



May 2017

Immigrant Investor Programme and Start-up Entrepreneur Programme

■ Introduction

In 2012, the Department of Justice, Equality and Defence (the “**Department**”) introduced two new immigration initiatives aimed at facilitating non-EEA migrant entrepreneurs and investors who, in return for permission to reside in the State, are prepared to invest in Ireland.

The initiatives are known as:

- The Immigrant Investor Programme; and
- The Start-up Entrepreneur Programme.

Dillon Eustace has advised successful applicants under the Immigrant Investor Programme (the “**IIP**”) including the first applicant approved by the Department under the IIP. Dillon Eustace has also advised in relation to the establishment of Approved Investment Funds for the purposes of the IIP.

■ Immigrant Investor Programme

The purpose of the Immigrant Investor Programme is to enable non-EEA nationals and their families who commit to an approved investment in Ireland to acquire a secure residency status in Ireland.

For further information on any of the issues discussed in this article please contact:



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■ Application Requirements for the Immigrant Investor Programme

In order to be considered for the programme, an investor must propose an investment in one or more of the following eligible investment options:-

1. A once off endowment of a minimum of €500,000 to a public project benefiting the arts, sports, health, culture or education.
2. A minimum €1,000,000 aggregate investment into new or existing Irish registered businesses headquartered in Ireland for a minimum of three years and which supports the creation or maintenance of employment. Funding by the investor through the intermediary of a venture capital fund will be considered provided that it can be demonstrated that the net effect is at least equivalent to that of a direct investment.
3. A minimum €1,000,000 investment in a special zero interest 5 year immigrant investor bond issued by Ireland acting through the National Treasury Management Agency. This option has been suspended since 18 July, 2016 pending a review of the Immigrant Investor Programme and the Start-up Entrepreneur Programme.
4. A minimum €1,000,000 investment in an investment fund approved for the purpose of the IIP (**“Approved Investment Fund”**) for a minimum term of 3 years. All funds must actually be invested in Ireland and must represent equity stakes in Irish registered companies that are not quoted on any stock exchange.
5. A minimum €1,000,000 mixed investment consisting of property immigrant investor bonds. This option is currently suspended.
6. A minimum €2,000,000 investment in a Real Estate Investment Trust (**“REIT”**) listed on the Irish Stock Exchange. This investment may be spread across a number of REITs but must be held for 3 years from the date of purchase.

The application will be considered by an independent evaluation committee who will recommend to the Minister for Justice, Equality and Defence (the **“Minister”**) as to whether or not the applicant should be accepted to the scheme. It should be noted that merely meeting the financial thresholds set out above does not guarantee approval, the evaluation committee must be satisfied that the proposal is in the public interest.

Successful applicants and their nominated family members can expect to receive residence permission for five years. An initial permission will be granted for two years and following a review at that point to ensure the investor is continuing to meet the conditions of the scheme (i.e. the investment has not been withdrawn, they continue to be law abiding and self-sufficient), a further period of three years will be granted. After this initial five year period, the investor will be free to apply for residence in five year tranches. The investor is not required to establish actual residence in Ireland. The Immigrant Investment Programme is about rights of residence that the investor may exercise as their business and family needs dictate. No minimum residence requirement is set other than the stipulation that the persons concerned should visit Ireland at least once in every twelve

month period.

The IIP does not provide for preferential access to citizenship. Successful applicants are free to apply for naturalisation in the normal manner.

Start-up Entrepreneur Programme

The purpose of the Start-up Entrepreneur Programme (“**STEP**”) is to enable non-EEA nationals and their families who commit to a high potential start up business (as defined below) in Ireland to acquire a secure residency status in Ireland. The scheme is not intended for retail, personal services, catering or other businesses of this nature.

Application Requirements for the Start-up Entrepreneur Programme

The applicant must invest in a high potential start up business which is defined as a start-up venture that is:

-  Introducing a new or innovative product or service to international markets;
-  Capable of creating 10 jobs in Ireland and realising €1,000,000 in sales within three to four years of starting up;
-  Led by an experienced management team;
-  Headquartered and controlled in Ireland; and
-  Less than six years old.

Applicants are required to demonstrate access to secured funding of €50,000 for their business.

The application will be considered by an independent evaluation committee who will recommend to the Minister as to whether or not the applicant should be accepted to the scheme. It should be noted that merely meeting the financial thresholds set out above does not guarantee approval. The evaluation committee must be satisfied that the proposal is genuinely innovative and has significant export potential.

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May 2017

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