

## Nicaragua Immigration Detention Profile

Profile Updated: August 2015

One of the poorest countries in the Americas, Nicaragua nevertheless has specific immigration detention laws and policies and maintains a dedicated immigration detention in Managua, which it terms an *albergue* (or shelter). Asylum seekers can be subject to detention while other vulnerable groups, including children and victims of trafficking, tend to be housed in shelters.

**Migratory context.** With approximately 14 percent of its population living abroad—mainly in [Costa Rica](#) and the [United States](#)—Nicaragua is regarded as a key country of origin in Central America, having the second highest emigration rate in Central America (after El Salvador).<sup>[1]</sup> However, the country has also served as both a transit and destination country during different periods of its recent history. In the 1980s and early 1990s, civil wars in Guatemala and El Salvador forced large numbers of people to flee to Nicaragua. Since then, Nicaragua has become a destination for people fleeing poverty and gang violence in neighbouring countries.<sup>[2]</sup>

As of 2013, Nicaragua hosted 41,500 international migrants, representing 0.7 percent of the country's total population.<sup>[3]</sup> Around 70 percent of migrants are from Central America, of whom 44.5 percent were from Honduras and 38.7 percent from Costa Rica. Nicaragua is also a transit country for people migrating north, mainly from countries in South America and the Caribbean (Peru, Ecuador, Cuba, and Colombia) but also from other continents (Somalia, Eritrea, India, Nepal, and Bangladesh).<sup>[4]</sup>

**Legal framework.** Nicaragua adopted its first foreigners law (*Ley de Extranjeria*) in 1894. In 1930, the Immigration Law (*Ley de Inmigracion*) was adopted, which provided the country's migration regulatory framework for some five decades. The law provided for the expulsion of beggars, tramps, prostitutes, and anarchists. It was not until a new migration law was adopted in 1982 that immigration detention (*internamiento*) was formally introduced.<sup>[5]</sup>

The current legal framework for Nicaragua's migration policy is provided in the 2011 Migration Law (*Ley General de Migracion y Extranjeria*). The Law regulates the entry, stay, and exit of foreigners in compliance with the country's constitution and its international and regional obligations. The 2012 Migration Regulation (*Reglamento a la Ley General de Migracion y Extranjeria*) details the provisions of the Migration Law. In addition, the 2008 Refugees Protection Law (*Ley de Proteccion a Refugiados*) sets out the conditions for recognition of the status of refugees and applicable procedures.

Non-citizens who enter or stay in the country without authorization can be placed in detention (Migration Law, articles 160-161; Migration Regulation, article 154). Unauthorized entry or stay triggers deportation or rejection at the border and immigration detention can be ordered in the context of both procedures (Migration Law, articles 114 and 160-162; Migration Regulation, article 154). Additional grounds for deportation include the use of fraudulent documents or declarations to enter the country, conviction for offences, risk to public order and security, and vagrancy (article 171). Non-citizens who exit the country in an irregular way and are rejected in

their destination country and sent back to Nicaragua are also subject to detention (Migration Regulation, article 141).

**Statistics.** Data regarding the number of people placed in detention are not systematic or current. According to statistics from the Immigration Directorate (Dirección General de Migración y Extranjería, or DGME), between 1990 and 2003, 5,624 migrants were detained, of whom 2,113 were from Peru, 563 from Ecuador, 472 from Colombia, 282 from India, 210 from Dominican Republic, and 123 from Costa Rica. In that period, the highest number of detainees was registered in 1995 (880), while the lowest in 1990 (72).<sup>[6]</sup>

Between December 2004 and June 2005 181 persons were detained—65 from Peru, 56 from Ecuador, 21 from Colombia, 16 from Cuba, 12 from Guatemala, 4 from El Salvador, 3 from Bolivia, China, Costa Rica, and the US, and 1 from Argentina, the Dominican Republic, Italy, Mexico, and Spain.<sup>[7]</sup>

The proportion of migrants and asylum seekers from other continents (mainly Eritrea, Somalia, and Ethiopia) intercepted or detained increased from 18 percent in 2006 to 60 percent in 2009.<sup>[8]</sup> In August 2011, 710 migrants from Asia and Africa were detained.<sup>[9]</sup> More recently, some observers confirmed that the majority of detainees in the country are from other continents, including South America (Colombia and Cuba). On rare occasions citizens from Central American countries, such as Honduras or El Salvador, are also detained.<sup>[10]</sup>

**Length of detention.** The law does not establish a maximum length of immigration detention. Rather, the Migration Law provides that people are to remain in detention until deported (Migration Law, article 161). In practice, the average length of detention tends to be approximately three months.<sup>[11]</sup>

**Vulnerable groups.** Asylum seekers are not exempt from detention. However, in contrast to detainees awaiting deportation, asylum seekers are to be detained for no more than seven days (Refugees Protection Law, article 10(b)).

The Migration Regulation establishes that minors are not to be detained. Rather, they are accommodated in shelters, which are under the authority of the Ministry for the Family. If they travel with their parents, the entire family is to be housed at a shelter (article 155). Observers report that in practice children who migrate with their mothers or female guardians are accommodated together in shelters. However, when they are travelling with their father or male guardians they are placed alone in a shelter while the fathers placed in detention.<sup>[12]</sup>

Other vulnerable persons are placed in shelters, including pregnant women, female victims of trafficking or violence. The law also provides that in exceptional cases and for humanitarian reasons migrants with physical or psychological disabilities, confirmed by a physician, will not be detained (Migration Law, article 160).

**Procedures.** Immigration detention is ordered by the Migration Directorate (Migration Law, article 10(14)). According to the Migration Law, the reasons for detention should be notified to the detainee (Migration Law, article 163). There appears to be no automatic review of detention by a judicial body and migration authorities enjoy broad discretion to order detention.<sup>[13]</sup>

The Migration Law provides two kinds of administrative remedies against decisions adopted by the Migration Directorate, which can be sought by immigration detainees. First, persons whose rights were prejudiced by decisions of the Migration Directorate can seek review. Second, detainees can seek to appeal decisions considered unjustified. Both remedies are to be decided within 15 days. If rejected they allow the detainee to seek amparo relief (Migration Law, article 180-182).

In practice these remedies are rarely sought. The reason for this may be the lack of legal or linguistic assistance provided by a state. Frequently the sole providers of these kinds of assistance are civil society organizations, whose resources are limited.[14] In addition, there have been cases when detainees were reportedly not granted access to a lawyer even when they were prepared to pay for the legal assistance themselves.[15]

**Alternatives.** The Migration Law provides for alternatives to detention. Based on a request by the detainee or a non-governmental organization and after payment of a guarantee, the Migration Directorate can place a detainee with a non-governmental association. The person is to remain under the organization's guardianship and custody. If they fail to abide by the measures, civil or penal sanctions can be applied (Migration Law, article 161). It appears that these alternatives to detention are rarely used in practice. One of the reasons for this may be a high proportion of migrants in transit amongst detainees.[16]

**Criminalisation.** The Migration Law does not appear to establish irregular entry as a punishable offense. However, people who enter the country in this way can be fined 2,000 Nicaraguan cordobas (approximately 75 USD). In addition, they can be fined 25 cordobas (approximately 1 USD) per day for each day they remain in the country. These sanctions are applicable to all migrants in an irregular situation, irrespective of whether they are placed in immigration detention. Migrants are to pay this fine before being released from immigration detention (Migration Law, article 122, 165, and 166). Migrants often perceive the fine in combination with immigration detention as *double peine*. [17] Until the mid-2000s', the country penalized irregular entry or stay with imprisonment.[18]

**Detention centre.** Nicaragua operates one long-term dedicated immigration detention facility, called the Centro de Albergue de Migrantes. It is managed by the Migration Directorate and located on its premises in Managua. The centre was opened in 1997. Before the adoption of the current Migration Law in 2011, the facility was called Centro de Retencion. It has a capacity to hold approximately 40 persons. The centre usually confines on average between 10 and 20 persons; however, it has at times held more than 100 persons.[19]

Men and women are detained separately and have joint access to a common area. The centre has three cells, one for women and two for men. While the men's cells are opened during the day, the females, besides being allowed to the above space, are locked in their cell. Often the centre has relied on NGOs to provide detainees with the articles of personal hygiene.[20]

In general, authorities do not allow independent bodies to visit the facility. In recent years some independent associations, including Jesuit Refugee Services, lost visitation rights. The only association that still has access is an Evangelical group

called the Consejo de Iglesias Evangélicas Pro Alianza Denominacional (CEPAD), which is the UNHCR implementing partner. However, CEPAD focuses only on detained asylum seekers and visits the centre following a notification by the personnel of the centre. The ombudsman (Procuraduría para la Defensa de los Derechos Humanos) can also visit the centre but it reportedly rarely does so. Detainees have reported cases where during visits the ombudsman's personnel reprimanded instead of assisted them.

At least two people have committed suicide at the Managua centre since 2010.[21]

In addition to the dedicated detention centre, migrants who are intercepted in the border areas may be detained for a short period of time at the airport or police stations before being transferred to Managua.[22]

## Endnotes

[1] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 440-441. Heydi José Gonzalez Briones. *Perfil Migratorio de Nicaragua 2012*. International Organization for Migration Nicaragua. 2013. [http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil\\_migratorio\\_de\\_nicaragua%20%281%29.pdf](http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil_migratorio_de_nicaragua%20%281%29.pdf), p. 18 and 36.

[2] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 442-444. Heydi José Gonzalez Briones. *Perfil Migratorio de Nicaragua 2012*. International Organization for Migration Nicaragua. 2013. [http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil\\_migratorio\\_de\\_nicaragua%20%281%29.pdf](http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil_migratorio_de_nicaragua%20%281%29.pdf), p. 18

[3] UN Department of Economic and Social Affairs (UNDESA). *International Migration 2013 Wall Chart*. <http://www.un.org/en/development/desa/population/publications/migration/migration-wallchart-2013.shtml>

[4] Heydi José Gonzalez Briones. *Perfil Migratorio de Nicaragua 2012*. International Organization for Migration Nicaragua. 2013. [http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil\\_migratorio\\_de\\_nicaragua%20%281%29.pdf](http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil_migratorio_de_nicaragua%20%281%29.pdf), p. 32. Undisclosed source. 2015. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[5] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 450-452.

[6] Cited in Heydi José González Briones. *Marco jurídico que controla el tráfico ilícito de migrantes y la trata de personas en Nicaragua. Estudio de caso: Puesto Fronterizo Peñas Blancas*. Encuentro 2007, No. 78, 19-46, <http://165.98.12.83/353/1/encuentro78articulo2.pdf>, p. 33.

[7] Heydi José González Briones. *Marco jurídico que controla el tráfico ilícito de migrantes y la trata de personas en Nicaragua. Estudio de caso: Puesto Fronterizo Peñas Blancas*. Encuentro 2007, No. 78, 19-46, <http://165.98.12.83/353/1/encuentro78articulo2.pdf>, p. 33.

[8] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 447.

[9] Heydi José González Briones. *Perfil Migratorio de Nicaragua 2012*. International Organization for Migration Nicaragua. 2013. [http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil\\_migratorio\\_de\\_nicaragua%20%281%29.pdf](http://nicaragua.iom.int/sites/default/files/Publicaciones/perfil_migratorio_de_nicaragua%20%281%29.pdf), p. 35.

[10] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[11] International Detention Coalition (IDC). INFORME REGIONAL DETENCIÓN MIGRATORIA Y ALTERNATIVAS A LA DETENCIÓN EN LAS AMÉRICAS. October 2014.

[12] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 469. Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[13] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[14] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[15] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 478. Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[16] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[17] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[18] Leonor Zúñiga Gutierrez. "Estudio Migratorio de Nicaragua." In Instituto Centroamericano de Estudios Sociales y Desarrollo (INCEDES) and Sin Fronteras (Eds.), *Estudio comparativo de la legislación y políticas migratorias en Centroamérica, México y República Dominicana*. 2011. <http://www.sinfronteras.org.mx/attachments/article/1292/INTRODUCCI%C3%93N.pdf>, p. 453.

[19] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[20] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[21] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015.

[22] Undisclosed source. Email exchange with Izabella Majcher (Global Detention Project). August 2015. International Detention Coalition (IDC). INFORME REGIONAL DETENCIÓN MIGRATORIA Y ALTERNATIVAS A LA DETENCIÓN EN LAS AMÉRICAS. October 2014.