

COSTA RICA | SECOND PROFILE 2023

MIGRATION

GOVERNANCE

INDICATORS



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CONTENTS

OBJECTIVES // 5

INTRODUCTION // 6

CONCEPTUAL FRAMEWORK // 9

SUMMARY // 11

CONTEXT // 14

KEY FINDINGS // 16

AFTER THE MGI ASSESSMENT // 35

ANNEX // 36

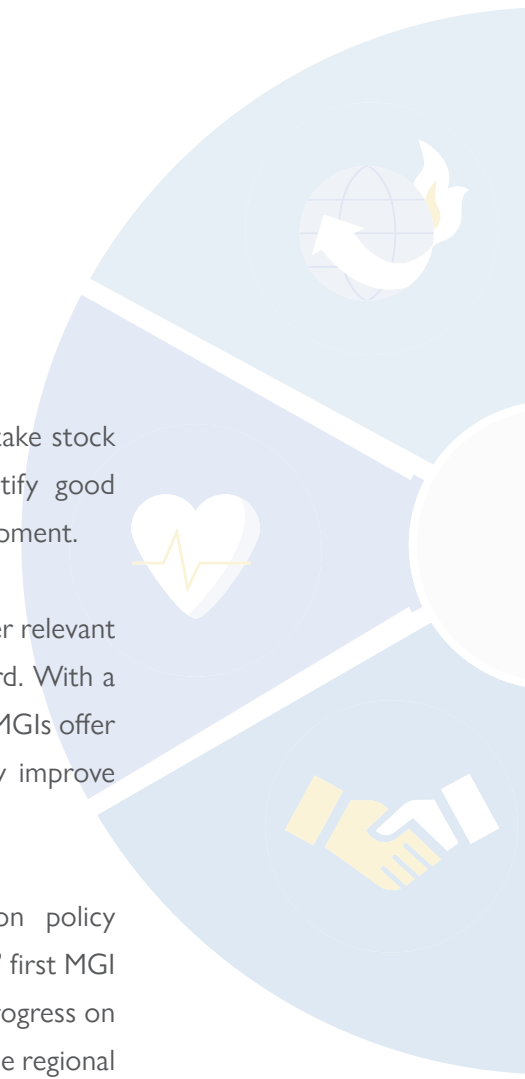
KEY SOURCES // 38

OBJECTIVES

The MGIs aim to help governments, upon request, take stock of their migration policies and strategies to identify good practices and areas with potential for further development.

The MGIs open dialogues with governments and other relevant stakeholders to identify priorities on the way forward. With a focus on government ownership of the process, the MGIs offer support at the national and local levels to gradually improve migration management systems.

MGI follow-up assessments identify the migration policy developments that have occurred since the countries' first MGI assessments, thus helping governments track their progress on national priorities as well as commitments taken at the regional and international levels.



INTRODUCTION

“ Migration has been part of the human experience throughout history, and we recognize that it is a source of prosperity, innovation and sustainable development in our globalized world, and that these positive impacts can be optimized by improving migration governance.¹

The need to maximize the opportunities and to face the challenges that mobility brings has been recognized with the inclusion of migration in the 2030 Agenda for Sustainable Development, and with the adoption of the Global Compact for Safe, Orderly and Regular Migration. The incorporation of target 10.7 into the 2030 Agenda created the need to define “planned and well-managed migration policies”. This is why, in 2015, the International Organization for Migration (IOM) developed the Migration Governance² Framework (MiGOF). This Framework³ offers a concise view of an ideal approach that allows a State to determine what it might need to govern migration well and in a way that suits its circumstances. That same year, IOM in collaboration with Economist Impact developed the Migration Governance Indicators (MGIs), a standard set of almost 100 indicators that help States assess the comprehensiveness of their migration governance structures.

The indicators constitute a starting point to engage governments in a consultative process that allows them to identify areas that are well developed and others that would benefit from further development, and most importantly priorities that are in line with the specific challenges and opportunities that a given country is facing.

The MGIs are characterized by three main fundamental attributes:

1. The MGI process is a **voluntary** exercise: The MGIs are conducted in countries that have requested to be part of the process.
2. The MGIs are **sensitive to national specificities**: The MGIs recognize the different challenges and opportunities of each context, and therefore, do not propose a one-size-fits-all solution, but rather aim to spark a discussion on what well-governed migration can mean.
3. The MGIs constitute a **process**: The MGI process is not a static tool to collect data on countries’ migration frameworks. It is rather the first step of a dynamic exercise that can enable governments to identify areas of their migration policy in need of further development, or that could benefit from capacity-building.

The MGIs recognize that all countries have different realities, challenges and opportunities in relation to migration. Therefore, the MGIs do not rank countries on the design or implementation of their migration policies.

Finally, the MGIs do not measure migration policy outcomes or institutional effectiveness. Instead, they take stock of the migration-related policies in place and operate as a benchmarking framework that provides insights on policy measures that countries can consider as they further progress towards good migration governance.

¹ United Nations, [Global Compact for Safe, Orderly and Regular Migration](#) (A/RES/73/195 of 11 January 2019), paragraph 8.

² “Migration governance” refers to the system of institutions, legal frameworks, mechanisms, and practices aimed at regulating migration and protecting migrants. It is used almost synonymously with the term “migration management”, although the latter is also sometimes used to refer to the narrow act of regulating cross-border movement at the State level.

³ IOM Council, [Migration Governance Framework](#), 106th Session, C/106/40 (4 November 2015), page 1, footnote 1.

IOM is grateful to the General Directorate of Migration and Aliens, public institutions, and the Government of the Republic of Costa Rica (hereinafter referred to as Costa Rica) for their support and commitment to the MGIs. This country profile summarizes the areas of Costa Rica's migration governance structures that have made significant headway since the previous assessment for 2019,⁴ as well as the areas with potential for further development, as assessed by the MGIs.⁵ This report is complemented by the local MGI assessments for Coto Brus,⁶ Desamparados,⁷ Heredia,⁸ La Cruz⁹ and San José.¹⁰

⁴ See *Migration Governance Indicators Profile 2019 – Republic of Costa Rica*.

⁵ The MGI initiative is a policy-benchmarking programme led by IOM and implemented with the support of Economist Impact. Funding is provided by IOM Member States.

⁶ See *Migration Governance Indicators Local Profile 2022 – Municipality of Coto Brus (Costa Rica)*.

⁷ See *Migration Governance Indicators Local Profile 2022 – Municipality of Desamparados (Costa Rica)*.

⁸ See *Indicadores de Gobernanza de la Migración a Nivel Local Perfil 2021 – Municipalidad de Heredia*.

⁹ See *Indicadores de Gobernanza de la Migración a Nivel Local Perfil 2022 – Municipalidad de La Cruz (Costa Rica)*.

¹⁰ See *Indicadores de Gobernanza de la Migración a Nivel Local Perfil 2021 – Municipalidad de San José*.

CONCEPTUAL FRAMEWORK

MiGOF

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

At the basis of

PRINCIPLES

1. **Adhere** to international standards and fulfil migrants' rights.
2. **Formulate** policy using evidence and a whole-of-government approach.
3. **Engage** with partners to address migration and related issues.

OBJECTIVES

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



MGIs

WHAT THEY ARE

-  A set of indicators that offers insights on policy levers that countries can use to strengthen their migration governance structures
-  A tool that identifies good practices and areas that could be further developed
-  A consultative process that advances dialogues on migration governance by clarifying what "well-governed migration" might look like in the context of SDG target 10.7 and the Global Compact for Migration implementation*

Which support the measurement of

WHAT THEY ARE NOT

-  Not a ranking of countries
-  Not an assessment of policy impacts
-  Not prescriptive



Note: "The Global Compact is framed in a way consistent with target 10.7 of the 2030 Agenda for Sustainable Development in which Member States committed to cooperate internationally to facilitate safe, orderly and regular migration."

The MGIs consist of almost 100 indicators grouped under the six different dimensions of migration governance that draw upon the MiGOF categories:



MIGRANTS'
RIGHTS
PAGE 17

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



WHOLE-OF-GOVERNMENT
APPROACH
PAGE 21

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



PARTNERSHIPS
PAGE 24

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



WELL-BEING
OF MIGRANTS
PAGE 26

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



MOBILITY DIMENSION
OF CRISES
PAGE 29

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



SAFE, ORDERLY AND
REGULAR MIGRATION
PAGE 32

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



SUMMARY

SUMMARY OF UPDATES SINCE 2019

Migrants' rights

In 2021, the General Directorate of Migration and Aliens (Dirección General de Migración y Extranjería, DGME) created the special category for foreign students to regularize the migration status of persons between 4 and 21 years of age who are enrolled in an institution in Costa Rica's public education system. Since 2019, initiatives have been implemented to facilitate the regularization of migrants' status, including Executive Decree No. 42406-MAG-MGP of 2020, which provided for exceptions allowing for the regularization of workers in the agricultural, agro-export or agro-industrial sectors, and Resolution No. DJUR-0190-12-2020-JM of 2020, creating the special temporary category affording additional protection for Cuban, Nicaraguan and Venezuelan nationals whose refugee applications had been rejected. In 2022, the Government brought in a new temporary special category for nationals of these countries through Executive Decree No. 43809-MGP.

Costa Rica enacted the Law on the Protection of the Right to Costa Rican Nationality of Cross-border Indigenous People and Guarantee of Integration of Cross-border Indigenous People (Law No. 9710 of 2019), under which the Ngöbe-Buglé Indigenous people are able to regularize their migration status through a special category of residency or opt for Costa Rican nationality based on simplified requirements, in keeping with Convention No. 169 of the International Labour Organization on Indigenous and Tribal Peoples (2014).

Whole-of-government approach

The National Migration Council is the body that advises the Executive Branch, the Ministry of the Interior and Police, and the DGME, and it comprises national institutions and civil society. The Council coordinates the Comprehensive Migration Policy 2013–2023 (2013). As of July 2023, the Government is developing a new migration policy for the period 2024–2034. April 2023 also brought the launch of the new National Integration Plan for Costa Rica 2023–2027 (2023), which is being coordinated with migration policy. Moreover, in 2020, the DGME had introduced the digital migration platform Trámite ¡Ya!¹¹ to facilitate the migration process.

Partnerships

In 2022, Costa Rica adopted Decree No. 43393-PLAN-MTSS-MGP-RE formalizing the National Comprehensive Refugee Response and Support Framework in Costa Rica. The Government has also signed two new bilateral agreements: the framework agreement to implement binational integrated control systems at the border crossings between Costa Rica and Panama (2019) and the binational agreement regulating the temporary recruitment of Nicaraguan workers in Costa Rica (2022). Furthermore, in 2022, the country renewed its 2015 bilateral agreement with Panama regarding the mechanism for coordinating migratory flows for the purposes of employment.

Well-being of migrants

Costa Rica passed the Law to Attract International Remote Workers and Service Providers (Digital Nomads) (Law No. 10008 of 2021). The Government has also developed initiatives to facilitate the regularization and protection of migrants, including the Protocol for the Implementation of General Guidelines for Coffee Farms that Employ Migrant Labour (Indigenous Ngöbe-Buglé People) within the Framework of the COVID-19 Alert – Coffee Grower Sector (2020); the Labour Migration Traceability System, developed in 2020, under which the transit of migrant workers can be monitored and an official migration document is issued to facilitate

¹¹ Visit the digital migration platform Trámite ¡Ya! to know more.

access to rights; the General Protocol on the Management of Labour Migration for the Harvest Season in the Framework of the COVID-19 Alert (2021); and the General Protocol on the Management of Labour Migration for the 2022–2023 Agricultural Harvest Season (2022). In 2022, the Government issued Decree No. 43527 MGP-S-MAG-MRREE-MTSS, creating a special category for regularizing the migration status of foreign nationals to work temporarily in the agricultural sector. Lastly, the Handbook on Management Guidelines for the National Employment System of Costa Rica (2021) includes specific guidelines on assisting migrants and refugees.

Mobility dimension of crises

Approved in 2021, the 2021–2025 National Risk Management Plan provides guidance for all national players in risk and emergency management, including assistance to migrants. Costa Rica also adopted the *Guide for the Management of Temporary Shelters in Pre-established Structures* (2019), thus recognizing the vulnerability of migrants, while in April 2023, the DGME launched the Protocol on Support for Migrants, Refugees and Other Persons in Situations of International Mobility Affected by Emergencies.¹² Moreover, the National Climate Change Adaptation Plan 2022–2026 (2022), which is the programme document for implementing the National Climate Change Adaptation Policy of Costa Rica 2018–2030 (2018), takes into account the vulnerability of social groups such as migrants.

Safe, orderly and regular migration

The National Policy against Trafficking in Persons 2020–2030 was approved in 2020 and contains six main action lines, namely prevention, assistance and protection, pursuit of justice, information, analysis and integration, and inter-agency coordination. There are targets, management indicators and responsible entities associated with each of these action lines. Similarly, the Protocol on the Management of Special Migratory Situations (2018) lays out procedures for identifying migrants in situations of vulnerability and providing them with adequate support and protection services.

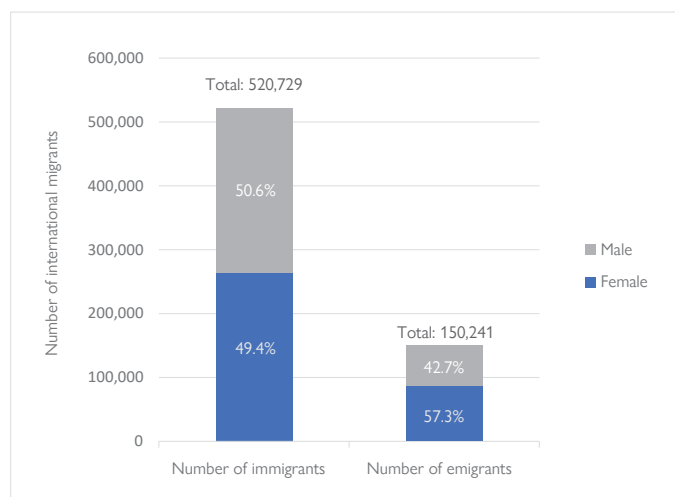
¹² At the time of writing this report, the protocol is in an unpublished internal report.



CONTEXT

According to estimates by the United Nations Department of Economic and Social Affairs (DESA), both immigration and emigration have increased in Costa Rica since 1990. However, immigration is the more predominant of the two.¹³ Figure 1 shows that in mid-2020, there were 520,729 international migrants¹⁴ residing in Costa Rica, representing approximately 10 per cent of its total population (5.1 million). Sex-disaggregated data show that the proportion of female immigrants (49.4%) is similar to that of male immigrants (50.6%).¹⁵ Meanwhile, there were 150,241 emigrants in the same year, representing 2.9 per cent of the country's total population. Sex-disaggregated data show a substantially higher proportion of female emigrants (57.3%) than male emigrants (42.7%).

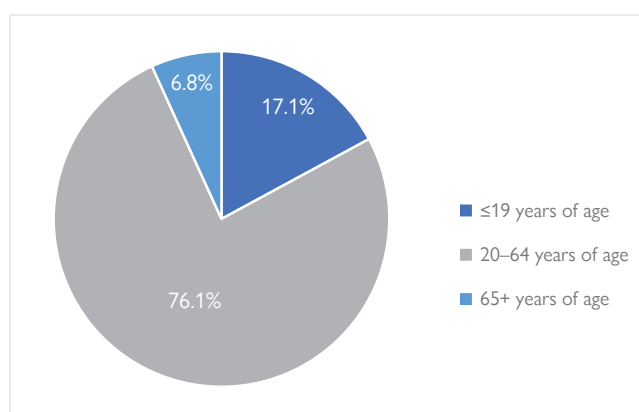
Figure 1. International migration to and from Costa Rica (2020), by sex



Source: DESA, *International Migrant Stock* (2020).

Figure 2 shows that most immigrants in Costa Rica are between the ages of 20 and 64 years (76.1%), followed by the population of those under 20 years of age, who account for 17.1 per cent of the total number of immigrants.

Figure 2. Distribution of immigrants by age group in Costa Rica (2020)



Source: Migration Data Portal, 2020 data from DESA (2020).

¹³ Visit the [Migration Data Portal](#) for more information.

¹⁴ See footnote 13.

¹⁵ Estimates are based on official statistics on foreign-born persons resident in the country. For more information on the methodology, see DESA's *International Migrant Stock* (2020).



KEY

FINDINGS



1

ADHERE TO INTERNATIONAL STANDARDS AND FULFIL MIGRANTS' RIGHTS

1.1. Migration governance: examples of well-developed areas

Regular migrants may access the public health services provided by the Costa Rican Social Security Fund (Caja Costarricense del Seguro Social, CCSS)¹⁶ in coordination with the Ministry of Health, while irregular migrants may access the emergency services. Migrant women who are pregnant or migrant minors (under 18 years of age) may access health services free of charge at any CCSS care centre, irrespective of their migration status. Under the health insurance regulations of the CCSS (1997), when the care is urgent, uninsured persons, including irregular migrants, may access health services, for which they are subsequently invoiced (Articles 61 and 74). The Government must ensure that migrants receive medical attention for infectious diseases to prevent their spread (Directive No. 046-S of 2016). Directive No. 010-MP-MIDEPLAN-MTSS-MSP-MGP-MRREE (2018) designates the CCSS as responsible for providing migrants with basic health care under the current legal framework and provides that the State will bear the cost of such care. To put this into practice, the CCSS Financial and Medical Management Divisions inform¹⁷ health centres about the obligation of the CCSS to provide such health care to any person entering or remaining in Costa Rican territory in exceptional migratory circumstances.¹⁸

The General Directorate of Migration and Aliens (DGME) also guarantees basic health care and provides medical emergency services, including ambulances with primary health-care equipment for persons in transit who are housed in the Temporary Migrant Care Centres.¹⁹ Furthermore, it provides comprehensive health care for victims of human trafficking, including therapies, specialized treatment, and legal and psychological assistance, as stipulated in the Law against Trafficking in Persons and for the Creation of the National Coalition against Illegal Migrant Smuggling and Trafficking in Persons (Law No. 9095 of 2013).

In accordance with Article 78 of the Political Constitution (1949), Costa Rica maintains equitable and free access to preschool, general basic and diversified education,²⁰ and children and adolescents have the right to enrol in the Costa Rican educational system irrespective of their migration status. Moreover, the Fundamental Law of Education (1957) recognizes that all persons residing in Costa Rica have the right to education, and the State is required to provide it in the broadest and most appropriate form (Article 1). The Law also stipulates that private institutions must grant access to all students regardless of their race, religion, social position or political creed (Article 36). Directive No. DM-45-08-2018 (2018) of the Ministry of Public Education brings forward measures for incorporating migrants, refugees and asylum-seekers into the educational system, including the promotion of the intercultural education approach, making adjustments and taking remedial steps to help ensure that migrants and refugees remain in the educational centre, integrating people through activities that make for more harmonious relations without prejudice to their sociocultural roots, and identifying and making referrals to psychosocial support.

Between 2020 and 2021, the DGME created the special category for foreign students, available to persons between the ages of 4 and 21 who were enrolled in a public educational institution (preschool, primary, secondary and technical education). The DGME, together with the Child Welfare Institute and supported

¹⁶ The CCSS is the institution tasked with the funding, procurement and delivery of services in the health sector. This system is financed through a contributory scheme (with employer and worker contributions), while the non-contributory State-funded scheme is financed by the Social Development and Family Allowances Fund.

¹⁷ This is done by means of Official Notes GM-D-10791-2018, GF-4033-2018 and GM-D-11907-2018. These documents are not available online.

¹⁸ These include transit, irregular status, refuge, migrant smuggling or people trafficking, among others.

¹⁹ The Temporary Migrant Care Centres (Centros de Atención Temporal para Personas Migrantes), led by the DGME, are reception centres where health services, food, advice on procedures, interpreting, documentation and other services are provided.

²⁰ Diversified education is an open education programme that targets young people and adults who have completed the ninth year of General Basic Education and who, for various reasons, have not been able to complete their secondary education.

by the United Nations Children’s Fund, IOM and the Office of the United Nations High Commissioner for Refugees, arranged its temporary implementation to cater to a specific population through requirements that are simpler and easier to meet.²¹ Under Resolution No. DJUR-0028-02-2021-JM (2021) and DJUR-0176-10-2021-JM (2021), the DGME reduced the number of documents that foreign students who qualified for this category, their families or legal guardians had to present to obtain the Immigrant Identity Document for Foreigners.²²

Under the Labour Code (1943) (Article 200), all foreign nationals with regular migration status may seek employment on the same basis as Costa Ricans. Likewise, Article 61 of the immigration regulations (2012) prescribes that a foreign national who is a permanent resident, is a temporary resident by virtue of their Costa Rican spouse, falls into special categories of political asylum, or is a stateless person, refugee or victim of trafficking may engage in paid employment or intellectual pursuits.²³ Additionally, the Ministry of Labour and Social Security may determine expedient and timely measures to cover specific areas of the labour market in the absence of Costa Rican or resident manpower and submit their recommendations to the DGME, attached to the Ministry of the Interior and Police – that is to say, it may make recommendations regarding labour demand and supply so that work permits can be issued to migrants.²⁴

Migrants employed in the public or private sector have the same rights as Costa Ricans. The General Law on Migration and Aliens (2009) stipulates that when hiring a foreign person, employers, intermediaries or contractors must verify the foreign person’s legal stay in the country and that they are permitted to engage in the activity concerned. Such information may be requested from the DGME (Article 176). In addition, the verification of a violation in this regard does not exempt employers from honouring any obligations existing under the social security system, or from paying salaries or any other type of remuneration to which the hired personnel is entitled (Article 178). Employers are required to insure their workers against occupational hazards through the National Insurance Institute, as well as to insure them with the CCSS so that they can receive medical care (Article 193 of the Labour Code and Article 66 of the health insurance regulations of the CCSS).

Pursuant to the General Law on Migration and Aliens, the following persons are eligible for permanent resident status: (a) those who have been in the country as temporary residents or recognized refugees for three consecutive years, as well as their spouse and first-degree relatives; (b) first-degree relatives of Costa Ricans; (c) those granted this status by the Restricted Visa and Refugee Commission; and (d) cross-border Indigenous persons (Article 78). Since the preceding MGI report in 2019, initiatives have been implemented to promote the regularization of migration. Executive Decree No. 42406-MAG-MGP of 2020 instituted exceptions for regularizing the migration status of persons working in the agriculture and livestock, agro-export or agro-industrial sectors, who entered the country regularly between 2016 and 2020, authorizing them to remain legally in the country for one year, with the possibility of renewal for two-year periods. In addition, Resolution No. DJUR-0190-12-2020-JM of 2020 created the temporary special category of complementary protection for Cubans, Nicaraguans and Venezuelans whose refugee applications had been denied;²⁵ this category had been available until December 2021.

²¹ The time frame for receipt of applications was 11 months, and 13,000 applications were received, of which some are still being processed.

²² More information is available in this article on [special category for foreign students](#) from the United Nations Children’s Fund (UNICEF). See also: UNICEF, 2021a.

²³ Under the immigration regulations (2012), the migrant categories subject to these permits are the following: workers engaged specifically to work with a legal entity, workers engaged specifically to work with a natural person, workers engaged specifically to work on their own account, businesspeople, transferred staff and after-sales service staff, cross-border workers, and workers linked to specific projects and projects of public interest. Permits are processed through the DGME and provide authorization to work in a specific occupation or for a specific employer. It is possible to change employer or occupation by informing the DGME.

²⁴ The General Law on Migration and Aliens (2009) prescribes that Costa Rican workers should not be displaced by foreigners. There is no legal rule limiting the number of foreigners that may be hired, but under equal conditions, preference should go to Costa Rican workers.

²⁵ Migrants falling into the special category were permitted to remain legally in the country for one year (all of 2020) on humanitarian grounds, owing to the health situation caused by the COVID-19 pandemic and the difficulty of moving between countries. In 2021, the period was extended for another year.

As of March 2023, and through Executive Decree No. 43809-MGP (2022), the Government brought in a new temporary special category for nationals of Cuba, Nicaragua and Venezuela whose applications for refugee status are pending or have been denied.²⁶

As a condition for becoming naturalized based on residence, the Political Constitution of Costa Rica prescribes a minimum of five years of permanent residence for Central American, Spanish or Ibero-American persons by birth and seven years for other nationalities. Furthermore, pursuant to Law No. 1902 of 1955, Costa Rica allows for naturalization based on legal residence of at least 20 years (Article 1).²⁷ In accordance with Convention No. 169 of the International Labour Organization on Indigenous and Tribal Peoples (2014), the Law on the Protection of the Right to Costa Rican Nationality of Cross-border Indigenous People and Guarantee of Integration of Cross-Border Indigenous People (Law No. 9710 of 2019) allows the Ngöbe-Buglé Indigenous people to regularize their migratory status through a special category of residence or to opt for Costa Rican nationality based on simplified requirements. This simplification consists of eliminating all costs relating to migration and naturalization procedures, and it brings about changes in the internal regulations of the Civil Registry and the DGME, which make for a smooth naturalization process.

The National Policy for a Society Free of Racism, Racial Discrimination and Xenophobia 2014–2025 (2014) is coordinated by the Inter-institutional Commission for the Monitoring and Implementation of International Human Rights Obligations, which reports to the Ministry of Foreign Affairs and Worship and also coordinates the implementation of international human rights obligations at the national level. This policy lays out specific actions, such as institutional capacity-building for assisting vulnerable populations;²⁸ promoting legislative measures for the recognition of cultural diversity in Costa Rica; claiming the rights of Indigenous peoples, people of African origin, migrants and refugees; and efforts to secure entitlement to education, health and social security, decent work, and economic rights.

1.2. Areas with potential for further development

Extending social insurance coverage to all migrants, irrespective of their migration status, is deemed an area with potential for further development. When affiliated to social insurance, regular migrants enjoy access to family health protection benefits for their children and coverage for maternity, unemployment, occupational accidents and occupational diseases, as well as old-age, disability and survivors' pensions.

The establishment of agreements for the portability of social security rights with other countries is seen as an area with potential for development. Costa Rica adopted the Ibero-American Multilateral Convention on Social Security²⁹ in 2007 but has not yet signed and ratified it.³⁰ The country also ratified the Ibero-American Agreement on Cooperation in Social Security, signed in Quito in 1978,³¹ and in 1994, adopted the agreement implementing the Ibero-American Social Security Convention between Costa Rica and Uruguay. The latter provides that pensions and other benefits shall not be subject to reduction, modification, suspension or suppression on the grounds that the beneficiary stays or resides in the territory of the other party (Article 5).³²

²⁶ Persons who are still applicants for refugee status must withdraw their refugee application if they are at the appeal stage (Article 4). The Special Category can be authorized for biannual periods and renewed for identical periods (Article 9). The category covers persons who have applied for asylum between 1 January 2010 and 30 September 2022 and remained in the country since that time.

²⁷ There are exceptional conditions for naturalization – for example, for persons over 25 years of age born in Costa Rica and children of foreign parents, persons over 25 years of age born abroad and children of a Costa Rican parent, naturalization by marriage to a Costa Rican or naturalization by lineage of one of the parents (*trascendencia*).

²⁸ These groups are people of African origin, Indigenous people, migrants and refugees.

²⁹ The agreement is designed to coordinate the social security legislation of States Parties: the Plurinational State of Bolivia, Brazil, Chile, the Dominican Republic, Ecuador, El Salvador, Paraguay, Peru, Portugal, Spain and Uruguay.

³⁰ The Multilateral Convention on Social Security (1967) is another regional precedent, but it never took effect after its signing.

³¹ This was done through Law No. 6554 of 1981.

³² This was formalized through Decree No. 27499-MTSS of 1998 and Decree No. 28682-MTSS of 2000 so that it could be implemented in practice. See: Government of Costa Rica, 1998 and 2000.

While the DGME promotes respect and better working conditions for migrants, Costa Rica still has not signed and ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), nor has it ratified the C143 – Migrant Workers (Supplementary Provisions) Convention (1975).

Instituting processes to facilitate civil registration services in the absence of proof of legal identity is regarded as an area with potential for development. Under the Civil Status Registry regulations (2011), the registration of births, marriages and deaths of migrants requires the submission of the identity documents stipulated by the General Law on Migration and Aliens, namely the national migration identity card, a passport or a laissez-passer³³ for special situations. Should a migrant be unable to access documents or return to their country to obtain them, the Costa Rican migration authorities will refer the person to non-governmental organizations.

³³ The laissez-passer is defined in the immigration regulations as the “travel document presented by foreigners issued by the competent authorities of their country, in replacement of their passport”.



2

FORMULATE POLICY USING EVIDENCE AND WHOLE-OF-GOVERNMENT APPROACH

2.1. Migration governance: examples of well-developed areas

The General Law on Migration and Aliens (2009) designates the National Migration Council (Consejo Nacional de Migración, CNM), created in 1952, as the advisory body to the Executive Branch, the Ministry of the Interior and Police (Ministerio de Gobernación y Policía, MGP), and the General Directorate of Migration and Aliens (DGME). The Council meets at least once a month and is tasked with making recommendations to the Executive Branch on migration policy and the steps and actions required to implement it, which must be geared towards promoting the human rights of migrants (Article 11). The Council also serves as a space for inter-agency coordination as it comprises representatives of MGP (which chairs it), the Ministry of Foreign Affairs and Worship (Ministerio de Relaciones Exteriores y Culto, MREC), the Ministry of Labour and Social Security (Ministerio de Trabajo y Seguridad Social, MTSS), the Ministry of National Planning and Economic Policy (Ministerio de Planificación Nacional y Política Económica, MIDEPLAN), the Ministry of Health and the Ministry of Public Education, in addition to the DGME, the Costa Rican Tourism Institute and the Costa Rican Social Security Fund, as well as two representatives of civil society (Article 10).

Set up in 1995, the Permanent Forum on Migrant and Refugee Populations is a space that allows for inter-agency, intersectoral and multidisciplinary interaction, and it comprises government entities, civil society and non-governmental organizations, international agencies, and academic bodies concerned with migration issues. The Forum facilitates discussion and analysis of migration issues, along with the coordination of joint action to deal with migration – more specifically, to safeguard the rights of migrants and refugees, with a view to aiding decision-making by the different sectors involved.

The Government of Costa Rica participates in the Comprehensive Regional Protection and Solutions Framework (Marco Integral Regional para la Protección y Soluciones, MIRPS),³⁴ which is a regional contribution to the Global Compact on Refugees, comprising the Governments of Belize, El Salvador, Guatemala, Honduras, Mexico and Panama. The aim is to enhance protection and promote solutions for forcibly displaced people by tackling the root causes and fostering a stable environment that ensures their security, economic advancement and prosperity. For the purposes of nationwide implementation, the Government created the National Comprehensive Refugee Response and Support Framework in Costa Rica in 2022 as a space for discussion and coordination, led by MGP. In addition, participants include MREC, MIDEPLAN, MTSS, and invited guests, which may be national public institutions,³⁵ civil society organizations or international agencies whose powers correspond to a topic being discussed.

The CNM is responsible for steering Costa Rica's Comprehensive Migration Policy 2013–2023 (2013).³⁶ The National Integration Plan for Costa Rica 2018–2022 (2017) was adopted to implement the Policy, and the new Plan for the period 2023–2027 was launched in April 2023. At the time of writing this report, the DGME and IOM were jointly engaged in drafting the Comprehensive Migration Policy 2024–2034.

³⁴ The MIRPS technical team comprises the Vice Ministry of Human Development and Social Inclusion, the Vice Ministry of Labour and Social Security, the Vice Ministry of the Interior and Police, the Vice Ministry of Foreign Affairs and Worship, the Ministry of National Planning and Economic Policy, and the General Directorate of Migration and Aliens (DGME). It is also supported by the following civil society organizations: the Center for Labour Rights, the Jesuit Service for Migrants, the Youth Without Borders Network and the Open House Foundation.

³⁵ Decree No. 43393-PLAN-MTSS-MGP-RE of 2022 prescribes that the following will be invited members: the Joint Social Welfare Institute, the National Learning Institute, the Ministry of Public Education and the Ministry of the Economy, Industry and Commerce.

³⁶ The Policy has three strategic focuses divided into subtopics to address migration measures: (a) migration services (regularization, information management, legal certainty and Costa Ricans abroad); (b) integration and development (employment, health, education and economic development); and (c) protection of human rights and vulnerable groups (smuggling and trafficking in persons, refuge, asylum and statelessness).

The National Integration Plan for Costa Rica 2023–2027 aims to promote the political, socioeconomic and sociocultural integration and inclusion of migrants, refugees and asylum-seekers through joint and coordinated work on the part of public and academic institutions, social organizations, the private sector, and migrants, refugees and asylum-seekers in the country. Meanwhile, the Comprehensive Plan for Managing Mixed Migration Flows 2018–2022 (2018) aims to comprehensively address the flow of migrants entering or remaining in the country under special or exceptional circumstances,³⁷ to promote orderly and regular migration, as well as improve border security. In addition, in 2015, the Legislative Assembly reformed Article 1 of the Political Constitution (1949) to promote the integration of all people and establish Costa Rica as a multi-ethnic and multicultural State (Law No. 9305 of 2015).

The 2013 Comprehensive Migration Policy envisages the introduction of strategies to narrow gender gaps in documentation processes and create spaces for inter-agency coordination to safeguard the rights of women migrants and refugees who have been victims of violence. It further determines that migration management should be a central element of national development plans. Accordingly, the National Development and Public Investment Plan 2023–2026 (2022) assigns migration-related tasks to the DGME, including (a) the management of mixed migration flows, (b) a holistic approach to dealing with victims of human trafficking and (c) securing borders and dismantling domestic and international human smuggling and trafficking networks.

The DGME website provides information in Spanish on migration-related regulations, requirements to be met and migration formalities to be completed at the DGME.³⁸ In 2020, the DGME launched the digital migration platform known as Trámite ¡Ya!, which facilitates the registration and digitalization of migration dossiers, making it possible to process and submit the requisite documents online.³⁹

The DGME publishes annual statistical reports that contain data on migration, for example, the number of resident persons (permanent, temporary and special categories), the number of recognized refugees and asylum-seekers, and the number of rejected applications. These statistics are disaggregated by nationality, sex and age (adults or minors). The reports also include information on visa applications and deportations disaggregated by sex, along with migratory movements by border post and nationality.⁴⁰

2.2. Areas with potential for further development

The 2013 Comprehensive Migration Policy allocates to the National Women’s Institute (Instituto Nacional de las Mujeres, INAMU)⁴¹ the task of extending the reach of specific actions for migrants and refugees in vulnerable situations, such as devising gender-sensitive strategies that ensure access to justice and adequate assistance for victims of arbitrary measures and corruption in border areas and at crossing points, and creating spaces for inter-agency coordination to secure the rights of women migrants and refugees who are victims of gender-based violence. While INAMU takes part in shaping and implementing inter-agency coordination mechanisms such as the migration policy, it does not yet formally participate in the mechanisms for coordinated action on migration, namely the CNM and the Permanent Forum on Migrant and Refugee Populations.

One area with potential for development is the creation of an institution to coordinate efforts to interact with the diaspora. This task is currently being done jointly by the DGME and MREC (through the Consular Department, consulates and diplomatic missions abroad). Some activities are carried out in the consulates to encourage interaction with the diaspora, but broadly speaking, it is Costa Ricans abroad who usually seek

³⁷ These include transit, irregular migration status, refuge, smuggling of migrants or trafficking in persons.

³⁸ Visit the [home page of the DGME](#) to know more.

³⁹ Visit the digital migration platform [Trámite ¡Ya!](#) to know more.

⁴⁰ See the [annual statistical reports](#) by the DGME.

⁴¹ INAMU is the institution responsible for gender equality and diversity in Costa Rica.

the support of consulates. In addition, the *Guide for the Repatriation of Costa Ricans Abroad* (2018),⁴² adopted in 2017 under Articles 13(34) and 243 of the General Law on Migration and Aliens, directs consular staff in referring, assisting and repatriating Costa Ricans abroad who need support in order to return home.

The formal participation of local governments in the CNM and the Permanent Forum on Migrant and Refugee Populations is an area with scope for development. While the Comprehensive Migration Policy does contain references to the vertical coordination of actions between the national and local levels,⁴³ there is no formal forum to ensure the vertical coherence of migration policy, and participation so far has been on an ad hoc basis. For example, the Situation Room was created in 2018 to monitor extraordinary migrant flows and brought together municipalities from the north of the country and the Executive Cabinet. Its implementation nonetheless proved problematic, owing to the limitations of the monitoring and information-sharing tools. The DGME is therefore leading the design of a migration information platform that will be supplied with data by the relevant institutions and will facilitate the sharing of information.⁴⁴

A National Population and Housing Census was conducted in 2011 by the National Institute of Statistics and Censuses (Instituto Nacional de Estadísticas y Censos, INEC), and while it lacked a module specific to migration, the section on the sociodemographic characteristics of the population did include migration-related questions regarding place of birth, year of arrival in Costa Rica and place of residence five years earlier. The 2022 Census, the results of which had not yet been made public at the time of writing this report, will have replicated the same questions. INEC also has an online querying system that makes it possible to cross-reference information by variables and disaggregate it exclusively for migrants based on prepared questions.

While the DGME collects and publishes information annually, its records contain only data for persons entering and staying in the country in a regular manner. The DGME also provides data on such arrivals and departures and compiles more specific data on the socioeconomic and demographic characteristics of foreign nationals in the country. These data, however, are handled at a technical level for the purposes of project management, studies or analyses, and they represent approximations. Improving the amount of data and information collected from the migrant population is therefore an area with potential for further development. Another area with room for improvement is the accessibility of information on the DGME's website for the visually impaired or people who communicate using Costa Rican Sign Language through, for example, interactive accessibility.

Creating a mechanism to channel and share information with different government agencies is an area with potential for development. Costa Rica currently has two main data systems: (a) the National Information System and Single Registry of State Beneficiaries, which, since 2013, has made it possible to identify migrants in vulnerable situations and by migration status; and (b) the Labour Migration Traceability System, developed in 2020 by the DGME, IOM, MTSS, and the Ministry of Agriculture and Livestock, which has made it possible to monitor the transit of migrant workers.

⁴² This was drawn up based on the Action Protocol for Officers of the Ministry of Foreign Affairs and Worship and the DGME for the Humanitarian Repatriation of Costa Ricans Abroad (2017) and the Administrative Manual for the Disbursement and Payment of Monies from the Social Migration Fund for Cases of Humanitarian Repatriation of Costa Ricans or Bodies of Costa Ricans Who Have Died Abroad and Whose Families Cannot Meet the Costs of Transferring the Bodies (2017).

⁴³ The Comprehensive Migration Policy (2013) takes on board local governments, as players responsible for implementing the integration and development action line, with special reference to the subtopics of health, culture and society, by "[g]enerating of intercultural strategies that undergird the different levels of socialization, namely, local community, province [and] country".

⁴⁴ At the time of writing this report, the migration information platform was in its initial stages.



3

ENGAGE WITH PARTNERS TO ADDRESS MIGRATION AND RELATED ISSUES

3.1. Migration governance: examples of well-developed areas

Costa Rica participates in the Regional Conference on Migration (RCM) (established 1996);⁴⁵ the commission of migration authorities of the member countries of the Central American Integration System (Sistema de la Integración Centroamericana, SICA), known as the Central American Commission of Migration Directors (Comisión Centroamericana de Directores de Migración, originally called Organización Centroamericana de Migración, OCAM) (1990);⁴⁶ the Quito Process (2018);⁴⁷ the Ibero-American Network of Migration Authorities (Red Iberoamericana de Autoridades Migratorias, RIAM) (2012);⁴⁸ and the Comprehensive Regional Protection and Solutions Framework (MIRPS) (2017).⁴⁹ The Government has implemented the MIRPS through Decree No. 43393-PLAN-MTSS-MGP-RE of 2022, which formalizes Costa Rica's National Comprehensive Refugee Response and Support Framework as the national platform for discussion and coordination of actions on asylum-related issues (Article 1).

Since the publication of the previous report for 2019, the Government has signed new bilateral agreements on migration movements. In 2022, the country renewed the bilateral agreement on the coordination mechanism for migration flows for employment and occupation between Costa Rica and Panama (signed in 2015), designed to ensure that labour migration is safe, orderly and regular. In 2019, the Government approved the framework agreement to implement binational integrated control systems at the border crossings between Costa Rica and Panama (2019). Costa Rica and Nicaragua also signed the binational agreement regulating the temporary recruitment of Nicaraguan workers in Costa Rica (2022), and since 2010, Costa Rica has had in place a memorandum of understanding on youth mobility with Canada, allowing young people to migrate for study or work purposes.

In Costa Rica, there are institutional forums for dialogue between government authorities and civil society organizations. Participants in the National Migration Council (CNM) include civil society representatives such as the Jesuit Migrant Service and the Centre for the Social Rights of Migrants, which have a voice but no vote in Council discussions of the various topics, but they may make recommendations on migration policy. Under the existing migration legislation, civil society organizations must be appointed by the Ombudsman's Office. However, to ensure observance of the principle of citizen participation, the Ombudsman's Office issues a public call for organizations interested in undertaking this representation. The election process takes place in the framework of the Permanent Forum on Migrant and Refugee Populations.

3.2. Areas with potential for further development

The launching of formal initiatives to facilitate intraregional mobility and labour mobility is considered an area with potential for development. The Council of Ministers of Labour and SICA maintain the Central American Agreement on Free Mobility (CA-4) (2005), of which Costa Rica is not a signatory. However, the country is party to the memorandum of understanding on the establishment of a mechanism for protection in transit (2017); it was created by the MIRPS, which defines Costa Rica as a country of transit for people who have suffered violence in the Northern Triangle of Central America and have been identified for resettlement

⁴⁵ The RCM operates as a forum for discussion of regional migration issues to ensure that human rights are protected and to create a coherent and adequate network of migration laws. It has 11 member countries.

⁴⁶ The participants of OCAM are Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua and Panama.

⁴⁷ The Quito Process is a regional technical forum consisting of 13 Latin American and Caribbean countries.

⁴⁸ RIAM is a forum for coordination on mobility, migration and borders (with 19 participating countries).

⁴⁹ For more information, see the San Pedro Sula declaration as a regional contribution to the Global Compact on Refugees (2017).

in a third country.⁵⁰ Costa Rica also participated in the International Dialogue on Migration (2022),⁵¹ which examined the progress made towards attaining the goals of the Global Compact for Migration and in the OCAM framework, where Central America's migration authorities address topics such as legislation, information systems, human rights, security and cooperation, among others. Furthermore, through the General Directorate of Migration and Aliens (DGME), and in the framework of the RCM, Costa Rica participated in the Darien Declaration (2022) and takes part in the actions laid out in the road map for the follow-up of the Declaration, in areas such as humanitarian assistance, international protection, additional protection options, border management, and the investigation and prosecution of human smugglers and traffickers.

The formal involvement of the private sector in setting the agenda and implementing migration-related programmes is an area with potential for development. No private entity is part of the consultation and coordination mechanisms on migration issues (the CNM and the Permanent Forum on Migrant and Refugee Populations). However, in 2020, the DGME's Integration and Human Development Directorate established alliances with agricultural companies to train staff in the defence and recognition of migrants' human rights. Similarly, representatives of business chambers from different sectors took part in a consultation in April 2023 regarding the process of elaborating the new Comprehensive Migration Policy 2024–2034.

Also considered an area with scope for improvement is the establishment of mechanisms to formally engage members of the diaspora and expatriate communities in drawing up the development agenda and policy. The Comprehensive Migration Policy (2013) acknowledges the need to bolster consular services, create and consolidate networks and contact with diasporas, and facilitate the reintegration of returnees.

⁵⁰ The agreement encompasses Costa Rica, El Salvador, Guatemala and Honduras and is coordinated by the Office of the United Nations High Commissioner for Refugees and IOM.

⁵¹ Visit IOM's page on the [International Dialogue on Migration](#) to know more.



4

ADVANCE THE SOCIOECONOMIC WELL-BEING OF MIGRANTS AND SOCIETY

4.1. Migration governance: examples of well-developed areas

The General Law on Migration and Aliens (2009) provides visas associated with specific types of activity, such as that of cross-border and temporary workers, business visitors, self-employed persons, students, volunteers and others.⁵² Accordingly, the year 2021 saw the adoption of the Law to Attract International Remote Workers and Service Providers (Digital Nomads) (Law No. 10008 of 2021), which provides full exemption from profit tax (Article 16) and exemption from all import duties on the basic personal computer, IT, telecommunications or similar equipment needed to carry out work, provided that they meet the proportionality criteria set by the National Customs Directorate of the Ministry of Finance (Article 17).

The migration and education action line in the National Integration Plan for Costa Rica (2023) aims to strengthen the processes to ensure access to and integration of foreign nationals into Costa Rica's education system. Through its Department of Authentication, the Ministry of Foreign Affairs and Worship sets the parameters together with universities and the National Council of University Rectors (Consejo Nacional de Rectores, CONARE) so that foreign qualifications can be recognized for most professions. State universities have their own regulations,⁵³ in addition to CONARE's agreement for the coordination of State university higher education in Costa Rica (1982). The Comprehensive Migration Policy (2013) mentions, as a strategic activity, streamlined institutional coordination and fast-tracked processes for recognizing and establishing equivalences for studies done by migrants and refugees, to assist them in finding employment and becoming integrated and self-sufficient.

In 2022, the Ministry of Labour and Social Security (MTSS) signed the binational agreement regulating the temporary recruitment of Nicaraguan workers in Costa Rica (2022), which lays out procedures for facilitating recruitment and expediting the regularization of the status of these workers. The bilateral agreement on the coordination mechanism for migration flows for employment and occupation between Costa Rica and Panama (2015) aims to strengthen dialogue to bring about the orderly and comprehensive management of migratory flows for the purpose of gainful employment, while the memorandum of understanding between Costa Rica and Canada on youth mobility (in effect since 2010) enables Canadians and Costa Ricans between 18 and 35 years of age to migrate, on the basis of one-year work permits.

Pursuant to the General Law on Migration and Aliens requiring aliens to be recruited in accordance with labour rights obligations and prohibiting the hiring of irregular migrants, measures have been drawn up to promote the ethical recruitment of migrant workers. Among these is the Protocol for the Implementation of General Guidelines for Coffee Farms that Employ Migrant Labour (Indigenous Ngöbe-Buglé People) within the Framework of the COVID-19 Alert – Coffee Grower Sector (2020). This has enabled employers, in concert with public institutions, to determine the hiring and working conditions for migrants. The General Protocol on the Management of Labour Migration for the Harvest Season in the Framework of the COVID-19 Alert (2021) was intended to regularize the hiring of Nicaraguan migrants working on agricultural farms, in accordance with the requisite labour guarantees. In 2022, the Government published the General Protocol on the Management of Labour Migration for the 2022–2023 Agricultural Harvest Season to ensure that agricultural workers from Nicaragua and Panama can enter and stay in Costa Rica

⁵² Cross-border, temporary workers and those with a specific occupation pursue activities authorized by the General Directorate of Migration and Aliens, based on recommendations or technical studies applied by the Ministry of Labour and Social Security (Articles 97–100).

⁵³ For example, see: University of Costa Rica, 2007.

and return home in an orderly, safe and regular manner. In the same year, Decree No. 43527-MGP-S-MAG-MRREE-MTSS established a special category for regularizing the migration status of foreign nationals to work temporarily in the agricultural sector.

In addition, measures to facilitate the regularization of migrant workers include the Labour Migration Traceability System, which was developed in 2020 by the Government of Costa Rica, IOM, and the agribusiness and export sectors, to allow for migration and labour traceability and provide early warning functions for possible cases of COVID-19. At the time of writing this report, it was possible, through the System, to monitor the transit of migrant workers and provide an official migration document that assists them in claiming their rights – for example, access to banking services. Furthermore, the Handbook on Management Guidelines for the National Employment System of Costa Rica (2021) lays out technical, operational and administrative guidelines to ensure that services provided within the National Employment System (Sistema Nacional de Empleo, SNE) extend to migrant and refugee workers. It stipulates, for example, that job counselling services for irregular migrants should include advice on the process of applying for work permits in the country and offer translation into another language for those who need it.

It is worth noting that MTSS has worked with IOM to ensure that the SNE lays out an action plan to enhance the employability of migrants. This paved the way for the establishment of municipality and community employment units,⁵⁴ as well as the Labour Migration Information System, which enables the digitalization of information and sharing it between MTSS and the General Directorate of Migration and Aliens (DGME), to facilitate work permit application and recruitment procedures; and the drafting of protocols on the entry of agricultural workers. Since 2021, the System has been operating through a document manager, which facilitates the use of a single digital file to improve response times.

4.2. Areas with potential for further development

The conduct of national assessments to monitor the labour market demand for immigrants is regarded as an area that could be further developed. Through the Labour Migration Department (Departamento de Migraciones Laborales, DML), MTSS makes recommendations to the DGME regarding the fields of production that require foreign labour. The information is based on statistics from the National Institute of Statistics and Censuses, more specifically from the Continuous Employment Survey, and on information provided by the DGME, as there are no labour market research studies yet to identify the sectors that will have the greatest medium- and long-term demand for migrant labour.

Similarly, there is no national assessment to monitor the domestic labour supply and the impacts of outmigration on the labour market. For the purposes of monitoring the domestic labour supply, only limited information can be gleaned from MTSS reports on the country's labour situation and from DML technical recommendations.

Costa Rica still lacks a labour migration management programme, but meaningful headway has been made in that direction. The Comprehensive Plan for Managing Mixed Migration Flows 2018–2022 (2018), for example, tasked MTSS with improving migration management for employment purposes, formulating policies for properly integrating migrants into the job market, forging partnerships with employers through job centres, and monitoring working conditions and ensuring that they comply with the relevant domestic and international regulations. At the time of writing this report, the Plan was being updated. DML, for its part, issues technical and periodic recommendations on the hiring of migrant workers in the country, making it possible to manage labour migration in certain productive activities.

⁵⁴ So far, 16 employment units are up and running, and 21 are in the process of being opened.

The collection and publication of labour market data disaggregated by migration status, sex and gender constitute an area with potential for further development. DML compiles data on individual migrant workers, drawing on their recruitment forms, and the DGME uses this information to verify workers' immigration status. The data are used internally, and records include only persons with regular migration status.

Although the country has a National Policy for Effective Equality between Women and Men 2018–2030 (2018), formulated by the National Women's Institute, no specific measures are being contemplated for promoting gender equality for migrants in the workplace. The Comprehensive Migration Policy takes an approach that is gender-sensitive, respectful of labour rights and without gender discrimination; and while it dedicates a section to the heightened vulnerability of migrant women bound to their working conditions, no mention is made of specific measures to tackle this. Another area deemed to have scope for development is the formulation of gender-sensitive public policies with a holistic approach to the situation of women, covering aspects such as sexual and reproductive health, insurance, access to employment and the feminization of migration.

The Comprehensive Migration Policy states that all persons should have equal rights to education, whether they are nationals or foreigners. However, there are differences in university tuition fees, which are higher for foreigners, especially at State universities.

Under the General Law on Migration and Aliens, foreign students are not allowed to work while studying, unless granted special permission by the DGME (Article 104). The Law does not specify which situations are deemed “justified cases” and further prescribes that foreign students may remain in the country after completing their studies if the university courses require social service or a professional internship, but they must then leave the country afterwards (Article 105).

Setting up formal remittance schemes is an area with further scope for development. The Comprehensive Migration Policy states the intention to “[f]oster the investment of remittances from abroad in productive projects that help drive development in the communities of origin of Costa Ricans who emigrate”. However, no specific measures are mentioned. Similarly, the National Development and Public Investment Plan 2023–2026 (2022) fails to mention migrants in this connection. Additionally, access to credit for migrants, irrespective of their migration status, and general information on their use of banking services (*bancarización*) constitute an area with potential for further development. Likewise, Costa Rica operates general financial education programmes,⁵⁵ but it lacks programmes to promote the financial inclusion of migrants and their families, or systems to simplify banking conditions for remittances.

⁵⁵ For example, since 2019, the Ministry of the Economy, Industry and Commerce, in collaboration with the National Learning Institute, has elaborated three digital financial education guides that are accessible to the general public for free, covering topics such as household budgeting, how to approach savings and proper management of finances.



5

EFFECTIVELY ADDRESS THE MOBILITY DIMENSIONS OF CRISES

5.1. Migration governance: examples of well-developed areas

Under the National Disaster Risk Management System,⁵⁶ of which the General Directorate of Migration and Aliens (DGME) is a part, Costa Rica has an emergency management framework that includes measures to assist migrants. The National Policy on Risk Management 2016–2030 (2015), which is managed by the National Risk Prevention and Emergency Response Commission (Comisión Nacional de Prevención de Riesgos y Atención de Emergencias, CNE), requires all actions under the National Risk Management Plan (Plan Nacional de Gestión del Riesgo, PNGR) 2021–2025 (2021) to be inclusive of migrants, and it recognizes migration as a potential factor of exclusion that heightens vulnerability to disasters. The Plan is under the responsibility of CNE and focuses on preparing all national players for risk and emergency management, which includes providing assistance to migrants.

The National Law on Emergencies and Risk Prevention (2005) governs ordinary government risk management activity, and it calls for the building and strengthening of regional, municipal and local emergency management capabilities. Based on this, CNE has drawn up manuals and procedures for dealing with the impacts of disasters, one example being the *Guide for the Management of Temporary Shelters in Pre-established Structures* (2019),⁵⁷ which designates migrants as vulnerable people. Moreover, since April 2023, the DGME has had the Protocol on Support for Migrants, Refugees and Other Persons in Situations of International Mobility Affected by Emergencies. Its purpose is to bolster the DGME's overall capacity to respond to emergency situations of any origin, by means of internal or inter-agency coordination that ensures risk prevention and response, as well as the rescue of affected persons caught up in mixed migration flows or other forms of international mobility in Costa Rican territory. Likewise, the DGME's Protocol on the Management of Special Migratory Situations (2018) lays out procedures and mechanisms for identifying persons in situations of vulnerability (unaccompanied children and adolescents, potential victims of human trafficking, refugees, victims of smuggling, victims of possible mass displacement, and the like) and for referring them to the appropriate institutions for attention.

Costa Rica's National Climate Change Adaptation Policy 2018–2030 (2018) and the National Climate Change Adaptation Plan 2022–2026 (2022), elaborated by the Climate Change Directorate of the Ministry of Environment and Energy (Ministerio de Ambiente y Energía, MINAE), envisage a horizontal approach to the vulnerability of social groups such as migrants. The Plan's areas of work include the design of strategies to determine the priorities, needs and opportunities associated with adaptation to climate change, as well as the risks, impacts and losses affecting migrants. In June 2022, the DGME, CNE, MINAE, the Ministry of Foreign Affairs and Worship, the Ministry of Agriculture and Livestock, local governments, and representatives of research centres and universities met for a national consultation and training workshop organized by the Platform on Disaster Displacement⁵⁸ and IOM, where they identified Costa Rica's progress, challenges, and national priorities to address human mobility in the context of disasters, environmental degradation and the adverse impacts of climate change.

⁵⁶ The System was set up by the National Law on Emergencies and Risk Prevention (Law No. 8488 of 2005).

⁵⁷ Through the Emergency Committees (permanent regional, municipal and communal coordination bodies), facilities are set up to provide shelter and humanitarian assistance to the victims of emergencies or disasters, from a perspective of social inclusion.

⁵⁸ This State-led initiative aimed at offering better protection for people displaced across borders because of disasters and climate change.

Costa Rica participates in regional frameworks or agreements that contain provisions specific to internal or cross-border movements in the context of climate change, environmental degradation and disasters. They include the United Nations Framework Convention on Climate Change (1994), the Santiago Network (2019), the Kyoto Protocol (to which it has been a party since 1998) and the Paris Agreement (2015).⁵⁹

There are measures in place to assist Costa Ricans living abroad in times of crisis. The regulations governing the Foreign Service (2001) (Article 5) state that the country's consular missions must serve nationals abroad and offer them protection in keeping with the Vienna Convention (1963),⁶⁰ to which Costa Rica is a signatory. In addition, the *Guide for the Repatriation of Costa Ricans Abroad* (2018) lays out the procedure to be followed for referring, assisting and repatriating Costa Ricans. The Integration and Human Development Directorate undertakes this process in coordination with the consulates, financed by the Social Migration Fund.⁶¹

In the event of an emergency or disaster, CNE must issue a public warning via radio, television, websites and telephone messages, and it must activate the Municipal Emergency Committees and Community Emergency Committees. The public may communicate their needs directly to the authorities by various channels, including by phone, via the Internet or by post.

5.2. Areas with potential for further development

Making allowance for the specific vulnerabilities of migrants and refugees in crisis communication systems is an area with potential for development – for example, by making information available in several languages and accessible to a range of people, such as those with visual or hearing disabilities. CNE communications are in Spanish and address situations that can be extrapolated to everyone. However, the official communication channels of the DGME, IOM and the Office of the United Nations High Commissioner for Refugees, as well as MigApp⁶² and MigrantInfo,⁶³ are used to amplify CNE messages and alerts so that they reach migrants in crisis situations.

Incorporating measures relating specifically to displacement into the national development strategy is an area open to further development. In stating that actions will be taken to “effectively protect migrant populations at risk”, the National Development and Public Investment Plan 2023–2026 (2022) addresses the issue only indirectly, in terms of reducing the vulnerability of migrant populations to human trafficking, migrant smuggling and other crimes. Article 26 of the Protocol on the Management of Special Migratory Situations provides that in the event of internal and cross-border displacements, the Team for Special Migratory Situations (Equipo para Situaciones Migratorias Especiales, ESME) will be activated, and the DGME, following a humanitarian approach, will mobilize personnel trained in migration control and make immediate contact with and be available to the local Emergency Committees or the ESME.

The PNGR makes mention of including migrants in recovery plans. References are made to migrants, as part of other vulnerable groups, in relation to the study and the generation of knowledge about their needs so that they are considered in risk management. Incorporating migrants into recovery plans is therefore an area with potential for development. This includes analysing the connections between the vulnerable areas identified by CNE and the communities where migrants reside to determine the approximate number of migrants who need assistance in an emergency.

⁵⁹ Visit the pages of the [United Nations Framework Convention on Climate Change](#), the [Santiago Network](#), the [Kyoto Protocol](#), and the [Paris Agreement](#) to know more.

⁶⁰ Visit IOM's page for the [Vienna Convention](#) to know more.

⁶¹ See Article 243 of the General Law on Migration and Aliens (2009).

⁶² IOM and the General Directorate of Migration and Aliens have an application called MigApp, which provides up-to-date information on a range of specific migration topics and can be used as a channel for alerts and communications in crisis and emergency situations.

⁶³ See [MigrantInfo](#) for more information.

Developing a policy or programme for the lasting reintegration of people who fled the country in times of crisis is another area with potential for further improvement. The General Law on Migration and Aliens (2009) makes general reference to the possibility of facilitating the return of Costa Rican nationals living abroad, and the Comprehensive Migration Policy (2013) mentions the country's responsibility for integrating returnees; bolstering consular services, networks and contact with the diasporas; and facilitating their social and economic reintegration. In both cases, however, these are general references and do not necessarily relate to crisis situations. Furthermore, although the Protocol on the Management of Special Migratory Situations sets out procedures for identifying persons in situations of vulnerability, including victims of displacement, and tasks the Integration and Human Development Directorate with ensuring the coordination of integration and reintegration processes for nationals and foreigners (Article 7), it does not mention specific measures for their reintegration after a crisis.



6

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

6.1. Migration governance: examples of well-developed areas

The Professional Migration and Aliens Police (Policía Profesional de Migración y Extranjería, PPME) is attached to the General Directorate of Migration and Aliens (DGME) and is the body in charge of migration security and control. It is vested with specific powers to control and oversee entries into and exits from the national territory, as well as the stay and activities of aliens in the country.⁶⁴ Likewise, the Professional Support Police Unit, which reports to PPME, provides support, advice, technical opinion and other types of assistance to the police force.⁶⁵ The Management Unit for People Trafficking and Migrant Smuggling of the DGME assists victims of such crimes and coordinates the Team for Special Migratory Situations (ESME). The ESME, established under the Protocol on the Management of Special Migratory Situations (2018), is responsible for ensuring the said Protocol's proper functioning and is charged, *inter alia*, with devising tools for identifying and assessing special situations, providing recommendations and referral mechanisms to be followed in different cases, and coordinating the relevant protective measures, pursuant to existing regulations. The ESME is directed by the head of the DGME and comprises five technical units: (a) the Operational and Regional Technical Directorate, (b) the Professional Migration and Aliens Police Directorate, (c) the Integration and Human Development Directorate, (d) the Management Unit for Migrant Smuggling and Human Trafficking, and (e) the Refugee Subprocess. Crimes of human trafficking and smuggling of migrants are investigated by PPME's Investigation, Analysis and Police Intelligence Management Unit.

In Costa Rica, there are frameworks for the ongoing and regular training of migration personnel at border posts. The General Law on Migration and Aliens (2009) prescribes that legal and technical training of PPME should be implemented through the Professional Support Police Unit and the DGME. The Comprehensive Migration Policy (2013) highlights the need for ongoing gender-sensitive training for persons involved in the care of migrants, police officers and migration control authorities at borders, including in cases of human trafficking, smuggling of migrants, and vulnerable groups (such as LGBTI migrants and refugees). The Policy delegates training functions to the advisers of the Professional Support Police Unit, who are accredited by the National Police Academy of the Ministry of Public Security. PPME also participates in specialized training provided by international agencies, governments and other entities, thereby enhancing its capacity to combat organized crime in the areas of people trafficking, migrant smuggling and fraudulent documentation, as well as to approach migration in a gender-sensitive manner, among other things. Likewise, institutions linked to the field of migration – including judges, investigators, forensic experts, the National Women's Institute, the Child Welfare Institute (Patronato Nacional de la Infancia, PANI), the Ministry of Labour and Social Security, and local governments – have participated in technical training exercises, especially those that take place in the framework of the Regional Conference on Migration (RCM).⁶⁶

The Law against Trafficking in Persons and for the Creation of the National Coalition against Illegal Migrant Smuggling and Trafficking in Persons (2013) strives for a comprehensive approach to combating trafficking in persons. At the time of writing this report, the Law against the Smuggling of Migrants is in the process of being enacted. The National Coalition against the Smuggling of Migrants and Trafficking in Persons (Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas, CONATT)⁶⁷ is charged with

⁶⁴ See Article 15 of the General Law on Migration and Aliens (2009).

⁶⁵ See Article 19 of the General Law on Migration and Aliens.

⁶⁶ See: IOM, 2021a.

⁶⁷ CONATT comprises representatives of the General Directorate of Migration and Aliens, the Intelligence and National Security Directorate, the Attorney General's Office, the Costa Rican Tourism Institute, the National Women's Institute, the Ministry of Public Education, and the Ministry of the Interior and Police, among others.

promoting the formulation, implementation, monitoring and evaluation of national, regional and local public policies for the prevention of smuggling and trafficking in persons, and also for the support and protection of victims.⁶⁸ In addition, the National Policy against Trafficking in Persons 2020–2030 (2020) aims to formulate strategic actions for supporting and protecting victims and their dependants, and for prevention of the crime, information exchange, data analysis and research, and institutional coordination. The policy focuses on six work areas: prevention, support and protection, pursuit of justice, information, analysis and integration, and inter-agency coordination. Each of these work areas has assigned goals, management indicators and responsible bodies.

There are regulations to combat the labour exploitation of migrants, such as the General Law on Migration and Aliens and the National Integration Plan for Costa Rica 2023–2027 (2023). In the framework of the Labour Migration Traceability System, developed in 2020, and the General Protocol on the Management of Labour Migration for the 2022–2023 Agricultural Harvest Season (2022), there have been improvements to labour conditions and access to public services for migrants, as well as in the promotion of orderly and regular migration.

Costa Rica maintains formal cooperation agreements with other countries to prevent and combat human trafficking through CONATT and its coordinated work in regional forums such as the Regional Coalition against Trafficking in Persons and the Smuggling of Migrants (Coalición Regional contra la Trata de Personas y el Tráfico Ilícito de Migrantes, CORETT). CORETT has been in place since 2011 and is based on the memorandum of understanding with the Governments of El Salvador, Guatemala, Honduras, Nicaragua, Panama and the Dominican Republic, providing for the implementation of the Regional Action Framework for the Comprehensive Address of the Crime of Trafficking in Persons (2015). Costa Rica is also part of the RCM, for which the prevention of migrant smuggling is an area of work.

There are procedures for identifying migrants in situations of vulnerability and providing them with appropriate assistance and protection, such as those contained in the Protocol on the Management of Special Migratory Situations, laying out procedures and mechanisms through which to identify profiles and provide an assertive resolution, referral and follow-up for migrants in vulnerable situations. Likewise, the Comprehensive Migration Policy aims to safeguard human rights and vulnerable groups – for instance, by bolstering the DGME’s ESME and creating spaces for inter-agency coordination to protect the rights of migrant and refugee women, children and adolescents, as well as elderly people. The Comprehensive Plan for Managing Mixed Migration Flows 2018–2022 (2018) has also laid down action guidelines for dealing with vulnerable migrant groups.⁶⁹

Through Agreement No. 01-02-09 (2009), the National Council for Children and Adolescents (Consejo Nacional de la Niñez y la Adolescencia, CNNA) approved the conceptual framework of the Local Subsystems for the Protection of Children and Adolescents,⁷⁰ so as to ensure that their rights are protected.⁷¹ CNNA Agreement No. 04-03-14 (2014) approved the permanent establishment of the Commission of Local Subsystems for the Protection of Children and Adolescents.⁷² Since 2021,⁷³ these subsystems have been instrumental in executing the Safe Spaces project in communities where migrants are being hosted, in coordination with the DGME, PANI, the United Nations Children’s Fund, the Vice Ministry of Peace, the Ministry of Health, and the Young Action Foundation.⁷⁴

⁶⁸ See Article 9 of Law No. 9095 of 2013.

⁶⁹ This included identifying them, institutionally supporting them, and activating inter-agency coordination and international assistance, if required.

⁷⁰ “According to the structure defined in the Code for Children and Adolescents, the local protection subsystem means Joint work between the State and civil society, including local public and private institutions and organizations that ... pursue decentralized policies linked to national policies and ensure respect, compliance and enforceability of the rights of children and adolescents” (Consideration VIII, Decree No. 35876-S of 2009).

⁷¹ Decree No. 35876-S of 2009 issued the guidelines for the implementation of these local subsystems, making it incumbent on the institutions of the social sector and those engaged in fighting poverty to direct and steer their operational plans in accordance with them.

⁷² More information is available on [Local Subsystems for the Protection of Children and Adolescents](#) from the National Council for Children and Adolescents website.

⁷³ In 2021, 15 spaces had been set up.

⁷⁴ These physical spaces provide a range of programmes, such as recreational activities, mentoring and immigration advice. See: UNICEF, 2021b.

Article 211 of the General Law on Migration and Aliens prescribes that in the course of the administrative deportation procedure, the DGME may agree to the use of any of the following precautionary measures: (a) periodic appearance and signature before the competent authorities; (b) warrant for the arrest of the foreigner, in accordance with statutory time frames and deadlines; (c) bail; (d) temporary confiscation of documents; or (e) house arrest. This is also reflected in the DGME's Administrative and Procedural Handbook on Temporary Detention Centres for Foreigners in Irregular Conditions (2008), which establishes that before issuing a deportation order, the DGME may order the person to report periodically to the authorities, and it stipulates that in the event of failure to appear, the said person may be transferred by any judicial body (Articles 126 and 128).⁷⁵ The Handbook provides that detention will be for the minimum time necessary, with human rights being respected throughout the administrative detention process, and that detention centres must establish components for detainees to receive timely attention. Similarly, Article 232 of the migration control regulations (2011) of the DGME establishes that the migration authority may consider measures less stringent than deportation in certain cases, such as persons eligible for assisted return or voluntary repatriation, those presenting a travel ticket for immediate departure, those stating their intention to leave the country voluntarily, or cases decided by the DGME for reasons of timing, security, convenience and respect for human rights.

6.2. Areas with potential for further development

Developing a formal programme or specific policy focused on easing the reintegration of migrants is an area with potential for improvement. The Comprehensive Plan for Managing Mixed Migration Flows outlined some measures for migrants returning to their countries of origin, more specifically for minors, who are under the responsibility of PANI's Technical Management unit. Moreover, although the General Law on Migration and Aliens and the Comprehensive Migration Policy both mention the matter, no concrete steps have been taken in this regard.

Despite the importance of having information and statistical data on anti-smuggling activities – underscored in the Law against Trafficking in Persons and for the Creation of the National Coalition against Illegal Migrant Smuggling and Trafficking in Persons, the National Policy against Trafficking in Persons 2020–2030 and the Comprehensive Migration Policy – in practice, there is limited publication of relevant information. In connection with the smuggling of migrants, another area seen as one with potential for development is the drafting of a law that adequately addresses this problem.

Lastly, Costa Rica lacks a system of its own for tracing and identifying migrants who have gone missing in the national territory. However, in the framework of the RCM, of which the DGME is a part, recommendations have been put forward on regional coordination and information-sharing mechanisms for locating missing migrants. There has indeed been sporadic coordination with other countries for the follow-up of specific cases of missing persons, but there is no structured system for this.

⁷⁵ This provision is also present in the General Law on Migration and Aliens (Articles 208 and 217).

After the MGI assessment

IOM would like to thank the Government of Costa Rica for its engagement in this process. IOM hopes that the results of this assessment can feed into the Government's strengthening of its migration governance. After an MGI assessment, the following are recommended:



The MGI report can be used to inform policy work with the support of IOM (if desired).



The findings can feed into capacity-building activities, which may connect to other IOM initiatives.



A follow-up assessment can be conducted after three years to verify progress.



Governments can exchange best practices and innovative solutions with other governments that have conducted the MGI process.



ANNEX

The MGI process



1

Launch of the MGI process

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



2

Data collection

The second step of the process is to start the collection and analysis of data, based on about 100 indicators grounded in the six dimensions of the MiGOF. A migration governance profile based on the analysis of the findings is then drafted and shared with the government counterparts.



3

Interministerial consultation

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



4

Publication of the report on the Global Migration Data Portal

After the migration governance profiles are finalized and vetted by government counterparts, they are published on the [Migration Data Portal](#) and the [IOM Publications Platform](#).



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* All hyperlinks were working at the time of writing this report.

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