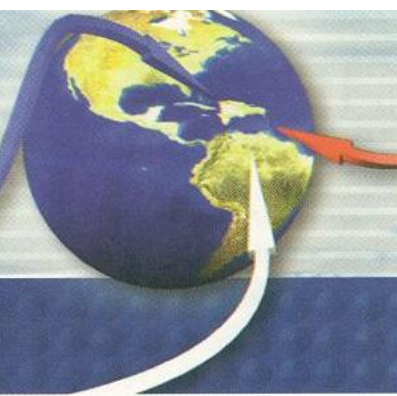


# HOW TO IN DR

Year 2004



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## Dominican Republic: General Information

Located in the heart of the Caribbean, the Dominican Republic is the second largest country in the region. With an extension of 48,442 km<sup>2</sup>, it occupies the eastern two thirds of the Hispaniola Island. Its' population ascends to 8.9 million people, concentrated in urban areas, mainly in Santo Domingo, the capital city.

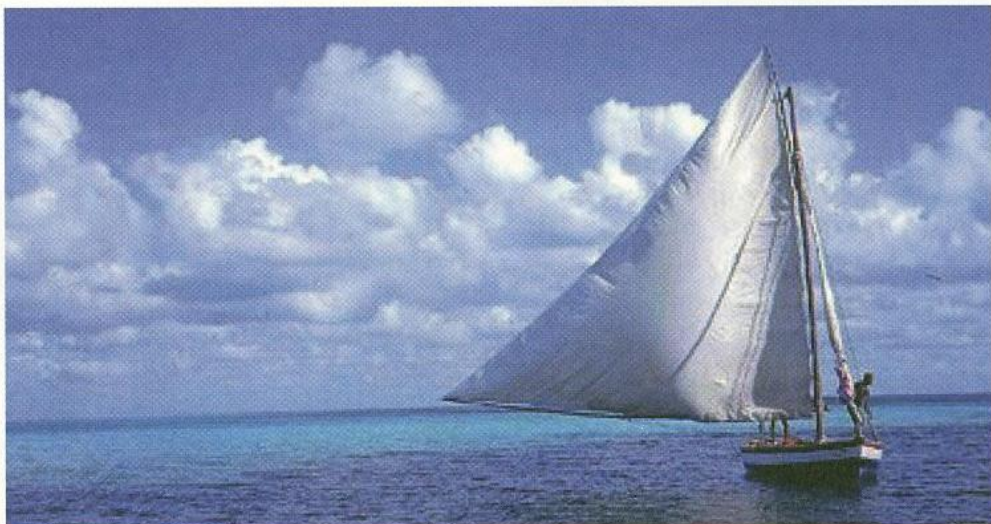
The 1,566 kilometers of coastline are filled with sunny beaches and tropical palms, where numerous vacational resorts are located. The Dominican Republic enjoys pleasant temperatures all year round, ranging between the 22° and 33°C. In the coastline, the climate is

warmer, while in the mountains the climate is colder.

A representative democracy since 1966, the Dominican Republic has achieved the political and social stability that has allowed it to become one of the most important nations in the region, in terms of its economic relevance. The government system is essentially republican, democratic and representative. It is divided into three independent branches: Executive, Legislative and Judicial.

Economic activity is mainly concentrated in the industrial sector. Tourism, communications, free zones, construction and commerce

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are among the leading sectors. The production of sugar, tobacco and textiles occupy the first place among the exports, followed by products like coffee, cacao, banana trees and citrus. The imports, on the other hand, are mainly consumer goods, such as fuel, raw materials and capital assets for the industry. The United States and Central America are among the most important commercial partners of the Dominican Republic.

From Dominican Republic, investors can access other markets, thanks to its strategic geographic position and the different free trade agreements that the Dominican Republic has signed. Under the Caribbean Basin Initiative, Dominican exports have preferential market access to the United States; to the European market, the access is granted through the Cotonou Agreement and to all English speaking islands in the Caribbean through CARICOM. These different agreements provide Dominican products with access to over 600 million consumers. Other agreements that grant preferential rights to Dominican exports include the Generalized System of Preferences, Lome IV Convention and the Free Trade Agreement with the United States.

At the regional and multilateral level, the Dominican Republic is also a member of the Central American Common Market (CACM), the Free Trade Areas of the Americas (FTAA) and the World Trade Organization (WTO).

## Legal Framework for Foreigners

### Immigration

**Visas** Foreign citizens who wish to visit the Dominican Republic must be provided with a valid travel document (passport) and must obtain a visa from the Dominican Consulates abroad, with exception of the nationals of countries that have signed agreements for the dispense of visa requirements and are authorized to enter the country with a tourist card, that may be purchased upon their arrival.

Depending on the reason for the trip, visas are classified in Diplomatic, Official and Courtesy, Business Visas, Business Visas for Working Purposes, Dependents Visas, Tourist Visas, Residence Visas, Student Visas and Entrance Facilities for tourists or working purposes.

**Residence** Foreigners who would like to remain in the country for more time than allowed by the visa, may apply for the Dominican residence, obtaining the provisional

and later the permanent residence card. For foreign investors, making investments of more than US\$200,000.00, there is a special program designed to speed up the process for obtaining the Dominican residence. In order to benefit from such a program, the person needs to be related to a direct investor, to a company that operates under the free zone regime, to foreign companies contracted or subcontracted by the government, to companies tied to specific incentives regimes or companies that are developing investment projects considered of high priority by the government, due to its social and economic impact. Investors, managers, technicians and their families may all benefit from this program.

**Citizenship** The Constitution of the Dominican Republic considers Dominican citizens all persons born in the Dominican territory, with exception of the legitimate children of the foreigners in diplomatic representation or those who are in transit; all persons born abroad, of Dominican father or mother, as long as, according to the laws of the country of birth, that person did not acquire another







nationality; or if having acquired another nationality, he declares before a public official his desire to obtain the Dominican nationality, after reaching the age of 18; and all persons who complete the naturalization process.

## Status and Capacity

**M**arriage In order to get married in the Dominican Republic, the parties must have reached 18 years of age and be legally single. Foreigners who wish to get married in the Dominican Republic must present, in addition to the requirements mentioned above, their Passport and a sworn declaration affirming their eligibility to marry. They must also comply with the publicity requirement, that consists of publishing the news of the marriage prior to the celebration of the ceremony.

Dominican law contemplates different regimes that regulate the ownership of property between married couples. The most common regime is the community of property, which is made up of all the personal property of the spouses, with the exception of real estate property acquired prior to the marriage.

All marriages celebrated in the country are presumed to be under the community of property, unless prior to the marriage ceremony, the couple expressly chooses a different regime. Dominican law provides couples with a number of additional regimes to choose from, including the separation of property,

community reduced to earnings and the universal regime.



**D**ivorce Dominican legislation establishes different divorce procedures. One of these procedures is the divorce by mutual consent, which gives the parties the opportunity of reaching an agreement between themselves and then coming before a Judge, who will simply validate their agreement by issuing a judgement. If the divorce is not by mutual consent, the law provides for another procedure, divorce for a specific reason, where the Judge decides, among other things, on the property of the spouses, the custody of the children and the alimony payments, if necessary. The law also provides a special procedure for foreigners.

**S**pecial Divorce for Foreigners An expedite procedure created specially for foreigners and Dominicans living abroad, that decide to divorce by mutual consent. As in the procedure of divorce by mutual consent, the parties must reach an agreement as to the division of their common property, the custody of the children and the alimony payments. Once the parties have agreed on all these issues, they request a hearing in court, where at least one of the spouses must be

present, the other may be represented by an attorney. At the hearing, the Judge ratifies the agreement signed by the spouses.

**A**doption In the Dominican Republic, adoption is regulated by Law 136-03, which contains the Code for the System of Protection and Fundamental Rights of Minors. The Code contemplates the privileged adoption, which extinguishes all family ties between the child and his biological family. The child becomes a member of his adopting family, with all the rights and obligations of a biological son. Privileged adoptions may be national or international. Thus, foreigners desiring to adopt a child in the Dominican Republic, may do so under the provisions of the Code for international adoptions.



**I**nternational Adoption In order for a foreign person to be able to adopt a child in the Dominican Republic, that person must be at least 30 years old, be part of a couple formed by a man and a woman, united in marriage for a period of at least 5 years, and must be at least 15 years older than the adoptive child. The Department of Adoptions of the National Council for Minors is the



government agency in charge of coordinating and supervising adoption procedures, making sure they comply with the requirements stipulated in the law.

## **Foreign Investment in Dominican Republic**

### **Foreign Investment Law**

Law 16-95 on Foreign Investment offers investors an attractive regime, opening the doors to foreign investment in practically all sectors of the economy. The only exceptions established in the law refer to activities that present a danger to the environment or to the public health and to activities related to the production of materials and equipments for defense and national security.

Under the Principle of Equal Treatment, Law 16-95 grants the foreign investor the same rights and obligations granted to Dominican nationals, including the right to freely repatriate its dividends abroad, in foreign currency.

## **Intellectual Property Protection**

**I**ndustrial Property As signatory of the agreement on Trade Related Aspects of Intellectual Property (TRIPS), the Dominican Republic assumed the obligation of reforming its laws to conform with international requirements. Thus, in the year 2000, the National Congress approved Law 20-00 on Industrial Property. Its main purpose is to

provide the legal and institutional framework that contributes to the transfer and diffusion of technology, for the mutual benefit of producers and users, in order to promote the social and economic welfare of the country.

Law 20-00 regulates all issues regarding invention patents, utility models, industrial designs, as well as all types of trademarks and trade names. The National Office of Industrial Property is the governmental agency authorized by law for the concession and maintenance of the invention patents and for registering industrial property rights.

**C**opyright Law 65-00 on Copyright was passed by Congress in August 2000, to provide the Dominican Republic with a legal framework that fulfills the requirements of the TRIPS agreement, ensuring the protection of holders of intellectual property rights in the country.

Law 65-00 provides for the protection of literary, artistic or scientific works, that may be fixed, transmitted or copied by any existing or future method of printing or reproduction, whatever its form of expression. The law establishes a non-limitative list of protected works that include written works, such as books and magazines, conferences, speeches, dramatic and musical plays, choreography and pantomime, musical compositions, drawings, paintings, photographs, plastic works, maps and computer programs, among others.

## **Real Estate Property Regime**

The acquisition of any type of real estate property by foreigners in Dominican Republic is not subject to any special condition. Foreigners have the same rights as Dominican nationals when purchasing real estate. The only requirement established in the Decree No. 21-98 issued on January 8, 1998 is that the Registry of Titles maintains a record, for statistical purposes only, of all sales made to foreigners.

Prior to purchasing a property, it is always advisable to verify the status of such property at the Registry of Titles, to safeguard the buyer from any mortgage or lien that has not yet been registered in the original Property Certificate. The Registry of Titles is the office where transactions involving real estate property are registered. The Property Certificate is the document that credits a person or institution as the rightful owner of a certain real estate property.

The purchase of real estate properties in the Dominican Republic is an excellent alternative as a safe and reliable investment. Many foreigners have bought real estate in our country, both for business and pleasure, and their investments have increased in value through the years.

**For orientation or questions:**  
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