

# inBrief



## New Long Term Residency Visas

By Danielle Lobo and Anna White | 11 February 2019

### What's happened?

After much media coverage, Cabinet Decision 56 of 2018 (the **Decision**) has been gazetted which introduces new long term residency visas to, amongst others, the following four categories of persons in the UAE:

1. investors;
2. entrepreneurs;
3. individuals with specialised talents and researchers in various fields of science and knowledge; and
4. honours students with promising scientific potential.

The Decision is an important development in the UAE and it is expected to have a positive impact on the real estate market in conjunction with the run up to the Dubai World Expo 2020 and as part of the broader UAE vision 2021.

In this InBrief we look at the conditions that the Decision requires a person to satisfy in order to apply to the Federal Authority for Identity and Citizenship (the **Authority**) for a long term residence visa.

### Investor Visas - Real Estate

A five year residency visa may be applied for by investors in real estate in the UAE if the following conditions are met:

1. the investor must have invested in one or more properties in the UAE with a total value of no less than AED 5 million;
2. the amount invested must not be derived from the proceeds of a loan. Consequently, it will not be possible for there to be a mortgage over the property if this visa is to be applied for;
3. the property must be owned by the investor for at least three years from the date of issuance of the residency visa;
4. the investor must not be financially liable for any claims or

### The Authors



#### Danielle Lobo

Partner  
dlobo@afриди-angell.com  
Tel: +971 4 330 3900

Danielle is a corporate/commercial lawyer with considerable experience in a wide range of corporate matters including private equity transactions, mergers and acquisitions, joint ventures, restructurings and reorganisations. She advises vendors, trade purchasers and management on both the sale and purchase of companies, as well as on private equity investments. Danielle is a member of the Law Society of Scotland. She holds an LLB (Hons.) from the University of Aberdeen, Scotland.



#### Anna White

Associate  
awhite@afриди-angell.com  
Tel: +971 4 330 3900

Anna practises real estate law and has considerable experience in all areas of real estate and land development law. She advises property developers, real estate companies, and government entities in all stages of the real estate transaction. Anna holds an LLB (hons.) and Bachelor of Commerce from the University of Otago, New Zealand.

civil judgments which reduce his financial solvency below AED 10 million; and

5. the investor must have a comprehensive health insurance policy covering himself and his family members,

(conditions 2-5 above being hereinafter referred to as the **Conditions**)

An “investor” is defined in Article 1 of the Decision as an “*Alien who spends his/her capital for financial gain or returns, in accordance with the controls referred to in this Decision.*”

### **Investor Visas – Public Investments**

A ten year residency visa may be applied for by investors in public investments if:

1. one of the following conditions are met:
  - a. the investor must have a deposit of no less than AED 10 million in an investment fund within the UAE. Note that the Decision does not define what constitutes an “investment fund”; or
  - b. the investor must establish a company in the UAE with a capital of no less than AED 10 million or be a partner in an existing or new company with a financial share of no less than AED 10 million; or
  - c. the investor must have investments in the UAE with a total value of no less than AED 10 million (provided that the non-real estate part of such investment constitutes no less than 60% of the total investment);

and
2. all of the Conditions must be met.

### **Entrepreneur Visas**

A five year renewable residency permit may be applied for by entrepreneurs if all of the following conditions are met:

1. the entrepreneur must own a “former successful project” with a minimum value of AED 500,000 in an approved area. Again, there is no guidance in the Decision as to what constitutes a “former successful project”;
2. the entrepreneur must have obtained the approval of a business incubator accredited in the UAE to establish the proposed activity in the UAE; and
3. the entrepreneur must have a comprehensive health insurance policy for himself and his family members.

An “entrepreneur” is defined in Article 1 of the Decision as an “*Alien who has an economic project of a technical or future nature based on risk and innovation, in accordance with the controls referred to in the present Decision.*”

### **Specialised Talent Visas**

A ten year renewable residency permit may be applied for by “Individuals with Specialised Talents” under the categories listed below subject to certain conditions set out in Article 8 of the Decision being met. Note, an “Individual with Specialised Talent” is defined in Article 1 of the Decision as an “*Alien who is excellent or skilful, or a leader, or competent performer or has an outstanding talent in any field of science and knowledge, in accordance with the controls referred to in the present Decision.*”

The categories of “Individuals with Specialised Talents” are as follows:

1. medical doctors and specialists;
2. scientists;
3. creative individuals in the field of culture and art;
4. inventors;
5. elite individuals;
6. executive directors; and
7. specialists in educational areas of priority.

### **Honours Student Visas**

A five year renewable residency visa may be applied for by honours students (and their families) if all of the following conditions are met:

1. the student must have a grade of excellence or at least 95% in the General Certificate of Secondary Education or its equivalent;
2. the student must be enrolled in any of the accredited universities in the UAE and must have a grade point average as set out in the Decision in selected scientific specialties;
3. the student must have obtained the approval of a committee established by the Decision for the purpose of examining such applications;
4. the student must submit proof of registration at a university or institute accredited in the UAE; and
5. the student must hold a comprehensive health insurance policy for himself and his family members.

### **Conclusion**

The new law is a welcome development in the UAE.

The Authority has reported that applications for such permits will be accepted from 3 February 2019 and already a total of 20 visas have been granted to recent honourees of the Mohammed Bin Rashid Award for Scientific Excellence. ■

#### **Afridi & Angell**

Founded in 1975, Afridi & Angell is a full-service UAE law firm in its fifth decade at the forefront of the legal community. From the beginning, our hallmarks have been a commitment to quality, unsurpassed knowledge of the law and the legal environment, and crafting of innovative business solutions. Licensed in the three largest Emirates of Abu Dhabi, Dubai and Sharjah as well as the Dubai International Financial Centre, our practice areas include banking and finance; corporate and commercial law; arbitration and litigation; construction; real estate; infrastructure projects; energy; project finance; maritime (wet and dry); and employment. We advise local, regional and global clients ranging in size and sophistication from start-ups, sole proprietorships, family-owned businesses, entrepreneurs and investors to some of the world’s largest public and private companies, governments and quasi-government institutions. We attract and retain clients with our dedication to practical guidance focused on their business needs supported by decades of experience here in our home jurisdiction, the UAE.

Afridi & Angell is the exclusive member firm in the UAE of top legal networks and associations, most notably Lex Mundi, the world’s leading network of independent law firms, and World Services Group.

[www.afridi-angell.com](http://www.afridi-angell.com)

Afridi & Angell’s inBrief provides a brief overview and commentary on recent legal announcements and developments. Comments and opinions contained herein are general information only. They should not be regarded or relied upon as legal advice.