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Mike Leffert

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## **Migrant Nicaraguan Workers Face Eviction In Costa Rica**

*by Mike Leffert*

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With no coherent plan to control its influx of foreign workers, Costa Rica has returned to wholesale evictions as a way to deal with undocumented populations (see NotiCen, 2004-02-12). Mostly Nicaraguan, these workers, like those in other better-developed countries, have few rights or protections in a country where they do work that nationals disdain or take jobs the local work force cannot fill.

Without these workers, said a recent newspaper editorial, "the construction industry, coffee, and sugar, to mention a few, would very probably enter into crisis if they had to count only upon national personnel." Without planning, said the editorial, these workers find accommodations as and wherever they can, in an informal manner. Now the country is confronting problems brought about by this informality. And so are the migrants.

Data from the Direccion de Migracion y Extranjeria de Costa Rica shows that more than 200,000 Nicaraguans are living in the country. Other, unofficial estimates go as high as a million. The migrants strain social services and national resources. In an Instituto de Estudios Sociales en Poblacion (IDESPO) poll, most Costa Ricans (88% of respondents) said they believe the Nicaraguans are discriminated against, 66% think these workers should have the right to health services equal to that of Costa Ricans, and more than 60% think they should have the right to jobs with conditions equal to those required for Costa Ricans. A majority (55%) recognize that "the contribution of the Nicaraguan immigrants to our economy is very important."

But despite all this humanitarian sentiment, what the Nicas get from the Ticos is quite the opposite, and, like migrant workers elsewhere in the world, they are beginning to militate for their rights.

On April 24, migrants marched on the Casa Presidencial, demanding changes in the migration law and suspension of evictions from lands they have settled on in the absence of any government- or employer-sponsored living accommodations. They are organized under the Confederacion Solidaridad (CS), which brings together several organizations of Nicaraguans in Costa Rica. "What we want," said leader Gerardo Sanchez, "is that the migration law be reformed, that it be humanized." In October 2005 the Costa Rican legislature did reform the law. The rules going into effect later this year, however, are not what the Nicas had in mind.

The legislation imposes fines on employers who hire undocumented workers and prison sentences (2-6 years) for coyotes who bring the workers in. Of most immediate concern to the Nicaraguans is eviction. Part of the agenda of the march on the Casa Presidencial was to stop evictions from the La Candela shantytown where the migrant workers live among poor Costa Ricans.

Fortunately for the residents of this land, which is owned by the Mexican bank Banex, the government cannot deal with the consequences of evicting as many as 1,200 families. "We can't evict

that number of families at one time," said Instituto Mixto de Ayuda Social (IMAS) director Juan Carlos Lacle. He said the evictions would take weeks or months. In the meantime, IMAS, together with PANI, the child-welfare office, the Presidency Ministry, and the Public Security Ministry, have been interviewing the families to determine if they are eligible for government assistance.

This strategy of gradual eviction began earlier this year when two other precarios, as these communities are called in Costa Rica, were emptied during a three-month period. There seems little chance that the evictions can be stopped permanently. "For this precario, we must carry out an order from Sala IV," said Alejandro Chang, head of the evictions department of the Public Security Ministry. Sala IV is the constitutional chamber of the Corte Suprema de Justicia (CSJ). "But what the Public Security Ministry wants, understanding the social difficulties of the families there, is a gradual, sensible eviction.

#### New president, uncertain future policy

There are no guarantees this will continue. President-elect Oscar Arias takes office May 8, and Public Security Minister Rogelio Ramos could only say he hopes the gradual process will continue under the new leadership. The La Candela residents have been pressing IMAS to provide them with help, seemingly unaware that the process will be gradual. Crowds have beset the offices seeking alternatives, causing IMAS personnel to call police. For those eligible for assistance, there are other problems.

Resident Humberto Hernandez said that, even if they do get help in the form of rent subsidies, many landlords do not want people from the precarios on their properties. "Now they'll evict us, where will we go?" he asked. Hernandez and his neighbors cannot answer the question because of the lack of authoritative information provided them. Hernandez's understanding is that only Costa Ricans will receive assistance and that, even then, subsidies would only be paid directly to landlords, not to the affected individuals and families. Lacle, however, has told the media that subsidies would go directly to families and that any precarista with legal residency is eligible regardless of nationality.

Large numbers of Nicaraguans do not have legal residency. Gradual though the evictions may be, the La Candela operation is just the beginning of something potentially large in scope. Jose Gabriel Ramos, an advisor at the Ministry of Housing, said 35,000 families live in 402 precarios, 70% of which are in the greater San Jose area. The ministry defines these as groups of five families and up, where housing conditions do not meet basic health requirements. For those Nicaraguans who are not legal residents, the situation is painfully ironic.

To legalize themselves to qualify for assistance, they would have to pay US\$55 for a passport and US\$20 for a visa. It would cost them US\$10 to register the birth of a child born in Costa Rica. If they had that kind of money, they would not need assistance.

"We're not against the constitutional order," said the CS's Gerardo Sanchez, "but what worries us is that, if the migratory law regularizes the payment of social costs, it also provokes persecution of undocumented immigrants." Sanchez said that another aspect of the march on the Casa Presidencial

was to seek exemption from these costs, not only from Costa Rica, but also from Nicaraguan authorities. "We are taking the opportunity to remind Nicaraguan authorities to fulfill their moral and social responsibility, because it is not only Costa Rica that has to take on this issue."

Sanchez said that Nicaragua gets about US\$250 million in remittances from migrants, and, in return, "We're asking special treatment because of inflation and because we don't get paid in dollars. We want them to waive the US\$10 fee for registering a child born in Costa Rica. Costa Rican law doesn't charge us, but Nicaragua does."

President Abel Pacheco seemed sympathetic to the Nicaraguan workers' pleas and agreed to suspend the evictions, at least until the end of his mandate on May 8. But he denied the Nicas were suffering discrimination and said that anyone who spoke of discrimination was lying. "Here we have the numbers and the statistics," he said. "There are 35,386 Nicaraguan students in the country, and at least 13,000 of them receive some kind of aid, like scholarships."

He said that between 2002 and 2005 the social security system supported an average of 683,000 foreigners and the Banco de la Vivienda gave 1,552 loans to resident foreigners. "We have tried to help, to open tourism coming to northern Costa Rica so that [tourists] visit Nicaragua, and to bring about projects on the border that we develop together." But Pacheco acknowledged limits: "We have always treated with respect those people who come to Costa Rica to earn their daily bread with hard work, but the law is the law, and those who do not meet the law's requirements cannot stay," he told reporters.

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