

2-27-2003

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LADB Staff

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Recommended Citation

LADB Staff. "Costa Rica Immigration Law Overhauled." (2003). <https://digitalrepository.unm.edu/noticen/9058>

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Costa Rica Immigration Law Overhauled

by LADB Staff

Category/Department: Costa Rica

Published: 2003-02-27

[The following article is reprinted with permission of the weekly newspaper The Tico Times in San Jose, Costa Rica. It first appeared in the Feb. 21-27 edition of the newspaper.]

Immigration law could soon get an overhaul, if the Legislative Assembly approves a new bill presented this week by Public Security Minister Rogelio Ramos. The new bill seeks to bring Costa Rica's General Immigration Law up to date, as the last time the current law was reformed, in 1986, then- President Oscar Arias (1986-1990) was barely one month in office. Calling the Immigration Law "one of Costa Rica's most important laws,"

Ramos told deputies on Wednesday that the bill forms part of the four-year National Plan for Integral Security outlined by the administration of President Abel Pacheco, and aims to garner "strict control over migratory movements in order to contribute to the country's sustainable development." New chapters included in the bill address the formation of a state immigration policy that pays special attention to the trafficking of humans. Under the bill, persons convicted of participating in human trafficking networks known as "coyotes" could be imprisoned for two to six years.

Costa Rica despite having ratified various international accords against human trafficking is the only country in the region to lack laws on the books against the practice. Police would also be able to confiscate autos and properties used by coyotes.

Other accords and international treaties ratified by Costa Rica regarding human rights and the international treatment of immigrants and refugees are also included in the bill. The bill also outlines fees and taxes for foreign visa, residency, and other applications, fixing the amount in US dollars and increasing it to factor in current inflation. The bill calls for the restructuring of the National Immigration Council, which would be charged with outlining immigration policy and recommending legislative reform. If approved, the Ministers of Interior, Foreign Relations, Tourism, Labor, and Security would comprise the council.

Other chapters of the bill address immigrants' rights, obligations and limitations, and seek to clarify currently confusing rules on immigrant policy. While policy on immigrant status will remain the same for permanent and temporary residents, new categories outline status requirements for persons seeking asylum or refugee status, as well as temporary workers mainly Nicaraguan agricultural laborers and participants in witness-protection programs.

While the new bill does not significantly change policy already being enforced against "perpetual tourists," it clearly outlines the responsibility of immigration police to crack down on the practice by searching hotels, businesses, nightclubs and public transportation. "Perpetual tourists" are foreign residents who live in Costa Rica on tourist visas, which they keep current by leaving the country

every three months when their visas expire, remaining outside the country for 72 hours, and re-entering on new three-month visas. This status of residency has always been illegal and subject to deportation, but lax or sporadic enforcement of the law has given rise to hundreds of illegal foreign residents who never bother with the bureaucratic requirements of acquiring permanent or temporary legal residency.

A crackdown on perpetual tourists was announced in September 2000. Article 15 calls for creation of a "general registry of foreigners with authorization to remain in the country" and the "supervision of exits and entries of foreigners" to better regulate who is in the country. Immigration inspections are authorized on all national and international means of transportation, and vehicles are forbidden from leaving the country if passengers' immigration status is not up to par. Last December, immigration police began a series of unannounced sweeps of mainly downtown nightclubs, bars, casinos and hotels in search of illegal residents and aliens.

To date some 500 unlucky, unexpected and undocumented people have been detained. The new bill contains specific language that both authorizes and encourages the policy. For foreigners legally residing in the country, the bill seeks their full "economic, scientific, social, labor, educational, and cultural integration." "This new bill seeks to outline a comprehensive immigration policy that the executive branch will be obligated to incorporate," Ramos said. "The end result will be better and tighter control over migratory movement." The bill is currently under study by the Assembly's Special Commission on Governance.

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