



**Binational Study:
The State of Migration
Flows between
Costa Rica
and Nicaragua**

**Analysis of the Economic and
Social Implications
for Both Countries**



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We do not know if the twenty-first century will be the century of religion, as Malraux prophesied, or the century of women, as Miterrand predicted. For his part, Henry Kissinger proclaimed that the first half of the next century will be American and the other half, Chinese. Who can tell? However, we all have at least one certainty: the beginning of the third millennium will be dominated by problems involving migration flows and refugees.
It will be the century of Foreigners.

Jean Daniel, Director of *Le Nouvel Observateur*.

Against the homogeneity affirmed and imposed by the State throughout history, historically most civil societies have been made up by a multiplicity of ethnic groups and cultures, which generally have resisted bureaucratic pressures against cultural standardization and ethnic cleansing. Even in ethnically homogeneous societies, like the Japanese or the Spaniard, regional cultural differences (or nationality differences, as in the Spanish case), territorially divide traditions and specific lifestyles, reflected in diverse behavior patters, and some times, in intercultural tensions and conflicts.

Jordi Borja and Manuel Castells, *La ciudad multicultural*.

Simmel has turned the foreigner into an emblematic figure of modern times; today that figure would have to be the migrant: that traveler full of memories and projects who rediscovers and reconstructs himself in a daily effort of tying the past to the future, his cultural heritage to the professional and social integration.

Alan Touraine, *Crítica de la modernidad*.

TABLE OF CONTENTS

INTRODUCTION	5
MIGRATORY FLOWS BETWEEN NICARAGUA AND COSTA RICA	7
Overview of the Regional Situation	7
Origin and Characteristics of Migration Flows between Nicaragua and Costa Rica	7
Magnitude of Migration Flows between Nicaragua and Costa Rica	10
Characteristics of Nicaraguan Migrants	12
Sex and Age	12
Schooling	13
Labour Force by Condition of Activity	14
Place of Residence	14
Household Characteristics	15
Permanent Migration	15
THE ECONOMIC IMPACT OF MIGRATION	18
Immigrants and the Labour Market in Costa Rica	18
Economic Impact of Remittances in Nicaragua	22
Final Considerations	26
THE SOCIAL IMPACT OF MIGRATION	29
The Social Situation of Immigrants in Costa Rica	29
Regularization of Immigrant Workers Status	30
The Health Sector	31
The Education Sector	33
Welfare Programmes	34
Housing	35
Cultural Impact	36
The Social Impact of Migration in Nicaragua	36
Final Considerations	38
THE ROLE OF GOVERNMENTS, CIVIL SOCIETY AND INTERNATIONAL COOPERATION	40
Overview	40

National Migration Policies	41
Major Events in the Bilateral Relations Regarding Migration Flows during the 1990s	44
Migratory Amnesty in Costa Rica	44
The Role of Non-Governmental Organizations	45
Binational Projects and International Cooperation Efforts	47
PERSPECTIVES FOR THE FUTURE: MIGRATORY POLICIES AND HUMAN DEVELOPMENT	50
ENDNOTES	53
BIBLIOGRAPHY	56
ANNEXES	63
ANNEX 1: Migratory Amnesty Executive Decree	63
ANNEX 2: Survey on Nicaraguan Immigrants in Costa Rica	64
ANNEX 3: Perceptions about Nicaraguan Immigration among the Costa Rican Business Sector and Labour Market	76
ANNEX 4: About the International Convention on the Protection of the Rights of All Migrant Workers and Members of their families (1990, UN General Assembly)	79

INTRODUCTION

This research was carried out by the State of the Nation Project under the supervision of the International Organization for Migration (IOM). It seeks to determine the economic and social impacts caused by the migration of Nicaraguans to Costa Rica. It aims to “aid the Costa Rican and Nicaraguan Governments to formulate policies that promote migration as a national and regional agent of human development”. This initiative was endorsed in the context of a cooperation request of the member countries of the Regional Conference on Migration – instituted in Puebla, Mexico in 1996, and comprising the governments of Canada, Mexico, the United States, the Central American countries, and the Dominican Republic – on issues concerning the formulation and implementation of migration policies, including instruments for the promotion of human development. Having reliable, trustworthy and timely information about this intra-regional phenomenon is essential to this end.

This investigation’s main contribution is its assessment of the economic impact of Nicaraguan migration on the Costa Rican and Nicaraguan economies, in terms of production and productivity levels, employment, income generation and improvement of living conditions of the population, as well as the implications of this process on both nations’ development patterns and social integration.

Two teams worked preparing this binational study, one in Costa Rica and another one in Nicaragua. The former was responsible for the general coordination of the project and was in charge of writing this final report. The Nicaraguan team was made up by María del Carmen Sacasa (Senior Researcher), Luiz Henrique Ventura and Antonio Belli; on the Costa Rican team were Manuel Barahona (Senior Researcher) and Pablo Sauma, who were assisted by Greivin Salazar and Christian Vargas. All the work was carried out in close coordination with IOM.

The binational characteristic of the study points to the need for an integrated view of the phenomenon, as well as specific readings of each country’s reality, favouring the analysis of the most recent period. For example, in the economic analysis priority was given to the dynamics of the Costa Rican labour market, whereas in Nicaragua the main issue concerns remittances. Meanwhile, the social analysis starts from the differences between the two nations, one as a recipient country (Costa Rica) and the other as a sending country (Nicaragua). For Costa Rica, the sensitive issues have to do with the country’s capabilities for attending the immigrants’ growing demands for social services (mainly education, health, housing and social assistance) and for promoting an effective process of social integration. In the case of Nicaragua, emphasis was placed on the impacts of remittances on household strategies for social and economic reproduction.

Research was based mostly on secondary sources. A qualitative approach was used due to the lack of more sophisticated instruments for evaluating economic and social impacts of migration. Nonetheless, it is important to note that a brief survey was carried out on Nicaraguan immigrants in Costa Rica, with the support of IOM and Caritas of Costa Rica. Although this survey is not statistically representative – that is, results cannot be generalized to the total immigrant population, at least it illustrates some trends, and provides complimentary material for the study.

The report is divided into five chapters. Chapter 1 provides a brief characterization of migrant flows, first regionally, and then specifically between Nicaragua and Costa Rica. Chapters 2 and 3 deal with the economic and social impacts observed in each country. Chapter 4 elaborates on three topics which were not originally included in the study's terms of reference: the governments' role in the face of migratory movements, the role of civil society, and the role of binational and international cooperation projects. Finally, Chapter 5 takes a look into the future from the perspective of human development, and also includes several recommendations.

As usual, the document includes a bibliography and four annexes. The first annex includes the Executive Decree declaring a Migratory Amnesty in Costa Rica; the second one presents the methodological aspects and results of the survey conducted on Nicaraguan immigrants in Costa Rica in November-December 2000. The third annex includes a summary of perceptions of migration flows from Nicaragua to Costa Rica among Costa Rican civil society. The fourth and last annex refers to the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

MIGRATORY FLOWS BETWEEN NICARAGUA AND COSTA RICA

OVERVIEW OF THE REGIONAL SITUATION

Migration movements in Central America are due to a mix of economic, political and environmental factors, and present a clear trend to grow and diversify. To the traditional migratory flows among the region's countries, – mainly across borders – two new phenomena have taken place during the last 30 years: the massive and forced movement of uprooted populations, due to armed conflicts and political instability that threatened people's lives; and the growth in migration flows toward the United States and – to a lesser extent – Mexico and Canada, in search of better living conditions (State of the Nation Project, 1999b). The most significant flows within the region took place from Nicaragua to Costa Rica and Honduras; and in smaller numbers from Honduras to Nicaragua and El Salvador, and from Costa Rica to Nicaragua and Panama.

Estimates from the Organization of General Directorates of Migration, OCAM – currently known as the Central American Commission of Migration Directorates – presented during the Montelimar Meeting held in Nicaragua on 12-13 October 2000, show that the Central American migrant population amounts to nearly five million people who left their countries looking for better political and economic conditions. The largest exodus originated in El Salvador – a country that experienced a bloody civil war between 1980 and 1992. Over 2.4 million Salvadorans left their country and are currently living abroad, mainly in the United States. In Nicaragua and Guatemala, which also suffered long-lasting armed conflicts, the migrant population amounts to one million in each nation. OCAM also estimates that over 500,000 Hondurans are living abroad. Finally, although OCAM's report does not include Costa Rica, foreign affairs experts estimate that approximately 90,000 Costa Ricans live overseas, most of them in the United States.

When comparing the number of nationals living abroad and that of each country's resident population,¹ it may be concluded that approximately 28 per cent of Salvadorans live abroad, some 17 per cent of Nicaraguans, and less than 10 per cent of the population in the rest of the countries (approximately 8 per cent in Guatemala, 7 per cent in Honduras and 2 per cent in Costa Rica). Overall, about 14 per cent of Central Americans live outside their sending country, although not necessarily outside the region.²

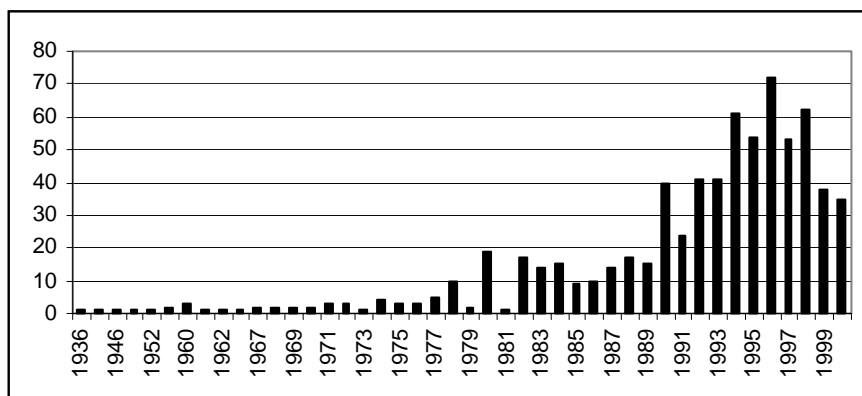
ORIGIN AND CHARACTERISTICS OF MIGRATION FLOWS BETWEEN NICARAGUA AND COSTA RICA

Migrant flows from Nicaragua to Costa Rica occur in response to a number of factors, whose backdrop is a history of natural disasters, political conflict and structural economic imbalances³. Without attempting a detailed periodization of these movements, during the last three decades the following events may be identified at minimum:

- A first flow involving 10,000 migrants started shortly after the December 1972 earthquake in Managua and grew as the civil war against the Somoza regime escalated, between 1977 and 1979.
- The outbreak of the armed conflict between the Sandinista government and the counter-revolutionary forces (also known as *Contras*) around 1984. A new migratory wave took place, made up by an important contingent of youngsters aged 16 to 25 who were escaping selective service, then called patriotic military service. Costa Rica received over 50,000 refugees at the time.
- Within the political and military conflict, the causes for migration during the 1990s were economic in nature – particularly after Nicaragua implemented drastic structural adjustment policies between 1993 and 1997.
- The last important influx of Nicaraguans to Costa Rica occurred in the aftermath of Hurricane Mitch (October 1998), when numerous families fled in search of stability, security and better living conditions.

Despite the exploratory nature of the survey to Nicaraguan immigrants (hereinafter referred to as the NI survey; see Annex 2), their answers to the question about the year of their arrival to Costa Rica reflect and confirm the above periodization.

CHART 1
YEAR OF FIRST-TIME ARRIVAL TO COSTA RICA IN SEARCH OF WORK



Source: NI survey.

Economic recession and the end of armed conflict in Nicaragua are two of the main factors behind recent immigration of Nicaraguans. The former promoted a migration flow in search of working opportunities, while the latter encouraged the movement of people from one country to the other across a long and poorly guarded border.

More recent data (1998) show that when poverty is measured as insufficient consumption, almost half (48.9%) of the Nicaraguan population is poor. That is, about 2.3 million people, of whom 830,000 (17.3%) are extremely poor. When measured through the method of insufficient coverage of their basic needs, poverty increases to 72.6 per cent of the population, and extreme poverty amounts to a staggering 44.7 per cent. Poverty is mainly a rural problem: when measured using the second method explained above, two out of every three persons living in these areas are poor, compared to the one-in-three ratio observed in urban areas.⁴

Although poverty is rooted in a multiplicity of factors, the high unemployment and underemployment rates in Nicaragua are among the most relevant. According to the *Estrategia Reforzada de Reducción de la Pobreza* (Strengthened Strategy for Poverty Reduction), (Nicaraguan Government, 2000: 9):

According to the 1998 survey,⁵ the overall unemployment rate in Nicaragua stands at 12 per cent. However, this rate is higher in poor households, where it amounts to a maximum of 21 per cent among poor women, one of every two of whom is underemployed; this suggests that it is not enough to be employed to avoid poverty. Visible underemployment (defined as a less than a 40-hour-a-week supply of work) represents a third of total employment. The regions with the highest rates of visible underemployment are Managua and the rural Pacific.

This data is confirmed by the results of the NI survey (Annex 2). Almost three out of every four immigrants surveyed (73.1%) cited economic factors as the main reasons for leaving their country, contrasting with only 11.4 per cent who cited political motivations. This last percentage is identical to that of immigrants who cited family motivations (joining their families).

According to Cranshaw (CIEG, 2001) permanent immigrants are characterized by being: i) native from homes and communities lacking the capacity for self-sustenance, at least in terms of production for self-consumption; ii) native of what is known as the Nicaraguan “dry zone”, an area affected by droughts every year;⁶ iii) natives from towns created around the extensive banana enclaves and agricultural products for export – mainly cotton – which have failed to recover from the lack of dynamism affecting agriculture, cattle, mining and fishing;⁷ iv) members of urban and rural households with a history of both internal and international migration, whose main providers have been underemployed or unemployed for several consecutive months, or whose local jobs have been historically associated to seasonal travels due to port dynamics,⁸ v) native from households located in territories along the border with a migration dynamic “of its own”, whereby families settle on both sides of the border.⁹

For the Nicaraguan unemployed and poorly paid, Costa Rica presents appealing working alternatives, it is an accessible country and has better living standards than Nicaragua, and has a clear, explicit demand for workers. Nicaragua then drives its population out as a result of the macroeconomic measures imposed, which have brought about a significant social exclusion. Meanwhile, Costa Rica attracts labour force for businesses requiring workers whose aspirations are increasingly uncommon among Costa Ricans. In this regard, it may be stated that the migration of this population is subject to the laws of supply and demand for workforce in the new context of globalization. In such context, the lack of production dynamism facing Nicaragua has coincided with the economic emergence of the Huetar and Northern Atlantic regions of Costa Rica (Perez, 1999).

The minimum salaries for Nicaragua and Costa Rica in 1991, 1995 and 1999 are presented in Table 1. Sharp differences may be observed between the two countries in all activity branches, with Costa Rica having higher salaries. Nevertheless, differences are greater in agricultural activities, and the gap widens with time. It is important to take into account that the comparison of these salaries reflects minimum differences, since average salaries in Costa Rica are well above the minimum, as will be seen later.

It is important to note that, aside from the latest influx of Nicaraguan workers into Costa Rica, migration movements are the most important factor of the population dynamics in border areas.

From a long-term perspective, such immigration has been characterized by involving workers who contribute to the development of agricultural production of export goods in Costa Rica on a temporary basis. Its persistence is explained by the precarious living conditions of the Nicaraguan countryside.

TABLE 1
COSTA RICA AND NICARAGUA: MINIMUM SALARY BY ACTIVITY BRANCH 1991, 1995, AND 1999

Economic Activity Branch	Costa Rica (US\$) ^a			Nicaragua (US\$)			CR/NIC Ratio		
	1991	1991	1991	1991	1995	1999	1991	1995	1999
Agriculture, herding	135.3	164.0	201.1	44.0	46.7	46.2	3.1	3.5	4.4
Mining	135.3	164.0	201.1	94.5	116.9	159.7	1.4	1.4	1.3
Manufacturing industries	135.3	164.0	201.1	84.7	111.1	85.1	1.6	1.5	2.4
Electricity, gas and water	135.3	164.0	201.1	91.5	97.1	104.9	1.5	1.7	1.9
Construction	135.3	164.0	201.1	44.4	110.0	126.5	3.0	1.5	1.6
Commerce	135.3	164.0	201.1	83.2	106.4	95.0	1.6	1.5	2.1
Transportation	135.3	164.0	201.1	69.6	86.5	98.8	1.9	1.9	2.0
Financial institutions	135.3	164.0	201.1	83.4	123.5	94.3	1.6	1.3	2.1
Social and personal services	135.3	164.0	201.1	59.1	87.2	72.7	2.3	1.9	2.8

Note: a) The Costa Rican Department of Labour fixes salaries according to workers' qualifications, and not depending upon the economic sector they work for.

Source: Based on data from the National Institute of Statistics and Census in Costa Rica and the Nicaraguan Department of Labour.

According to Morales (1997), this dynamics led to the creation of a circular system of regionally located labour around coffee and banana plantations, which is usually mistaken with other massive immigration flows from Nicaraguan to Costa Rica. The historical and permanent nature of these temporary flows has helped gradually create family links, local relationships and collective loyalties that in fact have spread across the national boundaries, creating a cross-border region, a sort of “non-territorialized social space”. This space defies conventional classifications of migratory flows (migrant *versus* temporary or circular migration), and demands further study on the formation of “transnational communities”, where migration movements trigger new and diverse factors and articulation processes with cultural, social and economic impacts in geographically distant communities.¹⁰

MAGNITUDE OF MIGRATION FLOWS BETWEEN NICARAGUA AND COSTA RICA

There is no accurate information as to the magnitude of migration flows between the two countries, since the majority of them are irregular, especially the entrance of undocumented Nicaraguans into Costa Rica. Moreover, existing estimates reflect the number of Nicaraguan migrants coming into Costa Rica at a given moment in time (stock). These numbers do not take into account aspects such as the season of migration, associated to agricultural activities chiefly during harvest seasons, as well as the fact that Nicaraguans frequently return to their country and the numbers of entries and exits between the two countries are high. The survey conducted as part of the study (Annex 2) provides some indications on this regard: 34.2 per cent of the interviewees said

they have not returned to Nicaragua at all; 23 per cent have returned once; and the remaining 42.8 per cent have returned twice or more times. In most cases they have stayed there for a month or less.

Official numbers, provided by the General Directorate of Migration of Costa Rica, indicated that up until December 1999 a total of 110,646 Nicaraguans were duly registered as living in Costa Rica with a permanent residence status.¹¹

However, by the time the migratory exception regime was over in Costa Rica in 1999 – a topic to be addressed in detail later on – approximately 140,000 rulings had been issued in favour of Nicaraguans.¹²

It would then be fair to estimate that by 2000, after the migratory amnesty, some 250,000 Nicaraguans were documented residents in Costa Rica. In other words, they have been granted a permanent residence status or their status has been regularized under the migration amnesty regime.

By the time the Population Census of 2000 was conducted (June) a total of 226,374 Nicaraguan persons resided regularly in Costa Rica. Nonetheless, it should be stressed that the number of immigrants recorded by the Census is not total due to a number of reasons. Firstly, the Census only includes regular residents, i.e., those who have lived in the country for more than six months, or who are planning to stay in the country for that long. Secondly, the Census was carried out at a time when the harvest season was already over, and therefore seasonal immigrants – or at least the bulk of them – were not recorded. Likewise, it is possible that the number of persons residing in a single household be understated, since a significant number of Nicaraguans reside in groups of people who are not directly related, or else two or more families share a single household (Acuña y Olivares, 1999.) It is possible that in these cases not all members residing in the same house be declared, especially undocumented ones.¹³

Thus far, we have mentioned estimates on the number of Nicaraguans residing in Costa Rica whose legal situation has been regularized (roughly 250,000), or who are regular residents (nearly 230,000). Nevertheless, it is important to know the magnitude of irregular or seasonal immigration. There are various estimates on the total number of Nicaraguan immigrants living in Costa Rica –both regularly and irregularly – yielding highly uneven results. An estimate generally accepted as being very reliable due to the rigorous methodology used, is that carried out by Brenes (1999). According to this estimate, the number of immigrants residing in Costa Rica ranges from 300,000 to 340,000 Nicaraguans in 1999, representing somewhere from 7.8 per cent to 8.8 per cent of Costa Rica's total population of that year.¹⁴ This result was recently confirmed in another study (Brenes and Rosero, 2001). Based on demographic variables obtained through the 1999-2000 National Survey on Reproductive Health and Migration (*Encuesta Nacional de Salud Reproductiva y Migración 1999-2000*) carried out in Costa Rica, the authors calculate that 315,000 Nicaraguans lived in Costa Rica by mid 1998 (PCP and INEC, 1998, p. 39.)

It may then be inferred that approximately 250,000 Nicaraguans live in Costa Rica on a permanent basis, most of them being documented, and that, additionally, somewhere from 65,000 to 100,000 Nicaraguans live in the country at each moment in time – most of them irregularly – in response to the demand for seasonal jobs and without seeking to live in the country on a permanent basis.

The former represent 6.6 per cent of the country's total population, according to estimates from the 2000 Population Census (3,810,179 inhabitants. INEC, 2001), while the latter represent somewhere from 1.7 per cent to 2.6 per cent.

CHARACTERISTICS OF NICARAGUAN MIGRANTS

Household Surveys have been periodically carried out in Costa Rica since 1976. However, a question about the respondent's nationality was only included in 1997. This survey is one of the few systematic efforts to measure the presence of immigrants in the country. Because of its broad national coverage, it is the most important source of information for a study of this sort. Nonetheless, its methodology and objectives present difficulties in terms of recording the total immigrant population, for it only includes people who live in private homes and regular residents who have lived in the country for at least six months or plan to stay longer in relation to the interview). These characteristics prevent the authors from considering several segments of the migrant population, namely those who live in collective households in agricultural exploits, or those sharing their house with people other than their relatives (*hearholds*),¹⁵ and that of seasonal migrants coming to the country for the harvest season. The latter group of immigrants is typically excluded from the National Household Survey (Morales and Castro, 1999: 31-32). In this case, it is difficult to record them in the survey because it is always carried out in July, right after the end of the harvest. Moreover, some of these workers are reluctant to state their real nationality.

Considering all these limitations, the 1999 and 2000 Household Surveys respectively revealed the presence of 133,548 and 135,579 non-naturalized Nicaraguan immigrants. These figures, though lower than the ones cited above, are higher than the numbers obtained through the same survey in previous years (75,490 in 1997 and 78,487 in 1998). This increment may be explained by two main factors: the updating of the sampling framework in 1999, and a better disposition from Nicaraguans to answer the survey and declare their nationality due to the migratory amnesty. While it may be argued that an underestimation persists, as the methodological characteristics of the survey mentioned above remain the same, these numbers are similar to the number of immigrants who had recourse to the migratory amnesty.

Because of the Household Survey's methodology and objectives, one might expect that respondent Nicaraguans are immigrants who have lived in Costa Rica for a while, are documented, and who live in the country on a permanent basis. Other groups such as migrant workers can only be studied using different research instruments, such as ad hoc interviews, qualitative studies (i.e., in-depth interviews, life stories, and special research studies conducted in the Nicaraguan regions where emigration is the most intense).

A profile of the non-naturalized Nicaraguan immigrants living in Costa Rica will be discussed in the following pages, based on the data provided by the Costa Rican Household Survey for 2000.¹⁶

Sex and Age

According to the Household Survey, in 2000, 50.9 per cent of the Nicaraguan migrant population were women and 49.1 per cent were men (Table 2). As pointed out in studies involving other Latin American countries, the so-called feminization of migration flows is not a recent

phenomenon, as it has been typical of migration movements from Central America and Mexico to the United States since the 1970s (ECLAC-CELADE, 1999: 20).

TABLE 2
COSTA RICA: SEX AND AGE OF NICARAGUAN IMMIGRANTS, 2000
(per cent)

	Total	Men	Women
Total percentage sex	100.0	49.1	50.9
Total age	100.0	100.0	100.0
0-6	4.8	4.9	4.8
7-12	10.9	10.8	11.1
13-19	16.9	15.1	18.5
20-29	29.3	29.9	28.6
30-49	29.9	30.3	29.5
50-59	3.9	4.0	3.8
60 or older	4.3	5.0	3.6

Source: Estimated by the authors using data from the 2000 household survey.

In terms of their age, there is a relatively higher presence of Nicaraguan migrants 20 to 29 years old, who represent 29.3% of the total (Table 2). Furthermore, the age distribution is such that three of every four migrants are teenagers (76.5%) aged 13-19 years old, or young adults in their productive age – between 20 and 49 years old. These results confirm the work-related nature of the phenomenon.

The survey undertaken as a part of this study shows the same results (Annex 2).

Schooling

According to the 2000 Household Survey, Nicaraguan immigrants aged 15 or older have an average of 5.4 years of formal studies, two years less than the average Costa Rican (7.2 years). A more thorough analysis on schooling using the same data shows that 16.1 per cent of Nicaraguan immigrants have no formal studies (versus 5.6 per cent for Costa Ricans); 25.9 per cent did not finish elementary school (18.3 per cent for Costa Ricans); 26.2 per cent finished elementary school (33 per cent for Costa Ricans); 20.7 per cent did not finish high school; and 11.1 per cent did finish it or have higher education studies (19.5 per cent and 23.6 per cent respectively for Costa Ricans).

Notwithstanding the lower educational level of Nicaraguan immigrants as compared to Costa Ricans, in contrast with the average level in their sending country, they have an actual advantage over their countrymen and countrywomen. The 1995 Nicaraguan Census revealed that 24.5 per cent of the nation's inhabitants had no formal schooling (Morales and Castro, 1999: 47). This situation alerts about a "brain drain" that may result in economic losses due to the lower education levels of the workforce and the lack of promotion of the country's human capital.

Finally, it is important to note that the NI survey – which recorded a significant number of seasonal migrant workers – showed lower educational levels among migrants. According to this survey (Annex 2), one out of every ten respondents (10.4%) had no schooling. An additional 34.7 per

cent have attended school but they did not indicate which was the last year they passed. Nearly 10 per cent (10.2%) had some schooling but did not finish elementary school, while 17.8 per cent said to have completed elementary school. The remaining respondents said they had some high school education (13.9 per cent finished high school), and only a small percentage had university studies. Despite the diverging results in comparison to those of the Household Survey, both surveys show a similar pattern, and both reflect a higher profile than the Nicaraguan average.

Labour Force by Condition of Activity

Nicaraguan migrants 12 years of age or older showed a high net rate of participation in the labour market: in 1999: 68.8 per cent were active (in comparison to 54.1 per cent Costa Ricans). By sex, participation rates were 89.2 per cent for men and 49.4 per cent for women, considerably higher than those of Costa Ricans’ (74.3 per cent and 34.7 per cent respectively).

Participation rates for Nicaraguan migrants are even higher than those of Nicaraguans permanently residing in their sending country, as shown in Table 3. Again, this underscores the work-related trait of migration flows from that country to Costa Rica.

TABLE 3
 COSTA RICA AND NICARAGUA: NET RATE OF PARTICIPATION
 IN THE LABOUR MARKET, BY SEX 1999 AND 1995
 (per cent)

Sex	Costa Rica (1999)			Nicaragua (1995)		
	Costa Rica	Nicaragua	Other Immigrants	Total	Urban areas	Rural areas
Both sexes	54.1	68.8	57.3	48.2	47.8	48.7
Men	74.3	89.2	72.3	69.9	63.6	77.5
Women	34.7	49.4	42.2	27.6	34.1	18.2

Note: Workforce as a percentage of the population 12 years old or above.

Source: State of the Nation Project, using data of the 1999 Household Survey and the Nicaraguan Population Census of 1995.

These labour-related migration flows involve an important contingent of women: the net rate of participation in the labour force among female immigrants residing in Costa Rica is considerably higher than that of the female population residing in Nicaragua (49.9 per cent versus 27.6 per cent respectively, Table 3). Such significant participation of women suggests a certain degree of feminization of these flows.

The NI survey results (Annex 2) coincide with this information. Nonetheless, some differences of magnitude in the rates arise from the fact that the survey covered only adults.

Place of Residence

According to the 2000 Household Survey, nearly three out of every five Nicaraguan immigrants live in the Central Region.¹⁷ The next region in importance is the Huetar Atlantic (14.6%), though

nearly a fifth of all immigrants (19.1%) live in two regions neighbouring Nicaragua: Huetar Norte (12.11%) and Chorotega (7.0%).

Household Characteristics

The 2000 Household Survey shows that at least one non-naturalized Nicaraguan lived in 49,488 out of Costa Rica's 849,032 homes (5.8 per cent of the total number of households).¹⁸ Furthermore, in 44,555 of these households, both the head and his/her spouse is Nicaraguan. Given the exclusion of seasonal migrant workers and collective household residents from this survey, and considering the problems of nationality statement, calculations based on the previous figures project the number of Nicaraguan immigrants living in Costa Rica at around 300,000. The number of households where they live may double the above number (i.e., nearly 90,000 households). In spite of these limitations, the Household Survey does shed light on this topic.

Twenty-five per cent of the approximately 45,000 households where either the head or the spouse (if any) is Nicaraguan are made up solely by Nicaraguans (11,133), while the remaining 75 per cent are made up by both Nicaraguans and non-Nicaraguans. From another perspective, at least the head is a Nicaraguan in 36,517 homes (82%), and in the remaining 8,038 households the head's spouse is Nicaraguan (18%). Moreover, in 20,015 of these homes, both the head and the spouse are Nicaraguan (44.9%); 8,578 households are headed by a Nicaraguan with no spouse (some of them men, 3,561 or 41.5 per cent, and some of them women, 5,017 or 58.5 per cent). Finally, in 15,962 households either the head or the spouse is Nicaraguan.¹⁹

The families where at least the head or the spouse is Nicaraguan are larger. On average, these households have 0.8 more members than the other households with Nicaraguans members (4.8 and 4.1 respectively). This difference stems from the number of children aged 12 years old or younger, which is, on average, 0.5 higher in Nicaraguan households (1.6 children versus 1.1).²⁰ It is important to note that the households comprised exclusively of Nicaraguans (11,133) are on average smaller (3.6 members) because there are fewer children. In many cases, what happens is that part of the family has stayed back and still lives in Nicaragua.²¹

Additionally, in households where either the head or the spouse is Nicaraguan, 2.8 out of the 4.8 average members are Nicaraguan and two are Costa Rican. Not including the households made up only by Nicaraguan nationals, which on the average have 3.6 members, the rest of the households have an average of 5.2 members, half of whom (2.6 members) are Nicaraguan and the other half, Costa Rican.

Permanent Migration

The last topic to be addressed in this chapter is the issue of the immigrants' decisions subsequent to their migration. It has been discussed that, in general, employment opportunities motivate most of the latest migration flows from Nicaragua to Costa Rica. It is known that a great deal of migration flows are seasonal, and are linked to agricultural production and harvesting. Any estimate of the number of Nicaraguans living in Costa Rica measures the "stock" at a given moment, but there is a large flow of Nicaraguans who go back and forth from Costa Rica to their country and vice-versa. The logical question that follows from this is how permanent are migration flows from Nicaragua, in terms of settling down in this new country and inserting themselves within the social fabric?

When comparing socio-demographic characteristics of Nicaraguan immigrants from the 1997 and 1999 Household Surveys, an important change in the age structure becomes apparent. There is an increase in the immigrant population 0-11 years old, from 11.4 per cent in 1997 to 16.1 per cent in 1999.

The population of adolescents also grew from 13.5 per cent the first year to 19 per cent in 1999. In the first group, the average number of children is less than among the Costa Rican population (26.9%). But the percentage of teenagers is similar, which may be considered as an indicator that families are settling down and reuniting. In other words, workers from both sexes who emigrated on their own settle down in the country, and after a while they bring their children, partners, and other relatives to live in Costa Rica (State of the Nation Project, 2000: 113). Qualitative studies (e.g., Samandú and Pereira, 1996: 13) show that these processes take place gradually, and may take several years. It is possible that the greater security from the legal point of view assured by the 1998 migratory amnesty accelerated these processes.

Bearing in mind the exploratory nature of the NI survey, some results confirm what was stated in the above paragraph:

- 11.4 per cent of those interviewed said they immigrated to join their families or cited other family-related motives.
- 51.9 per cent came to Costa Rica alone (or with friends) the first time, while 18.7 per cent came with their spouse or companion; 20.2 per cent came with their parents.
- 55.5 per cent of those who came alone the first time already lived with their partners at the time of the survey, while only 16.6 per cent were still living alone.
- Almost one out of every three immigrants surveyed (37.6%) said they had dependents aged 16 year old or younger who were born and live in Costa Rica.

The notorious increase in the number of children born in Costa Rica of Nicaraguan mothers denotes not only an increase in migration flows and a higher fertility rate among these women (Brenes and Rosero, 2001), but also a tendency among immigrant families to settle down in Costa Rica on a more permanent basis. Until 1992, the average number of births of Nicaraguan mothers increased slightly when compared with numbers of the 1980s. However, the trend picked up after this year, and in 1999 these births represented 12.3 per cent of the total number of births in the nation, more than three times the average of seven years earlier (Table 4).

The 2000 Household Survey reveals an interesting result: 13.1 per cent out of the 20,015 homes where the head and the spouse are Nicaraguan were childless; 29 per cent had only Nicaraguan-born children; 27.5 per cent had only Costa Rican-born children; and 30.3 per cent had children of both nationalities. If this analysis were applied to the 44,555 households where either the head or the spouse (if any) is Nicaraguan, results would be as follows: 21 per cent would have no children; 20.2 per cent would have only Nicaraguan children; 41 per cent would have only Costa Rican children; and 17.7 per cent would have children of both nationalities. In both cases, the results would support the existence of definitive settling down and family reunification processes. On the other hand, these data indicate that new elements are enriching the already diverse Costa Rican socio-cultural patchwork.

Finally, one result from the NI survey deserves special attention: 84.7 per cent of those interviewed stated they would like to reside permanently in Costa Rica. All these results seem to support the

hypothesis that a significant percentage of Nicaraguan immigrants plan to stay in Costa Rica on a permanent basis.

TABLE 4
COSTA RICA: TOTAL BIRTHS AND BIRTHS BY NICARAGUAN MOTHERS,
1982-1999

Year	Total number of births	Number of births from Nicaraguan mothers	Percentage of births from Nicaraguan mothers
1982	73,168	1,789	2.4
1983	72,968	1,680	2.3
1984	76,148	1,817	2.4
1985	84,334	2,157	2.6
1986	83,192	2,554	3.1
1987	80,326	2,562	3.2
1988	81,376	2,819	3.5
1989	83,460	3,067	3.7
1990	81,939	3,048	3.7
1991	81,110	3,030	3.7
1992	80,164	2,980	3.7
1993	79,714	3,788	4.8
1994	80,391	5,141	6.4
1995	80,306	6,176	7.7
1996	79,203	7,040	8.9
1997	78,018	7,694	9.9
1998	76,982	8,398	10.9
1999	78,526	9,695	12.3

Source: Central American Population Program's Website: www.populi.eest.ucr.ac.cr.

THE ECONOMIC IMPACT OF MIGRATION

Due to the complexity of the reciprocal relationships between population, migratory flows, and development, this study will use a somewhat limited approach. The main variables considered in it are the Costa Rican labour market as a recipient of Nicaraguan immigrant workers, and the impact of remittances on the Nicaraguan economy. From this standpoint it is possible to objectively and systematically assess the positive or negative sign of the phenomenon, away from the prejudices on both sides that are so common when discussing this topic.

IMMIGRANTS AND THE LABOUR MARKET IN COSTA RICA

According to the 2000 Household Survey, non-naturalized Nicaraguan immigrants represent 5.6 per cent of the total workforce and 5.5 per cent of those actually employed. Taking into consideration that the immigrant population is underestimated in this survey, and that Nicaraguan immigrants show higher rates of participation in the labour market than Costa Ricans, it follows that immigrants have a considerable impact in the local market.

Participation of Nicaraguan immigrants in the Costa Rican labour market focuses on a certain activities. The 2000 Household Survey shows that one out of every four immigrants (24.5%) work in farming. This includes both export-oriented crops promoted as part of the new economic model adopted in Costa Rica since the mid-1980s (pineapple, melon, cassava root, palm heart, ornamental plants, etc.), and traditional crops such as coffee, sugar cane and banana. Some other relevant activities for immigrants are: commerce – retail and wholesale –, hotels and restaurants, employing 17.6 per cent of all Nicaraguan immigrants,²² construction (16.4%); domestic services (14.9%); manufacturing (14.6%); and private security services (2.2%). In general terms, the demand is concentrated in a young labour force with none or few skills, who are able to work under intense and long working schedules.

This specialization is reflected in the differences between the Costa Rican and Nicaraguan educational structures (Table 5). In the case of Nicaraguan men, they work mainly in two activities: agriculture (31.8%), and manufacturing (39.5%). When compared with Costa Rican men, it shows that more Nicaraguans are employed in both activities. Both sectors employ small percentages of Costa Rican workers. Meanwhile, Nicaraguan female workers are concentrated in the services sector (63.2%), thereby doubling the percentage of Costa Rican women who work in this sector (30%).²³

This structure reflects the complementary nature of the Nicaraguan immigrant workforce and the domestic workforce. This statement is reinforced by the fact that no Costa Rican workers have been displaced from the labour market. Its flexibility and high capacity for absorption are evidenced by the fact that, while open unemployment and total sub-utilization of the labour force show circumstantial fluctuations, from 1991-1999 they moved within average values of 5 per cent and 11.5 per cent respectively. (State of the Nation Project, 2000: 144).

TABLE 5
COSTA RICA: EMPLOYED POPULATION PER OCCUPATIONAL GROUP
BY NATIONALITY AND SEX, 2000

	Total		Men		Women	
	Nicarag.	C. Rican	Nicarag.	C. Rican	Nicarag.	C. Rican
Total	100.0	100.0	100.0	100.0	100.0	100.0
Professionals and technicians	2.1	12.1	1.9	9.4	2.5	18.2
Managers	1.0	4.0	0.9	4.1	1.2	3.8
Administrative employees (clerks)	2.5	7.9	2.2	5.4	3.0	13.4
Merchants and traders	6.9	13.3	5.4	12.0	9.9	16.0
Farmers	23.5	19.0	31.8	25.8	7.2	3.9
Transportation-related activities	1.3	5.0	1.9	7.1	0.0	0.2
Manufacturing jobs	29.8	19.7	39.5	23.1	10.8	12.3
Stevedore, loading and storing	4.2	2.9	5.0	3.3	2.7	2.1
Services	28.4	15.6	11.1	9.1	62.3	30.0
Not well specified	0.3	0.5	0.2	0.6	0.5	0.2

Source: Household Survey, 2000.

Among the Nicaraguan immigrant workforce, unemployment reached 7.4 per cent in 2000, while among Costa Ricans it was 5.1 per cent. Underemployment among Nicaraguan women reached 12.6 per cent, three times the rate among Nicaraguan men (4.5%). In addition, 10.6 per cent out of all Nicaraguan immigrant workers suffered visible underemployment (compared to 10.3 per cent for Costa Ricans), and 14 per cent suffered invisible underemployment (10.9 per cent for Costa Ricans). This means that over a third of the Nicaraguan workforce in Costa Rica was affected by either underemployment or some form of underemployment.

The age structure of the Nicaraguan workforce employed in Costa Rica differs also from the age distribution of the native workforce. The 20-29 age group clearly predominates among immigrants, representing 36.8 per cent of both male and female Nicaraguan workers. Among Costa Ricans, this group represents 25.9 per cent. In the 30-39 age group, participation rates are similar to those of Costa Ricans, and in the 40-years-or-older category, the percentage is less among Nicaraguan workers than among Costa Ricans (Table 6). The difference in the 20-29 age group is greater among Nicaraguan men, than among women of the same nationality. In both cases, the rate is higher than that of nationals. In turn, Nicaraguan women are concentrated in the 30-39 age group. This may be explained by their type of occupation. Men work mostly in construction projects and farms, both of them requiring younger workers (35 years old or younger). Women, on the other hand, are concentrated in the services sector, which offers job opportunities to older people.

This difference in the age structure found between occupied nationals and immigrants may be interpreted as a sort of demographic dividend for Costa Rica. On the one hand, because of the injection of young work force employed by both the construction and the agricultural sectors (the latter linked to the export of traditional and non-traditional products), as mentioned above.

On the other hand – although not least important – it is worth recognizing that the contribution of immigrant domestic workers is, in many cases, a factor that facilitates the incorporation of national female workers into the labour force. Lastly, another side to this demographic dividend concerns the contribution of this labour force – most of whom work for the formal sector – to the Costa Rican Social Security System. This compensates, at least in part, the increase in the number of retirees.

TABLE 6
COSTA RICA: WORKING POPULATION PER AGE GROUP
BY SEX AND NATIONALITY, 2000

	Total		Men		Women	
	Nicarag.	C. Rican	Nicarag.	C. Rican	Nicarag.	C. Rican
Total	100.0	100.0	100.0	100.0	100.0	100.0
12 - 19	11.3	10.6	11.9	11.1	10.1	9.5
20 - 29	36.8	25.9	38.5	24.9	33.4	28.2
30 - 39	28.5	27.3	26.6	26.5	32.2	29.1
40 - 49	15.3	21.0	13.5	20.7	18.9	21.8
50 - 59	4.9	10.0	5.1	10.7	4.4	8.6
60 years or older	2.8	4.9	3.8	6.0	1.0	2.5
Age unknown	0.4	0.2	0.5	0.2	0.0	0.3

Source: Household Survey, 2000.

Regarding occupational categories, private wage earners are predominant (71 per cent in 2000) among immigrants, in addition to the 12.9 per cent under the category of domestic services. The percentage of wage earners is similar among Costa Ricans (65%), but 15.1 per cent of them work in the public sector. 12.9 per cent of the Nicaraguan workforce are self-employed, a significantly smaller group than in the case of Costa Ricans (21.4%). As mentioned above, 12.7 per cent of the Nicaraguan workforce is employed as domestic workers, while only 4.2 per cent of locals participate in this sector. Finally, only 1.6 per cent of all Nicaraguan immigrant workers are qualified as business-owners. Among Costa Ricans, this figure reaches 5.7 per cent of the workforce.

Job qualifications, as measured by schooling, reflect differences among the Nicaraguan and Costa Rican workforces. These differences have already been discussed. Table 7 shows that while 41.2 per cent of Nicaraguan workers have received 0-5 years of formal schooling (non-skilled workers), only 18.5 per cent of Costa Ricans fall into this category. The percentage of Nicaraguans employed and with 6-10 years of formal education (semi-skilled workers) is lower than among Costa Ricans, but the rate of skilled workers (11 or more years of formal education) is even lower.

When separating the formal, informal, and farming sectors (Table 7), Costa Ricans rate of participation is higher in the formal sector – both urban and rural –, whereas Nicaraguans participate in higher numbers in the farming sector. In the case of the informal sector, Nicaraguans participate in higher numbers when domestic workers are taken into account, but the situation reverts if this is excluded.

TABLE 7
COSTA RICA: SKILLS AND OCCUPATIONAL CATEGORIES
OF EMPLOYED WORKERS BY NATIONALITY, 2000

	Nicaraguan	Costa Rican
Degree of skills / formal education	100.0	100.0
Unskilled ^a	41.2	18.5
Semi-skilled ^b	45.8	52.2
Skilled ^c	13.0	29.3
Labour market segmentation ^d	100.0	100.0
Formal (urban and rural)	40.6	49.7
Informal (urban and rural)	34.9	29.9
Not including domestic workers	22.2	25.7
Including domestic workers	12.7	4.2
Farming	24.5	20.4

Notes: a) No formal education to incomplete elementary schooling (0-5 years of formal schooling). b) Elementary schooling or incomplete high-school (6-10 years of formal schooling). c) High school or higher education (11 or more years of formal schooling). d) The informal segment includes non-agricultural workers from both urban and rural areas, with no university studies: self-employed, wage earners who work in establishments of 5 or less employees (not including public employees), domestic workers, and unpaid workers. The formal sector includes all other non-agricultural workers (urban and rural).

Source: Estimated by the authors, base on Household Surveys.

TABLE 8
COSTA RICA: AVERAGE HOURLY WAGE FOR UNSKILLED WORKERS EMPLOYED
IN THE PRIVATE SECTOR^a BY NATIONALITY, 2000
(per hour and per cent)

	Nicaraguans	Costa Ricans	Difference (percentage) ^b
Farming	338.7	364.2	-7.0
Commercial, hostels and restaurants	346.7	417.7	-17.0
Wholesale	398.4	418.9	-4.9
Retail	310.6	403.2	-23.0
Restaurants and hotels	348.0	431.8	-19.4
Construction	413.0	447.9	-7.8
Domestic services	270.1	396.7	-31.9
Manufacturing sector	377.4	382.6	-1.4

Notes: a) Main occupation: Estimates consider only unskilled labour in the private sector (0-5 years of formal education), for which there is information available on wages and work schedules. b) Rate at which average salaries per hour for Nicaraguans are less than for Costa Ricans.

Source: Estimated by the authors, base on Household Surveys.

Pay is a key issue when analysing the impact of immigrants in the labour market. When comparing the activities and occupations where Nicaraguans work in higher numbers, for equally skilled wage earners in the private sector (Table 8) Nicaraguans are clearly paid less to varying degrees.

In the manufacturing industry differences are smaller (on average, Nicaraguans earn 1.4 per cent less than Costa Ricans). In agriculture and construction, Nicaraguans earn 7 per cent and 7.8 per cent less, respectively, than Costa Rican workers with the same skills. The differences in the commercial sector as a whole average 17 per cent,²⁴ but greater differences prevail among domestic workers, as Nicaraguan women earn 31.9 per cent less than Costa Rican maids.²⁵

ECONOMIC IMPACT OF REMITTANCES IN NICARAGUA

The First Report on the State of the Region in Human Sustainable Development (State of the Nation Project, 1999b) pointed to the delivery of remittances and savings by migrants, as one of the most important impacts of emigration for Central America’s major sending countries.

Remittances are typically used to finance household consumption goods, while savings are accumulated throughout the period migrants live abroad. Such savings are frequently used as seed capital to start new productive activities once migrants return to their sending country (See Box 1 below).

BOX 1

METHODOLOGICAL NOTES ON THE ANALYSIS OF REMITTANCES^a

The delivery of remittances to household members must be analysed in the context of the interrelationship between an optimization of household investments and savings of emigrants, and a maximization of the benefits for the household and the family (i.e., those staying in the sending country).

Remittances may be understood as being the result of an agreement between the individual migrant and his/her family. Considering the possible alternative uses of the money ñ particularly for consumption and for investment ñ an enormous theoretical and practical difficulty arises when trying to estimate these flows, their impacts on the economy and on society. Nonetheless, in an attempt to contribute to their analysis, the authors divided remittances in four groups:

- **Potential remittances:** Savings available for migrants after they cover all basic expenses in the receiving country. These represent the maximum value available in terms of remittances at a particular moment in time.
- **Fixed remittances:** The minimum value a migrant sends back to his sending country in order to meet his household’s consumption needs and other existing obligations.
- **Discretionary remittances:** Any additional remittances that are not fixed. Along with fixed remittances, they represent the current amount of remittances.
- **Saved remittances/retained savings:** The difference between potential and effective remittances during a particular period. They are accumulated in a stock of resources, and be used to complement future remittances. In practice, these savings constitute a portfolio that may be used either in the sending country or in the host country, depending on the holder’s decision in terms of mid- and long-term conditions.

Each of these components is linked to different motivations, in turn affecting the potential use of the resources. The motivation behind fixed remittances is the same that fuelled immigration flows in the first place: the household’s income needs in the sending country. Discretionary remittances basically depend on the actual difference between interest rates in the sending country and the receiving country. They also depend on economic stability, convertibility and marginal profitability of resources. If favourable conditions for the optimization of resources prevail, then this type of remittances tend to increase. The counterpart of discretionary remittances are saved remittances, or retained savings. These resources decrease (*ceteris paribus*), as long as the other ones increase.

Remittances exist only if there is a migration flow. This statement may seem obvious, but it stems from the difficulty for an effective analysis of remittances. The array of motivations that compel an individual to leave his/her country reflects on the way remittances are divided. These conditions determine the magnitude and frequency of remittances.

Note: a) Based on Wendell (2000), who in turn, based his work on Wahba (1991).

The total amount of remittances sent to Central America, what they represent in relation to the GDP and to the value of each country's main exports' increased significantly during the 1990s, as shown in Table 9. In 1996 it added to over three times the value of coffee exports in El Salvador, 80 per cent of coffee exports in Guatemala and Nicaragua, and half the value of banana exports in Honduras. As a percentage of the GDP, the importance of remittances has also grown in time. It is clear, according to this information, that remittances are very important in the region, particularly in El Salvador and – to a lesser extent – in Nicaragua.

TABLE 9
EL SALVADOR, GUATEMALA, HONDURAS AND NICARAGUA: TOTAL AMOUNT
OF REMITTANCES AND MOST IMPORTANT COMPARISONS, 1990, 1995-1996
(millions of US\$ and percentage)

	1990	1995	1996
El Salvador			
Remittances (millions of US\$)	357.5	1,060.8	1,086.6
% of GDP	7.9	16.1	16.0
% of total value of exports	55.5	63.9	59.9
% of the value of coffee exports	137.4	293.1	320.5
Guatemala			
Remittances (millions of US\$)	96.5	349.7	362.7
% of GDP	1.3	3.3	3.2
% of the total value of exports	8.0	16.2	16.3
% of the value of coffee exports	30.5	64.9	76.8
Honduras			
Remittances (millions of US\$)	50.0	120.0	128.4
% of GDP	1.6	3.0	3.0
% of the total value of exports	5.6	8.3	8.0
% of the value of banana exports	14.0	56.0	50.4
Nicaragua			
Remittances (millions of US\$)		75.0	95.0
% of GDP		4.0	4.6
% of the total value of exports		14.1	14.1
% of the value of coffee exports		57.1	82.2

Source: State of the Nation Project (1999b), based on Torres (1998).

In the case of Nicaragua, few theoretical or empirical studies exist regarding the impact of remittances in the country's economy, as a concrete result of migration flows.²⁶ Furthermore, the Central Bank of Nicaragua does not have a consistent record of incoming remittances. These are recorded as current transfers in the balance of payments, along with other inflows of external resources. Table 10 shows the evolution of this item of the balance of payments throughout the 1990s.

Thus, for the year 2000 the Central Bank of Nicaragua estimates current transfers to total US\$ 320 million, although their origin is not specified. The strong increase in the flow of transfers predicted by this Bank, especially starting in 1997, is consistent with the aforementioned increase in the

number of Nicaraguan emigrants. As a result of the higher revenues brought about by transfers to the country, especially when the numbers are compared to the GDP, their economic impact will necessarily be greater, due to their stimulus of internal demand.

TABLE 10
NICARAGUA: EVOLUTION OF CURRENT TRANSFERS^a AND THEIR MAIN RELATIONS,
1990-1999
(millions of US\$ and percentage)

Year	Millions of US\$	Percentage of GDP	Percentage of total exports
1990	15.0	1.0	4.5
1991	15.0	0.9	5.5
1992	10.0	0.6	4.5
1993	25.0	1.4	9.3
1994	50.0	2.8	14.9
1995	75.0	4.1	16.1
1996	95.0	4.9	20.4
1997	150.0	7.6	26.0
1998 (prel.)	200.0	9.7	34.9
1999 (prel.)	300.0	13.6	55.0
2000 (prel.)	320.0	13.7	50.4

Note: a) Including remittances to families and others.

Source: External Programming Department at the Central Bank of Nicaragua, and *El Observador Económico*, No. 108.

Table 11 shows some additional details about the mechanisms used to send remittances to Nicaragua.

TABLE 11
NICARAGUA: DELIVERY MECHANISM FOR CURRENT TRANSFERS^a, 1997-2000
(millions of US\$)

Concept	1997	1998 (prelim.)	1999 (prelim.)	2000 (prelim.)
Total Current Transfers	150.0	200.0	300.0	320.0
Remittances services ^b	103.5	130.3	187.0	200.0
Bank remittances services ^c	15.0	14.8	20.0	20.0
Remittances transfers at border posts ^d	3.0	9.5	18.0	20.0
Others ^e	28.5	45.4	75.0	80.0

Note: a) Including remittances sent by Nicaraguans residing abroad to their families. b) Based on data from a survey conducted among remittance delivery services. c) Based on data from a survey conducted among banks' remittance delivery services. d) Estimated from border post records. e) Adjustments in coverage (personal deliveries by air, ground or maritime transportation) based on migration movements.

Source: *El Observador Económico* No. 108, January/February, 2001, citing the Central Bank of Nicaragua.

In a study conducted for ECLAC, Pritchard (1999) estimated that in 1998 nearly US\$ 200 were remitted to Nicaragua from Costa Rica. Individual remittances averaged between \$30 and \$80 per month. Remittances from the United States ranged between US\$ 400 million and US\$ 600 million, resulting in an average amount of \$100-\$500 for individual remittances. Moreover, according to the study if current growth rates persist, by 2003 total remittances could range from US\$ 805 million to US\$ 1.6 billion.

However, these figures must be taken with caution, as they tend to overestimate the magnitude of remittances, particularly when compared to the performance of some economic variables in Nicaragua, such as inflation and the balance of payments (ECLAC, 1999). A different estimate, which will be presented later, corroborates that Pritchard has overestimated the amount of remittances, at least those coming from Costa Rica.

In any case, when assessed beyond their magnitude it is clear household remittances sent by Nicaraguans living abroad have played an important role concerning the domestic demand and its resulting impact in Nicaragua's economic growth. This was the case at least in 1999, when despite the great damage caused by 1998's Hurricane Mitch the economy showed the highest growth rate of the decade (ECLAC, 2000a: 265).

Although they do not specify the amounts of remittances coming from Costa Rica, two surveys underscore the importance of remittances for Nicaraguans. First, according to the 1998 Survey to Measure the Living Standards, 20.5 per cent of the Nicaraguan households received remittances from family members and friends.²⁷ These households are located mostly in urban areas of the country. The Pacific Region's urban centers show the highest percentage of households receiving such remittances – with 30.6 per cent – followed by the rural homes in the same region (29%).²⁸

CINASE'S survey of March,²⁹ yielded similar results: 21.8 per cent of Nicaraguan households received money remitted by family members living abroad. Half of these families received occasional remittances, while the rest got money and different kinds of aid on a monthly or bimonthly basis. It is interesting to note that 20.5 per cent of the households surveyed are not sent any money, despite having family members who migrated.³⁰

On the remitter's side, the NI Survey in Costa Rica (Annex 2) shows that only 44.1 per cent of respondents actually send money to their families in Nicaragua.³¹ 48.7 per cent of those who send money had sent US\$ 50 or less the last time, and 84.8 per cent had sent US\$ 100 or less. The frequency with which they remit money varies. Half of those who send money said they do so every month or more often (21.8 per cent send money every month without exception), while the other half send it every two to six months.³²

Pritchard's findings (1999) coincide with these results, specifically concerning the magnitude of monthly remittances.³³ However, it seems that this author's estimates of the total amount of remittances from Costa Rica (US\$ 200 million a year) are based on an overestimate of either the number of immigrants who send money, the frequency of delivery, or both. Considering the different sources cited on this topic in previous paragraphs, we estimated the annual volume of remittances from Costa Rica to Nicaragua at nearly US\$ 110 million (See the following box).

Pritchard (1999) also states that 75 per cent of remittances are allocated to finance consumption needs (buying food, clothing, etc); health and education represent 12 per cent of the expenses,

BOX 2

AN ESTIMATE OF TOTAL CASH REMITTANCES FROM COSTA RICA TO NICARAGUA

Using consistent results from several studies we made our own estimate as to the magnitude of cash remittances sent by Nicaraguan immigrants to their families. We assumed that 350,000 Nicaraguans are present in Costa Rica at each moment in time, 100,000 of whom are seasonal immigrants, while 250,000 are members of individual households (settled immigrants).

The latter make up for 88,000 households where at least the head or the spouse/partner is Nicaraguan. That is, it is assumed there are 2.85 Nicaraguans per household on average, as the 2000 Household Survey suggests.

Furthermore, it is assumed that the average monthly remittance adds to US\$ 70, sent every month by all seasonal immigrants, and every month and a half (i.e., eight times a year) by half the number of permanent immigrant households (44,000). The result is an annual amount of US\$ 108.6 million.

9 per cent is invested in small subsistence businesses and housing) and 4 per cent is saved. However, these results are not statistically significant because the sample is very small (140 city families) and it clearly has an urban bias. For this reason, it cannot be stated beyond any doubt that this is the typical allocation of remittances sent to Nicaragua.

In the NI survey in Costa Rica, 82.6 per cent of those who send remittances from Costa Rica to Nicaragua said that the money is used mainly to cover daily expenses, especially food. Other uses, such as covering health-related expenses (5.7%) or education (4.1%) are less significant. Furthermore, 25 per cent of respondents said they have sent other types of assistance to their Nicaraguan relatives – mainly clothes –, which usually are delivered in person or with family members or friends.

A recent study by FLACSO (cited by *La Nación*, 11 April 2001) shows that women send higher amounts of remittances (US\$ 72.1 on average) than men (US\$ 65.6 on average), for a mean average of US\$ 68.3. The phenomenon grows in importance when considering that women earn less than men in average, and therefore make greater efforts to send such remittances.

On the other hand, although most studies assume that a larger share of remittances is sent using private remittances agencies or services, there is no factual base for this assumption. In addition, it is estimated that remittances in-kind (i.e. clothes, used footwear, miscellaneous merchandise and items for family consumption or informal trading activities) stand for a considerable share of the total volume of remittances.

According to the NI survey in Costa Rica, 48.4 per cent of respondents wire the money through remittances services, while 42.4 per cent send it with family members or friends. The Central Bank of Nicaragua reports that agencies have a 62.5 per cent share of the remittances market (Table 11), while Pritchard (1999) estimates this percentage is higher (80%).

FINAL CONSIDERATIONS

The findings discussed above clearly illustrate how remittances from Nicaraguan immigrants to their relatives back home bear a significant economic impact that ranges from neutral to positive in both countries, although some there are also some negative impacts. These adverse impacts reduce – and some times obliterate – positive impacts.

To begin with, the differences in lifestyle between the two countries and the disparities in development levels should be born in mind. Despite the notorious growth of the Nicaraguan economy over the past five years, its labour market is still unable to absorb the labour supply in full. On the other hand, Costa Rica maintains a sustained demand for labour in agriculture, construction and the services sector, due to growing difficulty to hire Costa Ricans, whose social and employment expectations have changed significantly during the last years. In order to fill this gap, and pressured by the needs of the production system, it is not surprising that a surplus of Nicaraguan labour has emerged as an alternative. Nicaraguan surplus labour supply emerges as an alternative.

Costa Rican business sectors with more links to the phenomenon of Nicaraguan immigration tend to come up with a positive balance on its overall significance in terms of the economy, as summarized in the following table.

TABLE 12
 COSTA RICA: PERCEPTIONS OF THE BUSINESS SECTOR ON THE ECONOMIC IMPACT OF NICARAGUAN IMMIGRANTS IN COSTA RICA

Aspect	National Chamber of Agriculture	League of Agricultural and Industrial Production of Sugar Cane	Costa Rican Chamber of Construction
Contribution to production			
Contribution to productivity			
Complementariness with Costa Rican workforce			

Note: Positive impact Neutral impact

Source: Annex 3.

While being part of the workforce in Costa Rica, Nicaraguan immigrants are mostly wage earners who are paid lower hourly wages than Costa Ricans with similar skills. This *per se* reveals the economic determinants and social asymmetries existing when dealing with immigration, calling for a reading of the issue from a human rights perspective. In this line of thought, the Costa Rican Ombudsman’s Office (*Defensoría de los Habitantes*), has drawn attention to the need to monitor the role of some contractors as job intermediaries, as well as the need to improve the capacity of the Department of Labour authorities to protect the working conditions of immigrants in particular, and of the population at large (Ombudsman’s Office, 2001).

An analysis from the point of view of the human capital in both countries leads to the conclusion that Nicaraguan emigrants have higher qualifications than the average of their peers who do not migrate, which implies a decapitalization for their country. However, they also have less schooling than Costa Ricans, barely showing the minimum skills to incorporate themselves into a more competitive labour market, as is the case in Costa Rica.

On the other hand, the immigrant population is young. This results in a demographic dividend for Costa Rica, whose labour force is reinforced in age ranges associated to activities that require greater physical strength, such as construction and agricultural activities (the latter linked to the export of traditional and non-traditional products). Moreover, occupation of female immigrants

as domestic servants facilitates, in many cases, the incorporation of national female workers into the labour force. Finally, another side to this demographic dividend relates to the contribution of this labour force – working mostly in the formal sector – to the Costa Rican Social Security System. This compensates, at least in part, the increase in the number of retirees.

The presence of women is significant in migration flows, as well as in the flow of remittances. Immigrant women work mostly as domestic workers, where they stand in disadvantage, as their schedule should be 12-hours long according to the Labour Code.

Regardless of how much more or less of the US\$ 200 million worth of yearly remittances sent to Nicaragua come from Costa Rica, the truth is that they only represent 1.5 per cent of Costa Rica's GDP, while they represent 8.6 per cent of Nicaragua's GDP. Nevertheless, the social impact of remittances (which allow for the socio-economic reproduction of many Nicaraguan households) appears to be more important than the economic impact, because over the years they have not been able to significantly affect the country's economy on the whole.

As far as the future is concerned, although remittances are expected to have a greater economic impact in Nicaragua, it is clear that permanent migration and seasonal flows into Costa Rica will continue for as long as Nicaragua remains unable to reactivate its economy in a sustainable manner, and that this translates into effective opportunities for the various social sectors, and the Costa Rican labour market remains capable of absorbing this surplus of Nicaraguan workforce.

THE SOCIAL IMPACT OF MIGRATION

The paradox of migration today is that it can be both integrating and disintegrating at different levels, sometimes even simultaneously. In brief, its social impact can be ambiguous (Van Hear, 1995).

From this point of view, the authors used a qualitative approach on the social impact of immigration from Nicaragua to Costa Rica, considering two great dimensions of the phenomenon in Costa Rica as a receiving country: the demand for social services and the mechanisms for social integration. In Nicaragua, the focus will be on the family structure and relationships.

THE SOCIAL SITUATION OF IMMIGRANTS IN COSTA RICA

Costa Rican society has undergone several changes since the mid-1980s. Among them, the presence of Nicaraguan immigrants has been massive in slums and poor urban areas, as a result of the appeal for certain economic activities over the surplus of Nicaraguan labour. This situation intensified amid the implementation of structural adjustments in Costa Rica. Nicaraguans seized job opportunities in Costa Rican coffee and sugar cane plantations, as well as in the construction, commercial and domestic services sectors.

Despite its limitations concerning immigrants, the 2000 Household Survey shows that poverty – measured as an insufficient income – was greater among households where either the head or the spouse is Nicaraguan (24.9 per cent of the households and 31.9 per cent of the people), than among other households (20.9 per cent and 23.1 per cent respectively). The situation is more severe for Nicaraguan families when their saving efforts (for remittances) are taken into account. This suggests that their actual poverty levels are even greater. When the methodology of unmet basic needs is used to assess poverty, as will be discussed later, Nicaraguans are also worse off than Costa Ricans. However, it is interesting to note that in all-Nicaraguan families the incidence of poverty is quite less, even when compared to Costa Rican households. This may be explained by the lower number of dependents in these households, as well as their higher number of income-earners. Therefore, one might expect that in the eventuality that the family got together again, their situation would be rather more similar to that of the other households.

Ever since migration flows began, neither Costa Rican society nor the state's social services have been prepared to deal with the massive number of Nicaraguan immigrants. This situation is exemplified in Costa Rica by two phenomena:

- The limitations to assess the impact of immigration, as most institutions do not keep records on the nationality of their users.
- There are no specific policies on immigrants. The main concern has always been related to measuring the financial impact of immigrants' additional demands for social services, but there is no comprehensive approach to the issue.

Some efforts have been made to overcome these shortcomings and to develop specific policies for Nicaraguan immigrants.

Regularization of Immigrant Workers Status

Costa Rica's Department of Labour (*Ministerio de Trabajo y Seguridad Social* – MTSS) has adopted two main lines of action on the issue. Firstly, it has carried out several diagnostic studies on immigrant workers involved in seasonal agricultural activities. Secondly, it has strengthened surveillance and inspection efforts on the conditions workers are hired under. Furthermore, inasmuch as Nicaraguan immigrants are more protected from the legal point of view because of the amnesty process, a growing number of workers have resorted to the MTSS to present claims for violation of their labour rights. Nearly 25 per cent of the total number of claims handled by the central offices of the Department of Labour are placed by Nicaraguans, and about 20 per cent involve working relationships. Both percentages increased during the last months, a fact that can be attributed to the recent migratory exception regime (Ombudsman's Office, 2000: Chapter I, Section G).

The MTSS faces limitations in terms of its human and financial resources to control employer abuses. Some of the 27 inspection offices scattered throughout the country lack the technical resources and transportation means to visit companies on a constant basis (*loc. cit.*).

Twenty-four percent of NI survey respondents (Annex 2) indicated that when they applied for a job they were treated differently than Costa Ricans, and 29.7 per cent indicated their wages are lower than those earned by nationals.

One of the diagnostic studies drawn up by the MTSS on seasonal job hiring and the enforcement of workers' rights found that for the 1999-2000 harvesting season 5,000 workers were needed for three activities. In sugar cane harvesting, 51 per cent of the workers hired were foreigners, while 32 per cent and 17 per cent of those hired to work in the cantaloupe and citrus fruits fields, respectively, were immigrants (MTSS, 1999: 3). Particularly during the sugar cane harvest, the Department of Labour monitored the extent of compulsory affiliation to the Social Security System, and found out that wages were underdeclared by nearly 50 per cent (MTSS, 2000b: 7). Percentages of affiliation to the Social Security System vary widely among sugar cane companies. In some of them nearly 76 per cent of the workers are on Social Security, while in others this rate averages 12 per cent of the workers (MTSS, 2000a: 13).

Such enforcement and surveillance efforts are also curtailed by limitations of resources, such as those noted above, as well as by the difficulty to articulate and monitor the implementation of an inter-institutional plan of action that involves all entities dealing with immigrants, i.e. the MTSS, the Social Security System (CCSS), the National Insurance Institute (INS) and the General Directorate of Migration (DGME). Coordination efforts among them have not yielded the expected results (MTSS, 2000b: 10).

In this regard, the Ombudsman's Office has pointed out that the MTSS urgently requires establishing mechanisms to follow up on the findings of its own diagnostic studies (Ombudsman's Office, *op. cit.*). Likewise, it has pointed out that "...the topic of immigrant workers' working conditions would be incomplete and restricted only to supervision efforts, unless the need for a

national policy on work and hiring is met, covering the whole of the country's inhabitants, and specifically addressing the issue of immigrant workers. This is a pending task that should absorb most of the MTSS efforts concerning this issue" (*loc. cit.*).

The Health Sector

Information systems on health-care institutions have proven inadequate for estimating the impact of the immigration phenomenon, since the nationality of these services' users is not recorded. Therefore, some indirect estimates have been used to measure the impact of immigration on the demand for health-care services. The hospital system used to record the place of residence – not the nationality – of patients until March 2000, when some changes were implemented in the registration form to allow for the nationality to be directly recorded.

The 2000 Household Survey shows that 57.2 per cent of the Nicaraguan immigrants it covered were affiliated to the Social Security System, either directly or as dependents of directly affiliated family members. Pisoni (2000) came up with similar results using data of the 1999 Household Survey, as well as other relevant observations. He pointed out that Social Security coverage rates are similar to those of Costa Ricans (83%) among Nicaraguan immigrants working in the so-called modern agricultural and non-agricultural sectors. Those who are not covered by the health-care system are among the most vulnerable groups of Nicaraguan immigrants. Eight out of every ten Nicaraguans who are not covered by the system are children under 12 years of age, economically inactive –mostly women –, unemployed, or labourers in traditional agricultural activities and domestic workers. Poor Costa Ricans that cannot pay their affiliation to the Social Security System are covered by the State. Nicaraguan immigrants who reside illegally in Costa Rica cannot enjoy this benefit. Furthermore, it is important to bear in mind that the Household Survey does not consider seasonal immigrant workers, who are usually not covered by the Social Security System.

Despite the lack of coverage by the Social Security System among some immigrants, two aspects should help better understand their situation. First, in Costa Rica all inhabitants – regardless of their nationality – have a right to benefit from basic health care. Second, at emergency services in hospitals, people who are not covered by the Social Security System are treated as outpatients and may be hospitalized. The only difference between patients who are covered by Social Security System and that the former is that the insurer pays for their sick leave. Meanwhile, patients who are not covered by the Social Security System are first treated and must subsequently arrange to pay their debt.

Non-affiliated immigrants who are treated have had to take on these debts directly, especially after the government of Nicaragua unilaterally broke-up the Bilateral Treaty between the Nicaraguan Department of Health (INSS) and the CCSS. This treaty was signed in April 1980 with the aim of regularizing the payment of obligations resulting from treating non-affiliated Nicaraguan immigrants. The INSS failure to pay its outstanding debt – the last payment was made in October 1997 – only complicates matters for this segment of the population. According to the CCSS's Financial Department, Nicaragua's total debt for unpaid bills amounts to ¢60.8 million, 88.9 per cent of which are owed by the INSS, while the remaining 11.1 per cent are owed by the Nicaraguan Department of Health. However, regardless of the likelihood that the magnitude of the debt of Nicaraguan health authorities with the Costa Rican Social Security

System has been underestimated, relatively speaking it has been overestimated and is far from the dramatic levels usually imposed when addressing the issue. This is reflected on the fact that it represents a mere 0.22 per cent of the debt of Costa Rican private sector employers, and a little over a fifth of the amount owed by the CCSS's major doubtful debtor company.³⁴ Therefore, it would be unquestionably convenient to regularize the legal situation of immigrants, resulting in more transparent and mutually beneficial relationships in the provision of health-care services to this segment of the population.

It is easier to estimate ambulatory consultation services based on the Survey on the Causes of Outpatient Services carried out at health-care centers that record the patient's place of birth. Data from this source show that the percentage of foreigners that used outpatient consultation services rose from 1.3 per cent in 1992 to 4.3 per cent in 1997 (CCSS, 1999a: 2). Regarding hospitalization services, 5 per cent of the patients are estimated to be foreigners, as well as 4 per cent of all emergency service patients.³⁵ Ninety seven per cent of all foreign patients were born in Nicaragua. At the San Juan de Dios Hospital, the number of Nicaraguan patients released is estimated to have increased from 1 per cent in 1993 to 4.2 per cent in 1999 (Morales, 1999: 63).

The estimated cost of serving foreigners through outpatient consultation represented 4.4 per cent of the total health-care coverage expenses (CCSS, 1999a: 4). The CCSS's Actuarial and Economic Planning Division made this estimate using the average consultation costs and the average length of stay at health-care institutions for 1997 and 1998. Meanwhile, the estimate of the number of foreigners released from hospitals was based on their average length of stay of 5.73 days for 1997 (CCSS, 1999b).

Statistics on affiliation to the Social Security System are not done by nationality. As a result, it is not possible to learn whether the migratory amnesty allowed more immigrants to have formal access to the system.

Furthermore, by devising informal mechanisms the creation of solidarity networks within the Nicaraguan immigrant community procures better access to health services for all. For example, an affiliated person may lend his/her Social Security card to someone who is not covered by the system.

Until now, an administrative and financial-oriented approach has dominated the way the health-care sector deals with Nicaraguan immigrants, i.e. estimating the effects of immigration on health-care expenditures. No comprehensive health-care policies have been designed to address the specific needs and characteristics of Nicaraguan immigrants, particularly needed for basic services. This void is worrisome, especially when considering the increase in population numbers of Nicaraguan children and Costa Ricans born from Nicaraguan parents. This segment of the population is a potential beneficiary of health services at all levels (vaccination, pediatrics and supplementary nutrition, etc.) Furthermore, no specific plans of action have been devised to address the factors of morbidity affecting Nicaraguans – work-related pathologies in the case of men and childbirth-related diseases in the case of women (Ombudsman's Office, 2000). Devising preventive and reproductive health-care programmes suited to the specific needs of the Nicaraguan immigrant population, along with increasing the number of affiliates to the Social Security System, might lessen the burden of their treatment on emergency and hospitalization services.³⁶

**RECOMMENDATIONS FROM THE OMBUDSMAN'S OFFICE ON IMMIGRANTS' ACCESS
TO HEALTH-CARE SERVICES**

It is important to establish, at least:

- A single registration mechanism for all hospitals, in order to improve the comparability of data and support the creation of pertinent, comprehensive health-care policies.
- Foster public campaigns to raise Social Security affiliation rates.
- Bring down saturation levels of emergency services, by granting this population access to clinics and day-care centers, even if they are undocumented.
- Design and launch family planning campaigns that are tailored to this segment of the population, as well as campaigns on paternal and maternal responsibilities.
- According to some doctors, the epidemiological profile of the immigrant population is similar to Costa Rica's back in the 1960s (diarrhea, parasites, viruses, etc.). If this is true, sanitation and prevention policies must be strengthened in order to reduce the number of cases remitted to hospitals for treatment. Unfortunately, the EBAIS (Basic Health-Care Services Units), which would be ideal for this task, still lack the necessary efficiency levels.
- Given the higher birth rate in this population, an increase in the demand for pediatric services may be predicted over the short term.
- A preventive programme must be implemented to prevent work-related accidents, as this is the most frequent cause for consultation among male immigrants. This must be done in close coordination with the National Insurance Institute and the National Commission on Occupational Health.

Source: Ombudsman's Office, 1999-2000 Annual Report, Chapter I, Section G, item 5 'On the immigrant population's demands for services'.

The Education Sector

Nationwide education statistics do not make it possible to assess the impact of immigration on the educational system, because even when the nationality of enrolled children is stated, their parents' is not. Data from the Department of Education's Statistics Division show that 2.8 per cent of the total number of students in 1999 were Nicaraguan, i.e. three times more than the 0.7 per cent rate of 1992 (Morales, 1999: 69). It must be taken into consideration that the growing percentage of children born in Costa Rica whose mother is Nicaraguan (or foreigner in general) are registered as Costa Rican.

Because the massive immigration of Nicaraguans was a phenomenon of the past decade, it is still premature to attempt an intergenerational (parents-children) analysis. However, the occurrence of definitive settlement and family reunification processes – along with an important contingent of “intercultural” households, as described in section 1.4.f – provides enough grounds to suggest a review of educational strategies. Schools must learn to cope with a growing number of children and adolescents whose socialization takes place in Costa Rica, but whose families and cultural roots remain in Nicaragua.

Although the percentage of Nicaraguans is small with respect to the total number of students, the figures vary significantly in the areas with the largest concentrations of permanent immigrants. A qualitative analysis carried out by the International Organization for Migration (IOM, 1999a) as part of its Programme on the Improvement of Living Standards and Integration of Immigrants in Costa Rica, reached the following conclusions about the impact of immigration on the formal education system:

- Schools located near extensive immigrant settlements are facing an overpopulation of students. This adds to already existing problems of infrastructure and lack of equipment and didactic materials;
- Teachers face difficulties to deal with “fractured groups” from a technical, psychological and social standpoint, due to the presence of children who are older and with a poorer academic level than the rest;
- Having classes with different pedagogical needs pose technical difficulties;
- Intolerance and stereotyping in the classroom among students because of their nationality. This leads to low self-esteem among immigrant children.

In the areas that attract seasonal migrant workers, it is common to see a flow of new students throughout the year, making it difficult to adequately provide for equipment, didactic materials, and furniture for the entire school year. This also aggravates the problem of overage and academic differences among students. This situation “is invisible in current statistics”, making it impossible to quantify and predict the movement of students between schools (IOM, 1999a: 26-27).

Aware of the problem, IOM and the Costa Rican Department of Education are currently implementing a project aimed at enhancing the educational system’s capacities in communities that absorbed a significant number of Nicaraguan immigrants in the aftermath of Hurricane Mitch. These communities are facing a great demand at an elementary school level. The programme is sponsored by the United States Agency for International Development (USAID) through a US\$ 5 million grant. It has two main components:

- Infrastructure: 210 new classrooms are being built and fitted out; 47 classrooms and 45 sanitation batteries are being built in overpopulated schools with significant numbers of immigrant students;
- Education: 1,850 administrative staff members and teachers from elementary schools and adult education programmes are being trained. In addition, 15,000 students from selected schools will receive didactic materials. This component aims at removing some of the obstacles facing immigrant students to enroll and successfully stay in the school system.

The programme covers 297 schools located in 109 districts with a significant presence of immigrants. A December 2000 evaluation of the programme showed that its implementation had been highly satisfactory, as some of its original goals have been even surpassed (IOM, 2000b).

Welfare Programmes

Welfare programmes financed by FODESAF by law (Art. 2, Law No. 5662 of Social Development and Family Allocations), can only serve Costa Rican low-income families. On the other hand, 68 per cent of the programmes implemented by the Mixed Institute of Social Services (*Instituto Mixto de Ayuda Social*, IMAS) are financed through FODESAF, and only 32 per cent are financed with the institution’s own resources. IMAS’ law defines its beneficiaries as the population living in poverty within the national territory, without specifying their nationality. This enables the institution to assist immigrants legally residing in the country with their own resources.

The so-called school bonus is a financial subsidy granted only once a year to poor students selected by the schools themselves, in order to assist their families with the purchase of uniforms, footwear, and school implements. While this bonus is financed with FODESAF funds, because

the International Convention on the Rights of the Child is binding upon domestic law, immigrant children are also covered by this benefit. In 1999, over 90,000 students were assisted with this bonus, with a per-capita amount of approximately US\$ 25. DANEA has estimated that 10 per cent of that year's bonuses were granted to Nicaraguan children (Morales, 1999; p.75).

The Department of Education's scholarships programme, which is managed through the National Scholarship Fund, cannot benefit foreign students because its Constitutive Law (Law No.7658 of February 27, 1997) provides that only Costa Ricans may be beneficiaries (Idem). The Ombudsman's Office appealed the measure claiming it is unconstitutional after several foreign students questioned this provision in 2000, and asked that it be amended (Ombudsman's Office, 2000). The number of beneficiaries from scholarships is much less than the number of school bonus beneficiaries. A total of 19,354 scholarships were in force by July 2000. This programme involves a monthly transfer of resources of roughly US\$ 9 per student for elementary school students, and US\$ 15 per student for secondary school beneficiaries.

Housing

According to the Department of Housing, 42 per cent of squatter community residents in Costa Rica are foreigners, mostly Nicaraguans (Table 13). In absolute numbers, this equals 69,971 persons and 13,995 families. These data were estimated from several samples. It is not possible to validate the methodology used for their calculation, since the Department of Housing releases only the aggregated data by province, and they are not broken down by squatter community.

TABLE 13
COSTA RICA: NUMBER OF FOREIGN FAMILIES LIVING IN SQUATTER
COMMUNITIES BY PROVINCE, 1999
(absolute numbers and percentage)

Province	Number of squatter communities	Foreign families living in shanty towns	
		Families	% of total
Total	302	13,995	42.3
San Jose	104	8,432	25.5
Alajuela	47	1,271	3.8
Heredia	32	940	2.8
Cartago	27	1,091	3.3
Guanacaste	26	494	1.5
Puntarenas	42	1,138	3.4
Limon	24	629	1.9

Source: Housing Department (MIVAH), in UNDP, 2000: 190.

More specific studies conducted in certain squatter communities have yielded different results. For example, in newly created squatter communities immigrants are estimated to represent 50 per cent of the residents, while in older settlements the percentage is considerably lower (Morales, 1999: 79). A 1997 survey carried out by FLACSO concluded that 47 per cent of Nicaraguan immigrants live in La Carpio, 15 per cent live in the southern quarters, and 8 per cent live in Rincon Grande de Pavas. Considering these data, the total number of Nicaraguan immigrants living in these three locations stands at 14,500 (Cardona, 2000: 50).

The housing legislation does not restrict access of immigrants to housing programmes. Article 6 of the Operating Rules of Procedure of the National Housing System provides that “Aside from nationals, foreigners may be beneficiaries of the FOSUVI, provided that their migratory status and their family and working situation show reasonable perspectives of them residing legally and permanently in the country, and sustained with their own income” (cited by the Ombudsman’s Office, 2000).

However, no housing policy directly considers or addresses the situation of immigrants, as the Department of Housing has acknowledged (*Idem*). In 13 years of existence, the National Mortgage Bank (Banco Hipotecario de la Vivienda) has approved 1,736 subsidies for families headed by a foreigner (*Idem*). It is presumed that most of these cases correspond to “mixed” households that are therefore representative of exchange networks and socio-cultural relationships amongst nationals from both countries.

It is worth noting that, generally speaking, the consolidation of squatter communities inhabited by significant numbers of immigrants leads to their social exclusion due to their nationality.

Cultural Impact

The cultural impact of the migration phenomenon requires middle and long-term assessments. Nonetheless, there are clear indications that a “tico-nica” or Costa Rican-Nicaraguan culture is developing in some family units. As a matter of fact, the 2000 Household Survey found that Costa Ricans and Nicaraguans are living together in 5 per cent of all households, which may be labeled as being “intercultural”.

Nicaraguan immigrants, on the other hand, have gradually created opportunities to preserve their traditions in the various parts of the country where they have settled down. The celebration of the *gritería*, on December 8, is an emblematic example of this. Furthermore, they have attained a presence in the media with programmes such as *La Voz Nica*, the *Revista Noticiosa Nicaragüense*, and *Nicaragua y Usted*. In the sports arena, numerous Nicaraguans participate in local baseball tournaments and boxing matches. *Zadidas*, which is a traditional disco located in downtown San Jose, organizes special events for Nicaraguans on Sundays, for example broadcasting baseball games from the Nicaraguan tournament.

The NI survey (Annex 2) collected important information on this issue. Among the traditions that immigrants want to preserve the most are their dishes (38.9 per cent of respondents) and the celebration of *La Purísima* (34.8 per cent of respondents). Three of every four respondents (76.4%) thought their traditions are respected, while the remaining said they are mocked for their traditions.

THE SOCIAL IMPACT OF MIGRATION IN NICARAGUA

The social impacts of emigration in Nicaragua are multiple. In a context of widespread poverty, migration has turned into a sort of escape valve to channel the workforce surplus. However, in the long run this may cause a loss of human capital. On the other hand, aside from the economic impact of remittances (as discussed in Chapter 2), they allow for those staying in Nicaragua to improve their living conditions. The most recent study carried out by FLACSO on Nicaraguan

migration found that: 1) the average monthly remittance amounts to US\$ 68.3, a third of an average salary in Nicaragua and 73 per cent of the minimum wage. In fact, this amount is slightly more than an elementary school teacher earns (\$65). 2) Remittances have prevented 70 per cent of those interviewed in Nicaragua to fall into extreme poverty, and have helped the remaining 30 per cent to overcome poverty.³⁷ Several of the studies commented above show that remittances are used to cover daily expenses, and they are rarely use for savings and investment purposes.

From the point of view of the families, the main advantage of emigration is that it enhances their capacity to sustain family units by improving their living conditions, reducing poverty trends, and placing them at least in similar conditions with respect to their neighbors. This pattern is similar in families where it is males who emigrate as in those where women emigrate. Overall, the families that said they are better off now than before migrating and better off than their neighbors, usually have had a 3 to 5 year “migratory experience” with one or more family members, and/or a reduced family unit because some of its members moving out to join the original emigrant.³⁸ Some findings show that women are more inclined to saving than men are, due to their socially accepted responsibility of the family’s sustenance, and their emotional longing to reunite the family.³⁹

Despite the positive impact of remittances in terms of meeting the household’s basic and material needs, migration bears the social cost of family disintegration. As Cranshaw and Morales (1998) point out, as a strategy for survival migration leads to a remaking of the family unit, both in terms of their internal relationships and in the assignment of roles and responsibilities among family members. There are “power transferences”, “designated tutors”, or the fusion of several households, thereby creating single extended families. These are all examples of the visible impacts of migration on family structures. Nevertheless, there are invisible impacts as well, namely the emergence of psychosocial problems.

Generally, when a family opts for migration as a survival strategy, they choose the family member that has better chances of entering the job market. When there is no offspring in a productive age, usually the head of the family migrates, and typically women assume the leadership role at home and undertake other economic activities (usually experiencing underemployment). With this, they try to increase their contribution to the family unit. Quite often the relationship of the migrant male with his family dissolves in time. Remittances become sporadic and eventually, he settles down in the new country and starts a new family.

When women are the ones who migrate on their own account, they usually favor the migration of other household members in their efforts to regroup the family. When they are not able to bring along their families, they maintain a relationship with them over the years, becoming a distant but affectionate referent for their sons and daughters. Gradually the role of head of the family passes on to the elder children, particularly concerning the rearing of younger children. When there is no father figure, an aunt or grandmother is left in charge of the household. In this last scenario, frictions arise because the daughters are faced with an ambiguous situation where they assume motherly responsibilities, but have limited authority on the administration of the scarce resources they own.

Once the mother decides to return for good, another crisis affects the family, as the daughters who were left in charge of the household rarely adapt to the mother’s tutelage. In the process younger children suffer the consequences, because traditionally older sisters’ rules are more

flexible than their mother's. Nonetheless, if the mother comes back for a temporary visit, the original structure defined by the adults who are responsible for the family's tutelage remains unchanged.

According to Cranshaw (CIEG, 2001), children and adolescents are particularly affected by the break-up of their homes and the loss of their most important affective referents. The households where the male head migrates suffer less on this regard. Likewise, migrant women assume more explicitly the socio-emotional effects of migration upon their lives than men do. These findings coincide with the traditional roles assigned to men and women.

Families recognize in women more responsibility, stability and security regarding the delivery of remittances. In fact, in proportion to their earnings, women send more money back home than men do. The comparative advantages of female emigrants also have a bearing on this issue, along with their well-learned concept of social "responsibility". Despite sending back comparatively more money than their male peers, female migrants leave a void, a sense of fracture in the family unit that emotionally affects the children that stay behind. Some of them are psychologically or physically abused, and – what is even more serious – some are sexually molested or raped by the very persons who were left in charge of them (CIEG, 2001). Some extreme situations occur, such as the total disintegration of the family unit, in cases where male children are placed apart from their sisters.

The greater participation of women in the migratory process – both numerically and in terms of their role – has not changed, however, the distribution of work at home. In other words, the "feminine" and "masculine" roles remain unaltered as before the migration phenomenon.

Two other aspects must be born in mind when considering the cultural impacts of migration in the sending country. On the one hand, remittances lead to an excessive dependence and foster excessive consumption (ECLAC, 1999). On the other hand, the additional income is unstable and tends to diminish as emigrants settle down in the receiving country (a situation that in some cases includes family reunification, for example).

FINAL CONSIDERATIONS

Interpretations and analyses on the effects of migration flows both in the sending country and in the receiving country are currently subject to controversy. From a perspective that underscores the development of both nations, several aspects should be highlighted.

First, in spite of decreeing three migratory exception regimes during the 1990s, neither Costa Rican society nor its Government were fully prepared to cope with the massive immigration of Nicaraguans, and provide timely responses in terms of infrastructure and social services. The magnitude of the insufficiencies and the saturation in terms of the demands become particularly valid when considering the regions and local areas where the immigrant population actually settles.

To a certain extent, Costa Ricans feel overburdened by the situation. This feeling provides a propitious ground for prejudice and perceptions that do not correspond with a technical assessment. An example of this is the notion, so common among the population, about the magnitude Nicaraguan immigrants pose on the demand for social services.

Different surveys illustrate the way Costa Ricans feel about Nicaraguan immigrants. A public opinion poll conducted by UNIMER (16-24 January 2001), showed that many considered “allowing immigrants in” as the second most important mistake of the Rodriguez Administration, as indicated by 17.2 per cent of respondents (the first mistake was “wanting to privatize the Costa Rican Institute of Electricity, ICE”, as indicated by 21 per cent of respondents). It is worth noting that in this survey concerns about immigration scored even higher than “the high cost of living” (14.4%), typically the main topic of concern.

Another example of this is the perception the Costa Rican business sector has about the social impact of immigration. This was revealed by a series of interviews conducted as a part of the study (Annex 3), which underscore the perception of a very negative impact on social services.

The fact that migration plays a role of utmost importance in population dynamics and the social reality of both countries has become totally clear. Its impacts shift from the dark to the bright side of a spectrum, striking a frail balance between its positive and negative aspects.

Thus, Nicaragua recognizes the importance of remittances in terms of meeting the basic needs of many households, despite the fact it may also foster family disintegration. On the Costa Rican side of the equation, the need for a complementary workforce has become evident. Regularizing the residence status of many Nicaraguan immigrants is crucial for the sustainability of some economic activities, as well as for the Social Security System. As a result of the rapid growth in the demand for social services, however, the Costa Rican society and government face new challenges, among them the need to strengthen social integration and cohesion mechanisms.

THE ROLE OF GOVERNMENTS, CIVIL SOCIETY AND INTERNATIONAL COOPERATION

OVERVIEW

The Central American presidential summits and Tuxtla agreements created a reference framework for new migratory policies with a human development component.

In the case of presidential summits, the Second Central American Presidential Meeting in 1987 and the Esquipulas II Peace Agreements mark a growing concern for protecting and assisting refugees and displaced populations, and the need to call for the support of the international community. Thus, in most presidential summits subsequently held until the mid-1990s, the Presidents discussed the issues of repatriation and reinsertion of uprooted populations.

At the beginning of this decade a new topic demands the attention of Central American Presidents: the need “to regulate and put order to migratory flows in, to and from the region, in strict observance of human rights”.⁴⁰ In each country, institutions were instructed to start harmonizing migratory legislation, developing a common format for passports and migratory control documents, designing a regional information programme for migratory control purposes, and streamlining procedures to facilitate the movement of people and trade goods across the region. Intra-regional migration and the humane treatment of emigrants living in the United States have caught the attention of Central American presidents in more recent meetings. Notwithstanding the manifest interest on the issue, there is evidence of a gap between the signing of presidential accords and their implementation in the countries and by regional institutions.

As the migratory topic gained momentum in the Central American presidential summits, the Presidents of Mexico and Central America – including Belize and Panama – signed the Tuxtla II accord in 1996. This treaty acknowledges the importance of addressing migration issues and coordinating actions involving the economic and social development of the countries. In March 1996, the First Regional Conference on Migration was held in Puebla, Mexico, which is why it has been dubbed as “the Puebla Process”. Since then, the Conference meets every year, gathering member countries’ vice-ministers. The conference provides a forum for dialogue on regional migration issues, and issues a joint communiqué summarizing the main ideas and experiences exchanged among participants

Government representatives invited delegates from the United States and Canada to the March 1996 Conference. The conference laid the groundwork for a continuous, constructive dialogue on migration issues, and for strengthening regional cooperation efforts to cope with and manage the phenomenon of population movements throughout the region. Then, in March 1997 the Conference adopted a Plan of Action and decided to create a Regional Consultation Group on Migration, as its technical and operative branch. The Plan of Action covers such aspects as migratory policies, the links between migration and development, trafficking in migrants, international cooperation efforts to repatriate extra-regional immigrants, the human rights of migrants, and technical cooperation efforts. Its significance and validity stem from the fact that

it is the result of multilateral dialogue on migration issues that includes all the parties (sending countries, transit countries, and final destination countries).

As a social phenomenon, the dynamics of migration transcend the realm of public policies. The process is inexorably conditioned by the guidelines and regulations adopted by governments. Central American legislation on migration is restricted to establishing admittance categories, requirements and procedures to enter and stay in each country, and delegates the administration of the processes on the national migration offices. However, progress has been made, albeit shy in terms of the mobility of people within the region and in terms of creating regional mechanisms to deal with migration flows. An example of this is the CA4, an agreement signed by Guatemala, El Salvador, Honduras and Nicaragua allowing for the return of their citizens from the different countries in the region to their countries of origin, free of charge and without requiring a visa. Nevertheless, in an attempt to control illegal migration to Mexico and the United States, in January 1999 Guatemala imposed some restrictions on the enforcement of the CA4 for Salvadoran citizens. These restrictions include reducing the time they are allowed to stay in the country, and restricting the provinces they may visit (State of the Nation Project, 1999b: 380).

NATIONAL MIGRATION POLICIES

In the specific cases of Costa Rica and Nicaragua, none of the two countries have developed an explicit policy regarding migration flows. Policies and actions have a short-term and specific focus.

In Nicaragua, four government institutions deal with migration issues: the Department of Labour, the Department of Foreign Affairs, the Department of the Interior and the Nicaraguan Institute of Social Security (INSS). In practice, no public policies exist on migration issues. As a matter of fact, the subject is not explicitly addressed in Nicaragua's *Social Policy*.⁴¹ However, this policy does include actions to help to alleviate the causes of migration, such as promoting, strengthening and protecting the family institution through programmes, plans and projects designed to allow for an integrated growth of each member. The document also states that the government must facilitate the conditions for the private sector to create productive and steady employment opportunities. Additionally, housing policies should aim at improving the living conditions and achieving a better distribution of the population in settlements.

The Population Policy (Social Action Secretariat, 1997) explicitly assumes that Nicaraguans consider Costa Rica as one of the most attractive destinations, and that seasonal agricultural workers pursue work opportunities in this sector even if they lack any legal protection to guarantee their stability in the receiving country. Nevertheless, among its objectives it does mention the need to reduce the migratory pressure in the agricultural borderline zone and other environmentally vulnerable areas around the country. To this end, the document emphasizes on the need to encourage internal migration toward the country's areas with high potential for agricultural, fishing, cattle breeding, mining, or tourism activities.

Since migration is intrinsically linked to poverty alleviation, job creation, agricultural development, crime control and even illegal trafficking of persons across the borders, the Nicaraguan government is taking important steps to plan actions aimed at significantly reducing extreme poverty. As a result, it presented a Poverty Reduction Strategy (Government of Nicaragua,

2000). This document addresses the issue of migration, and underscores the need to prioritize attention to the most impoverished areas when channelling public investments and governmental assistance funds, in an effort to revitalize the production.

Nicaragua's rural population has grown rapidly. This exerts pressure on rural job markets, which cannot absorb a significant share of the active population, especially youngsters. Migration to the urban centres and to other countries "has turned into a mechanism to reduce underemployment – particularly among the poor – and the remittances sent by their families from abroad complement family income, but are rarely enough to overcome poverty. At the same time, the expansion of the agricultural frontier and the settlement of marginal areas will lower average productivity and bring about environmental detriment." (Nicaraguan Government, 2000: 34). The Nicaraguan Government intends to prioritize the links between demographic dynamics and economic development. During the consultation process of the strategy document, the need to define an agenda that aims at the creation of focalized, temporary programmes designed to respond to specific vulnerabilities was raised. A main concern has been the provision of incentives for families and communities, in order to break the inter-generational circle of poverty reproduction. The fact that interventions to protect vulnerable groups are aimed at supporting the education and health strategies was also mentioned. Social security reforms, which are regarded as policy actions with social protection purposes, were also noted.⁴² The matrix of policy actions includes an analysis of social and productive infrastructure requirements in both migratory "attraction" and "expulsion" poles. Implementation is scheduled to begin in 2001, although the institution to be charged with such implementation has not been designated so far. The Nicaraguan Secretariat for Social Action (SAS) is currently promoting a Poverty Eradication Programme following the guidelines defined by the Poverty Reduction Strategy. This programme will be implemented in 60 municipalities around the country, nine of which are located near the borders. It may be said that the first steps are being taken in the areas where worker emigration is traditionally most intense.

In addition, measures to train Nicaraguan citizens who decide to emigrate to neighbouring countries were adopted only recently. The aim is not only to provide them with the opportunity to find better jobs, but also to facilitate their reinsertion in the Nicaraguan labour market.⁴³

The Costa Rican side of the panorama is not radically different. There are no explicit open, closed or selective policies regarding immigrant flows from Nicaragua, nor is there a body of policies and programmes aimed at promoting social integration of the immigrant population over the long term. Consequently, the government's responses to the phenomenon are purely instrumental, of limited duration, and loosely articulated (Dobrosky, 2000: 333). In this context, it is obvious that the reception of Nicaraguan immigrants is not based on "solidarity or altruism",⁴⁴ but is rather a mechanism to meet Costa Rican momentary production needs.

As regards to the legal framework in force in Costa Rica, the General Directorate for Migration and the National Migration Council – which are ascribed to the Department of the Interior – are the institutions empowered by Law No. 7033 to enforce it (see Box 3).

The most recent development in Costa Rica is the creation of the Inter-Institutional Commission, an ad hoc group created by the President of the Republic with the aim of supporting and monitoring the government's efforts on migration, particularly the migratory amnesty. The Second Vice-President of

the Republic is in charge of coordinating this commission, whose main objective is to draft a bill on migration. This bill was presented to Congress on 20 October, 2000 (Record No. 14269).

Another relevant happening was the migratory amnesty decreed by the Costa Rican Government between 1998 and 1999. This issue will be examined later.

BOX 3

COSTA RICA: FUNCTIONS OF THE GENERAL DIRECTORATE OF MIGRATION
AND THE NATIONAL MIGRATION COUNCIL

General Directorate of Migration

- Issue visas for all categories of admission included in the Law and its Rules of Procedure, according to the selection criteria established by the Council.
- Extend the length of stay for foreigners who are in the country.
- Approve changes in the status of foreigners who entered the country with either temporary residence permits, or a non-resident visas.
- Regularize the migratory status of undocumented immigrants.
- Supervise the arrivals and departures of foreigners to and from the country.
- If necessary, and according to the law's stipulations, forbid foreigners from entering the country.
- Declare illegal the entrance or stay in the country of foreigners who cannot prove their migratory status.
- Take away the status of permanent resident or temporary resident, whenever necessary.
- Cancel permanent residence permits in the cases indicated by the Law and its Rules of Procedure.
- Order the deportation of foreigners when any of the causes for deportation stipulated by law should arise.
- Grant departure and re-entrance visas as needed.
- Grant passports, safe-conducts and departure visas to Costa Ricans travelling abroad.
- Grant, renew, or cancel identity cards for foreigners permanently residing in Costa Rica, provided from the Council does not recommend otherwise through an absolute majority vote.

National Migration Council

This body is made up by the head of the General Directorate of Migration, and a representative from each of the following institutions: the Department of Foreign Affairs, the Department of Interior, the Department of Public Security, the Department of Labour, the Justice Department, and the Costa Rican Board of Tourism. The main functions of the Council are as follows:

- Assist the Secretary of Interior and the General Directorate of Migration on migration policies, and propose any appropriate measures for implementation.
- Facilitate the implementation of migratory policies adopted by the Executive, as well as coordinate the work of institutions participating in the enforcement of such policies.
- Establish the selection criteria, particularly concerning labour, to be implemented by the General Directorate of Migration when admitting foreigners, in keeping with the categories stipulated by the law.
- Review and make recommendations concerning residence permit applications.
- Propose modifications for improving the migration law, in a way that better suits the country's needs.
- Propose and study bilateral and multi-lateral migration agreements.
- Promote operational agreements and procure technical assistance from the Intergovernmental Committee for Migration (currently known as the International Organization for Migration) and other international organizations specialized in migration issues.
- Define the requirements to be attached to residence permit applications.

Source: Legislative Assembly. "Ley General de Migración y Extranjería", *La Gaceta Oficial* Daily No. 152, 13 August 1987.

MAJOR EVENTS IN THE BILATERAL RELATIONS REGARDING MIGRATION FLOWS DURING THE 1990S

On 6 January 1993, the governments of Costa Rica and Nicaragua signed a treaty intended to stop illegal migration flows, particularly of migrant workers. The agreement was called the Migrant Workforce Treaty. Some of its provisions were meant to regulate the entrance and permanence of seasonal migrant workers in Costa Rica, particularly those coming during the coffee and sugar cane harvest seasons. The treaty clearly established the migratory procedure and employment conditions: Costa Rican businesspeople hire Nicaraguan workers for limited periods of time.

Some of the treaty's aspects were later reviewed during the fourth Nicaraguan-Costa Rican Binational Meeting, held in 1997 and chaired by the Secretaries of Foreign Affairs. Parliament delegations from both countries and representatives from communities located on both sides of the border participated as well. As a result of the meeting, the Nicaraguan government agreed to issue a special passport for Nicaraguan workers in the consulates of this country in Costa Rica. The passports enable migrant workers to apply for temporary work permits in the categories defined by the Department of Labour in both countries, based on the needs of the labour market.

Meanwhile, the government of Costa Rica agreed to issue temporary work permits to Nicaraguans carrying special or regular passports but whose migratory status in Costa Rica was irregular. "Nicaraguans in these circumstances are ordered to regularize their migratory status, in order to avoid their deportation or expulsion".

These workers had to prove they had a job that met the guidelines established in the 1993 treaty on migrant workers. According to both countries' authorities, the measure would apply starting 1 November 1997. From then on, any Nicaraguan citizens who remained illegally in Costa Rica would be deported. Likewise, as part of the agreement they agreed to set up a common crossing post in the Peñas Blancas border area.

MIGRATORY AMNESTY IN COSTA RICA

During the last decade, Costa Rica declared three migratory exception regimes, two of them during the 1990-1994 Calderon Administration, and the third one in December of 1998 by the Rodriguez Administration. The latter is known as the Migratory Amnesty, and was in force from February through 31 July 1999 (Annex 1). This initiative benefited illegal immigrants from Belize, El Salvador, Guatemala, Honduras, Nicaragua and Panama who arrived in Costa Rica before 9 November 1998. They were offered the opportunity of obtaining a legal permanent residency for a year, extensible for two more years.

The Costa Rican government adopted this measure after the November 1998 Presidential Summit of El Salvador, as a corrective measure in the aftermath of Hurricane Mitch.

By February 2000, 155,316 immigrants had applied to the migratory exception regime, 151,320 of whom were Nicaraguans (97.4%).⁴⁵ A little over half of the applications were submitted by men, and 46 per cent were submitted by women. In addition, 81.9 per cent of the applications

were from adults, while 18.1 per cent were submitted on behalf of minors 18 years old or younger. By April 2000, 125,633 rulings had been issued, 95.4 per cent of which favoured Nicaraguans.⁴⁶ By the end of the process, nearly 140,000 Nicaraguans had regularized their legal status in Costa Rica, as mentioned in section 1.3 of this Report.

Such a measure denotes some progress in the creation of legal conditions for immigrant populations, thereby facilitating the work of other institutions – particularly those in the social sector – and promotes social integration. It is also an improvement with regard to the social control and migratory measures imposed in the past. In this regard, the migratory amnesty must be considered part of a process that will lead to the adoption of comprehensive policies within the social sector institutions.

THE ROLE OF NON-GOVERNMENTAL ORGANIZATIONS

Over the past decades, non-governmental organizations (NGOs) have continuously carried out humanitarian work, leaving aside their ideological and political stances. Their work has involved mostly assistance and promotional programmes for migrants. During the 1980s, NGOs played a key role in assisting and protecting displaced populations, both in their countries of origin and abroad. Some of them acted as counterparts of the United Nations High Commissionaire for Refugees (UNHCR) and other international agencies, conducting an array of projects that range from the provision of direct survival relief, to training and developing community organization skills for productive purposes.

Today, these organizations work developing programmes to reintegrate repatriated, demobilized or internally displaced populations in the countries that suffered armed conflicts. In recipient countries such as Costa Rica, their work has focused on a number of actions to support the integration and acceptance of Nicaraguan immigrants. NGOs in El Salvador Nicaragua, Honduras and Guatemala have also addressed the situation of illegal migrants that are returned from the United States and Mexico.

During the third Regional Conference on Migration held in Canada in 1998, 27 NGOs from all Central American countries, Canada, Mexico and the United States issued a joint declaration addressing several issues. They stressed the importance of considering the links between migration and development, and attack the fundamental causes of migration such as poverty. They also emphasized on the need to strengthen courses of action to protect the human rights of migrants in both sending and receiving countries; and the need to pay special attention to the problem of poverty feminization and to women's growing participation in population movements. Furthermore, the NGOs submitted a proposal before the governments gathered in that forum, on mechanisms for cooperation and an active participation of NGOs in the Regional Conference process.

In 1995, a Permanent Forum of Migrants was created in Costa Rica. This has provided an important opportunity for interaction between the government and civil society. Several public institutions, research centres, international organizations, cooperation agencies and NGOs take part in the forum, whose Technical Secretariat is held by the Ombudsman's Office.

In 1999, the forum defined as its main objective to influence the passing and implementation of comprehensive policies of integration to address migration issues. These policies should be designed to guarantee the respect for the human rights and a good quality of life of immigrant populations living in Costa Rica (four working commissions comprise the forum: labour issues, social issues, legal issues, and information and dissemination issues). More recently, the forum has actively monitored implementation of the Decree and the amnesty process.

The Permanent Forum of Migrants believes that the most important aspects to be considered in the formulation of a comprehensive policy on migration are:

- Improving information systems for estimating and exploring the characteristics of migrant populations;
- The integrality of all social services;
- Strengthened binational cooperation between Costa Rica and Nicaragua.

Regarding the latter, a “Binational Meeting of NGOs” was held in August 1999, in the context of the celebration of the Migrant’s Week. Several civil society organizations from Costa Rica and other Central American countries participated in the meeting. They discussed a list of aspects the Costa Rican Government should take into consideration in designing a comprehensive policy on migration, among them: health, education, housing, employment, and documentation. A relevant result from this meeting was a consensus built around the concept of migrant population, now understood as “a process that allows for the mental, cultural, social and economic growth of individuals, and enhances their self-esteem. It should also facilitate their personal projection, and enable them to learn from their own realities and share them with others to grow without losing their identity, and exercise their rights and grow as groups. It is the possibility of not feeling isolated, but rather as part of a chain, and fulfil a dream. It is the possibility of being integrated in a country that is not ones’ own.”

IOM promoted an initiative similar to the Forum to operate in Nicaragua. It aims to articulate the work of public institutions, civil society at large, and national and international NGOs involved in the issue of migrations.

This gave way to the creation of the Nicaraguan Forum on Migration (FONIMI), which operates as an open, permanent, and humanitarian forum to propose, discuss and monitor the implementation of inter-institutional agreements aimed at solving the causes of inhuman migration. The forum welcomes the participation of national institutions such as the Attorney General’s Office on Human Rights, the Department of the Interior’s General Directorate on Migration, the Department of Labour, and the Department of the Family, among others. International organizations also participate such as IOM, UNICEF, UNDP, the WFP, and others as observers of FONIMI’s efforts to serve migrants. These institutions then have a better idea of FONIMI’s work and can contribute with the more concrete proposals.

This Forum’s main objective is to promote and advocate the rights of migrants, as well as provide its assistance and orientation to better meet their needs. FONIMI is intended to be the cornerstone for the creation of a Secretariat, which will influence national policy and/or design of strategies concerning migration and their legal framework (especially the standards concerning asylum and refugee rights). Participants in the event to create this forum, which was held on 29-30 November 2000, will determine the conformation of this Secretariat.

FONIMI is also expected to monitor both short-term and long-term actions that need to be adopted. In this context, sensitization of decision-makers and the population at large have been given priority.⁴⁷ “The importance of assisting migrant populations relates to the fact that quite often, when scores of people leave the country they are no longer considered to be the responsibility of that country’s government, but they are not the responsibility of the receiving country either.”⁴⁸

In this forum, the Catholic Church will contribute through its work in communities near the border regions, to create a sense of solidarity towards migrant and displaced populations. This work would be carried out in San Carlos (San Juan River), Cardenas (Rivas), Somotillo, Cinco Pinos (Chinandega) and Las Manos (Nueva Segovia). It would involve training community leaders on issues such as migration, social reintegration, human rights, community organization, and formulation and implementation of small-scale projects.⁴⁹ It is also worth highlighting the work of Caritas-Nicaragua in San Carlos⁵⁰ and Cardenas,⁵¹ where it has created migrant service centres migrants and done an awareness-raising work with the population, persuading them to join the efforts of the organization. When there are no shelters available, nearby communities provide the lodging, food, and even jobs for those who are forced to return. Financial resources are obviously scarce to provide jobs for everyone, but at least those facing extreme poverty are given work. Whenever necessary, the volunteers who work to support this social solidarity network collect money in order to send migrants back to their original communities, and even provide them with food. They are usually given emotional support to overcome any kind of mistreatment they may have experienced.

Recently, the Pablo Freire Educational Institute (IPF) and the Nicaraguan Institute for the Promotion of Small and Medium-Sized Businesses (INPYME) – a division within the Department of Foment, Industry and Trade (MIFIC) – signed a cooperation agreement,⁵² whose objectives are as follows:

- Define mechanisms to encourage an exchange of experiences that can also apply to Nicaraguan immigrants living in Costa Rica;
- Promote the exchange of reference material and documentation, and participate in human resources training activities in the areas covered by this agreement;
- Provide funding to innovative projects of mutual interest to both institutions, to encourage the operation of productive networks that produce an added value, in order to support business development in Nicaragua and contribute to the reinsertion of Nicaraguan immigrants in Costa Rica;
- Create a bilateral commission to monitor the activities carried out by the authorities of both institutions, on issues relating to the agreement.

The IPF agreed to look for and contact Nicaraguan handcraft teachers living in Costa Rica to become involved in specific programmes IPYME has designed to strengthen the sectors defined as priority.

BINATIONAL PROJECTS AND INTERNATIONAL COOPERATION EFFORTS

The offices of the United Nations Development Programme (UNDP) in Costa Rica and Nicaragua have joined efforts to build development mechanisms for cooperation and exchange between the civil societies of both countries. The purpose of these efforts is to encourage binational dialogue,

by establishing cooperation links within and between sectors, in order to promote a peaceful coexistence, governance and sustainable development. Actions are underway within the foundations laid out by the Project Working Groups and Civil Society Organizations, Nicaragua-Costa Rica (2000-2001).⁵³ Its strategy will enable the sectors involved to appropriate themselves of the process of building a binational network, and paves the way for sustainability.

Binational meetings between specific groups in each country (gender, culture, the environment, academics, and local governments) have led to the creation of national and binational commissions and focal points. All of them work together to produce common agendas, and in some cases carry out activities or subscribe cooperation agreements for a specific sector or for multiple sectors.

Preparations are currently underway for the binational meetings to gather journalists, the media, and the business sector, as well as the first meeting of the confederation of local border-town governments (created in September 2000 during a binational meeting). Decision-makers from different sectors have been invited to participate in the process as well. This will help validate the results, and monitor and implement the agreements signed in both national and binational meetings. Among such decision-makers are public university deans, local authorities, women's rights advocates or representatives from Attorney General's Offices on Women, and presidents of business chambers. Their participation has resulted in binational, inter-sectorial initiatives on issues such as migration, gender and the environment.

Through the meeting of support for the confederation of local border-town governments held last September, the project fostered its creation after a yearlong of work by the municipalities. The Confederation's Charter was drawn up during this meeting, and attending representatives subscribed a statement stressing the need for cross-border cooperation between local governments, which is seen as an opportunity to solve the problems facing border communities. The statement also calls for central governments to solve the dispute over navigational rights along the San Juan River, by showing how diplomatic conflicts may in fact be solved through local governments, and urges them to adequately solve the matter. Such conflicts affect neighbouring communities the most in their day-to-day activities, but they also exemplify the possibility of peaceful coexistence, as quite often there are family relations involved, mutual support, and continuous commercial exchanges.

The meeting of academics was fruitful to identify a common agenda and discuss existing capabilities for its implementation. This shows the sector's dedication to binational integration. By the end of the meeting participants signed a Joint Declaration of Costa Rican and Nicaraguan Academics, and devised a monitoring mechanism aimed at ensuring the initiative's long-term sustainability.

In their binational meeting, women's organizations succeeded in keeping the issue of the Meeting of Migrant Women in the Binational Agenda, and making it a priority. This initiative involves the participation of Nicaraguan migrant women living in Costa Rica, as well as household members who stayed in Nicaragua. The proposal seeks to address migration from a binational perspective, revealing its causes, flows and cause-effects relationships in both nations. This effort will favour a cultural change in the perception of the phenomenon.

As regards to the environment, a binational meeting did take place, thereby providing for an opportunity to learn about the projects and initiatives currently underway in border communities. At present the project supports and brings together executing organizations, in order to identify the differences and points of agreement and join efforts. There is also the possibility of identifying areas to work jointly with local governments in a more coordinated and transparent fashion.

Additionally, the International Organization for Migration – in its capacity as an international body specializing on this issue – has supported the Puebla Process through consultancies, research projects, seminars, and formulation of projects. Among its more recent contributions are the following: 1) An analysis of the impact of Hurricane Mitch as part of the Consultation Group for the Reconstruction and Transformation of Central America, created by the Inter-American Development Bank (IADB). 2) The design and implementation of the Statistical Information System on Migrations in Central America (SIEMCA). 3) The instrumentation of the Regional Conference on Migration's Virtual Secretariat, which emphasizes the use of information technologies and communications to enhance coordination of the Conference's Plan of Action and communication with member countries (www.crmsv.org/pagina_reuniones.htm). 4) An applied research study about the state of the art on the management of migrations in Central America. 5) The design of a Multilateral Cooperation Programme for the Assisted Return of Extra-regional Migrants, currently being studied by the Regional Conference on Migration.

At a regional level, IOM operates as the Technical Secretariat of the Commission of Central American Directors of Migration since January 1999, by virtue of an agreement with the Central American Integration System. The Programme to Improve the Quality of Life and Integrate Nicaraguan Immigrants Living in Costa Rica (See section 3.1.3), and IOM's support to strengthen the Nicaraguan Forum on Migrations (FONIMI) – see section 4.5 – both play a central role in terms of its specific contributions to the Costa Rican and Nicaraguan societies. Furthermore, interesting instances of initiatives for development are being negotiated for their implementation in the near future.

PERSPECTIVES FOR THE FUTURE: MIGRATORY POLICIES AND HUMAN DEVELOPMENT

Nicaraguan immigrants have become a characteristic element Costa Rica's social panorama. Although no precise estimates exist about the number of immigrants living in this country, the data indicate that nearly 10 per cent of residents within Costa Rica's boundaries migrated from Nicaragua. Such migratory flows have been triggered by an intricate array of social, economic, political and environmental factors that continue to make of Costa Rica a viable option to guarantee the survival of numerous Nicaraguan families. The social and economic impacts of this process call for a closer consideration of each country's role.

For many poor Nicaraguan families affected by unemployment or underemployment, sending a family member to seize job opportunities available in the neighbouring country means receiving remittances that will help them meet their minimum consumption needs and surpass the poverty threshold. In addition to the impacts on families, such remittances – which according to the authors' estimates amount to roughly US\$ 100 million – also have a positive impact on the economy as a whole.

However, the phenomenon also poses several negative impacts for the sending country. First, migration of one or both heads of the family encourages disintegration processes that leave profound socio-emotional scars, which may ultimately affect the cohesion of the social fabric. On the other hand, although the educational profile of migrants is minimal, it is still better than that of the ones they leave behind. From the point of view of human capital, this could be interpreted as a potential loss of human resources that are vital for development. In Costa Rica, the Nicaraguan workforce responds to the needs and dynamics of production, and fills the demand void that the local workforce is unable to supply. Nicaraguan immigrants are young, hard working, and comprise a high percentage of women. All this represents a demographic gain for Costa Rica as a receiving country. They are given more unstable jobs and receive lower wages. Men are employed mostly by the agricultural sector, manufacturing industries, the construction sector – as unskilled labourers –, and the services sectors – mainly as security guards –. Women work mostly in the personal, community and social services sector. In particular, there is a growing trend to employ them as domestic workers, coinciding with a trend whereby Costa Rican women are moving on to perform other types of jobs, mostly in the textile industry. The fact that unemployment and underemployment rates have remained stable – despite the massive supply of Nicaraguan workforce – is a good sign of the flexibility and capacity to absorb this workforce of the Costa Rican market.

The social impact of immigration is felt in Costa Rica as a growing demand for social services (i.e., education, health, social security, etc.) for a population that more often than not has been excluded from social security schemes. This increase in the demand has defied the ability of the State to provide adequate additional services. Furthermore, the risk of creating true immigrant ghettos in Costa Rican territory has also challenged the mechanisms for social integration. The demand for work inspections has also risen, due to the need to ensure the rights of immigrant workers are enforced.

The role of governments in the face of massive migrant flows from Nicaragua into Costa Rica has been basically passive and linked to unilateral responses to situations, rather than focused on far-reaching binational policies and strategies duly agreed upon. Nonetheless, some things have started to change. The Migratory Amnesty declared by the Costa Rican government in 1999 – although still a unilateral measure – represented a first step in a process of providing more balanced responses to immigration. However, because this initiative was not conceived as part of a more comprehensive social policy, the response from social sector institutions was limited. On the Nicaraguan side, emphasis has been placed on defining measures to be taken in the regions where migration is most intense.

Civil society has played a more creative and dynamic role than the governments. Several NGOs networks have become active to work on the issue, and in the process they have pushed public institutions and international organizations into assuming an active role. Cooperation efforts have taken the form of forums operating both in Costa Rica (the Permanent Forum on Migrant Population, established in 1995) and in Nicaragua (the Nicaraguan Forum on Migrations, created in 2000). These initiatives are aimed at influencing policy making on migration, promoting comprehensive approaches and development-oriented actions to favour migrant populations. The Ombudsman's Office in Costa Rica has played an important role in protecting the rights of Nicaraguan immigrants.

From the point of view of human rights, the main challenge is to strengthen the right of individuals to choose between remaining in their sending country or else migrate, either within or outside the region. In this case, and assuming that cross-border flows overwhelm the borders and the logic of legislation and public policies, the creation of conditions that favour the full observance of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families must be ensured (Annex 4).

The challenges facing Nicaragua and Costa Rica as the sending country and receiving country of migration flows respectively are diverse.

In the case of Nicaragua, it is critical that it increases its capacity to retain its population. This involves improving its working and living conditions for all social sectors, harmonizing modernization and economic integration processes with a more equitable distribution of the benefits of development. In the short run, while migration flows continue to occur, some relevant steps must be taken. Cranshaw (CIEG, 2001) has described in detailed these actions. The first one is to give objective information to the population about the costs and benefits of emigration – for instance the impacts on families and children – as well as about existing mechanisms to protect migrant workers' rights – both inside and outside the country. Disseminating the result of research studies would be a first step in this direction.

Another important aspect is to promote the use of remittances for purposes other than the mere satisfaction of consumption needs. Migrants should understand that remittances create dependence over time, while the flow of money is not constant. In Cranshaw's opinion, it would be wise to consider the possibility of harmonizing workers' protection laws throughout the region. Over the short term, ratification of international treaties dealing with the rights of migrant workers and their families is crucial.

In the case of Costa Rica, the development of social integration mechanisms seems clearly sensible, since their presence has become a characteristic component of Costa Rica's social landscape. Therefore, the issue is no longer only their presence in the workforce. A pending assignment for the Costa Rica government is to develop a comprehensive approach to Nicaraguan immigration. So far, the policies of the various public institutions involved have been rather isolated. This only aggravates the negative effects on institutions, since the causes of the uncontrolled growth in the demand for services are not anticipated or addressed. Efforts to ensure the respect for immigrants' rights should be strengthened – i.e., minimum wages, working schedules, social security benefits – while also ensuring immigrants comply with their obligations while living in Costa Rica – by abiding by the law, contributing to the Social Security System, etc. The Ombudsman's Office has pointed out several issues that public institutions must address without delay.

From a more global perspective, as noted in the State of the Region Report, even if democracy consolidates in some Central American countries and they respect human rights and advance to reinsert displaced populations, it is reasonable to assume that migration flows will continue to take place as a result of different factors, such as globalization and persisting development differences and social inequalities within and between the countries (State of the Nation Project, 1999b: 359). The effects of Hurricane Mitch and the series of earthquakes that hit El Salvador during the first quarter of 2001 are a painful reminder of the region's vulnerability to the environment as a generator of population movements and displacements.

In this sense, it is imperative to promote actions to stabilize irregular migration flows, thereby ensuring a transparent integration of migrant workers in the receiving country's labour market. Thus the need for both governments to agree on migratory policies, with their ensuing responsibilities and obligations.

ENDNOTES

- 1 Population estimates for each country are as follows: El Salvador, 6.1 million inhabitants; Nicaragua, 4.8 million; Guatemala, 11 million; Honduras, 6.3 million; and Costa Rica, 3.8 million inhabitants.
- 2 All the data are estimates. Calculations are based on total population numbers of each country, including nationals and immigrants.
- 3 An ample description of the recent demographic panorama in Nicaragua can be found in PNUD (2000b: 85-96).
- 4 Nicaraguan Government data (2000).
- 5 Authors note: This refers to the 1998 Survey to Measure the Living Standards.
- 6 The so-called northern triangle, going from Cusmapa and Las Sabanas to La Trinidad and Ciudad Darío, Jicaral, Santa Rosa, El Sauce and Achuapa in León. This area extends up to Somotillo and the towns north of Chinandega. It also includes the dry-zone communities of Boaco and Chontales, as well as the dry area of Managua (San Francisco Libre) and Carazo (La Conquista and La Paz). These communities are concentrated mainly in the Western part of the country, and to a lesser extent, the Las Segovias and Central regions.
- 7 For example, the Atlantic Coast, and Corinto of San Juan del Sur.
- 8 This happens mainly in the departments of Chinandega (Pueblos del Norte), Rivas (up to Belen and Potosi), Río San Juan and the region of Nueva Guinea, including Santo Tomás. To a lesser extent it is also the case in the northern part of the country (Madriz and Nueva Segovia). The northern Miskito region traditionally presents an emigration flow along the river bank, although it is not necessarily associated to working reasons.
- 9 For more on this conceptualization, see Canales and Zlolniski (2000).
- 10 *Dirección General de Migración y Extranjería* (2000a).
- 11 Information provided by Lic. José Joaquín Vargas, Director of Planning, General Directorate of Migration, March 2001.
- 12 In spite of these limitations, there is no doubt that additional results from the Census will provide a more direct knowledge about the magnitude and the impact of Nicaraguan immigration into Costa Rica, as well as the patterns of foreign population settlement in the national territory.
- 13 A population projection of 3,856,191 was used for this estimate (PCP e INEC, 1998; p. 39).
- 14 Almost a third of those interviewed (30.1 per cent) indicated they live in collective households. Despite the exploratory nature of the survey, such a high percentage leads to the conclusion that immigrants are seriously underestimated in the National Household Survey, for this particular reason.
- 15 Using data from the 1999 Household Survey, Pisoni (2000) points out that Nicaraguan immigrants – both naturalized and non-naturalized – are clearly differentiated, as naturalized Nicaraguans have more similar characteristics as Costa Rican natives.
- 16 The 1999 Household Survey divided the Central Region into the Metropolitan Area and the rest of the region. That year's data suggested that most immigrants lived in the former (60,4 per cent).
- 17 This result is similar to the one obtained by Pisoni (2000), who used the 1999 Household Survey.
- 18 In this case, almost all households are headed by men. Specifically: 7,924 headed by a Nicaraguan with a non-Nicaraguan spouse, and 8,038 households are headed by a non-Nicaraguan with a Nicaraguan spouse.
- 19 Brenes and Rosero (2001) indicate that the global fertility rate (GFR) is 2.8 among Costa Rican women, aged 15 to 44, and 3.6 for female Nicaraguan immigrants in the same age bracket (3.8 Nicaraguan women living in Nicaragua).
- 20 All-Nicaraguan households have, on average, 0.8 children aged 12 years old or younger. For the rest of the Nicaraguan households (where the head or his/her spouse, if any, is Nicaraguan) the average is 1.8.
- 21 In this regard, it should be stressed that 10 per cent of the total number of workers in this sector work in wholesale commerce; 48.8 per cent work in retail commerce (mainly supermarkets and department stores) – 10.6 per cent of the total number of workers in this sector –, and 41.3 per cent work in restaurants and hotels.
- 23 It should be noted that from the point of view of their integration into the labour force, per occupational group, the proportion of Costa Rican women who work as professionals, technicians and office clerks in their country is twice the proportion of men. However, this situation does not occur in terms of absolute numbers, taking into account the differences in the net rates of participation of men and women as a whole.

- 22 Within this sector, the greatest differences are found in retail (where Nicaraguans earn 23 per cent less), followed by the hotel and restaurant sector, where Nicaraguans are paid 19.4 per cent less than Costa Ricans on account of salaries. The smallest differences are found in the wholesale sub-sector, where immigrants earn 4.9 per cent less than locals.
- 23 Using the 1999 Household Survey and the classification by occupational group, Pisoni (2000) noted that the average income of a Nicaraguan immigrant who holds a job is 30 per cent less than that of a Costa Rican, except in the case of managers and agricultural workers, whose income is very similar to that of Costa Ricans'. However, this number seems to be very high, probably because the authors did not specifically differentiate the categories in which most Nicaraguans are employed.
- 24 The next Survey on Living Standards of the Population in Nicaragua, to be carried out in 2001, will include a battery of questions that will shed further light on the topic of household remittances.
- 25 Including national and international money transfers.
- 26 The National Household Survey to measure Living Standards (EMNV-98) was conducted by the Nicaraguan Institute of Statistics and Census (INEC). Because of the survey's characteristics and the realm of this study, it was not possible to use this sampling extensively.
- 27 GPC/CINASE (2000).
- 28 The question in the survey was "How frequently does this household receive aid from family members living abroad?"
- 29 This result is similar to the one obtained by Marín et al. (2000), although their study is limited to immigrants living at La Carpio, where only 45 per cent of the Nicaraguan resident families send money, food or clothes to Nicaragua.
- 30 Marin et al. (2000), in their study of Nicaraguan immigrants living at La Carpio found a less frequent rate of delivery: 14.1 per cent send money once a year; 9 per cent twice a year; 37.2 per cent more than twice a year; 7.7 per cent whenever they can, and 32.1 per cent at some other frequency. La Carpio is a squatter settlement located near La Uruca, the 7th district of the Central canton, San Jose province.
- 31 These results coincide with two other estimates. The first one is from a study conducted by the Costa Rican Postal Service Office (*Correos de Costa Rica*) to explore the institution's possibilities of competing in the remittances market (*La Nación*, 6 December 1999). The other study was carried out by FLACSO (cited by *La Nación*, 11 April 2001, p. 4A), and it estimated individual monthly remittances in an average US\$ 68.3.
- 32 The list of debtors with the CCSS was published after intense negotiations with the Ombudsman's Office. The data used for the following estimates are from the Internet version of an article published by *La Nación* on 20 September 2000 (www.nacion.com/ln_ee/2000/septiembre/20/pais1.html). Private sector debts stand at roughly ¢27 billion.
- 33 Data on the hospital system varies from one hospital to another, thereby hindering comparison efforts. Regional hospitals use different criteria, a practice that undermines the accuracy of records and makes their analysis difficult (Ombudsman's Office, 2000).
- 34 Many immigrants who are not affiliated to the Social Security system show up for outpatient consultation at emergency services, where they cannot be turned down.
- 35 Cited in *La Nación* of 11 April 2001, p. 4A.
- 36 Cranshaw and Morales (1998: 91).
- 37 A study by FLACSO (cited in *La Nación*, 11 April 2001), confirms this trend: Nicaraguan women usually send more money than Nicaraguan men, both in absolute terms and as a percentage of their income.
- 38 Puntarenas Declaration, Ninth Summit of Central American Presidents, Puntarenas, Costa Rica, January 1991.
- 39 Nicaraguan Government Social Policy, August 1997.
- 40 Annex I of the Strengthened Strategy for Poverty Reduction, p. 80.
- 41 This is an initiative of the Nicaraguan Institute for the Promotion of Small and Medium-Sized Businesses, an institution linked to the Department of Foment, Industry and Trade. February 2001.
- 42 UNDP (2000, p. 196).
- 43 General Directorate of Migration (2000b).
- 44 General Directorate of Migration (2000c).
- 45 Interview to Javier A. Quinto, Attorney General's Office on Human Rights in Nicaragua (9 January 2001).
- 46 *Aportes de las Naciones Unidas Magazine*. Nicaragua (Year 3, No. 2, p. 18, 2001).

47 *Aportes de las Naciones Unidas Magazine*. Nicaragua (Year 3, No. 2, p. 21, 2001).

48 San Carlos is the head of the Río San Juan Department in Nicaragua, where most of the region's trade takes place.

49 Rivas Municipality, Nicaragua.

50 The agreement was signed on 5 February 2001.

51 This information appears in the first part of a report by a technical support team of the United Nations Development Project.

52 Taken from CIEG, 2001.

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ANNEXES

ANNEX 1 MIGRATORY AMNESTY EXECUTIVE DECREE

DECREE No. 27457-G-RE

(As Published in the Official Gazette No. 23 on Wednesday 9 December 1998).

THE PRESIDENT OF THE REPUBLIC AND THE SECRETARY OF THE INTERIOR,

Exercising their powers, as conferred upon them by the Articles 140 subsections 3), 18) and 20) of the Political Constitution, and executing the provisions stipulated in Articles 42, 43 and those concordant with the General Law on Migration (*Ley General de Migración y Extranjería*),

WHEREAS,

We are experiencing one of the most profound human, social, environmental, and economic dramas in Central American history, as a result of the devastating effects of Hurricane Mitch.

In keeping with the Accord of the Presidential Summit held in Comalapa, El Salvador, on November 9, 1998, and inspired by principles of human solidarity, the Government of Costa Rica deems it appropriate to grant Central American illegal immigrants currently residing in the country, the opportunity to regularize their migratory status in order to avoid deportation and the resulting aggravation of region's situation. Therefore,

THEY DECREE,

- Article 1 – The enforcement of an exception regime for a six month period, with the aim of facilitating procedures for Central American citizens currently irregular to settle in the country.
- Article 2 – This exception regime shall apply to all Central American citizens currently living in the country, if they arrived before the ninth day of November, 1998.
- Article 3 – The Department of the Interior, through the General Directorate of Migration, shall establish Rules of Procedure concerning the requirements, reception locations, and operational aspects of the Regime.
- Article 4 – This Decree shall be in force starting the first day of February, 1999.

Issued at the President's Office in San Jose, on the twenty-fourth day of November, nineteen hundred and ninety-eight.

ANNEX 2 SURVEY ON NICARAGUAN IMMIGRANTS IN COSTA RICA

(NI Survey)

The Household Surveys carried out by the Costa Rica's National Institute of Statistics and Census (INEC) provide relevant information for use in the study on social and economic impacts of Nicaraguan immigration in Costa Rica (hereinafter referred to as the "binational study"), entrusted to IOM and the State of the Nation Project. However, they do not encompass the full range of aspects of interest in terms of the binational study. For this reason, it seemed appropriate to conduct a small exploratory survey on certain aspects.

The survey on Nicaraguan immigrants in Costa Rica was exploratory. Its results cannot be generalized to the immigrant population at large, since the sampling was not representative.

The survey was made possible with the collaboration of Caritas Costa Rica, which contributed with the representatives for most interviews.

General characteristics of the survey

The research team drew up a questionnaire (enclosed), taking into consideration the main variables to be explored, as well as some characteristics of the immigrants that would enrich the subsequent analysis. It was structured as follows:

- A. Information on the Interviewee
 - A.1. General
 - A.2. Socio-working profile
 - A.3. On his/her decision to migrate to Costa Rica
- B. Family Structure and Remittances
- C. Perceptions
- D. Interviewer Remarks

A guide for the interviewers was also drawn up (enclosed).

The fieldwork was carried out in two stages, one in coordination with Caritas, and another one under the direct command of the research team. During the first stage, over 30 Caritas officials in charge of mediation tasks of the Programme for the Integration and Improvement of the Quality of Life of Immigrants in Costa Rica – promoted by IOM and sponsored by USAID – immigrants were interviewed between November and December 2000. This programme operates in schools where 5 per cent or more of the students enrolled are immigrants, so the communities covered by the survey correspond with the location of these schools. Territorially speaking, work was done using the Catholic Church's regionalization scheme, considering the areas of influence of the various diocesan offices of the social pastoral organization.

Regarding the profile of the interviewers, it is worth noting that most them are university students with advanced studies in social-related majors, who were specifically hired to work in the above-mentioned Programme.

The second part of the fieldwork was conducted by two Nicaraguan interviewers, who were expressly hired for this study. The survey was taken every Sunday in December that year at the Park of La Merced, a meeting place for Nicaraguan immigrants.

The questionnaire used in both phases of the study was the same, except for the question on religion, on which Caritas was specifically interested.

A total of 717 interviews were conducted, 90 of them at the Park of La Merced, and 627 in various points throughout the country, the latter by Caritas representatives.

Main results

Interviewee characteristics

48.3 per cent of the interviewees were male and 51.7 per cent were female. Half the number of interviewees was 24-36 years old, 13.9 per cent were 16-23 years old, and the remaining 35.4 per cent were 37 years old or older. More than half of them (61.2%) were married or living with their partner, while 29.8 per cent were single.

One out of every 10 interviewees (10.4%) said they had no formal education, while 34.7 per cent said they went to school, but did not indicate what was the last year they passed. Additionally, 10.2 per cent had some elementary schooling, and 17.8 per cent completed their elementary schooling. The rest of them had some high school studies (13.9 per cent finished high school), and a minimum part of them had university studies.

Religion: 63.6 per cent of those interviewees who answered the question (97 per cent of those interviewed by Caritas personnel) said they are Catholic, 22 per cent are Evangelic and 14.4 per cent indicated "other religion".

Housing characteristics

69.9 per cent of all interviewees live in individual households, while the rest live in collective dwellings. 25.5 per cent of those interviewees who live in individual households are actual owners, and in most cases they have already finished paying for it; 41.2 per cent rent their houses, and 22.2 per cent live in houses lent or ceded to them. Finally, 11.1 per cent of individual household residents live in squatter communities.

One-fourth of the individual houses (24.7%) were inhabited by three or less people; half of these houses (49.6%), were inhabited by 4 to 6 people; and the remaining 22.8 per cent were inhabited by seven or more people.

One of every five individual houses had a single room; one had two rooms, and so forth, until the fifth one had five or more rooms. The situation was different regarding the bedrooms: two of every five houses had a single bedroom; two others had two bedrooms and another one had three or more bedrooms.

This last result is important in terms of revealing how overcrowded these households are. While in there were two or less persons per bedroom in 42.6 per cent of individual houses, there were 29.9 per cent of the households with over two or three people living per bedroom. In the remaining 26.9 per cent more than three persons lived per bedroom.

Occupational characteristics

Almost two thirds of all interviewees (65.7%) had a job at the time of the interview, 18 per cent were looking for a job, and the rest were inactive (16.3%). Thus, unemployment rate stood at 21.5 per cent.

27.9 per cent of the respondents who were employed at the time of the survey worked as farmhands, and 20.3 per cent were domestic workers. Other relevant occupations were those relating to construction (8.5%), manufacturing (7%) and commercial activities (7%). The rest of the interviewees had "other" occupations.

Only 5 per cent of the interviewees employed said they had more than one job.

23.2 per cent said that at some time during 2000 – the year of reference for the study – they had been unemployed, and half of them did not have a job for three months or less. The main reason for their situation was a scant demand for work.

3.9 per cent of the total number of interviewees who were active – including both employed and unemployed – 71.9 per cent had no jobs during 2000; 71.9 per cent only had one job, 19.5 per cent had two, and the rest three or more jobs in a year.

Affiliation to the Social Security System

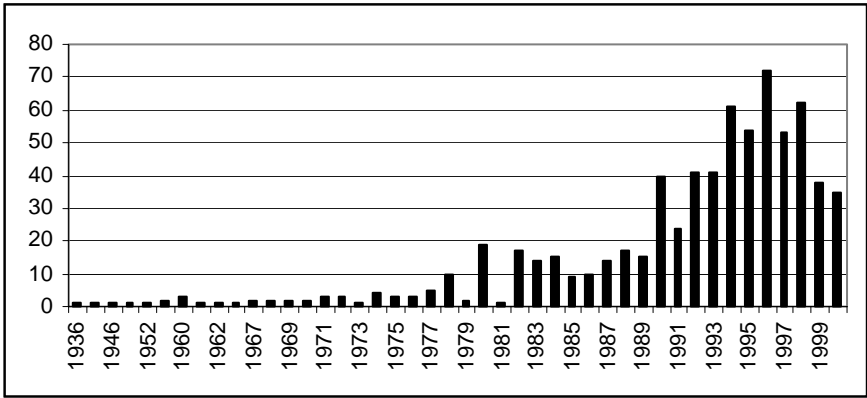
A high percentage of the interviewees (45.6%) declined to respond whether they are affiliated to the Social Security System. 55.7 per cent of those who answered this question are covered by both the Illness and Maternity Regime

as well as the Disablement, Old Age and Death Regime; 9.1 per cent said they are covered only by the former and 33.6 per cent are not covered by either regime.

Immigration

The survey’s data allows for an estimate on migration flows to be made. The following chart shows the year when the immigrants surveyed first arrived in Costa Rica to work, or to look for work. It is clear that the immigration rate had a first increase from 1977-1978, and another one again in 1980. It then stabilized during the rest of the 1980s. The rate picked up again in the 1990s, reaching an all-time high in 1996, and then decreased slightly.

YEAR OF FIRST-TIME ARRIVAL TO COSTA RICA IN SEARCH OF WORK



Source: NI Survey.

34.2 per cent of interviewees had not returned to Nicaragua even once, 23 per cent went back once, and 42.8 per cent have been there twice or more times. In most cases, they stayed in Nicaragua for a month or less.

Nearly three of every four individuals surveyed (73.1%) migrated for economic reasons, and only 11.4 per cent mentioned political reasons. Furthermore, 11.4 per cent of them migrated to join their families or for other family-related reasons.

The first time they came to Costa Rica, 51.9 per cent came alone or with friends, while 18.7 per cent came with their partner, and 20.2 per cent came with their parents.

55.5 per cent of those interviewees who came by themselves the first time, already lived with a partner at the moment of the survey, while 16.6 per cent continued to be on their own.

Almost one of three immigrants (37.6%) said they had dependants aged 16 years or younger living in Costa Rica.

Delivery of family remittances to Nicaragua

Only 44.1 per cent of all interviewees send remittances to their families in Nicaragua.

48.7 per cent of those who do send remittances, had sent US \$50 or less the last time, and 84.8 per cent had sent US\$ 100 or less.

The frequency with which these funds are sent varies: 50 per cent those who send remittances do it on a monthly basis (21.8 per cent send them every month without exception), while the remaining 50 per cent send money every 2 to 6 months.

82.6 per cent of those who remit money, said that their relatives use it to meet immediate needs, such as food and other daily expenses (among them, 5.7 per cent used the money to cover health expenses, and 4.1 per cent use it to pay for their studies).

On the other hand, 48.4 per cent of those who send remittances use the services of remittances agencies, and 42.4 per cent send it with friends and relatives. OMS is the remittances business more frequently mentioned by the immigrants requiring this type of service (34%), distantly followed by Western Union (19%). 25 per cent of the interviewees had sent other kinds of aid to their families in Nicaragua –including clothing– usually sent with friends or relatives.

Perceptions of interviewed immigrants

80 per cent of respondents said that their situation at the time of the interview was better than before; 15.5 per cent indicated their situation was the same as before, and only 4.5 per cent said they were worse-off.

When asked whether they have been treated differently with respect Costa Ricans, 24 per cent through they had when they applied for a job; 29.7 per cent said they are paid lower salaries than Costa Ricans in the same activity, and 18.4 per cent said they were treat differently when benefiting from social services.

As regards the traditions and customs Nicaraguan immigrants would like to preserve, respondents mentioned their foods (38.9%) and the celebration of *La Purísima* (34.8%). Moreover, 76.4 per cent said they feel their traditions are respected in Costa Rica, while the rest mentioned mockery as the main form of being disrespected.

With regard to their trust in Costa Rican institutions, interviewees mentioned the Catholic Church as being the most reliable among the institutions listed down, followed by the Social Security System. In third place they mentioned the General Directorate of Migration, the Department of Education and, lastly, the Ombudsman’s Office.

SURVEY OF TRUST IN THE MAIN COSTA RICAN INSTITUTIONS

(per cent)

Institution	Trust it	Do not trust it	Non-respondents
Catholic Church	40.9	32.8	26.3
CCSS	38.4	34.9	26.7
General Directorate of Migration	26.4	42.7	30.9
Department of Education	24.7	43.7	31.6
The Police	11.0	51.2	37.8
The Ombudsman’s Office	8.4	53.7	37.9

When questioned about the sort of help they would like to receive to improve their present situation, almost two out of three respondents indicated “housing”.

Finally, 84.7 per cent of respondents indicated they would like to reside in Costa Rica permanently.

Survey on Nicaraguan Immigrants: The Questionnaire Used

Questionnaire # /_/_/_/_/_/
Date: _____
Province: _____
Canton: _____
District: _____

STATE OF THE NATION PROJECT – IOM

This interview is part of a study on the social and economic impacts of migration movements from Nicaragua to Costa Rica. The study is being conducted by the State of the Nation Project, assisted by the International Organization for Migration. A confidential treatment of information is guaranteed. Information will be used to process data in an aggregated form.

Neighborhood or town: _____
Place where the interview was conducted: _____
Residence address (only if different from the latter): _____
Interviewer: _____

A. INTERVIEWEE PERSONAL INFORMATION

A.1. General aspects

1. Name: _____

2. Age (in years): /_/_/

3. Sex: Male /_/_/ Female /_/_/

4. Place of birth: _____

5. Marital status:

Single /_/_/ Living with a partner /_/_/ Separated /_/_/ Widow(er) /_/_/ Other /_/_/

6. Educational level and last year studied:

Elementary School /_/_/ High School /_/_/ University /_/_/

7. The household where you live is:

By type

Individual /_/_/

Collective /_/_/ Number of families /_/_/ or with non-related persons /_/_/_/ who live with you

By ownership

Owned (paid in full) /_/_/

Owned (paying a mortgage) /_/_/

Rented (living only with family) /_/_/

Rented (sharing with non-related persons) /_/_/

Squatter community /_/_/

Other (borrowed, inherited) /_/_/ Specify: _____

Indicate the number of people who live in the same household /_/_/. How many of them are members of the respondent's family /_/_/? How many rooms does the house have /_/_/? and how many of them are used exclusively as bedrooms /_/_/?

8. What is your religion? Catholic /_/_/ Protestant /_/_/ Other /_/_/ Specify: _____

A.2. Socio-working profile

9. Are you currently:

- Employed /_/_/
- Unemployed, but looking for a job /_/_/ → go to question 15
- Involved in non-working activities (inactive) /_/_/ → go to question 15

10. What do you do for a living? _____

11. What kind of activity are you engaged in? _____

12. The total number of hours you work per week is: /_/_/

13. Your wage or income (in colones) is:

- /_/_/_/_/_/_/_/ weekly
- /_/_/_/_/_/_/_/ bi-weekly
- /_/_/_/_/_/_/_/ monthly

Please indicate if you have other sources of income (concept, amount and frequency):

14. Have you been unemployed at any time during 2000? (or unsuccessfully looking for a job)

- Yes /_/_/ For how long? _____
- Reasons: _____
- No /_/_/

15. How many jobs have you had during 2000? Please respond describing from the oldest to the most recent one. Please tell if you were covered by the Social Security System and what type of coverage you had.

	Months (from-to)	Occupation	Social Security		Company/type	Place (province/canton)
			REM	RIVM		
1						
2						
3						
4						

A.3. On migrating to Costa Rica

16. When was the first time you came to Costa Rica to work /looking for work? What part of Nicaragua did you come from, and where did you live?

- Month and year: _____
- Place of residence in Nicaragua: _____
- Initial place of residence in Costa Rica: _____

17. Since then, how many times have you been back to Nicaragua and how long have you stayed? (on average, per time)

Number of times: _____ average stay: _____

18. Why did you come to Costa Rica? (main reasons)

- Economic (financial) /_/_
- Political /_/_
- To join your family /_/_
- Other family-related reasons /_/_
- Environmental /_/_
- Others /_/_ Please specify: _____

19. The first time that you came to Costa Rica did you come:

- On your own or with friends? /_/_
- With your partner /_/_
- With your partner and children /_/_
- With your children /_/_
- With your parents or other relatives /_/_
- Other /_/_ Please specify: _____

And you are currently living in Costa Rica:

- By yourself or with friends /_/_
- With your partner /_/_
- With your partner and children /_/_
- With your children /_/_
- With your parents or other relatives /_/_
- Other /_/_ Please specify: _____

B. FAMILY STRUCTURE AND REMITTANCES

20. Please tell which family members are economically dependent on you. Please include family members living both in Costa Rica and in Nicaragua or any other country:

Name	Age	Sex (M/F)	Kinship	Occupation	Country of residence (CR if Costa Rica, NIC if Nicaragua)	If living in C.R.	
						Was he/she born in CR?	Year of arrival

21. Do you send money (remittances) to your relatives in Nicaragua?

Yes /_/ No /_/ → go to question 27

22. The last time you sent money to Nicaragua, how much did you send?

US \$ /_/_/_/_/

23. How often do you send money to Nicaragua, if you take 2000 as a reference?

Every week / 15 days /_/
Every month without exception /_/
Almost every month (missed some due to unemployment) /_/
Every 2- 3 months /_/
Every 4-6 months /_/

24. What do your relatives use the money for?

Daily expenses (food) /_/
Paying for studies /_/
Health /_/
House improvements /_/
Investing or paying debts /_/
Other /_/ Specify: _____

25. What is the most common way for you to send the money?

Remittance company /_/
With relatives or friends /_/ → go to question 27
Personal delivery /_/ → go to question 27
Other /_/ Specify: _____ → go to question 27

26. What remittance company have you used more often?

Correos de Costa Rica /_/
Western Union /_/
OMS /_/
Rapienvíos /_/
Pinolero Delivery /_/
Other /_/ Specify: _____

27. Have you ever sent any aid other than money?

No /_/ → go to question 29
Clothes /_/
Small Electric appliances /_/
Medicines /_/
Other /_/ Specify: _____

28. How did you send this type of aid?

Personal delivery /_/
With relatives or friends /_/
Parcel delivery services /_/
Other /_/ Specify: _____

C.

PERCEPTIONS

29. If you compare your situation now with your situation in Nicaragua, do you think that you are:

- Better off now / _
- The same as before / _
- Worse off than before / _

30. Have you ever felt that you were treated differently from Costa Ricans in terms of work, salaries or pay, and the provision of services?

- Differences in treatment No./_ Yes /_ If yes, please specify: _____
- Denied a job No./_ Yes /_ If yes, please specify: _____
- Lower salary No./_ Yes /_ If yes, please specify: _____
- Have not been provided with social services No./_ Yes /_ If yes, please specify: _____

31. Briefly: What Nicaraguan traditions and customs would you like to preserve the most?

32. Do you feel that Costa Rican society is respectful of such Nicaraguan traditions, customs and cultural practices?

- Yes / _
- No / _ Why? _____

33. What Costa Rican institutions you have had contact with, or you know of because of what relatives or others have told you do you trust the most?

- Catholic Church / _
- Department of Education / _
- Costa Rican Social Security System / _
- Ombudsman’s Office / _
- General Directorate of Migration / _
- The Police / _
- Other / _ Specify: _____

34. What kind of support would you like to be given in order to improve your present situation?

- Credit / _
- Job training / _
- Housing / _
- Social security / _
- Legal counseling / _
- Religious guide / _
- Other / _ Specify: _____

35. Finally, would you like live permanently in Costa Rica?

- Yes / _
- No / _

D.

INTERVIEWER'S REMARKS:

Nicaraguan Immigrants Survey in Costa Rica Interviewers' Guide

I. Objectives

Help achieve an understanding on the economic and social situation of individuals involved in migration flows from Nicaragua to Costa Rica, and on the factors that led them to leave their country.

Define a profile of the immigrants who send remittances – both in the way of money and other goods – to their relatives in Nicaragua.

Gather immigrants' perceptions on the institutional framework currently enforced in Costa Rica, the respect for their human rights, and their expectations for the future.

II. Survey form or questionnaire (enclosed)

III. Instructions on the interview

General Aspects:

This questionnaire was designed for use in house visits. In this sense, several aspects should be taken into account:

- In the case of nuclear families living in single households, it is the household head who should be interviewed. The household head is the person regarded as such by the other members of the family, or else the person with the highest income if there were a disagreement.
- In collective households, interviews may be systematically carried out to include all Nicaraguans currently working.
- Fieldwork should be completed in 10 working days, at an estimated rate of two interviews per interviewer per day.
- The interviewer will fill in the questionnaire number sequentially (starting at 1, continuing with 2, and so forth, until the last one).
- It is important to indicate precisely the province, canton and district for each interview.
- You should make sure to pass from one section or question to another whenever this is explicitly indicated.

About Section A: Interviewee Personal Information

A.1. General aspects

The first six questions are about the basic characteristics of the respondent.

Question 7 considers three aspects. First, you must determine whether it is an individual dwelling (i.e. only one family lives there) or a collective one (shared by several families or unrelated persons). The second issue regards the ownership of the house, where you must obtain information as accurately as possible. And lastly, the question is intended to provide information on the number of residents –both total and family members–, as well as the number of rooms –all areas forming part of the house, excluding hallways and bathrooms–. This information will be extremely relevant to subsequently determine indicators of overcrowding .

Question 8 deals with the respondent's religion. A difference is made between Catholicism and other protestant religions, allowing for the possibility to specify some other denomination.

A.2. Social and working profile

Questions 9 through 15 aim at defining a social and working profile of the respondent. In question 15 an effort is made to identify the respondent's working track record during the last year, starting from his first job.

A.3. On migrating to Costa Rica

The section includes questions 16 through 19. Questions 16 and 17 are intended to determine the respondent's time of the first arrival and length of stay in Costa Rica.

Question 18 is a multiple-answer question. Question 19 aims to determine the respondent's migration modality when he/she first arrived in Costa Rica, versus his current situation.

About section B. Family Structure and Remittances

The section includes questions 20 through 28. Question 20 must be approached carefully in order to thoroughly fill in the summary table. The Name's box is included merely to facilitate the dialogue and give continuity to the interview, since full names are not actually important. Thus, it is rather a resource to encourage the interviewee to respond.

The remaining questions in this section deal with remittances, both in money and in kind.

About section C. Perceptions

The last seven questions are used to gather migrants' perceptions on their social integration in Costa Rica, as well as their expectations in the short, medium and long terms.

Question 31 is an open-ended question for respondents to answer in detail about the traditions and cultural practices they would like to preserve the most.

About Section D. Interviewer's Remarks

In this section the interviewer will systemize his remarks and assessments regarding the interview's outcomes, quality, and consistence. Any doubts and concerns arising in the course of the interview should be noted here.

ANNEX 3
PERCEPTIONS ABOUT NICARAGUAN IMMIGRATION
AMONG THE COSTA RICAN BUSINESS SECTOR AND LABOUR MARKET

Business chambers

Aspect	National Chamber of Agriculture and Agro-Industry	Sugar Cane Agricultural and Industrial Production League (LAICA)	Costa Rican Chamber of Construction
Nicaraguan workforce's share of the market	No accurate statistics are available. It is common knowledge that they are concentrated in activities such as coffee and sugar cane harvesting.	It represents about 75% of the workforce involved in the sugar cane harvest.	Depending on their educational level: 75% of the non-skilled workforce, 62.5% of semi-skilled workers (aids), 55% of skilled carpenters and bricklayers, 30% of specialized workers (master builders), almost none among professionals
Reasons for recruiting them	Costa Ricans no longer want to perform such manual work.	Costa Ricans are no longer interested in strenuous work; their expectations have started to change, as they aim higher. This has left a void that Nicaraguans have been able to seize.	There is a void in the domestic labour market. Costa Rican workforce is scarce, because Costa Ricans are no longer interested in working in this sector. Their expectations have changed and they are seeking better-paid jobs.
Activities they take on	Mainly harvesting. Because of their low educational level, they are not fit for other activities (such as applying herbicides or pesticides, or dairy farming).	Predominantly during the sugar cane harvesting.	Mainly in strenuous activities, also known as <i>igray work</i>
Contributions to productivity	Because they work at the very last stages of the productive process, their contribution to productivity is not significant.	Because they work at the very last stages of the productive process, their contribution to productivity is not significant.	They have proven to be very effective. They are fast and produce good-quality work.
Are they displacing the Costa Rican workforce, or complementing it?	Costa Ricans have not been displaced. They are reluctant to perform these types of works because they are so strenuous.	They have not displaced Costa Rican workers. In fact, Costa Ricans have not protested about this.	They definitely have not displaced Costa Ricans. Otherwise this would reflect in the unemployment rate, which has remained low.
Have they pushed wages down?	They work for the minimum, so their presence has not affected what Costa Ricans earn.	There is a gap between what Costa Ricans and Nicaraguans earn. But this is because Costa Ricans have moved to higher quality jobs. Nicaraguans remain subject to minimum wages.	On the contrary, wages have even gone up: sometimes there are not enough Nicaraguans, and companies compete to hire them.

Sector's capacity to absorb this workforce	We are on the limit. The problem is that they stay after the end of the harvest, leading to unemployment and other problems.	Mechanization of sugar cane harvesting will displace this population in the middle term.	At least in the short run, the sector has an excess capacity to absorb Nicaraguan workers.
Socio-economic impact	<p>They make an important contribution to the economy. Without them, we would face problems with the coffee and sugar cane harvests. On the other hand, they exert great pressure on the social security institutions, which may end up collapsing, which do not perceive any matching funds in the way of affiliation quotas.</p> <p>It is difficult to say whether one impact makes up for the other</p>	<p>They have had a very positive impact, because they filled the void left by Costa Rican workers. If it were not for them, there would not be sugar cane, coffee or cantaloupe crops, among others.</p> <p>They bear a heavy burden on the Social Security, education and judicial systems, due to questions like domestic violence and public health</p>	<p>There is no doubt that we depend on them. But it should be considered the fact that some of those resources are leaving the country.</p> <p>Most of them are extremely poor when they arrive. As a result, they swell statistics on the housing deficit, and impact the health-care and public education systems.</p>
Migratory policies	<p>There is no migratory policy. The SWP and the MER had positive effects.</p> <p>Policies should be harmonized with a view to the future. Seasonal quotas and an immigrant profile should be defined according to the demand for workforce. Moreover, a profile of immigrants required should be defined.</p>	<p>There is no migratory policy, although there have been some interesting efforts by the Department of Labour, like the TE and PEM.</p> <p>Proper regulations and a legal framework should be designed, according to the rule of law.</p>	<p>There are no actual migratory policies. The SWP and MER^a helped to bring our workers' situation to order.</p> <p>Instead of having a general policy, it is necessary to define a profile of immigrants we want, according to our specific workforce needs.</p>

Note: a) SWP: Seasonal Work Permit, MER: Migratory exception regime.

Source: Interviews with: Rodolfo Coto Pacheco, President, National Agriculture Chamber, on 23 January 2001, Edgar Herrera, Executive President, LAICA, on 25 January 2001, and Randall Murillo, General Manager, National Chamber of Construction, on 23 February 2001.

Domestic workers Association (ASTRADOMES)

This association was founded in 1990, and was registered at the Department of Labour as a trade union in 1991. Because there were Nicaraguan immigrants in its Board of Directors, ASTRODOMES became an association in 1998. It is affiliated to the Latin American and Caribbean ConGiven the large number of immigrants who work in this sector, the steering committee decided to change the group into an association in 1998. The organization is affiliated to the Latin American and the Caribbean Confederacy of Domestic Workers. Today it has 400 members, most of them Nicaragua.

Aspect	View
Impact of immigration on the job market	<p>Wages have not been pushed down. However, in general terms, domestic workers do work for the minimum wage, which they vindicate as their right. Nevertheless, in rural areas many of them are hired for wages below such minimum for two reasons: poor inspection by the labour authorities, and the fact that workers are not informed about their rights.</p> <p>Costa Rican domestic workers have not been displaced because it is difficult to find them working in this sector. Immigration has strengthened the association.</p> <p>If all employers affiliated domestic workers to the Social Security System, The public health systems would not face any problems.</p>
Migratory policies	<p>It is known that there is no policy on migration. Rather, there are general laws that are not enforced in the case of immigrants.</p> <p>The migratory amnesty has been a very important support to exercise our rights and obtain better working conditions. But it also has created a problem: employers hire newcomers, and not those who have regularized their status, so they continue to exploit workers.</p> <p>The downsides of this process were the high costs numerous families had to pay. Low-income families were forced to choose which member would regularize his situation, and the paperwork was excessive.</p> <p>For future amnesty processes, it would be a good idea to streamline the procedures and design for more flexible payment schemes, particularly for low-income, large families.</p> <p>In general, a migratory policy should include provisions for improving immigrants' living conditions (health, education, etc.).</p>
Major difficulties	<p>Violation of domestic workers' rights is fairly constant. There is a lack of political will to enact laws to protect domestic workers.</p>

Source: Interview with members of the ASTRADOMES Board of Directors, on 27 February 2001.

ANNEX 4

ABOUT THE INTERNATIONAL CONVENTION ON THE PROTECTION OF THE RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES (1990, UN GENERAL ASSEMBLY) ^a

The special vulnerability of workers who are employed outside their countries of origin has been an issue of growing concern throughout the entire United Nations system since 1948. As a result, on December 18, 1990 after a long negotiation process, the United Nations General Assembly adopted the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families. This Convention recognizes and is inspired on the International Labour Organization's existing Agreements. However, it goes beyond them inasmuch as it extends the rights until then limited to workers migrating legally for working reasons, to migratory workers illegally entering or residing in the country they are employed, and includes their families as well. Nevertheless, the Convention has not received enough acceptance from the States parties to effectively enter into force. In fact, at least 20 ratifications are required for the Convention to enter into force and be made effective, and today only 12 countries have ratified it. Therefore, a worldwide campaign was launched in 1998 to promote ratification and signing of the Convention by a larger number of States, as well as incorporating its standards into national laws and practices.

The importance of this Convention may be illustrated in the following six points

1. Migrant workers are viewed as something more than mere labour or economic entities: they are social beings that have families, and therefore they have rights, including the right to join or relocate their families.
2. The Convention acknowledges that migratory workers and their families lack protection, since they are non-nationals residing in a State of employment or transit. Quite often national legislation of the State they migrate to does not recognize their rights, and neither does the legislation from their country of origin. Consequently, the international community is responsible for providing for protective measures through the UN
3. The Convention sets forth international definitions for migrant workers and categories of migrant workers, as well as their families. Moreover, it sets international standards on the specific human rights of migrant workers and their families.
4. The fundamental human rights apply to all migratory workers – both documented and non-documented – while recognizing additional rights for documented migratory workers and their families.
5. The Convention is intended to play a role in the prevention and eradication of exploitation practices of all migratory workers and their families, and even put an end to their illegal or clandestine movements, as well as irregular situations and lack of documentation.
6. The Convention seeks to establish minimum standards to protect migratory workers and their families. It is an instrument to encourage States lacking such standards at a national level to further harmonize their legislation with respect to internationally recognized standards.

The Convention sets forth obligations and responsibilities for all States involved, which include the “States of origin”, “States of transit”, and “receiving States”.

General obligations of States parties

1. **Non-discrimination**, which extends to aspects such as: sex, race, nationality, language or religion, political convictions, age, economic condition, etc.
2. **Promote the existence of legal and humane living conditions**, through policies on migration and exchange of information with other States parties, and to inform employers and their workers about the laws and regulations in this regard. The Convention also sets forth rules* on the recruitment of migrant workers and the return to their country of origin. It specifies the steps to be taken in order to combat trafficking of migrants, by imposing sanctions on any person or entity responsible for illegal movements of migratory workers.

3. Before their departure, **inform** migrant workers about the receiving country's conditions for their admission, stay, employment, and rights and obligations under the receiving country's law.
4. **Remittances and taxes.** States parties must allow for and facilitate migratory workers to send their earnings to their countries of origin.

Obligations of the States of origin

1. Allow migrants to leave and enter their country of origin.
2. Facilitate the participation of migrants in election processes in their country of origin.
3. Before their departure, inform migrants about the conditions applying to their admission, stay, and employment in the receiving country.
4. Provide consular services as required.
5. Assist migrant workers in their return, providing the conditions for their social and working reintegration.

Obligations of receiving States

1. Protect migrants against violence or any other form of persecution or humiliation.
2. See to the living and health conditions of migrant workers
3. Promote the equality of migrant workers before the Courts of Justice and tribunals with respect to nationals, as well as their equality in terms of remuneration, working conditions, access to education, Social Security, etc.
4. Facilitate the access to public education to the children of migratory workers, including the children of undocumented or illegal workers.
5. Allow for migratory workers to gather, associate themselves, or create trade unions for the protection of their economic, social, and cultural rights. And
6. Provide migratory workers with identity documents, as well as residence and work permits

Note: a) Taken from CIEG, 2001.

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

**Adopted by General Assembly Resolution 45/158
of 18 December 1990 (not in force)**

PREAMBLE

The States Parties to the present Convention,

Taking into account the principles embodied in the basic instruments of the United Nations concerning human rights, in particular the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Taking into account also the principles and standards set forth in the relevant instruments elaborated within the framework of the International Labour Organization, especially the Convention concerning Migration for Employment (No. 97), the Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (No.143), the Recommendation concerning Migration for Employment (No. 86), the Recommendation concerning Migrant Workers (No.151), the Convention concerning Forced or Compulsory Labour (No. 29) and the Convention concerning Abolition of Forced Labour (No. 105),

Reaffirming the importance of the principles contained in the Convention against Discrimination in Education of the United Nations Educational, Scientific and Cultural Organization,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Declaration of the Fourth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the Code of Conduct for Law Enforcement Officials, and the Slavery Conventions,

Recalling that one of the objectives of the International Labour Organization, as stated in its Constitution, is the protection of the interests of workers when employed in countries other than their own, and bearing in mind the expertise and experience of that organization in matters related to migrant workers and members of their families,

Recognizing the importance of the work done in connection with migrant workers and members of their families in various organs of the United Nations, in particular in the Commission on Human Rights and the Commission for Social Development, and in the Food and Agriculture Organization of the United Nations, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, as well as in other international organizations,

Recognizing also the progress made by certain States on a regional or bilateral basis towards the protection of the rights of migrant workers and members of their families, as well as the importance and usefulness of bilateral and multilateral agreements in this field,

Realizing the importance and extent of the migration phenomenon, which involves millions of people and affects a large number of States in the international community,

Aware of the impact of the flows of migrant workers on States and people concerned, and desiring to establish norms which may contribute to the harmonization of the attitudes of States through the acceptance of basic principles concerning the treatment of migrant workers and members of their families,

Considering the situation of vulnerability in which migrant workers and members of their families frequently find themselves owing, among other things, to their absence from their State of origin and to the difficulties they may encounter arising from their presence in the State of employment,

Convinced that the rights of migrant workers and members of their families have not been sufficiently recognized everywhere and therefore require appropriate international protection,

Taking into account the fact that migration is often the cause of serious problems for the members of the families of migrant workers as well as for the workers themselves, in particular because of the scattering of the family,

Bearing in mind that the human problems involved in migration are even more serious in the case of irregular migration and convinced therefore that appropriate action should be encouraged in order to prevent and eliminate clandestine movements and trafficking in migrant workers, while at the same time assuring the protection of their fundamental human rights,

Considering that workers who are non-documented or in an irregular situation are frequently employed under less favourable conditions of work than other workers and that certain employers find this an inducement to seek such labour in order to reap the benefits of unfair competition,

Considering also that recourse to the employment of migrant workers who are in an irregular situation will be discouraged if the fundamental human rights of all migrant workers are more widely recognized and, moreover, that granting certain additional rights to migrant workers and members of their families in a regular situation will encourage all migrants and employers to respect and comply with the laws and procedures established by the States concerned,

Convinced, therefore, of the need to bring about the international protection of the rights of all migrant workers and members of their families, reaffirming and establishing basic norms in a comprehensive convention which could be applied universally,

Have agreed as follows:

PART I: SCOPE AND DEFINITIONS

Article 1

1. The present Convention is applicable, except as otherwise provided hereafter, to all migrant workers and members of their families without distinction of any kind such as sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.
2. The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated activity in the State of employment as well as return to the State of origin or the State of habitual residence.

Article 2

For the purposes of the present Convention:

1. The term “migrant worker” refers to a person who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.
 - (a) The term “frontier worker” refers to a migrant worker who retains his or her habitual residence in a neighbouring State to which he or she normally returns every day or at least once a week.
 - (b) The term “seasonal worker” refers to a migrant worker whose work by its character is dependent on seasonal conditions and is performed only during part of the year.
 - (c) The term “seafarer”, which includes a fisherman, refers to a migrant worker employed on board a vessel registered in a State of which he or she is not a national.
 - (d) The term “worker on an offshore installation” refers to a migrant worker employed on an offshore installation that is under the jurisdiction of a State of which he or she is not a national.
 - (e) The term “itinerant worker” refers to a migrant worker who, having his or her habitual residence in one State, has to travel to another State or States for short periods, owing to the nature of his or her occupation.

- (f) The term “project-tied worker” refers to a migrant worker admitted to a State of employment for a defined period to work solely on a specific project being carried out in that State by his or her employer.
- (g) The term “specified-employment worker” refers to a migrant worker:
 - (i) Who has been sent by his or her employer for a restricted and defined period of time to a State of employment to undertake a specific assignment or duty; or,
 - (ii) Who engages for a restricted and defined period of time in work that requires professional, commercial, technical or other highly specialized skill; or,
 - (iii) Who, upon the request of his or her employer in the State of employment, engages for a restricted and defined period of time in work whose nature is transitory or brief; and who is required to depart from the State of employment either at the expiration of his or her authorized period of stay, or earlier if he or she no longer undertakes that specific assignment or duty or engages in that work.
- (h) The term “self-employed worker” refers to a migrant worker who is engaged in a remunerated activity otherwise than under a contract of employment and who earns his or her living through this activity normally working alone or together with members of his or her family, and to any other migrant worker recognized as self-employed by applicable legislation of the State of employment or bilateral or multilateral agreements.

Article 3

1. The present Convention shall not apply to:

- (a) Persons sent or employed by international organizations and agencies or persons sent or employed by a State outside its territory to perform official functions, whose admission and status are regulated by general international law or by specific international agreements or conventions.
- (b) Persons sent or employed by a State or on its behalf outside its territory who participate in development programmes and other co-operation programmes, whose admission and status are regulated by agreement with the State of employment and who, in accordance with that agreement, are not considered migrant workers.
- (c) Persons taking up residence in a State different from their State of origin as investors.
- (d) Refugees and stateless persons, unless such application is provided for in the relevant national legislation of, or international instruments in force for, the State Party concerned.
- (e) Students and trainees.
- (f) Seafarers and workers on an offshore installation who have not been admitted to take up residence and engage in a remunerated activity in the State of employment.

Article 4

For the purposes of the present Convention the term “members of the family” refers to persons married to migrant workers or having with them a relationship that, according to applicable law, produces effects equivalent to marriage, as well as their dependent children and other dependent persons who are recognized as members of the family by applicable legislation or applicable bilateral or multilateral agreements between the States concerned.

Article 5

For the purposes of the present Convention, migrant workers and members of their families:

- (a) Are considered as documented or in a regular situation if they are authorized to enter, to stay and to engage in a remunerated activity in the State of employment pursuant to the law of that State and to international agreements to which that State is a party.
- (b) Are considered as non-documented or in an irregular situation if they do not comply with the conditions provided for in subparagraph (a) of the present article.

Article 6

For the purposes of the present Convention:

- (a) The term “State of origin” means the State of which the person concerned is a national.
- (b) The term “State of employment” means a State where the migrant worker is to be engaged, is engaged or has been engaged in a remunerated activity, as the case may be.
- (c) The term “State of transit,’ means any State through which the person concerned passes on any journey to the State of employment or from the State of employment to the State of origin or the State of habitual residence.

PART II: NON-DISCRIMINATION WITH RESPECT TO RIGHTS

Article 7

States Parties undertake, in accordance with the international instruments concerning human rights, to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for in the present Convention without distinction of any kind such as to sex, race, colour, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status.

PART III: HUMAN RIGHTS OF ALL MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES

Article 8

1. Migrant workers and members of their families shall be free to leave any State, including their State of origin. This right shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present part of the Convention.
2. Migrant workers and members of their families shall have the right at any time to enter and remain in their State of origin.

Article 9

The right to life of migrant workers and members of their families shall be protected by law.

Article 10

No migrant worker or member of his or her family shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 11

1. No migrant worker or member of his or her family shall be held in slavery or servitude.
2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.
4. For the purpose of the present article the term “forced or compulsory labour” shall not include:
 - (a) Any work or service not referred to in paragraph 3 of the present article normally required of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention.
 - (b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community.
 - (c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.

Article 12

1. Migrant workers and members of their families shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of their choice and freedom either individually or in community with others and in public or private to manifest their religion or belief in worship, observance, practice and teaching.
2. Migrant workers and members of their families shall not be subject to coercion that would impair their freedom to have or to adopt a religion or belief of their choice.
3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.
4. States Parties to the present Convention undertake to have respect for the liberty of parents, at least one of whom is a migrant worker, and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 13

1. Migrant workers and members of their families shall have the right to hold opinions without interference.
2. Migrant workers and members of their families shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art or through any other media of their choice.
3. The exercise of the right provided for in paragraph 2 of the present article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputation of others.
 - (b) For the protection of the national security of the States concerned or of public order (ordre public) or of public health or morals.
 - (c) For the purpose of preventing any propaganda for war.
 - (d) For the purpose of preventing any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

Article 14

No migrant worker or member of his or her family shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, correspondence or other communications, or to unlawful attacks on his or her honour and reputation. Each migrant worker and member of his or her family shall have the right to the protection of the law against such interference or attacks.

Article 15

No migrant worker or member of his or her family shall be arbitrarily deprived of property, whether owned individually or in association with others. Where, under the legislation in force in the State of employment, the assets of a migrant worker or a member of his or her family are expropriated in whole or in part, the person concerned shall have the right to fair and adequate compensation.

Article 16

1. Migrant workers and members of their families shall have the right to liberty and security of person.
2. Migrant workers and members of their families shall be entitled to effective protection by the State against violence, physical injury, threats and intimidation, whether by public officials or by private individuals, groups or institutions.

3. Any verification by law enforcement officials of the identity of migrant workers or members of their families shall be carried out in accordance with procedure established by law.
4. Migrant workers and members of their families shall not be subjected individually or collectively to arbitrary arrest or detention; they shall not be deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.
5. Migrant workers and members of their families who are arrested shall be informed at the time of arrest as far as possible in a language they understand of the reasons for their arrest and they shall be promptly informed in a language they understand of any charges against them.
6. Migrant workers and members of their families who are arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that while awaiting trial they shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings and, should the occasion arise, for the execution of the judgement.
7. When a migrant worker or a member of his or her family is arrested or committed to prison or custody pending trial or is detained in any other manner:
 - (a) The consular or diplomatic authorities of his or her State of origin or of a State representing the interests of that State shall, if he or she so requests, be informed without delay of his or her arrest or detention and of the reasons therefore.
 - (b) The person concerned shall have the right to communicate with the said authorities. Any communication by the person concerned to the said authorities shall be forwarded without delay, and he or she shall also have the right to receive communications sent by the said authorities without delay.
 - (c) The person concerned shall be informed without delay of this right and of rights deriving from relevant treaties, if any, applicable between the States concerned, to correspond and to meet with representatives of the said authorities and to make arrangements with them for his or her legal representation.
8. Migrant workers and members of their families who are deprived of their liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of their detention and order their release if the detention is not lawful. When they attend such proceedings, they shall have the assistance, if necessary without cost to them, of an interpreter, if they cannot understand or speak the language used.
9. Migrant workers and members of their families who have been victims of unlawful arrest or detention shall have an enforceable right to compensation.

Article 17

1. Migrant workers and members of their families who are deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person and for their cultural identity.
2. Accused migrant workers and members of their families shall, save in exceptional circumstances, be separated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons. Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. Any migrant worker or member of his or her family who is detained in a State of transit or in a State of employment for violation of provisions relating to migration shall be held, in so far as practicable, separately from convicted persons or persons detained pending trial.
4. During any period of imprisonment in pursuance of a sentence imposed by a court of law, the essential aim of the treatment of a migrant worker or a member of his or her family shall be his or her reformation and social

rehabilitation. Juvenile offenders shall be separated from adults and be accorded treatment appropriate to their age and legal status.

5. During detention or imprisonment, migrant workers and members of their families shall enjoy the same rights as nationals to visits by members of their families.
6. Whenever a migrant worker is deprived of his or her liberty, the competent authorities of the State concerned shall pay attention to the problems that may be posed for members of his or her family, in particular for spouses and minor children.
7. Migrant workers and members of their families who are subjected to any form of detention or imprisonment in accordance with the law in force in the State of employment or in the State of transit shall enjoy the same rights as nationals of those States who are in the same situation.
8. If a migrant worker or a member of his or her family is detained for the purpose of verifying any infraction of provisions related to migration, he or she shall not bear any costs arising therefrom.

Article 18

1. Migrant workers and members of their families shall have the right to equality with nationals of the State concerned before the courts and tribunals. In the determination of any criminal charge against them or of their rights and obligations in a suit of law, they shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.
2. Migrant workers and members of their families who are charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to law.
3. In the determination of any criminal charge against them, migrant workers and members of their families shall be entitled to the following minimum guarantees:
 - (a) To be informed promptly and in detail in a language they understand of the nature and cause of the charge against them.
 - (b) To have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing.
 - (c) To be tried without undue delay.
 - (d) To be tried in their presence and to defend themselves in person or through legal assistance of their own choosing; to be informed, if they do not have legal assistance, of this right; and to have legal assistance assigned to them, in any case where the interests of justice so require and without payment by them in any such case if they do not have sufficient means to pay.
 - (e) To examine or have examined the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them.
 - (f) To have the free assistance of an interpreter if they cannot understand or speak the language used in court.
 - (g) Not to be compelled to testify against themselves or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Migrant workers and members of their families convicted of a crime shall have the right to their conviction and sentence being reviewed by a higher tribunal according to law.
6. When a migrant worker or a member of his or her family has, by a final decision, been convicted of a criminal offence and when subsequently his or her conviction has been reversed or he or she has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to that person.

7. No migrant worker or member of his or her family shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of the State concerned.

Article 19

1. No migrant worker or member of his or her family shall be held guilty of any criminal offence on account of any act or omission that did not constitute a criminal offence under national or international law at the time when the criminal offence was committed, nor shall a heavier penalty be imposed than the one that was applicable at the time when it was committed. If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, he or she shall benefit thereby.
2. Humanitarian considerations related to the status of a migrant worker, in particular with respect to his or her right of residence or work, should be taken into account in imposing a sentence for a criminal offence committed by a migrant worker or a member of his or her family.

Article 20

1. No migrant worker or member of his or her family shall be imprisoned merely on the ground of failure to fulfil a contractual obligation.
2. No migrant worker or member of his or her family shall be deprived of his or her authorization of residence or work permit or expelled merely on the ground of failure to fulfil an obligation arising out of a work contract unless fulfilment of that obligation constitutes a condition for such authorization or permit.

Article 21

It shall be unlawful for anyone, other than a public official duly authorized by law, to confiscate, destroy or attempt to destroy identity documents, documents authorizing entry to or stay, residence or establishment in the national territory or work permits. No authorized confiscation of such documents shall take place without delivery of a detailed receipt. In no case shall it be permitted to destroy the passport or equivalent document of a migrant worker or a member of his or her family.

Article 22

1. Migrant workers and members of their families shall not be subject to measures of collective expulsion. Each case of expulsion shall be examined and decided individually.
2. Migrant workers and members of their families may be expelled from the territory of a State Party only in pursuance of a decision taken by the competent authority in accordance with law.
3. The decision shall be communicated to them in a language they understand. Upon their request where not otherwise mandatory, the decision shall be communicated to them in writing and, save in exceptional circumstances on account of national security, the reasons for the decision likewise stated. The persons concerned shall be informed of these rights before or at the latest at the time the decision is rendered.
4. Except where a final decision is pronounced by a judicial authority, the person concerned shall have the right to submit the reason he or she should not be expelled and to have his or her case reviewed by the competent authority, unless compelling reasons of national security require otherwise. Pending such review, the person concerned shall have the right to seek a stay of the decision of expulsion.
5. If a decision of expulsion that has already been executed is subsequently annulled, the person concerned shall have the right to seek compensation according to law and the earlier decision shall not be used to prevent him or her from re-entering the State concerned.
6. In case of expulsion, the person concerned shall have a reasonable opportunity before or after departure to settle any claims for wages and other entitlements due to him or her and any pending liabilities.

7. Without prejudice to the execution of a decision of expulsion, a migrant worker or a member of his or her family who is subject to such a decision may seek entry into a State other than his or her State of origin.
8. In case of expulsion of a migrant worker or a member of his or her family the costs of expulsion shall not be borne by him or her. The person concerned may be required to pay his or her own travel costs.
9. Expulsion from the State of employment shall not in itself prejudice any rights of a migrant worker or a member of his or her family acquired in accordance with the law of that State, including the right to receive wages and other entitlements due to him or her.

Article 23

Migrant workers and members of their families shall have the right to have recourse to the protection and assistance of the consular or diplomatic authorities of their State of origin or of a State representing the interests of that State whenever the rights recognized in the present Convention are impaired. In particular, in case of expulsion, the person concerned shall be informed of this right without delay and the authorities of the expelling State shall facilitate the exercise of such right.

Article 24

Every migrant worker and every member of his or her family shall have the right to recognition everywhere as a person before the law.

Article 25

1. Migrant workers shall enjoy treatment not less favorable than that which applies to nationals of the State of employment in respect of remuneration and:
 - (a) Other conditions of work, that is to say, overtime, hours of work, weekly rest, holidays with pay, safety, health, termination of the employment relationship and any other conditions of work which, according to national law and practice, are covered by these terms.
 - (b) Other terms of employment, that is to say, minimum age of employment, restriction on home work and any other matters which, according to national law and practice, are considered a term of employment.
2. It shall not be lawful to derogate in private contracts of employment from the principle of equality of treatment referred to in paragraph 1 of the present article.
3. States Parties shall take all appropriate measures to ensure that migrant workers are not deprived of any rights derived from this principle by reason of any irregularity in their stay or employment. In particular, employers shall not be relieved of any legal or contractual obligations, nor shall their obligations be limited in any manner by reason of such irregularity.

Article 26

1. States Parties recognize the right of migrant workers and members of their families:
 - (a) To take part in meetings and activities of trade unions and of any other associations established in accordance with law, with a view to protecting their economic, social, cultural and other interests, subject only to the rules of the organization concerned.
 - (b) To join freely any trade union and any such association as aforesaid, subject only to the rules of the organization concerned.
 - (c) To seek the aid and assistance of any trade union and of any such association as aforesaid.
2. No restrictions may be placed on the exercise of these rights other than those that are prescribed by law and which are necessary in a democratic society in the interests of national security, public order (order public) or the protection of the rights and freedoms of others.

Article 27

1. With respect to social security, migrant workers and members of their families shall enjoy in the State of employment the same treatment granted to nationals in so far as they have fulfilled the requirements provided for by the applicable legislation of that State and the applicable bilateral and multilateral treaties. The competent authorities of the State of origin and the State of employment can at any time establish the necessary arrangements to determine the modalities of application of this norm.
2. Where the applicable legislation does not allow migrant workers and members of their families a benefit, the States concerned shall examine the possibility of reimbursing interested persons the amount of contributions made by them with respect to that benefit on the basis of the treatment granted to nationals who are in similar circumstances.

Article 28

Migrant workers and members of their families shall have the right to receive any medical care that is urgently required for the preservation of their life or the avoidance of irreparable harm to their health on the basis of equality of treatment with nationals of the State concerned. Such emergency medical care shall not be refused them by reason of any irregularity with regard to stay or employment.

Article 29

Each child of a migrant worker shall have the right to a name, to registration of birth and to a nationality.

Article 30

Each child of a migrant worker shall have the basic right of access to education on the basis of equality of treatment with nationals of the State concerned. Access to public pre-school educational institutions or schools shall not be refused or limited by reason of the irregular situation with respect to stay or employment of either parent or by reason of the irregularity of the child's stay in the State of employment.

Article 31

1. States Parties shall ensure respect for the cultural identity of migrant workers and members of their families and shall not prevent them from maintaining their cultural links with their State of origin.
2. States Parties may take appropriate measures to assist and encourage efforts in this respect.

Article 32

Upon the termination of their stay in the State of employment, migrant workers and members of their families shall have the right to transfer their earnings and savings and, in accordance with the applicable legislation of the States concerned, their personal effects and belongings.

Article 33

1. Migrant workers and members of their families shall have the right to be informed by the State of origin, the State of employment or the State of transit as the case may be concerning:
 - (a) Their rights arising out of the present Convention.
 - (b) The conditions of their admission, their rights and obligations under the law and practice of the State concerned and such other matters as will enable them to comply with administrative or other formalities in that State.
2. States Parties shall take all measures they deem appropriate to disseminate the said information or to ensure that it is provided by employers, trade unions or other appropriate bodies or institutions. As appropriate, they shall co-operate with other States concerned.
3. Such adequate information shall be provided upon request to migrant workers and members of their families, free of charge, and, as far as possible, in a language they are able to understand.

Article 34

Nothing in the present part of the Convention shall have the effect of relieving migrant workers and the members of their families from either the obligation to comply with the laws and regulations of any State of transit and the State of employment or the obligation to respect the cultural identity of the inhabitants of such States.

Article 35

Nothing in the present part of the Convention shall be interpreted as implying the regularization of the situation of migrant workers or members of their families who are non-documented or in an irregular situation or any right to such regularization of their situation, nor shall it prejudice the measures intended to ensure sound and equitable-conditions for international migration as provided in part VI of the present Convention.

PART IV: OTHER RIGHTS OF MIGRANT WORKERS AND MEMBERS OF THEIR FAMILIES WHO ARE DOCUMENTED OR IN A REGULAR SITUATION

Article 36

Migrant workers and members of their families who are documented or in a regular situation in the State of employment shall enjoy the rights set forth in the present part of the Convention in addition to those set forth in part III.

Article 37

Before their departure, or at the latest at the time of their admission to the State of employment, migrant workers and members of their families shall have the right to be fully informed by the State of origin or the State of employment, as appropriate, of all conditions applicable to their admission and particularly those concerning their stay and the remunerated activities in which they may engage as well as of the requirements they must satisfy in the State of employment and the authority to which they must address themselves for any modification of those conditions.

Article 38

1. States of employment shall make every effort to authorize migrant workers and members of the families to be temporarily absent without effect upon their authorization to stay or to work, as the case may be. In doing so, States of employment shall take into account the special needs and obligations of migrant workers and members of their families, in particular in their States of origin.
2. Migrant workers and members of their families shall have the right to be fully informed of the terms on which such temporary absences are authorized.

Article 39

1. Migrant workers and members of their families shall have the right to liberty of movement in the territory of the State of employment and freedom to choose their residence there.
2. The rights mentioned in paragraph 1 of the present article shall not be subject to any restrictions except those that are provided by law, are necessary to protect national security, public order (order public), public health or morals, or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 40

1. Migrant workers and members of their families shall have the right to form associations and trade unions in the State of employment for the promotion and protection of their economic, social, cultural and other interests.
2. No restrictions may be placed on the exercise of this right other than those that are prescribed by law and are necessary in a democratic society in the interests of national security, public order (order public) or the protection of the rights and freedoms of others.

Article 41

1. Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.
2. The States concerned shall, as appropriate and in accordance with their legislation, facilitate the exercise of these rights.

Article 42

1. States Parties shall consider the establishment of procedures or institutions through which account may be taken, both in States of origin and in States of employment, of special needs, aspirations and obligations of migrant workers and members of their families and shall envisage, as appropriate, the possibility for migrant workers and members of their families to have their freely chosen representatives in those institutions.
2. States of employment shall facilitate, in accordance with their national legislation, the consultation or participation of migrant workers and members of their families in decisions concerning the life and administration of local communities.
3. Migrant workers may enjoy political rights in the State of employment if that State, in the exercise of its sovereignty, grants them such rights.

Article 43

1. Migrant workers shall enjoy equality of treatment with nationals of the State of employment in relation to:
 - (a) Access to educational institutions and services subject to the admission requirements and other regulations of the institutions and services concerned.
 - (b) Access to vocational guidance and placement services.
 - (c) Access to vocational training and retraining facilities and institutions.
 - (d) Access to housing, including social housing schemes, and protection against exploitation in respect of rents.
 - (e) Access to social and health services, provided that the requirements for participation in the respective schemes are met.
 - (f) Access to co-operatives and self-managed enterprises, which shall not imply a change of their migration status and shall be subject to the rules and regulations of the bodies concerned.
 - (g) Access to and participation in cultural life.
2. States Parties shall promote conditions to ensure effective equality of treatment to enable migrant workers to enjoy the rights mentioned in paragraph 1 of the present article whenever the terms of their stay, as authorized by the State of employment, meet the appropriate requirements.
3. States of employment shall not prevent an employer of migrant workers from establishing housing or social or cultural facilities for them. Subject to article 70 of the present Convention, a State of employment may make the establishment of such facilities subject to the requirements generally applied in that State concerning their installation.

Article 44

1. States Parties, recognizing that the family is the natural and fundamental group unit of society and is entitled to protection by society and the State, shall take appropriate measures to ensure the protection of the unity of the families of migrant workers.
2. States Parties shall take measures that they deem appropriate and that fall within their competence to facilitate the reunification of migrant workers with their spouses or persons who have with the migrant worker a relationship that, according to applicable law, produces effects equivalent to marriage, as well as with their minor dependent unmarried children.

3. States of employment, on humanitarian grounds, shall favourably consider granting equal treatment, as set forth in paragraph 2 of the present article, to other family members of migrant workers.

Article 45

1. Members of the families of migrant workers shall, in the State of employment, enjoy equality of treatment with nationals of that State in relation to:
 - (a) Access to educational institutions and services, subject to the admission requirements and other regulations of the institutions and services concerned.
 - (b) Access to vocational guidance and training institutions and services, provided that requirements for participation are met.
 - (c) Access to social and health services, provided that requirements for participation in the respective schemes are met.
 - (d) Access to and participation in cultural life.
2. States of employment shall pursue a policy, where appropriate in collaboration with the States of origin, aimed at facilitating the integration of children of migrant workers in the local school system, particularly in respect of teaching them the local language.
3. States of employment shall endeavour to facilitate for the children of migrant workers the teaching of their mother tongue and culture and, in this regard, States of origin shall collaborate whenever appropriate.
4. States of employment may provide special schemes of education in the mother tongue of children of migrant workers, if necessary in collaboration with the States of origin.

Article 46

Migrant workers and members of their families shall, subject to the applicable legislation of the States concerned, as well as relevant international agreements and the obligations of the States concerned arising out of their participation in customs unions, enjoy exemption from import and export duties and taxes in respect of their personal and household effects as well as the equipment necessary to engage in the remunerated activity for which they were admitted to the State of employment:

- (a) Upon departure from the State of origin or State of habitual residence.
- (b) Upon initial admission to the State of employment.
- (c) Upon final departure from the State of employment.
- (d) Upon final return to the State of origin or State of habitual residence.

Article 47

1. Migrant workers shall have the right to transfer their earnings and savings, in particular those funds necessary for the support of their families, from the State of employment to their State of origin or any other State. Such transfers shall be made in conformity with procedures established by applicable legislation of the State concerned and in conformity with applicable international agreements.
2. States concerned shall take appropriate measures to facilitate such transfers.

Article 48

1. Without prejudice to applicable double taxation agreements, migrant workers and members of their families shall, in the matter of earnings in the State of employment:
 - (a) Not be liable to taxes, duties or charges of any description higher or more onerous than those imposed on nationals in similar circumstances.
 - (b) Be entitled to deductions or exemptions from taxes of any description and to any tax allowances applicable to nationals in similar circumstances, including tax allowances for dependent members of their families.

2. States Parties shall endeavour to adopt appropriate measures to avoid double taxation of the earnings and savings of migrant workers and members of their families.

Article 49

1. Where separate authorizations to reside and to engage in employment are required by national legislation, the States of employment shall issue to migrant workers authorization of residence for at least the same period of time as their authorization to engage in remunerated activity.
2. Migrant workers who in the State of employment are allowed freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permits or similar authorizations.
3. In order to allow migrant workers referred to in paragraph 2 of the present article sufficient time to find alternative remunerated activities, the authorization of residence shall not be withdrawn at least for a period corresponding to that during which they may be entitled to unemployment benefits.

Article 50

1. In the case of death of a migrant worker or dissolution of marriage, the State of employment shall favourably consider granting family members of that migrant worker residing in that State on the basis of family reunion an authorization to stay; the State of employment shall take into account the length of time they have already resided in that State.
2. Members of the family to whom such authorization is not granted shall be allowed before departure a reasonable period of time in order to enable them to settle their affairs in the State of employment.
3. The provisions of paragraphs 1 and 2 of the present article may not be interpreted as adversely affecting any right to stay and work otherwise granted to such family members by the legislation of the State of employment or by bilateral and multilateral treaties applicable to that State.

Article 51

Migrant workers who in the State of employment are not permitted freely to choose their remunerated activity shall neither be regarded as in an irregular situation nor shall they lose their authorization of residence by the mere fact of the termination of their remunerated activity prior to the expiration of their work permit, except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted. Such migrant workers shall have the right to seek alternative employment, participation in public work schemes and retraining during the remaining period of their authorization to work, subject to such conditions and limitations as are specified in the authorization to work.

Article 52

1. Migrant workers in the State of employment shall have the right freely to choose their remunerated activity, subject to the following restrictions or conditions.
2. For any migrant worker a State of employment may:
 - (a) Restrict access to limited categories of employment, functions, services or activities where this is necessary in the interests of this State and provided for by national legislation.
 - (b) Restrict free choice of remunerated activity in accordance with its legislation concerning recognition of occupational qualifications acquired outside its territory. However, States Parties concerned shall endeavour to provide for recognition of such qualifications.
3. For migrant workers whose permission to work is limited in time, a State of employment may also:
 - (a) Make the right freely to choose their remunerated activities subject to the condition that the migrant worker has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed two years.

- (b) Limit access by a migrant worker to remunerated activities in pursuance of a policy of granting priority to its nationals or to persons who are assimilated to them for these purposes by virtue of legislation or bilateral or multilateral agreements. Any such limitation shall cease to apply to a migrant worker who has resided lawfully in its territory for the purpose of remunerated activity for a period of time prescribed in its national legislation that should not exceed five years.
4. States of employment shall prescribe the conditions under which a migrant worker who has been admitted to take up employment may be authorized to engage in work on his or her own account. Account shall be taken of the period during which the worker has already been lawfully in the State of employment.

Article 53

1. Members of a migrant worker's family who have themselves an authorization of residence or admission that is without limit of time or is automatically renewable shall be permitted freely to choose their remunerated activity under the same conditions as are applicable to the said migrant worker in accordance with article 52 of the present Convention.
2. With respect to members of a migrant worker's family who are not permitted freely to choose their remunerated activity, States Parties shall consider favourably granting them priority in obtaining permission to engage in a remunerated activity over other workers who seek admission to the State of employment, subject to applicable bilateral and multilateral agreements.

Article 54

1. Without prejudice to the terms of their authorization of residence or their permission to work and the rights provided for in articles 25 and 27 of the present Convention, migrant workers shall enjoy equality of treatment with nationals of the State of employment in respect of:
 - (a) Protection against dismissal.
 - (b) Unemployment benefits.
 - (c) Access to public work schemes intended to combat unemployment.
 - (d) Access to alternative employment in the event of loss of work or termination of other remunerated activity, subject to article 52 of the present Convention.
2. If a migrant worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State of employment, on terms provided for in article 18, paragraph 1, of the present Convention.

Article 55

Migrant workers who have been granted permission to engage in a remunerated activity, subject to the conditions attached to such permission, shall be entitled to equality of treatment with nationals of the State of employment in the exercise of that remunerated activity.

Article 56

1. Migrant workers and members of their families referred to in the present part of the Convention may not be expelled from a State of employment, except for reasons defined in the national legislation of that State, and subject to the safeguards established in part III.
2. Expulsion shall not be resorted to for the purpose of depriving a migrant worker or a member of his or her family of the rights arising out of the authorization of residence and the work permit.
3. In considering whether to expel a migrant worker or a member of his or her family, account should be taken of humanitarian considerations and of the length of time that the person concerned has already resided in the State of employment.

PART V: PROVISIONS APPLICABLE TO PARTICULAR CATEGORIES OF MIGRANT WORKERS AND OF THEIR FAMILIES

Article 57

The particular categories of migrant workers and members of their families specified in the present part of the Convention who are documented or in a regular situation shall enjoy the rights set forth in part m and, except as modified below, the rights set forth in part IV.

Article 58

1. Frontier workers, as defined in article 2, paragraph 2 (a), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment, taking into account that they do not have their habitual residence in that State.
2. States of employment shall consider favourably granting frontier workers the right freely to choose their remunerated activity after a specified period of time. The granting of that right shall not affect their status as frontier workers.

Article 59

1. Seasonal workers, as defined in article 2, paragraph 2 (b), of the present Convention, shall be entitled to the rights provided for in part IV that can be applied to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status in that State as seasonal workers, taking into account the fact that they are present in that State for only part of the year.
2. The State of employment shall, subject to paragraph 1 of the present article, consider granting seasonal workers who have been employed in its territory for a significant period of time the possibility of taking up other remunerated activities and giving them priority over other workers who seek admission to that State, subject to applicable bilateral and multilateral agreements.

Article 60

Itinerant workers, as defined in article 2, paragraph 2 (A), of the present Convention, shall be entitled to the rights provided for in part IV that can be granted to them by reason of their presence and work in the territory of the State of employment and that are compatible with their status as itinerant workers in that State.

Article 61

1. Project-tied workers, as defined in article 2, paragraph 2 (of the present Convention, and members of their families shall be entitled to the rights provided for in part IV except the provisions of article 43, paragraphs I (b) and (c), article 43, paragraph I (d), as it pertains to social housing schemes, article 45, paragraph I (b), and articles 52 to 55.
2. If a project-tied worker claims that the terms of his or her work contract have been violated by his or her employer, he or she shall have the right to address his or her case to the competent authorities of the State which has jurisdiction over that employer, on terms provided for in article 18, paragraph 1, of the present Convention.
3. Subject to bilateral or multilateral agreements in force for them, the States Parties concerned shall endeavour to enable project-tied workers to remain adequately protected by the social security systems of their States of origin or habitual residence during their engagement in the project. States Parties concerned shall take appropriate measures with the aim of avoiding any denial of rights or duplication of payments in this respect.
4. Without prejudice to the provisions of article 47 of the present Convention and to relevant bilateral or multilateral agreements, States Parties concerned shall permit payment of the earnings of project-tied workers in their State of origin or habitual residence.

Article 62

1. Specified-employment workers as defined in article 2, paragraph 2 (g), of the present Convention, shall be entitled to the rights provided for in part IV, except the provisions of article 43, paragraphs I (b) and (c), article 43, paragraph I (d), as it pertains to social housing schemes, article 52, and article 54, paragraph 1 (d).
2. Members of the families of specified-employment workers shall be entitled to the rights relating to family members of migrant workers provided for in part IV of the present Convention, except the provisions of article 53.

Article 63

1. Self-employed workers, as defined in article 2, paragraph 2 (h), of the present Convention, shall be entitled to the rights provided for in part IV with the exception of those rights which are exclusively applicable to workers having a contract of employment.
2. Without prejudice to articles 52 and 79 of the present Convention, the termination of the economic activity of the self-employed workers shall not in itself imply the withdrawal of the authorization for them or for the members of their families to stay or to engage in a remunerated activity in the State of employment except where the authorization of residence is expressly dependent upon the specific remunerated activity for which they were admitted.

**PART VI: PROMOTION OF SOUND, EQUITABLE, HUMANE AND LAWFUL CONDITIONS
CONNECTION WITH INTERNATIONAL MIGRATION OF WORKERS AND MEMBERS OF THEIR
FAMILIES**

Article 64

1. Without prejudice to article 79 of the present Convention, the States Parties concerned shall as appropriate consult and co-operate with a view to promoting sound, equitable and humane conditions in connection with international migration of workers and members of their families.
2. In this respect, due regard shall be paid not only to labour needs and resources, but also to the social, economic, cultural and other needs of migrant workers and members of their families involved, as well as to the consequences of such migration for the communities concerned.

Article 65

1. States Parties shall maintain appropriate services to deal with questions concerning international migration of workers and members of their families. Their functions shall include, inter alia:
 - (a) The formulation and implementation of policies regarding such migration;
 - (b) An exchange of information, consultation and co-operation with the competent authorities of other States Parties involved in such migration;
 - (c) The provision of appropriate information, particularly to employers, workers and their organizations on policies, laws and regulations relating to migration and employment, on agreements concluded with other States concerning migration and on other relevant matters;
 - (d) The provision of information and appropriate assistance to migrant workers and members of their families regarding requisite authorizations and formalities and arrangements for departure, travel, arrival, stay, remunerated activities, exit and return, as well as on conditions of work and life in the State of employment and on customs, currency, tax and other relevant laws and regulations.
2. States Parties shall facilitate as appropriate the provision of adequate consular and other services that are necessary to meet the social, cultural and other needs of migrant workers and members of their families.

Article 66

1. Subject to paragraph 2 of the present article, the right to undertake operations with a view to the recruitment of workers for employment in another State shall be restricted to:

- (a) Public services or bodies of the State in which such operations take place;
- (b) Public services or bodies of the State of employment on the basis of agreement between the States concerned;
- (c) A body established by virtue of a bilateral or multilateral agreement. 2. Subject to any authorization, approval and supervision by the public authorities of the States Parties concerned as may be established pursuant to the legislation and practice of those States, agencies, prospective employers or persons acting on their behalf may also be permitted to undertake the said operations.

Article 67

1. States Parties concerned shall co-operate as appropriate in the adoption of measures regarding the orderly return of migrant workers and members of their families to the State of origin when they decide to return or their authorization of residence or employment expires or when they are in the State of employment in an irregular situation.
2. Concerning migrant workers and members of their families in a regular situation, States Parties concerned shall co-operate as appropriate, on terms agreed upon by those States, with a view to promoting adequate economic conditions for their resettlement and to facilitating their durable social and cultural reintegration in the State of origin.

Article 68

1. States Parties, including States of transit, shall collaborate with a view to preventing and eliminating illegal or clandestine movements and employment of migrant workers in an irregular situation. The measures to be taken to this end within the jurisdiction of each State concerned shall include:
 - (a) Appropriate measures against the dissemination of misleading information relating to emigration and immigration;
 - (b) Measures to detect and eradicate illegal or clandestine movements of migrant workers and members of their families and to impose effective sanctions on persons, groups or entities which organize, operate or assist in organizing or operating such movements;
 - (c) Measures to impose effective sanctions on persons, groups or entities which use violence, threats or intimidation against migrant workers or members of their families in an irregular situation.
2. States of employment shall take all adequate and effective measures to eliminate employment in their territory of migrant workers in an irregular situation, including, whenever appropriate, sanctions on employers of such workers. The rights of migrant workers vis-a-vis their employer arising from employment shall not be impaired by these measures.

Article 69

1. States Parties shall, when there are migrant workers and members of their families within their territory in an irregular situation, take appropriate measures to ensure that such a situation does not persist.
2. Whenever States Parties concerned consider the possibility of regularizing the situation of such persons in accordance with applicable national legislation and bilateral or multilateral agreements, appropriate account shall be taken of the circumstances of their entry, the duration of their stay in the States of employment and other relevant considerations, in particular those relating to their family situation.

Article 70

States Parties shall take measures not less favourable than those applied to nationals to ensure that working and living conditions of migrant workers and members of their families in a regular situation are in keeping with the standards of fitness, safety, health and principles of human dignity.

Article 71

1. States Parties shall facilitate, whenever necessary, the repatriation to the State of origin of the bodies of deceased migrant workers or members of their families.
2. As regards compensation matters relating to the death of a migrant worker or a member of his or her family, States Parties shall, as appropriate, provide assistance to the persons concerned with a view to the prompt settlement of such matters. Settlement of these matters shall be carried out on the basis of applicable national law in accordance with the provisions of the present Convention and any relevant bilateral or multilateral agreements.

PART VII: APPLICATION OF THE CONVENTION

Article 72

1. (a) For the purpose of reviewing the application of the present Convention, there shall be established a Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (hereinafter referred to as “the Committee”);
(b) The Committee shall consist, at the time of entry into force of the present Convention, of ten and, after the entry into force of the Convention for the forty-first State Party, of fourteen experts of high moral standing, impartiality and recognized competence in the field covered by the Convention.
2. (a) Members of the Committee shall be elected by secret ballot by the States Parties from a list of persons nominated by the States Parties, due consideration being given to equitable geographical distribution, including both States of origin and States of employment, and to the representation of the principal legal system. Each State Party may nominate one person from among its own nationals;
(b) Members shall be elected and shall serve in their personal capacity.
3. The initial election shall be held no later than six months after the date of the entry into force of the present Convention and subsequent elections every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to all States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties that have nominated them, and shall submit it to the States Parties not later than one month before the date of the corresponding election, together with the curricula vitae of the persons thus nominated.
4. Elections of members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those nominees who obtain the largest number of votes and an absolute majority of the votes of the States Parties present and voting.
5. (a) The members of the Committee shall serve for a term of four years. However, the terms of five of the members elected in the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting of States Parties;
(b) The election of the four additional members of the Committee shall be held in accordance with the provisions of paragraphs 2, 3 and 4 of the present article, following the entry into force of the Convention for the forty-first State Party. The term of two of the additional members elected on this occasion shall expire at the end of two years; the names of these members shall be chosen by lot by the Chairman of the meeting of States Parties;
(c) The members of the Committee shall be eligible for re-election if renominated.
6. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party that nominated the expert shall appoint another expert from among its own nationals for the remaining part of the term. The new appointment is subject to the approval of the Committee.
7. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee.

8. The members of the Committee shall receive emoluments from United Nations resources on such terms and conditions as the General Assembly may decide.
9. The members of the Committee shall be entitled to the facilities, privileges and immunities of experts on mission for the United Nations as laid down in the relevant sections of the Convention on the Privileges and Immunities of the United Nations.

Article 73

1. States Parties undertake to submit to the Secretary-General of the United Nations for consideration by the Committee a report on the legislative, judicial, administrative and other measures they have taken to give effect to the provisions of the present Convention:
 - (a) Within one year after the entry into force of the Convention for the State Party concerned; (b) Thereafter every five years and whenever the Committee so requests.
2. Reports prepared under the present article shall also indicate factors and difficulties, if any, affecting the implementation of the Convention and shall include information on the characteristics of migration flows in which the State Party concerned is involved.
3. The Committee shall decide any further guidelines applicable to the content of the reports.
4. States Parties shall make their reports widely available to the public in their own countries.

Article 74

1. The Committee shall examine the reports submitted by each State Party and shall transmit such comments as it may consider appropriate to the State Party concerned. This State Party may submit to the Committee observations on any comment made by the Committee in accordance with the present article. The Committee may request supplementary information from States Parties when considering these reports.
2. The Secretary-General of the United Nations shall, in due time before the opening of each regular session of the Committee, transmit to the Director-General of the International Labour Office copies of the reports submitted by States Parties concerned and information relevant to the consideration of these reports, in order to enable the Office to assist the Committee with the expertise the Office may provide regarding those matters dealt with by the present Convention that fall within the sphere of competence of the International Labour Organisation. The Committee shall consider in its deliberations such comments and materials as the Office may provide.
3. The Secretary-General of the United Nations may also, after consultation with the Committee, transmit to other specialized agencies as well as to intergovernmental organizations, copies of such parts of these reports as may fall within their competence.
4. The Committee may invite the specialized agencies and organs of the United Nations, as well as intergovernmental organizations and other concerned bodies to submit, for consideration by the Committee, written information on such matters dealt with in the present Convention as fall within the scope of their activities.
5. The International Labour Office shall be invited by the Committee to appoint representatives to participate, in a consultative capacity, in the meetings of the Committee.
6. The Committee may invite representatives of other specialized agencies and organs of the United Nations, as well as of intergovernmental organizations, to be present and to be heard in its meetings whenever matters falling within their field of competence are considered.
7. The Committee shall present an annual report to the General Assembly of the United Nations on the implementation of the present Convention, containing its own considerations and recommendations, based, in particular, on the examination of the reports and any observations presented by States Parties.

8. The Secretary-General of the United Nations shall transmit the annual reports of the Committee to the States Parties to the present Convention, the Economic and Social Council, the Commission on Human Rights of the United Nations, the Director-General of the International Labour Office and other relevant organizations.

Article 75

1. The Committee shall adopt its own rules of procedure.
2. The Committee shall elect its officers for a term of two years.
3. The Committee shall normally meet annually.
4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 76

1. A State Party to the present Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the present Convention. Communications under this article may be received and considered only if submitted by a State Party that has made a declaration recognizing in regard to itself the competence of the Committee. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration. Communications received under this article shall be dealt with in accordance with the following procedure:
 - (a) If a State Party to the present Convention considers that another State Party is not fulfilling its obligations under the present Convention, it may, by written communication, bring the matter to the attention of that State Party. The State Party may also inform the Committee of the matter. Within three months after the receipt of the communication the receiving State shall afford the State that sent the communication an explanation, or any other statement in writing clarifying the matter which should include, to the extent possible and pertinent, reference to domestic procedures and remedies taken, pending or available in the matter;
 - (b) If the matter is not adjusted to the satisfaction of both States Parties concerned within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter to the Committee, by notice given to the Committee and to the other State;
 - (c) The Committee shall deal with a matter referred to it only after it has ascertained that all available domestic remedies have been invoked and exhausted in the matter, in conformity with the generally recognized principles of international law. This shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged;
 - (d) Subject to the provisions of subparagraph (c) of the present paragraph, the Committee shall make available its good offices to the States Parties concerned with a view to a friendly solution of the matter on the basis of the respect for the obligations set forth in the present Convention;
 - (e) The Committee shall hold closed meetings when examining communications under the present article;
 - (f) In any matter referred to it in accordance with subparagraph (b) of the present paragraph, the Committee may call upon the States Parties concerned, referred to in subparagraph (b), to supply any relevant information;
 - (g) The States Parties concerned, referred to in subparagraph (b) of the present paragraph, shall have the right to be represented when the matter is being considered by the Committee and to make submissions orally and/or in writing;
 - (h) The Committee shall, within twelve months after the date of receipt of notice under subparagraph (b) of the present paragraph, submit a report, as follows:
 - (i) If a solution within the terms of subparagraph (d) of the present paragraph is reached, the Committee shall confine its report to a brief statement of the facts and of the solution reached;
 - (ii) If a solution within the terms of subparagraph (d) is not reached, the Committee shall, in its report, set forth the relevant facts concerning the issue between the States

Parties concerned. The written submissions and record of the oral submissions made by the States Parties concerned shall be attached to the report. The Committee may also communicate only to the States Parties concerned any views that it may consider relevant to the issue between them. In every matter, the report shall be communicated to the States Parties concerned.

2. The provisions of the present article shall come into force when ten States Parties to the present Convention have made a declaration under paragraph I of the present article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by any State Party shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party concerned has made a new declaration.

Article 77

1. A State Party to the present Convention may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party. No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.
2. The Committee shall consider inadmissible any communication under the present article which is anonymous or which it considers to be an abuse of the right of submission of such communications or to be incompatible with the provisions of the present Convention.
3. The Committee shall not consider any communication from an individual under the present article unless it has ascertained that:
 - (a) The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
 - (b) The individual has exhausted all available domestic remedies; this shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonably prolonged or is unlikely to bring effective relief to that individual.
4. Subject to the provisions of paragraph 2 of the present article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention. Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
5. The Committee shall consider communications received under the present article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
6. The Committee shall hold closed meetings when examining communications under the present article.
7. The Committee shall forward its views to the State Party concerned and to the individual. 8. The provisions of the present article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of the present article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General. Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; no further communication by or on behalf of an individual shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.

Article 78

The provisions of article 76 of the present Convention shall be applied without prejudice to any procedures for settling disputes or complaints in the field covered by the present Convention laid down in the constituent instruments of, or in conventions adopted by, the United Nations and the specialized agencies and shall not prevent the States Parties from having recourse to any procedures for settling a dispute in accordance with international agreements in force between them.

PART VIII: GENERAL PROVISIONS

Article 79

Nothing in the present Convention shall affect the right of each State Party to establish the criteria governing admission of migrant workers and members of their families. Concerning other matters related to their legal situation and treatment as migrant workers and members of their families, States Parties shall be subject to the limitations set forth in the present Convention.

Article 80

Nothing in the present Convention shall be interpreted as impairing the provisions of the Charter of the United Nations and of the constitutions of the specialized agencies which define the respective responsibilities of the various organs of the United Nations and of the specialized agencies in regard to the matters dealt with in the present Convention.

Article 81

1. Nothing in the present Convention shall affect more favourable rights or freedoms granted to migrant workers and members of their families by virtue of:
2. The law or practice of a State Party; or
3. Any bilateral or multilateral treaty in force for the State Party concerned.
4. Nothing in the present Convention may be interpreted as implying for any State, group or person any right to engage in any activity or perform any act that would impair any of the rights and freedoms as set forth in the present Convention.

Article 82

The rights of migrant workers and members of their families provided for in the present Convention may not be renounced. It shall not be permissible to exert any form of pressure upon migrant workers and members of their families with a view to their relinquishing or foregoing any of the said rights. It shall not be possible to derogate by contract from rights recognized in the present Convention. States Parties shall take appropriate measures to ensure that these principles are respected.

Article 83

Each State Party to the present Convention undertakes:

- (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) To ensure that any persons seeking such a remedy shall have his or her claim reviewed and decided by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 84

Each State Party undertakes to adopt the legislative and other measures that are necessary to implement the provisions of the present Convention.

PART IX: FINAL PROVISIONS

Article 85

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 86

1. The present Convention shall be open for signature by all States. It is subject to ratification.
2. The present Convention shall be open to accession by any State.
3. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

Article 87

1. The present Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of the twentieth instrument of ratification or accession.
2. For each State ratifying or acceding to the present Convention after its entry into force, the Convention shall enter into force on the first day of the month following a period of three months after the date of the deposit of its own instrument of ratification or accession.

Article 88

A State ratifying or acceding to the present Convention may not exclude the application of any Part of it, or, without prejudice to article 3, exclude any particular category of migrant workers from its application.

Article 89

1. Any State Party may denounce the present Convention, not earlier than five years after the Convention has entered into force for the State concerned, by means of a notification writing addressed to the Secretary-General of the United Nations.
2. Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of the receipt of the notification by the Secretary-General of the United Nations.
3. Such a denunciation shall not have the effect of releasing the State Party from its obligations under the present Convention in regard to any act or omission which occurs prior to the date at which the denunciation becomes effective, nor shall denunciation prejudice in any way the continued consideration of any matter which is already under consideration by the Committee prior to the date at which the denunciation becomes effective.
4. Following the date at which the denunciation of a State Party becomes effective, the Committee shall not commence consideration of any new matter regarding that State.

Article 90

1. After five years from the entry into force of the Convention a request for the revision of the Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting shall be submitted to the General Assembly for approval.

2. Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties in accordance with their respective constitutional processes.
3. When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.

Article 91

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of signature, ratification or accession.
2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.
3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations, who shall then inform all States thereof. Such notification shall take effect on the date on which it is received.

Article 92

1. Any dispute between two or more States Parties concerning the interpretation or application of the present Convention that is not settled by negotiation shall, at the request of one of them, be submitted to arbitration. If within six months from the date of the request for arbitration the Parties are unable to agree on the organization of the arbitration, any one of those Parties may refer the dispute to the International Court of Justice by request in conformity with the Statute of the Court.
2. Each State Party may at the time of signature or ratification of the present Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of the present article. The other States Parties shall not be bound by that paragraph with respect to any State Party that has made such a declaration.
3. Any State Party that has made a declaration in accordance with paragraph 2 of the present article may at any time withdraw that declaration by notification to the Secretary-General of the United Nations.

Article 93

1. The present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.
2. The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.