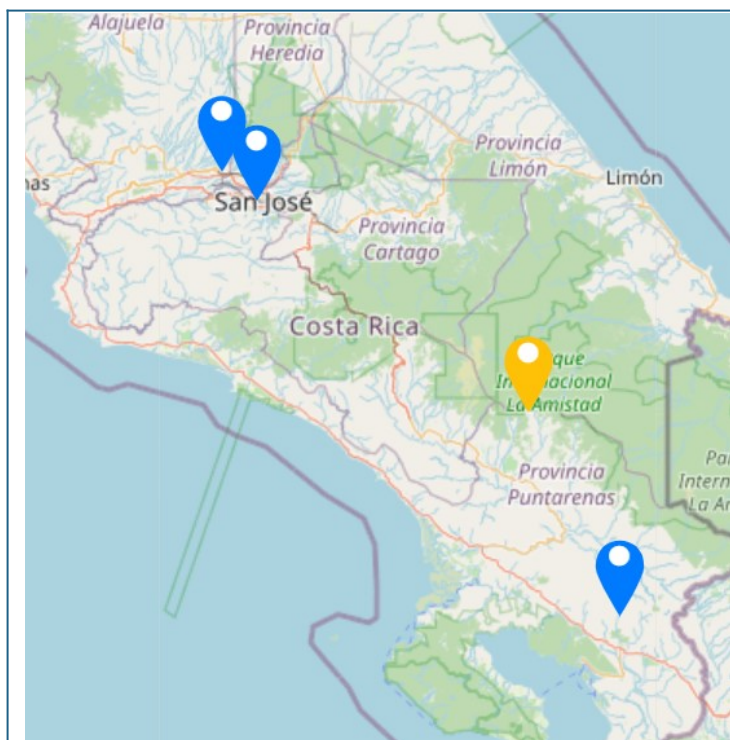


Costa Rica Immigration Detention Data Profile



Quick Facts	
Immigration detainees (2019)	Not Available
Detained minors (2017)	Not Available
International migrants (2019)	417,768
New asylum applications (2019)	60,101

NOTES ON USING THIS PROFILE

- Sources for the data provided in this report are available online at: <https://www.globaldetentionproject.org/countries/americas/costa-rica>
- "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	Not Available	2019	Total number of detained minors	Not Available	2017
Number of dedicated long-term immigration detention centres	1	2014	Estimated capacity of dedicated long-term immigration detention centres	50	2014
Number of transit facilities	1	2015	Criminal prison population	17,440	2014
				14,963	2012
				12,110	2010
				9,211	2007
				8,890	2004
				7,649	2001
				6,004	1998
				3,490	1995
				3,443	1992
Percentage of foreign prisoners	14.6	2013	Prison population rate (per 100,000 of national population)	352	2014
	14.2	2006		314	2012
				259	2010
				207	2007
				209	2004
				191	2001
				160	1998
				100	1995
				107	1992

Demographics and immigration-related statistics

		Observation Date			Observation Date
Population	5,100,000	2020	International migrants	417,768	2019
	4,808,000	2015		421,700	2015
	4,800,000	2012		419,600	2013
International migrants as a percentage of the population	8.8	2015	Refugees	6,204	2019
	8.6	2013		4,547	2018
				4,493	2017
				4,152	2016
				3,616	2015
				20,744	2014

Ratio of refugees per 1000 inhabitants	0.86	2016	Total number of new asylum applications	60,101	2019
	4.36	2014		5,834	2016
	4.38	2012		1,373	2014
				1,170	2012
Refugee recognition rate	15.1	2014	Stateless persons	82	2018
				71	2017
				127	2016
				2,613	2015
				0	2014

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 of the Republic of Costa Rica, article 37	1949	1949
LAWS AND REGULATIONS				
Core pieces of national legislation	Name		Year Adopted	Last Year Amended
	Reglamento de Personas Refugiadas N° 36831-G		2011	
	Ley General de Migración y Extranjería N° 8764		2009	
LAWS AND REGULATIONS				
Regulations, standards, guidelines	Name			Year Published
	Reglamento de Control Migratorio (Decreto Ejecutivo N° 36769)			2011
	Manual Administrativo y de procedimientos de los centros de Aprehensión temporal para extranjeros en condiciones irregulares			2008
GROUND FOR ADMINISTRATIVE IMMIGRATION-RELATED DETENTION				
Immigration-status-related grounds	Name		Observation Date	
	Detention for unauthorised entry or stay		2015	
	Detention to effect removal		2015	
LENGTH OF DETENTION				
Maximum length for administrative immigration detention in law.	Number of Days		Observation Date	
	No Limit		2014	

LENGTH OF DETENTION				
Maximum length of time in custody prior to issuance of a detention order	Number of Days		Observation Date	
	1		2014	
PROCEDURAL STANDARDS				
Provision of basic procedural standards	Name	In Law	In Practice	Observation Date
	Right to appeal the lawfulness of detention	Yes		2015
	Information to detainees	Yes		2015
	Access to consular assistance	Yes	Yes	2015
	Right to legal counsel	Yes		2015
	Access to free interpretation services	Yes	Yes	2015
	Access to asylum procedures	Yes		2015
	Compensation for unlawful detention		No	2014
Independent review of detention	No	No	2014	
NON-CUSTODIAL MEASURES (ALTERNATIVES TO DETENTION)				
Types of non-custodial measures	Name	In Law	In Practice	Observation Date
	Supervised release and/or reporting	Yes	infrequently	2015
	Registration (deposit of documents)	Yes	infrequently	2015
	Release on bail	Yes	No	2014
Home detention (curfew)	Yes	No	2014	
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		2015
	Unaccompanied minors	Prohibited	No	2015
	Asylum seekers		No	2014
	Stateless persons	Not mentioned		2014
	Pregnant women	Not mentioned		2014
	Elderly	Not mentioned		2014
	Persons with disabilities	Not mentioned		2014
	Victims of trafficking	Not mentioned		2014
Refugees		No	2014	

COVID-19 UPDATES

	Update Status	Observation Date
<p>Latest Update</p>	<p>Responding to the Global Detention Project's Covid-19 survey, Costa Rica's immigration authority (Dirección General de Migración y Extranjería) reported that during the Covid-19 crisis, immigration police (Dirección de la Policía Profesional de Migración) put in place distinct measures for non-citizens apprehended for administrative reasons. Instead of extending detention measures during the pandemic, non-citizens were required to periodically report to police stations. Costa Rica's immigration authority reported that the immigration police orders the administrative apprehension of a non-citizens in cases where their record demonstrates a risk for security and public order, in accordance with the Law on Migration and Aliens N°8764 (Ley General de Migración y Extranjería número 8764), or if it considers that the person will seek to evade a deportation order. After the declaration of the state of emergency on 16 March, the immigration authority issued various protocols and guidelines endorsed by the Ministry of Health for the prevention and care of Covid-19 cases, adapting spaces for isolation and training police personnel. Also, protocols seeking to prevent outbreaks of the disease were implemented, including the use of hygiene products such as disinfectants, soap, deep cleaning, and taking non-citizens' temperature systematically. The Dirección General de Migración y Extranjería also reported that the immigration detention centre in San José, Centro de Aprehensión Regional Central de la Policía Profesional de Migración, where non-citizens who have committed administrative offences or those that are to be deported are held, was staffed with healthcare professionals and if persons had any Covid-19 symptoms, they were transferred to the closest health centre. Regarding deportations, the immigration authority indicated that these were still being conducted despite the pandemic, albeit only by land and consequently, only to Nicaragua and Panama, where authorities continued receiving their nationals. Deportations to other countries have been temporarily suspended while arrangements are being made through diplomatic channels with other countries' authorities such as El Salvador, Honduras, and Colombia. Moreover, while the immigration authority's offices were temporarily closed from 17 March to 17 May 2020, and closure has since been extended, non-citizens that arrive in Costa Rica may nonetheless apply for asylum at a border post. As soon as the person states that they wish to apply for international protection, staff from the Refuge Unit are dispatched to the relevant border post to carry out the process. The applicant then undergoes the same process as any other would, but in an expedited manner. Through an agreement with UNHCR, the applicant is accommodated in a hotel in the area, while the procedure for determining refugee status is carried out.</p>	<p>2020</p>
	<p>Responding to the Global Detention Project's Covid-19 Survey, the UN Human Rights regional office in Panama (ROCA) reported on 1 June that Costa Rica has not established a moratorium on new immigration detention orders and that the country is not contemplating the measure. ROCA also explained that no immigration detainees have been released and that there are no "alternatives to detention" programmes employed in the country. ROCA reported that people are tested for Covid-19 in immigration detention centres. Regarding expulsions, the UN office said that while these have been temporarily suspended, there is no specific measure prohibiting them in the country. On 14 May, news reports indicated that four positive cases of Covid-19 had been detected on people returning from Spain, as well as nine others in an immigration detention centre in the country. From 5 May, Costa Rica closed its borders to non-citizens, with the exception of residents and cargo transport personnel. In total, 23 foreign cargo transports have been refused entry into the country. On 5 May, Costa Rica placed in isolation one of its main immigration detention centres after 12 cases of Covid-19 were discovered within the facility. News reports indicated that the 12 confirmed cases had been contaminated by two persons detained for having entered the country irregularly that were carrying the disease. Authorities did not specify their nationality. As regards the country's prisons, no cases of Covid-19 have been reported on part of staff and prisoners.</p>	<p>2020</p>

INTERNATIONAL LAW

Relevant international treaties and date of ratification

	Name	Ratification Year
International treaties	OP ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	2014
	OP CRC Communications Procedure	2014
	ICPED, International Convention for the Protection of All Persons from Enforced Disappearance	2012
	OPCRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2008
	CRPD, Convention on the Rights of Persons with Disabilities	2008
	OPCAT, Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	2005
	CTOCTP, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2003
	CTOCSP, Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime	2003
	CAT, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1993
	CRC, Convention on the Rights of the Child	1990
	CEDAW, Convention on the Elimination of All Forms of Discrimination against Women	1986
	CRSR, Geneva Convention Relating to the Status of Refugees	1978
	PCRSR, Protocol to the Geneva Convention Relating to the Status of Refugees	1978
	CRSSP, Convention Relating to the Status of Stateless Persons	1977
	ICCPR, International Covenant on Civil and Political Rights	1968
	ICESCR, International Covenant on Economic, Social and Cultural Rights	1968
	ICERD, International Convention on the Elimination of All Forms of Racial Discrimination	1967
	VCCR, Vienna Convention on Consular Relations	1966
Ratio of relevant international treaties ratified	18/19	

Relevant international treaties and date of ratification

	Name	Acceptance Year
Individual complaints procedure	CRPD, Optional Protocol to the Convention on the Rights of Persons with Disabilities	2015
	ICESCR, Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, 2008	2014
	CRC, [Third] Optional Protocol to the UN Convention on the Rights of the Child establishing a communications procedure, 2011	2014
	CAT, declaration under article 22 of the Convention	2002
	CEDAW, Optional Protocol to the Convention on the Elimination of Discrimination against Women, 1999	2001
	ICERD, declaration under article 14 of the Convention	1974
	ICCPR, First Optional Protocol to the International Covenant on Civil and Political Rights, 1966	1968

Relevant international treaties and date of ratification			
Ratio of complaints procedures accepted	Number		Observation Date
	7/8		
	7/8		
Relevant international treaties and date of ratification			
Relevant recommendations issued by treaty bodies	Name	Recommendation Excerpt	Recommendation Year
	Human Rights Committee	30. The State party should step up efforts to improve living conditions at migrant detention centres, including with regard to appropriate sanitation and health services, with a view to fully complying with the provisions of article 10. The State should guarantee that migrants are held in administrative detention only when justified as a reasonable, necessary and proportionate measure, guaranteeing as well that such detention is used only as a measure of last resort and for the shortest time possible.	2016
	Committee against Torture	§10 The State party should ensure that legislation provides for alternatives to custody for migrants. The State party should also set a maximum legal period for detention pending deportation, which should in no circumstances be indefinite. The Committee invites the State party to continue its efforts to improve detention conditions for all immigrants, in cases where administrative detention is absolutely necessary, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment and the Minimum Rules for the Treatment of Prisoners. The Committee recommends the adoption of protocols and the provision of proper training for border officials and personnel working in centres for the administrative detention of aliens for the identification of victims of trafficking and others who are entitled to international protection.	2008
	Human Rights Committee	§9 The State party should take steps to end overcrowding in detention centres, including those administered by the migration authorities, and to ensure compliance with the requirements of article 10. In particular, the State party should take into consideration the Standard Minimum Rules for the Treatment of Prisoners.	2007
Regional treaties, regulations, and directives			
Regional legal instruments	Name		Year of Ratification (Treaty) / Transposed (Directive) / Adoption (Regulation)
	ACHR, American Convention on Human Rights		1970
	IACPPT, Inter-American Convention to Prevent and Punish Torture		1999
	APACHR, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights		1999
	CBDP, Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belem do Para)		1995
	IACFDP, Inter-American convention on Forced Disappearance of Persons		1996
Non treaty-based international human rights mechanisms			
Relevant recommendations of the UN Universal Periodic Review	Recomendation Issued	Year Issued	Observation Date
	Yes	2010	2017
	Yes	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 y Policia				Interior or Home Affairs				2015					
	Direccion General de Migracion y Extranjeria	Ministerio de Gobernacion y Policia				Interior or Home Affairs				2014					
	Direccion General de Migracion y Extranjeria	Ministerio de Gobernacion				Interior or Home Affairs				2007					
Institutions responsible for immigration detention															
Apprehending authorities	Name				Agency		Ministry		Observation Date						
	Policía Profesional de Migración								2015						
Institutions responsible for immigration detention															
Detention Facility Management	Entity Name								Entity Type		Observation Date				
	Policía de migración								Governmental		2015				
	Private company								Private For-Profit		2015				
	Dirección General de Migración y Extranjería and Policía Profesional de Migracion								Governmental		2014				
	Dirección General de Migración y Extranjería and Policía Profesional								Governmental		2014				
	Direccion General de Migracion y Extrajeria/Policia de Migracion y Extranjeria								Governmental		2007				
	Direccion General de Migracion y Extrajeria								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		Yes												2015

Detention monitoring institutions			
Authorized monitoring institutions	Institution	Institution Type	Observation Date
	Asociación de Consultores y Asesores Internacionales (ACAI)	Non-Governmental Organizations (NGO)	2014
	UN High Commissioner for Refugees (UNHCR)	International or Regional Bodies (IRBs)	2014
	Defensoría de los Habitantes de Costa Rica (Ombudsman)	National Human Rights Institution (or Ombudsperson) (NHRI)	2014
	Mecanismo Nacional de Prevención contra la Tortura	OPCAT National Preventive Mechanism (NPM)	2014
Detention monitoring institutions			
Do NGOs carry out visits?	Do NGOs regularly carry our visits?		Observation Date
	Yes		2014
Detention monitoring institutions			
Do international and/or regional bodies (IRBs) visit immigration-related detention facilities?	Do international and/or regional bodies (IRB) regularly visit immigration-related detention facilities?		Observation Date
	Yes		2014

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