



European Migration Network

Ad-Hoc Query on Issuance of Residence Permits in Case of Purchasing a Real Property in a MS

Requested by LV EMN NCP on 16th September 2009

Compilation produced on [2nd November 2009]

Responses from – [AT](#), [BE](#), [EE](#), [FI](#), [DE](#), [GR](#), [HU](#), [IE](#), [LT](#), [LU](#), [MT](#), [NL](#), [PL](#), [PT](#), [SI](#), [SK](#), [ES](#), [SE](#), [UK](#) (19 in Total)

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1. Background Information

Recently there has been a debate in a mass media of Latvia about a possibility to issue a residence permit to foreigner who has acquired a real property in Latvia (an apartment, for example). Office of Citizenship and Migration Affairs would like to know if such possibility is provided in national legislation of other MS.

2. Responses¹

		Wider Dissemination? ²	Does national immigration legislation of your country provide a possibility to issue a residence permit to third-country
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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then the response should be removed and the

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			citizen who owns a real property in your country (for example, an apartment/ house/ other)? If yes, please indicate if this is a temporary residence permit or permanent residence permit.
	Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Belgium	Yes	There are no provisions of this kind in the Belgian immigration legislation.
	Bulgaria	Yes	<p>The Bulgarian Law for foreigners in the Republic Bulgarian stipulates the following circumstances of ownership of foreigners allowing them to receive a long stay or a permanent stay permission.</p> <p>A permission for long stay shall be able to receive foreigner who implement activity under the Bulgarian Law for encouragement of investments.</p> <p>A permission for permanent stay shall be possible to receive the foreigners who have invested in the country over BGN 1 000 000 or increased their investment by such an amount through the acquisition of: a) shares of Bulgarian companies, traded on a Bulgarian regulated market; b) debentures and treasury bonds and their derivatives, issued by the state or by the municipalities with a maturity date after at least 6 months; c) ownership in a separate part of the property of a Bulgarian company with at least 50 percent state or municipal share in the capital under the Law on Privatisation and Post-privatisation Control;</p> <p>d) holdings or shares, owned by the state or the municipalities in a Bulgarian company under the Law on Privatisation and Post-privatisation Control; e) Bulgarian intellectual property - copyright or related rights subject-matter, patent protected inventions, utility models, trademarks, service marks or industrial design; f) rights under concession contracts on the territory of the Republic of Bulgaria;</p> <p>Foreigners who have invested the amount under above mentioned items in a Bulgarian licensed credit institution under a trust management contract for a term of at least 5 years;</p> <p>Foreigners who have invested the amount of at least BGN 6 000 000 in the capital of a Bulgarian company, which shares are not traded on a regulated market.</p> <p>The above mentioned circumstances for receiving of long stay or permanent stay permission shall be determined by the Bulgarian Ministry of Finance in accordance with the regulations on the implementation of the Bulgarian Law for foreigners.</p>

following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	No, Estonian legislation doesn't provide such a possibility.
	Finland	Yes	1. The ownership of real estate in Finland does not qualify as a grounds for issuing a residence permit, although a TCN (Third-Country-National) can apply for a temporary residence permit for "other reasons" by using the ownership of real estate and therefore willingness to stay in Finland as a reason. This has rarely been used. The legislation also states that in order to be granted a residence permit, a TCN must provide proof of being able to sustain him/herself economically, and the ownership of e.g. an apartment is not enough on its own, proof of a source of income or other means also has to be presented.
	France	Yes	
	Germany	Yes	The acquisition of real estate does not constitute a basis for granting a temporary residence permit under the German Residence Act.
	Greece	Yes	Our national legislation does not provide for the issuance of residence permits to TCNs who own a real property in Greece.
	Hungary	Yes	Hungarian legislation does not provide such possibility.
	Ireland	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Italy	Yes	
	Latvia	Yes	Latvian legislation does not provide such possibility.
	Lithuania	Yes	No such possibility is foreseen in the Lithuanian legislation.
	Luxembourg	Yes	Luxembourg law does not provide such possibility. It is the "loi modifiée du 29 août 2008 sur la libre circulation des personnes et immigration" (http://www.legilux.public.lu/leg/a/archives/2008/0138/2008A2024A.html) that supports citizenship matters.
	Malta	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that their response is not disseminated further.
	Netherlands	Yes	No, NL legislation does not provide such possibility either.

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	Poland	Yes	In general, possession of a real property in Poland is not mentioned in a catalogue of circumstances which justify issuing a residence.
	Portugal	Yes	No. Portuguese immigration legislation does not provide such possibility.
	Romania	Yes	
	Slovenia	Yes	Yes, a temporary residence permit.
	Slovak Republic	Yes	Slovak legislation does not provide such possibility.
	Spain	Yes	Spanish legislation does not provide such possibility.
	Sweden	Yes	Swedish legislation does not provide such possibility.
	United Kingdom	Yes	-

		Wider Dissemination? ³	If you issue a residence permit to owners of real property, is there any minimum price which should be paid for this property, indicated in legislative acts, for a third-country national could qualify for a receiving of residence permit. Do you have any additional requirements for a such third-country nationals?
	Austria	Yes	Not applicable.
	Belgium	Yes	
	Bulgaria	Yes	
	Cyprus	Yes	
	Czech Republic	Yes	
	Denmark	Yes	
	Estonia	Yes	-
	Finland	Yes	2. -
	France	Yes	
	Germany	Yes	The acquisition of property (land, houses, etc.) can only result in granting a temporary residence permit in accordance with § 21 Residence

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			Act if it presents itself as an investment in self-employment of the foreigner. This, however, requires that the self-employed activity is expected to have positive effects on the economy of the location (regional and beyond) and is financially secure. Such economic benefits are generally assumed if at least 250,000 EUR are invested and five jobs are created.
	Greece	Yes	Greece does not consider as necessary, at least for the immediate future, the establishment of such kind of residence permit
	Hungary	Yes	Hungary does not issue a residence permit on such ground and doesn't envisage introducing it in the near future. However in this case foreigners (both third country nationals and European citizens enjoying the right of free movement and residence) may apply for a residence permit issued on the ground "other" in the absence of the objectives listed in the relevant Act.
	Ireland	Yes	
	Italy	Yes	
	Latvia	Yes	Latvia does not issue a residence permit on such ground yet but politicians who have proposed this idea have mentioned that there should be a minimum price of a real estate indicated in legislative act (to avoid a possibility to grant a residence permit to a third-country citizen who has purchased one-room apartment in a block house, for example).
	Lithuania	Yes	
	Luxembourg	Yes	
	Malta	Yes	
	Netherlands	Yes	
	Poland	Yes	
	Portugal	Yes	Not applicable.
	Romania	Yes	
	Slovenia	Yes	No minimum price set. Additional requirements are similar as for any other type of residence permit (means of subsistence, health insurance, valid passport, not posing threat to public policy/security).
	Slovak Republic	Yes	N.A.
	Spain	Yes	
	Sweden	Yes	
	United Kingdom	Yes	The UK doesn't issue Residence Permits to people who own houses here.

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