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General Law on Migration and Aliens
NO. 8764

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA
DECREES:

GENERAL LAW ON MIGRATION AND ALIENS

TITLE I

PRELIMINARY PROVISIONS

SINGLE CHAPTER

ARTICLE 1.

This Law regulates the entry, stay and exit of foreigners to the territory of the Republic, based on the provisions of the Constitution, international treaties and agreements duly signed, ratified and in force in Costa Rica, with special reference to international instruments on human rights. Likewise, it defines the requirements for the exit of Costa Rican persons.

Costa Ricans have the right not to migrate. To this end, the State shall ensure balanced economic growth and social development in the different regions of the country, avoiding the existence of areas that expel population.

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ARTICLE 2.

To declare that immigration matters are of public interest for the development of the country, its institutions and public safety.

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ARTICLE 3.

This Law regulates the control of migrants and promotes their integration into society, based on the principles of respect for human life, cultural and personal diversity, solidarity, gender equity, as well as the human rights guaranteed in the Political Constitution, international treaties and agreements duly signed, ratified and in force in the country.

The Directorate of Immigration and Alien Affairs will determine the conditions for the entry of non-residents into the country; to this end, it will establish the criteria for the classification of restricted visa, consular visa and entry without visa.

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ARTICLE 4.

The following are excluded from the scope of application of this Law:

- 1) Diplomatic agents and consular officials accredited in Costa Rica, as well as other members of permanent or special diplomatic missions and consular offices, by virtue of the rules of international law and treaties ratified by Costa Rica. This provision shall be extended to the primary family nucleus of the official.
- 2) Officials, representatives and delegates, as well as other duly accredited members of permanent missions or delegations to international organizations based in Costa Rica. This provision shall be extended to the primary family nucleus of the official.

For the purposes of the interpretation of this rule, the primary family nucleus is understood to be constituted by the spouse of the official, as the case may be, as well as the sons and daughters of one or the other, under twenty-five years of age or older with a disability; also, their parents, provided that there is a relationship of dependency. All foreign persons mentioned above must be holders of a diplomatic or official visa to enter and remain in the national territory, unless they are exempted from this requirement by the Ministry of Foreign Affairs and Worship, in accordance with the principle of

reciprocity or international regulations ratified by Costa Rica. Said Ministry shall have exclusive competence in this matter.

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TITLE II

GENERAL PRINCIPLES OF MIGRATION POLICY

SINGLE CHAPTER

ARTICLE 5.

This Law shall promote the integration of migrants to the development of the country; to this end, the Directorate of Migration and Alien Affairs shall design strategies and public policies aimed at strengthening the sustainability of the social rule of law.

The Executive Branch, in accordance with the provisions of our Political Constitution, the international treaties and agreements ratified and in force in Costa Rica and this Law, shall determine the State's migratory policy, regulate the integration of migrants, respect their culture and favor the social, economic and cultural development of the country, in accordance with public safety; it shall also ensure the social cohesion and legal security of foreigners living in the national territory.

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ARTICLE 6.

The formulation of the migration policy will be mainly oriented to the following:

1) To promote, regulate, guide and organize the dynamics of immigration and emigration in such a way that they contribute to national development through the economic, social and cultural enrichment of Costa Rican society. To this end, the regularization and integration of immigrant communities in Costa Rican society will be promoted, as well as the establishment of mechanisms that allow maintaining and stimulating the permanent link between the national society and its emigrant communities.

2) Facilitate the return of nationals located abroad, whose right to return to the country is affected, due to humanitarian causes previously verified, or due to death, provided that the relatives cannot afford, due to extreme necessity, the costs of transferring the body.

3) To control the entry, stay and exit of foreigners to the country, in accordance with national development and public safety policies.

4) To direct immigration to areas whose development is considered a priority, towards economic activities and branches that are of interest to the State, in accordance with the National Development Plan.

5) To guarantee the protection, care and defense of the victims of human trafficking and to coordinate with the competent institutions such guarantees.

6) Guarantee that the national territory shall be asylum for any person with a well-founded fear of being persecuted, facing a danger of being subjected to torture or unable to return to another country, whether or not their country of origin, where their life is at risk, in accordance with duly ratified international and regional instruments.

7) Guarantee compliance with the rights of migrant children and adolescents, in accordance with international conventions on this matter. Special consideration shall be given to the best interests of these persons.

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ARTICLE 7.

The migration policy will be oriented towards the implementation of joint actions, through inter-institutional coordination, in order to provide an effective response to the migratory situation. Likewise, it will seek to promote binational or multinational actions with the countries that expel migrant populations in order to achieve:

- 1) The search for complementarity between the national and migrant labor force, so that there is no displacement of the national labor force by the incorporation of immigrant workers.
- 2) Respect for the human rights and constitutional guarantees of all foreigners entering and remaining in the country.
- 3) The integration of foreigners in the economic, scientific, social, labor, educational, cultural and sports processes.
- 4) Respect for the customs, peaceful coexistence and diversity of the inhabitants.
- 5) The adoption of measures necessary to ensure public safety and order.
- 6) The necessary facilitation of regularization processes for people in the national territory, in accordance with development policies.
- 7) The processing of all immigration procedures must guarantee social security insurance for migrants. Such guarantee will oblige that all migratory procedures must contemplate, as one of its basic requirements, to have the insurance provided by the Costa Rican Social Security Fund (CCSS).
- 8) Full respect for international human rights obligations and the international protection of refugees.
- 9) The incorporation of technological means that guarantee an efficient and transparent provision of the services provided by the General Directorate of Immigration and Alien Affairs, as well as the decentralization and simplification of these services, according to the user and his needs.

10) Recognition of the country's multicultural richness and the development of the potential of all people.

11) Actions to promote the return of Costa Ricans who have migrated.

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ARTICLE 8.

The planning of the migration policy should be supported by both public and private competent institutions; for this purpose, the following inputs will be taken into account:

- 1) The national, regional or sectorial development plans, as well as the annual operational programs in relation to the qualified human resources available and those necessary for their fulfillment.
- 2) Reports from the Ministry of Labor and Social Security on the country's labor situation.
- 3) The CCSS reports on the demand for services, compliance with the employer's contribution, in the case of hiring foreign workers, and voluntary insurance for self-employed workers.
- 4) Reports from the Ministries of Agriculture and Livestock (MAG), Economy, Industry and Commerce (MEIC), Foreign Trade (Cómex), National Planning and Economic Policy (Mideplán), Foreign Affairs and Worship and the Costa Rican Tourism Institute (ICT), in relation to the needs of the national productive sectors and foreign investment regarding non-existent or insufficient human resources in the country.
- 5) The tourism development plans prepared by the ICT, according to the needs and priorities faced by the tourism sector.

6) The reports of the Ministry of Public Education (MEP), on the state of the situation of educational supply and demand in the country, and the impact of migration on it.

7) Technical and academic reports on migration and development provided by public universities through the National Council of Rectors of Costa Rica (Conare) and private universities.

8) Socioeconomic reports issued by the Instituto Mixto de Ayuda Social (IMAS).

9) The reports issued by the Ministries of Interior and Police, and Public Security.

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TITLE III

IMMIGRATION AUTHORITIES

CHAPTER I

NATIONAL MIGRATION BOARD

ARTICLE 9.

The National Immigration Council is hereby created as an advisory body to the Executive Branch, the Ministry of Interior and Police and the General Directorate of Immigration and Foreigners.

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ARTICLE 10.

The Board shall be composed as follows:

- 1) The Minister of the Interior and Police, who shall preside over it.
- 2) The Minister of Foreign Affairs and Worship.
- 3) The Minister of Labor and Social Security.
- 4) The Minister of National Planning and Economic Policy.
- 5) The Minister of Health.
- 6) The Minister of Education.
- 7) The Director General of Migration and Alien Affairs.
- 8) The executive president of the Costa Rican Tourism Institute.
- 9) The executive president of the Costa Rican Social Security Fund.
- 10) Two persons representing civil society organizations, linked to migration issues, appointed by the Ombudsman's Office, as established in the Regulations of this Law.

When the minister, chief executive officer or director is unable to attend the meetings of the Board, he/she shall designate an officer of his/her department to represent him/her.

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The members of the Council, except for the Director of Migration or his representative, shall earn per diems for their attendance to the sessions; for this purpose, they shall comply with the provisions of the Law against Corruption and Illicit Enrichment in the Public Service, No. 8422. The amount, increments and number of these per diems shall be equal to those determined by the Executive Branch for the members of the boards of directors of autonomous institutions.

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ARTICLE 11.

The functions of the Board shall be as follows:

- 1)** To recommend to the Executive Branch the migration policy and the measures and actions necessary for its execution, aimed at promoting the human rights of migrants in coordination with public institutions, international agencies and social organizations; the amendments to the migration legislation or related matters that it deems necessary or convenient.
- 2)** Disseminate information on migration issues to promote favorable programs and projects for the social integration of foreigners residing in the country, as active subjects in national development.
- 3)** Recommend to the Directorate of Immigration and Alien Affairs, the design of actions and programs aimed at the Costa Rican population living abroad in order to effectively link them to the country; the development of actions to prevent discrimination and any form of violence against the foreign population living in Costa Rica.
- 4)** Promote the participation of civil society in the process of formulating and implementing migration policies.
- 5)** Advise the General Directorate on integration projects to be implemented to meet the needs of the migrant population.

Coordinate the public actions on migration issues developed by each of the institutions represented in the Migration Council, as well as the rest of the public sector.

7) Appoint and remove the proprietary and alternate members of the Migratory Administrative Tribunal.

For the fulfillment of its functions, the Council may summon any natural or juridical person, ethnic group or international organization related to any issue under discussion. Whenever a minor is involved, the Council shall summon a representative of the National Child Welfare Agency (PANI), in order to ensure respect for the rights enshrined in the Code of Childhood and Adolescence.

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CHAPTER II

GENERAL DIRECTORATE OF MIGRATION AND FOREIGNERS

ARTICLE 12.

The General Directorate of Immigration and Alien Affairs, which for the purposes of this Law is called General Directorate, will be a minimum deconcentration body attached to the Ministry of Interior and Police; in addition, it will be the executor of the immigration policy issued by the Executive Branch, with the powers and functions indicated in this Law and its Regulations.

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ARTICLE 13.

The functions of the General Directorate, as developed in the contents of this Law and its Regulations, shall be the following:

- 1) Authorize, deny and supervise the entry, stay and legal exit of foreigners to the country. To this effect, it will issue the corresponding general guidelines for entry visas.
- 2) To reject, in a reasoned manner, the applications for admission of foreign persons who do not meet the requirements of this Law.
- 3) Record the international movement of persons and prepare the corresponding statistical data, disaggregated by sex, nationality, age and migratory category. It will have the duty to exchange with other state agencies, in order to develop a comprehensive immigration control.
- 4) Create and keep updated a general registry of foreigners who have authorization to legally stay in the country.
- 5) To inspect national and international means of transportation in order to enforce current immigration regulations.
- 6) Prevent the departure from the national territory or territorial waters, to the means of international transportation, whose passengers or personnel do not comply with the obligations of the present Law; likewise, when ordered by a jurisdictional authority.
- 7) To inspect places of work and lodging, exceptionally and when there is justified cause, in order to verify compliance with this Law and its Regulations.
- 8) Authorize for a period of up to two years, extendable for another two years, the entry of foreign workers into Mexican territory.
- 9) Prevent the entry or exit of foreigners, or the exit of nationals, when there is any impediment or when they fail to comply with the requirements established for such purpose by the legislation in force.

10) To formulate budgetary plans, programs and projects for the exercise of its functions and submit them to the authorities determined by the Executive Branch.

11) Execute the opening of trusts previously authorized by the Administrative Board.

12) To grant, when appropriate, the authorization of entry and stay to foreign persons who intend to perform public shows.

13) Execute the migration policy in accordance with the Political Constitution and international treaties in force on human rights.

14) To delegate and delegate, if necessary, powers within its competence, when this will facilitate the services to be rendered.

15) Approve the changes of migratory categories and subcategories, and grant extensions of stay in accordance with this Law.

16) Declare illegal the entry or stay of foreign persons in the country.

17) To cancel, by means of a reasoned resolution, the legal stay of foreigners in the country, in compliance with the rules of due process. Likewise, to issue such declaration when the linking of foreign persons to the commission of criminal acts of a fraudulent nature is established.

18) Order the deportation of foreign persons and execute expulsion orders.

19) To grant and renew the documents evidencing the legal immigration status of foreigners, including those whose statelessness is determined by the Ministry of Foreign Affairs and Worship.

20) To fix the actual amount of the security deposits determined by this Law, taking into consideration, for such purpose, the value of the air, land or sea ticket to the user's country of origin, quoted during the high season. To exonerate, by means of a founded resolution, the cases in which, in the opinion of the General Directorate, such exoneration is appropriate.

21) Define and implement integration projects financed by the Special Migration Fund and the Social Migration Fund.

22) To enable or close immigration posts for the international entry or exit of persons, as well as to authorize the entry into national territory, by means of a well-founded resolution, of a foreign person who does not meet or fails to meet the entry requirements established in the ordinary processes.

23) To grant immigration documents to nationals and foreigners.

24) To authorize the departure from the country of its personnel, when they must travel in the course of their duties.

25) Coordinate, with the other public authorities, the actions that guarantee the application of this Law and its Regulations.

26) Submit applications for such status to the Restricted Visa and Refugee Commission.

27) Communicate the resolutions of the Restricted Visas and Refugee Commission.

28) To transfer to the Administrative Migration Court, the appeals on exclusion, cessation, revocation and cancellation of refugee status issued by the Restricted Visa and Refugee Commission, in accordance with the provisions of Article 1 of the 1951 Refugee Convention and its 1967 Protocol.

29) Include in the Annual Report of the Ministry of Interior and Police and submit to the Council, independently of other issues, a detailed report on the migration policy and management implemented.

30) Promote the integration of migrants into Costa Rican society, as well as Costa Ricans living abroad.

31) Enable or close detention centers for foreigners subject to deportation in the national territory.

32) Keep permanent control over blank passports, passports issued, passports reported as lost, duplicate passports and passport renewals.

33) Verify the payment of the fiscal fees that must be paid according to the nature of the procedures.

34) Repatriate Costa Ricans located abroad, when humanitarian causes so warrant, as well as repatriate Costa Ricans declared dead abroad, as long as the relatives cannot afford, due to extreme necessity, the costs of transferring the body. In both cases, prior founded resolution.

35) Inform the supervisory entities of the financial system of immigration policies, especially those related to immigration status and identification documents.

36) Others that are directly related to the direction and control of the migratory movement in the country, resolving at its discretion and by means of a reasoned resolution the cases whose specificity must be resolved differently from what is indicated by the general procedures.

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CHAPTER III

GENERAL MANAGEMENT AND ASSISTANT GENERAL MANAGEMENT

ARTICLE 14.

Whoever occupies the Directorate General and the Deputy Directorate General of Immigration and Aliens, which for the purposes of this Law are called director general and deputy director general, shall be officials or civil servants freely appointed by the Minister of Interior and Police. The Director General and the Deputy Director General shall be the representatives of the General Directorate, shall be professionals with a minimum degree, duly incorporated to the respective professional association, when the career so requires, and shall be of recognized moral solvency. The Director General shall be the hierarchical superior of the General Directorate and the competent officer to exercise and coordinate the functions of that body. The Deputy Director General shall perform the specific tasks assigned to him/her by the Director General and shall replace him/her during his/her temporary absences.

It shall be the duty of the General Directorate to exercise immigration control and integration by addressing violations of this Law and the rights and freedoms of migrants; it shall also be responsible for the dissemination and promotion of their rights.

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CHAPTER IV

PROFESSIONAL MIGRATION AND ALIENS POLICE

ARTICLE 15.

The Professional Police of Migration and Foreigners will be a specialized police force of the Public Force; it will be attached to the General Directorate of Migration and Foreigners and will be governed by the General Police Law, No. 7410, of May 26, 1994, and its reforms. This police force shall have specific competence to control and monitor the entry of persons into or out of the national territory, as well as the stay and activities carried out in the national territory by foreigners, in accordance with the provisions of this Law and its Regulations.

Operationally, it will be in charge of the general director, whose instructions, orders and guidelines will be mandatory. The organization, functions, ranks and duties of the Professional Police of Migration and Aliens shall be established by regulation; likewise, this body shall be in charge of the General Director, whose instructions, orders and directives shall be mandatory.

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The Board shall form a police board, which shall have an advisory role to the Director, on the operation and administration of the police force.

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ARTICLE 16.

The Professional Immigration and Alien Police shall have jurisdiction throughout the territory of the Republic, as well as in the official missions that by reason of their position have to exercise outside it, in accordance with the provisions of international treaties and conventions signed and ratified by the country in this area. Its members shall be authorized to exercise their functions twenty-four hours a day and shall have public faith for purposes of notification, summons and preparation of minutes, and for all purposes of the application of this Law and its Regulations.

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ARTICLE 17.

The personnel of the Professional Migration and Alien Police shall be subject to this Law and its Regulations, to the General Police Law and its Regulations, and to the General Law of the Public Administration, as applicable to this police force, without prejudice to the labor rights acquired.

Those who occupy the leadership and deputy leadership of the Professional Police of Migration and Aliens will be trusted employees appointed by the Director General of Migration and Aliens, must meet the requirements for their position established in the General Police Act and its Regulations, and will perform the specific tasks assigned to them. The organization, the chain of command and its distinctive signs shall be defined in the respective regulations.

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ARTICLE 18.

Duly identified members of the Professional Migration and Alien Police shall:

- 1) To ensure strict compliance with the provisions of this Law and its Regulations, the General Police Law and its Regulations, emphasizing their role as guarantors of the foreign persons under their jurisdiction.
- 2) To carry out, with full respect for human rights, immigration control during the entry of persons into the national territory and their exit from it, as well as on the activities of foreign persons living in the country, verifying compliance with the requirements established in this Law; also, to conduct investigations into the crimes of human smuggling and trafficking in persons, as well as any other infraction of a migratory nature as an auxiliary body of the Public Prosecutor's Office.
- 3) Request identification documents from individuals to determine their immigration status, and conduct studies on the veracity of such documents.
- 4) Execute the rejection, deportation and expulsion of foreign persons, when appropriate, in accordance with the process regulated by this Law.
- 5) To carry out immigration control of foreigners anywhere in the country and in national, international and private means of transportation, in order to verify their immigration status.
- 6) Control, anywhere in the country, the embarkation or disembarkation of passengers, crew members and staff of international and national means of transportation.
- 7) Execute the ordinances, provisions and resolutions of the General Directorate, the Administrative Migratory Tribunal, as well as any other issued by Costa Rican jurisdictional authorities.
- 8) To carry out, with the prior authorization of the Director General, inspections in hotels, boarding houses, lodging houses, guest houses, motels or similar establishments and workplaces, which shall be defined by regulation. Private rooms are excepted, unless a search warrant has been issued, in accordance with national legislation, for the purpose of determining the migratory status of foreign persons.

9) Exercise immigration control on foreigners not residing in the country who perform public shows, with the purpose of verifying the express authorization to perform such activity, as well as their immigration status.

10) Draw up the corresponding reports for infractions to the present Law.

11) Interview the alleged offenders of this Law and record their statements, as well as allow them to communicate with their legal representatives or relatives.

12) To apprehend, for a maximum term of twenty-four hours, foreigners for the purpose of verifying their migratory status; after this term, the corresponding migratory process must be initiated, otherwise their immediate release will be ordered. Said term may be extended in qualified situations and by means of a resolution duly justified by the Director General.

13) To transfer to the detention center for foreigners subject to deportation, any migrant person when a deportation or expulsion is being processed or is to be executed against him/her. For this purpose, the person must be presented together with the corresponding police report.

14) Custody, when so ordered by the aforementioned General Directorate, of foreign persons who have been authorized to enter the country and remain in it as transit, in order to guarantee their departure from the national territory.

15) Act with due diligence to assist and protect the victims of the crime of trafficking in persons, as well as persons whose life or safety is or has been endangered as a result of having used the routes of smuggling of migrants. For such purpose, it shall coordinate its actions with the corresponding authorities determined by this Law and its Regulations, and other related regulations.

16) Prevent the departure from the national territory or territorial waters of persons and means of international transportation, when their passengers or personnel fail to comply with the obligations imposed by this Law and its Regulations, or when so ordered by a judicial authority.

- 17)** To serve subpoenas or any other document ordered by the General Directorate.
- 18)** Execute the provisions of the Executive Branch regarding restrictions on the entry into the country of certain foreign persons or foreign groups.
- 19)** To comply with the directives issued by the General Directorate for compliance with this Law and its Regulations, performing control and administrative management tasks, when, in the opinion of the General Directorate, such intervention is necessary for the proper functioning of the public service.
- 20)** To investigate the immigration status of foreign workers; to this end, they may enter the work centers during working hours, check passports, residence cards, work permits, as well as any other identification document, in order to verify violations of this Law and its Regulations.
- 21)** Authorize or deny the entry and exit of foreign persons at airports, ports and border posts, following the immigration procedure to be established in the Regulations of this Law.
- 22)** Authorize the departure of nationals from the country, provided there is no impediment dictated by a competent judicial authority.
- 23)** Notifying and coordinating with PANI, the attention of cases involving a child or adolescent.
- 24)** To carry out its functions, both nationally and internationally, based on the powers granted to it by the legal system; for such purposes, it shall maintain direct access to Interpol and other international organizations, for the full performance of its functions.
- 25)** To carry out preventive activities that discourage violence and criminality in migratory matters.
- 26)** Conduct research in the field of migration, anti-corruption and transnational organized crime.

The above classification does not limit the powers derived from other articles of this Law or rules contained in other legal bodies in force. At the time of exercising immigration control, the Professional Police of Migration and Aliens may retain the passport or travel document of the foreign person in order to verify their immigration status, for the purpose of placing the person at the order of the Directorate General of Immigration to initiate the corresponding process. In the cases in which it is required, the apprehended person must be placed at the order of a judge, in order to initiate the corresponding criminal procedure.

The Professional Migration and Alien Police will be assisted by a body of professionals who will provide support for the performance of their duties, under the same terms and conditions of the Professional Support Police Unit, created by this Law.

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ARTICLE 19.

The Professional Police Support Unit is created under the command of the General Directorate of Migration and Alien Affairs; it will be attached to the Professional Police of Migration and Alien Affairs and will be a police force made up of police officers.

This Technical Operational Unit will be made up of professionals from different academic disciplines incorporated to the respective college, in those cases where it exists, who will be under the Police Statute Regime.

The General Directorate of Immigration and Alien Affairs may enter into agreements with public and private universities in the country to include, in the Professional Support Police Unit, the ad honorem service of university or para-university students whose time will be credited to them for their university community work or professional practice. These persons will not be under the Police Statute Regime, nor will they enjoy the benefits established in Article 39 of the same.

The functions of the Professional Support Police Unit shall be as follows:

- 1)** To provide support and advice to the commanders and members of the units of the Professional Police for Migration and Foreigners.
- 2)** To issue technical criteria related to police actions, when required or when circumstances so warrant.
- 3)** Provide police legal and professional police support in routine operations and in all those planned by the Professional Police of Migration and Foreigners, when required.
- 4)** To issue the necessary recommendations to ensure the exercise of constitutional guarantees and the maintenance of public order and social peace, when so requested by police units.
- 5)** Collaborate with the legal department in the processing of habeas corpus and amparo petitions filed against police officers.
- 6)** Provide the legal and technical training required by police officers.
- 7)** All the police duties inherent to the position.

The professional members of this Unit shall be entitled to the following salary incentives:

- a)** Exclusive dedication.
- b)** Professional career, in accordance with the regulations in force at the General Directorate of Immigration and Foreigners.
- c)** Twenty-five percent (25%) to the base for availability.

d) Annuities, in accordance with the parameters in force at the General Directorate of Immigration and Alien Affairs.

e) Police risk, in accordance with the parameters in force for the Ministries of Government and Police, and Public Security.

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CHAPTER V

MIGRATION AGENTS ABROAD

ARTICLE 20.

The General Directorate of Immigration and Alien Affairs will define, by means of regulations, the guidelines of interrelation with the migratory agents abroad and will coordinate with the Ministries of Foreign Affairs and Worship, Foreign Trade, as well as with the ICT and the Ministry of Labor and Social Security, and the Costa Rican consulates abroad, the dissemination of this Law, and the basic aspects of the Costa Rican migratory model.

In addition to this effort, each consulate should be able to inform foreign users of the following:

- 1) General characteristics of the country, its political organization, socioeconomic structure and educational system.
- 2) Incentives for attracting foreign investment to the country. For such purposes, it will draw up a list of the consultations made, the consultations carried out and the investment that has been established in the country.

- 3) Opportunities to study in Costa Rica, as well as to learn Spanish.
- 4) Requirement of professional technical or scientific personnel, as well as temporary and domestic workers.
- 5) Franchises from which immigrants entering with capital can benefit.
- 6) Facilities and security offered for investment.
- 7) Facilities and benefits offered to foreign individuals who are admitted in the subcategory of annuitants or pensioners.
- 8) Information on the refugee and asylum status determination procedure applicable in Costa Rica.

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ARTICLE 21.

Those who are consular representatives of Costa Rica shall perform the functions of migration agents abroad and shall be obliged to abide by and comply with the provisions of the General Directorate, this Law, its Regulations and the general guidelines for entry and stay visas for non-residents. They will be evaluated annually by submitting a management report to the Director General of Immigration.

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ARTICLE 22.

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The functions of overseas migration agents shall be as follows:

- 1) Receive and forward to the General Directorate, when appropriate, the applications of foreign persons wishing to enter or reside in Costa Rica, according to the immigration categories and subcategories established in this Law. Failure to comply with this rule shall constitute serious misconduct. The fault of the consular officer does not grant any right to the petitioner.
- 2) To grant, when appropriate, entry visas to foreigners, in accordance with this Law, its Regulations and the general guidelines for entry and stay visas for non-residents issued by the Directorate General.
- 3) To include the visa, when applicable and for the time allowed, in the passports or travel documents accepted by Costa Rica, of foreign persons whose entry into the country has been authorized by the General Directorate and in accordance with the respective migratory category and subcategory.
- 4) Extend, when appropriate, passports or safe-conduct to Costa Rican persons abroad, according to the provisions of this Law and its Regulations.
- 5) To issue, with the prior authorization of the Director General, the immigration document for the entry into Costa Rica of foreign permanent residents or temporary residents in the country, who are abroad and do not have diplomatic or consular representation accredited in the country where they are.
- 6) To prepare all reports established by regulations, regarding passports and laissez-passers issued at the consulate, blank passbooks in their possession and all visas granted or issued, as well as to execute all notarial or consular acts required in the performance of their duties as migration agents abroad.
- 7) Inform the foreigner about the scope and limitations of his/her migratory category.
- 8) Inform the Refugee Department about the desire of a foreigner to access the procedure for the recognition of refugee status in Costa Rica.

The foregoing enumeration does not limit the powers arising from this Law, its Regulations or from other regulatory bodies in force.

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ARTICLE 23.

The actions of the consular agent, outside the provisions of this Law, its Regulations or the directives issued by the Directorate General, shall constitute serious misconduct and shall be grounds for dismissal without employer's liability. To this end, the Directorate General shall refer the corresponding action to the Minister of Foreign Affairs, who shall, if appropriate, file a complaint with the Public Prosecutor's Office. The actions of the consular agent outside the present Law shall be absolutely null and void.

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ARTICLE 24.

When a migratory document is requested abroad for an undocumented Costa Rican minor, whatever the reason may be, Costa Rican consuls, before issuing such document, shall consult with the General Directorate to determine whether the minor is indeed Costa Rican, as well as the date, the migratory post through which his departure was made and the legality or illegality of his departure, the relationship or interest that links the petitioner with the minor, and whether he left the country with the person authorized by the General Directorate.

The Regulations of this Law shall establish the procedure for the return of the minor.

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CHAPTER VI

ADMINISTRATIVE MIGRATION COURT

ARTICLE 25.

The Migratory Administrative Tribunal is created as a maximum deconcentration body attached to the Ministry of Government and Police, with exclusive competence and functional independence in the performance of its duties. The decision of the Tribunal shall exhaust the administrative channels.

The Migratory Administrative Court will have its headquarters in San José and jurisdiction throughout the national territory.

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ARTICLE 26.

The Administrative Migratory Tribunal shall be composed of three proprietary members and three alternates, who shall act in case of absence, impediment, recusal or excuse of the proprietary members.

The appointment of the members of the Administrative Migration Tribunal shall be the responsibility of the National Immigration Council, after a public background contest.

The members of said Tribunal shall be appointed for a term of six years and may be re-elected, following the procedure indicated in the preceding paragraph. For their removal, the formalities set forth in Book II, Chapter of the Ordinary Procedure, of the General Law of Public Administration, No. 6227, of May 2, 1978, shall be followed.

The members of the Administrative Migration Tribunal shall be sworn in by the President of the National Immigration Council.

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Article sheet

ARTICLE 27.

In order to be a member and alternate member of the Administrative Migration Tribunal, a minimum of a bachelor's degree and at least five years of experience in immigration or other related matters must be required. Two proprietary members and their respective alternates must be attorneys at law.

Both proprietary and alternate members shall be persons who, by virtue of their background, professional qualifications and recognized competence in the field, shall be a guarantee of impartiality and accuracy in the performance of their duties.

Proprietors shall work full time, while alternates shall be remunerated for their services only when they effectively perform the respective substitution, for any cause that generates it.

Annually, this Tribunal shall elect from among its members a president, a vice-president and a secretary.

Article sheet

ARTICLE 28.

The Administrative Migration Court shall perform its functions subject to the principles of orality, formality, celerity and immediacy of the evidence, without prejudice to the implementation of supplementary means for the evacuation of evidence, when circumstances so warrant.

The Tribunal shall adjust its actions to the procedure and rules of operation established in this Law and its Regulations, and supplementarily, by the General Law of Public Administration, No. 6227, of May 2, 1978; the Contentious-Administrative Procedural Code, No. 8508, of April 28, 2006, and Law No. 8220, Protection of Citizens from Excessive Administrative Requirements and Formalities, of March 4, 2002.

Article sheet

ARTICLE 29.

The Administrative Migration Court shall be the competent body to hear and resolve appeals filed against the final resolutions issued by the General Directorate of Immigration and Alien Affairs, in migratory matters, and against the final resolutions issued by the Restricted Visa and Refugee Commission, in refugee matters.

Article sheet

ARTICLE 30.

The Administrative Immigration Court shall be obliged to seek the advice it deems appropriate and necessary when the technicality so warrants, in order to resolve each issue raised, as their decisions must always be reasoned. The advice may come from any agency, national and international or individuals, legal or natural, not related to the matter to be resolved or interested in it.

Article sheet

TITLE IV

RIGHTS, LIMITATIONS AND OBLIGATIONS

OF FOREIGN PERSONS

CHAPTER I

RIGHTS AND LIMITATIONS

ARTICLE 31.

Foreigners shall enjoy the rights and individual and social guarantees recognized for Costa Ricans in the Constitution, except for the limitations established therein. The norms related to the fundamental rights of foreign persons shall be interpreted in accordance with the conventions on human rights and ratified international treaties and agreements in force and, specifically, by the following:

- 1) Every foreign person shall have the right of access to justice, respect for the guarantees of due process, the right of defense and the right to petition and reply.
- 2) Foreigners who have authorization to remain in the country may move freely within the national territory for the time defined in the authorization.
- 3) Foreign persons shall be subject to the requirements set forth in this Law, its Regulations and other applicable legal norms, to enter, remain in or leave the country.
- 4) Foreign persons may be compelled to leave the country when they are subject to administrative sanctions, according to the provisions of this Law or when so ordered by the judicial authority.
- 5) Foreigners may only be detained in accordance with the provisions of the Constitution, the laws and the provisions of this Law. For the application of the immigration legislation, this right may be limited under the following exceptional circumstances and conditions, provided that there is no other less burdensome measure:
 - a) Precautionary detention for a maximum of twenty-four hours, for the purpose of verifying their immigration status. This term may be extended in special situations and under a justified resolution issued by the Director General. Once the immigration infraction has been confirmed and other less burdensome measures have been ruled out, the General Directorate shall issue the deportation procedure.

- b) Once the identification of the foreigner has been resolved by the consulate of his country of origin, the administrative detention may not exceed a maximum term of thirty calendar days and the deportation ordered must be executed within such term. This term may be extended in special and justified situations by the General Directorate.
- c) In case of administrative detention, the foreigner shall have the right to remain during the period of apprehension in a place that has the necessary conditions to ensure dignified and respectful treatment, as well as gender, generational or disability specificities.
- 6) Foreigners will have access to the Costa Rican social security system, in accordance with the legislation in force and their migratory category. Likewise, they will have the duty to contribute to the sustainability of the social security system and to contribute to public expenses.
- 7) All foreigners subject to immigration control and procedures must be informed of the reasons for their apprehension, be offered the possibility of communication, including that required for consular assistance, access to a lawyer at their own expense; they must also be provided with an interpreter, if necessary, as well as full access to the administrative file. In case of apprehension, he/she shall have the right to be guaranteed dignified and adequate treatment, taking into account the specificities of gender, age, disability and others.
- 8) All foreigners have the right to seek and receive asylum in the national territory, in accordance with the international conventions signed and ratified by the country.
- 9) No foreigner requesting refuge or who has been granted such status may be expelled, deported or rejected to another country, whether or not of origin, where his or her right to life is at risk.
- 10) All foreigners authorized to stay legally in the country have the right to fully integrate into Costa Rican society.

Article sheet

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CHAPTER II

OBLIGATIONS OF FOREIGN PERSONS

ARTICLE 32.

Individuals of foreign nationality who are in the country shall be subject to the payment of the same tax or social security charges as Costa Ricans, according to the legal rules applicable to such matters. In addition, they shall be obliged to make the deposits required by this Law.

Article sheet

ARTICLE 33. Foreign persons shall be subject to the provisions set forth in this Law, its Regulations and, in general, to the legal system in force, as well as to the following obligations:

- 1) With the exception of the non-residents mentioned in Article 89 of this Law, foreign persons authorized to legally remain in the country are obliged to communicate in writing to the General Directorate any change of their domicile. In addition, they must indicate, expressly, the place for the reception of notifications within the judicial perimeter of San José or in the regional offices of the General Directorate or in an electronic means by which it is possible to communicate them any administrative resolution; otherwise, they will be considered as notified in the course of twenty-four hours.
- 2) Foreigners who are in national territory shall have the obligation to carry, keep and present, at the request of the competent authority, the documentation that proves their identity, issued by the competent authorities of the country of origin or provenance, as well as that which proves their immigration status in Costa Rica, except in the cases provided for in this Law and its respective Regulations.
- 3) Foreigners shall be obliged to leave the country when the term of stay authorized by the immigration authority expires, except when a change of category or an extension granted by said immigration authority is requested. Any irregular stay in Costa Rican territory will cause foreigners to pay an immigration fine equivalent to one hundred dollars United States currency (US\$100.00) for each month of irregular stay in the country or, failing that, they will be prohibited from entering the country for a period equivalent to three times the time of their irregular stay.

(Sinalevi Note: By means of Article 1° of Executive Decree No. 41033 of April 18, 2018, the following is established: "To postpone for a maximum period of twelve months from the effective date of this decree, the starting date for the collection of the fine established in Article 33 paragraph 3) of the General Law on Migration and Aliens No. 8764, regulated in Article 364 of Executive Decree No. 36769-G, of May 23, 2011, published in the Official Gazette La Gaceta No.

184 of September 26, 2011 and its amendments. The above with the purpose of making the pertinent adjustments at technological and material level, in order to material, to enable the collection service in the country's immigration control posts, to ensure continuity in the provision of the service at similar times, at land borders, ports and airports as appropriate, as well as to determine the organizational, communication and information capacities for an effective execution of the collection of the fine, among the General Directorate of Immigration and Foreigners, the Ministry of Finance, and the collecting entity or entities, given that a series of technological and technical-legal variables are derived from this, which must be applied").

(Sinalevi Note: By means of Article 1° of Executive Decree No. 42319 of April 21, 2020, the following is established: "Postpone during the state of national emergency, declared in Executive Decree No. 42227-MP-S of March 16, 2020, the starting date for the collection of the fine established in Article 33 paragraph 3) of the General Law on Migration and Foreigners, Law No. 8764 of August 19, 2009, regulated in Article 364 of Executive Decree No. 36769-G of May 23, 2011, published in the Official Gazette No. 184 of September 26, 2011 and its amendments. The aforementioned with the purpose of that the Professional Police of Migration and Foreigners can fully carry out the relevant tasks for the attention of the national state of emergency caused by COVID-19, in the country's land, air, maritime and rainy migration control posts").

4) Foreigners who are users of immigration services and who have been granted a legal status in Costa Rica, shall pay an additional amount of twenty-five dollars United States currency (US\$25.00), at the time such regularization is granted, as well as each time their stay in the country is renewed. The proceeds will be destined to the Social Fund for Migration created in the present Law.

5) Non-resident and special categories shall pay an annual fee equivalent to five dollars United States currency (US\$5.00). The proceeds will go to the Migration Social Fund.

Exempt from these payments are minors, refugees, asylum seekers, stateless persons, elderly persons with disabilities, cross-border workers, indigenous cross-border persons, as well as tourists.

(Thus amended by Article 15 of the Law on Protection of the development of Costa Rican nationality of the indigenous cross-border person and guarantee of integration of the indigenous cross-border person, No. 9710 of August 9, 2019).

The Directorate of Immigration and Aliens, based on criteria issued by the Ministry of Housing and Human Settlements and the IMAS, may exempt foreigners from such payment, when the socioeconomic condition so justifies. In addition, it may do so, by means of a founded resolution, when by reasonable means such a situation of social vulnerability is determined.

[Article sheet](#)

TITLE V

ADMISSION, PERMANENCE AND GRADUATION

CHAPTER I

GENERAL PROVISIONS

ARTICLE 34.

The General Directorate will enable, in the national territory, the migratory posts through which may be carried out, exclusively, legal entry and exit to the country of nationals and foreigners; it may also close them, if it deems it necessary.

At airports, ports, marinas and borders, the General Directorate may establish a visa office on arrival, whose fees for the user will double the cost of the migratory payment. Such immigration agent shall be appointed by the Ministry of Foreign Affairs and Worship and shall have the rank of consul.

[Article sheet](#)

ARTICLE 35.

The General Directorate shall exercise immigration control of entry and exit from the national territory. Such information shall be of public access, except for the information corresponding to minors, refugees and applicants for refugee status.

Article sheet

ARTICLE 36.

It shall be the obligation of any person who intends to enter or leave the national territory, to do so exclusively through the posts authorized for such purposes and undergo the corresponding immigration control, in order to determine whether he/she has the conditions and legal and regulatory requirements in force to allow entry into or exit from the country. In all cases the corresponding authorization of the General Directorate, through the competent official of the Professional Police of Migration and Aliens must be obtained.

Article sheet

ARTICLE 37.

Any national or foreign person who intends to enter or leave the country must present, at the corresponding immigration post, an entry and exit card that will be provided by the means of international transportation of persons or, exceptionally, by the General Directorate. The content, characteristics and format of such card shall be determined by the Directorate General.

Article sheet

ARTICLE 38.

Costa Ricans shall enter the national territory by proving their nationality or by means of an appropriate document before the immigration authorities.

Article sheet

ARTICLE 39.

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When entering the country, foreigners must carry a valid travel document issued by the competent authority.

Article sheet

ARTICLE 40.

The General Directorate shall keep a record of impediments to exit the country, according to the orders issued to that effect by the competent jurisdictional authorities, and of impediments to enter, as ordered by the Executive Branch, the Minister of the Interior and Police or the General Directorate.

In order to record such impediments, the ordering authority shall indicate, at least, the name of the person, the nationality, the type and number of his identification document, the date of birth and the reason for the impediment. In no case shall the Directorate General record any impediment, if the referred data are not on record, and it shall not lift the exit restriction imposed, if there is no written order from the authority that issued it. In addition, in the entry impediment register, the Directorate General may record the information provided by the national or international police forces.

Article sheet

ARTICLE 41.

The regulations on entry, exit and stay for foreigners seeking asylum or refugee status shall be governed in accordance with the Constitution, the conventions ratified and in force in Costa Rica, and other legislation in force.

Article sheet

ARTICLE 42.

Foreigners who intend to enter and stay under the migratory category of non-residents will require, in addition to the visa, in the cases provided for in the general guidelines for entry and stay visas for non-residents, the appropriate proof that they will leave the country by the following means

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means of transportation that corresponds and that they will personally have economic resources to subsist in the country. The means to demonstrate that such resources are available, as well as their minimum amount, shall be determined by the National Immigration Council. The Regulations of this Law shall establish the corresponding economic parameters.

Article sheet

ARTICLE 43.

Foreigners who have the documentation and meet the entry requirements set forth in this Law, shall be entitled to enter the country and to have the competent immigration authority issue the corresponding entry authorization voucher.

Article sheet

ARTICLE 44.

The General Directorate, through the competent officials of the Professional Immigration Police, shall not admit the entry into the country of foreign persons who do not meet the legal or regulatory requirements at the time of the immigration control inspection or those who have an impediment to entry, according to the grounds determined by this Law or its Regulations; in such situations, it shall order their rejection. However, by reasoned resolution of the Director General, may authorize such entry when there are reasons of humanity, opportunity or convenience for the Costa Rican State, any of its institutions, or for any academic, religious, sports or non-profit entity.

Article sheet

ARTICLE 45.

The Regulations of this Law shall determine the access requirements for obtaining any migratory status contained in this Law, as well as the procedures in which the application must be framed and everything related to the renewal of such migratory status.

Article sheet

CHAPTER II

ENTRY VISAS

ARTICLE 46.

The visa constitutes an authorization to enter the national territory issued by the general director or the consular agent, when authorized by the former, or when permitted by the general guidelines for the granting of entry visas. The granting of diplomatic and official visas is exempted from this regime. In exceptional cases, the Director of Immigration may grant visas, without the general guidelines for entry and stay visas for non-residents being binding for such purposes; in this case, the decision must be duly grounded and reasoned.

Article sheet

ARTICLE 47.

The General Directorate will establish the general guidelines for entry and stay visas for non-residents, for foreign persons coming from certain countries or geographical areas, based on the international agreements and treaties in force and on the reasons of security, convenience or opportunity for the Costa Rican State.

Article sheet

ARTICLE 48.

The general guidelines for entry and stay visas for non-residents will include those countries that will not require a visa, those that will require a consular visa and those that will require a restricted visa. The

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visas

Consular visas must be applied for before the Costa Rican consular agents, and restricted visas must be applied for in person before the Costa Rican consular agents, or before the Directorate General, by an interested third party duly authorized by means of a special power of attorney.

Article sheet

ARTICLE 49.

The Restricted Visa and Refugee Commission shall be composed of the Minister of Labor and Social Security or his representative, the Minister of Public Security or his representative, and the Minister of Foreign Affairs and Worship or his representative. The Regulations of this Law shall establish its operation and organization.

The Restricted Visa and Refugee Commission shall be in charge of determining the granting of restricted visas and the refugee status of persons who so request before the Directorate General.

The members of the Commission shall accrue a per diem, unless they meet with hourly interposition of their work. The amount, increments and number of these per diems shall be the same as those determined by the Executive Branch for the members of the boards of the autonomous institutions.

Article sheet

ARTICLE 50.

Foreigners who enjoy a legal migratory stay under the category of residents will not require a visa to enter the country, provided they prove such migratory condition. On the other hand, foreigners who do not require a visa to enter the country, under the migratory category of non-residents, may change their migratory category if they meet the requirements for access to such categories, which shall be defined in the Regulations of this Law.

Article sheet

ARTICLE 51.

Foreigners who intend to enter under the migratory category of non-residents, except for the exceptions determined by the general guidelines for entry and stay visas for non-residents, will require the corresponding entry visa. The period of stay will be authorized by the officer of the General Directorate competent for the entry of the foreigner into the country, based on the guidelines established by the General Directorate. Before granting the visa, the immigration agents abroad must obtain, from the General Directorate, the respective entry authorization, in the corresponding cases, in accordance with the general guidelines for entry and stay visas for non-residents.

Article sheet

Article 52- Foreign persons who intend to enter under the special categories, with the exception of the subcategories of refugees, stateless persons, asylum seekers or cross-border indigenous persons shall require the corresponding entry visa, according to the procedure and for the term established by the General Directorate by means of regulations.

(Thus amended by Article 15 of the Law on the Protection of the development of the Costa Rican nationality of the cross-border indigenous person and guarantee of integration of the cross-border indigenous person, No. 9710 of August 9, 2019).

Article sheet

ARTICLE 53.

Migration agents abroad may grant a provisional permanent resident or temporary resident visa, when there is a prior authorization issued by the General Directorate. Once in the country, the foreigner must complete the process, according to the requirements, procedure and conditions determined in this Law and its Regulations. The foregoing, without prejudice to the right of the foreign person to enter the country under the migratory category of non-resident, as established in the general guidelines for entry and stay visas for non-residents, pending the resolution of his petition.

Article sheet

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ARTICLE 54.

The visa shall be issued in the passport or appropriate travel document, issued by the competent authority and shall indicate the authorized migratory category, subcategory and period of legal stay.

[Article sheet](#)

ARTICLE 55.

The visa implies a mere expectation of right, it does not imply the unconditional admission of the foreign person to the country nor the authorization of the intended stay; it will be subject to a guarantee deposit, in the corresponding cases according to the present Law and its Regulations, as well as to the migratory control that the competent official carries out to verify the fulfillment of all the legal and regulatory requirements demanded for the entry.

[Article sheet](#)

ARTICLE 56.

A foreign person who has entry impediments or restrictions according to this Law shall not be granted a visa nor shall he/she be allowed to enter the country.

[Article sheet](#)

ARTICLE 57.

The visa must be used within a maximum period of sixty days from the respective notification to the applicant or his representative. However, upon a reasoned request, the Directorate General may extend the visas for the period it deems appropriate.

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Article sheet

ARTICLE 58.

The General Directorate may grant multiple visas, which will give the beneficiary the right to enter the country as many times as deemed necessary, within the term and under the conditions determined in the Regulations of this Law, and as provided by the general guidelines for entry and stay visas for non-residents.

Article sheet

ARTICLE 59.

No appeal shall lie against the denial of the visa.

Article sheet

ARTICLE 60.

The Regulations of this Law shall establish the requirements and procedures for the granting of entry visas, without the provisions of Title XII of this Law being applicable for such purposes, as well as the cases in which a security deposit must be made prior to the granting of the visa and the cases in which such deposit may be waived for reasons of humanity, opportunity or public convenience.

Article sheet

CHAPTER III

IMPEDIMENTS TO ENTER THE COUNTRY

ARTICLE 61.-Foreign persons shall be rejected at the moment they intend to enter the national territory and, even if they have a visa, they shall not be authorized to enter when they are included in any of the following cases:

- 1) When they do not meet the admission requirements set forth in this Law and its Regulations.
- 2) When their admission implies a proven risk to public health, according to technical studies and care protocols carried out by the Ministry of Health.
- 3) When they have served a sentence for an intentional crime in the last ten years, in Costa Rica or abroad, as long as the crime is recognized as such in our legislation. The General Directorate will not authorize the entry into the national territory of persons who have precautionary measures, pending criminal proceedings for sexual crimes against minors or who have served a sentence for any of these crimes during the last fifty years.

(As amended by Article 2 of Law No. 9177 of November 1, 2013)

- 4) When there are reasonable grounds to consider that their admission compromises public safety.
- 5) When they have entry impediments ordered by the Ministries of Public Security or Governance and Police or by the General Directorate, according to the terms stipulated to that effect in this Law.
- 6) When they have entry restrictions ordered by the Executive Branch.
- 7) When the foreign person has been convicted by international courts.
- 8) When they have been linked to criminal gangs or groups linked to organized crime.

For the purposes of this article, the General Directorate shall consult its records and shall take into account any report issued to that effect by the police forces of the country, within the competencies determined by the General Police Law, as well as collect relevant international information for the exercise of its functions. In the case of refugees and applicants for refugee status, the proceedings to collect national and international information must be carried out in strict compliance with the principle of confidentiality, in accordance with international instruments. In all cases, the General Directorate must verify that the persons requesting entry to the country do not have precautionary measures for pending criminal proceedings for sexual crimes against minors or criminal convictions for these crimes. For these purposes, it is empowered to sign cooperation and information exchange agreements with foreign administrative and judicial authorities, in order to have access to their databases on this matter.

(As amended by article 2 of law no. 9177 of November 1, 2013)

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ARTICLE 62.

In very qualified cases, the General Directorate may allow the entry of foreign persons who are impeded; for this purpose, according to the indicated assumptions, when in accordance with formal technical criteria duly grounded and expressly communicated, the different police forces consider it necessary for the purpose of investigation or capture of the foreign person.

Article sheet

ARTICLE 63.

For current reasons of public safety and health, duly substantiated, the Executive Branch may impose entry restrictions on a certain foreign person or foreign group.

Article sheet

CHAPTER IV

REJECTION

ARTICLE 64.

The rejection is the action by which the immigration authority denies a foreign person entry into the national territory and orders his/her immediate transfer to the country of origin or origin, or to a third country that admits him/her, when:

- 1) Do not meet the entry requirements of the current legislation or have any impediment to enter the country.

- 2) Be caught trying to evade immigration control or entering through a place not authorized for that purpose.

Article sheet

ARTICLE 65.

The determination and execution of the rejection, as established in Article 64 of this Law, requires the duty to issue, by the immigration authority in charge of the control of entry into the country, a record indicating the reasons for the rejection, the police and immigration authority that determined the assumptions and the indication that it may be challenged at the Costa Rican consular headquarters, and that such challenge will not have any suspensive effect.

The execution of the refusal may only be carried out by the authorized migration control posts, and a record shall be made of the reception of the person by the authorities of the host country or the means of transport responsible for the return.

The determination and execution of the rejection will be carried out in full compliance with Article 31 of the Political Constitution.

Under no circumstances may unaccompanied minors or persons whose age of majority is uncertain be rejected. The immigration authorities in charge of controlling entry into the country must immediately inform PANI of the situation of these minors. PANI, in the act, must assume the temporary representation and the transfer to a shelter of these persons, until the corresponding investigations are carried out.

Article sheet

CHAPTER V

LEGAL PERMANENCE

ARTICLE 66.

Legal permanence shall be understood as the authorization to remain in the country, issued by the General Directorate, according to the migratory categories, requirements and procedures established in this Law and its Regulations.

[Article sheet](#)

ARTICLE 67.

The granting of the intended migratory category will be conditioned to the budgets of public security and the economic and social development of the country, in addition to the requirements determined by the Regulations of this Law.

[Article sheet](#)

ARTICLE 68.

The application for entry and legal stay of foreigners must be processed before the consular agents of Costa Rica abroad or, failing that, before the General Directorate of Immigration, by the interested party or by a representative duly authorized by means of a special power of attorney, in accordance with the requirements and conditions determined by the Regulations of this Law.

The following cases are excepted from the above provision, in which the interested party must submit its request to the General Directorate, which will authorize the opening of the respective file:

- 1) Relatives of Costa Rican citizens. The spouse, children, parents and unmarried siblings will be understood as such.
- 2) Relatives of foreigners legally residing in the country. The spouse, children and parents of these shall be understood as such.

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- 3) In the cases in which the General Directorate of Immigration issues a guideline, in relation to a certain migratory category.

Likewise, in qualified cases of representatives, managers, executives and technical personnel of companies established in the country or in the process of establishment, universities, religious orders and non-governmental organizations established in the country, as well as any other exceptional case, the General Directorate may authorize, at its discretion, the opening of the respective legal permanence file for the interested party and his or her family group.

Article sheet

ARTICLE 69.

The application for legal stay of a foreigner who has entered the country or remains in it under conditions contrary to the provisions of this Law shall be inadmissible; minors are exempted from this rule. Under conditions of humanity, the General Directorate may admit such applications by means of a well-founded resolution.

Article sheet

ARTICLE 70.

A foreigner who has served a sentence for an intentional crime in the last ten years, in Costa Rica or abroad, will not be authorized to stay legally, as long as the crime is recognized as such in our legislation, without prejudice to the authorization of provisional stay established in article 72 of this Law.

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ARTICLE

71.-

The Executive Power will be able to establish, by means of decree and for a determined term, exemption regimes with the purpose of legalizing the migratory situation of the foreign persons that are not to right; for such effects, it will indicate the requirements that such persons will have to fulfill to accede to such exception regimes. Before the promulgation of the decree, the Executive Power will be able to require the criterion of the National Council of Migration, which will have to emit its recommendation in a duly reasoned act, contemplating the areas of public safety, employment, and social security.

The General Directorate of Migration may determine special and permanent procedures for to obtain migratory status, for all persons whose national situations prevent them from complying with the migratory requirements demanded by the Costa Rican migratory legislation. This provision will also be applicable to cross-border indigenous persons. Said procedures of migratory normalization shall be governed on a case by case basis and shall be determined by means of a founded resolution issued by such Directorate.

(Thus amended by Article 15 of the Law on Protection of the development of Costa Rican nationality of the indigenous cross-border person and guarantee of integration of the indigenous cross-border person, No. 9710 of August 9, 2019).

Article sheet

CHAPTER VI

AUTHORIZATION TO STAY TEMPORARILY

ARTICLE 72.

By order of a court or administrative tribunal, the General Directorate shall grant temporary immigration authorization to foreigners who must appear in a proceeding. The term of validity of such authorization shall be determined by the judge.

Article sheet

ARTICLE 73.

If the entry or permanence of a foreigner is requested, due to marriage with a Costa Rican person, the reciprocal knowledge between both parties must be demonstrated; for the renewal of said status, the marital cohabitation must be accredited in the same terms.

In addition, in case of applying for residency, such marriage must be duly registered before the Civil Registry of Costa Rica.

The rights obtained under the regularization of the permanence of the foreigner in national territory will be granted on a conditional and temporary basis for a period of one year, and for its renewal must be accredited, year by year, the marital cohabitation; after three consecutive years, such accreditation will grant permanent access to the status of resident on the part of the foreign spouse. Failure to comply with this requirement will result in the expulsion of the foreigner from Costa Rican territory.

Article sheet

Article 73 bis.

If the entry or stay of a foreign person is requested, by virtue of a common-law marriage with a Costa Rican person, the interested party must present the recognition of such union by the competent judge.

(Thus added by Article 4 of Law No. 8781 of November 11, 2009)

Article sheet

ARTICLE 74.

Foreign persons deprived of their liberty are entitled by the sentence to remain provisionally in the country during the execution of the sentence and to carry out educational and work activities related to the various modalities of execution of the sentence.

The Ministry of Justice shall issue a document that identifies and accredits the persons who serve their sentence in a modality that allows them to leave, totally or partially, the penitentiary centers during the execution of the sentence, and shall inform the General Directorate of Immigration and Foreigners on a quarterly basis, of the persons in this condition.

It must also inform the General Directorate when the judge in charge of the execution of the sentence has granted a foreigner conditional release or has favorably resolved an incident of illness.

Likewise, it shall inform the Ministry of Labor and Social Security of the performance of remunerated activities of a labor nature in favor of public or private companies or private persons, by any person in execution of sentence. Companies or private persons may provide paid employment to foreign sentenced persons only during the execution of the sentence.

In the case of foreigners who are granted the benefit of conditional execution of the sentence, the Court shall inform the General Directorate of Migration and Foreigners, at the time of the imposition of the sentence.

[Article sheet](#)

CHAPTER VII

EGRESO

ARTICLE 75.

In order to leave the country legally, all persons must carry a valid immigration document issued by the competent immigration authority; in addition, they must comply with the conditions and requirements determined by the corresponding legislation.

[Article sheet](#)

ARTICLE 76.

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The immigration authority may prevent any person from leaving the country:

- 1) Who does not have the necessary migratory documentation, in accordance with the provisions of the legislation in force.
- 2) That he/she has an impediment to leave the country ordered by the competent judicial authority.
- 3) Failure to pay the corresponding excise taxes.
- 4) That he/she is a Costa Rican or foreign minor and does not carry the exit permit issued by the competent authority, except in the case of minors, sons or daughters of duly identified diplomatic officials.

Article sheet

TITLE VI MIGRATORY

CATEGORIES

CHAPTER I

PERMANENT RESIDENTS

ARTICLE 77.

A permanent resident is a foreign person to whom the General Directorate grants authorization and permanence for an indefinite period of time, based on the provisions of this Law and its Regulations.

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Article sheet

ARTICLE 78

Foreigners who meet the following requirements

may opt for the immigration category of permanent resident:

- 1) The foreigner, his/her spouse and his/her first degree relatives by consanguinity who have enjoyed a temporary residence for three consecutive years.
- 2) The person foreigner with a first degree kinship by consanguinity with a Costa Rican citizen; shall be understood as such parents, minor or adult children with disabilities and minor or adult siblings with disabilities.
- 3) To whom the Restricted Visas and Refugee Commission grants such status.
- 4) Cross-border indigenous persons.

*(As added by article 17, paragraph a). of the la
Protection of the development of the Costa Rican nationality of w
cross-border indigenous people and guarantee of the integration of la
Indigenous Cross-Border Person, No. 9710 of August 9, 2019). la*

For the purpose of renewing their migratory status and when applicable, permanent residents must prove their insurance coverage with the CCSS, at least from the moment in which they were granted such residency and in an uninterrupted manner up to the moment of renewing their foreigner's card.

they were granted said residency and at
uninterruptedly until
the moment of renewing their foreigner's identity card.

Exceptions to this rule will be established by regulation.

Article sheet

Article 78 bis- The cross-border indigenous person may opt for any of the special migratory categories contemplated in this law, for which a special, clear, simple and expeditious procedure shall be established, simplifying the requirements for their migratory regularization, which considers their cultural particularities and ensures an appropriate educational mediation.

This condition may be proven by any suitable means, in compliance with the principle of freedom of proof and in accordance with the principles derived from Law No. 7316, Convention No.

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169 on Indigenous and Tribal Peoples in Independent Countries, of November 3, 1992 and the United Nations Declaration on the Rights of Indigenous Peoples, of September 13, 2007.

The cross-border indigenous person shall be exempt from the payment of any duty, stamp, tax, charge, fee, fine and/or fiscal species, derived from this law, tending to obtain, modify, extend or regularize his/her migratory status defined in this law, including the costs and fines established in articles 251, 252, 253, 254 and 255, as well as from any charge for any migratory procedure or requirement defined in this law.

(As added by article 17, paragraph b) of the the law of Protection of the development to the Costa Rican nationality of the cross-border indigenous person and guarantee of integration of the cross-border indigenous person, No. 9710 of August 9, 2019).

Article sheet

CHAPTER II

TEMPORARY RESIDENTS

ARTICLE 79 .-The General Directorate
The Immigration Department will grant an entry and stay authorization for a defined period of time, superior to ninety days and for up to two years, extendable for the same period, to those who are included in the following subcategories:

- 1) The spouse of a Costa Rican citizen, in accordance with the provisions of Article 73 of this Law.
- 2) Religious of religion that must be accredited before the Ministry of Foreign Affairs and Worship.
- 3) The executives, representatives, managers and technical personnel of the companies established in the country, as well as their spouses and children. Also included in this category are specialized employees who, on their own account or on behalf of their spouses and in relationship of dependency are integrated to such work and are thus required for the development of these, at the discretion of the Directorate of Immigration
- 4) Investors.
- 5) Scientists, professionals, trainees and specialized technicians.
- 6) Athletes duly accredited with the National Sports and Recreation Council.
- 7) Correspondents and press agency personnel.
- 8) Whoever has lived with his spouse and minor children or with disabilities, of the persons mentioned in the previous paragraphs.
- 9) The rentiers.
- 10) Pensioners.

11) Cross-border indigenous people.

*(As added by article 17, paragraph c) of the the law of
Protection of the development to the Costa Rican nationality of
the cross-border indigenous person and
guarantee of integration of the
cross-border indigenous person, No. 9710 of August 9, 2019)*

Article sheet

ARTICLE 80.

Temporary residents may only carry out remunerated or lucrative activities, on their own account or in a dependent relationship, authorized by the General Directorate. Such authorization shall take into account the advisory opinions issued by the Ministry of Labor and Social Security, as well as other criteria of convenience and opportunity.

Likewise, the dependents of such temporary residents may study or work, with prior authorization from the Directorate. In addition, they must pay the corresponding immigration fee.

The temporary residents included in categories 1), 2), 5) and 6) of article 79 of this Law, will be exempted from the migratory payment contemplated in paragraph 4) of article 33 of this Law.

For the purpose of renewing their migratory status and when applicable, temporary residents must prove their insurance coverage with the CCSS, from the moment they are granted such residence and uninterruptedly until the moment of renewing their foreigner's identification card. Exceptions to this rule will be established by regulation.

Article sheet

ARTICLE 81.

In order to obtain legal permanence under the subcategory of pensioners, foreigners must prove that they enjoy monthly, permanent and stable pensions from abroad, the amount of which cannot be less than one thousand dollars, currency of the United States of America (US \$1000.00) or its equivalent.

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Article sheet

ARTICLE 82.

To obtain the legal permanence under the subcategory of rentistas, the foreigners will have to prove that they enjoy monthly, permanent and stable incomes, coming from or generated from abroad or from the banks of the National Banking System, for a minimum amount of two thousand five hundred dollars currency of the United States of America (US \$2500.00) or its equivalent, per month. Foreign persons who wish to opt for these subcategories may cover their dependents for immigration purposes.

With such amount, the interested party may apply for legal permanence for himself, his spouse and his children under twenty-five years of age or his older children with disabilities.

Article sheet

ARTICLE 83.

Executives, representatives, managers and technical personnel of companies established in the country may not accredit a salary income lower than the legal minimum wage, increased by twenty-five percent (25%) for the same position, established by the labor laws in force in Costa Rica.

Also, they must prove that they are insured by the CCSS, in order to opt for the renewal of their foreigner's identity card.

Article sheet

ARTICLE 84.

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Interested temporary residents must process their applications to obtain the benefits of this Law through accredited consular officials abroad or, failing that, at the national headquarters of the Directorate of Immigration and Alien Affairs.

Article sheet

ARTICLE 85.

The temporary resident may change subcategory within the same migratory category, if he/she meets the corresponding requirements, as well as with respect to other migratory categories.

Article sheet

ARTICLE 86.

In the event that the temporary resident maintains the conditions for which he/she was granted legal permanence and becomes a member of a CCSS insurance, he/she may request an extension, in accordance with the provisions of the Regulations of this Law.

Article sheet

CHAPTER III NON- RESIDENTS

ARTICLE 87.-The foreigners to whom the General Directorate grants authorization for entry and stay, according to the following subcategories, shall not be residents:

- 1) Tourism.
- 2) Stay.
- 3) Foreign persons in transit,
in accordance with international instruments on the subject.
- 4) Foreign persons in neighboring border transit, for a maximum period of forty-eight hours.

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5) Personnel of international means of transport for passengers and goods.

(Sinalevi's Note: In relation to item 5) above, the General Directorate of Immigration and Foreigners Affairs, by means of resolution N° D. D. JUR-0056()-03-2022-ABM of March 31, 2022, it was agreed to authorize that during the days between April 01, 2022 and May 01, 2022, both inclusive, the entry to the country under the migratory category of Non-Residents, subcategory Personnel of Means of International Transportation of goods and persons contemplated in numeral 87 paragraph 5) of the General Law of Migration and Foreigners, without consular visa, to the persons who require it according to the General Guidelines for Entry and Stay Visas for*

Non-Residents, and who can reliably demonstrate to work in activities of international transportation of goods or persons. () Subsequently, by resolution No. D. JUR-0076-04-2022-ABM of April 29, 2022, it was agreed to extend regulation No. D. JUR-0056-03-2022-ABM of April 29, 2022. JUR-0056-03-2022-ABM of March 31, 2022, in the sense that for the period between May 02, 2022 and July 02, 2022, both inclusive, the authorization to enter the country under the migratory category of Non-Residents, subcategory Personnel of Means of International Transportation of goods contemplated in numeral 87 clause 5) of the General Law of Migration and Foreigners, without consular visa, to the persons who require it according to the General Guidelines of Entry and Stay Visas*

for Non-Residents, and who can reliably demonstrate to work in activities of international transportation of goods or

granted through D.JUR-056-03-2022-ABM. Likewise, in accordance with the second paragraph of Resolution No. D. JUR-0076-04-2022-ABM of April 29, 2022, during the period of validity of the exception established in the previous point, the persons benefited with this resolution may carry out the pertinent procedures to apply for the exemption JUR-0076-04-2022-ABM. persons benefited with the present resolution will be able to carry out the

pertinent procedures in order to

obtaining its Multiple Permit for Carrier, complying with the requirements established in Article 16

5 of the "Reglamento de Extranjería y Crea Día del Costarricense en el Exterior, Cuya Fecha de Conmemoración Será el 11 de abril de Cada Año", Executive Decree No. 37112- GOB).

Article sheet

ARTICLE 88.

For the purpose of granting the visa and the period of stay, the following persons will be included in the subcategory of stay:

- 1) Those of special relevance in the scientific, professional, religious, cultural, sporting, economic or political fields which, according to their specialty, are invited by the powers of the State or public or private institutions, or by universities or university colleges.
- 2) Those who are business agents, traveling agents or commercial delegates who enter the country to attend to matters related to the activities of the companies or corporations they represent, provided that they do not earn salaries or fees in the country and do not need to reside in the national territory to carry out their activities.
- 3) Those who work as reporters, cameramen and other personnel of the mass media, who enter the country to perform functions of their specialty and do not earn a salary in the country.

4) Persons requiring specialized medical treatment in a recognized hospital center.

5) Foreign persons who work remotely for clients and companies outside of Costa Rica and wish to remain in the country while working or providing services remotely. This condition will be known as "Remote Worker or Service Provider.

(The above paragraph was added by Article 23 of the Law to attract international remote workers and service providers, No. 10008 of August 11, 2021).

The term of permanence for this subcategory shall be one year, with the possibility of extension for the same period, subject to verification of the requirements.

Article sheet

ARTICLE 89.

Foreign persons admitted as non-residents may change their migratory category while in the country, with special reference to those included in Article 68 of this Law, upon payment of two hundred dollars currency of the United States of America (US\$200.00).

Article sheet

ARTICLE 90.

Foreigners authorized to enter the country and remain therein under the migratory category of tourist, for a term of less than ninety days, shall have the possibility of extending their stay, prior to the expiration of the original authorized term and after verifying that they have sufficient economic means to subsist. Said procedure shall have a cost of one hundred dollars currency of the United States of America (US\$100.00). The Regulations of this Law shall determine the conditions, procedures and requirements for the granting of the extension.

Article sheet

ARTICLE 91.

Once the maximum term of legal permanence of a foreign person in tourist condition has expired, he/she must leave the national territory; if he/she does not do so and intends to file an application to have access to any of the migratory conditions contained in this Law and in the opinion of the Directorate of Immigration and Aliens meets the requirements of suitability for the purposes of initiating such legal application, he/she must pay, in favor of the Costa Rican State, the amount provided in paragraph 3) of Article 33 of this Law. Said person shall have ninety days to conclude the requested procedure and, upon the expiration of said term, the foreign person shall incur again in an irregular migratory condition and shall be exposed to the sanctions provided for in this Law.

[Article sheet](#)

ARTICLE 92.

Foreign persons authorized to remain as non-residents may not work, except for those mentioned in Article 87 (5) and Article 88 (1), (2) and (3) of this Law.

[Article sheet](#)

CHAPTER IV

SPECIAL CATEGORIES

ARTICLE 93.

The General Directorate may authorize the entry and stay in the country of foreign persons, through special migratory categories, in order to regulate migratory situations that, due to their nature, require a different treatment from the migratory categories.

[Article sheet](#)

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ARTICLE 94.-The following, among others, **shall be** special categories:

- 1) Cross-border workers.
- 2) Temporary workers.
- 3) Specific occupation workers, business visitors, intra-company transfer personnel and personnel assigned to after-sales services, as well as self-employed workers.
- 4) Students, researchers, teachers and volunteers.
- 5) Special guests of the State, its institutions and those who for reasons of public safety the Ministry of Security deems pertinent, as well as complainants or witnesses in judicial or administrative proceedings.
- 6) Artists, athletes and members of public shows, outstanding professionals or technicians or persons invited to carry out activities of importance for the country.
- 7) Refugees.
- 8) Asylees.
- 9) Statelessness.
- 10) Victim of human trafficking or surviving sons or daughters of femicide victims.
(Thus amended by Article 19 of the Law on Comprehensive Reparation for Survivors of Femicide, No. 10263 of May 6, 2022).
- 11) Workers linked to specific projects and projects of public interest.
- 12) Others that the General Directorate of Immigration and Aliens deems appropriate for humanitarian reasons, in accordance with international human rights instruments, as well as those determined in the Regulations of this Law.

Article sheet

ARTICLE 95.

The special categories will not generate rights of definitive permanence, except for those of asylum seekers and stateless persons, which will be governed by the international instruments subscribed, ratified and in force in Costa Rica.

Article sheet

ARTICLE 96.

Foreign persons admitted under the special categories may change their category while in the country, as long as they comply with the requirements set forth therein. To do so, they must pay an amount equivalent to two hundred dollars United States currency (US\$200.00).

Article sheet

SECTION I

CROSS-BORDER WORKERS

ARTICLE 97.

Cross-border workers are foreign persons neighboring the border areas of Costa Rica, authorized by the General Directorate to enter the national territory and thus leave it, in order to perform salaried activities, authorized by the General Directorate, taking as a reference, among others, the technical studies applied by the Ministry of Labor and Social Security. In addition to other obligations established by law and the Costa Rican legal system, these workers must contribute to the social security system of the CCSS and the Occupational Risks system of the National Insurance Institute (INS).

Article sheet

SECTION II

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TEMPORARY WORKERS

ARTICLE 98.

Temporary workers are foreign persons who are authorized by the General Directorate to enter and remain in the country and stay in the country for the purpose of carrying out temporary economic activities, at the request of an interested party in the country or, of the worker himself, outside the country.

The Regulations of the present Law shall regulate this migratory subcategory; however, for the purposes of its regularization, the General Directorate shall take into account the specific conditions of the indigenous peoples.

[Article sheet](#)

ARTICLE 99.

Temporary workers may remain in the country for the term determined by the General Directorate. They may only perform paid labor activities under the terms, conditions, areas and for the employers authorized by the General Directorate, based on the recommendations of the Ministry of Labor and Social Security, which shall also define the temporary activities in which authorization is required for the entry and stay of foreign labor, by conducting technical and market studies that will determine the necessary contingent of temporary workers. At the request of the foreigner, the Directorate may arrange the performance of remunerated labor activities for other employers or areas; likewise, it may authorize extensions of the originally authorized term.

[Article sheet](#)

SECTION III

OCCUPATION-SPECIFIC WORKERS

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ARTICLE 100.

Foreigners who, without being included in the other special categories, are required to perform salaried activities according to the studies recommended by the Ministry of Labor and Social Security for occupational activities, shall be considered as specific occupation workers.

This category shall also include self-employed workers to whom the Directorate of Immigration and Alien Affairs shall grant such status, based on the labor needs of the country. The Regulations of the present Law shall determine everything related to this condition.

A business visitor shall be understood as a person who visits the country for a period equivalent to twice the amount of his or her visa as a tourist and who develops activities such as the purchase or sale of goods or services, negotiation of contracts, conversations with colleagues or participation in business activities. All business visitors must adhere to the laws and decrees that govern their economic activity in Costa Rica, as well as to the payment of the corresponding taxes.

The transfer of personnel within a company includes a business person, employed by a company, who intends to perform managerial, executive or specialized knowledge functions in that company or in one of its subsidiaries or affiliates, provided that he/she complies with the immigration measures determined in the Regulations of this Law.

Migrant persons assigned to post-sale services are those who provide repair and maintenance services, installation supervisors, and testing of commercial and industrial equipment as part of an original or extended sale, lease, warranty, or service contract agreement. The immigration permit of these persons will be equivalent to that of their tourist visa.

[Article sheet](#)

ARTICLE 101.

Workers of specific occupation, workers transferred within the same company and those assigned to post-sale services, may remain in the country for the term, terms, conditions and the contractor or employer determined in the authorization of the General Directorate.

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Article sheet

SECTION IV

STUDENTS

ARTICLE 102.

Foreigners who wish to enter Costa Rica for the sole purpose of studying or furthering their studies or performing unpaid research work in public or private educational institutions recognized by the MEP, must apply for authorization before the immigration agent in the country of origin or residence, in a third country or before the national offices of the General Directorate of Immigration and Foreigners.

Article sheet

ARTICLE 103.

The General Directorate may grant the respective authorization of stay to the foreign student who meets the requirements established for students by the Regulations of this Law. Likewise, at the request of a party, the entry of his or her family nucleus may be authorized, whose members may only engage in paid and academic activities, with prior authorization from the General Directorate and the corresponding immigration payment.

Article sheet

ARTICLE 104.

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Foreign students may not engage in remunerated or lucrative activities, nor may they participate in them, except in justified cases authorized by the General Directorate.

Article sheet

ARTICLE 105.

Foreign students and volunteers will be granted authorization to stay in the country for up to two years; they may extend it for equal periods, provided they can prove that they are continuing their studies or volunteer program on a regular basis, up to a maximum not exceeding the total term of the degree or program. They shall be obliged to leave the country at the end of such term. In those cases in which the university career requires social service or professional practice, the Directorate may authorize the permanence to perform such activities for free or paid.

Article sheet

SECTION V

REFUGEES, ASYLUM SEEKERS AND STATELESS PERSONS

ARTICLE 106.

The recognition of refugee status shall be subject to the rules stipulated in the international instruments approved, ratified and in force by the Government of Costa Rica on the matter. For the purposes of this Law, the term refugee shall be applied to any foreign person to whom the General Directorate recognizes such condition. A refugee shall be understood as a person who:

1) Because of a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, membership of a particular group or political opinion, is outside the country of his or her nationality and is unable or, because of such fear, unwilling to avail himself or herself of the protection of that country.

2) Lacking nationality and being outside the country of his former habitual residence, he is unable or, because of such fears, unwilling to return to it.

Any refugee in the national territory has the obligation to abide by the laws and regulations in force, as well as the measures adopted by the country for the maintenance of public order; in addition to the provisions of the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.

Family unity, a natural and fundamental element of society, is an essential right of the refugee. Consequently, the refugee status will be recognized to the primary family nucleus and other dependents and relatives within the first order of consanguinity or affinity.

Article sheet

The General Directorate of Immigration and Alien Affairs may grant temporary stay to victims of human trafficking, upon accreditation and recommendation of the Immediate Response Team, in compliance with international treaties and conventions.

(Thus amended by Article 82 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

ARTICLE 108.

In order to exercise the rights related to the Migration and Alien Law, the duly recognized refugee shall receive, from the General Directorate of Migration, an identification that certifies his legal stay in the country, and due to such condition may exercise any type of remunerated or lucrative labor activity, on his own account or in a dependent relationship, in strict compliance with the provisions of the legal system.

Article sheet

ARTICLE 109.

Asylum is understood as the protection granted to a foreign person, who requests it, with the purpose of safeguarding his life, freedom or personal integrity, due to persecution for political or other related reasons, as defined by human rights conventions and international treaties and agreements ratified by Costa Rica that are in force.

Article sheet

ARTICLE 110.

The declaration, rights and obligations of asylum seekers and stateless persons shall be governed by the provisions of international conventions on the subject, duly ratified by Costa Rica, which are in force.

Article sheet

ARTICLE 111.

Two types of asylum may be granted:

- 1) **Diplomatic asylum:** is granted in the ordinary diplomatic missions of the Republic of Costa Rica, in official vessels or official aircrafts, to persons persecuted for political reasons or crimes.

- 2) **Territorial asylum:** is granted in the national territory to persons persecuted for political or other related reasons or crimes, as defined by human rights conventions and international treaties and agreements ratified by Costa Rica, which are in force.

Article sheet

ARTICLE 112.

Asylum status may only be granted by the Executive Branch. The Ministry of Foreign Affairs and Worship shall be responsible for conducting an investigation of each application for such status, which will allow it to determine the urgent circumstances that motivate it and verify that these comply with the conditions contained in the international instruments governing the matter, duly ratified by Costa Rica. Once the investigation is concluded, said Ministry will issue a recommendation to the President of the Republic.

Article sheet

ARTICLE 113.

Once asylum has been granted by the Ministry of Foreign Affairs and Worship, the General Directorate shall document the asylee, in accordance with the procedure established by the Regulations of this Law.

Article sheet

ARTICLE 114.

The provisions of the 1951 Convention relating to the Status of Refugees shall not apply to any person in respect of whom there are serious reasons for considering the following:

- 1) That he/she has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments duly ratified by Costa Rica.

2) Who has committed a serious ordinary crime, outside the country of refuge, before being admitted as a refugee.

3) That he has been guilty of acts contrary to the purposes and principles of the United Nations.

Article sheet

ARTICLE 115.

Refugees and asylum seekers who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, gender, membership of a particular group or political opinion, are outside the country of their nationality and are unable or, owing to such fear, unwilling to avail themselves of the protection of that country, may not be deported to the territory of the country of origin.

Article sheet

ARTICLE 116.

The filing of a request for recognition of refugee or asylum status shall have a suspensive effect on the execution of the extradition of the foreign person, until the corresponding procedure has been completed, by means of a final decision.

The recognition of refugee or asylee status shall have the effect of terminating any extradition proceedings initiated against the refugee or asylee, at the request of the government of the country where the alleged crime has been committed, based on the same facts that justified such recognition.

Article sheet

ARTICLE 117.

For the recognition of the status of refugee, asylum seeker and other persons protected by international instruments, the procedure shall be determined by regulation, in accordance with the General Law of Public Administration and the General Law of Internal Control; to such effect, the application of the administrative procedures determined by this Law is exempted.

In any case, the refugee status determination procedure shall be carried out at no cost to the person and in the most expeditious manner, without prejudice to the procedural guarantees and rights of the petitioner.

[Article sheet](#)

ARTICLE 118.

The Restricted Visas and Refugee Commission, by means of a duly grounded resolution, will decide whether to approve or deny the refugee status.

Against the resolution denying the refugee status, an appeal for revocation may be filed before the same Commission, and an appeal may be filed before the Administrative Migration Court.

[Article sheet](#)

ARTICLE 119.

In the cases listed below, the provisions of the 1951 Convention relating to the Status of Refugees shall cease to be applicable to any person falling within the following cases:

- 1) If you have again voluntarily availed yourself of the protection of the country of your nationality.

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- 2) If, having lost his nationality, he has voluntarily regained it.
- 3) If you have acquired a new nationality and enjoy the protection of the country of your new nationality.
- 4) If she has voluntarily resettled in the country she had left or outside of which she had remained for fear of persecution.
- 5) If the circumstances by virtue of which she was recognized as a refugee have disappeared, it is understood that she can no longer refuse to avail herself of the protection of the country of her nationality.
- 6) In the case of a person who has no nationality and, because the circumstances by virtue of which he was recognized as a refugee have ceased to exist, he is in a position to return to the country of his former habitual residence. It is understood, however, that the provisions of the present paragraph shall not apply to refugees who may invoke, in order to refuse to avail themselves of the protection of the country of their former habitual residence, compelling reasons arising from previous persecution.

Article sheet

ARTICLE 120.

In the cases provided for in Article 119 of this Law, the General Directorate or the Executive Branch, as the case may be, shall terminate the refugee or asylee status of the foreign person.

- 1) The cessation of the refugee status of the principal applicant shall extend to the derivative status granted to his or her family members and dependents.
- 2) The cessation of the refugee status of the principal applicant shall not affect the right of those who enjoyed the derived status to file an individual application for refugee status. Family members and dependents may file an individual application for recognition of refugee status within thirty working days of the cessation of the refugee status of the principal applicant, in which case the refugee status of the principal applicant shall not affect the right of those who

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enjoyed the derived status to file an individual application for recognition of refugee status.

The derivative status shall be maintained until a final determination of their claim is made; persons covered by this subsection who are determined to meet the criteria of the refugee definition shall enjoy refugee status in their own right.

3) In relation to family members and dependents of the person terminated from the status who does not submit an individual application for recognition of refugee status, the cessation of the derived status shall be effective thirty working days after the cessation of the refugee status of the principal applicant.

4) The relatives or dependents of the person whose refugee status has been terminated may opt for another migratory category of those contemplated in this Law, within a maximum period of thirty working days after the notification of such resolution. For such purposes, they must comply with the requirements and demands established by the legal system; otherwise, they must leave the country.

Article sheet

ARTICLE 121.

When, subsequent to recognition, a refugee engages in conduct covered by the 1951 Convention Relating to the Status of Refugees, the Directorate General for Migration and Aliens may order the revocation of refugee status. In addition:

1) The Directorate General of Immigration may cancel the refugee status recognized in the country, when it has in its possession sufficient evidence to prove that the applicant concealed or falsified the material facts on which he based his application, in such a way that, if known, would have led to the denial of refugee status.

2) In the cases provided for in the preceding paragraphs, the revocation or cancellation of the refugee status of the principal applicant shall extend to the derived status granted to his family members and dependents.

3) The revocation or cancellation of the refugee status of the principal applicant shall not affect the right of those who enjoyed the derived status to file an individual application for refugee status. Family members and dependents may submit an individual application for recognition of refugee status within the following time limits

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thirty working days after the revocation or cancellation of the refugee status of the principal applicant, in which case the derived status shall be maintained until a final determination of his application is made; persons covered by this subsection who are determined to meet the criteria of the refugee definition shall enjoy refugee status in their own right.

4) In relation to family members and dependents of the person whose refugee status was revoked or cancelled and who does not submit an individual application for recognition of refugee status, the revocation or cancellation of the derived status shall be effective thirty working days after the revocation or cancellation of the refugee status of the principal applicant.

The relatives or dependents of the person whose refugee status was revoked or cancelled, may opt for another migratory category of those contemplated in this Law, within a maximum period of thirty working days after the notification of such resolution; for such purposes, they must comply with the requirements and demands established by the legal system; otherwise, they must leave the country.

Article sheet

ARTICLE 122.

The expulsion of a refugee lawfully present in the national territory shall be effected only for reasons of national security or public order, by virtue of a decision taken in accordance with the legal procedures in force. Such expulsion shall be carried out within a reasonable period of time to allow the refugee to seek legal admission in another country.

Unless compelling reasons of national security or public order require otherwise, the refugee shall be allowed to present exculpatory evidence, to appeal and to be represented, for this purpose, before the competent authority.

Article sheet

ARTICLE 123.

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The declaration, rights and obligations of the stateless person shall be governed by the provisions of the international conventions on the matter, duly ratified by Costa Rica, which are in force, as well as by the Regulations of this Law. For the purposes of the present Law, the term stateless person shall designate any person who is not considered as a national by any state, according to the legislation.

The Directorate of Immigration and Foreigners will dictate, by means of Regulations, the procedure of migratory normalization of the persons subject to this declaration.

[Article sheet](#)

SECTION VI

WORKERS LINKED TO SPECIFIC PROJECTS

ARTICLE 124.

Workers linked to specific projects will be foreign persons that the companies require to hire for special projects and works, who must pay the social security established according to their activity.

The authorization to be given by the Immigration Directorate will take into account, among others, the technical studies applied by the Ministry of Labor and Social Security, as well as reasons of opportunity or convenience applicable to the specific case.

[Article sheet](#)

CHAPTER V

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CHANGE OF MIGRATORY CATEGORY OR SUBCATEGORY

ARTICLE 125.

At the request of a party, the Directorate General shall authorize the change of migratory category and subcategory, in accordance with the provisions of Article 78 of this Law. However, such request shall have an additional cost of two hundred dollars United States currency (US\$200.00), except in the cases of refugees, asylees and stateless persons.

[Article sheet](#)

ARTICLE 126.

Three years after the recognition of the status of refugee, asylum seeker or stateless person, the General Directorate, at the request of a party, shall authorize the change of migratory category, under the category of permanent resident, provided that the applicant meets the requirements set forth in this Law. Such change shall not imply the waiver of the refugee status of the person concerned, unless he/she expressly so declares.

[Article sheet](#)

CHAPTER VI

VIOLATION OF ADMISSION OR TENURE REGULATIONS

ARTICLE 127.

The General Directorate shall declare illegal the entry or stay in the country of a foreign person, when he/she is in one of the following situations:

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- 1) Who has entered through an unauthorized place or without undergoing immigration controls, or is in possession of false or altered documents or visas.
- 2) Remaining in the country without complying with the provisions regulating their entry and stay, according to this Law and its Regulations, and the general guidelines for entry and stay visas for non-residents.

Article sheet

ARTICLE 128.

When declaring the illegality of the entry or stay in the country of a foreign person, the General Directorate, by means of a summary administrative procedure determined by the Regulations of this Law, may:

- 1) Intimidate her, for a single time, to regularize her immigration status, according to the provisions of this Law and its Regulations, in cases where she proves to be a parent of a minor or an adult with a disability, Costa Rican or resident.
- 2) To order the authorized person to remain in the country as a non-resident, under the special categories, or to order the foreign person whose legal stay in the country has been cancelled, to leave the national territory within the term determined by the General Directorate, which may not exceed ten days.
- 3) The resolution that establishes the intimation or the injunction shall imply the final deportation of the foreign person, in case he/she does not initiate, within the established term, the procedures for the regularization of his/her migratory situation or does not leave the country within the referred term, without the need to carry out an additional administrative procedure, in which case the resolution of injunction to leave the country may be appealed, in accordance with paragraph 4) of article 183 of the present Law.
- 4) To order and execute the deportation from the national territory, according to the causes established for that purpose in the present Law; likewise to execute the pertinent deportation,

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when there is noncompliance with the

Intimation to regularize the migratory situation and the order to leave the country, according to the provisions of paragraphs 1) and 2) of this article.

Article sheet

CHAPTER VII

CANCELLATION OR SUSPENSION OF LEGAL STAY

SECTION I

CANCELLATION

ARTICLE 129.

The General Directorate will cancel the authorization of stay and residence of foreigners, when:

- 1)** Do not comply with the conditions imposed by the General Directorate or fail to comply with the requirements taken into account at the time of authorizing their entry or legal stay in the country.
- 2)** Do not contribute to public taxes and expenses, in cases in which the law does not exempt them.
- 3)** The entry or exit through unauthorized posts, without being subject to immigration controls, is proven.

- 4) In the cases contemplated in Article 70 of this Law.
- 5) Permanent residents are absent from the country, consecutively, for a period of more than four years, unless there are exceptional reasons, duly proven, for health, study, family or other reasons.
- 6) Foreigners with temporary residence are absent from the country for a period of more than two consecutive years, unless there are duly proven exceptions for health, study, family or other reasons.
- 7) Have obtained authorization to stay legally, by means of false or altered declarations or the presentation of false or altered visas or documents.
- 8) Perform paid work without being authorized to do so.
- 9) Persons whose background or actions constitute a threat to public safety and order.
- 10) Do not renew the document that certifies their legal migratory status in the country within three months of its expiration, unless there are duly proven reasons that demonstrate the impossibility of doing so within said term.
- 11) It is demonstrated that the residency was granted based on a marriage with a Costa Rican citizen, carried out with the sole purpose of receiving immigration benefits.

Article sheet

ARTICLE 130.

The General Directorate shall initiate the corresponding administrative procedure, during the term of execution of the custodial sentences, dictated by the competent jurisdictional authority, against

foreigners who are legally residing in the country, in order to determine whether the cancellation is appropriate.

The foreigner whose legal stay as a resident has been cancelled shall be ordered to leave the national territory, according to the provisions of this Law and its Regulations, unless he/she has not yet served the sentence imposed or has not been judged by a judicial instance, in which case, the deportation shall not proceed. The foreign person whose legal stay authorized as a non-resident or in special categories has been cancelled shall be deported.

Article sheet

ARTICLE 131.

The resolution ordering the cancellation shall imply the loss of the legal migratory status of the foreigner, of the term authorized to remain legally in the country and of the validity of the documents that accredit his legal migratory status. In case of deportation, as indicated in the previous article, the amount of the guarantee deposit referred to in the present Law shall be used to defray the corresponding expenses.

Article sheet

SECTION II

SUSPENSION OF LEGAL STAY

ARTICLE 132.

Foreigners who, for justified reasons in accordance with the Regulations of the present Law, must be absent from the country for a period longer than that determined for the cancellation, may apply for the suspension of their legal stay. Once the request is approved, the term to cancel their legal migratory condition will be interrupted, as well as to opt for permanent residence or naturalization.

[Article sheet](#)

CHAPTER VIII

SECURITY DEPOSITS

ARTICLE 133.

Any foreign person authorized to enter the country and stay in it as a permanent resident, temporary resident, temporary workers or as a non-resident, the latter category when applicable, according to the Regulations of this Law, must deposit a guarantee in cash, in accordance with the amount established by the General Directorate, which may not exceed the value of the air, land or sea ticket to the user's country of origin, quoted in high season. This deposit may be made in colones or dollars, currency of the United States of America. The amount, the form of payment and the type of travel ticket referred to in this article shall be defined by the Regulations of this Law, as well as the cases of exoneration defined both in this Law and in said Regulations.

[Article sheet](#)

ARTICLE 134.

Exclude from the obligation established in the previous article, workers, temporary workers, cross-border workers and workers linked to specific projects, as well as individual cases or of a collective nature, determined by the Directorate of Immigration and related to religious orders, universities, artistic and cultural movements and any other that is deemed relevant, by means of a founded resolution, by the General Directorate.

The employer of foreign persons authorized to enter and remain in the country, under the aforementioned categories, shall make the guarantee deposit for each worker, in accordance with the provisions of the Regulations of this Law, which shall also define the procedures

to make such deposit. When the conditions considered for authorizing the entry of foreigners under the aforementioned categories are not met, the deposit will be used to defray the corresponding deportation expenses.

Article sheet

ARTICLE 135.

Refugees, asylum seekers and stateless persons shall be exempted from the payment of the guarantee deposit. If they opt for a change of category, the Directorate General shall fix at its discretion the amount of the guarantee, which may not exceed twenty percent (20%) of a base salary, as defined in Law No. 7337 of May 5, 1993.

Any case, whether personal or collective, of a humanitarian, academic, sports or any other nature, as determined by the General Directorate by means of a substantiated resolution, shall also be exempted from such payment.

Article sheet

ARTICLE 136.

The General Directorate will return the guarantee deposit in the cases and upon compliance with the requirements set forth in the Regulations of this Law.

Article sheet

ARTICLE 137.

The General Directorate, exceptionally and by means of a substantiated resolution, in accordance with the Regulations of this Law, may reduce the guarantee deposit indicated in this chapter.

The return of the security deposits will not proceed when the deportation or expulsion is executed, nor when the person has remained in the country for more time than authorized.

[Article sheet](#)

TITLE VII

MIGRATORY DOCUMENTS

CHAPTER I

TRAVEL DOCUMENTS FOR INDIVIDUALS

DOMESTIC AND FOREIGN

ARTICLE 138.

The following immigration documents shall be issued exclusively by the General Directorate:

- 1) Ordinary passport, only for Costa Ricans.
- 2) Safe-conducts, only for Costa Ricans.
- 3) Border Neighborhood Transit Permit.
- 4) Travel documents for refugees and stateless persons.

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- 5) Identity and travel documents for foreigners.
- 6) Individual or collective identification documents for foreign workers.
- 7) Any other deemed convenient for migratory purposes.

The Regulations of this Law shall define the concept, form, content, terms of validity and requirements for obtaining each document referred to.

Article sheet

ARTICLE 139.

The issuance of diplomatic or service passports is exempted from this Law. For information purposes, the Ministry of Foreign Affairs and Worship shall report to the General Directorate of Immigration and Foreigners, the name of the bearer and the numerical series of the passports issued in each category. In addition, said Ministry shall clearly indicate, in the diplomatic or service passports, the necessary information so that the General Directorate may verify that the bearer does not have any impediment to leave the national territory.

Article sheet

ARTICLE 140.

The application for the migratory document may be made in person or by technological means. The Regulations of the present Law shall determine the form of delivery of such document.

Article sheet

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ARTICLE 141.

When a passport is stolen, lost, destroyed or rendered useless in any way, the person in whose favor it was issued must immediately report it, by means of a sworn statement, to the General Directorate or to the Costa Rican Consulate closest to the place where it is located, so that it may be eliminated from the respective registry as a valid document.

Article sheet

ARTICLE 142.

If a Costa Rican person is abroad and his or her passport is destroyed, stolen, stolen, stolen or lost, the consul may issue him or her a travel document, with the express authorization of the General Directorate.

Article sheet

ARTICLE 143.

The General Directorate will issue laissez-passer, which will be valid only for one trip and only for Costa Rican persons. There will be two types of laissez-passer:

- 1) **General:** when the respective passport cannot be provided, according to conditions of convenience and opportunity.
- 2) **Specific:** when individuals or groups of individuals must go out to participate in educational, cultural, sporting or other activities of public interest.

Article sheet

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ARTICLE 144.

The border transit permit shall be granted to foreign residents who regularly live in border areas of the country, so that they may enter or leave the country by land, in order to facilitate inter-border relations and in accordance with the conditions and requirements established in the Regulations of this Law. The entry of foreign persons into the country, with this type of document, shall be authorized for the term established in the Regulations and up to the geographic area established therein, under penalty of deportation. The General Directorate may eliminate, restrict or condition the aforementioned permit, for reasons of opportunity and convenience.

[Article sheet](#)

ARTICLE 145.

Travel documents for refugees and stateless persons shall be issued in accordance with approved international instruments in force.

[Article sheet](#)

ARTICLE 146.

Identity and travel documents for foreign persons shall be issued due to their need to leave Costa Rica, when they do not have diplomatic or consular representatives accredited in the Republic or when, for any other circumstance, they are unable to obtain a travel document from the authorities of their country, including the provisions of Articles 212 and 218 of this Law. In this case, the documents shall state the nationality of the holder and sufficient data to identify him/her, as determined by the Regulations of this Law.

[Article sheet](#)

TITLE VIII

MEANS OF TRANSPORTATION

CHAPTER I

GENERAL RULES

ARTICLE 147.

Upon entry and exit, all means of international transportation shall be subject to immigration control inspections of its passengers, crew members or personnel; for such purpose, the General Directorate shall determine the places where such inspection shall be carried out.

The entry of passengers, crew or personnel shall be subject to compliance with the requirements set forth in this Law and its Regulations.

[Article sheet](#)

ARTICLE 148.

Any company or agency owning, operating or consignee of means of air, land or maritime transport, shall assist in the immigration control of its personnel and passengers, when so required by the Directorate General, under the conditions to be established in the Regulations of this Law. In addition, it shall be obliged to provide to any person who intends to enter or leave the country, an entry and exit card, whose content, characteristics and format shall be determined by the Directorate General.

[Article sheet](#)

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ARTICLE 149.

No means of international transportation may leave the country without the express authorization of the General Directorate, prior immigration control and compliance with the exit requirements by the passengers and their personnel. Failure to comply with this regulation shall entail, for the violator, a fine equivalent to ten thousand dollars currency of the United States of America (US \$10,000.00).

Article sheet

ARTICLE 150.

The companies, companies or agencies owners, representatives, operators or consignees of means of international transportation shall be responsible for the transportation of passengers and crew members in legal conditions. Said responsibility subsists until they have passed the immigration control and are admitted into the territory of the Republic.

Article sheet

ARTICLE 151.

The owner, captain, commander, manager or person in charge of any means of international transportation entering or leaving the country, as well as the companies, enterprises or agencies owning, representing, operating or consigning means of international transportation, shall be jointly and severally liable for the transfer, care and custody of passengers, crew members and personnel, until they are admitted into the country under the conditions determined by this Law and its Regulations, or until they are returned to the country of origin.

This responsibility will be maintained in cases where it is detected that the means of international transportation with passengers or personnel, within the country, does not comply with the immigration requirements and conditions for entry.

Article sheet

ARTICLE 152.

In addition to the corresponding transfer, the companies or agencies owners, representatives, operators or consignees of means of international transportation, must cover, indistinctly, all pecuniary obligation originated by reason of the rejection ordered by competent authority, of the passengers or crew members that do not comply with the requirements of entry and permanence established by the present Law and its Regulations; including the expenses that must be covered, when these foreign persons must remain in the country the time strictly necessary to carry out the rejection.

Article sheet

ARTICLE 153.

The companies or agencies that own or represent international transportation operators shall be obliged to present before the immigration authorities, upon entering and leaving the country, at the place and time indicated by the General Directorate, each passenger with the respective immigration identification document, as well as the schedules, lists and credentials of its crew and personnel, proving the employment relationship with the means, passenger lists and immigration registration documents of passengers, crew and personnel.

Article sheet

ARTICLE 154.

The format and content of the immigration entry and exit documents shall be defined by the General Directorate. The companies or agencies owners, representatives, operators or consignees of international transport, must provide, compulsorily, immigration registration documents to their passengers and staff, prior to arrival or departure from the national territory.

Article sheet

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ARTICLE 155.

Any person, national or foreign, who works in an international means of transportation, in order to enter or leave the country, must be provided with the appropriate documentation that proves his identity and his work relationship with the means; in addition, he must be subject to the present Law.

Article sheet

ARTICLE 156.

Regardless of the space limitations that may be alleged, the companies or agencies that own, represent, operate or consignee international transportation are obliged to transport, at their own expense, outside the Costa Rican territory and within the term established for this purpose, foreign persons whose expulsion or deportation has been ordered by the competent Costa Rican authorities. In case of refusal, the international transportation company shall be obliged to transport, outside the national territory, any foreign person to the country of his origin or origin or to a third country that admits him. Such transfer shall be carried out immediately. In case of material impossibility, the companies or agencies that own, represent, operate or consignee international transportation are obliged to manage and pay, out of their own funds, all expenses involved in the permanence of such foreign persons in the country, until the rejection is executed, as well as the transfer of the foreign persons in other means of transportation; such obligation not only applies to the foreign person subject to deportation or rejection, but also extends to the custodians assigned by the General Directorate. The foregoing in accordance with the provisions of the Regulations of this Law.

Article sheet

ARTICLE 157.

Except in the case of the application of the refusal, the obligation of transfer and re-transfer, established in the previous article, is limited to two seats when the means of transport does not exceed one hundred and fifty seats, and to five seats when it exceeds this amount; these seats must be provided at no cost to the Directorate General. These limits shall not apply when the persons to be transported form part of a family group or must be transported by the same international transportation company to which the means of transport in which they entered belongs. In addition, in all cases, they must provide the necessary places for the officers of the Directorate General accompanying them as custodians.

Article sheet

ARTICLE 158.

The foreign person who works in an international means of transport, may not remain in Costa Rican territory after the departure of the transport in which he/she arrived in the country, without the express authorization of the General Directorate. In case of desertion of the crew member or crew personnel, the companies or agencies that own, represent, operate or consign international transportation shall be obliged to cover the expenses of their stay and to transfer them out of the national territory at their own expense.

Article sheet

ARTICLE 159.

When circumstances so require, the General Directorate may exercise immigration control over local means of transportation, companies or agencies owners, representatives, operators or consignees of international transportation, to determine the immigration status of foreign persons traveling in them.

Article sheet

CHAPTER II

MARITIME TRANSPORT

ARTICLE 160.

It shall be the obligation of all means of international maritime transportation to submit to the Directorate General a complete list of passengers, crew and personnel eight days prior to arrival in Costa Rican territory, unless the Directorate General authorizes, exceptionally, a shorter period, for the purpose of verifying the existence of entry impediments. The format, the procedure and the means to send said lists shall be determined by the Regulations of the present Law.

[Article sheet](#)

ARTICLE 161.

The Directorate of Maritime and Port Security of the Ministry of Public Works and Transportation (MOPT), through the corresponding port captaincy, shall not authorize the national departure of any vessel, until the General Directorate formally communicates the compliance of the migratory requirements by any person traveling in said means. Failure to comply with the provisions of this article shall imply the disciplinary responsibility of the port captain, for serious misconduct in the exercise of his duties; in this case, the MOPT shall carry out the corresponding administrative disciplinary procedure.

[Article sheet](#)

ARTICLE 162.

The General Directorate may exercise immigration control over the personnel or passengers of international maritime transportation in the following circumstances:

- 1) At the port of arrival in the country.
- 2) During its previous voyage in national or international waters.

In the case of paragraph 2), the companies or agencies that own, represent, operate or consignee the means of international maritime transportation shall cover the transportation expenses of the competent officials for the aforementioned control.

Article sheet

ARTICLE 163.

The General Directorate may authorize foreign persons working for international maritime transportation means to enter and stay in the country, in accordance with the general guidelines for entry and stay visas for non-residents, due to their active functions and for the time they are allowed, under normal conditions, to stay in the vessel by the competent authority. For such purposes, the General Directorate will design and grant a special document, which will allow the foreign person to move in the space allowed by such body. This document will be completed by the official of the General Directorate that carries out the corresponding migratory control. The companies or agencies that own, represent, operate or consignee the means of international maritime transportation shall be responsible for the cost of printing this document.

Article sheet

CHAPTER III AIR

TRANSPORTATION

Article 164- The General Directorate of Immigration and Alien Affairs shall prevent the departure from the country of a means of air transportation that fails to comply with the immigration requirements of passengers or of its crew, for which must be coordinated with the General Directorate of Civil Aviation of the Ministry of Public Works and Transportation (MOPT).

Any public official who permits, authorizes or facilitates the irregular departure of an international means of transport shall be subject to the administrative procedure of Law No. 6227, General Law of Public Administration of May 2, 1978.

(As amended by the sole article of Law No. 9730 of August 27, 2019)

Article sheet

ARTICLE 165.

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The General Directorate of Immigration and Alien Affairs may authorize the entry into the country and stay in it, to the foreign person working for a means of international air transportation, due to their active functions, in accordance with their migratory category and the provisions established for this purpose by the international provisions in force, ratified by Costa Rica. The companies or agencies owners, operators or consignees of the means of international air transportation shall inform, to the General Directorate of Immigration and Alien Affairs, the number of personnel members of each aircraft for the purposes of this article, through the format and content to be defined in the Regulations of this Law. In case of providing false or incomplete information, they shall be subject to the penalties determined by the Law.

Article sheet

ARTICLE 166.

The General Directorate of Immigration and Foreigners may send reports to the General Directorate of Civil Aviation, in case of violations of this Law or its Regulations, by the companies or agencies owners, representatives, operators or consignees of the means of international air transport, so that the corresponding measures may be adopted, according to the national legislation.

Article sheet

CHAPTER IV

GROUND TRANSPORTATION

ARTICLE 167.

The General Directorate of Immigration and Alien Affairs may prevent the entry into or departure from the country of any means of national or international land transportation in which persons who do not comply with the provisions of this Law and its Regulations are traveling. For such purposes, it shall have the assistance of the Ministry of Public Security and the MOPT, through the General Directorate of Transit, which will

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shall proceed to the provisional detention of the means of transport, when so requested by the General Directorate, until its occupants comply with the immigration requirements and conditions established for leaving or entering the country, or until they desist from the trip.

Article sheet

ARTICLE 168.

The General Directorate of Immigration and Alien Affairs, in coordination with the Traffic Police and other competent offices of the MOPT, may stop the means of land transportation, for the time strictly necessary, to carry out immigration control within the country.

Article sheet

ARTICLE 169.

The General Directorate may authorize the entry and stay in the country of a foreign person working for an international land transportation means, according to the general guidelines for entry and stay visas for non-residents, by reason of their active functions. When the foreign person enters the country, he/she must comply with the requirements and conditions of entry set forth in this Law and its Regulations.

Article sheet

CHAPTER V

PENALTIES FOR THOSE RESPONSIBLE FOR INTERNATIONAL MEANS OF TRANSPORT

Article 170- The General Directorate of Immigration and Aliens may prevent the departure of an international means of transport from the national territory, in the event that the companies or agencies that own, represent, operate or consignee of such means of transport refuse to comply with the obligations imposed by the regulations in force until they are fulfilled. For this purpose, the General Directorate of Immigration and Foreigners may request the support of the different police forces or administrative authorities of the country.

The international means of transportation that leaves Costa Rican territory without due authorization from the General Directorate shall be sanctioned with a fine of ten thousand dollars, currency of the United States of America (US\$10,000.00), or its equivalent in colones, according to the official exchange rate determined by the Central Bank of Costa Rica (BCCR), for the day in which the payment is made.

The liability of the means of transport shall be determined by means of an ordinary administrative procedure, in accordance with the rules established for this purpose by Law No. 6227, General Law of the Public Administration, from 2 of May 2 of 1978.

The fine shall be paid into the special fund created by Article 231 of this law.

(As amended by the sole article of Law No. 9730 of August 27, 2019)

Article sheet

ARTICLE 171.

The companies, agencies that own, consignee or represent a means of international transportation in which a foreign person enters or leaves the country without meeting the legal or regulatory conditions, may be sanctioned by the General Directorate, with a fine ranging from three times to twelve times the amount of a base salary defined in Article 2 of Law No. 7337 of May 5, 1993. The same penalty shall be imposed on each foreign person who is part of its personnel and remains in Costa Rican territory after the departure of the transport in which he/she arrived in the country, without the express authorization of the General Directorate of Immigration and Foreigners. Said fine shall be integrated to the Special Immigration Fund determined in the present Law and its amount shall be fixed according to the seriousness of the facts and the number of foreign persons transported or who remain in an irregular manner.

Article sheet

ARTICLE 172.

In case of recurrence, in a calendar year, of non-compliance with the rules established by this Law by a means of transportation, the General Directorate of Immigration and Foreigners will send the formal complaint to the competent entities of the MOPT, in order to initiate the corresponding administrative procedure.

Article sheet

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ARTICLE 173.

When the immigration control is not carried out on board the means of international transportation, the journey to the immigration control post authorized for the entry of persons into the country or their exit from it, shall be considered as a continuation of the trip, without any passenger or foreigner or member of its personnel who has not passed the immigration inspection being considered as admitted into the national territory. When this information is provided with erroneous, inaccurate or incomplete data and there is a failure to comply with the deadline established for transmitting information, a penalty of three to five base salaries, as defined in Article 2 of Law No. 7337, as appropriate, shall be imposed for each passenger or crew member whose information is incomplete, erroneous or inaccurate.

[Article sheet](#)

TITLE IX

EMPLOYERS AND PERSONS HOUSING FOREIGNERS

CHAPTER I

EMPLOYERS OF FOREIGN PERSONS

ARTICLE 174.

Every employer, intermediary or contractor, when hiring or providing work or occupation to a foreign person, shall comply with all the obligations imposed by this Law and the labor and related legislation.

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ARTICLE 175.

No natural or legal person, public or private, may hire foreign workers who are in the country illegally or who, even though they are legally resident, are not authorized to carry out such activities.

[Article sheet](#)

ARTICLE 176.

Any employer, intermediary or contractor, when hiring or providing work or occupation to a foreign person, must verify the legal permanence in the country of the foreign person and that he/she is authorized to do so, as well as require the document proving his/her immigration status for such purposes. For this purpose, it may request the information from the General Directorate of Immigration.

[Article sheet](#)

ARTICLE 177.

Natural persons or representatives of legal persons, public or private, who provide work or occupation to foreign persons not authorized to work in the country or perform activities other than those authorized, shall be punished by the General Directorate with a fine ranging from two to twelve times the amount of a base salary, as defined in Article 2 of Law No. 7337 of May 5, 1993. Said fine shall be integrated to the Special Migration Fund established by this Law, and its amount shall be determined according to the seriousness of the facts and the number of foreign persons to whom work is granted in an irregular condition.

[Article sheet](#)

ARTICLE 178.

The verification of the infringement of the provisions of this Law or its Regulations does not exempt employers from complying with the obligations inherent to the social security system, nor from the payment of salaries or any other type of remuneration to which the personnel hired is entitled; for such purpose, the Ministry of Labor and Social Security shall be notified accordingly.

Article sheet

ARTICLE 179.

The General Directorate and the authorities of the Ministry of Labor and Social Security must verify, coordinate or, as the case may be, report any anomaly or noncompliance in the hiring of foreigners, related to their migratory status.

Article sheet

ARTICLE 180.

Employers are obliged to send to the General Directorate, upon request, a report of the foreigners working in their companies and not to hinder the inspections carried out by the immigration authorities in the workplaces. Likewise, they must sign the respective inspection report. In case of refusal, the Immigration Directorate will refer to the Public Prosecutor's Office for the corresponding action.

Article sheet

CHAPTER II

PERSONS HOUSING FOREIGN NATIONALS

ARTICLE 181.

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Unless expressly provided otherwise, the owners, administrators, managers, managers or persons in charge of hotels and other places of lodging shall keep a record of the persons staying in their establishments. This registry shall be at the disposal of the Immigration and Foreigners Police, so that it may carry out the corresponding immigration control. The data that such registry shall contain shall be determined by regulation.

Article sheet

ARTICLE 182.

Natural persons or representatives of legal persons who fraudulently provide lodging to foreign persons who do not have legal stay in the country, may be sanctioned by the General Directorate, by means of a founded resolution, with a fine ranging from one to five times the amount of a basic salary, as defined in Article 2 of Law No. 7337 of May 5, 1993, provided that such lodging is for profit. Said fine shall be integrated to the Special Migration Fund established in the present Law, and its amount shall be applied according to the seriousness of the facts and the number of foreign persons to whom lodging is granted in an irregular condition. Those who provide lodging to foreign persons in irregular condition, for strictly humanitarian reasons and without profit purposes, shall be exempted from said sanction.

Article sheet

TITLE X

PENALTIES FOR FOREIGN PERSONS

CHAPTER I

SPORTS

ARTICLE 183.

Deportation is understood as the act ordered by the General Directorate to remove a foreigner from the national territory who is in any of the following situations:

- 1) When they have entered the country clandestinely or without complying with the rules that regulate their entry or stay.
- 2) When he/she has obtained the entry to the country or his/her stay in it, by means of declarations or the presentation of visas or documents that have been declared false or altered.
- 3) When remaining in the country, once the authorized term has expired.
- 4) When it has been ordered to leave the country and does not do so within the term established by the General Directorate.

Article sheet

ARTICLE 184.

In the aforementioned cases, the Directorate General shall order the deportation of the foreigner to his country of origin or to a third country that admits him.

Article sheet

ARTICLE 185.

The deported foreigner may not re-enter the country for a period of five years.

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The Director General, by means of a well-founded resolution, may exceptionally authorize, in accordance with the provisions of Article 44 of this Law, the admission before said term.

Minors shall not be subject to deportation or expulsion from the national territory, except in their own interest.

[Article sheet](#)

CHAPTER II

EXPULSION

ARTICLE 186.

Expulsion is the order issued by the Ministry of Interior and Police, in a reasoned resolution, by means of which the foreign person who enjoys legal permanence, under any migratory category, must leave the national territory, within the term established for such purpose, when it is considered that his/her activities compromise peace, public safety, tranquility or public order.

[Article sheet](#)

ARTICLE 187.

The expelled foreigner may not re-enter the country for a term of ten years, unless expressly authorized by the President of the Republic.

If the cause for expulsion is based on the commission of a crime against a minor, as long as it is an intentional crime, or aggression or crime against the life of a woman or a disabled or elderly person, the foreigner may not enter the country for a term of twenty-five years.

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Article sheet

ARTICLE 188.

The resolution ordering the expulsion of a foreign person shall imply the loss of his/her legal migratory status, without the need to carry out an additional administrative procedure for cancellation. In the application of this chapter, the specificity of the protection regime for refugees, asylum seekers and stateless persons shall be respected.

Article sheet

TITLE XI

ADMINISTRATIVE PROCEDURES

CHAPTER I

GENERAL PROVISIONS

ARTICLE 189.

The administrative procedures related to immigration matters shall be governed by the provisions of this Law and its Regulations; in addition, supplementarily, by the General Law of Public Administration, No. 6227, of May 2, 1978; Law No. 8220, Protection of Citizens from Excessive Administrative Requirements and Formalities, of March 4, 2002, and the Contentious-Administrative Procedural Code, No. 8508, of April 28, 2006.

[Article sheet](#)

ARTICLE 190.

The General Directorate is obliged to order and carry out the necessary evidentiary procedures to determine the real truth of the immigration status of foreigners.

[Article sheet](#)

ARTICLE 191.

The information contained in the administrative files, in relation to any procedure aimed at granting the legal stay of a foreign person, under any immigration category or contained in the administrative files of deportation or expulsion, as well as the information that is recorded in the General Directorate, related to migratory movements or impediments to entry or exit, will be of public access. The administration may charge for the cost of the digital transfer of this information to third parties, as well as to other public and private institutions.

[Article sheet](#)

ARTICLE 192.

The deadlines established in this Law shall be understood as working deadlines for the interested party and as natural deadlines for the administration.

[Article sheet](#)

ARTICLE 193.

The Directorate General shall reject outright any untimely, impertinent or obviously improper action.

Article sheet

ARTICLE 194.

The Directorate General, ex officio or at the request of a party, may order reasonable and necessary precautionary measures to ensure the outcome of the administrative proceedings it is required to carry out under this Law. The cooperation of the various police forces may be requested for the execution of precautionary measures.

The foreigner to whom precautionary measures have been issued may file an appeal before the Administrative Migration Court, in the act of notification or within three working days following the notification. The challenge of the precautionary measures will not suspend their execution.

Article sheet

ARTICLE 195.

Any action filed before the immigration authorities must indicate a place to receive notifications, according to the provisions of the Regulations of this Law, unless the administrative file contains a place indicated or if any electronic means has been indicated by which it is possible to carry out the notification. If such obligation is not complied with, the acts issued by the General Directorate shall be deemed to have been notified within twenty-four hours.

Article sheet

ARTICLE 196.

The use of electronic media is authorized for the completion of all immigration procedures, as well as for notifications, in accordance with the provisions of the Regulations of this Law. When the notification is made by a public official, this will enjoy public faith for all legal effects.

Article sheet

ARTICLE 197.

The Regulations of this Law shall establish the appropriate administrative procedure for imposing the fines established in this Law. If the offender refuses to pay the amount established by the Directorate General, the latter shall certify the debt, which shall constitute an enforceable title, so that, based thereon, the enforcement process may be brought before the courts, through the Office of the Attorney General of the Republic, under the terms set forth in the Code of Civil Procedure.

Article sheet

CHAPTER II

PROCESSING OF RESIDENCY APPLICATIONS

ARTICLE 198.

All applications submitted to the immigration authorities must contain all the requirements set forth in this Law and its Regulations.

Article sheet

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ARTICLE 199.

When the application is submitted incompletely or the necessary documents are not provided, the corresponding immigration authority will grant the interested party a term of ten working days to correct the defects or complete the documentation. This term may be extended, at the discretion of the General Directorate, when the interested party demonstrates, in a duly substantiated request, that he/she needs a longer term to complete the documentation. Upon expiration of this term without having completed the file, the competent immigration authority shall declare the application inadmissible and shall order the respective file to be archived.

[Article sheet](#)

ARTICLE 200.

The General Directorate will have a maximum term of three months to resolve, from the moment all the requirements have been fulfilled. In the case of petitions to opt for the legal migratory status, this term will run from the receipt of the documentation, in the central offices of the General Directorate.

[Article sheet](#)

ARTICLE 201.

In the case of petitions for permanent or temporary residence, these rules must be observed both by the national immigration personnel and by the immigration agents abroad, in cases where the application has been submitted from abroad, according to this Law, its Regulations and the immigration policy.

[Article sheet](#)

CHAPTER III

GENERAL PROCEDURE

ARTICLE 202.

In the administrative procedures that tend to modify or suppress a migratory condition already granted or, in general, that the final act imposes obligations, suppresses or denies subjective rights, the General Directorate shall comply with the provisions of the following articles, except for the exceptions established in this Law.

[Article sheet](#)

ARTICLE 203.

The Directorate General may delegate the functions determined by this Law and its Regulations. Non-hierarchical delegation is authorized. The corresponding act must expressly state the function to be delegated, as well as the body and persons to whom the obligation falls. The delegation of these functions, determined non-hierarchical, shall be published in the official gazette La Gaceta.

[Article sheet](#)

ARTICLE 204.

The initial act must comply with the principles of imputation and intimation; it must also indicate the object and purpose of the procedure, the administrative remedies available, as well as the office where the administrative file may be found for consultation or to obtain the necessary photocopies; it must also indicate the obligation to provide a means or place to receive notifications.

Article sheet

ARTICLE 205.

The interested party shall be notified of the resolution of the initial act so that it may exercise its defense within a period of eight days, in which it must state its arguments in writing and provide the documentation it deems pertinent; it must also indicate the place or electronic means to receive notifications, in accordance with the provisions of the preceding articles.

Article sheet

ARTICLE 206.

Once the defense brief has been received, together with the evidence provided, the final decision shall be issued within a period that may not exceed three months.

Article sheet

CHAPTER IV

SPECIAL PROCEDURES

SECTION I

SPORTS

ARTICLE 207.

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The deportation procedure shall be carried out in a summary manner; it may be initiated ex officio or by complaint. In the case of a complaint, the names of the plaintiff and the defendant, the location of the defendant, the date and place to receive notifications, as well as the signature of the plaintiff must be indicated, which must be recorded before an official of the Directorate General or authenticated by a notary public. The complaint shall be accompanied by any evidence that the complainant may have on the facts. A receipt shall be issued for all complaints and evidence submitted.

Article sheet

ARTICLE 208.

In the event that the immigration authority or a police force detects a foreign person who does not demonstrate legal residence in the country, his immigration status must be verified by any means possible, including transferring him to the offices of the Directorate General. If it is not possible to transfer them, the foreigners may be summoned to appear before the offices of the General Directorate. If they do not appear, they may be transferred by any police force.

The summons shall contain the name and address of the office to which the foreign person must appear, the name and surname of the person summoned, the matter for which he/she is summoned, the day and time at which he/she must appear, and the name and signature of the summoning official. The summons may be served by any suitable technological means previously indicated, at the foreign person's home or in person, where the foreign person is located.

Article sheet

ARTICLE 209.

When there are indications that a foreign person is illegally present on Costa Rican soil, the General Directorate, by itself or through the Immigration and Alien Police, will initiate the corresponding procedure, by indicating the facts and charges that are imputed and the object of the procedure, in which it will immediately grant an oral hearing so that the foreign person may exercise his/her right of defense.

Article sheet

ARTICLE 210.

Once the initial procedure has been completed and the illegality of the entry or stay of the foreigner has been proven, the General Directorate will issue the corresponding deportation resolution, which must be duly notified. Said resolution shall be executed by the Immigration and Alien Police, within the time period strictly necessary for its execution.

Article sheet

ARTICLE 211.

The Directorate General, during the processing of the administrative procedure, may agree to the application of any of the following precautionary measures:

- 1) Periodic presentation and signature before the competent authorities.
- 2) Order for the apprehension of the foreign person, in accordance with the times and deadlines established in this Law.
- 3) Surety.
- 4) Temporary seizure of documents.
- 5) House arrest.

The precautionary measures issued by the Directorate General may be challenged under the terms set forth in Article 194 of this Law.

Article sheet

ARTICLE 212.

Prior to the execution of the deportation order, the Directorate General shall send the communication thereof to the consulate of the country of nationality of the foreigner, so that within seventy-two hours it may issue the respective travel document. Upon expiration of this term, without a response from the corresponding consular representation, the Directorate General shall issue a travel document and communicate the corresponding to the respective consulate. For all purposes, the time period referred to in this article shall be counted as part of the time period strictly necessary to execute the deportation order.

Article sheet

ARTICLE 213.

Once a deportation order has been notified, if the foreigner concerned intends to leave the country before the corresponding resolution becomes legally binding, the General Directorate may authorize his or her departure by means of the formal granting of a special power of attorney by the foreigner in favor of a third party, for the purpose of continuing to represent him or her in the corresponding administrative procedure and to receive notifications. The procedure shall not be stopped by the departure of the foreign person from the national territory, even if the appropriate administrative appeals are filed against the deportation resolution; furthermore, it shall produce all the legal effects established in the present Law and its Regulations.

Article sheet

ARTICLE 214.

The deportation ordered, by virtue of the provisions of subsection (4) of Article 183 of this Law, shall not be subject to an additional administrative procedure to the one carried out for the conviction of the foreign person.

Article sheet

SECTION II

EXPULSION

ARTICLE 215.

In cases of expulsion, the legal area of the General Directorate of Immigration and Alien Affairs, ex officio or at the request of the General Directorate, will gather the corresponding information, in order to verify the charges made; in addition, it will grant the foreigner a period of three working days to offer evidence in his/her defense. Once the evidence has been received, the aforementioned legal area, as the body directing the procedure, will render an opinion and pass the proceedings to the General Directorate, so that it may issue the corresponding resolution.

Article sheet

ARTICLE 216.

The foreign person whose expulsion has been ordered, may file, in the act of notification or within three working days following the notification, an appeal for revocation before the General Directorate or an appeal before the Administrative Migration Court. If it does so upon notification, the immigration authority shall record it in the respective record. The challenge of the expulsion order shall suspend its execution.

In the appeal brief, the appellant shall offer all the evidence on which he bases his defense, which shall be examined by the Court, when pertinent.

[Article sheet](#)

ARTICLE 217.

The Administrative Migration Court shall issue the corresponding resolution within the term of the law. Once the expulsion order is final, it shall be immediately executed and the foreigner shall leave the national territory and shall forfeit the guarantee provided in favor of the State.

[Article sheet](#)

ARTICLE 218.

The General Directorate of Immigration and Aliens, prior to the execution of the expulsion order, shall send the communication of this to the consulate of the country of nationality of the foreign person so that, within a peremptory term of seventy-two hours, it issues the respective travel document. Upon expiration of the term without a response from the corresponding consular representation, the Directorate General shall issue a travel document and communicate the corresponding to the respective consulate. For all purposes, the time period referred to in this article shall be counted as part of the time period strictly necessary to execute the expulsion order.

[Article sheet](#)

ARTICLE 219.

When, based on personal history, it may be presumed that the foreigner will attempt to evade the expulsion procedure, the Directorate General may order any of the precautionary measures provided for in Article 211 of this Law.

The precautionary measures issued by the Directorate General may be challenged under the terms set forth in Article 194 of this Law.

[Article sheet](#)

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ARTICLE 220.

The administrative resolution emanating from the rejection, deportation and expulsion proceedings shall be decreed in the immigration venue regardless of the existence of an extradition proceeding initiated judicially against the same migrant person; the latter proceeding shall prevail over the former.

Such administrative resolution shall be communicated to the corresponding judicial authority.

[Article sheet](#)

TITLE XII

CHALLENGES

SOLE CHAPTER

ADMINISTRATIVE APPEALS

ARTICLE 221.

Against the final resolutions of the General Directorate, the administrative appeals of revocation and appeal shall only proceed when:

- 1) The interests of foreigners may be harmed, in relation to their authorized legal migratory status.

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- 2) The request for legal permanence of a foreign person is denied.
- 3) A foreign person is ordered to leave the country.
- 4) The application for immigration status of the person concerned is denied.

Article sheet

ARTICLE 222.

No appeal shall be allowed against rejection and deportations ordered by the competent authority, nor against the denial of a visa issued by the Restricted Visa and Refugee Commission.

In the case of denials of refugee applications, they may be appealed in accordance with the provisions of Article 118 of this Law.

Article sheet

ARTICLE 223.

Administrative appeals against resolutions ordering the expulsion of a foreign person shall be governed by the provisions of Article 211 of this Law.

Article sheet

ARTICLE 224.

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Against the resolutions issued by the General Directorate in migratory matters or against those issued by the Administrative Migratory Court, there shall be no extraordinary appeal for review.

Article sheet

ARTICLE 225.

The appeals for revocation or appeal, when applicable, must be filed within three working days from the respective notification, before the General Directorate.

Article sheet

ARTICLE 226.

The aforementioned appeals shall not require special wording; for their correct formulation, it shall be sufficient for the text to clearly infer the request to revoke or appeal the challenged act.

Article sheet

ARTICLE 227.

The appeal for revocation shall be resolved by the Directorate General within a maximum period of three months from the day following the date of its filing. If the appeal for revocation is denied, the Directorate General shall admit the appeal.

Article sheet

ARTICLE 228.

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If the appeal has been filed in subsidiary form, the case will be automatically referred to the Administrative Migration Court, for its knowledge and resolution, within a maximum period of three months.

Article sheet

ARTICLE 229.

The filing of the appeals referred to in this title shall suspend the execution of the challenged act, except for the exceptions involving rejection, deportations ordered by a competent authority and visa refusals issued by the Restricted Visa and Refugee Commission.

When the person affected by the challenged act is in detention, at the time the appeal is filed, the Directorate General shall decide whether the detention shall be maintained or replaced by another less burdensome measure.

Article sheet

ARTICLE 230.

Administrative appeals shall be governed by the provisions of this chapter, except for the exceptions provided for in this Law.

Article sheet

TITLE XIII

CONSTITUTION AND ADMINISTRATION OF THE SPECIAL FUND

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MIGRATION, THE GUARANTEE DEPOSIT FUND, THE

AND THE MIGRATORY SOCIAL FUND

CHAPTER I

CONSTITUTION AND ADMINISTRATION

OF THE

SPECIAL MIGRATION FUND

ARTICLE 231.

The taxes, tributes, fines, charges, fees, rates, interests and fiscal species that, according to special laws, must be paid for migratory procedures, as well as any other income derived from this Law, must be paid by bank transfer or other suitable means and shall be an integral part of the Special Fund for Migration.

Revenues expressly earmarked by this Law for other funds are not included in this Fund.

[Article sheet](#)

ARTICLE 232.

In addition to the provisions of other laws, they shall be exempt from payment of tax on departure from the national territory:

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- 1) Those who are government officials, traveling in the course of their duties.
- 2) Persons who leave under the protection of the neighboring border transit, within the authorized period of stay.
- 3) Those who are part of groups that must leave the country to participate in educational, cultural, sports or religious activities, among others, with the prior approval of the corresponding ministry.

Article sheet

ARTICLE 233.

The Special Migration Fund will be administered by means of an operating trust, in accordance with the provisions of Articles 185 of the Political Constitution and 66 of Law No. 8131, Financial Administration of the Republic and Public Budgets, of September 18, 2001, which establish that the assets of the Fund must be administered by the National Treasury in the single State treasury, in order to ensure an efficient and transparent management of the Public Treasury.

The resources of the Special Migration Fund may not be used in trusts or other investment vehicles.

Article sheet

ARTICLE 234.

The Special Migration Fund shall consist of the following resources:

- 1) Taxes, tributes, fines, charges, fees, rates, interests and fiscal species that, according to special laws, must be paid for migratory procedures, as well as any other income derived from this Law.

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2) The benefits of the administration or trust of assets placed at the disposal of the Ministry of Interior and Police, due to the commission of the crime of smuggling and trafficking in persons.

3) The guarantee deposits not withdrawn for more than one year from their maturity date will become part of the Special Migration Fund.

[Article sheet](#)

(Repealed by Article 35 of Title IV of the Law for the Strengthening of Public Finances, No. 9635 of December 3, 2018).

[Article sheet](#)

ARTICLE 236.

The Administrative Board shall be the competent body to oversee the use and administration of the Special Migration Fund, without prejudice to the powers of the Comptroller General of the Republic.

[Article sheet](#)

CHAPTER II

CONSTITUTION AND ADMINISTRATION OF THE

GUARANTEE DEPOSIT FUND

ARTICLE 237.

The Guarantee Deposits Fund is hereby established, which shall be integrated with the guarantee deposits, as determined by this Law.

[Article sheet](#)

ARTICLE 238.

The resources of the Guarantee Deposits Fund will be used to make effective the return of guarantees, in the cases determined by the Regulations of this Law. Deposits not withdrawn for more than one year from their maturity date, shall become part of the Special Migration Fund.

[Article sheet](#)

ARTICLE 239.

The monies will be deposited in a special account administered by the National Treasury in the single State cashier's office, called the Guarantee Deposit Fund of the General Directorate of Immigration and Foreigners.

[Article sheet](#)

ARTICLE 240.

The resources of the Fund referred to in the preceding article shall be unseizable for all legal purposes.

[Article sheet](#)

CHAPTER III

CONSTITUTION AND ADMINISTRATION OF THE

MIGRANT SOCIAL FUND

ARTICLE 241.

The Social Migratory Fund will be constituted by the resources coming from the migratory payment established in Article 33 of the present Law. It shall be administered by means of an operating trust, in accordance with the provisions of Articles 185 of the Political Constitution and 66 of Law No. 8131, Financial Administration of the Republic and Public Budgets, of September 18, 2001, which establish that the assets of the Fund shall be administered by the National Treasury in the single State treasury, in order to ensure an efficient and transparent management of the Public Treasury.

The resources of the Social Migration Fund may not be used in trusts or other investment vehicles.

Article sheet

ARTICLE 242.

The Migration Social Fund will be aimed at supporting the social integration process of the migrant population in the national migration, health, education, security and justice services.

This Fund will also be used to meet the humanitarian needs of repatriating Costa Ricans abroad.

The resources derived from the Social Migratory Fund will be distributed as follows:

- 1) Forty percent (40%) will be destined to the General Directorate of Immigration and Foreigners, for the development of the guiding principles of this Law.
- 2) Twenty percent (20%) will be allocated to infrastructure and educational support of the Public Education System.
- 3) Twenty-five percent (25%) will be allocated to public health equipment and infrastructure.
- 4) Five percent (5%) will be destined to equipment and infrastructure of the Ministry of Public Security.
- 5) Five percent (5%) will be destined to equipment, infrastructure and return to the country of origin of the foreign population deprived of liberty, located in the Social Adaptation System; as well as the return of Costa Ricans deprived of liberty abroad.
- 6) Five percent (5%) shall be earmarked for the promotion and encouragement of the integration of migrants in community development associations, created under the Community Development Law, No. 3859 of April 7, 1967. The National Council for Community Development will be responsible for the allocation of these resources.

Article sheet

(Repealed by Article 35 of Title IV of the Law for the Strengthening of Public Finances, No. 9635 of December 3, 2018).

Article sheet

ARTICLE 244.

To manage the Social Migration Fund, the National Treasury of the Ministry of Finance shall authorize the opening of an account in the State's single cashier's office, to be called the Social Migration Fund.

Article sheet

ARTICLE 245.

The Administrative Board shall be the competent body to oversee the use and administration of the Social Migration Fund, without prejudice to the powers of the Comptroller General of the Republic.

Article sheet

TITLE XIV

ADMINISTRATIVE BOARD OF THE DIRECTORATE

GENERAL DE MIGRACIÓN Y EXTRANJERÍA

The Administrative Board of the General Directorate of Immigration and Alien Affairs, hereinafter referred to as the Administrative Board, **is hereby** created.

The Administrative Board will have minimum deconcentration of the Ministry of Interior and Police, and will have legal, instrumental and budgetary personality, to manage the budget of the General Directorate, the Guarantee Deposit Fund, the Special Migration Fund and the Social Migration Fund, created by this law, as well as the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

The Administrative Board may acquire goods and services, and enter into the respective contracts, all for the fulfillment of the purposes of the General Directorate, in accordance with the present law.

(Thus amended by Article 83 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

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The Administrative Board shall be composed of the following members:

- 1) The head of the Ministry of Interior and Police or his representative.
- 2) Whoever is in charge of the General Management or his representative.
- 3) Whoever is the head of Institutional Planning of the General Directorate.
- 4) Whoever serves as administrative-financial director of the General Directorate.
- 5) Whoever serves as regional director.

The Administrative Board shall summon the coordinator of the Technical Secretariat of the National Coalition against the Smuggling of Migrants and Trafficking in Persons and a representative of the Project Management Commission, when dealing with matters related to projects or funds of the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

The Administrative Board may convene to the sessions to the natural or legal person who, depending on the matter, is required to advise, with voice but without vote. Both the incumbents and their alternates must meet the following requirements: be an official of the body it represents, have no conflict of interest in immigration activities and be of recognized ethical and moral solvency. Whoever occupies the Directorate General of Immigration and Alien Affairs may be replaced by whoever is in charge of the Deputy Directorate.

(Thus amended by Article 83 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

ARTICLE 248. The functions of the Administrative Board shall be:

- 1) To formulate investment programs in accordance with the needs and prioritization of the General Directorate.
- 2) To receive donations from public or private, national or foreign entities, and to contract.
- 3) To authorize goods and services; to authorize the execution of the respective contracts for the fulfillment of the purposes of the General Directorate, in accordance with the present law. Authorize the opening of trusts.
- 4) Approve the plans and projects submitted by the different administrative units of the General Directorate, in order to improve its operation.
- 5) Request budget execution reports from the different administrative units of the General Directorate, when deemed convenient.
- 6) To administer the Social Migratory Fund, according to article 242 of the present law.
- 7) Manage the resources of the trusts of the National Fund against Trafficking in Persons and Smuggling of Migrants (Fonatt).

8) Such other functions as may be determined by the regulations of this law.

(Thus amended by Article 83 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

TITLE XV

CRIME OF SMUGGLING OF PERSONS SINGLE

CHAPTER

CRIMINALIZATION OF THE CRIME

ARTICLE 249.-A prison sentence of four to eight years shall be imposed on whoever drives or transports persons, for their entry into or exit from the country, through places authorized or not authorized by the competent immigration authorities, evading the established immigration controls or using legal data or documents, or using false or altered data or documents, or not carrying any documentation whatsoever.

The same penalty shall be imposed on anyone who, in any way, promotes, promises or facilitates the obtaining of such false or altered documents, and on anyone who, with the purpose of promoting the smuggling of migrants, harbors, hides or conceals foreign persons who illegally enter or remain in the country.

The penalty shall be six to ten years imprisonment when:

- 1) The migrant is a minor, elderly and/or disabled person.
- 2) The life or health of the migrant is endangered, due to the conditions in which the act is carried out, or serious physical or mental suffering is caused.
- 3) The perpetrator or participant is a public official.
- 4) The act is carried out by an organized group of two or more persons.
- 5) When the person suffers serious damage to health.

(Thus amended by Article 84 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

Article sheet

Article 249 bis.

A prison sentence of four to eight years shall be imposed on anyone who promotes, plans, coordinates or executes the smuggling of national migrants to a second, third or more countries through places not authorized or authorized by the General Directorate of Migration and Alien Affairs, even when the beginning of the transfer is carried out through the legal channels established by said entity, or

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by evading the controls.

The following are not included in the list of the persons who are not in compliance with the established immigration laws or are using false or altered data or documents, or are undocumented.

The same penalty shall be imposed on anyone who, in any way, promotes, promises or facilitates the obtaining of legal, false or altered documents or covers up legal or illegal financial transactions that affect the assets of the affected person or his or her guarantors, with the purpose of promoting the smuggling of national migrants, and whoever coordinates, facilitates or carries out actions tending to lodge, hide or cover up national persons who enter or remain legally or illegally in a second, third or more countries, with the purpose of consolidating the smuggling of migrants.

The penalty shall be six to ten years imprisonment when:

- 1) The migrant is a minor.
- 2) The life or health of the migrant is endangered, due to the conditions in which the act is carried out, or serious physical or mental suffering is caused.
- 3) The perpetrator or participant is a public official.
- 4) The act is carried out by an organized group of two or more persons.
- 5) As a result of the smuggling of migrants, the person becomes a victim of trafficking.

(Thus added by Article 85 of the Law against Trafficking in Persons and Creation of the National Coalition against Smuggling of Migrants and Trafficking in Persons (CONATT), No. 9095 of October 26, 2012).

[Article sheet](#)

TITLE XVI

SUPPLEMENTARY AND FINAL PROVISIONS

CHAPTER I

SUPPLEMENTARY PROVISIONS

ARTICLE 250.

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The Ministry of Justice must inform the General Directorate of the entry and exit to the Penitentiary System of the foreign persons who have been indicted by the order of a judicial authority. In addition, in the case of foreign persons sentenced, it shall inform when they are placed at the order of the National Institute of Criminology for the purpose of complying with the provisions of article 132 of this Law, and at least thirty days prior to the completion of the sentence, so that the General Directorate may process their deportation or the cancellation of their provisional stay, as the case may be. Failure to comply with this provision may be considered a labor misconduct of the director of the penitentiary center, which must be accredited by the General Directorate before the Minister of Justice and Grace, for the respective sanctioning procedure.

Article sheet

ARTICLE 251.

The Directorate General may charge the cost of the documents and accessories that it issues both at the national and consular level. The funds shall form part of the Special Migratory Fund established in this Law and shall be used for the purchase of materials and equipment for the preparation of such documents and accessories.

Article sheet

ARTICLE 252.

Nationals requesting a passport or safe-conduct, as well as foreigners requesting a foreigner's identification card, must pay to the State the sum of thirty dollars in United States currency (US\$30.00), or its equivalent in colones at the "sale" reference exchange rate calculated and published daily by the Central Bank of Costa Rica. The amount established shall be paid in full in favor of the Government of the Republic or by any other suitable means that guarantees adequate collection.

Article sheet

ARTICLE 253.

For the issuance of any document that accredits the legal permanence of a foreign person, as well as the duplicate, the interested party shall pay to the State the amount of thirty dollars in currency of the United States of America (US\$30.00) or its equivalent in colones at the "sale" reference exchange rate, which is calculated and published daily by the Central Bank of Costa Rica. The amount established shall be paid in full in favor of the Government of the Republic or in any other suitable form that guarantees an adequate collection.

Article sheet

ARTICLE 254.

If the document is renewed thirty days after its expiration date, a fine of three dollars United States currency (US\$3.00) will be charged for each month or fraction of a month of delay. The indicated amount may be paid in United States currency or its equivalent in colones at the "sale" reference exchange rate, which is calculated and published daily by the Central Bank of Costa Rica. The amount shall be paid in full in favor of the Government of the Republic or in any other suitable form that guarantees an adequate collection.

Article sheet

ARTICLE 255.

The foreigner who for the first time applies for legal permanence under the migratory category of permanent resident or temporary resident, must pay to the State the amount of fifty dollars in currency of the United States of America (US \$50.00) or its equivalent in colones at the reference exchange rate "sale", which is calculated and published daily by the Central Bank of Costa Rica. The amount established shall be paid in full in favor of the Government of the Republic or in any other suitable form that guarantees its effective payment. Without proof of this payment, the application will not be processed.

Article sheet

ARTICLE 256.

The foreigner who enters the country under the migratory category of non-resident, and requests an extension of the authorized legal permanence period, must pay the amount of one hundred dollars in currency of the United States of America (US \$100.00) or its equivalent in colones at the "sale" reference exchange rate, which is calculated and published daily by the Central Bank of Costa Rica, by means of a deposit in favor of the Government of the Republic or in another suitable form that guarantees its effective payment. Without proof of this payment, the application will not be processed.

Article sheet

ARTICLE 257.

In order to be beneficiaries of multiple visas, as established in the present Law, foreigners must pay the sum of one hundred dollars in United States currency (US\$100.00) or its equivalent in colones at the "sale" reference exchange rate, which is calculated and published daily by the Central Bank of Costa Rica, in favor of the State, by means of a deposit in favor of the Government of the Republic or in another suitable form that guarantees an adequate collection.

Article sheet

ARTICLE 258.

The monies collected by the State, by means of this Law, shall be deposited the following year in the corresponding funds.

Article sheet

ARTICLE 259.

The Ministry of Foreign Affairs and Worship shall communicate to the General Directorate the information on any authorization of legal stay that it may be required to grant.

Regarding immigration matters, the Ministry of Foreign Trade will coordinate, with the General Directorate, everything related to the negotiation of free trade agreements promoted in Costa Rica. In special cases, the Executive Power will determine the migratory treatment that will receive the foreign beneficiaries of the free trade agreements subscribed by Costa Rica, for the effects of their entrance to the country and their permanence in it.

Article sheet

ARTICLE 260.

The General Directorate of the Civil Registry shall send the following documents to the General Directorate of Migration and Aliens:

- 1) Copy of each final resolution, in which naturalization is granted to a foreign person.
- 2) Copy of the death certificate of foreign persons.
- 3) Any other document required for compliance with this Law.

Article sheet

ARTICLE 261.

All the studies and recommendations provided for in this Law for lack of labor or of any other nature, must be issued based on research of an exclusively technical nature and with the opinion of the social sectors involved; to this end, they may involve the participation of interdisciplinary teams from other public institutions, as well as civil society entities that guarantee the timeliness and veracity of the information.

[Article sheet](#)

CHAPTER II FINAL PROVISIONS

ARTICLE 262.

Migratory posts duly established at the time of the entry into force of this Law shall continue to operate normally.

[Article sheet](#)

ARTICLE 263.

Migratory documents issued prior to the entry into force of this Law shall remain in force until their respective expiration date.

[Article sheet](#)

ARTICLE 264.

The Refugee, Restricted and Consular Visas Unit is hereby created as a technical and administrative support body of the Restricted Visas and Refugee Commission, attached to the General Directorate of Immigration and Foreigners Affairs.

[Article sheet](#)

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ARTICLE 265.

Article 16 of Law No. 7739, Childhood and Adolescence Code, of January 6, 1998, is hereby amended. The text shall read:

"Article 16.-Exit control

The entry and exit of minors from the country shall be controlled by the General Directorate of Migration and Alien Affairs of the Ministry of the Interior and Public Security. In order to prevent them from illegitimately leaving the national territory, this Directorate will keep a record of impediments to exit, based on the information that the judicial authorities send for this purpose.

When between parents with parental rights there is a conflict over the granting of permission to leave the country, of their minor sons and daughters, or in cases where there are conflicting interests, as contemplated in Articles 140 and 150 of the Family Code, only the competent judge in family matters may qualify the dissent and grant the corresponding permission when appropriate, through due process, appointing a special guardian who will represent the absent parent or the person who holds the legal representation, and always considering, in the process, the best interests of the minor.

In very qualified or urgent cases, due to the evident benefit that the trip will provide to the minor person, or due to the damage that the longer time of the normal procedure may cause him/her, the Executive Presidency of the National Children's Trust will weigh the situation with discretionary criteria, both of the convenience and of the attestations presented to it, and may grant the consent for the departure of the country, thus communicating it to the General Directorate of Migration and Aliens. If, during the process, opposition is presented by the person with legal representation of the minor, the interested parties will be referred to the corresponding judicial channel."

Article sheet

ARTICLE 266.

The Migration and Foreigners Law, No. 8487, of November 22, 2005, is hereby repealed.

Article sheet

ARTICLE 267.

Article 24 of Law No. 7744, Concession and Operation of Tourist Marinas, of December 19, 1997, is hereby repealed.

Article sheet

ARTICLE 268.

This Law is of public order and repeals all other legal provisions of a migratory nature that oppose it or are incompatible with its application.

Article sheet

TRANSITIONAL I.-

Independently of the ordinary and extraordinary budget corresponding to the year of approval of the present Law, the Government of the Republic shall grant the General Directorate of Immigration and Foreigners, for a single time, an exceptional income of seven billion colones (¢7,000,000,000.00) for the development and improvement of said Directorate, in terms of surveillance, control and integration of foreigners, along its borders and in the interior of the country. The logistic resources, as well as the equipment and personnel, shall be included in a surveillance and control budget project that said Directorate shall submit to the Ministry of Finance, so that these resources may be included in the next ordinary budget of the Republic, as of the approval of this Law.

Article sheet

TRANSITORY II.

Foreigners who have obtained their legal permanence under the previous immigration legislation shall continue to enjoy said benefit under the conditions originally authorized. However, for the purposes of renewing their status and the document of permanence as a resident, they must prove their affiliation to the CCSS insurance, in accordance with the provisions of subsection 7) of article 7 and articles 78 and 80 of the present Law. Likewise, they must pay the migratory payments contemplated in paragraphs 4) and 5) of article 33 and in articles 252, 253 and 254 of the present Law.

It is effective six months after its publication.

Given at the Presidency of the Republic, San José, on the nineteenth day of August of the year two thousand nine.

Execute and publish

Article sheet

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