

## **RESIDENCY IN THE DOMINICAN REPUBLIC UNDER THE NEW IMMIGRATION REGULATIONS**

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Beginning June 1, 2012, residency status in the Dominican Republic is governed by Immigration Law No. 285-04 and Immigration Regulation No. 631-11.

Foreign nationals are prohibited by statute from entering the Dominican Republic for residency purposes in the following cases:

- 1) Contagious illness threatening to public health, except, under certain requirements, when sponsored by relatives living in the DR.
- 2) Mental illness or physical disabilities, with certain exceptions.
- 3) Conviction for a crime (drugs, human trafficking, prostitution, terrorism, and other serious offences).
- 4) Previous deportation without reentry permit or prohibition from entering the country.

Foreign nationals seeking residency in the Dominican Republic fall into two categories: a) those who may apply immediately for permanent residency; and b) those who first must apply first for temporary residency. The following applicants may apply immediately for permanent residency status without having to previously obtain temporary residency status:

- 1) Investors of at least 200,000 USD in local businesses (including free zones and government contracts) or in local financial instruments.
- 2) Retirees with a monthly pension of at least 1,500 USD (plus 250 USD per dependent).
- 3) Applicants with monthly income of at least 2,000 USD for five years or more (*rentistas*).
- 4) Applicants related to Dominicans or to foreigners with permanent residency status in DR (spouses and children).

The application process is essentially the same for both temporary and permanent residency, except for some additional documents required in permanent residency applications. The first step is to apply for a residency visa at the Dominican Consulate nearest to the applicant's domicile. It is no longer possible to apply for residency from within the Dominican Republic, as was usually done before.

Requirements for the visa application may vary depending on the particular Consulate where the visa application is filed. The following are the documents usually required:

- 1) Pictures of the applicant
- 2) Original passport valid for at least 18 months.
- 3) Documents justifying the granting of the visa. For example, work contract with a Dominican company.
- 4) Medical certificate from the health authorities of the country of domicile of the applicant.
- 5) Criminal record certificate from the authorities of the country of domicile of the applicant.
- 6) Photocopy of the national I.D. of the applicant, and, if the applicant resides in a third country, photocopy of his/her residency card in the third country.
- 7) Birth certificate.
- 8) Marriage certificate, if applicable.
- 9) Letter of guarantee signed by a Dominican or a permanent resident of the DR.
- 10) Documents justifying the applicant's solvency.

Our firm will provide you with the letter of guarantee.

Foreign documents must be apostilled or legalized at the Dominican Consulate depending on the jurisdiction. Documents in a language other than Spanish must be translated by the Consulate.

Residency applications may include dependents such as a spouse and children, provided that the proper documentation is attached (birth certificates, marriage certificate, passports, pictures, etc.). Criminal record certificates are only required of dependents of legal age.

The Consulate, upon granting your residency visa, will deliver to you a file with the original documents of your application. You should bring down these documents with you to the Dominican Republic to begin the process of your residency application. Your date of arrival in the Dominican Republic should be carefully coordinated with your attorney in such a way that, before that date, he or she can obtain the special certification required from the Ministry of Foreign Affairs in order to have your medical tests done. Upon your arrival, your attorney or his/her assistant will accompany you to take the medical tests, sign the necessary forms and register your fingerprints at the Department of Immigration. This must be done within 30 days of your entry into the Dominican Republic.

The results of the medical tests are ready in approximately 10 days. If the tests are normal, your attorney will proceed to formally file your application at the Department of Immigration. This filing process takes approximately 10 additional days. A decision will be taken on your application within approximately six months from the filing date.

If your application is approved, you will receive a residency card a *cédula de identidad* (national I.D.). In both cases, residents must hold current passports at all times.

Temporary residency is granted for one year. Applications for renewal must be made in person within 30 days before the expiration date. Temporary residents may apply for permanent residency after 5 years, within 45 days before the expiration date of their temporary residency card.

Permanent residents must renew their residency card after 1 year; subsequent cards will be renewable every 4 years, except for retirees and *rentistas* who must renew every two years. After 10 years, permanent residents will be issued a definitive residency card, not subject to renewal. An annual residency fee, however, will still have to be paid.

An applicant wishing to renew his/her temporary or permanent residency must provide the Immigration Department with a passport valid for at least 18 months, residency card, *cédula*, pictures, local police certificate, letter of guarantee, etc. To renew his/her permanent residency, the applicant must also undergo a new medical exam, and justify that the conditions under which residency was originally granted have not changed (employment, investment, pension, etc.).

Once your application has been approved, you will have 6 months to appear before the Immigration Department to obtain your residency card; otherwise, your application will be cancelled.

Permanent residents may apply for citizenship after two years as permanent residents. Investors and spouses of Dominican nationals may apply after six months.

It is illegal for nonresidents to work in the DR. Employers of nonresident workers will be subject to fines. Illegal workers are subject to deportation