

# **"Now I want a passport" – Immigration and Naturalization Issues**

Tuesday 1 March 2016  
13:30 – 15:00



# Co-Chairs

Jelle Kroes

Kroes Advocaten Immigration Lawyers

De Ruijterkade 112

1011 AB Amsterdam, The Netherlands

T +31 20 520 7050

E [kroes@kroesadvocaten.nl](mailto:kroes@kroesadvocaten.nl)

W [www.kroesadvocaten.nl](http://www.kroesadvocaten.nl)



Niklas Schmidt

WOLF THEISS Attorneys-at-Law

Schubertring 6

1010 Vienna, Austria

T +43 1 515 10 5410

E [niklas.schmidt@wolftheiss.com](mailto:niklas.schmidt@wolftheiss.com)

W [www.wolftheiss.com](http://www.wolftheiss.com)



# Speakers

Laura Devine

Laura Devine Solicitors

100 Cannon Street

London EC4N 6EU, UK

T +44 20 7469 6460

E [laura.devine@lauradevine.com](mailto:laura.devine@lauradevine.com)

W [www.lauradevine.com](http://www.lauradevine.com)



Yusra Siddique

Norton Rose Fulbright LLP

Suite 3800, Royal Bank Plaza, South Tower,  
200 Bay Street, P.O. Box 84, Toronto

Ontario M5J 2Z4, Canada

T +1 416 216 4062

E [yusra.siddiquee@nortonrosefulbright.com](mailto:yusra.siddiquee@nortonrosefulbright.com)

W [www.nortonrosefulbright.com](http://www.nortonrosefulbright.com)



# Speakers

Jean-Philippe Chetcuti  
Chetcuti Cauchi Advocates  
120 St. Ursula Street  
1236 Valletta, Malta  
T +356 2205 6200  
E [jpc@ccmalta.com](mailto:jpc@ccmalta.com)  
W [www.ccmalta.com](http://www.ccmalta.com)



Celia Pourgoura  
Pourgoura & Aspri LLC  
33 Clementos Street, Flat 401  
1061 Nicosia, Cyprus  
T +357 252 62 276  
E [celia.pourgoura@ca-advocates.com](mailto:celia.pourgoura@ca-advocates.com)  
W [www.ca-advocates.com](http://www.ca-advocates.com)



# Speakers

Rogério Fernandes Ferreira

RFF & Associados

Praça do Marquês de Pombal,

n.º 16 - 5.º (reception) / 6.º

1250-163 Lisbon, Portugal

T +351 21 591 5220

E [rogeriofernandesferreira@rfflawyers.com](mailto:rogeriofernandesferreira@rfflawyers.com)

W [www.rfflawyers.com](http://www.rfflawyers.com)



# Introduction – Checklist for immigration/naturalization

- Infrastructure (accessibility of country and travel connections within country; reliability of utilities; mobile phone network; broadband internet access; medical services; culture; educational system)
- Physical environment (sunshine hours and rain per year; average temperature; pollution; natural hazards; conflicts nearby)
- Business and economy (currency stability; exchange controls; political stability; cost of living; availability of high-level banking services; efficient company law; level of corruption)
- Culture and lifestyle (local language; people; freedom of speech; quality of living)
- Residence permits (time requirements; interviews; physical presence; cost; visa-free travel; revocation)
- Granting of citizenship (time requirements; language; cost; visa-free travel; obligations; revocation)
- Legal system (taxation; matrimonial law; forced heirship; law enforcement)

# Introduction – How much does EU citizenship cost?

- Case of Malta's IIP and the EU
- What about Cyprus, Ireland, Austria?
- Citizenship law is the prerogative of the national state
- Limited impact of international legal standards, generally protecting the individual against the state (Rottmann and Micheletti cases)
- “Purchased” nationality however may offer limited diplomatic protection to dual nationals (Nottebohm case)



# Part 1: General overview of countries







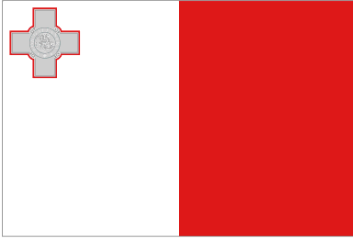
## United Kingdom

- Developed western constitutional monarchy
- Stable democratic political system
- Established social and legal systems
- High standard of living: average incomes growing and income inequality falling
- Excellent education system with world renowned universities
- Developed and extensive infrastructure system
- The tax code in the UK is one of, if not longest standing in the world, taxes are collected at the central and local government levels



# Canada

- Canada is a rich and stable country
- Liberal government perceived as “immigrant friendly”
- According to Legatum Institute think tank, Canada ranks as the 6<sup>th</sup> most prosperous country in the world, and #1 in personal freedoms
- We require human capital more than monetary capital
- Our immigration strategies are focused on attracting a highly skilled work force to meet our labour market needs
- We have a de-centralized system whereby provinces are able to set programs and strategies to select immigrants to meet regional needs
- Sophisticated federal and provincial tax systems collect taxes from individuals, corporations and non-residents
- Taxes are competitive with other OECD countries.



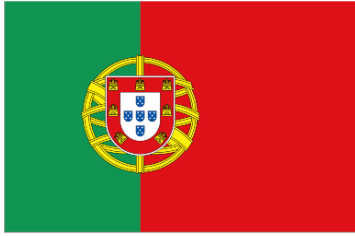
# Malta

- English is an official language, widely spoken.
- Member of the EU since 2004, of Schengen area since 2007.
- Stable political climate, bi-partisan political scene.
- Apart from Germany, only state in Eurozone maintaining growth thru financial crisis (banks ranked top 5 soundest banks in the world)
- Low unemployment rate of 5.1%; GDP growth of 4.3%
- Hi-tech, modern infrastructure; well connected airport, maritime hub
- Competitive personal & corporate tax system, remittance basis of taxation for resident non-doms
- Advanced education sector: University of Malta (old European university), renowned in law, business, medical, diplomacy, maritime; English language schools; international schools
- Quality medical care, high quality but free public health system



# Cyprus

- Member of the EU since 2004 and Eurozone since 2008
- Free-market economy
- Tourism is a significant revenue source, other revenue sources include financial services, real estate and the maritime sector
- Discovery of natural gas expected to boost economy
- Presidential democratic system, stable political sector
- High standard of living: excellent international schools and good universities, comfortable lifestyle
- Infrastructure: two international airports, ports
- Modern tax regime with one of the lowest corporate income tax rates in Europe of 12.5% and a VAT rate of 19%



# Portugal

- Member of the EU since 1986 and of the Eurozone since 2002
- Modern democracy currently ruled by Socialist Party since late 2015
- Portugal faced an economic crisis during the last years
- Modern infrastructure with three international airports
- Tourism, real estate and service sectors are oriented towards foreign investment
- Natural investment platform for Latin America (Brazil), Africa (Angola, Mozambique, São Tomé e Príncipe, Cape Verde and Guinee-Bissau) and Asia (Macau and East-Timor)
- The attractive legal schemes that Portugal has approved in recent years have been implemented based on a large parliamentary consensus, which assures the political stability of such regimes
- Attractive taxation for most types of income obtained abroad

## Part 2: Naturalization



## What are the advantages of holding your country's passport?

UK	Access to UK and other EU member states to live, work, and study; generous social benefits system; stable political, legal, social systems; right to vote.
Canada	Visa-exempt status to most countries; easier access to the US market through NAFTA.
Malta	Freedom to enter, live, work, retire, study, do businesses in any EU Member State. Visa free travel to over 166 destinations including EU, US, Switzerland, Canada and the UK. High standard of free public healthcare, education, other social benefits.
Cyprus	Visa-free travel to EU member states and other countries that Cyprus has agreements with; non-domicile tax incentives; permission to reside in all European countries; lower tuition fee for studies at universities in Europe.
Portugal	Visa exemption for travelling within the Schengen Area; permission to reside in all European countries and visa free travel to 170 destinations.

## What are the general requirements to get your country's passport?

UK	Five years residence in UK with absences fewer than 450 days outside UK during that time and 90 days outside UK in past twelve months. Three years residence in the UK if married to British citizen.
Canada	Physical presence in Canada as a permanent resident for at least four years in the six years immediately before the date of application and physical presence in Canada as a permanent resident for 183 days in each of four calendar years that are fully or partially within these six years.
Malta	By Marriage: Following five years of being married and therefore living together. By Descent: Applicable to descendants of citizens acquiring citizenships through the above modalities.
Cyprus	Marriage (co-habit for three years); naturalisation by residing in the country for seven years; naturalisation through investment.
Portugal	Marriage (co-habit for three years); naturalization by residing in the country for six years; foreign citizens that are direct descendants, in 1 <sup>st</sup> or 2 <sup>nd</sup> degree, of Portuguese national.



## Does your country have a citizenship by investment program and how does it work?

UK	Tier 1 (Investor) may lead to permanent residence and once held (not actual) for twelve months may be eligible to apply for British citizenship.
Canada	No. We have an investment program (separate federal and provincial programs) to obtain permanent residence.
Malta	Yes. An applicant undergoes due diligence procedures, is given (Schengen) residency for one year until issue of passport + contribution of EUR 650k + hold Maltese government bonds of EUR 150k for five years, rent property at EUR 16k/year <i>or</i> purchase at EUR 350k & hold for five years. No language test.
Cyprus	Collective investment of EUR 2.5m in government bonds or property or financial assets or bank deposits. Individual investment of EUR 5m in government bonds or property or financial assets or bank deposits.
Portugal	Portugal has the Golden Visa program gives for a five year period the permission to freely circulate within the Schengen Area. Although it does not grant nationality, it grants access, on the 6 <sup>th</sup> year, to a permanent residency permit and, on the 7 <sup>th</sup> year, to the Portuguese nationality (not automatically; only if the legal requirements are met).

## Does your country's citizenship by investment program include spouses and minors?

UK	Spouses, partners (who have cohabited for two years or more) and minor and dependent children may be included as dependants of Tier 1 (Investors). British citizenship must be obtained individually.
Canada	N/A.
Malta	Yes. Spouse, children under the age of 18, unmarried children aged 18-26 and dependent parents over 55 years.
Cyprus	One legal spouse; children up to the age of 18; dependent children up to the age of 28 (if they are financially dependent on their parents).
Portugal	Spouse or partner and dependent parents; minors or incapable children under guardianship of the couple; children under 18 years old, as well as over 18 year old dependent children as long as unmarried and studying.

## What investment does your country's citizenship by investment program require? How long are assets frozen?

<b>UK</b>	GBP 2, 5, and 10m (latter two offer accelerated settlement). Qualifying investments maintained for five, three, or two years (depending on amount invested).
<b>Canada</b>	The investment program to obtain permanent residence (not citizenship) varies by province and federal program.
<b>Malta</b>	EUR 650k in contribution to the country and purchase/rent of property at EUR 350k/EUR 16k which are sunk costs, as well as EUR 150k in government bonds which may be redeemed after five years.
<b>Cyprus</b>	Assets are frozen for three years; additional minimum investment into property of EUR 500k which must be kept for life.
<b>Portugal</b>	EUR 350k in the acquisition of > 30 years old real estate or EUR 500k in the acquisition of other real estate or EUR 500k in venture capital fund that invests in small or medium sized businesses or EUR 1m in any other type of financial asset or creation of ten new permanent jobs or EUR 250k in scientific research, arts or recovery of the national cultural heritage. Investment must be kept for at least five years.

What are the other requirements under your country's citizenship by investment program (e.g., language fluency, oath of allegiance, physical visit, due diligence etc.)?

UK	English language and "Life in UK" tests; at citizenship ceremony must take an oath/affirmation of allegiance.
Canada	Requirements for permanent residence vary by program.
Malta	One physical visit; oath of allegiance; due diligence checks; genuine link test and medical test whilst no language test is required.
Cyprus	One physical visit for application; no language requirement; proper due diligence will be required.
Portugal	Seven days of presence in Portuguese territory in the first year and 14 days in a two-year period; language fluency only required to obtain the Portuguese nationality (on the 7 <sup>th</sup> year); previous "due diligence" will be required, such as oath that the investment has been made.

## How long does it take to get a passport under your country's citizenship by investment program?

UK	Five to six years. Tier 1 (Investor) migrants settle within two, three and five years depending on investment amount. To naturalize, must have lived continuously and legally in UK for a minimum of 5 years, one of which must have been with Indefinite Leave to Remain in UK ( <i>i.e.</i> , settlement).
Canada	Obtaining permanent residence: one to two years; physically living in Canada as a permanent resident: four years; processing time after application is made: at least one year.
Malta	Processing time four months, From start to issue of passport: one year.
Cyprus	Two to three months.
Portugal	90 days for obtaining the "Golden Visa" (but in practice it can take longer). Maintaining the "Golden Visa" for five years, and holding the permanent residency permit in the 6 <sup>th</sup> year. In the 7 <sup>th</sup> year, it is possible to obtain Portuguese nationality (it is required the existence of a veritable relation with the Portuguese community).

## What are your country's rules on dual nationality?

UK	Permitted.
Canada	Permitted.
Malta	Permitted.
Cyprus	Permitted.
Portugal	Permitted (automatic).

## Is the granting of a passport under your country's citizenship by investment rules made public?

UK	No.
Canada	N/A.
Malta	Name and surname (not country of origin) are published on the Malta Government Gazette. No information on mode of acquisition, so no distinction if acquired through investment / descent / marriage.
Cyprus	Names and number of passports issued will be published in the government gazette which is issued every Friday; no information in the government gazette why the passport was issued.
Portugal	No.

# Part 3: Immigration





## Under what circumstances can an individual enter your country without any visa/permit?

UK	EEA/Swiss nationals do not need permission to live, work, study in UK; most non-EEA/Swiss non-visa national visitors coming for less than six months and Tier 5 (Temporary Worker – Creative and Sporting) coming for less than three months may obtain permission at border without prior application.
Canada	Visa-exempt nationals can come for tourism and business meetings.
Malta	EEA/Swiss nationals.
Cyprus	EEA/Swiss nationals.
Portugal	As long as he/she holds a passport valid in the Schengen area and in the EU.

## What programs does your country offer regarding long-term residence?

<b>UK</b>	Indefinite Leave to Remain in the UK (ILR), <i>i.e.</i> , settlement.
<b>Canada</b>	Permanent residence program via skills analysis, family reunification or investment. No retiree program.
<b>Malta</b>	<p>1. Global Residency Programme – Financial criteria are: Minimum property rental EUR 8,750 <i>or</i> minimum property purchase EUR 220k. Annual Government fee (minimum tax) EUR 15k for all family. Benefits are: Schengen residency, 15% flat tax rate on remittances, eligibility to work.</p> <p>2. Golden Visa (Malta Residency &amp; Visa Program) - Financial criteria are: Minimum property rental EUR 12k <i>or</i> minimum property purchase EUR 320k, hold Maltese government bonds (EUR 250k) for five years, contribution of EUR 30k. Benefits are: Schengen residency, indefinite permanent residency after five years without need of holding investment beyond five years.</p>
<b>Cyprus</b>	An investment in real estate of EUR 300k plus VAT; other investment schemes in participating in agricultural, mining, science with required available capitals.
<b>Portugal</b>	The “NHR regime” is a tax regime that foresees a tax exemption for income obtained abroad and a 20%+3.5% tax rate for income from “high added value” activities in Portugal, such as architects, engineers, directors of companies, etc.; it applies for ten years and can be combined with the “Golden Visa” (residence permit regime).

## What are the requirements of your country's (main) program for long-term residence?

<b>UK</b>	Typically five years continuous legal residence in UK in a qualifying category (or previously qualifying category if they entered under earlier rules) and “Life in UK” / English language tests; Tier 1 (Entrepreneur) and Tier 1 (Investor) offer accelerated routes.
<b>Canada</b>	Skills analysis based on Canadian labour market needs.
<b>Malta</b>	<p>Golden Visa (Malta Residency &amp; Visa Program): Financial criteria are: Minimum property rental EUR 12k <i>or</i> minimum property purchase EUR 320k, hold Maltese government bonds (EUR 250k) for five years, contribution of EUR 30k. Other criteria are certificate of good health and “fit and proper” test.</p> <p>Benefits are: Schengen residency, indefinite permanent residency after five years without need of holding investment beyond five years.</p> <p>Family applications allowed: Ascendants, spouses/life partners, children, domestic staff. Main applicant 18 years of age, with valid travel document, sickness insurance, proof of income &gt; EUR 100k arising outside Malta or a capital of &gt; EUR 500k.</p>
<b>Cyprus</b>	Purchase property for a minimum of EUR 300k plus VAT; proof of secured annual income of at least EUR 30k; deposit of EUR 30k to a local bank which is blocked for three years; necessity to visit Cyprus at least once every two years; proper due diligence.
<b>Portugal</b>	<p>For the “NHR Regime”: not registered, for tax purposes, in Portuguese territory during the last five years; become Portuguese tax resident; register as NHR until the 31<sup>st</sup> of March of the year following the registration as tax resident in Portugal;</p> <p>For the permanent residency permit (6<sup>th</sup> year after “Golden Visa”): hold a temporary residency permit (“Golden Visa”) for at least five years; during that time no sentence for crimes punishable with imprisonment; own means of subsistence and accommodation; sufficient command of basic Portuguese language.</p>

## How long does it take to get a long-term residence permit in your country?

UK	Typically five years continuous legal residence in UK in qualifying category (or previously qualifying category if they entered under earlier rules); Tier 1 (Entrepreneur) and Tier 1 (Investor) offer accelerated routes.
Canada	Approximately one to two years depending on the program.
Malta	Two to three months.
Cyprus	Two to three months for the new residency scheme; nine to twelve months for the application of the other categories.
Portugal	Six to eight months for “NHR Regime”; 90 days for Permanent residency permit (on the 6 <sup>th</sup> year after the “Golden Visa”).

# Thank you for your attention!

## **Co-Chairs**

Jelle Kroes, Kroes Advocaten, Amsterdam

Niklas Schmidt, WOLF THEISS, Vienna

## **Panelists**

Laura Devine, Laura Devine Solicitors, London

Yusra Siddique, Norton Rose Fulbright, Toronto

Jean-Philippe Chetcuti, Chetcuti Cauchi, Malta

Celia Pourgoura, Pourgoura & Aspri LLC, Nikosia

Rogério Fernandes Ferreira, RFF & Associados, Lisbon

