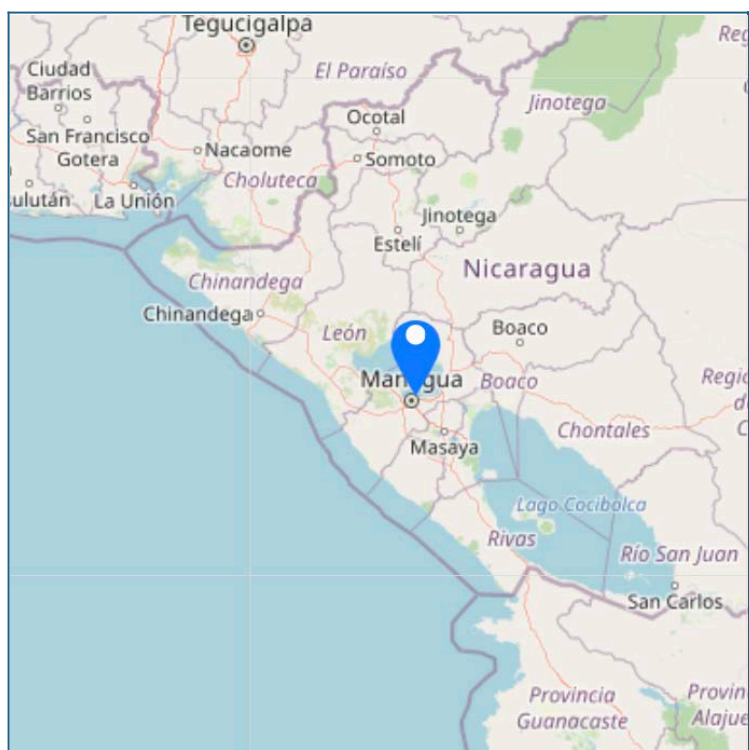


Nicaragua Immigration Detention Data Profile



Quick Facts

Immigration detainees (1995)	880
Detained minors (2017)	Not Available
Immigration detention capacity (2015)	40
International migrants (2019)	42,172
New asylum applications (2016)	202

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/americas/nicaragua>
- "Observation Dates" indicate the timeframe statistical data correspond to or other data were last validated. More than one statistical entry for a year indicates contrasting reports.

STATISTICS

Detention, expulsion, and incarceration statistics

		Observation Date			Observation Date
Total number of immigration detainees by year	880	1995	Total number of detained minors	Not Available	2017
	72	1990			
Estimated total immigration detention capacity	40 - 40	2015	Number of dedicated long-term immigration detention centres	1	2015
Estimated capacity of dedicated long-term immigration detention centres	40	2015	Criminal prison population	10,569	2014
				9,168	2012
				6,773	2007
				6,233	2004
				6,395	2001
				6,535	1998
				4,586	1995
				3,375	1992
Percentage of foreign prisoners	2.9	2014	Prison population rate (per 100,000 of national population)	171	2014
	2.9	2006		153	2012
				119	2007
				111	2004
				123	2001
				134	1998
				103	1995
				85	1992

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	6,600,000	2020	International migrants	42,172	2019
	6,082,000	2015		40,300	2015
	6,000,000	2012		41,500	2013
International migrants as a percentage of the population	0.7	2015	Refugees	322	2019
	0.7	2013		326	2018
				328	2017
				325	2016
				330	2015
				280	2014
Ratio of refugees per 1000 inhabitants	0.05	2016	Total number of new asylum applications	202	2016
	0.05	2014		135	2014
Stateless persons	1	2016			

DOMESTIC LAW

LEGAL TRADITION

Legal tradition	Name	Observation Date
	Civil law	

LAWS AND REGULATIONS

Constitutional guarantees?	Yes/No	Constitution and Articles	Year Adopted	Last Year Amended
	Yes	Political Constitution, articles 25(1) and 33	1987	1987

LAWS AND REGULATIONS

Core pieces of national legislation	Name	Year Adopted	Last Year Amended
	Ley General de Migración y Extranjería, No. 761. March 2011.	2011	
	Ley de Protección a Refugiados, No. 655. June 2008.	2008	

LAWS AND REGULATIONS

Regulations, standards, guidelines	Name	Year Published
	REGLAMENTO A LA LEY No. 761, LEY GENERAL DE MIGRACIÓN Y EXTRANJERÍA	2012

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Immigration-status-related grounds	Name	Observation Date
	Detention to effect removal	2015
	Detention after readmission	2015
	Detention for unauthorised entry or stay	2015
	Detention for unauthorized stay resulting from criminal conviction	2015

GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION

Non-immigration-status-related grounds providing for administrative detention in immigration legislation.	Name	Observation Date
	Detention on public order, threats or security grounds	2015

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Does the country provide specific criminal penalties for immigration-related violations?	Fines	Incarceration	Observation Date
	Yes	No	2015

CRIMINALIZATION OF IMMIGRATION-RELATED OFFENCES

Has the country decriminalized immigration-related violations?	Has the country decriminalized immigration-related violations?	Observation Date
	Yes	2006

LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	No Limit		2015	
LENGTH OF DETENTION				
Average length of detention	Number of Days		Observation Date	
	90		2014	
LENGTH OF DETENTION				
Maximum length of detention for asylum-seekers	Number of Days		Observation Date	
	7		2015	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Information to detainees	Yes		2015
	Access to free interpretation services	No		2015
	Compensation for unlawful detention	No		2015
	Independent review of detention	No		2015
	Access to asylum procedures		Yes	2015
	Complaints mechanism regarding detention conditions	No		2015
Right to appeal the lawfulness of detention	Yes		2015	
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Release on bail	Yes	infrequently	2015
	Provision of a guarantor	Yes	infrequently	2015
VULNERABLE PERSONS				
Is the detention of vulnerable persons provided in law? Are they detained in practice?	Name	In Law	In Practice	Observation Date
	Accompanied minors	Prohibited	No	2015
	Unaccompanied minors	Prohibited	No	2015
	Persons with disabilities	Prohibited		2015
	Asylum seekers	Provided	Yes	2015
	Refugees	Not mentioned	No	2015
	Stateless persons	Not mentioned		2015
Pregnant women	Not mentioned	No	2015	
EXPEDITED REMOVAL AND RE-ENTRY BAN				
Re-entry ban	Name		Observation Date	
	Yes		2015	

COVID-19 UPDATES

	Update Status	Observation Date
Latest Update	<p>The Covid-19 crisis has had an important impact on Nicaragua, in particular on people seeking to leave the country, whose numbers have grown considerably in recent years. In early March 2020, a UNHCR spokesperson said that “serious political and social crises in the country have prompted Nicaraguan students, human rights defenders, journalists and farmers to flee their country at an average rate of 4,000 people every month.” Since the initial violent clampdown following popular protests in 2018, most Nicaraguans have fled to Costa Rica, which as of March was hosting 77,000 refugees and asylum seekers. More than 8,000 people have fled to Panama and 9,000 to Europe. The UN estimates that there are around 103,600 Nicaraguan refugees and asylum seekers worldwide. On 16 April, news reports indicated that Costa Rica had reinforced its border with Nicaragua and rejected 5,000 undocumented migrants in a month. According to the Nicaraguan immigration authority (Dirección de Migración), since Costa Rica closed its borders, there have been 5,300 people have been refused entry into the country, mostly undocumented Nicaraguan citizens. The Costa Rican immigration authority (Dirección de Migración y Extranjería) reported that 700 Nicaraguan citizens have given up their asylum claim in Costa Rica due to the deterioration of their economic conditions and have now returned to Nicaragua. In addition, on 22 April, news reports stated that groups of Nicaraguan nationals were being prevented from entering the country at its borders with El Salvador. During the weekend of 18-19 April, a plane carrying 160 Nicaraguan nationals to Managua was prohibited from entering the country. In response, the United Nations High Commissioner for Human Rights, Michelle Bachelet, urged Latin American countries to open their borders to their own nationals, stating that “under international law, everyone has the right to return to their country of origin, even during a pandemic.” As regards the country’s prisons, on 12 June the organisation “Victimas de Abril” denounced the inhumane conditions of imprisonment of 86 political prisoners, of whom 45 have shown Covid-19 symptoms. Detainees have reported that within the Jorge Navarro prison, they have only received one medical visit in 10 weeks and are only provided with two buckets of water a day. Access to hygienic products is limited and visits have not yet been suspended. One wing of the prison has been dedicated to prisoners showing symptoms of the disease, yet, certain prisoners have developed symptoms while cleaning the facility.</p>	2020

INTERNATIONAL LAW

Relevant international treaties and date of ratification		
International treaties	Name	Ratification Year
	CRSSP, Convention Relating to the Status of Stateless Persons	2013
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2009
	CRPD, Convention on the Rights of Persons with Disabilities	2007
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2006
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2005
	ICRMW, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2005
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2004
	CRC, Convention on the Rights of the Child	1990
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1981
	CRSR, Geneva Convention Relating to the Status of Refugees	1980
	ICCPR, International Covenant on Civil and Political Rights	1980
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1980
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1980
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1978
VCCR, Vienna Convention on Consular Relations	1975	
Ratio of relevant international treaties ratified	15/19	
Relevant international treaties and date of ratification		
Individual complaints procedure	Name	Acceptance Year
	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2010
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1980
Relevant international treaties and date of ratification		
Ratio of complaints procedures accepted	Number	Observation Date
	2/8	
	2/8	

Relevant international treaties and date of ratification				
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year	
	Committee on Migrant Workers	<p>§ 38. ensure that its national laws, policies and practices adequately respect the right to liberty and the prohibition of arbitrary detention of migrant workers and members of their families and in particular that it: (a) Amend the Migration and Alien Affairs Act to include, as a priority response to irregular migration, alternatives to detention for migration-related administrative infractions and ensure that detention of migrants is used only as an exceptional measure of last resort, in line with the Committee's general comment No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families; [...]; (c) Provide detailed information on the number of migrant workers arrested, detained and expelled for immigration-related infractions, the reasons for the detention and expulsion of these migrant workers and the detention conditions, including the length of detention. § 40. The Committee recommends that the State party: (a) Ensure that migrants are not detained beyond the 48-hour period provided for in article 160 of the Migration and Alien Affairs Act; (b) Expeditiously and completely cease detaining children on the basis of their or their parents' immigration status and adopt alternatives to detention that allow children to remain with family members and/or guardians in non-custodial, community-based contexts while their immigration status is being reviewed, consistent with the principle of the best interest of the child and the child's right to family life; (c) Allow for the independent monitoring of the migrants centre by civil society organizations and ensure that the Office of the Human Rights Advocate has the independence and sufficient resources to regularly supervise all the facilities used for the detention of migrants based on their immigration status.</p> <p>§ 62. The Committee recommends that the State party take the steps necessary to ensure that repatriated migrant workers and members of their families are guaranteed due process by law enforcement authorities; that they are not subjected to arbitrary detention and to inhuman or degrading treatment; that they have access to legal counsel and are provided with appropriate information regarding their case; and that they are not exposed to the media.</p>	2016	
	Committee against Torture	<p>§12. The Committee urges the State party to ensure that there is an effective system for inspecting detainees' detention conditions and treatment and, in particular, to extend the mandate of the Procurator for Prisons to include visits to migrant custody centres [...] and to facilitate access by NGOs to such places. The Committee requests that information be provided in the next report on the number of visits made, complaints received from detainees and the outcome thereof.</p>	2009	
Regional treaties, regulations, and directives				
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)	
	ACHR, American Convention on Human Rights		1979	
	IACPPT, Inter-American Convention to Prevent and Punish Torture		2009	
	CBDP, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)		1995	
	APACHR, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights		2009	
Non treaty-based international human rights mechanisms				
Visits by special procedures of the Human Rights Council	Name		Year of Visit	Observation Date
	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance		2004	2015
	Working Group on arbitrary detention		2006	2015

Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	No	2010	2017
	No	2014	

INSTITUTIONAL INDICATORS

Governing structures

Federal or centralized governing system	Federal or centralized governing system	Observation Date
	Centralized system	2015

Governing structures

Centralized or decentralized immigration authority	Centralized or decentralized immigration authority	Observation Date
	Centralized immigration authority	2015

Institutions responsible for immigration detention

Custodial authority	Agency	Ministry	Ministry Typology	Observation Date
	Direccion General de Migracion y Extranjeria	Ministerio de Gobernacion	Interior or Home Affairs	2015
	Direccion General de Migracion y Extranjeria	Ministerio de Gobernacion	Interior or Home Affairs	2007

Institutions responsible for immigration detention

Detention Facility Management	Entity Name	Entity Type	Observation Date
	Direccion General de Migracion y Extranjeria	Governmental	2015
	Direccion General de Migracion y Extranjeria	Governmental	2007

Institutions responsible for immigration detention

Formally designated detention estate?	Formally designated immigration detention estate?	Types of officially designated detention centres	Observation Date
	Yes	Dedicated immigration detention facilities	2015

Institutions responsible for immigration detention

Types of detention facilities used in practice	Immigration detention centre (Administrative)	Immigration field office (Administrative)	Transit centre (Administrative)	Reception centre (Administrative)	Offshore detention centre (Administrative)	Hospital (Administrative)	Border guard (Administrative)	Police station (Criminal)	National penitentiary (Criminal)	Local prison (Criminal)	Juvenile detention centre (Criminal)	Informal camp (Ad hoc)	Immigration detention centre (Ad hoc)	Surge facility (Ad hoc)	Observation Date
	Yes														

Detention monitoring institutions

Authorized monitoring institutions	Institution	Institution Type	Observation Date
	Procuraduría para la Defensa de los Derechos Humanos	National Human Rights Institution (or Ombudsperson) (NHRI)	2015
	Consejo de Iglesias Evangélicas Pro Alianza Denominacional (CEPAD)	Non-Governmental Organizations (NGO)	2015

Detention monitoring institutions		
Does NHRI carry out visits?	Does NHRI carry out visits in practice?	Observation Date
	No	2015

Detention monitoring institutions		
Do NGOs carry out visits?	Do NGOs regularly carry our visits?	Observation Date
	No	2015

More information about immigration detention in Nicaragua is available at the website of the Global Detention Project (www.globaldetentionproject.org)