



Global Detention Project submission to the Committee on Migrant Workers

Geneva, 11 March 2015

Nicaragua: List of Issues Prior to Reporting

List of issues prior to submission of the initial report of Nicaragua to be adopted at the 22 Session of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 13 – 24 Apr 2015

Part III of the Convention

Articles 16 and 17

1. Please provide information on detention of migrant workers and members of their families with corresponding provisions in the 2011 Migration Law (*Ley General de Migración y Extranjería*) and its 2012 Regulation:

(a) What are the grounds provided in law, including immigration or criminal law, that allow the detention of migrants?

(b) Does the law provide for specific penalties or punitive sanctions—in addition to administrative detention—for violations related to unauthorized entry, exit, or stay in the country?

(c) Are migrants informed about the reasons for their detention upon arrest? Do they have access to legal counsel? Do they have right to appeal against detention order? Does a court review detention order?

(d) What is the maximum period of detention established in law? What is the average detention period in practice?

(e) Does Nicaragua provide alternatives to detention? If so, what kinds of alternatives are used?

(f) Are minors protected from immigration detention?

(g) How many migrants were detained in 2014, 2013, and 2012?

(h) In general, does Nicaragua maintain statistics on the numbers of people placed in immigration detention annually, the number of people in detention any given time, the number of people removed or deported annually, the average length of immigration detention, or the nationalities of detainees? If so, can it make these statistics available?

2. Noting that Nicaragua has one specialized immigration detention centre (*Centro Albergue de Migrantes*) in Managua, please provide information on conditions of detention of migrant workers and members of their families:

- (a) What is the capacity of this centre?
- (b) Are women and men detained separately? Are children separated from unrelated adults? Are families separated?
- (c) What institutions can visit this centre (Ombudsman, NGOs)? Do they regularly conduct visits?
- (d) Does Nicaragua make use of any additional facilities for the purposes of detaining foreign nationals for immigration-related reasons?

3. Reports indicate that in the past some Central American countries were receiving financial assistance from foreign governments for implementing multilateral anti-smuggling operations that led to the arrest of both suspected smugglers and undocumented migrants from third countries. These operations reportedly led to the detention of numerous third-country nationals, in inappropriate conditions.

- (a) Does Nicaragua have any similar collaborative anti-smuggling arrangements in place with other countries targeting alleged smugglers in Nicaragua?
- (b) If so, have these operations led to the detention of third-country nationals?
- (c) Does the government receive money from any foreign governments to detain and deport people from its territory?