



Protocol for Attention to Special Migratory Situations

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LIST OF ABBREVIATIONS

UNHCR: United Nations High Commissioner for Refugees.

CCSS: Costa Rican Social Security Fund.

CNE: National Emergency Commission.

CONATT: National Coalition against the Smuggling of Migrants and Trafficking in Persons.

DGME: General Directorate of Migration and Alien Affairs.

ERI: Immediate Response Team.

ESME: (Technical) Team for Special Migratory Situations.

FP: Public Force.

FACTRA: Deputy Prosecutor's Office against Trafficking in Persons and Smuggling of Migrants.

INAMU: National Women's Institute.

LGTBI: Lesbian, gay, bisexual, transsexual and intersex. **OAPVD:** Office for the Attention and Protection of Victims of Crime. **PANI:** National Child Welfare Agency.

PME: Person under age.

PPM: Professional Migration Police.

RH: Humanitarian Reasons.

SME: Special Migratory Situation.

ST: Technical Secretariat.

TIM: Smuggling of Migrants.

ToP: **Trafficking** in Persons.

VAW: Violence against Women.

VTdP: Victim of Trafficking in Persons.

UEPME: Special Unit for Minors.

OBJECTIVE

GENERAL OBJECTIVE

Define procedures and mechanisms that allow officials of the General Directorate of Migration and Alien Affairs to adequately identify special migratory situations and make the corresponding referral, after identifying and weighing the risks associated with the situation detected, guaranteeing a homogeneous approach that respects human rights.

DEFINITION OF SPECIAL MIGRATORY SITUATIONS

Within the framework of this protocol, a special migratory situation will include cases in which persons are in a situation of vulnerability or are possible victims of a criminal situation, whether they are migrants in the national territory or Costa Ricans abroad,

DEFINITIONS

Mass internal and cross-border displacement: Occurs when societies fail to cope with the damage and loss of material, environmental and human life caused by socioeconomic, political, demographic factors and war or terror. There is an increasing number of mass displacements due to environmental degradation, natural hazards and climate change. These displacements often involve migrants who require the activation of specific actions that allow for a comprehensive approach and the generation of referrals and articulations to provide an efficient migration response that respects human rights.

Epidemiology is the study of the distribution and determinants of health-related states or events (particularly diseases) and the application of these studies to the control of diseases and other health problems. There are various methods for conducting epidemiological research: surveillance and descriptive studies can be used to analyze distribution, and analytical studies can be used to look at determinants. This health problem often involves migrants who require the General Directorate of Migration and Aliens to activate institutional and inter-institutional actions that allow an integrated and articulated approach.

Best Interest of the Minor: in strict compliance with the provisions of the United Nations Convention on the Rights of the Child and the Code of Childhood and Adolescence, in any public or private action involving a minor, the best interest of the minor must prevail, which guarantees respect for his or her rights with adequate attention and protection. The determination of the best interest is based on the condition of active subject of the rights and responsibilities of the minor, the degree of maturity, age, capacity for discernment and other personal conditions, the socioeconomic conditions where he/she lives and the correspondence between individual and social interest. The Patronato Nacional de la Infancia is responsible for the care, protection and assistance of minors, in accordance with its constitutional mandate.

Primary care measures: immediate actions aimed at providing care and protection to a person who is a victim of the crime of trafficking in persons and/or smuggling of migrants and/or to migrants or Costa Ricans abroad who are in a situation of vulnerability, which are referred to as follows

specifically to the assistance to be provided in basic social needs, safe housing, comprehensive health care, legal advice and protective measures.

Castaway: A person, whether military or civilian, who finds himself in distress at sea or in other waters as a result of an accident affecting him or the vessel or aircraft carrying him. He shall continue to be considered a castaway during his salvage, until he acquires another status.

Smuggling of Migrants (SMM): The facilitation of the illegal entry of a person into a State Party of which such person is not a national or permanent resident for the purpose of obtaining, directly or indirectly, a financial or other benefit.

Refugee (a): (...) persons who: Due to 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 nationality and is unable or, because of such fear, is unwilling to avail himself of the protection of such country.

Trafficking in Persons (TdP): Trafficking in persons shall mean, the action in which through the use of technologies or any other means, resorting to the threat, use of force or other forms of coercion, abduction, fraud, deception, abuse of power, a situation of vulnerability, or the granting or receiving of payments or benefits to obtain the consent of a person having authority over another, promotes, facilitates, favors or executes, the recruitment, transfer, transportation, accommodation, concealment, retention, delivery or reception of one or more persons within or outside the country, to subject them to forced labor or services and other forms of labor exploitation, servitude, slavery or practices similar to slavery, servile or forced marriage, irregular adoption, forced begging, forced pregnancy and forced abortion, and the execution of any form of sexual exploitation.

In the case of minors, the recruitment, transportation, transport, housing, concealment, retention, delivery or reception shall be considered trafficking in persons, even when none of the circumstances described in the first paragraph of this article are used.

Trafficking in persons shall also be understood as the promotion, facilitation, favoring or execution of the recruitment, transfer, transportation, lodging, concealment, retention, delivery or reception of one or more persons within or outside the country, for the purpose of illicit extraction.

Victim of Trafficking in Persons (VoT): A person who has suffered harm, including physical or mental injury, emotional suffering, financial loss or substantial impairment of fundamental rights, as a result of the crime of trafficking in persons and related activities, whether domestic or foreign. Preliminary profiling: Those situations in which, if no professional action is taken, there are reasonable indications that there may be a situation of social urgency or crime. This situation may or may not be expressed by the person(s) affected or by a third party or by the professional who is performing the care. It requires immediate attention without which it is foreseeable or reasonable that there will be a deterioration of the situation or harm to the person(s) affected.

Profiles are situations, circumstances or transitions that place people in a crisis, difficulty or vulnerability and that may contribute to, influence or facilitate the emergence or increase of a situation of serious harm to people if protective actions are not implemented.

Referral mechanisms: Procedure for referrals and/or demand for intra-institutional and inter-institutional interventions that cannot wait to be attended in the ordinary way.

Transgender: Refers to people whose gender identities are different from the sex or gender they were assigned at birth.

Risk assessment: These are the basic criteria to be taken into account to identify a possible special migratory situation, either because the physical or psychological integrity of a person is at risk or when there is suspicion or certainty that he/she is a victim of a criminal situation.

Conditions of vulnerability: Refers to those social, cultural, economic, political and personal situations that place people in conditions of greater risk of violation of their human rights.

For the purposes of this Protocol for Attention to Special Migratory Situations, the following populations are considered especially vulnerable, although this list may change and is not exhaustive:

1. Unaccompanied or separated children or adolescents.
2. Accompanied children and adolescents in conditions of vulnerability, such as pregnancy, possible victims of sexual violence, forced marriage, smuggling of migrants or trafficking in persons or in conditions of exploitation.
3. Possible victims of human trafficking.
4. Refugees and applicants for refugee status.
5. Women who may be victims of sexual or gender-based violence, pregnant women traveling alone, especially adolescents.
6. Persons who may be subject to smuggling of migrants.
7. Castaways.
8. Possible massive displacements.
9. LGTBI Collective: Lesbians, gays, bisexuals, transsexuals and intersexuals.

BACKGROUND

The General Directorate of Migration and Alien Affairs (DGME) since the entry into force of the new General Law of Migration and Alien Affairs, Law No. 8764, has been concerned with the regularization, permanence and departure of foreigners in the country and especially to ensure respect for the human rights of migrants regardless of their immigration status.

In order to provide a timely and comprehensive approach, this Protocol establishes the general guidelines regarding the institutional operation mechanisms to be followed by the DGME on special migratory situations that require immediate intervention by the various specialized Units.

The first step towards effective protection of special migratory situations is the identification of those persons or groups of persons who, due to their characteristics and/or conditions, are considered vulnerable. Once identified, it is possible to activate protection and assistance procedures. However, it is common that people with special conditions of vulnerability are not identified as such and therefore do not receive differentiated treatment. On the contrary, they are often re-victimized through the indiscriminate application of procedures such as detention, rejection, refoulement or deportation.

For this purpose, the DGME has created a specialized coordination and advisory team called the Special Migration Situations Team.

Among the situations to be addressed in the Protocol for Attention to Special Migratory Situations are: Unaccompanied or separated children or adolescents, Accompanied children and adolescents in vulnerable conditions, such as pregnancy, possible victims of sexual violence, forced marriage, smuggling of migrants or human trafficking or in conditions of exploitation, Possible victims of human trafficking, Refugees and applicants for refugee status, Women possible victims of sexual or gender-based violence, Pregnant women traveling alone, especially adolescents, Persons who may be subject to smuggling of migrants, Shipwrecked persons, Possible mass displacement, LGTBI collective: Lesbian, gay, bisexual, transgender and intersex and referrals of cases by other institutions, or any special migratory situation of urgent or humanitarian nature.

Immediate intervention by the various specialized units should be understood as the generation of coordinated actions according to their mandate and competence, in accordance with the application of the national and international regulations in force, basing their actions on the guiding approach to human rights, attending to and referring cases immediately.

At the end of the year, the process of international articulation and collaboration with Migration EU eXpertise (MIEUX) 2017 began, with the purpose of improving the Protocol for Attention to Special Migratory Situations and its forms, as well as generating training to educate trainers, capable of adequately transmitting the activation and execution of this Protocol.

1. MISSIONS OF THE PROTOCOL OF ATTENTION TO SPECIAL MIGRATORY SITUATIONS

Article 1.- Objectives. The Protocol of Attention to Special Migratory Situations aims to generate knowledge and awareness of the various special migratory situations that may arise, ensure the identification of these situations by all officials of the DGME, as well as its comprehensive approach in a professional, effective and homogeneous manner, with absolute respect for the individual human rights of the persons involved.

At the same time, it seeks to generate channels for early knowledge of special migratory situations that may arise in order to intervene promptly in them, establishing the guidelines to be followed, provided that they are validated by the highest authority of the DGME.

It also establishes the guidelines and procedures that will enable the necessary coordination to be carried out in the event of the detection of an EMS.

For this purpose, the Technical Team for Special Migratory Situations (hereinafter referred to as ESME) is created, which will be endowed with broad powers as detailed below, and its Technical Secretariat (TS).

2. SCOPE. SCOPE OF APPLICATION

Article 2.- Scope. The Protocol of Attention to Special Migratory Situations shall be applied, without exception, by all persons working in the various offices that the DGME has throughout the country, in all procedures and instances in which they interact with migrants. Likewise, it will also be applied in all those cases in which officials have contact with people who fit the profiles set forth herein.

In all these cases, the protocol should be applied to identify the EMS, make an initial assessment and make the corresponding referral.

3. GENERAL FUNCTIONS OF THE TECHNICAL TEAM FOR SPECIAL MIGRATORY SITUATIONS. INTEGRATION AND FUNCTIONING.

3.1. POWERS OF THE TECHNICAL TEAM FOR SPECIAL MIGRATORY SITUATIONS. DIFFERENT TYPES OF INTERVENTIONS

Article 3.- Powers. The ESME shall ensure the proper functioning of the protocol for which it shall enjoy broad powers and prerogatives sufficient to resolve all issues that may arise, in response to the dynamism and mutation inherent in migration policy. Such powers have been granted and are under the direction of the highest authority of the DGME. Thus, among other prerogatives, it will have the following:

3.a. Design of instruments and tools

- 3.a.1. Generate the different instruments for the identification and assessment of special situations, such as interview guides, lists of indicators, informative and preventive material, statistics, among others, which will be mandatory for use by all DGME agents.
- 3.a.2. Establish the guidelines, recommendations, circuits and reference mechanisms to be followed in the different cases that may arise.

3.b. Coordination role

- 3.b.1. Receive and respond in a coordinated manner to all alerted special migratory situations, according to the mandate and competence of each of the team members.
- 3.b.2. Coordinate the corresponding comprehensive protection measures with the due support of the DGME, in accordance with the regulations in force and in full consideration of the Human Rights approach and according to the particular case submitted to it.
- 3.b.3. Coordinate with the Patronato Nacional de la Infancia to deal with all cases involving minors, and inform the Commission for Children and Adolescents, depending on the particular case brought before it.

- 3.b.4. Activate national and regional protection systems when necessary.
- 3.b.5. When necessary, coordinate with governmental and non-governmental institutions, with the Immediate Response Team (ERI), as well as with any other instance that allows guaranteeing the rights of the people who are intervened by the ESME.

3.c. Operational intervention

- 3.c.1. Assess possible special migratory situations reported by ESME members and/or other state agencies, through a process of application of indicators and arrange the necessary measures to address the case.
- 3.c.2. Follow up on the cases dealt with by the ESME.
- 3.c.3. Execute any other action corresponding to the mandate of the ESME Units.

3.d. Definition of best practices

- 3.d.1. Update the members of the ESME and the bodies that comprise it on special migratory situations, so that they can carry out the approaches with the necessary knowledge and experience, in compliance with national and international regulations.
- 3.d.2. Periodically update the operational guidelines, as well as the instruments designed for identification and assessment, adjusting them to the migratory reality of the country.
- 3.d.3. Issue the necessary recommendations to the head of the DGME on the cases assessed.

3.e. Knowledge generation

- 3.e.1. Establish the criteria for recording statistical information and determine the circuits and channels for reporting the data.
- 3.e.2. Provide statistical data at the institutional and inter-institutional level, maintaining confidentiality criteria and proper handling of information.

- 3.e.3. Analyze statistical information in order to generate knowledge and define courses of action.

3.f. Training. Monitoring and continuous improvement.

- 3.f.1. Monitor and provide general follow-up of the situations attended to, and may therefore make the pertinent calls with any of the Units that make up the ESME, prioritizing immediate assistance and protection tasks.
- 3.f.2. Design the contents and instruments to train the DGME agents for the proper application of the detection, assessment and referral mechanisms, being the obligation of each of the members to guarantee the proper training of their agents.
- 3.f.3. Support internal training to be carried out by the different units that make up the ESME.
- 3.f.3. Create and follow up on the Annual Operational Plan and other instruments required by the DGME.
- 3.f.5. It shall monitor and evaluate the Protocol for Attention to Special Migratory Situations, urging the corrective actions it deems appropriate to ensure the proper functioning of the tool.

3.2. INTEGRATION AND RESPONSIBILITIES.

Article 4.- The ESME shall be composed of one representative and two alternates who shall have decision-making power or the direct channel to achieve an immediate decision to the matters submitted to their attention, from each of the following Units of the DGME.

Article 5.- The Head of the DGME is responsible for the ESME and shall appoint a representative and two alternates for each of the units that are part of the ESME, by means of a formal official letter, and shall ensure that there is always appointed representation:

- Operational and Regional Technical Directorate:

- Migration Management, Alien Management and Regional Coordination.
- Professional Police Directorate for Migration and Foreigners:
 - Investigation, Analysis and Police Intelligence Management
 - Care Center Management: CATEM-CARC
 - Regional Police Management,
 - Operational Management.
- Directorate of Integration and Human Development
- Management of Smuggling of Migrants and Trafficking in Persons (ESME Technical Secretariat)
- Shelter Subprocess.

The DGME will be responsible for updating and training ESME members on special migratory situations, so that they can carry out the approaches with the necessary knowledge and experience, in compliance with national and international regulations. As well as the technical, human and operational conditions to be able to perform the functions properly.

Article 6.- Common responsibilities. The areas and units that make up the Protocol of Attention to Special Migratory Situations, without prejudice to the specific responsibilities that correspond to their specific and non-delegable competencies, shall have the following responsibilities:

- 6.a. Identify, by applying this protocol, the special migratory situations that may arise.
- 6.b. Apply the ESME Interview Guide and send a copy of the report to the TS.
- 6.c. Apply in its different units the appropriate assessment of indicators when a possible special migratory situation is suspected.
- 6.d. Provide primary care measures for any special migratory situation.

- 6.e. Carry out the pertinent coordination with the DGME.
- 6.f. Coordinate with governmental and non-governmental institutions for the appropriate care of identified cases.
- 6.g. To develop the pertinent actions regarding the care and protection of persons referred for special migratory situations in accordance with its mandate.
- 6.h. Urge the activation of the ERI when appropriate.
- 6.i. Coordinate with the corresponding consulates according to their competence.
- 6.j. Report to the ESME Special Migratory Situations that are detected and require its intervention.
- 6.k. Submit information for the preparation of the EMS case database in accordance with the guidelines established by the ESME.
- 6.l. Diligently maintain custody of EMS case files.
- 6.m. Train its personnel in the proper use of this Protocol and its annexes, using the material designed by the ESME, ensuring the constant training and updating of its personnel.
- 6.n. Actively participate in each of the steps related to the ESME's mandate and attend the calls made by the ESME.
- 6.o. Promote and facilitate that key ESME stakeholders organize their own roles of availability to respond to all possible special migratory situations and make them known to the TS.

The highest authority of the DGME will be the liaison with the heads of other governmental and non-governmental institutions for the creation of articulation mechanisms to adequately address EMS.

Article 7.- Specific responsibilities. In addition to the responsibilities set forth in the preceding article, the following shall correspond to:

7.a. Alien Management.

- 7.a.1. To provide technical advice on the Alien Regulations.
- 7.a.2. Create agile routes for the documentation of urgent or special cases within a period of no more than 72 hours after the case is known, in the case of services to be provided at the central level.
- 7.a.3. Expeditiously verify the judicial record.

7.b. Migration Management

- 7.b.1. Liaise with the Commission for Children and Adolescents, or with the Tripartite Commission when necessary.
- 7.b.2. Create agile routes for the documentation of urgent or special cases within a period of no more than 72 hours after the case is known.
- 7.b.3. Proceed with the documentation of nationals abroad so that they may re-enter the country.
- 7.b.4. Exit permits for minors.

7.c. Operational technical direction - regional coordination

- 7.c.1. Create agile routes for the documentation of urgent or special cases within a period of no more than 72 hours after the case is known, in the case of services to be provided at the regional level.

7.d. Directorate of Integration and Human Development

- 7.d.1. Provide assistance to Costa Ricans living abroad in vulnerable situations.
- 7.d.2. Repatriation of bodies.
- 7.d.3. To ensure the coordination of integration and reintegration processes for nationals and foreigners, ensuring respect for their human rights.

7.e. Management of smuggling of migrants (SMM) and trafficking in persons (ToP)

- 7.e.1. In matters of TIM and TdP, there shall be active coordination with the Directorate of the Professional Migration Police.
- 7.e.2. Apply the care and protection measures agreed upon within the Model of Comprehensive Care for Survivors and Victims of Trafficking in Persons (VTdP).
- 7.e.3. Activate, if appropriate, the ERI, as well as the provisions of national and international regulations on trafficking in persons.
- 7.e.4. Provide support in the various operations for the detection, prevention and rescue of persons involved in special migratory situations.
- 7.e.5. Detection and referral of cases of TdP, TIM or any other special migratory situation that may be referred to it.
- 7.e.6. Coordinate with DGME agencies, national and international governmental and non-governmental organizations or the corresponding judicial authorities.
- 7.e.7. To be responsible for the TS of the ESME.

7.f. Directorate of the Professional Migration Police.

- 7.f.1. Carry out intelligence work in any special migratory situation, safeguarding at all times the integrity of the person and in full compliance with the Human Rights approach.
- 7.f.2. To develop the pertinent actions regarding the care and protection of persons referred for special migratory situations in accordance with its mandate.
- 7.f.3. Coordinate with the relevant DGME agencies or the corresponding judicial authorities.
- 7.f.4. Liaise with the Specialized Units for Minors (UEPME) for the approach of minors (PME) and provide accompaniment to the PME, preferably through the UEPME.

- 7.f.5. Coordinate and participate in control, prevention and rescue operations of possible victims of any of the special migratory situations.
- 7.f.6. To guide actions regarding the dismantling of TIM and TdP networks in coordination with the corresponding Units and judicial or migratory authorities.
- 7.f.7. Consolidate statistical information and submit it to the TS in accordance with the guidelines established by the TS.
- 7.f.8. Ensure adequate training of Police Officers in the proper use of this Protocol.

7.g. Center for Temporary Attention to Migrants (CATEM)

- 7.g.1. To develop the pertinent actions regarding the care and protection of persons referred for special migratory situations in accordance with its mandate.
- 7.g.2. Provide humanitarian stay when required, but not as detainees.
- 7.g.3. Immediately notify the TS when migrants in vulnerable conditions enter the country.
- 7.g.4. Assessment of precautionary measures in accordance with the law to be applied according to the special migratory situation.

7.h. Central Region Apprehension Center (CARC)

- 7.h.1. Identify possible cases of vulnerability that merit the activation of this protocol.
- 7.h.2. Refer possible cases to the corresponding area, department, institution.
- 7.h.3. Request a change of precautionary measure when appropriate.

7.i. Shelter Subprocess

- 7.i.1. Provide due attention to any special migratory situation referred by the ESME or any other instance of the DGME, especially in terms of refuge.
- 7.i.2. Participate when requested by the Directorate of the Professional Migration Police in the various operations to initiate the process of assessment for refugee status.
- 7.i.3. Ensure that no refugee claimant or person recognized as a refugee is turned back at the border or deported to his or her country of origin.
- 7.i.4. Coordinate and expedite the processes in cases where applicants for refugee status are also accredited as VTdP by the ERI, as indicated in the Law against Trafficking in Persons and Creation of the National Coalition against the Smuggling of Migrants and Trafficking in Persons. Law No. 9095.

3.3. DIRECTION AND COORDINATION OF THE ESME.

Article 8.- Direction. The Technical Team for Special Migratory Situations (ESME) will be directed by the Director of the DGME, from where the necessary operational and administrative coordination will be carried out to ensure the effective functioning of the ESME.

Article 9.- Technical Secretariat. The ESME shall be coordinated by a Technical Secretariat in charge of the Management of Smuggling of Migrants and Trafficking in Persons.

Article 10.- Functions. The Technical Secretariat of the ESME shall exercise administrative and secretarial coordination, having the following functions:

- 10.a. Document in minutes the details of regular and special meetings of the ESME.
- 10.b. Collect, record and update information, in files, on each event reported using the corresponding instruments and database, for which the different offices must immediately send the corresponding information.

- 10.c. Follow up on the activation of immediate protection measures.
- 10.d. Conduct ESME solicitations and activation.
- 10.e. Coordinate with other national and regional governmental and non-governmental agencies when necessary.
- 10.f. Coordinate with the Communication Sub-process for official communications.
- 10.g. Maintain and update EMS case files.
- 10.h. Inform by means of the respective special communiqués the roles of availability, as well as the means by which the contacts between the ESME instances may be made.
- 10.i. Keep the highest authority of the DGME informed of the different EMS attended.
- 10.j. To transmit to the highest authority of the DGME the recommendations that the ESME has agreed to formulate.
- 10.k. Maintain the information centralized in its TS, under the respective principle of confidentiality.

3.4. PROCEDURAL RULES.

Article 11.- Headquarters. The ESME shall be headquartered at the central offices of the DGME. Likewise, its Technical Secretariat (TS) shall be located in the Management of Smuggling of Migrants and Trafficking in Persons.

The Management of Smuggling of Migrants and Trafficking in Persons, in its capacity as Technical Secretariat of the ESME, will provide the physical space and logistical support necessary for the corresponding sessions, as well as for the application of interviews. Eventually, the ESME will have to travel to the different regions requiring the corresponding support from the Directorate of the Professional Migration Police.

Article 12.- Ordinary sessions. The ESME shall ordinarily meet four times a year, without prejudice to holding extraordinary meetings, under the terms set forth in this protocol. The full members or their representatives to the ESME shall have the right to speak and vote. The calendar of the plenary sessions shall be sent by the TS annually in December to each of the members and representatives.

Article 13.- Quorum for ordinary sessions. The presence of a simple majority of the members shall be required for a meeting to be held as of right. Resolutions shall be adopted by absolute majority of those present. In the event of a tie, the person holding the highest office of the DGME shall have the casting vote, and in his/her absence, the TS shall have the casting vote.

Article 14.- Extraordinary sessions. Any of the members of the ESME may request the holding of extraordinary sessions by means of a request to the TS, due to urgent matters and/or the occurrence of any of the situations described in this protocol.

Article 15.- Quorum for extraordinary sessions. Upon receiving a request from some of the members of the team, the TS shall summon those members who have specific competence to deal with the issue raised and shall inform the remaining members that an extraordinary session will be held. Those summoned will have the obligation to participate in the extraordinary session, while for the rest, participation will be optional. In all cases, the unit that requested the session must be summoned. The quorum required for a meeting shall be a simple majority of those summoned, and decisions may be made by a simple majority of those present. In the event of a tie, the head of the DGME shall have the casting vote, and in his/her absence, the TS shall have the casting vote.

Article 16.- ESME Minutes. In all cases in which the ESME meets, the details of the topics discussed and the decisions adopted shall be recorded in the minutes.

Article 17.- Principle of flexibility. For the purpose of guaranteeing agile and adequate communication, the TS shall convene the different sessions through official electronic mail (esme@migracion.go.cr) or any other means it deems appropriate, provided that these are effective.

Article 18.- Communication mechanisms. The DGME shall provide the ESME with an economic budget, the necessary mobile devices to allow immediate communication by its representatives, who when absent, shall be their substitutes who shall be responsible for the mobile device. as well as a vehicle with its respective driver that allows generating the necessary displacements according to the needs of the persons involved in the alleged situations established in this Protocol, for which it shall also be necessary the company of the Directorate of the PPM to provide custody and security to the officials who address the case.

Article 19.- Availability roles. The roles of availability shall be made known to the DGME as the entity responsible for the ESME, who, through the TS, shall make the official communications via e-mail to the units that make up the ESME so that they can generate the corresponding coordination.

4. ACTIVATION OF THE SME AND PRINCIPLES.

4.1. CRITERIA FOR ACTIVATION.

Article 20.- Activation criteria. Without prejudice to the specific responsibilities of each member unit of the Special Migratory Situations Protocol aimed at identifying special migratory situations and appropriate referral or care when appropriate, shall be communicated to the ESME:

- 20.a. Changes in migratory flows or the detection of extraordinary flows that require differentiated approaches.
- 20.b. Prevention of situations.
- 20.c. Cases in which it is not feasible for the area that detects the special migratory situation to provide an adequate response.
- 20.d. Cases that, due to their complexity, require a comprehensive approach by several services.

- 20.e. When the identified case does not clearly apply to any of the established processes, but could be a special migratory situation.
- 20.f. When it becomes aware of an EMS by request or referral from other agencies or institutions.

Article 21.- Activation with possible victims of human trafficking. Upon reasonable suspicion of a situation of trafficking in persons, the Management of Smuggling of Migrants and Trafficking in Persons and the Directorate of Professional Immigration Police shall be jointly alerted. Whoever detects the SME must submit a report with the indicators of the possible crime of TdP and the needs detected. The Management of Smuggling of Migrants and Trafficking in Persons will assess the case and will be responsible for activating the respective ERI Protocol, as well as the application of Law No. 9095 and its Regulations, to meet the needs of the victims and to provide the cooperation required by the Directorate of Professional Immigration Police. The Professional Migration Police Directorate will coordinate with the Deputy Prosecutor's Office against TdP and TIM (FACTRA) and will provide the corresponding protection and assistance.

Article 22.- Activation in persons who may be subject to smuggling of migrants. Upon reasonable suspicion of a situation of TIM will be alerted as a first responder to the Directorate of the Professional Immigration Police, an instance that will be responsible for conducting the corresponding investigation, apply the ESME Interview Guide aimed at gathering intelligence for further analysis, take the necessary measures to safeguard the integrity of third parties. In the event that special humanitarian needs are detected, immediate actions will be coordinated with the Migrant Smuggling and Trafficking in Persons Management, which, in the latter case, will request a report on the needs required with the person's basic information, a copy of the passport or identity documents, the ESME Interview Guide, in order to compile the respective file and manage the necessary coordination. In case of not having identity documents, coordinate with the respective Consulate. When the Directorate of the Professional Migration Police and/or the Management of Smuggling of Migrants and Trafficking in Persons deem it necessary, they may activate the ESME.

Article 23.- Activation with persons and applicants for refugee status in conditions of vulnerability. Upon the report of a situation involving a request for Refuge, the person in charge of the Refuge Subprocess shall be alerted as a first step, from where the corresponding actions in this matter shall be coordinated. This Unit may coordinate directly with the Directorate of the Professional Immigration Police what is determined necessary in terms of the mandate of timely and immediate assistance for those situations that warrant it, or with the Management of Smuggling of Migrants and Trafficking in Persons in the event that in addition to that particularity may be detected elements of a possible situation of trafficking in persons. Likewise, the Shelter Subprocess may activate the ESME when deemed necessary.

Article 24.- Activation in case of shipwreck. The National Coast Guard Service shall communicate to the Directorate of the Professional Immigration Police that a shipwrecked person was found both in the territorial sea and in our patrimonial sea, also sending a report of the circumstances surrounding the case.

Once the communication from the National Coast Guard is received, the following procedure is carried out:

- The Professional Migration Police officer coordinates the verification of the castaway's physical and mental health condition. In the case of PME, the corresponding coordination with PANI is carried out.
- The officer of the Professional Migration Police informs the Consulate of the respective country (except in refugee cases).
- The Professional Migration Police reviews the documentation submitted by the National Coast Guard Service to detect possible cases of human trafficking, smuggling of migrants, applicants for refugee status or various crimes. In case of suspicion of such a situation, the corresponding protocol is activated.
- In the specific case of a shipwreck, a resolution is issued in which, for humanitarian reasons, a legal stay in the country is granted for a period of time sufficient for the respective Consulate to carry out the procedures for repatriation.

This resolution is signed by the person acting as Director General of Migration and Aliens and must be notified personally to the castaway.

- While in Costa Rica, the castaway will be monitored by the Consulate of his/her country in coordination with the Directorate of the Professional Migration Police.

Article 25.- Activation due to Epidemiology situation. Articles 61, paragraph 2) and 63 of the General Law of Immigration and Foreigners N°8764 indicate the requirements for entry into the country, for persons in case of being detected with any disease. Upon detecting a person with an infectious disease, the official must isolate him/her from the rest of the users and immediately contact the Ministry of Health's Governing Area, and register the call through 9-1-1. It is important to point out that DGME officials do not have the capacity to detect if a person is suffering from an infectious condition. This will be activated to the extent that there is prior warning or the symptoms are very evident.

The Ministry of Health will be in charge of transferring the person in case it is required, so there must be adequate communication with the Ministry in order to have alerts, inspections, follow-ups, among others.

Article 26.- Activation due to mass displacement. Attention to a situation of mass displacement involves two possibilities, whether it is internal to the State or whether it crosses borders and therefore people are forced to cross national borders. In both situations, in the case of foreigners, the absence of identification documents is present, especially in cross-border displacement.

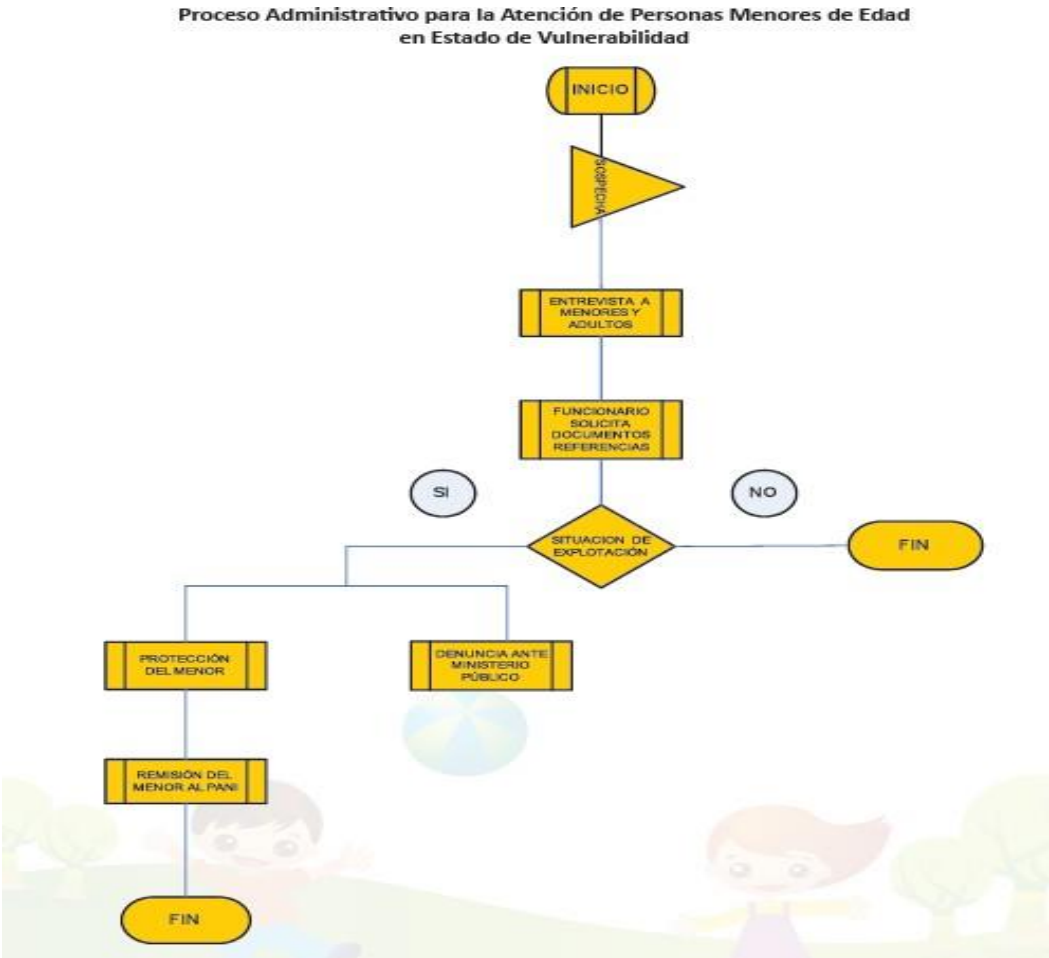
The DGME will be responsible for the mobilization of personnel trained in migration control, with a humanitarian approach, making immediate contact with the local emergency committees or ESME.

Article 27.- Activation by the PME approach: the DGME has different intervention protocols, carried out by the Childhood Commission and the Tripartite Commission, these protocols contain the routes to provide comprehensive protection to children and adolescents, which are detected in the

These documents outline the procedures to be followed by immigration officials in order to guarantee the fundamental rights protected by the Convention on the Rights of the Child. The protocols are the following:

Article 28.- Protocols to be considered in cases of PME approach. In cases where minors are detected, the following protocols shall be applied.

- **Action Protocol for officials of the Directorate General of Migration in relation to minors in situations of vulnerability.** The purpose of this Protocol is to present/provide/facilitate to the officials of the DGME the intervention mechanisms for the protection of minors, based on legal instruments from the national and international framework; also, through the systematization of rules and procedures to strengthen the approach to national and foreign minors in any circumstance they are in.

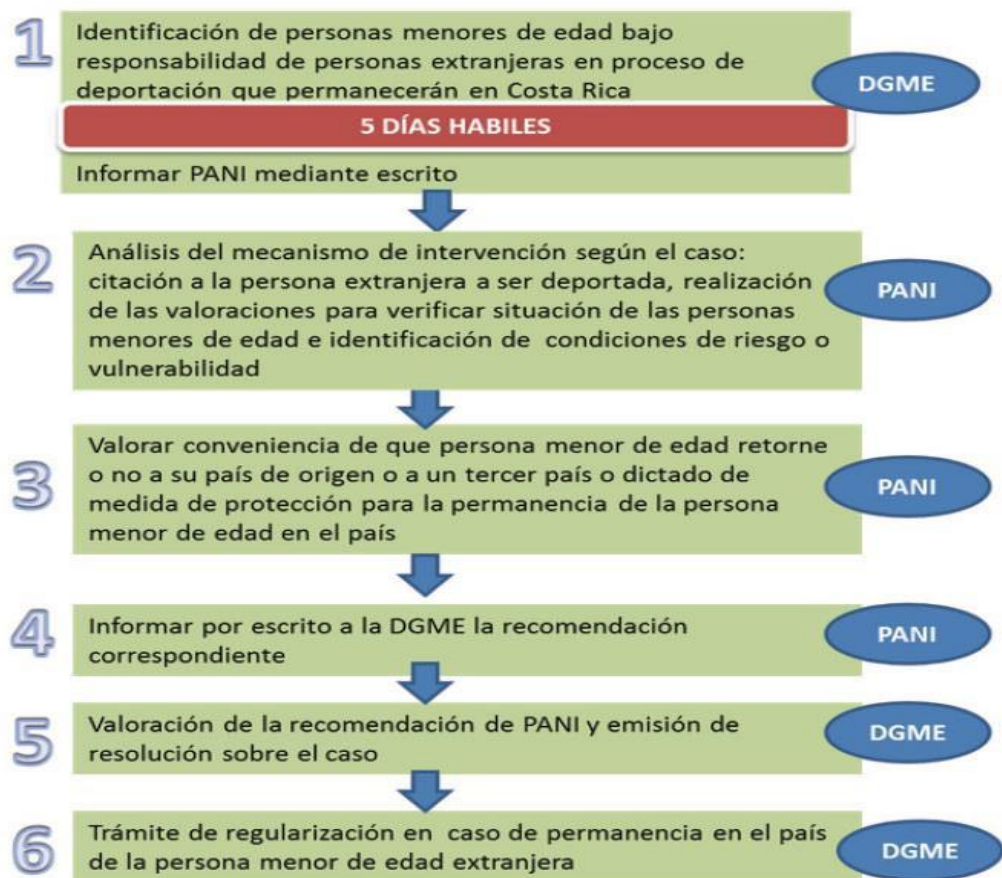


- Protocol for the Regularization of the Permanence of Foreign Minors, under the protection of the National Child Welfare Agency (Patronato Nacional de la Infancia).** It is addressed to officials of the DGME and PANI, who will be in charge of its immediate application. However, in the case of foreign WEPs, it is possible that, in order to carry out the pertinent coordination, the corresponding diplomatic representations of Costa Rica in the country of origin of the WEP or the representation of that country in Costa Rica may be involved in the process. The provisions of the Protocol shall be governed by the best interests of the PME, shall be applied to all PME that are placed in alternative protection, whether public or private, institutional or family, under the supervision of PANI, whether or not they have been judicially declared in a state of abandonment and whose immigration status is irregular.



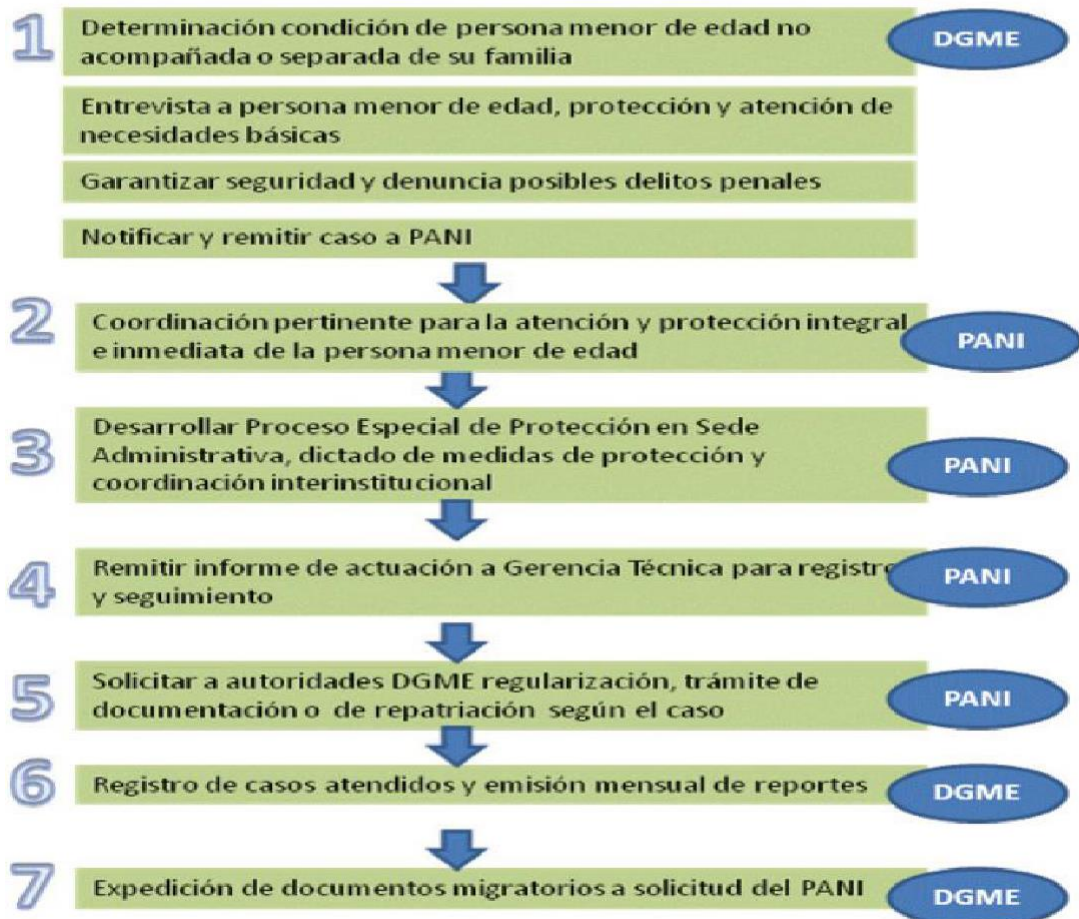
- **Protocol for the care of foreign minors whose fathers, mothers, relatives or responsible persons are subject to a deportation process.** It establishes the procedure to be followed by the DGME and PANI, to address the situation of an accompanied foreign PME, in those cases in which the parents, mothers, relatives or responsible persons are subject to a deportation process before the DGME, in order to ensure their comprehensive protection and the application of the principle of the best interest of migrant children and adolescents.

Procedimiento de Atención de las personas menores de edad extranjeras cuyos padres, madres, familiares o personas responsables se encuentran sometidos a un proceso de deportación



- Protocol for the care and protection of foreign minors, unaccompanied or separated from their families outside their country of origin.** This Protocol establishes the procedure to be followed by the DGME and PANI to regulate the situation of unaccompanied or separated foreign PME, in order to identify and seek a durable solution that resolves all their comprehensive and due care and protection needs through inter-institutional intervention, which considers their views and leads to resolving their situation, in light of the legal context represented by the Convention on the Rights of the Child and General Comment # 6 (2005) of the Committee on the Rights of the Child, the Code on Children and Adolescents, the National Policy on Children and Adolescents, and the DGME's Regulations on Minors and other related international instruments.

Procedimiento de Atención y Protección de las personas menores de edad extranjeras no acompañadas o separadas de su familia fuera de su país de origen



- **Protocol for the detection, care and comprehensive protection of minors in need of international protection, whether they are seeking refugee, refugee or stateless status.** This Protocol aims to orient and guide the joint work of the different State agencies, non-governmental organizations and international organizations to provide comprehensive protection to minors in need of international protection, whether they are refugees, refugees or stateless persons.
- **And any other protocol subsequently approved.**

4.2 PRINCIPLES OF ACTION

Article 29.- Principles. All members of the DGME, as well as the representatives of the ESME, shall govern their actions at all times in consideration of the following ethical principles:

- 29.a. Promote and respect the protection of human rights and ensure that they are not complicit in any form of human rights abuse.
- 29.b. Promote ethical and transparent performance.
- 29.c. Respect all people equally without any distinction of ethnicity, gender, religion, nationality, language, marital status, sexual orientation, diverse abilities, political conviction or any other distinction.
- 29.d. Safeguard and make responsible use of the information to which it has access in the exercise of its functions, always respecting the principle of confidentiality. This includes contacts with the media, among others.
- 29.e. To prevent, counteract and combat any exploitation and abuse of persons.
- 29.f. Ensure the protection of the life, physical and sexual integrity, liberty and security of the persons served.

- 29.g. Take into account the best interests of SMEs, as well as all their fundamental rights as set forth in international and national regulations.
- 29.h. Respect the principle of proportionality and necessity.
- 29.i. Always respect the principle of non-revictimization.
- 29.j. Always provide clear, accurate information in understandable language.
- 29.k. Ensure the physical and emotional safety of persons to whom services are provided, persons nearby who may be at risk, as well as service providers and service providers themselves.
- 29.l. In cases of refugee claimants, respect the principle of non-refoulement and non-contact with the country of origin, which safeguard the life and physical integrity of this group.
- 29.m. In case of doubt as to whether an EMS is present, report the case anyway.

5. STAGES OF INTERVENTION.

This section includes the actions taken from the detection of a possible special migratory situation until the decision is made: either care and/or referral.

5.1. TYPE OF PROFILES.

Responsibility to identify, attend and assess. All officials who serve migrant and/or refugee population and can apply the protocol of care for special migratory situations have the responsibility to identify, address and assess possible migratory situations that are outside the ordinary care and that are defined in this document; therefore, first, a first diagnosis of urgency of the situation must be made.

The following profiles have been selected as priorities for identification, assistance and referral. It is important to note that this list does not exhaust all special migratory situations and as flows change, the TS or the units participating in the ESME may propose modifications that allow for effective responses to the challenges that arise:

- 30.a. Unaccompanied or separated children or adolescents.
- 30.b. Accompanied children and adolescents in conditions of vulnerability (pregnancy, possible victims of sexual violence, forced marriage, smuggling or trafficking or in conditions of exploitation).
- 30.c. Potential victims of human trafficking.
- 30.d. Refugees and applicants for refugee status, in conditions of vulnerability.
- 30.e. Women who may be victims of sexual or gender-based violence, pregnant women traveling alone, especially adolescents.
- 30.f. Potential targets of smuggling of migrants who present some type of vulnerability, or victims of related crimes.
- 30.g. Castaways.
- 30.h. Possible massive displacements.
- 30.i. LGTBI Populations.

5.2. OBSERVATION.

Article 31.- Observation. The officials of the DGME shall observe, to the extent of their possibilities, the behavior of the persons with whom they must interact, since through observation valuable elements could be noticed that could indicate the presence of a person who could be included within a special migratory situation and with whom an interview should be held in greater depth.

Article 32.- Indicators to be observed. In this regard, without prejudice to other indicators that may be considered relevant, the agents shall consider whether the person:

- shows signs of abuse, physical mistreatment, psychological subjugation, fear, injuries.
- presents a very withdrawn attitude, denotes exhaustion or lack of hygiene, among other signs.
- is disoriented (lost or does not know the area).
- acts as if he/she has received instructions from another person on how to answer the questions (answers automatically without thinking about the answers).
- is nervous or anxious as she waits to engage in dialogue with the immigration authority.
- you do not carry your own identity documents and/or your travel tickets, because these documents are in the hands of your companion.
- has submissive gestures, looks or attitudes towards the person accompanying him/her (e.g., allows another person to answer when questions are asked of him/her).
- does not have luggage commensurate with the purpose of the trip.
- the person has stopped to carefully read the graphic campaign and/or informative posters informing about the crime of human trafficking at the checkpoint.
- demonstrates discomfort with the clothing she wears.
- has a fake appearance (wig, dyed hair, etc.).
- evidence of signs of alteration due to the consumption of alcoholic beverages or drugs.
- Reports receiving threats or assaults because of sexual orientation or gender identity.

Article 33.- Observation of signs of traffickers or traffickers. Since many of the profiles indicated as EMS involve situations in which persons are victims of crime, the presence of traffickers and/or human traffickers should also be detected through observation. To this end, special attention should be paid if the person:

- carry with you the identity documents and/or travel tickets of the potential victim.
- supervises and controls, in a meticulous manner, all movements made by the potential victim.
- Appears as the spokesperson for the group. Does not allow the alleged victim to answer questions directly, rushes to answer in his place or interrupts his answers.
- the person is perceived as dominating the alleged victim's movements (e.g., the victim does not leave his or her side and requires authorization for every movement, even to go to the bathroom).
- This person's tickets are correlative to those of the possible victim or were issued at the same place, date and time.
- The person's migratory movements denote that he/she has a large number of entries and exits from the country in a short period of time.
- After a dialogue is held with the possible victim, he shows particular interest in knowing what the latter said.
- Is perceived to dominate, either by physical or psychological means, the alleged victim's movements.
- It can be observed that he has in his possession more than one cell phone (could be those of the victims) and/or SIM cards.
- Carry with you the identity documents and/or travel tickets of the possible victim.

5.3. IDENTIFICATION.

Article 34.- Identification. The professional activity of those who take care of people who may be victims of special migratory situations involves constant attention to each migrant or refugee person who is attended. The possibility of being a victim of a crime or being in a condition of social vulnerability are two of the most relevant reasons to intervene and thus ensure the proper care and welfare of the person served.

In order to identify one of the possible profiles of special migratory situations it is necessary:

- Knowledge of regulations and special migratory situations.
- To have technical skills for observation and rapid detection in special migratory situations.
- Know how to make decisions and communicate them to the people or institutions involved in special migratory situations.

Article 35.- General indicators. Often more than one type of profile is present at the same time, in particular a refugee applicant may be a victim of human trafficking or an unaccompanied minor may be a victim of violence, therefore, to the specific criteria, some general indicators to be taken into account are noted.

NOTE: The key question in these cases is: What indications are present and do you think could indicate that there is a special migratory situation? It is preferable to make a mistake in the observation phase than not protecting a possible victim or not attending to a case of high vulnerability.

- **At the level of physical health:** visible injuries (bruises, wounds, burns, etc.), disinterest in self-care; the person may convey additional information such as previous abortions, pregnancy at the time of the interview, untreated illnesses.
- **At the mental health level:** people may manifest depression, anxiety disorders, sleep disorders, social isolation, social responses to stress and depression.

violent to professionals or, on the contrary, to avoid the gaze and give minimal answers.

- **At the environmental and relational level:** it is important to observe if there are signs of people who may be doing surveillance on a person, non-verbal language, or if they arrive in pairs that one of the people does not allow the other to respond.

5.4. INTERVIEW GUIDELINES. ASSESSMENT EXPLORATION.

Article 36.- Guidelines. Once one or more indications are observed that a person may be in a special migratory status category:

- Each person is kept in a space/office where he/she can have a minimum of privacy.
- It is very briefly explained to her that her situation will be assessed in order to attend to her in an appropriate manner.
- You will be asked specific questions, your reactions will be observed and the form will be filled out (this process varies in the centers of attention and in the centers of apprehension for foreigners).
- The professional will assess and make the decision regarding the specificity of the situation (refer or not the case). **THE PROFESSIONAL WILL NOT GO INTO THE CASE IN DEPTH, IN ORDER TO AVOID DOUBLE VICTIMIZATION.**
- Gives the first orientations. He/she will give the first indications to contain the situation while awaiting the procedure to be carried out (calls, resources, etc.).
- Articulate the referral (make informative calls or consultations to refer to the appropriate service. Conducts the interview and sends it via email, telephone).

IMPORTANT: In complex situations, if the case requests it, and in general when the professional attending the case is facing a situation of vulnerability, **he/she** may require the support of another professional and/or his/her manager.

5.5. ATTITUDINAL AND CONTEXTUAL ISSUES TO CONSIDER FOR THE INTERVIEW.

Article 37.- Attitudes to be addressed. Without being exhaustive, it is important to take into account some attitudes or responses:

- The patient claims to be a minor or the professional has suspicions that he/she could be a minor.
- Expresses that the reasons for migrating have been promises or that he/she has been deceived.
- You state that you owe a debt to someone and intend to pay it.
- Claims to be a victim of rape or sexual abuse.
- Coercion through the use of drugs.
- Not being able to start or continue medical treatment for any reason despite having a medical condition.
- Social isolation.
- Threats to the family in the countries of origin.
- Accompanying another person with whom there appears to be a relationship of dependence.
- If you have a cell phone, interruptions during the conversation due to numerous calls.
- Important contradictions are detected.
- The person expresses fear of returning to his/her country, as he/she considers that he/she is at risk there.
- The person does not have travel documents because he had to flee in haste.

- They express fear of returning to their country because they belong to a certain social group (sexual orientation or gender identity).

Article 38.- Guidelines for an in-depth interview. When conducting an interview with a person who could be included within an EMS, in addition to what is indicated in the previous articles, the following guidelines should be taken into account:

- The person will be accompanied to a quieter and more reserved place in order to deepen the dialogue with him/her.
- The interview shall be conducted in the native language of the person interviewed or, failing that, with the intervention of an interpreter.
- If the person needs to communicate through sign language, the intervention of a sign interpreter will be sought.
- As far as possible, to avoid intimidating the person, the interview should be conducted by non-uniformed personnel.
- A dialogue will be held individually and separately from the rest of the people accompanying that person (except in the case of PME, the UEPME will be activated) and, if possible, the same migratory agent, so that possible contradictions in the different accounts can be detected more easily.
- As far as possible, they should be interviewed by a person of the same gender. If they are minors, they should preferably be interviewed by women.
- At all times, the interviewee should be given the necessary time to express him/herself freely, paying special attention to him/her and showing genuine interest in his/her story.
- All objective questions arising from the person's account will be analyzed, without prejudice to the naturalness with which he/she tells them.
- You should try to establish a relationship of trust with the person.

- There must be a willingness to listen to the story.
- You should ask open-ended questions, beginning with "what", "where", "when" and "how". As far as possible, do not ask direct questions to be answered with "yes" or "no". Do not ask "why".
- It should not express discriminatory attitudes.
- You should not make value judgments about your story.
- Before starting the interview, it must be ensured that the person is in physical and emotional condition to conduct the interview, otherwise, arrangements will be made with medical centers, or else, food and clothing needs will be covered to optimize the interview.
- Persecution for reasons of sexual orientation or gender identity can be difficult to detect in a first interview and due to their history many people do not explain the real reasons why they are seeking asylum. It is very important to generate a space of trust and respect so that the person feels comfortable and explains the reasons for fleeing.
- In the case of transgender persons, their official name will be noted on the form, but for the interview it is suggested to use the name felt (the one they feel is their name).

6. INFORMATION MANAGEMENT, RECORDING AND REPORTING.

6.1. WHAT TO REPORT?

Article 39.- Form. Once an EMS has been identified and after having collected information on the person, a specific form shall be completed. This form:

- 39.a. To be completed by the professional who is attending the person who is in a possible special migratory situation.

- 39.b. To be completed based on information provided by the individual, observation and if you have access from available documentation or information provided by other services.
- 39.c. The questions on the form should not be asked as if it were a questionnaire. Often the person(s) will provide useful information spontaneously, or it is the practitioner who asks the person in a flexible and timely manner in the context of an interview.
- 39.d. It is not designed to be filled directly by the person.
- 39.e. The case will be referred by means of the form for special migratory situations (Annex I) with the information that is of interest to promote continuity of care.

6.2. HOW TO REPORT AND WHEN?

Article 40.- Closed cases. If in the examination it is assessed that it is not necessary to make a referral, the case shall be closed, but in all cases in which an interview has been conducted, a report shall be completed stating the information obtained.

In all cases in which the contact was made with the Professional Migration Police, the basic form will be sent (the first page of the ESME interview annex).

Article 41.- Referral report. If the need for a referral is assessed, once the situation has stabilized, the report shall always be sent to the ESME team within 24 hours of detecting the case.

In turn, the interview must also be sent to the Professional Migration Police along with a report of the situation noted in accordance with the guidelines established by the TS. Such information shall be sent to the police with a copy to the TS.

Article 42 .- Means of delivery. Both the SME interview guide and the report shall be sent by e-mail.

6.3. CIRCUIT CLOSURE

Article 43.- Database. The Professional Immigration Police shall consolidate the information received in a database to which the TS shall also have access. The parameters for recording and systematization of information shall have been previously agreed by the ESME.

Article 44.- Statistical reports. The TS shall officially publish the statistical reports produced as a result of the analysis of the information consolidated in the database.

Article 45.- Police exploitation. The police shall use this database for the purposes of intelligence and investigation it deems pertinent.

Article 46.- Once the case management has been completed, the TS shall communicate the management of the special migratory situation to the agent who identified it, provided that the confidentiality of the case allows it.

7. MONITORING AND EVALUATION MECHANISMS

Article 47.- Monitoring and evaluation. From the beginning of the protocol, work shall be done on the design and implementation of monitoring and evaluation mechanisms. Three fundamental moments are identified within the process:

- Initial situation.
- Periodic monitoring of the project.
- Annual evaluation, including a self-evaluation.

Depending on the available resources, quantitative indicators will be used (number of people served, services per profile, per service) and qualitative indicators (self-assessment groups).

Article 48.- Periodic review of the tool. The revision of the tool shall be carried out at the request of any of the members of the ESME, or otherwise every two years, counted from the implementation of this protocol or the changes that are made.

ANNEXES

ANNEX I: ESME INTERVIEW GUIDE

Methodological clarification

This form is an interview guide that allows the interviewer to formulate the questions proposed in this document, as well as to go deeper when he/she considers it convenient. This form, in addition:

- It must be completed by the professional who is attending the person who is in a possible special migratory situation.
- It is to be completed based on information provided by the individual, observation and if access is available based on available documentation or information provided by other services.
- The questions will not be asked as if it were a questionnaire.
- Often the person(s) provide useful information spontaneously, or the interviewer asks the person in a flexible and timely manner in the context of an interview.
- It is not designed to be filled directly by the person.
- The case will be referred by means of the form of attention to special migratory situations with the information that is of interest to favor the continuity of the attention.

date / /20 _____

Basic questions

The information on this page is the minimum to be supplemented.

PERSONAL DATA:

Name	
Surname	
Known as:	
Gender identity?	
Date of birth	Age _____
Nationality	
Place of birth	
Travel document number	
Type of Identity Document/Undocumented	

Do you have any type of ailment?	
Specify the ailment	
Are you pregnant?	
Do you have a criminal record in your home country or anywhere else in the world?	
Father's name	
Mother's name	
Are you traveling with a companion?	
Name of accompanying persons	Is the person accompanying you a minor?
	In case of affirmative answer: ask to show documentation proving the link.
Do you have any links to Costa Rica? Who?	
Why are you in the country?	
Remarks:	

Technical procedure for case assessment.

1. Face-to-face assessment exploration: basic level of exploration of the situation.

Personal data:

Language of communication: _____

Marital status (mark with an X): Married____Single____In common law marriage____
Other_____ Occupation _____

in country of origin _____

Domicile/Housing: _____

Rating: What is the situation? (Mark with an X)

Unaccompanied or separated children or adolescents.

Accompanied children or adolescents in vulnerable conditions (pregnancy, possible victims of sexual violence, forced marriage, smuggling of migrants or trafficking in persons, or in conditions of exploitation).

Possible victim of human trafficking

Refugee and refugee status applicant in condition of vulnerability

Possible victim of sexual or gender-based violence, pregnant women traveling alone, especially adolescents.

Possible target of smuggling of migrants

___Victim of massive displacement

___LGTBI person in condition of vulnerability

Another situation: _____

Remarks:

Physical and emotional state (Guide)

2. Physical situation.

Are there any burns, bruises or other possible physical signs?

Specify _____

Do you have any visible symptoms of disability?

Specify _____

Other physical situations to comment on

3. Emotional situation

Do you observe yourself emotionally stable or upset?

Specify _____

Other emotional aspects to be highlighted: reporting information or indicators ____

4. Situations related to the arrival in Costa Rica:

Do you know in which country you are located? Yes No ____

Remarks:

How did you cover or are you covering the cost of relocation?

Did you pay someone to help you cross the border?

What were the means of transportation used?

On foot _	Private vehicle _____	Cab _
Ferry ____	Train_____	Airplane
Boat or yacht ____	Don't know/no answer _	Other

Where did you sleep the night before?

Where and how did you cross the border?

The person is carrying his or her identity documents

Yes__ No __

If no, who carries them? _____

Have you been exposed to any type of aggression during the trip?

Yes__ No __

Specify _____

Remarks:

5. Situations related to the stay in Costa Rica

What is the destination country? _____

What activities do you intend to carry out in the country of destination?

What motivated you to leave your country?

How did you come up with the idea of coming to this country?

Any cultural/food guidelines to highlight for your stay (in the case of being in a center)

Remarks:

6. Situations to highlight

The person served is alone , couple , family _____

Are there any minors¹⁸? Yes _____ No ___

Are symptoms of alcoholism/other substance use observed? Yes _____ No ___

Are there indicators that I may be a possible victim of a crime?

Specify _____

Are there indicators of possible special immigration status?

Specify _____

7. Assessment of the person's needs or demands

Health requirements _____

Power coverage requirements _____

Clothing requirements _____

Requirement for secure accommodation _____

Police protection requirements _____

Requests for legal and/or immigration advice _____

Communication requirements with other people _____

Miscellaneous requirements: _____

8. Referral of special immigration status

According to the data obtained in the previous questions identify this case as appropriate.
(Mark with an X)

Possible situation smuggling of migrants

Possible Trafficking in Persons Situation

Potential Shelter Situation

Minor Person

Other Special Migratory Situation: _____

No Special Migratory Status: _____

Based on the data obtained in the previous questions, derive the case as appropriate.

General Directorate of Migration and Aliens

- ✓ ESME Technical Secretariat (esme@migracion.go.cr)
- ✓ Professional Migration Police
 - Temporary Care Centers for Migrants
 - Central Region Detention Center
- ✓ Management of smuggling of migrants
- ✓ Shelter Subprocess
- ✓ Directorate of Integration and Human Development

Interinstitutional Coordination

- ✓ PANI
- ✓ CCSS
- ✓ INAMU
- ✓ Another instance: _____

Remarks:

Details of the agent who conducted the interview

Name	
Last name	
Cargo	
Date of interview	
Interview time	
Place of interview	

Signature of the persons involved in the interview

* Signed witness in case he/she has witnessed the interview.

ANNEX II: GUIDE TO DGME RESOURCES, PROTOCOLS AND CONTACT INFORMATION.

Action Protocol for officials of the Directorate General of Immigration in relation to minors in situations of vulnerability.

Protocol for the Regularization of the Permanence of Foreign Minors under the protection of the National Child Welfare Agency (Patronato Nacional de la Infancia).

Protocol for the care of foreign minors whose fathers, mothers, relatives or responsible persons are subject to deportation proceedings.

Protocol for the care and protection of foreign minors, unaccompanied or separated from their families outside their country of origin.

Protocol for the detection, care and comprehensive protection of minors in need of international protection, whether they are seeking refugee, refugee or stateless status.

Guideline MP0570 - MTSS- MIDEPLAN - S- MSP- RREE - MDHIS - MCM -, about the Attention to persons in transit and in irregular conditions, smuggled migrants and victims of human trafficking, belonging to mixed migratory flows that are in the national territory, Digital Scope No. of 238,31 October, 2009. 2016.

Directive 010 0 MP - MIDEPLAN - MTSS- MSP- MGP - MRREE -, for the whole public sector "On the integral attention of the migratory phenomenon in the country", of June 12, 2001. 2018.

DGME website. www.migracion.go.cr

Corazon Azul Costa Rica's website <http://www.corazonazulcostarica.com>

Mail and contact numbers in relation to the care route for victims of human trafficking.

- DGME
 - Management of Trafficking in Persons and Smuggling of Migrants
 - 2290-2703 /2723
 - Attention hs24. 8735-0195 / 8735-0279 / 8735-0180
 - tratraytrafico@migracion.go.cr
- PPM
 - 2299-8023
 - unidadinvestigacion@migracion.go.cr
- IOJ
 - 2295-3311 / 800-8000-OIJ (645)
 - cicoOIJ@poder-judicial.go.cr
- MP
 - 2295-3606
 - fa_tratapersonas@poder_judicial.go.cr
- DIS
 - 833-6799 2221-1768
 - confidencial@disna.go.cr
- PANI
 - 2523-0830 / 2222-8905