

REPUBLIC OF NICARAGUA | PROFILE 2021

MIGRATION GOVERNANCE INDICATORS



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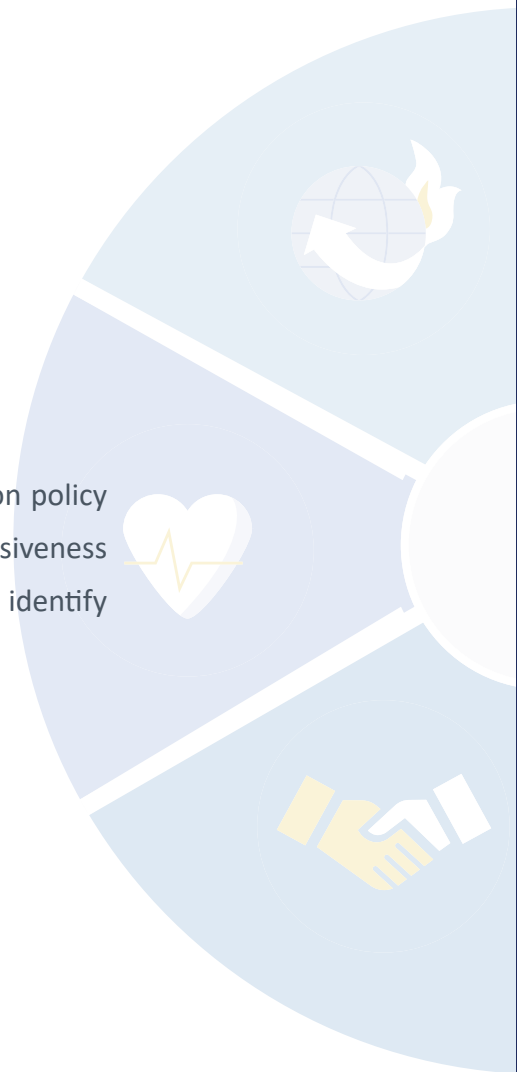
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OBJECTIVE

The MGI aims to support well-managed migration policy by helping countries assess the comprehensiveness of their migration governance structures and identify priorities on the way forward.



The MGI can be used to spark a discussion within governments, with other relevant stakeholders in the country, on their migration policy structures. It can help assess whether these structures, which have often been in place for several years, still address the main challenges and opportunities of today's reality.

ACRONYMS

CA-4	Central America-4 Free Mobility Agreement
CNCTdP	National Coalition against Human Trafficking
CORETT	Regional Coalition against Human Trafficking and Migrant Smuggling
DGME	Directorate General for Migration and Foreigners
IOM	International Organization for Migration
MecReg-SICA	SICA Regional Mechanism for Humanitarian Assistance in the Event of Disasters
MiGOF	Migration Governance Framework
MGI	Migration Governance Indicators
OCAM	Central American Commission of Migration Directors
PAIM-SICA	Comprehensive Action Plan for Addressing Migration in the SICA Region
RCM	Regional Conference on Migration, or the Puebla Process
SDG	Sustainable Development Goal
SICA	Central American Integration System
UNHCR	Office of the United Nations High Commissioner for Refugees

INTRODUCTION

This is an era of unprecedented mobility, and the need to facilitate orderly, safe, regular and responsible migration and mobility is becoming increasingly relevant.¹ The need to face the challenges and to maximize the opportunities that this mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, which highlights the positive contribution of migrants to inclusive growth and development. Migration is integrated in a number of Sustainable Development Goal (SDG) targets, such as ending modern slavery and addressing the vulnerability of migrant workers. However, the central reference to migration in the SDGs is Target 10.7 on facilitating “orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”.²

The incorporation of Target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance Framework (MiGOF). This Framework offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances.³ The Framework was welcomed by IOM Member States in the same year.

In an effort to operationalize the MiGOF, IOM worked with Economist Impact to develop the Migration Governance Indicators (MGI), a standard set of approximately 90 indicators to assist countries in assessing their migration policies and advance the conversation on what well-governed migration might look like in practice.

The MGI helps countries identify good practices as well as areas with potential for further development and can offer insights on the policy levers that countries can use to develop their migration governance structures. However, the MGI recognizes that all countries have different realities, challenges and opportunities that relate to migration. Therefore, the MGI does not rank countries on the design or implementation of their migration policies. Finally, the MGI does not measure migration policy outcomes or institutional effectiveness. Instead, it takes stock of the migration-related policies in place and operates as a benchmarking framework that provides insights on policy measures that countries might want to consider as they progress towards good migration governance.

This country profile presents a summary of the well-developed areas of the migration governance structures of the Republic of Nicaragua (hereinafter referred to as Nicaragua), as well as the areas with potential for further development, as assessed by the MGI.⁴

The following government bodies took part in the process of consultation and validation of the MGI in Nicaragua and helped put together the profile resulting therefrom: Central Bank of Nicaragua, National Coalition against Human Trafficking, General Directorate of Migration and Foreigners, Armed Forces of Nicaragua, National Institute of Development Information, Nicaraguan Institute of Social Security, Ministry of the Interior, Ministry of Family Affairs, Ministry of Health, Ministry of Labour, Ministry of Foreign Affairs, National Police, and National System for Disaster Prevention, Mitigation and Management. This MGI profile was produced under the auspices of the IOM Development Fund and the Migration Resource Allocation Committee.

¹ IOM Standing Committee on Programmes and Finance, seventeenth session (S/17/4 of 29 September 2015), article 2.

² IOM Council, 106th session, Migration Governance Framework (C/106/40 of 4 November 2015), page 1, footnote 1. Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

³ Ibid.

⁴ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of The Economist Intelligence Unit. Funding is provided by IOM's Member States.

CONCEPTUAL FRAMEWORK

MiGOF

The IOM MiGOF sets out the essential elements to support planned and well-managed migration. It seeks to present, in a consolidated, coherent and comprehensive way, a set of three principles and three objectives which, if respected and fulfilled, would ensure that migration is humane, orderly, and benefits migrants and society.

PRINCIPLES

1. **Adherence** to international standards and fulfilment of migrants' rights.
2. **Formulates** policy using evidence and "whole-of-government" approach.
3. **Engages** with partners to address migration and related issues.

OBJECTIVES

1. **Advance** the socioeconomic well-being of migrants and society.
2. **Effectively** address the mobility dimensions of crises.
3. **Ensure** that migration takes place in a safe, orderly and dignified manner.

At the basis of

MGI

WHAT IT IS



A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures



A tool that identifies good practices and areas that could be further developed



A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG Target 10.7

Which supports the measurement of

WHAT IT IS NOT



Not a ranking of countries



Not assessing impacts of policies



Not prescriptive



TARGET 10.7

"Facilitate orderly, safe, regular and responsible migration and mobility of people, including through implementation of planned and **well-managed migration policies**."



KEY

FINDINGS

The MGI is composed of around 90 indicators grouped under the 6 different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 14

Indicators in this domain look at the extent to which migrants have access to certain social services such as health, education and social security. It also looks at family reunification, access to work, and access to residency and citizenship. The international conventions signed and ratified are also included.



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 16

Indicators in this area assess countries' institutional, legal and regulatory frameworks related to migration policies. This area also looks at the existence of national migration strategies that are in line with development objectives and overseas development efforts, as well as institutional transparency and coherence in relation to migration management.



PARTNERSHIPS
PAGE 19

This category focuses on countries' efforts to cooperate on migration-related issues with other States and with relevant non-governmental actors, including civil society organizations and the private sector.



WELL-BEING
OF MIGRANTS
PAGE 21

Indicators in this area assess countries' policies on the recognition of migrants' educational and professional qualifications, provisions regulating student migration and the existence of bilateral labour agreements between countries. Aspects of diaspora engagement in the country of origin and migrant remittances are also under this domain.



MOBILITY DIMENSION
OF CRISES
PAGE 23

This category looks at the type and level of preparedness of countries when they are faced with mobility dimensions of crises. The questions look at the processes in place for nationals and non-nationals both during and after disasters, including if humanitarian assistance is equally available to migrants as it is to citizens.



SAFE, ORDERLY
AND REGULAR
MIGRATION
PAGE 24

This area looks at countries' approach to migration management in terms of border control and enforcement policies, admission criteria for migrants, preparedness and resilience in the case of significant and unexpected migration flows, as well as the fight against trafficking in persons.



1

ADHERENCE TO INTERNATIONAL STANDARDS AND FULFILMENT OF MIGRANTS' RIGHTS

1.1. International conventions ratified

Table 1. Signature and ratification of international conventions

Convention name	Ratified
International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97)	No
United Nations Convention relating to the Status of Refugees (also known as the Refugee Convention), 1951	Yes (1980)
United Nations conventions on statelessness, 1954 and 1961	Yes (2013)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
United Nations Convention on the Rights of the Child (UNCRC), 1989	Yes (1990)
United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW), 1990	Yes (2005)

1.2. Migration governance: Examples of well-developed areas

Nicaraguan legislation stipulates that health services and education are public and free of charge for the entire population, without distinguishing between migrants and nationals. Accordingly, Article 46 of Nicaragua's Constitution establishes equal rights for all persons; Article 27 provides that "[f]oreigners have the same rights and duties as Nicaraguans, with the exception of political rights and other rights established by law"; and Article 59 declares that all Nicaraguans have equal right to health. Under Article 11 of the General Law on Migration and Foreigners (2011), foreigners "shall enjoy the same individual and social rights and guarantees to which Nicaraguans are entitled under the Constitution".

In addition, Article 8 of the General Law on Health (2002) promotes equitable and free treatment for vulnerable people, whom it defines as persons without the means to meet the minimum needs for their human development; however, the Law does not refer specifically to migrants as such vulnerable persons. In practice, access to public health services is free and universally available to everyone on the national territory. Migrants must show a passport or a resident permit to identify themselves.

With regard to primary and secondary education, everyone may enter the free public educational system, including migrants. For higher technical and university education, resident status is required. Migrants' right to education is protected by various norms. The Constitution of Nicaragua bestows equal rights on nationals and foreigners (Article 27) and provides that all Nicaraguans have the right to education (Article 58). Article 121 further establishes that "access to education is free and equal for all Nicaraguans", referring to primary and secondary education. The above-mentioned Article 11 of the General Law on Migration and Foreigners is supplemented by Article 212, which indicates that admission to technical and higher education requires accredited resident status in the country, such that access to this level of education depends on the migrant's legal situation.

All foreign residents have the right to apply for an indefinite resident permit under equal conditions. Under the General Law on Migration and Foreigners, “temporary residents having resided lawfully in the country for more than three years may request permanent residence” (Article 30, paragraph 7).

The General Law on Migration and Foreigners lists categories of visas based on immigration criteria linked to the provisions of the Nicaraguan Labour Code. In Section III, it defines the specific requirements for applying for temporary residence according to immigration subcategories: scientists, professionals, technicians, specialized personnel, business entrepreneurs, journalists, students, self-employed workers, artists, athletes and refugees.

The kin of permanent and temporary residents benefit from the same immigration status under the General Law on Migration and Foreigners in respect of some types of visas or categories of residence. Article 25 of the Law establishes that “dependent relatives of foreigners falling into the preceding subcategories shall also be considered temporary residents, provided that they are related within the second degree of consanguinity or the first degree of affinity”. Under Article 30, permanent residents may be admitted if they belong to any of the following immigration categories: immigrant; immigrant with capital; retired or rentier resident; spouse, children and parents of the persons mentioned in the previous paragraphs; and foreigners related by affinity or consanguinity to Nicaraguans (understood to be spouses, parents and minor children). Under Article 31 of the Anti-Trafficking in Persons Law, the rights of victims of trafficking include voluntary repatriation and family reunification in a safe environment.

1.3. Areas with potential for further development

Health and education services are governed by legal provisions guaranteeing general access. Migrants have guaranteed access to health care, free of charge, in line with the principles of universality and solidarity. There are no specific regulations or provisions for their inclusion.

Under the Law on Social Security (2005) and the General Law on Migration and Foreigners (2011), only long-term residents, residents authorized to reunite with family members, and/or certain categories of residents with a temporary work permit have access to social protection on the same terms as nationals. Article 5 of the Law on Social Security establishes equality between nationals and resident foreigners as subjects of compulsory insurance when they are in some form of employment, as employees or as self-employed earners.

Labour legislation does not incorporate specific provisions for the employment of migrants. Permanent residents, residents authorized to reunite with family members, and certain categories of residents with a temporary work permit have the same access to employment as nationals. The Constitution of Nicaragua stipulates that nationals and foreigners are equal in rights and duties (Article 27), and the General Law on Migration and Foreigners stipulates that “non-resident foreigners may not perform lucrative work or activities on their own or in an employee–employer relationship” (Article 12).



2

FORMULATES POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: Examples of well-developed areas

The National Council for Migration and Foreigners is the government body responsible for designing and coordinating the implementation of migration policy. It is established under Article 3 of the General Law on Migration and Foreigners (2011) as an “advisory and consultative body of the Presidency of the Republic for the formulation of public policies on migration matters”. It is made up of the Ministry of the Interior’s Directorate General for Migration and Foreigners (Dirección General de Migración y Extranjería, DGME); the Ministry of Foreign Affairs; the Ministry of Labour; the Nicaraguan Institute of Tourism; the National Assembly Committee on Peace, Defence, Governance and Human Rights; the Office of the Attorney General for the Defence of Human Rights; and the Ministry of Family Affairs. Its functions include issuing recommendations on migration policy and on modifications of legislation, norms and procedures to guarantee the application of the international instruments ratified by Nicaragua; promoting bilateral and multilateral agreements with countries or organizations specializing in migration; promoting the dissemination of information on the rights and duties of migrants; ensuring that immigrants respect domestic legislation and contribute to the country’s economic and social development; and issuing recommendations on the design of actions and programmes to promote ties with nationals abroad and their host countries (Article 4 of the General Law on Migration and Foreigners).

Coordination at the government level is carried out on the authority of the Office of the President by the Ministry of Foreign Affairs. The National Council for Migration and Foreigners serves as an interministerial coordination mechanism for migration issues at the national level. The legal basis for such coordination mechanisms is set out in the General Law on Migration and Foreigners, which establishes the National Council for Migration and Foreigners; the Anti-Trafficking in Persons Law (2015), which establishes the National Coalition against Human Trafficking; and the Refugee Protection Law (2008), which establishes the National Commission for Refugees.

The DGME has authority over migration control and services. In practice, an inter-institutional mechanism made up of the DGME, the National Police, the Ministry of Family Affairs, the Ministry of Health and the Directorate General of Customs is activated to receive deported Nicaraguan migrants on arrival in the country and provide support in the form of transportation, food and medical care. Assistance and protection for vulnerable migrant populations transiting through the country involve inter-institutional coordination by the National Police, the Armed Forces of Nicaragua, the Ministry of Family Affairs and the Ministry of Health, among other pertinent institutions. Another interministerial migration management coordination mechanism for facilitating and streamlining tourist migration procedures involves the Nicaraguan Institute of Tourism, the DGME, the National Tourism Commission, the Border Crossing Commission and the Airports Commission.

As a State party to the International Health Regulations (2005), in 2011 Nicaragua set up the Interinstitutional Commission, which comprises the Ministry of Health (coordinator), the Ministry of the Interior, the Ministry of Foreign Affairs, the Ministry of the Environment and Natural Resources, the Directorate General of Customs, the Nicaraguan Institute of Tourism, the Institute of Agricultural Protection and Health, the Armed Forces of Nicaragua Medical Corps, the Nicaraguan Institute of Civil Aeronautics, the National Port Authority, the International Airport Administration Authority, and the National System for Disaster Prevention, Mitigation and Management. The Commission is present at border crossings, coordinating the response to public health emergencies with a view to preventing the spread of disease within Nicaragua’s borders and internationally.

Additionally, a national inter-institutional commission was set up on 30 January 2020 to strengthen surveillance at the country's entry points in response to the COVID-19 pandemic. Its tasks are to, inter alia, ensure epidemiological surveillance at border crossings, notify the Ministry of Health about the entry of people from high-risk countries and ready the health services to care for detected cases.⁵

The General Law on Migration and Foreigners is the instrument regulating immigration to and emigration from the country. It provides that national migration policy must regulate migratory flows that promote the social, political, economic and demographic development of Nicaragua "with due regard for public security and respect for human rights". Furthermore, under Article 40 of the Regulations on the General Law on Migration and Foreigners, the DGME is the agency in charge of applying, and guaranteeing compliance with, the laws, decrees, norms, agreements, and other provisions on the registration, documentation and control of foreigners on the national territory. Under Article 17, the Directorate of Migration is in charge of applying, and guaranteeing compliance with, the laws, decrees, norms, agreements, and other provisions on the registration and documentation of Nicaraguans within and outside the country.

The National Human Development Plan (2018–2021) covers migration under Stream XVII, on sovereign security, citing the following three guidelines: "manage and regulate migratory flows in light of national interests; ensure efficient processing and management of migration documents; and protect the rights of Nicaraguans abroad". This is supplemented by instruments such as Law No. 761 (the General Law on Migration and Foreigners and its Regulations), Law No. 749 (Law on the Legal Regime Governing Borders, 2010) and Law No. 919 (Sovereign Security Law of the Republic of Nicaragua, 2015).

Thirty-six embassies, forty-six consular representations and four permanent missions provide assistance to nationals residing abroad. Chapter XII of the Regulations of the Foreign Service Law (National Assembly, 2000) covers the consular functions of Nicaraguan representations abroad (Articles 100–122). These include "protecting, in their respective consular districts, within the limits allowed by international law, the interests of Nicaragua and the rights of its nationals, whether natural or legal persons".

Nicaragua periodically collects and publishes data on migration collected from censuses and other surveys. Under Article 10 of the General Law on Migration and Foreigners, some of the DGME's tasks are to "prepare and organize migration statistics and regulate immigration in accordance with the public policies established by the Executive". In addition, according to a study carried out by the Central American Integration System (SICA), IOM and the Office of the United Nations High Commissioner for Refugees (UNHCR) (2019), the country compiles periodic data from administrative reports containing information on the socioeconomic profiles of migrants. These data are for administrative use and are collected via brief questionnaires given to people entering and leaving the country at official border crossings.

2.2. Areas with potential for further development

The 2005 national census contained questions to collect descriptive information on the emigration of household members. The last census was conducted in 2005, so the population data requires updating.

In practice, institutions involved in migration issues – such as the DGME, the Nicaraguan Institute of Tourism, the Central Bank of Nicaragua and the National Institute of Development Information – collect information at other times, which they present in periodic reports. The 2014 and 2016 National Surveys of Living Standards, the Continuous Household Survey and the respective statistical yearbooks (chapters on migration) contain additional information on migration. In the 2018 statistical yearbook, the National Institute of Development Information (2020) provided data on annual migration, migration rates, incoming migratory flows disaggregated by nationality and sex, and Nicaraguan exits abroad by geographic region.

⁵ See the Ministry of Health website, available at www.minsa.gob.ni/index.php/noticias-2017/5115-estas-son-las-acciones-de-respuesta-que-desarrolla-en-minsa-ante-el-coronavirus.

Administrative records generally include information on gender, age, exit and entry points, reason for travel, duration, and type of document. Since 2018 they have been compiled and published at the request of government authorities and international institutions such as the Central American Commission of Migration Directors (OCAM) and the Regional Conference on Migration (RCM – or the Puebla Process).

An area with potential for development is the updating of migration data on platforms such as the Data Center⁶ of the IOM Regional Office's Regional Knowledge Hub on Migration. This virtual platform allows easy access to relevant and useful information on human mobility in the region encompassing Central America, North America and the Caribbean, and the Data Center consolidates various repositories of statistical information and presents official data to facilitate understanding of migration dynamics in the region and in each country.

Despite the existence of consular representations abroad, there are no labour attachés or specialized offices outside Nicaragua. Considering the recent agreements on labour matters and the mixed flows brought about by the impact of the COVID-19 pandemic, there is potential to strengthen the entire structure related to this issue, with a view to supporting returnees.

⁶ The Data Center is available at <https://kmhub.iom.int/en/data-center>.

3

ENGAGES WITH PARTNERS TO ADDRESS
MIGRATION AND RELATED ISSUES

3.1. Migration governance: Examples of well-developed areas

Nicaragua participates in a regional consultative process, the Central American Commission of Migration Directors (OCAM), which adopts agreements on migration-related security and border management. At its XXV Special Meeting, held in March 2020, OCAM adopted regional agreements to address the COVID-19 emergency.⁷

Nicaragua is also a member of the Regional Conference on Migration (RCM),⁸ which was established in 1996 as a forum for open discussion of regional migration issues and to protect the human rights of migrants. RCM outcomes include regional guidelines for the preliminary determination of profiles, referral mechanisms for vulnerable migrant populations, and meeting spaces and regional training for members of governments and of the Regional Network of Civil Society Organizations for Migration. The RCM's achievements at the regional level also include the approval of regional coordination instruments and the organization of activities and capacity-building workshops at the institutional level (e.g. exchange of experiences on best practices for mainstreaming migration in national planning).

Nicaragua is also a member of the Central American Integration System (SICA), which aims to “address the structural causes of the migratory phenomenon” in order to generate “opportunities and fulfil the human rights of Central Americans”. SICA projects include the “Alternatives Project: Integration, and reintegration of children and youth at risk of irregular migration in Central America”; guidelines for comprehensive health care for migrants; a working agreement with the Office of the United Nations High Commissioner for Refugees (UNHCR); and the Comprehensive Action Plan for Addressing Migration in the SICA Region (PAIM-SICA).

Gender mainstreaming is another regional component: the SICA Central American Security Strategy B.A.1 Project to prevent violence against women, human trafficking and femicide⁹ was implemented in 2015 by IOM and the United Nations Population Fund in Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The Project generated evidence, regional reference instruments, and even actions to promote the economic autonomy of women, providing seed capital for businesses. It drew attention to the violence experienced by migrant women in the region throughout the migratory cycle.

Within the SICA framework, a regional contingency plan has been drawn up to supplement national efforts to prevent, contain and treat COVID-19. The plan covers core health and risk management guidelines; trade and finance; security, justice and migration; and the two cross-cutting fields of strategic communication and management of international cooperation based on the SICA Regional Mechanism for Humanitarian Assistance in the Event of Disasters (MecReg-SICA).

Nicaragua has participated in the Regional Coalition against Human Trafficking and Migrant Smuggling (CORETT) since the adoption in 2015 of Law No. 896. CORETT aims to “adopt and promote strategic actions to combat trafficking in persons and smuggling of migrants based on coordinated actions among the Member Countries, as well as improve care for victims in the region's countries”. It promotes the compilation of migratory data related to trafficking in persons from a regional perspective through consultation and participation by the national coalitions. In addition, the IOM Development Fund supports

⁷ See: OCAM, 2020a.

⁸ Nicaragua was one of the 11 founding members of the RCM in 1996 (RCM, 2016).

⁹ See: IOM, 2016.

the implementation of the Regional Strategy for the Prevention of Trafficking in Persons and Smuggling of Migrants and Its Regional Communication and Visibility Strategy (2019) and the Regional Fundraising Strategy (2020).

Migration-related agreements have been concluded with countries of origin and destination. In 2005, the Governments of El Salvador, Guatemala, Honduras, Mexico and Nicaragua signed a memorandum of understanding on the dignified, orderly, flexible and safe repatriation by land of Central American citizens. In 2011, the Governments of the Dominican Republic, El Salvador, Guatemala, Honduras and Nicaragua signed a memorandum of understanding on the establishment of a Central American and Dominican network for consular protection and humanitarian assistance in Mexico.

3.2. Areas with potential for further development

The Government involves various strategic players on an ad hoc basis in setting the agenda and implementing issues related to migration. For example, the Refugee Protection Law (2008) invites various organizations to participate in the National Commission for Refugees on an advisory basis, without the right to vote.

In 2006, four SICA member countries (El Salvador, Guatemala, Honduras and Nicaragua) signed the Central America-4 Free Mobility Agreement (CA-4), an agreement on a mechanism to facilitate migration that allows citizens of the signatory countries to transit through their territories upon presentation of identity documents alone, with no other restrictions. The CA-4 represents an effort to standardize migration policies within the regional integration process. However, under the Central American Strategy for Trade Facilitation and Competitiveness with emphasis on Coordinated Border Management, there is no connection between the two; and although there is a single document for migration procedures, the CA-4 is not recognized by the other countries, and migration control of nationals covered by the CA-4 is similar to that applying to foreigners. Likewise, although there are bilateral agreements on an adapted integrated border system within the SICA framework, their implementation is limited. For example, under the CA-4, countries must record the data on an entry and exit card that is used only at the border posts at Peñas Blancas and San Pancho (in the case of Nicaragua) and not exchanged electronically.¹⁰

The Regional Manual of Migration Procedures of the Central American Single Visa CA-4 was approved in 2011. Its objectives are to regularize the stay and mobility of non-nationals in the member countries and to determine the scope of the CA-4. Although progress has been made towards strengthening Central American tourism integration, no action plan exists at the regional level that unifies all SICA member countries in the provision of integrated migratory services. Only the countries that make up the CA-4 have different mechanisms for managing migration by land, air and sea; and only Belize, Nicaragua and Panama offer the option of obtaining a visa at the border (SICA, IOM and UNHCR, 2019a).

There is scope for strengthening alliances by consolidating actions spearheaded by regional bodies such as CORETT, the RCM, OCAM and SICA, which have spaces for dialogue and promote the exchange of good practices and lessons learned, the production of reference material on vulnerable populations, collective responses to crises, implementation of regional plans such as the PAIM-SICA, and the compilation of evidence based on migration data.

¹⁰ Estrategia Centroamericana de facilitación del comercio y competitividad con énfasis en gestión coordinada de fronteras is available at <http://web-sieca.s3.amazonaws.com/actos%20administrativos/acuerdos%20comieco%20/01-2015%20ANEXO%20I.pdf>.



4

ADVANCES THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: Examples of well-developed areas

Nicaragua has signed formal bilateral labour agreements or conventions. The Agreement on Labour Migration with Costa Rica, which was signed in 1993, regulated the admission and entry to, stay in, and exit from Costa Rican territory of Nicaraguan migrant workers. It focused on non-residents who wanted to engage in agricultural work, mainly seasonal harvesting. Additionally, the Costa Rica–Nicaragua Procedures for Migration Management of Temporary Workers, also known as the Codesarrollo Agreement, was signed in 2007 and benefited migrants working in agriculture, agribusiness and construction.

In 2020, Nicaragua and Costa Rica concluded the Binational Agreement to Regulate the Temporary Hiring of Nicaraguan Workers in Costa Rica, to meet Costa Rica's needs in terms of harvesting various crops amid a labour shortage and to guarantee that Nicaraguan migrant workers moved in a regular, orderly and safe manner (GRUN, 2020a). The Agreement has benefited an estimated 70,000 temporary migrant agricultural workers.

The Government compiles labour market data disaggregated by immigration status and sex. Section 5 of the 2014 National Survey of Living Standards, on economic activity, asks specifically about labour migration in the previous 12 months, as follows: “Did you change your place of residence temporarily for work-related reasons?” “Is the job you temporarily moved for one of those you had previously declared?” “What did you do at the job for which you temporarily changed residence?” and “Was the place to which you moved on the national territory? Or outside the national territory?”

The Central Bank of Nicaragua is the institution responsible for monitoring and consolidating remittance statistics, using information provided by remittance agencies and commercial banks. It also estimates the flow of remittances entering the country through informal channels. In an effort to strengthen statistical reporting, the Central Bank receives technical assistance from international organizations such as the Central America, Panama and the Dominican Republic Regional Technical Assistance Center; the Center for Latin American Monetary Studies; and the International Monetary Fund. According to statistics published by the Central Bank, the COVID-19 pandemic did not have a negative impact on remittances in 2020, which instead grew by an annual rate of 10 per cent (Central Bank of Nicaragua, 2021).

In 2014, Nicaragua ratified the Convention for the Recognition of Studies, Degrees and Diplomas in Higher Education in Latin America and the Caribbean, together with Costa Rica, El Salvador, Guatemala and Honduras (National Assembly, 2014a). The Convention promotes academic mobility in the region and the right to education, inclusion and the pursuit of Sustainable Development Goal 4 (UNESCO, 2019). Article 1 establishes that Central Americans by birth who have obtained, in a State party to the Convention, a professional title or equivalent academic qualification that legally permits them to practice a university profession will be admitted to the exercise of that profession in the other countries, provided that they comply with the same requirements and formalities needed for that purpose by the laws of the State in which they wish to practice the profession of nationals who are university graduates. Furthermore, the General Law on Association and Professional Practice (2012) stipulates that “the degrees awarded by Central American universities shall be fully valid in Nicaragua once the basic unification of regional study plans has been achieved, as long as there is reciprocity”.

4.2. Areas with potential for further development

There is no evidence of a national assessment of the demand for immigrants in the labour market, mainly because Nicaragua is a country of origin rather than destination. In practice, labour immigration is managed on the basis of the provisions of the Labour Code, which stipulates that the employer is obliged to hire

at least 90 per cent Nicaraguan workers; and of the General Law on Migration and Foreigners (2011), which grants work permits, instead of work visas, that are valid for one year once the Ministry of Labour's certification requirement has been met.

There are no specific regulations on the promotion of gender equality within the migrant worker population, but Article 1 of the Law on Equal Rights and Opportunities promotes "equality and equity in the enjoyment of human, civil, political, economic, social and cultural rights between women and men", without distinguishing between national and foreign workers.

Even though, as stated earlier, Nicaragua has ratified the Convention for the Recognition of Studies, Degrees and Diplomas in Higher Education in Latin America and the Caribbean, and even though the General Law on Association and Professional Practice (2012) contains provisions on regional academic mobility, in practice no systematic analysis has been made of the Convention's implementation with a view to determining profiles of students and labour migrants.

Moreover, there are no formal programmes to promote financial inclusion and the bank deposit of remittances, although some commercial banks and remittance companies have such programmes. In 2009, Costa Rica and Nicaragua launched the Codesarrollo binational project, which is financed by the Spanish Agency for International Development Cooperation, implemented by the Ministry of Labour and administered by IOM. As part of the project, a pilot financial education programme for remittance recipients was carried out in Nicaragua, focused on budget, savings, credit and insurance issues. Thanks to the cooperation of the Network of Women Members of Migrant Families, the programme was implemented in Chinandega, Estelí and Managua. Replication of the initiative's good practices represents an area with development potential in the medium term and in post-COVID-19 recovery actions.



5

EFFECTIVELY ADDRESSES THE
MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: Examples of well-developed areas

Nicaragua has an emergency communication system to meet the needs of the general public, including migrants. The system consists of community radio stations, relay points, disaster operations centres (national, regional, departmental, municipal, district and institutional), and a mobile data centre.

The country has adopted measures allowing exceptions to immigration procedures for non-nationals whose country of origin is in crisis. The Refugee Protection Law (2008) governs the asylum procedure and determines the conditions for applying for refugee status, which include fear of persecution for “reasons of race, religion, nationality, gender, membership of a certain social group or political opinions” or being threatened by “widespread violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances”.

During the COVID-19 health emergency, the Ministry of Health issued a series of measures for prevention and care (SICA, 2020a), such as the establishment of a humanitarian corridor between the region’s countries and of a coordination mechanism to determine the number of stranded nationals.

5.2. Areas with potential for further development

In 2008, the National System for Disaster Prevention, Mitigation and Management published the National Response Plan, with the aim of integrating and articulating the efforts made to date to prevent natural or human-made disasters.¹¹ However, the Plan does not contain specific provisions addressing issues related to human mobility or forced displacement during disasters.

The National Human Development Plan (2018–2021) covers the general population in terms of climate change mitigation and response, but it contains no specific measures for migrants, whether internal or external.

Additionally, the National Risk Management Plan established in 2010 by the National System for Disaster Prevention, Mitigation and Management incorporates the country’s existing normative, institutional, and programmatic provisions promoting planning and informed decision-making, in order to reduce people’s vulnerability where they live. It does not, however, address issues of migration, displacement, human mobility or large-scale population movements in detail.

¹¹ For a summary of the various plans developed up to 2008, see: GRUN, 2008.



6

ENSURES THAT MIGRATION TAKES PLACE IN A SAFE, ORDERLY AND REGULAR MANNER

6.1. Migration governance: Examples of well-developed areas

Under Article 127 of the Regulations on the General Law on Migration and Foreigners (2011), the Directorate of Borders is in charge of ensuring compliance with the laws, decrees, regulations, agreements, and other provisions pertaining to the entry and exit of nationals and foreigners through the different border posts enabled at the national level. The Directorate General for Migration and Foreigners (DGME), the government agency in charge of border management and supervision, has 18 official border posts. It has a web page with information on the different types of visas that can be obtained and border procedures.

The National Academy of Migration and Foreigners provides further training to migration personnel, especially border personnel (*La Voz del Sandinismo*, 2020a). In 2020, it trained 430 people from various DGME directorates and divisions. In addition, in collaboration with IOM as part of the Strengthening the Capacities of the National Coalition against Human Trafficking (CNCTdP) project for the early detection and referral of victims of trafficking in Nicaragua, in 2020 the Institute for Judicial Studies ran the second edition of the Diploma Course on the Anti-Trafficking in Persons Law (2015), aimed at CNCTdP technicians. Eighty officials from Managua and other departments took part.

Nicaragua has a strategy to prevent the crime of trafficking in persons. The objectives of the Anti-Trafficking in Persons Law include “to prevent and combat human trafficking in all its forms and manifestations, paying special attention to victims who are women, girls, boys and adolescents”. Article 1 establishes that the Law’s purpose is the “prevention, investigation, prosecution and punishment of the crime of trafficking in persons, and the protection and comprehensive care of victims”. In addition, the National Strategy for Comprehensive Care and Assistance for Victims of Trafficking in Persons in Nicaragua (2019) supports cooperation and the development of actions to provide comprehensive assistance for victims.

Article 17 of the Anti-Trafficking in Persons Law establishes the “Single National Registry of Information on Trafficking in Persons, as an official information system, coordinated and administered by the National Executive Committee”. It is also stipulated that the National Coalition against Human Trafficking “shall publish annually the national statistical report on trafficking in persons, with due regard for victim confidentiality”.¹² As a member of the Regional Coalition against Human Trafficking and Migrant Smuggling (CORETT),¹³ Nicaragua presents statistics and references alongside the other member countries.

The Anti-Trafficking in Persons Law includes measures to combat labour exploitation of migrants, such as those for “raising awareness of and investigating all forms of labour exploitation and forced labour”; “regulating, registering and accrediting private recruitment agencies and raising employer awareness”; and “developing and applying preventive regulations through inspections and other pertinent means”.

The country has signed international cooperation agreements to prevent and counter human smuggling. Article 49 of the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Republics of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, of the other part, and its respective annexes, stipulates that “the Parties shall

¹² This was not done in 2020 at either national or regional level.

¹³ The following countries are members of CORETT: Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama.

establish a comprehensive dialogue on all migration-related issues, including illegal migration, smuggling and trafficking of human beings, and refugee flows". The agreement was signed in 2003 and ratified in 2005.¹⁴ Its protocol was approved in 2013.

The legal framework governing migration guarantees that migrants are detained only as a last resort. Thus, under Article 114 of the General Law on Migration and Foreigners, "[f]oreigners who have been rejected ... who for reasons of *force majeure* were not immediately deported, shall be sent to the national shelter, for their subsequent deportation". According to Article 160, for its part: "Persons who enter or remain in an irregular situation in the national territory, in any of the forms or modalities established in this Law, shall be detained by the competent authorities of the DGME for a period of 48 hours, counted from the time they are detained. Exceptionally and for humanitarian reasons, detention may be waived when the foreigner presents psychophysical disabilities, duly verified by a forensic doctor." However, the following is stated under Article 118: "The DGME, when determining that a foreigner has stayed in the country irregularly, may grant the latter a peremptory period of up to 30 days, to regularize their stay or leave the country." Likewise, according to Article 221: "The spirit of this law is based on respect for human rights, and the DGME is therefore not empowered to carry out raids against migrants."

Nicaragua is a member of the SICA Regional Mechanism for Humanitarian Assistance in the Event of Disasters (MecReg-SICA), Section 1.7 of which links human rights and gender equity in humanitarian assistance. Similarly, "the institutions that converge on the border shall work together to provide efficient care to the population". The MecReg-SICA is activated in a signatory country when a state of national emergency is declared or at the request of the authorities. A country can play three types of roles: assisted country (recipient of humanitarian assistance), assisting country (provider of humanitarian assistance) or country of transit (allows international humanitarian aid to transit from one country to another).¹⁵

The country has systems in place to track and identify migrants. The Ministry of the Interior's consular services provide advice and support to the relatives of nationals who have disappeared or died abroad. The National Police coordinates with the International Criminal Police Organization (INTERPOL) to prepare bulletins on missing persons and institute internal coordination to locate the victims. The respective consulate works with the authorities of the country concerned when a Nicaraguan is reported as missing abroad.¹⁶

6.2. Areas with potential for further development

Information related to types of visas and the requirements for obtaining them can be found on the DGME website. It is not possible, however, to complete the visa application procedure via the online platform of the immigration authority prior to arrival.¹⁷

Another area for further development is the strengthening of action advocating the inclusion of Nicaragua in IOM platforms such as the Missing Migrants Project¹⁸ and other initiatives for tallying and tracking persons who have gone missing along a migration route, as in the case of intraregional and extracontinental migrant populations.

¹⁴ See: European Union, 2014.

¹⁵ In the case of Nicaragua, the first simulation of mutual assistance under the MecReg-SICA was carried out on 27 November 2019, and during the two preceding days, the search and rescue units of the seven countries making up the MecReg-SICA exchanged experiences. This served as the basis for the draft Regional Contingency Plan against COVID-19, and it was included in the discussion of the advance and consequences of Hurricane Eta in three countries in the region, including Nicaragua.

¹⁶ In 2018, the Jesuit Refugee Service reported that 129 Nicaraguan migrants had disappeared, a figure that it believes is probably underreported because its reach as an organization is limited to two territories on the country's Pacific coast, and disappearances have probably occurred in the Central and Caribbean regions.

¹⁷ More information is available at www.migob.gob.ni/migracion/tramites/visa-de-ingreso-al-pais/.

¹⁸ More information is available at <https://missingmigrants.iom.int/>.

Another aspect worth considering is how to use this MGI report as a precedent for migration governance, and its use for monitoring and updating future MGI reports and for creating new complementary instruments that facilitate a response, ensuring that migration is regular, safe and orderly.



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PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)

This page summarizes key national COVID-19 policy responses in Nicaragua from a migration governance perspective. It is based on 12 questions¹ that were added to the standard Migration Governance Indicators (MGI) assessment in Nicaragua in order to effectively assess national migration governance in the context of the COVID-19 pandemic.



Access to health services

In March 2020, Nicaragua adopted the Protocol for Preparedness and Response to the Risk of Introduction of the Novel Coronavirus (COVID-19), establishing International Health Offices at border posts.² Epidemiological controls at points of entry into the country have led to integrated border control and the detection and timely isolation of possible cases of COVID-19. To enter the national territory, people must present a negative RT-PCR test result,³ in compliance with Ministerial Resolution 358-2020 of the Ministry of Health. In addition, both nationals and foreigners must quarantine for 14 days after entering the country.

On 2 March 2021, Nicaragua began voluntary immunization against COVID-19 using the Sputnik V vaccine. The immunizations were immediately incorporated into the National Immunization Programme⁴ and targeted patients with chronic diseases as a priority. On 16 March 2021, Nicaragua received a batch of vaccines through the COVAX mechanism,⁵ a global endeavour run by the Coalition for Epidemic Preparedness Innovations; Gavi, the Vaccine Alliance; UNICEF; the Pan American Health Organization; and the World Health Organization. The country expects to receive 432,000 doses by May 2021.



Access to information on COVID-19

Reports on the pandemic situation provided at press conferences are in Spanish. The data collected and published are not disaggregated by immigration status.⁶ Public health services are universal and provided without restrictions, in accordance with the provisions of the relevant regulatory frameworks.⁷

¹ More information on the MGI is available at <https://gmdac.iom.int/migration-governance-indicators>.

² Councillor Denis Moncada, Statements made during the Second International Conference on Migration: New challenges, new hopes, transcripts, 2020.

³ Central American Commission of Migration Directors (OCAM), Statements made by participants in the OCAM focus group, transcripts in Spanish, 1 October 2020.

⁴ *La Voz del Sandinismo*, Comienza en Nicaragua vacunación voluntaria Contra Covid-19, press release, 7 September 2021. Available at www.lavozdelsandinismo.com/nicaragua/2021-03-02/comienza-en-nicaragua-vacunacion-voluntaria-contr-covid-19/.

⁵ Pan American Health Organization and World Health Organization, Nicaragua recibe las primeras vacunas COVID-19 a través del Mecanismo COVAX, press release, 16 March 2021. Available at www.paho.org/es/noticias/16-3-2021-nicaragua-recibe-primeras-vacunas-covid-19-traves-mecanismo-covax.

⁶ IOM, Government consultation – input submitted to IOM, 16 November 2020.

⁷ National Assembly, Constitution of Nicaragua, 2014. Available at www.asamblea.gob.ni/assets/constitucion.pdf.



PREPAREDNESS AND RESPONSE PROTOCOLS ON THE RISKS OF THE NOVEL CORONAVIRUS (COVID-19)



Renewal of permits

Nicaragua's Directorate General for Migration and Foreigners⁸ has worked to digitize immigration procedures and provide assistance to departmental delegations, in order to guarantee their agility. It has also established a process for extending the stay of foreigners stranded in the country by 30 days, for an administrative fee of USD 25, enabling them to remain on a month-by-month basis until they can return to their country of origin.



Facilitating return and reintegration

Nicaragua participates in the Central American Integration System Regional Contingency Plan aimed at supplementing national efforts to prevent, contain and treat COVID-19. The Plan has provisions related to health, risk management, trade and finance, security, justice and migration; all are applicable during the pandemic. The measures set out include an agreement on minimum immigration requirements for safer returns and the opening of the Central American safe return corridor.

On 1 July 2020, the Governments of Costa Rica, Nicaragua and Panama established a joint procedure to facilitate the return of Nicaraguans stranded in Panama, entering via the land border at Peñas Blancas and having previously had a negative RT-PCR test result. The migrants pay for their own transportation and visas. The authorities facilitate entry and exit through the *cápsulas sanitarias* (health points), enabling returns by the regular and safe route through Costa Rica. From 11 March to 31 December 2020,⁹ a total of 88,560 Nicaraguans (36,941 women and 51,619 men) returned home from different countries.

For the chronological list of measures and decrees by subject (health, displacement, economy, social protection and education), visit the SICA–COVID-19 Regional Observatory: Decrees and measures adopted by Nicaragua (Observatorio Regional SICA–COVID-19: Decretos y medidas adoptadas por Nicaragua), available at www.sica.int/coronavirus/observatorioSICACOVID19/medidas/nicaragua.

⁸ Directorate General for Migration and Foreigners, Ciudadanos de otras nacionalidades pueden solicitar Prórrogas de Estancia en todas las oficinas de Migración, press release, 3 June 2020. Available at www.migob.gob.ni/migracion/ciudadanos-de-otras-nacionalidades-pueden-solicitar-prorrogas-de-estancia-en-todas-las-oficinas-de-migracion/.

⁹ *La Voz del Sandinismo*, Llega al país otro grupo de hermanos nicaragüenses procedentes de Panamá, press release, 31 December 2020. Available at www.lavozdelsandinismo.com/nicaragua/2020-12-31/llega-al-pais-otro-grupo-de-hermanos-nicaraguenses-procedentes-de-panama/.





ANNEXES

MiGOF: Migration Governance Framework¹⁹

In an attempt to define the concept of “well-managed migration policies”, the International Organization for Migration (IOM) devised a Migration Governance Framework (MiGOF), which was welcomed by the IOM Council in November 2015. For the purposes of the Migration Governance Framework, IOM defines governance as “the traditions and institutions by which authority on migration, mobility and nationality in a country is exercised, including the capacity of the government to effectively formulate and implement sound policies in these areas”.

The Framework sets out the essential elements of “good migration governance” – 3 principles and 3 objectives which, if respected and fulfilled, would ensure that migration is humane, safe and orderly, and that it provides benefits for migrants and societies.²⁰ IOM’s view is that a migration system promotes migration and human mobility that is humane and orderly and benefits migrants and society:

When it:

- (i) Adheres to international standards and fulfils migrants’ rights;
- (ii) Formulates policy using evidence and a “whole-of-government” approach;
- (iii) Engages with partners to address migration and related issues.

As it seeks to:

- (i) Advance the socioeconomic well-being of migrants and society;
- (ii) Effectively address the mobility dimensions of crises;
- (iii) Ensure that migration takes place in a safe, orderly and dignified manner.

The MiGOF does NOT create new standards or norms. In drafting the Framework, IOM relied on its expertise and analytical work, as well as on existing commitments, non-binding declarations and statements. It does NOT address global migration governance that is the international architecture for dealing with issues related to migration and human mobility. Instead, the focus is on the governance and management of migration from the point of view of the State as the primary actor. It does NOT propose one model for all States. The Framework presents a “high road” or ideal version of migration governance, to which States can aspire.

The MiGOF is based on the understanding that, as the primary actor in migration, mobility and nationality affairs, a State retains the sovereign right to determine who enters and stays in its territory and under what conditions, within the framework of international law. Other actors – citizens, migrants, international organizations, the private sector, unions, non-governmental organizations, community organizations, religious organizations and academia – contribute to migration governance through their interaction with States and each other.

¹⁹ IOM Council, Migration Governance Framework, 106th session, C/106/40 (4 November 2015). Available at <https://governingbodies.iom.int/system/files/en/council/106/C-106-40-Migration-Governance-Framework.pdf>.

²⁰ Migration Governance Framework infosheet (2016). Available at <https://publications.iom.int/books/migration-governance-framework>.

The MGI process



1

Launch of the MGI process

The first step of the process is to explain what the MGI entails to key government officials, in order to ensure full understanding of the project and complete buy-in.



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 90 indicators grounded in the 6 dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

The third step of the process is to convene an interministerial consultation where all relevant ministries and other stakeholders discuss the good practices and main areas that could be developed further as identified in the draft migration governance profile, as well as priorities on the way forward. It is also an opportunity for them to comment and provide suggestions on the draft profile.



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the Global Migration Data Portal²¹ and uploaded on the IOM Publications Platform.²²

²¹ You can find the profiles at <https://migrationdataportal.org/overviews/mgi#0>.

²² Please see <https://publications.iom.int/>.



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