

Strengthening the Integration of Asylum Seekers and Refugees in Costa Rica

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TCU- 738:
Acompañar para integrar
Rutas para promover la integración
local de la población migrante y
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ACRONYMS

CCSS	Costa Rican Social Security Fund
CGR	Office of the Comptroller General of the Republic
CNM	National Migration Council
CONARE	National Council of University Presidents
DGME	General Directorate of Migration and Foreign Nationals
ESME	Special Migration Situations Team
GCFF	Global Concessional Financing Facility
ILO	International Labour Organization
IMF	International Monetary Fund
INA	National Learning Institute
MINARE	National Comprehensive Framework for Response to Refugees
MIRPS	Regional Comprehensive Framework for Protection and Solutions
MTSS	Ministry of Labor and Social Security
OECD	Organisation for Economic Co-operation and Development
SMEs	Small and Medium-sized Enterprises
UNHCR	United Nations High Commissioner for Refugees

EXECUTIVE SUMMARY

Costa Rica has consolidated a robust normative framework on international protection, aligned with international standards such as the 1951 Convention, the 1967 Protocol, and the Global Compact on Refugees. Through the General Law on Migration and Foreign Nationals (Law No. 8764), the Comprehensive Migration Policy 2024–2034, and the National Integration Plan 2023–2027, the country has advanced toward an integration approach. The 2024 reform to the Refugee Regulations, which authorizes automatic work access for asylum seekers, represents a significant step in this direction. However, a structural gap persists between normative design and its effective implementation. This gap limits the economic integration of refugees and asylum seekers, reduces their capacity to fully contribute to the national economy, and increases their vulnerability.

Evidence shows that when legal, administrative, and social barriers are reduced, refugees not only integrate more successfully, but also generate net economic benefits for host countries. In the case of Costa Rica, studies demonstrate that migrants and refugees already contribute significantly to the national economy. Between 2017 and 2021, migrants and refugees contributed approximately 6.5% of GDP (IMF, 2023), actively participating in key sectors such as agriculture, construction, tourism, and manufacturing that depend on their labor to sustain productivity. However, challenges persist related to informality, the underutilization of technical and professional skills, and administrative barriers that hinder labor market insertion and economic integration.

This context underscores the urgent need to evaluate and strengthen national policies around how the State seeks to integrate refugees and asylum seekers into its development plans, labor market, access to national services, and fiscal contribution — highlighting the need for policies that facilitate labor formalization, skills recognition, and the full utilization of the human capital of these groups. Such policies require political commitments with an integration focus, as well as adequate coordination of inter-ministerial planning structures that enable a comprehensive and effective response.

This document proposes a legislative agenda with recommendations structured around four priority axes and concrete measures aimed at promoting the integration of refugees and asylum seekers, transforming refuge from a humanitarian emergency situation into an opportunity for Costa Rica's growth.

1. Effective Implementation of the Integration Policy for Refugees and Asylum Seekers

Despite the existing regulations, Costa Rica faces a persistent gap between normative design and effective implementation, stemming from the absence of sustained political leadership for inter-institutional coordination; limited political will; insufficient resources assigned to responsible entities; and a lack of monitoring and accountability mechanisms to measure progress and identify obstacles in a timely manner. Overcoming these gaps requires the Legislative Assembly

to assume an active role, not only in normative design, but in overseeing the execution of existing plans and generating the budgetary and institutional conditions for their implementation.

1.1 Improving Inter-Ministerial Coordination: The National Migration Council (CNM) operates predominantly as an advisory body without binding executive capacity, although it is the legal authority responsible for migration policy. The result is that inter-ministerial coordination depends on the political will of each administration, rather than on stable and enforceable institutional structures. Recommended actions:

- A. Reform articles 9 and 11 of Law 8764 to clarify the CNM's authority as the legal authority responsible for migration policy.
- B. Establish a formal obligation for the CNM and the General Directorate of Migration and Foreign Nationals (DGME) to report annually to the Legislative Committees on Social Affairs and on Government and Administration.
- C. Urge the Executive to incorporate the integration of refugees and asylum seekers as a national development priority.

1.2 Adequate Distribution Resources to Relevant Entities: Despite having robust legally established funding sources for the care of the migrant and refugee population, the DGME faces a persistent problem of budget underexecution. Resources exist within the legal framework but do not effectively reach the entities responsible for implementing integration policies. Recommended actions:

- A. Conduct legal reforms to improve the delivery and execution of resources from the Special Fund (Art. 231, Law 8764), Social Fund (Art. 241, Law 8764), and the Human Trafficking Law Fund (Law 9095, Art. 52 et seq.).
- B. Consider securing resources from the World Bank, Inter-American Development Bank, and other sources for the forced displacement response.

1.3 Application of Exceptions for the Refugee Category: Article 95 of Law 8764 establishes the special categories that do not generate permanent residency and explicitly includes exceptions for asylum seekers and stateless persons, but omits refugees. This omission generates direct consequences for access to public services and social programs. Recommended action:

- A. Explicitly add the word "refugee" to article 95 of the Migration Law.

2. Access to Regularization

Access to regularization is a necessary condition for promoting the integration of refugees and asylum seekers. Without regular status it is not possible to access formal employment, public services, oversight, or social protection mechanisms, making regularization an indispensable condition for integration. The Legislative Assembly must actively intervene to ensure that the State's legal obligations are met in practice and that actions that violate rights are corrected.

2.1 Guarantees for the Fulfillment of the Right to Asylum: The DGME's Refugee Unit operates with systematic practices that may conflict with existing laws and international instruments recognized by Costa Rica, and that in practice block effective access to asylum. Recommended actions:

- A. Call the Director of the DGME to testify before the Committees on Social Affairs and on Government and Administration.
- B. Evaluate the adequate allocation and execution of DGME resources to guarantee the timely issuance and renewal of documents.
- C. Coordinate these actions with the Law 8764 reform files already submitted to the Assembly by the Permanent Forum on Migrant, Refugee, and Stateless Populations, coordinated by the Ombudsman's Office.

2.2 Facilitating Access to Complementary Protection Categories: Many forcibly displaced persons seeking protection, already established in Costa Rica, do not qualify for refugee status under the 1951 Convention but require regularization mechanisms, given that they cannot safely return to their countries of origin. Recommended actions:

- A. Reform Law 8764 to formally incorporate the criteria of the Cartagena Declaration — which broadens the definition of refugee to include persons fleeing generalized violence — into refugee recognition.
- B. Create and facilitate complementary migration categories within Law 8764 to regularize persons already integrated into key economic sectors.
- C. Explore the creation of a temporary protection category or humanitarian visa for populations in situations of extreme vulnerability.

3. Promoting Formal and Decent Work and Complementarity

Access to formal and decent work, both in legislation and in practice, is key to promoting the integration of refugees and asylum seekers in the country. This requires the Legislative Assembly to ensure the resources and normative framework necessary for responsible institutions to fulfill their mandate, and to exercise its accountability role against practices that violate the labor rights of refugees and asylum seekers.

3.1 Limited Knowledge and Compliance by Employers and Workers: Many employers are still unaware of the legal provisions or do not know how to verify the labor eligibility of asylum seekers. Additionally, refugees and asylum seekers are often unaware of their own rights, leaving them exposed to labor abuse and exploitation. Recommended action:

- A. Urge the DGME and the MTSS to develop clear, active, and accessible mechanisms to disseminate information on migration documents recognized as valid work authorization, beyond their publication in the Official Gazette, targeting SMEs and financial institutions.

3.2 Recognition of Foreign Skills and Qualifications: The rigidity of formal mechanisms to recognize diplomas, certifications, and work experience obtained abroad limits the labor integration of refugees and asylum seekers. Recommended actions:

- A. Create a working group or assign a legislative committee to engage with CONARE and professional associations on incorporating a principle of rationality and proportionality in their regulations for refugees and asylum seekers, so that they establish a differentiated process for refugees and asylum seekers.
- B. Urge CONARE and professional associations to effectively implement Art. 9 of the Refugee Regulations (No. 36831-G) to flexibilize documentary requirements.
- C. Activate existing Central American inter-university agreements for the recognition of academic degrees.

3.3 Strengthening the Role of the Ministry of Labor: The effective integration of forcibly displaced persons in Costa Rica requires an active role from the MTSS to reduce informality, exploitation, and labor abuses against refugee and asylum seeker workers, and to generate strategies and initiatives that enable greater and better labor market insertion benefiting Costa Rica's development. Recommended action:

- A. Allocate resources to the MTSS aimed at promoting the labor integration of refugees and asylum seekers in partnership with the private sector, improving the MTSS's presence within the Refugee Unit.

4. Vulnerabilidades interseccionales

Migration policies must incorporate an intersectional approach that recognizes the specific needs of vulnerable groups — including women, children, LGBTI+ persons, persons with disabilities, and those from indigenous ethnic groups.

4.1 Protocols to Care for People in Vulnerable Situations: The DGME has various protocols for the care of vulnerable migrants and asylum seekers; however, it is necessary to update them and ensure their implementation. Civil society recommends:

- A. Urge the Executive to effectively activate and operationalize the Special Migration Situations Team (ESME) and to review and update the Protocol for Addressing Special Migration Situations, with special attention to underrepresented populations.
- B. Follow up, during the DGME Director's testimony before the legislative committees, on compliance with the Comptroller General's disposition No. DFOE-GOB-IAD-00003-2024, which orders the implementation of differentiated procedures for highly vulnerable population

Costa Rica's civil society and academic institutions are convinced that the country can become a model for responding to forced displacement, through initiatives that not only seek to protect human rights, but take a comprehensive long-term approach that restores dignity to the hundreds of thousands of families seeking protection and a home in Costa Rica and its host communities.

BACKGROUND

Costa Rica has long stood as a pillar of protection and institutional strength in the face of forced displacement in the Americas, grounding its asylum laws in instruments such as the 1951 Convention and the 1967 Protocol, which are incorporated into the General Law on Migration and Foreign Nationals (Law No. 8764) and the Refugee Regulations. The country is also a signatory to the Global Compact on Refugees, which promotes refugee self-sufficiency through a comprehensive approach. Through the Comprehensive Migration Policy 2024–2034 (Decree 44385-MGP), Costa Rica has advanced the integration of migrants, refugees, asylum seekers, stateless persons, persons at risk of statelessness, and returning nationals into Costa Rican society. Similarly, the National Integration Plan 2023–2027 provides a roadmap for their integration. These developments in migration policy bring Costa Rica closer to the international best practices promoted by the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), and the Inter-American Commission on Human Rights, which underscore early access to the labor market as a key pillar for refugee self-sufficiency and the benefit of host communities.

Beyond their immediate humanitarian dimension, these policies are fundamental to ensuring that asylum seekers, refugees, and other forcibly displaced persons¹ can productively contribute to the national economy, reduce their dependence on humanitarian assistance, and foster social cohesion. Recognizing the importance of integration, in July 2024, reforms were introduced to the Refugee Regulations (Decree 44501-MGP) to automatically authorize work access for asylum seekers. This reform eliminated the requirement to present proof of employment or submit a separate work permit application, and established that the authorization would be valid for both salaried and self-employed activities. Renewal processes were also simplified by aligning the validity of the work authorization with the validity of the asylum seeker document, thereby reducing the risk of documentation gaps that could lead to job loss or interruption of access to social security.

Evidence suggests that when legal, administrative, and social barriers are reduced, refugees not only integrate more successfully, but also generate net economic benefits for host countries (Clemens et al., 2018; World Bank, 2023). In the case of Costa Rica, studies by the Organisation for Economic Co-operation and Development (OECD), the International Labour Organization (ILO), and the International Monetary Fund (IMF) demonstrate that migrants and refugees already contribute significantly to the national economy in proportion to their demographic weight. Representing approximately 10% of the population, they actively participate in key sectors such as agriculture, construction, tourism, and manufacturing, which depend on their labor to sustain productivity. Between 2017 and 2021, migrants and refugees contributed approximately 6.5% of GDP, while also contributing fiscally through consumption taxes and contributions to the Costa

¹ For the purposes of this document, the term forced displacement encompasses all persons recognized as refugees or asylum seekers in Costa Rica, as well as those who, without official recognition or documentation, have been forcibly displaced from their countries of origin to Costa Rica. It does not include situations of internal displacement.

Rican Social Security Fund (CCSS) when they have access to formal employment (IMF, 2023). Regional evidence indicates minimal or no impact on the employment and wages of the native population, and in many cases a complementary effect.

However, challenges persist related to informality, the underutilization of technical and professional skills, and administrative barriers that hinder labor market insertion and economic integration. This context underscores the urgent need to evaluate and strengthen national policies around how the State seeks to integrate refugees and asylum seekers into its development plans, labor market, access to national services, and fiscal contribution — highlighting the need for policies that facilitate labor formalization, skills recognition, and the full utilization of the human capital of these groups. Such policies require political commitments with an integration focus, as well as adequate coordination of inter-ministerial planning and coordination structures that enable a comprehensive response across the different government bodies within Costa Rica, transforming refuge from a humanitarian emergency situation into an opportunity for the growth of Costa Rica and its host communities.

This document presents the position of civil society and academic organizations before the Legislative Assembly, aimed at advancing legislative improvements on refugee issues around development, integration, and the protection of human rights, as well as promoting accountability from relevant government institutions and oversight of migration policies and plans. The goal is to generate a comprehensive perspective on refuge that creates better conditions for refugees, asylum seekers, and other persons in situations of forced displacement, and a prosperous future for all Costa Ricans.

MIGRATION CONTEXT

Costa Rica is one of Central America's primary destinations for refugees and asylum seekers. According to the General Directorate of Migration and Foreign Nationals (DGME), between 2018 and 2025, a total of 318,418 asylum applications were formally submitted — 58.1% by men and 41.9% by women (ASIDEHU, 2026). 85% of refugees and asylum seekers in Costa Rica come from Nicaragua. An exodus driven by political repression, widespread human rights violations, economic deterioration, and social unrest since 2018. These flows also include families from the Miskito indigenous community of Nicaragua's Caribbean coast, as well as other displaced indigenous groups. An estimated 350 Miskito families have been displaced to Costa Rica, living in precarious conditions, without formal income, facing language barriers, and subjected to various forms of violence, abuse, and discrimination (CISAS, 2025).

Costa Rica also sits at the crossroads of north-south and south-north hemispheric migration, serving as a transit corridor for mixed migration flows across the Americas. Between 2022 and 2024, the country became a key waypoint along the Darién Gap route. Within these mixed migration flows, many people from Venezuela, Colombia, and other countries have chosen to stay in Costa Rica, seeking protection from generalized violence, political instability, and the

cumulative effects of climate-related disasters such as hurricanes and droughts. In recent years, the simultaneous pressure of reception and transit functions has strained public services, humanitarian assistance systems, and community resources alike. This has overwhelmed the asylum system, exposing critical bottlenecks in the DGME's Refugee Unit and an operational disconnect between key institutions responsible for integration. The result is enormous backlogs in the processing of asylum applications and work permits, and a limited government capacity to provide timely integration support — including access to healthcare, housing, and the labor market.

In early 2025, cuts to U.S. humanitarian aid had a devastating impact on support services for displaced persons — whether refugees, asylum seekers, or others in situations of forced displacement. This left many displaced people in Costa Rica without access to critical humanitarian support, including shelter, food, legal assistance, and psychosocial services. Compounding this situation, the cancellation of CBP One (the appointment system for persons seeking asylum at the U.S. border) combined with growing insecurity in Mexico, triggered a reverse migration from north to south, primarily among Venezuelan families in urgent need of protection. Many of these families remain stranded in Costa Rica with no access to shelter, humanitarian assistance, or a path to regularization. Additionally, deportees from the United States in need of protection have also arrived in the country, as well as third national deportations.

JOINT POSITIONING TO THE LEGISLATIVE ASSEMBLY

Given this context, the signing organizations consider it critically important to strengthen the legislative framework governing the response to persons seeking protection in Costa Rica, ensuring its timely and adequate implementation, and advancing a response grounded in sustainable development and integration. This requires treating forced displacement as an opportunity for inclusive growth in Costa Rica, rather than solely as a humanitarian and national security problem. It also requires inclusive public policies that address the needs of all people within the territory, regardless of nationality or immigration status. Costa Rican civil society and academic institutions present below their action priorities for the Legislative Assembly.

How do we define integration?

We define integration as the gradual process through which refugees and asylum seekers achieve self-sufficiency and actively participate in the host society on equal terms with the local population, without discrimination based on immigration status (UNHCR, 2005). This includes access to formal and decent work and economic inclusion — understood as achieving income commensurate with each person's skills and decent work as defined by the ILO (ILO, 2021). Access to formal employment is a necessary but not sufficient condition for achieving self-sufficiency (Guerrero Ble et al., 2020). Integration therefore requires a comprehensive

approach that guarantees effective access to national health, education, and social protection systems. This demands a coordinated response among government, humanitarian, and development actors — one that avoids duplicating efforts through parallel humanitarian assistance systems and instead strengthens the capacity of national and local institutions to sustainably include displaced populations (ILO, 2016).

Our definition of integration includes asylum seekers, recognizing that the temporary nature of the asylum process and long waiting times create serious obstacles to self-sufficiency and well-being for both individuals and their host communities. Integration is a measure to improve the response in a way that benefits refugees and host communities alike.

1. Effective Implementation for the Integration of Refugees and Asylum Seekers

Costa Rica has a normative and planning architecture that, in formal terms, establishes the conditions for a comprehensive response to forced displacement. The Comprehensive Migration Policy 2024–2034 and the National Integration Plan 2023–2027 set ambitious objectives: integrating refugees and asylum seekers into the national health, education, social security, and labor market systems, under a development and social cohesion approach. However, the existence of these policies has not been sufficient to guarantee their execution in practice. The country faces a persistent gap between normative design and effective implementation, stemming from the absence of sustained political leadership for inter-institutional coordination; limited political will; insufficient resources allocated to responsible entities; and a lack of monitoring and accountability mechanisms to measure progress and identify obstacles in a timely manner.

Closing these gaps requires the Legislative Assembly to take an active role — not only in normative design, but in overseeing the execution of existing plans and generating the budgetary and institutional conditions for their implementation. Other countries have made progress in this regard: in Colombia, CONPES 4100 established a national development strategy that integrates the migrant population as a productive factor, with defined targets, responsible parties, and financing; in Kenya, the 2021 Refugee Act introduced binding institutional reforms for integration; in Zambia, parliament approved both the refugee response policy (2023) and its implementation plan (2024). In all these cases, the defining factor was the existence of concrete legislative commitments, accompanied by joint monitoring systems between government and civil society.

1.1 Improving Inter-Ministerial Coordination

Costa Rica has two formal mechanisms for coordination on migration and refugee issues. The National Migration Council (CNM), created by the General Law on Migration and Foreign Nationals (Law 8764), is the advisory body to the Executive Branch responsible for migration policy design, inter-institutional coordination, and the promotion of the social integration of foreign nationals. The National Comprehensive Framework for Response to Refugees (MINARE) — formalized through Executive Decree No. 43393 as part of the Regional Comprehensive

Framework for Protection and Solutions (MIRPS) — is the national coordination platform specifically for the refugee response, integrating key ministries such as Labor, Education, and Planning, as well as entities such as the DGME, the National Learning Institute (INA), and the CCSS, with UNHCR serving as Technical Secretariat.

In practice, however, both bodies face significant limitations in fulfilling their mandates. The CNM operates predominantly as an advisory body without binding executive capacity, and although it is the legal authority responsible for migration policy, it is not adequately applied in practice. MINARE, while demonstrating some coordination capacity, operates discontinuously according to the political cycle and has neither its own financing nor enforcement mechanisms over the commitments made by member institutions. The result is that inter-ministerial coordination depends on the political will of each administration, rather than on stable and enforceable institutional structures. The implementation gaps in Decree 44501-MGP on work access, the lack of clarity for employers, delays in document issuance, and the disconnect between the DGME, the Ministry of Labor and Social Security (MTSS), and the INA are, to a large extent, expressions of the absence of a body with real authority to align mandates and demand results.

To close this gap, the signing organizations identify three concrete actions for the Legislative Assembly. First, reform articles 9 and 11 of Law 8764 to clarify the CNM's authority as the legally binding entity responsible for migration policy — transforming its functions from "recommending" to "directing" and granting it executive oversight capacity over migration policy; ensuring its operation with representation at the Minister and Vice-Minister level; expanding civil society participation beyond the current two seats; and incorporating a principle of non-discrimination and equal treatment for refugees and asylum seekers in access to social programs, including social security, healthcare, education, employment, training, social assistance, and development programs.

Second, establish a formal obligation for the CNM and the DGME to report annually to the Legislative Assembly's Committees on Social Affairs and on Government and Administration on progress in implementing the Comprehensive Migration Policy 2024–2034 and the National Integration Plan 2023–2027, including concrete results, resource management, and the operational functioning of the Refugee Unit. This mechanism aims to ensure that the CNM and the DGME effectively fulfill their mandate as the legal authority responsible for migration policy, and that the Assembly exercises its oversight role over the implementation of integration policies.

Third, urge the Executive to incorporate the integration of refugees and asylum seekers as a national development priority, using the CNM as a coordination mechanism for the effective implementation of the Comprehensive Migration Policy 2024–2034 and the National Integration Plan 2023–2027, and incorporating specific indicators into the National Development and Public Investment Plan administered by MIDEPLAN with systematic budget monitoring.

1.2 Distribution of Resources to Relevant Entities

Despite having legally established funds for the care of the migrant and refugee population, Costa Rica faces a persistent problem of budget underexecution. Resources exist within the legal framework but do not effectively reach the entities responsible for implementing integration policies, limiting their operational capacity and perpetuating the gap between normative design and practical execution.

For this reason, the Legislative Assembly must consider the legal reforms necessary to ensure the greatest possible execution of funds designated for migration matters, as well as the mobilization of resources through multilateral banks, donor countries, and the private sector. The signing organizations recommend improving the execution of resources from the Special Fund (Art. 231), the Social Fund (Art. 241, Law 8764), and the Human Trafficking Law Fund (Law 9095, Art. 52 et seq.). We also urge the Costa Rican State to access resources from the World Bank and the Inter-American Development Bank, through initiatives such as the Global Concessional Financing Facility (GCFF), which provides concessional financing for countries facing forced displacement such as Costa Rica.

1.3 Application of Temporality Exceptions for the Refugee Category

Costa Rica's legal framework authorizes the permanent residence of refugees in the national territory, but does not expressly guarantee that this residence generates the same service access rights as other permanent migration categories. Article 95 of Law 8764 establishes the special categories that generate permanent residency and explicitly includes asylum seekers and stateless persons, but omits the word "refugees." This omission creates a legal gap that multiple State institutions have interpreted as an indicator that refugee status is temporary, with direct consequences for access to public services and social programs. A concrete example is the CCSS non-contributory pension scheme, which excludes refugees precisely because the institution does not recognize them as a permanent residency category. The same problem replicates across other institutional regulations that condition access to social benefits, credit, digital signatures, and other rights on permanent residency status — a category that refugees do not fall under due to this omission.

If the Costa Rican State has authorized a person's indefinite stay in its territory, that person must have effective access to the services and programs the State offers. The failure to recognize refugees in Art. 95 violates their rights, generates institutional incoherence, and obstructs economic and social integration. For this reason, the signing organizations propose explicitly adding the word "refugee" to article 95 of the Migration Law. This reform would give State institutions a clear legal tool to guarantee refugees' access to services and programs on equal terms with other permanent residency categories.

2. Access to Regularization

Access to regularization is a necessary condition for promoting economic, social, and fiscal integration. Costa Rica has a legal framework that recognizes the right to seek asylum and establishes clear State obligations on international protection, grounded in Law 8764. However, a critical gap persists between these obligations and their fulfillment in practice. The DGME faces years-long backlogs in processing applications, NGOs report systematic practices that block access to the asylum system in practice, and entire populations remain excluded from the system — stuck in situations of informality, irregular status, and high vulnerability for years. A report by the Office of the Comptroller General of the Republic (CGR) found that the DGME has not been effective in granting asylum, limiting access to the process and service, and failing to provide differentiated conditions for vulnerable populations (DFOE-GOB-IAD-0003-2024).²

Without regular status, access to formal employment, public services, oversight, and social protection mechanisms is impossible — making regularization an indispensable condition for integration. The Legislative Assembly must actively intervene to ensure that the State's legal obligations are met in practice and that rights violations are corrected.

2.1 Guarantees for the Fulfillment of the Right to Asylum

The DGME's Refugee Unit conducts systematic practices that violate existing law and block access to asylum. These include denying asylum applications at the northern border and redirecting Venezuelan asylum seekers to Paso Canoas to request international protection; charging fees for the asylum application phone call; delaying the application process for years, leaving prospective applicants without documentation or temporary status; among others. Asylum seekers with expired ID cards face serious barriers to renewing their documentation due to the DGME's failure to assign appointments. This leaves them in a state of defenselessness and severely limits their access to basic services and the exercise of their rights. For the most vulnerable — such as women in extreme poverty or indigenous populations — these barriers are compounded by economic, geographic, and linguistic obstacles.

NGOs report that the DGME has not allocated the necessary funds to process asylum applications. UNHCR finances staff for the Refugee Unit to help process asylum claims, but cuts in international cooperation funding have worsened this situation. In 2025, UNHCR reported a 41% reduction in the international cooperation budget allocated for this purpose in Costa Rica (UNHCR, 2025). Furthermore, organizations that provided legal assistance to highly vulnerable persons to apply for asylum have reduced or closed operations, leaving these individuals without adequate support to navigate the asylum system.

To address this situation, the CGR and the Legislative Assembly must monitor and publicize compliance with the dispositions of report DFOE-GOB-IAD-0003-2024, dated May 10, 2024,

² See: Audit [DFOE-GOB-IAD-0003-2024](#), May 10, 2024.

under which the Ministry of Public Security and the DGME must design and formalize a service continuity plan for the granting of refugee status, and define and implement immediate actions to bring access to refugee status determination into compliance with the 1951 Refugee Convention and its 1967 Protocol.

The signing organizations call on the Legislative Assembly to call the Director of the DGME to testify before the Committees on Social Affairs and on Government and Administration, demand corrective measures to guarantee compliance with existing law, and ensure accountability for unconstitutional practices by the DGME. The signing organizations also urge the Legislative Assembly to ensure the adequate allocation and execution of DGME resources to reduce application processing backlogs and guarantee the timely issuance and renewal of documents, and to coordinate these actions with the Law 8764 reform files already submitted to the Assembly.

2.2 Facilitating Access to Complementary Protection

Many forcibly displaced persons already established in Costa Rica do not qualify for refugee status under the 1951 Refugee Convention, yet cannot safely return to their countries of origin and thus are in need of regularization pathways. The absence of adequate migration options pushes them into irregularity — a situation compounded by the fact that Law No. 8764 does not incorporate the expanded refugee definition contained in the Cartagena Declaration, which recognizes persons displaced by generalized violence, characteristic of forced displacement in the Americas.

Recognizing that these persons are already in the country, and that integration policies are more efficient and sustainable than deportation-centered approaches, Costa Rica has the opportunity to design and implement migration options that respond to the current context of human mobility and the country's economic needs — particularly in sectors facing labor shortages, where these populations already make significant contributions.

In light of this situation, the signing organizations call on the Legislative Assembly to promote regularization pathways for persons currently in irregular status or with prolonged or denied asylum applications. These measures would reduce pressure on the asylum system and facilitate the economic integration of migrant populations. However, these categories must be designed carefully, as prior experiences in the country have shown significant limitations in their implementation and accessibility.

First, the Legislative Assembly must advance the reform of Law No. 8764 to formally incorporate the Cartagena Declaration criteria into refugee status determination. The Constitutional Chamber has established that international human rights instruments in force in Costa Rica prevail over the Constitution itself to the extent they recognize greater rights or guarantees. Costa Rica has admitted and incorporated the Cartagena Declaration, recognized and reaffirmed through the 1994 San José Declaration. The Administrative Tribunal, Section IV, in Resolution No. 103-2014-IV,

concluded that: "(...) the Constitutional Court has incorporated the Declaration into domestic law as a constitutional parameter, which, under article thirteen of the Constitutional Jurisdiction Law, is binding on all judicial and administrative bodies. (...)" Costa Rica recognizes the Declaration as a normative reference in the Comprehensive Migration Policy 2024–2034, but without enshrining it in law, its application remains subject to the discretion of whoever leads the DGME and the Migration Administrative Tribunal.

Second, regarding the Nicaraguan population in Costa Rica, the Legislative Assembly must consider creating complementary migration categories within Law No. 8764 to regularize persons already integrated into the economy — whether in informal status or as asylum seekers — in key sectors such as agriculture, construction, services, security, and domestic work. These categories must be designed independently from the asylum system. Similar initiatives previously taken faced significant implementation challenges, largely because they were managed through the Refugee Unit, which was already in crisis with years of accumulated backlogs. Implementation requires a comprehensive analysis of the labor sectors involved, as well as the costs and requirements applicable to both employers and applicants. Management should fall under the Foreign Nationals Section to ensure greater administrative efficiency and avoid further overloading the asylum system.

Third, the signing organizations recommend exploring the creation of a temporary protection category or humanitarian visa for populations in extreme vulnerability that do not qualify under existing mechanisms — including persons denied in first and second instance, the Nicaraguan Miskito indigenous population, and other populations facing accumulated access barriers. Countries such as Peru, Argentina, and Brazil have implemented similar mechanisms for the Venezuelan population, offering relevant experiences Costa Rica can analyze and adapt to its own context.

3. Promoting Formal and Decent Work and Complementarity

Access to formal and decent work is central to the social and economic inclusion of refugees and asylum seekers, but significant administrative and legal obstacles to labor market access persist in practice in Costa Rica. While the legal framework provides options for labor market incorporation, implementation challenges remain — including adequately informing employers on the provisions for hiring refugees and asylum seekers, addressing compliance gaps in sectors where informality is widespread, and monitoring whether policy translates into measurable increases in formal employment.

Even when refugees and asylum seekers have access to formal work, they face labor rights violations. NGOs report employer abuses including below-market wages, extended working hours, and violations of weekly and annual rest periods, among others. Cases of labor exploitation and even human trafficking have been reported, where employers confiscate documents from refugees and asylum seekers, forcing them to work against their will. Abuse and

exploitation are most persistent among the most vulnerable populations, including indigenous persons, women, and LGBTI+ individuals.

Access to formal and decent work, both in law and in practice, is essential to the integration of refugees and asylum seekers. The Legislative Assembly must ensure the resources and normative framework necessary for responsible institutions to fulfill their mandate, and exercise its accountability role against practices that violate the labor rights of refugees and asylum seekers.

3.1 Limited Knowledge and Compliance by Employers and Workers

Many employers are still unaware of the legal provisions governing the hiring of asylum seekers, or do not know how to verify their work eligibility. While Costa Rica's Labor Code regulates working conditions and workers' rights, determining who is legally authorized to work in the country falls under the migration regime established in Law No. 8764 and administered by the DGME. The lack of clarity and coordination between these two frameworks creates operational gaps that hinder employer compliance and limit the effective exercise of rights.

Civil society organizations have identified that this situation is compounded by the DGME's failure to keep its circular on valid foreign national identification documents — the *Circular de Actualización de Documentos de Identificación de Personas Extranjeras* — up to date and clearly communicated. For example, the "free status" designation on refugee ID cards (DIMEX) is not commonly recognized or understood by employers, banks, or public institutions, creating practical barriers to employment and other services, including financial services. These gaps are most frequent in small and medium-sized enterprises (SMEs) and in high-informality sectors such as domestic work, agriculture, and construction — where most refugees and asylum seekers are employed. Refugees and migrants also have limited knowledge of Costa Rican labor law, which restricts their ability to assert their rights and access mechanisms to report abuse.

The signing organizations call on the Legislative Assembly to urge the DGME and the MTSS to develop active and accessible mechanisms to disseminate information on valid work-authorization migration documents beyond their publication in the Official Gazette. This includes simplified materials directed specifically at employers, SMEs, and financial institutions, explaining in plain language which documents are valid, what each category means, and how to proceed in situations such as documents pending renewal.

3.2 Recognition of Foreign Skills and Qualifications

Migrants and refugees bring valuable skills and professional experience; however, the rigidity of formal mechanisms to recognize diplomas, certifications, and work experience obtained abroad limits their access to better-paying and higher-skilled jobs. Professional associations have the regulatory authority to govern the practice of professions but do not apply differentiated processes for persons in situations of forced displacement or vulnerability; credential recognition costs are prohibitive — estimated in several cases at \$300 or more; and existing inter-university

agreements for professional accreditation are not implemented in practice. The absence of standardized, efficient, and timely procedures forces many people into occupations below their qualification level, contributing to the "brain waste" phenomenon identified in the OECD/ILO review (2018).

In contexts of forced displacement, many persons lack the documentation needed to certify their education and training. Forced departure from their countries of origin or document loss during transit blocks access to formal credential recognition processes, disproportionately excluding persons with technical or professional training. Many persons are also in a situation of de facto statelessness — unable for political reasons to obtain documentation from their countries of origin, including criminal background certificates, apostilles, or academic records. In the case of Nicaraguans in Costa Rica, refugees and their family members cannot process requirements through consulates as part of a repressive state policy. The absence of differentiated processes that account for the vulnerabilities of displaced persons produces regressive outcomes that restrict labor market access and limit integration.

The underutilization of the professional talent of refugees and asylum seekers represents not only a violation of their rights, but a concrete economic loss for Costa Rica — professionals who could contribute to the country's development are forced into jobs below their qualification level. The signing organizations call on the Legislative Assembly to create a working group or assign a legislative committee to engage with CONARE and the professional associations with the highest access barriers, with the goal of incorporating a principle of proportionality and rationality into their regulations for refugees and asylum seekers, including exceptions or flexibilizations in credential recognition requirements and the possibility of differentiated assessment processes by examination. We further urge the Legislative Assembly to call on CONARE and professional associations to effectively implement Art. 9 of the Refugee Regulations No. 36831-G as a mechanism for flexibilizing documentary requirements, and to activate existing Central American inter-university agreements for the recognition of academic degrees — bridging the gap between formal agreements and their practical application.

3.3 Strengthening the Role of the Ministry of Labor

The effective integration of forcibly displaced persons in Costa Rica requires inter-institutional coordination and an active role from the MTSS — not only to reduce informality, exploitation, and labor abuses against refugee and asylum seeker workers, including those without status who are nonetheless forcibly displaced — but also to develop strategies and initiatives that enable greater and better labor market insertion benefiting Costa Rica's development. Training, labor orientation, and job placement programs must be strengthened, and projects created to leverage skills in sectors facing labor shortages. Greater coordination is needed between the Ministry of Labor, the DGME, the CCSS, and the private sector, as well as the development of labor insertion pathways in sectors with workforce deficits.

The signing organizations call on the Costa Rican State, and in particular the Legislative Assembly, to allocate greater resources to the MTSS to promote the labor integration of refugees and asylum seekers in partnership with business chambers and sectoral associations. Many of the actions needed to improve access to formal and decent work are administrative in nature — such as expanding the MTSS's presence, strengthening labor inspections, or opening a dedicated MTSS window within the Refugee Unit — but the ministry lacks the resources and capacity to carry them out. Additional resources can also support targeted recruitment processes, internships, and job placement programs for refugees, asylum seekers, and vulnerable host communities, as well as strengthen labor inspections, prioritizing high-informality sectors.

4. Intersectional Vulnerabilities

Migration policies must incorporate an intersectional approach that recognizes the specific needs of vulnerable groups. For those in vulnerable situations — including women, children, LGBTI+ persons, persons with disabilities, and indigenous and/or Afro-descendant populations — the risks are even greater. Reports indicate greater exposure to gender-based violence, discrimination in hiring practices, and barriers to accessing safe and decent employment. The inability to access stable employment pushes displaced persons into informal or precarious work, perpetuating cycles of poverty and exclusion.

Some groups face compounding challenges. Asylum-seeking women often combine job searching with unpaid caregiving responsibilities — including care for children, elderly, or sick family members — while facing greater risks of gender-based violence both at home and at work. As a result, asylum-seeking women are overrepresented in informal and low-wage sectors such as domestic work. LGBTI+ refugees and asylum seekers face greater discrimination in hiring and in the workplace, which can lead to job loss, unsafe conditions, and lack of social benefits. Transgender asylum-seeking women are often pushed by discrimination and lack of opportunities into negative survival mechanisms, including survival sex. Indigenous populations such as the Miskito face labor exploitation, modern slavery, and even destitution due to linguistic and discrimination barriers that prevent access to decent work.

4.1 Care Protocols for People in Vulnerable Situations

The DGME has various protocols for the care of persons in mobility contexts, but these require updating and consistent implementation. The CGR ordered in 2024 the design and implementation of differentiated procedures for the nine highly vulnerable population categories identified by the Refugee Unit itself — an order that remains unfulfilled (CGR, DFOE-GOB-IAD-0003-2024). This stands in contrast to Costa Rica's international commitments, including the approval of the Regional Instrument for the Identification of Vulnerabilities and Protection Needs for Persons in Border Mobility Contexts within the Regional Conference on Migration (CRM) in July 2025, whose provisions have also not been operationalized in practice.

The signing organizations call on the Legislative Assembly to urge the Executive to activate and operationalize the Special Migration Situations Team (ESME) and to review and update the Protocol for Addressing Special Migration Situations, incorporating the inputs of the CRM 2025 Instrument, with special attention to underrepresented populations including indigenous and/or Afro-descendant persons, LGBTI+ individuals, persons with specific health needs, and others with compounded vulnerabilities. As part of the DGME Director's testimony before the Committees on Social Affairs and on Government and Administration recommended in section 2 of this document, the signing organizations urge that the testimony include the status of compliance with CGR disposition DFOE-GOB-IAD-0003-2024, which orders the implementation of differentiated procedures for highly vulnerable populations identified by the Refugee Unit itself. The signing organizations also recommend reviewing and updating vulnerability profiles and prioritization criteria to reflect current migration dynamics and more precisely identify underrepresented or insufficiently visible populations.

CONCLUSION

The Comprehensive Migration Policy, the National Integration Plan, and the reforms designed to facilitate access to fundamental rights and basic services — including access to decent work through work permits — open a key window of opportunity to advance the regularization and economic inclusion of refugees, asylum seekers, and others seeking protection in Costa Rica. This process is not limited to employment access alone, but involves opening opportunities across diverse economic and social sectors, contributing to more sustainable conditions for integration.

Through strategic alignment between normative implementation, the development of targeted programs, and the strengthening of multi-sectoral partnerships, the country can translate these advances into concrete employment and inclusion outcomes that benefit both displaced populations and the national economy. This requires high-level political commitments, as well as comprehensive legislation and planning with a development focus that promotes effective coordination among public institutions, civil society organizations, international cooperation actors, and host communities and migrants themselves.

Civil society and academic institutions in Costa Rica are convinced that the country has the capacity to establish itself as a regional model in responding to human mobility — particularly forced displacement. This leadership requires moving toward policies and initiatives that go beyond the immediate response and guarantee not only the protection of human rights, but also a comprehensive, sustainable, and long-term approach. This means investing in a model that restores the dignity of the people and families seeking protection and a home in Costa Rica, strengthens host communities, and contributes decisively to the country's economic and social development. In doing so, Costa Rica does not only respond to a humanitarian reality — it builds a strategic opportunity for inclusive development with positive impacts for all.

SIGNING ORGANIZATIONS

A Rocha Costa Rica

Acción Universitaria

Asociación Intercultural de Derechos Humanos (ASIDEHU)

Asociación Promoción Claretiana para el Desarrollo (PROCLADE)

Asociación Unidad Juvenil y Estudiantil para el Desarrollo Regional

CENDEROS

Centro Internacional para los Derechos Humanos de los Migrantes (CIDEHUM)

CISAS

Fundación Mujer

Global Strategic Litigation Council

IRCA CASABIERTA

Comisión Nacional de la Pastoral de Movilidad Humana, Conferencia Episcopal de Costa Rica

Refugees International

Servicio Jesuita para Migrantes Costa Rica

Universidad de Costa Rica (UCR), Escuela de Ciencias Políticas, TC-738

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