3-19-2015

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Costa Rica Links Immigration to Development, Focuses on Protecting Immigrant Rights

by George Rodríguez

Category/Department: Costa Rica

Published: 2015-03-19

Costa Rica is a nation whose historical features, dating back to colonial times, include immigration, receiving mainly in the 1970s and 1980s high numbers of Latin Americans—mostly South Americans- fleeing from dictatorships. It is now a destination for migrant workers, mainly from neighboring Nicaragua and Panama (NotiCen, Feb. 27, 2003, and Feb. 12, 2004).

By the thousands, men and women from both countries are crossing the 309 km northern border with Nicaragua and the 330 km southern border with Panama seeking the job opportunities they cannot find in their countries of origin. The majority are irregular—undocumented—workers, who are hired mainly in rural areas, on banana, coffee, melon, sugar, and pineapple farms. Other labor areas for these unskilled workers include the construction, domestic, and security fields, mostly in urban sectors.

There are no precise figures, but Costa Rican immigration authorities believe that irregular immigrant workers number well above 100,000, including more than 70,000 on farms and another more than 40,000 in coffee fields. Since they are hired on a temporary basis, usually go back once they finish their jobs, and often return to be hired again, thus establishing a cyclic pattern, accurate official estimates are not possible, say officials (NotiCen, May 4, 2006).

Because of their immigration status, many such workers see their rights violated by employers who often pay below-minimum wages or omit the required registration of their employees with the social security system, situations these vulnerable workers accept for fear of being reported to immigration authorities and because of a lack of information on the country’s labor regulations.

Part of the increasing international trend that considers immigration linked to the host country's development, Costa Rican authorities are focused on protecting the rights of irregular migrant workers making up a considerable segment of the Central American nation's labor force.

Two years ago, the Ministerio de Gobernación—which includes the Dirección General de Migración y Extranjería (DGME)—announced a 10-month extension, until mid-2014, of the deadline for migrant workers in the construction, domestic, and farming sectors to regularize their status, a process launched in 2012.

New paradigm announced

More recently, government and private-sector authorities announced, last December, what they described as a new paradigm for migrants to enter the country as temporary workers, particularly in the agroindustrial sector, and be able to regularize their situation.

The new model aims at providing workers legally entering the country at border posts a temporary work permit, as well as offering a job bank consisting of a list of Costa Rican companies, by production areas, the officials told a Dec. 19 press conference.
To be included in the new model, companies must register with the DGME and within a year set the mechanism to regularize the status of the migrant workers they hire. The deadline for this was Jan. 31, but authorities decided on a three-month extension because of the low number that answered the call.

Explaining the migrant-labor phenomenon, Gobernación Vice Minister Carmen Muñoz told NotiCen about "strengthening the link we’re now seeing between migration, development, and integration."

"It’s an issue that’s there, that’s being repeated in one forum after another, for some time now, and is expressed in our law—the Ley General de Migración y Extranjería—where this new view is stated, where the migration issue is not regarded any longer as strictly a national security or a citizens’ safety issue," Muñoz said.

"It’s regarded as a development factor," the vice minister said. "Of course, the issue of … human rights of people who should not be seen as ‘illegal’—the term ‘irregular’ is now in use—demands that states that are the object of migration commit to an effort to protect this population’s labor, health, and human rights in general."

"It’s one of the major issues keeping us busy," Muñoz pointed out. "We have a historic immigration—which appears to be increasing—of an irregular work force … that becomes a problem beyond paperwork and the regularization of their status. It necessarily has to do with a comprehensive approach," involving labor, agriculture, and social security authorities, who "must jointly intervene to approach the issue, which is pretty complex."

Emphasizing that it is a situation passed on from past governments to the present administration, Muñoz—a human rights defender and a former legislator describing herself as "a militant" who is "committed to this cause"—said, "It’s a hot coal, an inherited hot coal that keeps burning, particularly in my hands. Regardless of the efforts we’ve been making … we haven’t been able to untie the knot of the regularization issue and of recognizing the rights of thousands and thousands of workers who, in an irregular—or a regular—way, enter [Costa Rican] territory but, in some cases, are hired without their rights being observed."

**Employers contribute to problem**

Muñoz believes that, to an extent, migrant laborers’ irregular status could be encouraged by employers. "It’s a complex issue, because I’m of the opinion that there’s also a historic practice by employers to have workers in an irregular status. I believe the situation could even be encouraged," she said.

The official said that, when interviewed by authorities, migrant workers have said that "they’re not concerned about obtaining papers because, if they regularize their presence or if they become visible by saying, 'I formally entered Costa Rican territory, I want work, but I also want rights,' they’re not hired."

Muñoz added that it is usually said that Costa Ricans do not want the work in rural areas, households, or in the construction field, "and it’s interesting, because after interviews that I’ve carried out I can confirm the national work force are not encouraged to be hired" in those activities.

Along those lines, Labor Minister Víctor Morales, questioned last week by congressional delegates during a plenary meeting of the unicameral Asamblea Legislativa (AL), said authorities are looking
into this "because there are people who, contrary to that belief, say, 'No, we, Costa Ricans, could work there.' They also say, 'Of course, we want to work there if our labor and social legislation is fully complied with, and salaries are paid accordingly, and [social security] duties are fulfilled.'"

In Muñoz’s view, the issue of irregular migrant workers “is really a social drama. Of course, there are people making a profit from the need of those persons. Employers claim they need these workers by the thousands but at the same time don’t pay them accordingly.” The situation occurs "even though ours is a country that’s recognized for the efforts we make in general regarding immigration and in the issue of migrant workers in particular."

Companies slow to respond

On the low number of companies that have registered—in the agriculture sector 80 of approximately 3,000 as of Feb. 10—the vice minister gave an optimistic analysis. "There are several ways to see it. If we compare the number of companies we have in the country, in rural areas that accounts for some 3% of all the enterprises, which is a very small number. But we’re saying that the 80 companies already registered represent almost 18,000 workers, and of those in the process [of registering] we could talk about another 8,000 persons, so, we could be talking about some 26,000 persons of a total, which could be around 70,000" in the agriculture sector. "We could somehow speculate it’s about one-third."

"The companies of thousands of workers are going about regularizing them,” Muñoz said, adding that a global estimate of irregular migrant workers in this Central American nation would place them well above 100,000. She said that companies unwilling to register believe that going through the process "somehow exposes that they have irregular workers and that may have inhibited some people." She said that such companies are mostly in the coffee sector, which employs around 45,000 migrant workers.

In Muñoz's view, responsibility cannot lie solely on the state and its institutions, since "this is an issue in which everyone must acknowledge their quota, including, of course, irregular migrant workers, as well as the private sector, which does the hiring." Those workers and employers alike "violate the law, because you can’t enter a country on an irregular status." Therefore, it is an issue in which both "must accept responsibility, and I would also say even the countries where these migrants come from."

"We’ve managed to regularize an important number of these workers entering the territory, but they’re the lowest number, the ones coming through a border post," because the majority cross both borders though different points, Muñoz said. "We’re talking about populations that in their countries are not absorbed by employment, that are forced by economic and social circumstances to migrate looking for work, and, of course, that makes Costa Rica all the more vulnerable."

The vice minister said, "Of course, we have a responsibility," a context in which this country’s authorities are discussing possible solutions. One refers to collective insurance of workers by labor areas, allowing companies in different production sectors to group and pay a collective insurance fund. Also, "there are agreements with the government of Nicaragua, establishing quotas of incoming workers," and the one-month visa that is usually issued to Nicaraguan citizen to come to Costa Rica has been extended to three months because "we know that most Nicaraguans coming here as tourists, come to work." This is aimed at providing them more time to regularize their status, Muñoz explained.