

## COSTA RICA

Costa Rica has been a prominent recipient of displaced populations and refugees seeking asylum in the region, especially in the 1970s and 1980s.<sup>1</sup> It is estimated that in 2010 there were 126,418 emigrants,<sup>2</sup> while it is estimated that in 2011 385,000 (around 10% of Costa Rica's population) had been born elsewhere. In contrast, in the last decade, about 12% of the people living in Costa Rica have been immigrants, mostly from Nicaragua (about 74% of all immigrants),<sup>3</sup> El Salvador and Colombia. Although in recent years the immigration numbers have decreased slightly,<sup>4</sup> it is important to note that Costa Rica is one of few the countries of Latin America and the Caribbean with net immigration. Unsurprisingly, in the Central American context, Costa Rica is the country that receives least remittances.<sup>5</sup>

This profile explains that most migration policy in Costa Rica is tilted towards dealing with immigration and immigrant issues. Costa Rica may have formally some organs in charge of emigrant policies, but they have stayed on paper, lost in legal and political formulations that refer to migration in general, but that end up dealing with immigration and immigrants. Furthermore, it is believed that Costa Rican emigrants rarely require the assistance of their state of origin. The document that constitutes the Integral Migration Policy of Costa Rica, for instance, takes for granted that Costa Ricans emigrate to expand their economic income, rather than to survive.<sup>6</sup> As a result of these factors, there are very few emigrant policies, and Costa Rican policymakers are mostly challenged by and occupied with addressing the basic human, labor and social rights of immigrants.<sup>7</sup>

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1 Pellegrino, "La migración internacional en América Latina y el Caribe: tendencias y perfiles de los migrantes," 15.

2 Consejo Nacional de Migración, "Política migratoria integral para Costa Rica," 43.

3 The similarity between Costa Ricans and Nicaraguans and the high degree transnationalism and mobility in the past are obstacles to an accurate count of their number in Costa Rica. It is estimated that in peak times, there were up to one million residents of Nicaraguan origin in Costa Rica. In recent years, the Nicaraguan population has decreased because the economic situation in Nicaragua has improved and other neighboring countries offer better conditions for immigration. Also, El Salvador, Guatemala, Honduras, and Nicaragua are part of the CA-4 group working on plans to regulate traffic not only of goods but of people.

4 CONARE, "Informe Estado de la Nación. Capítulo 2," 110.

5 Consejo Nacional de Migración, "Política migratoria integral para Costa Rica," 44.

6 Ibid.; Presidenta de la República and Ministro de Gobernación y Policía, *Decreto que Oficializa la Política Migratoria 2013-2023*.

7 Gatica López, "Estudio Migratorio de Costa Rica."

## CITIZENSHIP/NATIONALITY

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### DUAL OR MULTIPLE NATIONALITY REGULATION

The Constitution, which was reformed in 1995 to establish that Costa Rican nationality is inalienable, allows dual nationality for Costa Ricans by birth.<sup>8</sup> This does not apply to foreigners wishing to become Costa Rican. They must express in their naturalization application that they would renounce their nationality, unless a treaty permitting dual nationality exists between Costa Rica and the country of origin.<sup>9</sup>

### LOSS OF CITIZENSHIP/NATIONALITY

The only conditions under which Costa Rican citizens may lose their citizen rights is because of judicial order or imprisonment.<sup>10</sup>

### DIFFERENT RIGHTS FOR EXTERNAL CITIZENS

Costa Ricans residing abroad formally retain all their rights. However, their political rights are greatly restricted, as will be seen in the next section. In the past, *naturalized* Costa Ricans lost their citizenship after residing abroad for more than six years, but this changed in 1961.<sup>11</sup>

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## SUFFRAGE

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While previous legislation had foreseen external voting, it was not regulated until the electoral reform of 2009 when it was integrated in the new Electoral Code.<sup>12</sup>

Presently, Costa Ricans abroad may vote in national referenda, but not for legislative elections for the Legislative Assembly, nor for any other sub-national elections (provinces, cantons, districts or municipalities).<sup>13</sup>

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8 Asamblea Legislativa, *Ley No. 7514 -Reforma Constitucional*, Art. 16 and 17.

9 Asamblea Legislativa, *Ley de Opciones y Naturalizaciones*, Art. 11, inciso 6; TSE, *Reglamento relativo a los trámites, requisitos y criterios de resolución en materia de naturalizaciones*, Art.8, j; Art.45 j.

10 Asamblea Nacional Constituyente, *Constitución Política de Costa Rica*, Art. 91.

11 Tribunal Superior Electoral, *Reglamento relativo a los trámites, requisitos y criterios de resolución en materia de naturalizaciones*.

12 Asamblea Legislativa, *Código Electoral*; *Ley No. 8765*, Art. 187.

13 Alvarado Salas and Esquivel Alfaro, "El proceso de descentralización en Costa Rica," 12.

Recently, 12,654 voters abroad had registered to vote in the elections of February 2014. They were mostly in the US, Canada, México, Spain, Guatemala, Panamá, Venezuela and France.<sup>14</sup>

#### **VOTING RIGHTS OF NON-RESIDENT CITIZENS**

A restriction would only apply to naturalized Costa Ricans, who cannot vote in the year following the acquisition of their naturalization certificate.<sup>15</sup>

#### **CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS**

Non-resident Costa Ricans formally have no limitation to stand for office, but they are not specifically enfranchised by the electoral code.

#### **VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS**

Costa Ricans abroad may only vote in embassies or consulates authorized as polling stations. There were 53 in the world for the last election, in February 2014. In that election the “electronic vote” was piloted. This is not remote e-voting via internet, but voting with a machine that is installed in the polling station.<sup>16</sup> Proxy voting is permitted only for persons who cannot vote by themselves due to disability, but helpers must also be Costa Rican citizens.

#### **REGISTRATION FOR FRANCHISE**

The civil registry prepares the electoral roll 6 months in advance of each election.<sup>17</sup> The provisional lists are sent to police authorities of each administrative district, who must exhibit them for public consultation for four months to allow for corrections. This means that registration in the electoral roll is automatic for Costa Rican citizens residing in Costa Rica.

In contrast, non-resident Costa Ricans must register first as voters abroad in a separate electoral roll at the nearest consulate.<sup>18</sup>

#### **MODE OF REPRESENTATION**

There is no representation of non-resident citizens in the Legislative Assembly. Votes from non-resident citizens for the presidential elections are counted separately and added to the totals rather than any regional totals.

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14 Tribunal Superior Electoral, “Boletín Estadístico Dirección Ejecutiva Del TSE”; Tribunal Superior Electoral, “Boletín Estadístico 2014.”

15 Asamblea Nacional Constituyente, *Constitución Política de Costa Rica*, Art. 94.

16 Paola Alvarado, Coordinator of the implementation of the vote of Costa Ricans abroad, TSE, San José, Costa Rica, telephone interview, November 18, 2014; Asamblea Legislativa, *Reglamento para el ejercicio del voto en el extranjero*.

17 Asamblea Legislativa, *Código Electoral; Ley No. 8765*.

18 Asamblea Legislativa, *Reglamento para el ejercicio del voto en el extranjero, Decreto No. 04-2013*, La Gaceta No. 89, 2013.

### EXTERNAL VOTING IMPLEMENTATION

External voting was implemented for the first time in the presidential elections of 2014. The state promotes external voting through a campaign so far restricted to internet media and social networks: YouTube videos, the Supreme Electoral Court (*Tribunal Supremo Electoral, TSE*) Facebook page and Twitter profiles, and the website of the TSE for the elections organized abroad. Also, there are booths at the International Airport Juan Santamaría.<sup>19</sup>

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### REGULATION OF POLITICAL COMPETITION

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#### PARTY OFFICES IN HOST COUNTRIES

There is no mention in relevant laws and party regulations of the rules applying to party offices abroad, so they could be allowed, but no evidence that parties have opened offices abroad has been found. However, financial support from foreigners in electoral campaigns in Costa Rica is strictly prohibited,<sup>20</sup> as is foreigners' political involvement in internal affairs.<sup>21</sup> Oddly, foreigners are allowed to donate to education, training, and research for political parties.<sup>22</sup> In their statutes, parties must include a declaration that they vow not to subordinate their actions to foreign states or organizations.<sup>23</sup>

#### POLITICAL CAMPAIGNS

There is no regulation of political campaigns abroad. Candidates of the biggest parties, National Liberation (*Liberación Nacional*) and Citizen Action (*Acción Ciudadana*), attempted to campaign in the USA in person, or in other parts of the world via the internet and social media.<sup>24</sup>

#### MEMBERSHIP

In general, there are no restrictions regarding residence for internal candidates, or membership, as far as statutes of political parties suggest.<sup>25</sup>

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19 Paola Alvarado Quesada, Coordinator of the implementation of the vote of Costa Ricans abroad San José, Costa Rica, telephone interview, November 18, 2014.

20 Asamblea Legislativa, *Código Electoral 2009 Ley 8765*, vol. La Gaceta No. 171, 2009, Art. 28. See also Asamblea de la República, *Código Electoral 2006*.

21 Asamblea Nacional Constituyente, *Constitución Política de Costa Rica*, Art. 19.

22 Ibid. Ley 8765, La Gaceta No. 171, Art. 124.

23 Ibid. La Gaceta No. 171, Art. 52, c.

24 Araya, "Candidatos se apuran para conquistar voto en el extranjero - El Financiero."

25 Partido de Liberación Nacional, *Estatutos del Partido de Liberación Nacional*; Partido Acción Ciudadana, *Estatutos del Partido Acción Ciudadana*.

## INSTITUTIONAL PARTICIPATION

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### CONSULTATIVE BODIES AT THE NATIONAL LEVEL

In Costa Rica there is no consultative body for emigrant policy making. There is a National Council on Migration (*Consejo Nacional de Migración*), which was created to guide policy-making on immigrant issues. Although in its mandate also includes the objective of creating emigrant policy to link the Costa Rican diaspora to the country,<sup>26</sup> the two seats reserved in it organ for representatives of migrant organizations of civil society have been always occupied by immigrant organizations.<sup>27</sup> Previously, the National Council on Migration had to meet ordinarily twice a week and extraordinarily by request of its president.<sup>28</sup> In the new regulations there is no mention of the frequency with which it has to convene, but usually meets twice a month. The National Council on Migration is chaired by the Minister of the Interior and includes several other ministers.<sup>29</sup> The Council has the right to make recommendations and consultations to government agencies.<sup>30</sup> While government agencies must respond to the Council, the executive branch is not obligated to follow all recommendations made.<sup>31</sup>

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## ADMINISTRATION

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### CONSULATES

In 2014, Costa Rica had 93 consulates around the world. Of them, only 53 are regular and the rest are honorary.<sup>32</sup> A report from 2013 also states there

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26 Asamblea Legislativa, *Ley General de Migración y Extranjería*; *Ley No. 8764*, La Gaceta No. 170, 2009, Art. 11, (3).

27 Consejo Nacional de Migración, “Acta sesión ordinaria del Consejo Nacional de Migración No 79-2012.”

28 Poder Ejecutivo, *Reglamento a la Ley General de Migración y Extranjería No. 7033, Decreto No. 19010*, Art. 6.). In the new regulations (Presidenta de la República and Ministro de Gobernación y Policía, *Reglamento de Extranjería*; *Decreto No. 37112*.) there is no mention of the frequency with which it has to meet.

29 Asamblea Legislativa, *Ley General de Migración y Extranjería*; *Ley No. 8764*, La Gaceta No. 170, Art. 10.

30 Ibid. Art. 9.

31 Eunice Hernández, speaker and secretary of the *Consejo*, confirmed by Kathya Rodríguez Araujo, head of the *Dirección General de Migración y Extranjería*, email communication on February 17, 2015.

32 Marcel Charpentier Ramírez, advisor at the *Departamento Consular, Dirección General de Servicio Exterior Ministerio de Relaciones Exteriores y Culto*, San José Costa Rica, email communication November 18, 2014.

were 19 mobile consulates in the USA to reach Costa Ricans who live far away from consulates.<sup>33</sup>

Costa Rican consulates have not adopted any other function than the traditional functions of the consulates to issue documents and the traditional “consular protection” of their citizens (most of which relates to cases of detention). In contrast to other Latin American countries, registration in consulates is independent from registration in the electoral roll, which also must be done in the consulate. The consular register is unique to each consulate and the information is sent twice a year to San José. This means that there is a central register of people living abroad to provide basic information on the citizens in a consular circumscription.<sup>34</sup>

### HOME COUNTRY ADMINISTRATION

Beyond the National Council on Migration, there is no recognizable entity in Costa Rica responsible for emigrant policy.

### REMITTANCES

Despite having the 2<sup>nd</sup> most ample coverage of bank services for the population in Latin America (behind only Guatemala), there is no policy to attract remittances and no cooperation between the many agencies and financial authorities that manage the flow of remittances.<sup>35</sup>

### BRAIN-CIRCULATION NETWORKS AND BRAIN-GAIN PROGRAMS

*Red TICOTAL* was created in 2012 to assemble Costa Rican scientists and engineers who work or study abroad. The network aims to connect them with the latest scientific and technological developments in Costa Rica through the establishment of a permanent instrument for their interaction, which should facilitate the exchange of ideas, contacts, and experiences and identifies opportunities for cooperation. *Red TICOTAL* is led by the National Academy of Sciences, in collaboration with the Ministry of Science and Technology (*Ministerio de Ciencia y Tecnología, CONICIT*) with funding through the Ministry of Foreign Affairs.<sup>36</sup>

### RETURN POLICIES

There are no return policies for emigrants, no campaigns aiming to convince them to return, and no programs to reintegrate returnees.

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33 Alfaro Solano, “Informe Final de Gestión.”

34 Mariela Naranjo Rivera, administrative assistant at the *Departamento Consular, Dirección General de Servicio Exterior Ministerio de Relaciones Exteriores y Culto*, San José Costa Rica, Skype interview, November 18, 2014.

35 Centro de Estudios Monetarios Latinoamericanos, *Programa de Aplicación de los Principios Generales para los Mercados de Remesas de América Latina y el Caribe - Paraguay*, 55.

36 All information translated and paraphrased from: <http://ticotal.cr/>.

Regarding the recognition of qualifications and titles acquired abroad, the process begins with the National Commission of Rectors (*Comisión Nacional de Rectores, CONARE*), where all documents, translated and certified by the Ministry of Foreign Affairs, are received.<sup>37</sup> Another Costa Rican higher education institution, most often the University of Costa Rica takes responsibility for certifying the studies. The process may take between 3-4 months. Costa Rica has no treaties with other countries for the automatic recognition of titles.<sup>38</sup>

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## OBLIGATIONS

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### MILITARY SERVICE, SOCIAL SERVICE, TAXES

There is no military service in Costa Rica.

There is only mandatory social service for professionals in health sciences.<sup>39</sup> This also applies to those who studied abroad but want to exercise their profession in Costa Rica.

Regarding taxation, Costa Ricans abroad have to pay taxes in Costa Rica as long as they derive remuneration or earnings from a source of economic activity in Costa Rica. If they are not domiciled in Costa Rica, they must name a legal representative who will declare in their name.<sup>40</sup> There is also a “solidarity tax” on housing, as long as the property in Costa Rica surpasses the value of 120,000,000 Colones (ca. USD\$220,000).<sup>41</sup>

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## EXIT AND TRANSIT POLICIES

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There is a USD\$29 exit tax established in 2012 that applies to both nationals and foreigners exiting Costa Rica by airplane.<sup>42</sup> As of March 2014, there is also a (USD\$5-7) tax to the exit by land.<sup>43</sup>

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37 Embajada de Costa Rica en Francia, “Reconocimiento de Títulos.”

38 Two CONARE employees, telephone interview, November 17, 2014.

39 Presidente de la República and Ministro de Salud, *Reglamento Servicio Social Obligatorio Profesionales Ciencias Salud*, Art. 2.

40 Asamblea Legislativa, *Código de Normas y Procedimientos Tributarios; Ley No. 4755*.

41 Ministerio de Hacienda Costa Rica, “¿Cómo puede presentar la declaración y efectuar el pago del Impuesto Solidario un Contribuyente que se encuentra en el extranjero? | Preguntas y Respuestas Frecuentes de TribuNet.”; Deysi Campos, employee of the Ministry for Housing, telephone interview, October 16, 2014.

42 COIMSAcr.com, “Impuesto de salida Costa Rica.”

43 Hacienda: Dirección General de Tributación, N° DGT-R-05-2014.

## SOCIAL POLICIES

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Non-resident Costa Ricans do not receive any other supplementary healthcare services in exchange for the generous social policies they would enjoy in Costa Rica. However, they may receive their pensions abroad. If they live abroad for over 6 months, they will need to provide a certificate of survival every six months, translated and authenticated through the consulate (particularly by the consul) and also by the Ministry of Foreign Affairs in Costa Rica.<sup>44</sup>

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## SYMBOLIC POLICIES

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Costa Rica had a communication campaign that aimed to reinforce the connection to Costa Rica and provide information considered relevant for Costa Ricans abroad. It took the form of a monthly email bulletin also available online. The first issue was published in December 2012,<sup>45</sup> however, there have been no bulletins published since December 2013.

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<sup>44</sup> [portal.ccss.sa.cr/portal/page/portal/Gerencia\\_de\\_Pensiones/Organizacion/Informacion\\_General](http://portal.ccss.sa.cr/portal/page/portal/Gerencia_de_Pensiones/Organizacion/Informacion_General), Confirmed by Vianney Solano Cerdas, *Régimen de invalidez, vejez y muerte, Caja Costarricense de Seguro Social*, San José, Costa Rica, telephone interview, October 16, 2014.

<sup>45</sup> [www.tse.go.cr/pdf/infotiquicia/Infotiquicia01.pdf](http://www.tse.go.cr/pdf/infotiquicia/Infotiquicia01.pdf)

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