



GUIDELINES

ACQUISITION OF RESIDENTIAL PROPERTIES BY NON-CITIZENS



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INTRODUCTION

The Non-Citizens (Property Restriction) Act has been amended in December 2016 to allow foreigners to purchase apartments in condominium developments of at least two levels above ground (G+2) with the prior approval of the Economic Development Board provided the purchase price of an apartment is not less than MUR 6 million or its equivalent in any other hard convertible foreign currency.

Any non-citizen, with or without an occupation permit, residence permit, permanent residence permit, may acquire apartments.

Thus, non-citizens are not restricted from acquiring:

- a residential unit developed under the IRS, RES and PDS
- a residential unit developed in a smart city
- an apartment located in a building of at least two floors above ground floor

ACQUISITION OF APARTMENT- ELIGIBILITY

The following non-citizens are eligible to submit an application to acquire one or more apartment(s) for use as residence:

- a) Any non-citizen
- b) A holder of Permanent Residence Permit
- c) A holder of an Occupation Permit as investor, professional and self employed
- d) A holder of a Residence Permit as a retired non-citizen
- e) A holder of a Residence Permit under the IRS/RES/IHS/PDS/SCS
- f) A company incorporated or registered under the Companies Act
- g) A société, where its deed of formation is deposited with the registrar of companies
- h) A limited partnership under the Limited Partnerships Act
- i) A trust, where the trusteeship services are provided by a qualified trustee
- j) A Foundation under the Foundation Act

DEFINITION OF APARTMENT

An 'apartment' is defined as a residential unit that forms part within blocks of residential dwellings located in a building of at least 2 floors above ground floor.

On approval of the application, the non-citizen will be entitled to buy **one or more apartment(s)**, together with part of the common areas collectively owned in "copropriété" in proportion relating to the size of the apartment.

BASIS OF ACQUISITION

1. An apartment may be acquired either on the basis of a plan, during construction phase or when the construction is completed.
2. Where the acquisition of an apartment is made on the basis of a plan or during construction phase, the contract shall be governed by the provisions of a "*vente a terme*" or "*vente en l'état futur d'achèvement*" as the case may be, in accordance with the provisions of articles 1601-1 to 1601-45 of the Code Civil Mauricien.
3. No application shall be considered where the acquisition of an apartment is made through the transfer of part sociale in a société which gives right of ownership, occupation usage in an immovable property or any part thereof where the deed is in respect of a "Société Civile Immobilière D'Attribution (SCIA)".

SCREENING OF APPLICATIONS SUBMITTED FOR ACQUISITION OF APARTMENT

1. All applications shall be made to the Chief Executive Officer of EDB.
2. An application shall be considered as ready for processing by EDB **at the date by which all the information, particulars and documents have been duly submitted and considered as complete** by EDB.
3. The application may be submitted by the applicant or a designated third party (notary, consultant, project developer, real estate agency).

DOCUMENTS TO BE SUBMITTED AT TIME OF APPLICATION

All applications must also be accompanied by the following mandatory documents:

1. Duly filled-in application form;
2. A presale agreement between applicant and the vendor that should be duly endorsed by a Notary Public;
3. A site location plan;
4. A memorandum from the Notary certifying that the apartment forms part of a residential block located in a building of not less than ground plus two floors;
5. A letter from a local or international recognised bank showing that the applicant has the necessary funds to finance the acquisition;
6. A certified true copy of Certificate of Incorporation along with its register of shareholders where the vendor is a Company/ Societe/ Trust/ Partnership/ Foundation and a certified true copy of the National Identity Card of the vendor;
7. Morality Certificate of the applicant, above the age of 18, with a validity period of 6 months;
8. A copy of the valuation report from a sworn valuation surveyor (not applicable if the acquisition is to be made on the basis of a plan or during construction);
9. A copy of the Building and Land Use Permit or the Outline Planning Permission (applicable if the acquisition is to be made on the basis of a plan or during construction); and
10. A letter from a registered financial institution confirming that it will provide a 'Garantie Financière d'Achèvement' (GFA) for the project for sales made under the provisions of the vente en l'état futur d'achèvement (VEFA) (applicable if the acquisition is to be made on the basis of a plan or during construction).

A checklist for any application is provided at Annex

In the case where the property will be acquired by a non-citizen in his/her own name the following additional documents must be submitted to EDB:

- Duly authenticated copy of first 5 pages of passport;
- KYC or a bank reference from a local or international recognized bank.

Note:

1. Should the property be acquired jointly, a marriage certificate and a certified copy of passport of the spouse must be submitted
2. No application shall be considered if the apartment is being acquired jointly by common law partners

In the case of a company, the following additional documents must be submitted to EDB:

- Certificate of registration evidencing the company is registered as a foreign company under the Companies Act 2001 or Certificate of incorporation under the Companies Act 2001;

- A true certified copy of the register of shareholder(s);
- Duly authenticated copy of first 5 pages of passport of shareholder(s);
- KYC or a bank reference from a local or international recognised bank;

In the case of a Société, the following additional documents must be submitted to EDB:

- Evidence of the Société having a file number with the Registrar of Companies and deed of formation deposited with Registrar of Companies;
- Status of the Société;
- Duly authenticated copy of first 5 pages of passport of active member(s);
- KYC or a bank reference from a local or international recognised bank;

In the case of a Trust, the following additional documents must be submitted to EDB:

- A copy of the Trust deed;
- Evidence from the Financial Services Commission that the trustee is a qualified trustee under the Trust Act 2001;
- Details of the beneficiary, trustee and settlor;
- Duly authenticated copy of first 5 pages of passport of each active beneficiary;
- KYC or a bank reference from a local or international recognised bank;

In the case of a Limited Partnership, the following additional documents must be submitted to EDB:

- Partnership agreement;
- Registration certificate of the Limited Partnership by the Registrar of Companies;
- Duly authenticated copy of first 5 pages of passport of active partner(s);
- KYC or a bank reference from a local or international recognised bank;

In the case of a Foundation, the following additional documents must be submitted to EDB:

- The charter of Foundation;
- Registration certificate of the Foundation by the Registrar of Companies;
- Details of the beneficiary, founder, secretary and council;
- Duly authenticated copy of first 5 pages of passport of each active beneficiary;
- KYC or a bank reference from a local or international recognised bank;

RESALE OR TRANSFER OF APARTMENT(S)

1. Where the non-citizen owner of the apartments intends to sell or transfer one or more apartment(s), he/she is required, within 30 days prior to the sale, give notice in writing thereof to the Chief Executive Officer of EDB.
2. The owner of a residential property is allowed to sell his/her property at no minimum price.
3. Where the subsequent buyer is a non-citizen, he/she is required to submit a fresh application as per these guidelines.

DUTY AND TAXES ON ACQUISITION OF AN APARTMENT (Re-Sale)

Duty	Rates
Land Transfer Tax for property (payable by the seller of the property on the value of the property)	5% of the value of the property
Registration Duty (payable by the applicant on the value of the property)	5% of the value of the property

CONDITIONS ATTACHED TO THE ACQUISITION

An authorisation issued under the Non-Citizens (Property Restriction) Act shall be subject to terms and conditions including:

- i. The non-citizen shall not use the apartment for any purposes other than those for which the authorization has been granted.
- ii. The non-citizen shall not transfer or dispose of the apartment without the authorisation and upon such conditions as may be imposed.
- iii. The non-citizen shall not engage in any property speculation whatsoever.
- iv. An authorisation shall be valid for a period of 6 months.
- v. The land duties and taxes shall be paid on the present market value of the immovable property, which may be subject to review by the Registrar General; and
- vi. The shares of the company (where applicable) are not in any manner disposed of without prior approval under the Non-Citizens (Property Restriction) Act.

RESIDENCY IN MAURITIUS

1. Pursuant to Section 8 of the Immigration Act, a residence permit is granted to the non-citizen who purchases or otherwise acquires an apartment used, or available for use, as residence, in a building of at least 2 floors above ground floor for an amount not lesser than USD 375,000 or its equivalent in any other freely convertible foreign or Mauritian currencies. The residential property is deemed to be acquired on its registration and payment of the fixed duty of 5% of the value of the property to the registrar general.
2. The residence permit granted to the non-citizen remains in force until such time the non-citizen shall hold the residential property under the G+2 or where the person nominated by the company's secretary, director, gérant or qualified trustee, of the entity, as the case may be, informs the Economic Development Board to terminate the residency.
3. The following documents should accompany the duly filled application form for a residence permit, by main applicant and his/her dependents:
 - (i) Application form to enter Mauritius;
 - (ii) UID form;
 - (iii) Two passport-sized photos for each applicant;
 - (iv) Certified true copies of passport and birth certificates for each applicant;

- (v) Medical certificates for each applicant with a validity period of 6 months;
- (vi) Morality certificates of applicants, above the age of 18, with a validity period of 6 months;
- (vii) Notary certificate attesting that the deed for the residential property has been duly registered and transcribed;
- (viii) In case of a couple, a certified true copy of the marriage certificate or a ‘certificat de concubinage’ or an ‘affidavit’, whichever is applicable; and
- (ix) Based on the category of application, other documents may include:

Category	Other Documents
Company	<ul style="list-style-type: none"> (i) Board resolution from the Company’s secretary or Director nominating the non-citizen (shareholder, executive Director or CEO of the company) as main applicant to apply for a residency (ii) Updated register of shareholders (iii) Background information/ details of the Company activities
Trust	<ul style="list-style-type: none"> (i) Trust deed (ii) Letter from a qualified trustee nominating a non-citizen as main applicant and who is also a settlor or beneficiary of the trust to apply for a residence permit
Société	<ul style="list-style-type: none"> (i) Deed of formation of société (ii) Letter from the gérant nominating a non-citizen, being an active member of the Société as main applicant, to apply for a residence permit (iii) A copy of the ‘statuts de société’

Annex – Checklist for submitting applications

	Documents & Information	✓ or N/A
General		
1	Duly filled-in and signed application form	
2	Presale agreement (dated, signed, bearing the seal of the notary, and valid)	
3	Valuation report, dated less than 1 year, by a chartered valuation surveyor	
4	Site plan by a sworn land surveyor	
5	A memorandum from the notary certifying that the apartment forms part of a residential block located in a building of not less than ground plus floors	
6	Building and Land Use Permit (If during construction or under the basis of a plan)	
7	Garantie Financiere d’Achevement (GFA) from a recognized bank for sales made under the provisions of VEFA (during construction or under the basis of a plan)	
8	Certificate of completion from registered quantity surveyor attesting that construction has reached at least 80%	
9	Registered Etat Descriptif de Division (EDD) or Règlement de Copropriété	
10	In case of a resale and where vendor is a non-citizen: <ul style="list-style-type: none"> • PMO’s approval issued to EDB • Authorisation certificate issued by EDB • No-objection letter for disposal issued by EDB 	
Applicant		
11	<u>Where applicant is an individual:</u>	
11A	Passport, valid for at least 6 months	
11B	Marital status and marital regime (legal community of goods and property or separation of goods and property)	
11C	If married, marriage certificate and valid passport of spouse If common-law partnership, certificate de concubinage or sworn affidavit	
11D	Percentage contribution (applicable when marital regime is separation of goods and property and in case of common-law partnership)	
11E	Profession	
11F	Occupation Permit, Residence Permit or Permanent Residence Permit	
12	<u>Where applicant is a company:</u>	

12A	Certificate of incorporation and register of shareholders	
12B	Passport, valid for at least 6 months, or National Identity Card (if Mauritian national) for each shareholder	
12C	Marital status and marital regime (legal community of goods and property or separation of goods and property) for each shareholder	
12D	Profession of each shareholder	
13	<u>Where applicant is a société:</u>	
13A	Deed of formation (evidence of the société having a file number) deposited with the Registrar of Companies	
13B	Statuts de société	
13C	Extract of file from Registrar of Companies	
13D	Passport of each gérant and associé	
13E	Marital status and marital regime (legal community of goods and property or separation of goods and property) for each associé	
13F	Profession of each gérant and associé	
14	<u>Where applicant is a trust:</u>	
14A	Declaration of trust or Trust Deed	
14B	FSC licence of qualified trustee of the trust	
14C	Letter from trustee confirming settlor, protector (if any) and beneficiaries	
14D	Passport of settlor, protector, and each beneficiary	
14E	Profession of each beneficiary	
Vendor		
15	<u>Where vendor is an individual:</u>	
15A	Passport, valid for at least 6 months, or National Identity Card (if Mauritian national)	
15B	Marital status and marital regime (legal community of goods and property or separation of goods and property)	
15C	Percentage received from sales proceeds (applicable when marital regime is separation of goods and property and in case of common-law partnership)	
15D	Profession	
16	<u>Where vendor is a company:</u>	
16A	Certificate of incorporation and register of shareholders	
16B	Passport, valid for at least 6 months, or National Identity Card (if Mauritian national) for each shareholder	

16C	Marital status and marital regime (legal community of goods and property or separation of goods and property) for each shareholder	
16D	Profession of each shareholder	
17	<u>Where vendor is a société:</u>	
17A	Deed of formation (evidence of the société having a file number) deposited with the Registrar of Companies	
17B	Statuts de société	
17C	Extract of file from Registrar of Companies	
17D	Passport of each gérant and associé	
17E	Marital status and marital regime (legal community of goods and property or separation of goods and property) for each associé	
17F	Profession of each gérant and associé	
18	<u>Where vendor is a trust:</u>	
18A	Declaration of trust or Trust Deed	
18B	FSC licence of qualified trustee of the trust	
18C	Letter from trustee confirming settlor, protector (if any) and beneficiaries	
18D	Passport of settlor, protector, and each beneficiary	
18E	Profession of each beneficiary	

Annex - Application for Residence Permit

APPLICATION TO ENTER MAURITIUS

FIRST SCHEDULE

(Regulation 3)

I,.....(full names and surname in block letters) of
.....(address), wish to enter Mauritius. I set out hereunder the particulars of my application-

1. Profession/Occupation.....
2. Sex.....
3. Married/Single.....
4. Place and Date of Birth.....
5. Nationality.....
6. Passport No., Place and Date of issue.....
.....

7. Last place of permanent residence.....
8. Previous period of residence in Mauritius.....

9. Particulars of accompanying dependents (if any).....

Name	Date and place of birth
Wife.....
Children.....
.....
.....
.....
Other.....

10. Period during which the applicant wishes to stay in Mauritius.....
11. Object of application (visit, business,employment etc.)

Note: Full particulars must be given. Failure to state fully the reasons for the journey will result in delay or refusal
Applicants who intend to seek employment in Mauritius or engage in any occupation for reward or profit must also
apply for a work permit from the Ministry for employment.

.....
.....
.....

12. Amount of money which applicant and/or accompanying dependents intend bringing to Mauritius.
.....

13. Intended place of residence in Mauritius.....

.....

14. Name and address of persons living in Mauritius who could furnish information about the applicant:-

(1)

(2)

I enclose two recent passport size photographs of myself and of all accompanying dependents as well as following Civil Status documents:

.....

.....

I hereby declare that to the best of my knowledge and belief the above particulars are true.

Dated this.....day of.....19.....

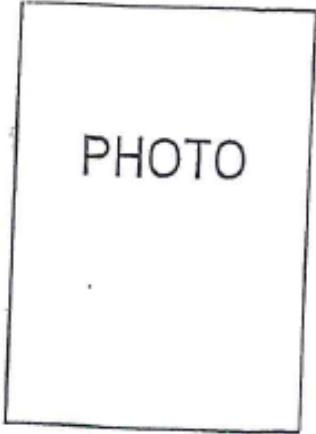
.....

Signature of Applicant

PASSPORT & IMMIGRATION

OFFICE

UID FORM



Surname / Nom de Famille :

First Name / Prenom :

Maiden Name / Nom de Jeune Fille :

Date Of Birth / Date de Naissance:

Gender / Genre :

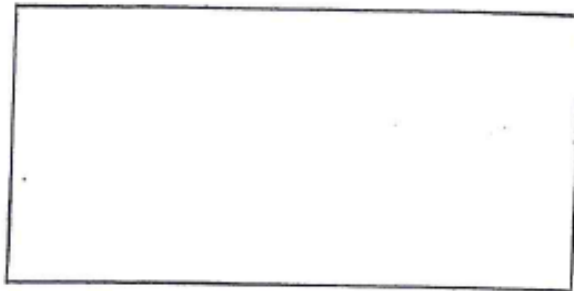
Country of Birth / Pays de Naissance :

Nationality / Nationalite :

Occupation / Profession :

Employer / Employeur :

Signature :



(Use felt pen 0.6 mm black ink only)

For Official Use

Reference Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

UID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Approved By :

Signature :

MEDICAL CERTIFICATE

(To be filled by a Registered Medical Practitioner in Mauritius)

1. PERSONAL DETAILS

Reference No. _____

Surname _____
Other Names _____
Date of Birth _____ / _____ / _____ Sex _____
Nationality _____ Passport No. _____
Occupation _____
In Mauritius Address Tel _____ No. _____
Fax No. _____
Address in Country of Origin _____

2. MEDICAL EXAMINATION

General Medical Examination _____
Cardiovascular System _____
Respiratory System _____
Alimentary System _____
Urinary System _____
Central Nervous System _____
Past Medical History (if any, please give details) _____

3. INVESTIGATIONS

Hepatitis B Surface Antigen Test (attach report) _____
HIV test (attach report) _____
Chest x-ray (attach radiologist's report) _____
Lymphatic Filariasis (attach report) (See Note 1) _____
Leprosy (attach report) (See Note 2) _____
Any other investigation: _____

4. REMARKS: *(Please tick appropriate box below)

I hereby certify that this applicant IS IS NOT suffering from any infectious or communicable disease.

Full Name of Doctor _____
Address _____
Tel No. _____ Fax No. _____
Signature _____ Date _____ / _____ / _____

(For further details, please see overleaf)