



## RESPONSES TO INFORMATION REQUESTS (RIRs)

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27 January 2006

### PER100756.E

Peru: Requirements and procedures for a foreign national married to a Peruvian citizen to obtain permanent residence and/or Peruvian citizenship; whether rights and obligations attached to permanent residence are equal or similar to those of Peruvian citizens; whether there is a time limit for permanent residents to remain outside of Peru before losing the status, including in cases where the residency visa has expired (2003 - 2005)

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#### Requirements for obtaining permanent residence

The Migration and Naturalization Directorate of the Peruvian government (Dirección General de Migraciones y Naturalización, DIGEMIN) has basic requirements including certain documents for any [translation] "change to a migrant's status or a visa category" (Peru n.d.a). Specifically, the spouse of a Peruvian national has to produce a copy of a marriage certificate or similar document confirming a minimum of two years of marriage (ibid.). If sent from abroad, the document has to be certified by the Peruvian consulate of the country and validated by the Peruvian Ministry of Foreign Affairs (ibid.; ibid. 2004). An official Spanish translation of the document is required (ibid.; ibid. n.d.a).

The Website of the consulate of Peru in London explained how to proceed to register a marriage in its office and make it valid in Peru: Both spouses need to be present at the consulate, the marriage certificate is archived in the consulate office, identity documents have to be shown and two witnesses need to attend (they can be consulate personnel) (ibid. n.d.c).

If the marriage has not been registered in a consular section abroad, [translation] "the Peruvian spouse must register it in an official registration office within 90 days of his or her final return to Peru" (ibid. 2004). The marriage certificate (certified and translated), the [translation] "national identification document" and the passport of the Peruvian spouse, as well as a proof of residence all have to be provided during this process (ibid.).

#### Requirements for obtaining citizenship

The Migration and Naturalization directorate of the government of Peru lists the following requirements for acquisition of Peruvian citizenship: minimum age of 18 years; minimum consecutive residency in Peru of two years; written request for citizenship to the President of Peru; successful completion of an

examination; documents relevant to current status; renunciation of citizenship of origin, validated by the Peruvian Ministry of Foreign Affairs (ibid. n.d.b).

### **Rights and obligations attached to permanent residence**

According to a representative from the consular section at the embassy of Peru in Ottawa, the only difference between the rights of a citizen born in Peru and those of permanent residents is that the latter cannot vote or be elected (11 Jan. 2006). Naturalized Peruvians can vote and run for certain political jobs, including mayor, but not president, for example (Peru 11 Jan. 2006). No other information could be found on the differences between residents' and citizens' rights among the sources consulted by the Research Directorate.

### **Time limitation for permanent residents to remain outside of Peru**

A researcher with the DIGEMIN stated that there is no limit to the length of time permanent residents can spend outside of the country (16 Jan. 2006).

The researcher explained that in order to become a permanent resident, an applicant has to reside in Peru for two years (Peru 16 Jan. 2006). During this period, an applicant cannot be outside of the country for more than six months of the year or for more than 3 consecutive months (ibid.).

According to the DIGEMIN researcher, it takes one month to process residency papers for an immigrant (ibid.). The process is conducted from abroad and the requester is given a *carne de extranjeria* (foreigner's identification document) (ibid.). This *carne* has to be renewed yearly during the two years of residency (ibid.). Not renewing the *carne* during this time period may lead to loss of residency status (ibid.). After two years the temporary resident must go through the process of changing his or her immigration status to permanent resident (ibid.). Following this step, the *carne* indicates "permanent" and the person cannot lose residency rights, even if the *carne* is not renewed on time (ibid.).

An official from the Embassy of Peru in Ottawa, indicated that permanent residency can be renewed but that a fine must be paid based on the number of days for which the visa has expired (ibid. 11 Jan. 2006).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

### References

Peru. 16 January 2006. Dirección General de Migraciones y Naturalización (DIGEMIN). Telephone interview with a researcher.

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<[http://www.conperlondres.com/html\\_files/serviciosconsulares/matrimonios.htm](http://www.conperlondres.com/html_files/serviciosconsulares/matrimonios.htm)> [Accessed 13 Jan. 2006]

#### Additional Sources Consulted

**Internet sites, including:** Embassy of Peru in Canada, Embassy of Peru in France, Embassy of Peru in the United Kingdom, Ministerio de Relaciones Exteriores del Perú.

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