



Global Migration
Section

AILA Global Migration Section Digest

WELCOME

By Noriko Kurotsu – Noriko is a Global Immigration Attorney at McCown & Evans LLP in San Francisco, California

The GMS Publications Committee is pleased to release this first digest of 2017. We would like to thank the digest authors and interview participant for their engaging contributions. In this issue, you will find articles regarding investment visa options in Baltic countries; investment visa options in Italy; an overview of the Canadian Express Entry system; immigration developments in Peru, and the current immigration climate in Switzerland. You will also find an interview with an AILA International Associate based in the UAE and an update from the Indian Consulate in New York. Special thanks to the Publications Committee: Esther Dressler, Poonam Gupta, Helen Smith, and Susanne Turner.

AILA GMS Spotlight Interview Series

Interviewee: Rebecca Ford, Clyde & Co., Dubai, UAE

1. How is immigration regulated in the UAE? Do you have immigration specific law(s)?

The primary immigration law in the United Arab Emirates (UAE) is Federal Law No. 6 of 1973, which has subsequently been amended by various Federal Laws and Ministerial Decrees. There are also several supplemental Ministerial Decrees.

Citizens of the Arabian Gulf Cooperation Council (AGCC) do not require a visa to visit the UAE. The AGCC includes, in addition to the UAE, Bahrain, the Kingdom of Saudi Arabia, Kuwait, Oman and Qatar. All other foreigners are required to enter the UAE on a visa, usually through the sponsorship of a third party (an employer, family member, or hotel), save that for 46 nationalities, they may visit the UAE through a visa obtained on arrival.

The type of visa required for entry will depend upon the foreigner's nationality, purpose of the planned visit and the duration. In addition to an appropriate visa, all individuals wishing to work in the UAE (regardless of nationality) are required to obtain a work permit.



Esther Dressler
Poonam Gupta
Noriko Kurotsu
Helen Smith
Susanne Turner

Call for Articles:

Interested in getting involved in GMS? Consider publishing an article in the Digest or participating in a Spotlight Interview! We publish the digest quarterly and welcome articles and immigration updates from all non-U.S. jurisdictions. For more information regarding Digest guidelines, please contact a member of the Publications Committee.

2. The person becomes a Director, Board Member, Authorized Representative or Shareholder (holding at least one third of UAB shares) of the limited liability company and the principal goal of his entry is working for this company.

This company must have at least 3 full time workers who are Lithuanian citizens or have a Lithuania residence permit. It must be fully active for 6 months before the application for the temporary residence permit is submitted.

INVESTORS VISA PROGRAM

By Marco Mazzeschi

Marco is the Founder of Mazzeschi law firm with offices in Rome, Milan and Florence, Italy

As of January 2017, Italian immigration law has made visas available to immigrant investors seeking to enter Italy to engage in capital investments that benefit the Italian economy. Preference is given to funding leading to job creation and to investments connected with start-up companies, as well as advanced training, scientific research and patronage activities. In an effort to attract foreign investment, tax and financial relief for foreigners transferring their tax residency in Italy is provided.

To qualify as an immigrant investor, a foreign national must invest the following minimum capital:

1. At least 2 million Euros in Italian government bonds - funds to be kept for a period of at least 2 years; or
2. At least 1 million Euros in equity instruments of company based and operating in Italy or 500.000 in case of a start-up company; or
3. At least 1 million Euros in philanthropic funding supporting projects of public interest in the field of culture, education, immigration, scientific research, recovery of cultural assets and landscapes.

In addition, the immigrant investor must:

1. Provide documentary evidence of being the beneficial owner of the above amounts, which must be in any case readily available and transferable to Italy;
2. Submit a written declaration whereby the applicant undertakes the commitment to use the funds above for the relevant purpose within 3 months from entry into Italy; and
3. Provide documentary evidence of the availability of funds above the minimum threshold set for the healthcare contribution (8.500,00 euro).

The precise procedure applicable to the “investors visa” application has not been announced. It is anticipated that by the end of March of 2017, the Ministries of Economic development, Internal Affairs and Foreign Affairs will issue a joint decree setting out the specific procedure and confirming the authority responsible for processing the applications and issuing the clearances that will authorize the consulate to release the visas. Such authority will operate in connection with the Financial Intelligence Unit (FIU) to ascertain the lawful source of funds and the other eligibility requirements. The evaluation process is expected to take about 15 days.

The applicant shall submit the following:

1. A copy of passport/travel document valid at least 3 months beyond the visa validity.
2. Documents proving:
 - a. the availability of the minimum amount set forth for the investment, and
 - b. that said funds are readily transferable to Italy.
3. Proof of lawful source of funds - the source of funds must be properly and thoroughly supported with documentary evidence.
4. Written declaration stating the commitment to use the funds for the relevant scope and providing a clear and detailed description of the investment features and its beneficiary.

In case of a favorable decision, the designated authority will send the clearance to the relevant consulate that will issue the “investors visa” (“*visto investitori*”).

The issuance of the permit is subject to verification that the investment has effectively been completed within 3 months of entry in the country. The permit can be revoked even before its expiration date, if it is ascertained that the investment was withdrawn within 2 years. The renewal of the permit after the first 2 years of validity is subject to the verification that the funds were duly invested within 3 months of entry and that the investment is ongoing at the time of renewal.

Family members of investors visa/permit holders are eligible for a residence permit for family reasons

Specific penalties are foreseen with regards to the proof of the lawful source of funds (art. 648-bis, 648-ter; 648-ter.1 of Penal Code and Art. 12 quinquies L. D. 365/1992 – provisions on money laundering, investment of money of illegal provenance, self- money laundering, smuggling etc.).

The investors visa holder will receive a 2 year valid investors residence permit (permesso di soggiorno “per investitori”), renewable for further 3 years. After 5 years of legal residence, if the eligibility requirements are met, a foreign national may apply for European Commission permanent residency which has an indefinite validity.

KEY MISSING INFORMATION TO BE DETERMINED:

- It is not clear if the investors visa will allow the holder to undertake work activities in Italy
- Presumably, the investors’ visa will give access to permanent residence and citizenship, but this information has yet to be confirmed.