labor and other criteria of convenience and opportunity in conferring any authorization.”

Also bear in mind that Article 18 Section 20 of the Immigration Law authorizes the Immigration Police to “**enter into any business establishment during working hours to verify passports, residency cards and work permits to determine violations of the law.**”

Based upon the preceding it should be clear to you by now that if you intend to work in Costa Rica as an employee or are in engaged in retail type operations or providing services that you will need to have the right immigration status to do so.

This does not prohibit you from owning a Costa Rican company which in turn owns a Business enterprise in Costa Rica. We need to distinguish between being an owner/shareholder of a Costa Rican Business as opposed to actually carrying out the work in the business. If your Costa Rican company owns a Restaurant for example you should not be tending the cash register if
you only have a tourist status. Follow the guidelines set forth below when considering your employment choices in Costa Rica.

In order to work in Costa Rica you must either have Permanent Residency or have a work permit that allows you to work. As such, if your intent is to work in Costa Rica be sure that you have obtained the required authorization to do so to avoid problems in the future.

Contact Us

www.plawcr.com
The Appendix

Secretary of State Contact List

List of the Secretary of State of the 50 states of the United States

The Following is the List of the Websites for the Secretary of State offices for all 50 states in the United States. Any document that you submit for immigration purposes in Costa Rica must be authenticated by the Secretary of State where the document was issued.

ALABAMA http://www.sos.state.al.us
ARIZONA http://www.azsos.gov
ARKANSAS http://sos.state.ar.us
CALIFORNIA http://www.ss.ca.gov
COLORADO http://www.sos.state.co.us
CONNECTICUT http://www.sots.state.ct.us
DELAWARE http://sos.delaware.gov/default.shtml
FLORIDA http://www.dos.state.fl.us/
GEORGIA http://www.sos.state.ga.us/
IDAHO http://www.idsos.state.id.us
ILLINOIS http://www.sos.state.il.us
INDIANA http://www.in.gov/sos/
IOWA http://www.sos.state.ia.us/index.html
KANSAS http://www.kssos.org
KENTUCKY http://www.sos.state.ky.us
LOUISIANA" http://www.sos.louisiana.gov
MAINE  http://www.state.me.us/sos/
MARYLAND  http://www.sos.state.md.us/
Massachusetts" http://www.sec.state.ma.us/
Michigan  http://www.michigan.gov/sos
Minnesota  http://www.sos.state.mn.us/
Mississippi  http://www.sos.state.ms.us
Missouri  http://www.sos.mo.gov
Montana  http://sos.state.mt.us
Nebraska  http://www.sos.state.ne.us
Nevada  http://www.sos.state.nv.us
New Jersey  http://www.state.nj.us/state/
New Mexico  http://www.sos.state.nm.us
New York  http://www.dos.state.ny.us
North Carolina  http://www.secstate.state.nc.us
North Dakota  http://www.state.nd.us/sec/
Ohio  http://www.sos.state.oh.us/sos/
Oklahoma  http://www.sos.state.ok.us
Oregon  http://www.sos.state.or.us
Pennsylvania  http://www.dos.state.pa.us
Rhode Island  http://www.sec.state.ri.us
South Carolina  http://www.scsos.com
South Dakota  http://www.sdsos.gov
Tennessee  http://www.state.tn.us/sos/
Texas  http://www.sos.state.tx.us
Vermont  http://www.sec.state.vt.us
Virginia  http://www.commonwealth.virginia.gov
Washington  http://www.secstate.wa.gov/
West Virginia  http://www.wvsos.com/
Wisconsin  http://www.sos.state.wi.us
Wyoming  http://soswy.state.wy.us
Hoja de Filiación - Background Information Form
Hague Convention Apostille Members

The following countries are members of the Hague Convention on the Legalization of foreign documents and Costa Rica will accept these documents without the necessity of an Embassy or Consular authentication.

A
Albania, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan

B
Bahamas, Barbados, Belarus, Belgium, Belize, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria

C
China (Hong Kong), China (Macao), Colombia, Cook Islands, Costa Rica, Croatia, Cyprus, Czech Republic

D
Denmark, Dominica, Dominican Republic

E
Ecuador, El Salvador, Estonia

F
Fiji, Finland, France, FYR of Macedonia

G
Georgia, Germany, Greece, Grenada

H
Honduras, Hungary

I
Iceland, India, Ireland, Israel, Italy

J
Japan

K
Kazakhstan, Korea (Republic of)
L
Latvia, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg

M
Malawi, Malta, Marshall Islands, Mauritius, Mexico, Monaco, Mongolia, Montenegro

N
Namibia, Netherlands, New Zealand, Niue, Norway

P
Panama, Poland, Portugal

R
Republic of Moldova, Romania, Russian Federation

S
Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Suriname, Swaziland, Sweden, Switzerland

T
Tonga, Trinidad and Tobago, Turkey

U
Ukraine, United Kingdom, USA

V
Vanuatu, Venezuela
Country of Origin of the Legal Residents of Costa Rica

The Department of Immigration has compiled some statistics on the amount of residency applications which have been granted. According to their report the total number of legal residents is 364,694. The vast majority are from Nicaragua which accounts for 68% of residencies granted. Here are some of the breakdowns for other countries.

![Bar chart showing the number of legal residents by country.]

- Colombia: 22637
- USA: 15633
- Cuba: 8418
- China: 6617
- Mexico: 3162
- Canada: 2324
- Germany: 2266
- Spain: 2522
- Italy: 2252
For more information on Costa Rican legal topics you can visit our website at www.costaricalaw.com

Contact Us

www.plawcr.com

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Printed in Costa Rica
2018