

# DIY Your Visa

## How To Handle Residency Without A Lawyer

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## How To Handle Residency Without A Lawyer

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I've obtained residency in four countries, and in each case, I did it on my own. Some took longer than others, and some were more complicated. But each time I was able to follow the rules they gave me and end up as a resident.

There are a few reasons why I don't use a lawyer to obtain residency... aside from the fact that I don't want to pay their fees.

One is that an attorney will, justifiably, prepare for any eventuality... so they tend to ask you for more documents and backup than you'd ultimately end up needing on your own. This can waste your time and effort. When doing it myself, I produce and give the authorities only what they ask for.

Also, I always get better cooperation on my own... not just with residency, during any interface with the government. Functionaries find it far easier to say "no" to an intermediary than they do to a real person who is trying to make an important life change.

In some cases (like Mexico and Colombia) the process is simple and takes under an hour. With Mexico—with their English instructions, English-speaking agents, and simple process—there's simply nothing for an attorney to do.

And I enjoy doing it myself. I find it rewarding. Moving to a foreign country is a trailblazing, pioneering activity, and it feels even better to do it on your own.

Finally, lawyers don't always add much value to a normal residency. Remember that only you can assemble your home-country documents and get them certified. And you'll be the one to request your background checks. So, you've got to do the legwork anyway. Personally, I've never seen an immigration process so complex that I needed an attorney to interpret it for me.

A lawyer is often just an expensive translator. I've seen many expats who retain lawyers only because they don't speak the language and can't read the requirements for themselves. But I've also seen expats who brought along a native-speaking friend get through the process with ease. I've arranged for local students to accompany expats through the process in Ecuador for a flat fee of US\$50 bucks.

Of course, some people should have a lawyer. Sometimes it's necessary and in your best interest to retain one. We'll talk about those later.

### Step One: See If You Can Get By Without Official Residency

Many countries around the world allow you to stay half the year as a "tourist." Usually, this is done by granting you a 90-day stay when you enter, followed by a one-time, 90-day extension. Two common and notable exceptions are Mexico—which grants a 6-month stay upon arrival—and Europe, which only permits a 90-day stay within a 6-month period per the [Schengen Agreement](#).

Europe aside, if your objective is to spend half the year at your destination of choice, then the tourist entry can be an easy way to accomplish it.

The advantage of a long-term tourist stay is that it's easy... no background checks, no proof of income, no medical exams, etc. Also, some countries restrict your time out of the country as a new resident, while in others, becoming a resident also makes you tax resident, regardless of how long you're in the country each year. A long-term tourist stay will sidestep these issues.

From a do-it-yourself perspective, the long-term tourist stay is the easiest choice if it meets your needs.

But there are disadvantages to staying as a tourist as well...

- Setting up the household while on a tourist entry can be harder than doing it as a resident in many places, as your residents' ID card is the most commonly accepted form of identification. (Setup is usually easier as a tourist in places that have a large, part-year, foreign population.)
- Many countries don't allow you to open a bank account unless you're a resident. Without a bank account, you can't direct-debit your utilities, which is inconvenient.
- You probably won't have access to the country's free or subsidized health care system unless you pay for it.
- There may be a cumulative limit on how long you can be in-country on a tourist visa. This can be 180 days per year or 180 days in any 12-month period.

In my own personal experience, the advantages of obtaining residency far out-weigh the disadvantages.

## Step Two: Find The Real, Governing Source Of Residency Information

Blogs, forums, and expat sites can be extremely entertaining sources of bogus information on residency.

I've seen someone repeat a rumor that he's heard about getting residency, and then watched as the same "fact" was repeated on a number of other blogs and forums... leading countless people down the wrong path... or to an attorney's office.

Some forums are run by subject-matter experts, and they can be very good. Whether or not they're up-to-date depends on the expert's willingness to follow any changes in the law—and keep it up. Others are completely accurate and well-maintained at all times.

The problem is that it's hard to tell whether a blog or forum is up-to-date or not. But I do use them every time. People's experience is valuable, and it's always helpful to hear what someone else went through in obtaining residency. And the expert-run sites often have a link to their source of information, so you can check for recent changes.

Consular websites are often a good source of the rules for obtaining residency... but not always. I've found that some countries (such as Mexico and Colombia) keep their consular websites up-to-date using a central repository of information. Others (such as Ecuador and Brazil) allow their consular sites to differ, so you're not sure which one is correct.

Rules for obtaining residency will ultimately come from a government agency... often the ministry of exterior relations or a separate department of immigration. This is your best source of information.

Finding the root source is usually easy. Blogs, forums, and expat sites will sometimes have references and sources. I click through to get to the actual regulations. And the same goes for consular websites; they often have a reference to the governing regulations.

For example, if you look up the Mexican Consulate in Phoenix and go to the visa page, you'll find a link to the Secretaría de Relaciones Exteriores (Secretary of Foreign Relations). Since the info is from 2022, and it's direct from the governing agency, I consider this a good source. [You can see for yourself here.](#)

## Step Three: Decide Which Visa Is Right For You

Residency visas usually fall into two categories: temporary or permanent residency.

Most often, you'll be required to hold a temporary residency visa for some period of time before applying for a permanent residency visa. But some countries will allow you to go directly to a permanent resident's visa. Mexico allows it with a higher income

or more savings... and Uruguay offers permanent residency to everyone.

Before deciding which to apply for, look for any differences between temporary and permanent residency. Make sure there are no additional tax obligations with permanent status.

Normally, I go right to permanent residency when I can, because there's less ongoing maintenance to those visas. I did this in Ecuador, Uruguay, and Colombia. But in Mexico, permanent residents with cars are required to have Mexican plates... meaning I'd have to change vehicles, since my American pickup doesn't (yet) qualify. So I opted for a four-year temporary residence visa in Mexico.

Next you'll need to pick your visa type. Here are some common categories:

- **Pensioners:** Those with a pension from a public or private entity or Social Security.
- **Source of income:** People with a stable source of income, often called a rentista visa in Latin America. In some cases, this income must come from outside the country, while other countries allow a proven flow of investment/rental income from within the country. Often, IRA/401k distributions fall into this category.
- **Work visas:** Applicants often must have an employer-sponsor or job offer, although sometimes a work visa will be granted for those in a profession deemed critical by the host country. Many countries allow you to work on other residency visas as well, even if they are not categorized as "work visas."
- **Marriage or family ties:** If you have a wife, child, partner, or parents who are citizens or residents already, most countries offer a special visa, often within a fast-track process.
- **Investors:** You can often use your residence to qualify for the required investment level... but not always. Brazil and Uruguay are notable exceptions. If you can't use your residence to qualify, there are other options. You can generally invest in a business or local company, start a business, or invest in financial instruments and bank products.

Additionally, a few countries will allow you to qualify with savings instead of income, which is great for people with an IRA or 401k, but without a fixed pension. Mexico is a good example of this practice, and Costa Rica has a similar provision.

## Step Four: Gather Your Documentation

Here are a few considerations when obtaining the documentation that may be required. Remember, you need to do this whether you use a lawyer or do it yourself.

**Proof of income:** For pensioners, this will usually be a letter from whoever is paying the pension stating that you are entitled to it. Often, you can show pay stubs or deposit records to prove your pension receipts without such a letter. The easiest proof of income is a letter from Social Security, which you can obtain online.

For non-pension sources of income, you'll generally need to show a sustained income stream over time.

My personal rule is to show them only what you need to qualify. If Peru is requiring US\$1,300 per month, and your Social Security is US\$1,400, then stop there. There's no need to show what a low risk you are by also showing them a pension, account balances, or your 401k. Showing just what they need makes for a simpler submission, and they know less about your private finances.

**Police background checks:** These are not required everywhere, and requirements will differ between countries. When required, they'll always

want a background check from your current country of residence... sometimes they also require one from your country of citizenship if they're not the same.

I've seen cases (such as Costa Rica) where a local or state police check is all that's required, but these are becoming more unusual. Today, it's more common to be asked for an FBI check, or an RCMP check if you're from Canada. (You can [get your FBI check here](#), and [your RCMP check here](#).) These take time so be sure to build that time into your schedule.

Not every background finding means disqualification. Countries will often overlook offenses that occurred a long time ago, or those which they consider minor. But this is a case where you'll want a lawyer to handle the issue. A good immigration lawyer will know what will be accepted.

Not every country requires background checks. Some countries do not require a criminal record check at all. When you renew, they simply use your in-country record to qualify you. Mexico and Chile do not require background checks, to name a few.

**Health certificates:** Many countries do not require a health checkup, and among those that do, the requirements will vary. One country allowed me to get it in the States, while, with another, I had to use their in-country facility. Mexico and Colombia didn't require one at all.

**Other documents** may include a marriage certificate, birth certificate, or proof of residence such as a utility bill. Marriage and birth certificates are available from most states online.

## Step Five: Apply Either In-Country Or At A Consulate

You'll be required by some countries to apply at their consulate in your current country of residence... while others prefer that you enter your new country first and then apply from within. Uruguay and Chile are set up so that you apply in-country... while with Mexico it's best to apply at a consulate in your home country.

But some countries, like Colombia, give you a choice. I applied once at their consulate in Uruguay and then upgraded to permanent residency from inside Colombia.

There are a few advantages when you apply at a consulate in your home country:

- Consulates often do not require translations into their language.
- They may not require the same document authentications for documents received and

reviewed at the consulate. (More on document authentication below.)

- Home-country documents are easier to obtain or replace from within your home country, in case you missed something.
- Most importantly, consulates have English-speaking agents... something you'll seldom find abroad outside of Mexico and English-speaking countries.

## Step Six: Getting Your In-Country ID

After you've obtained your visa and entered the country—or obtained your visa in-country—there is one more thing to do. Usually, you've got to register in-country as a resident.

This registration can be with a ministry, some kind of civil registry, or at an immigration office. This is where you'll get the ID card that shows you are a resident.

Sometimes this is an easy step requiring no additional work, as happens in Colombia... while at other times, it's a longer and more complex process, as they have in Mexico. But it's the last step in the process for obtaining your new residency.

## Document Authentication And Translation

When submitting documents to a country other than the country that issued them, the documents need to be authenticated by the issuing country for use in a foreign country. Basically, the originating country is certifying their authenticity.

Countries accept one of two methods for authenticating documents: consular legalization or apostille.

[You can read more about document authentication here.](#)

Translations are required for documents that are not in the official language of the country you're applying to, and each country has their own requirements.

For Ecuador, I did my own translations in 2001... Colombia required a certified public translator... while Chile required a translation by their Ministry of Exterior Relations.

Remember, legalization and apostille may not be required if you're applying at a consulate in your home country.

## Times When You Really Need A Lawyer

Some of us enjoy obtaining residency on our own. It's part of the overall project to get yourself situated abroad, and it's rewarding to do it yourself. But sometimes you'll need (or want) legal help. Here are a few good examples:

**You have a less-than-stellar police record.** If you're applying to a country that does background checks and yours isn't clean, I would have an experienced attorney navigate this process for you. You'll probably get only one chance to appeal, and you want it to be your best shot.

If you've done hard time, have a string of felonies, or you've got open arrest warrants, I'd stick to the countries that don't require background checks.

**It's not your average residency.** If you're breaking ground with your application, do so with a lawyer.

For example, if you have a same-sex marriage in a country that doesn't recognize them... or you have a dependent who is not your child or parent... or you're asking for any kind of exception, you should get help.

**You flunked your physical.** If you have a special medical condition that will prevent you from passing a required physical, then I'd get legal support. I've never seen anyone turned down for a disability... but a lawyer can help you get by if your medical condition is something else that's not specified in the law.

**You're qualifying using a tenuous link.** If you're claiming residency or citizenship based on an ancestral or family connection that's not clearly

defined in the law, then you'll be better off with a lawyer.

### **The residency process is unclear or poorly**

**documented.** In countries with a less regimented or poorly defined process, attorneys will be useful when it comes to tricks of the trade. In cases like this, it may be more a matter of who you know, instead of what you know.

**You're in Panama.** Panama has a required attorney signoff in the process, and you can't proceed without it. Unless you have a relative who's an attorney, it's unlikely that you'll find an attorney who will sign it for you unless you've engaged them to handle the whole process.

**You're lazy (or too busy).** If you don't care about the legal fees and don't want to be bothered figuring out the process, then a lawyer can make your life easy. Some people simply don't have the time to spend on residency and are willing to pay for the service.

**The language issue can't be remedied.** That is, there are no bilingual friends, no translators, no students, and no English versions of the source documents. Here a lawyer will be a good option and a good contact to have in the future.

## Is A Do-It-Yourself Residency Right For You?

I like the do-it-yourself approach because I enjoy the sense of accomplishment. It's part of the adventure of making a life in your new country.

And maybe more importantly, I enjoy taking the mystery out of the process by experiencing it firsthand. When I write about it or offer help to others, I can do it based on experience instead of hearsay.

If you enjoy knowing how things work—and don't like paying someone else for something you can do—then you should give it a try.

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