

2011

Immigration Requirements for companies



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Costa Rica Immigration Procedures for Companies

Immigrations in Costa Rica

The General Directorate of Immigration and Aliens is the governmental institution in charge of processing queries from companies with regard to migratory legalization of its personnel. The Directorate recognizes that for the entry and permanence of foreigners under the migratory category of Temporary Residents and visas, it is necessary to have adequate migratory policies, to guarantee legal assurance for foreigners.

In an effort to facilitate procedures, the General Directorate of Immigration has taken applicable measures to unify the procedures of companies in a simple and expeditious manner, by joining the various categories of companies and the requests of their personnel in a sole procedure. All of these procedures, requisites and others are established in Bylaw N.36576-G-COMEX.

Regulation on the Migratory Status of Foreign Employees of Corporations Established or to be established in Costa Rica Bylaw N.36576-G-COMEX Regulations on Companies Registration, General Directorate of Immigration and Aliens.

Since May, 2008, the General Directorate of Immigration authorized an expedite procedure for the regulation of companies and their personnel which was later in 2010 reassured in a new law publications which bylaws were published in early 2011. There are sub-categories within the migrant category of Temporary Residents for executives, representatives, managers and technical personnel of corporations established in the country, as well as their spouses and children, professional scientists and specialized technicians.

A special window is established where the legal representative of the company or a third party with sufficient capacities to execute the migratory processes of the company before the General Directorate will be assisted.

The companies that expect to benefit must comply with all of the following requisites:

1. That they require a volume of migratory flow established in its operational plan, of active employees or at the executive level.
2. That are under one of the following situation:
 - That has the Costa Rican Tourism Institute (denominated ICT) tourism declaration.
 - That they are registered or starting operations under the special exports promotions systems, administered by the Ministry of Foreign Trade (denominated COMEX) and The Costa Rican Foreign Trade Corporation (denominated PROCOMER).
 - That they have the support of COMEX, by virtue of the express references of organizations with a renowned track record, at the local or international level.
 - That they are registered at the SUGEF, SUPEN, SUGEVAL, SUGESE, SUTEL or ALA.
3. That the company has been incorporated in Costa Rica, with local and foreign direct investment, which generates direct employment and contributes to the economic development of the country.

Those companies subject to be accepted to process their requests of a migratory nature must be included in one of the following categories:

- **Classification A:** those that are operating or will begin operations under a special export promotion system and temporary admission for inward process.
- **Classification B:** those that are operating or will initiate operations outside the special export promotion systems, but their commercial nature continues to be exporting goods and services from Costa Rica to worldwide markets.

- **Classification C:** those that are operating in the tourism sector of Costa Rica. Specifically in the hosting areas, where they should have Tourist Declaration and whose classification is four-star at minimum, according to Executive Decree No. 25 226 of March 15, 1996. As well as the airlines subscribe in the Airline Association.
- **Classification D:** those that are operating or will initiate operations in the financial area of Costa Rica, and are supervised or registered before, SUGEF, SUGEVAL, SUGESE and SUPEN, as entities of the banking sector and non-banking financial institutions.
- **Classification E:** those that are operating or will initiate operations in the telecommunications sector, and are supervised or registered before SUTEL.
- **Classification F:** those multinational companies that do not pertain to the previously described classifications, and are characterized by having a name or brand whose track record is recognized worldwide; where the home office has decided to establish a subsidiary in Costa Rica, whose operational line is developed in the areas of production and marketing of goods and services. The company must have operations in 3 different countries other than Costa Rica.
- **Classification G:** companies under category G are those national or foreign companies operating in Costa Rica that give services to the government through the process of “contratacion administrativa”.

Benefits

- “Fast-track” process to export companies
- Decrease of the number of days to get a resolution from Immigration.
- Existence of a unique window for companies.
- General recommendation of the Ministry of Work for 2 years (normally one year).
- Granting of resident status to both, the employee and his family

Temporary residence for workers of companies authorized in Registry of the General Directorate of Immigration and Aliens

The companies authorized before the General Directorate of Immigration and Aliens may request temporary residence for their foreign employees that as well as visas directly at the offices of this entity.

The requests to be carried out by the companies are limited to the following worker profiles as mention earlier: Managers, Executives, Specific Professionals or Specialized Technicians that have broad national and international know how, with expertise in specialized technical equipment and/or markets, with university degrees and /or executive track records within the company or expertise that justifies the levels of trust granted.

The potential temporary residence for spouse and minor children does not imply the possibility of executing self-employed paid work or as an employee, by virtue of authorizing his or her temporary residence as companions. The temporary residence shall be granted for a period of two years. Once this term has expired the foreigner must abandon the national territory. However, if the company requires his or her services for a longer period of time, it can process a renewal application.

The possibility of renewing approved residences is subject to the criteria and guidelines upheld by the General Directorate of Immigration and of the Ministry of Labor and Social Security.

General immigrations information

Every person entering Costa Rica must carry a valid passport that will not expire for at least six months after arrival and a roundtrip/outbound ticket. Passports should be in good condition; Costa Rican immigration will deny entry if the passport is damaged in any way.

Costa Rican authorities will allow a stay of up to ninety days; to stay beyond the period granted, travelers must submit an application for an extension to the Office of Temporary Permits in the Costa Rican Department of Immigration. Tourist visas are usually not extended except under special circumstances, and extension requests are evaluated on a case-by-case basis.

Persons traveling to Costa Rica from some countries in South America and Sub-Saharan Africa must provide evidence of a valid yellow fever vaccination prior to entry. The South American countries include Bolivia, Brazil, Colombia, Ecuador and Venezuela.

Due to Agreements, International Conventions or Exchange Notes, citizens of certain countries may enter Costa Rica without visa and with a maximum permanence of up to 90 natural days; the Circular DG-3312-2010 (<http://www.migracion.go.cr/visas/Directrices%20visas.pdf>) establishes the countries that do not require a visa to enter Costa Rica, those that don't require a visa but can only stay for 30 days, and those that require a visa and can only stay for 30 days.

Source: General Directorate of Immigration, Ministry of the Interior and Police