



Migration Policy Regimes in Latin America and the Caribbean

**Immigration, Regional Free
Movement, Refuge, and
Nationality**

Human Mobility Governance Series



This project was carried out under the overall coordination of Felipe Muñoz, head of the Migration Unit, by Diego Acosta, professor of migration law at the University of Bristol and consultant to the IDB Migration Unit, in collaboration with Jeremy Harris, specialist at the Migration Unit. The following experts assisted with the coding of the data on the various countries included in the project: Ignacio Odriozola, Laura Sartoretto, María Eugenia Moreira, Luuk van der Baaren, and Alexandra Castro. Mauro de Oliveira provided support with organizing the database and developing the online analytical tools. Juan Camilo Perdomo and Kyungjo An helped review the database. The authors are grateful to José Ignacio Hernández and two anonymous referees for their comments on the text.

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**Immigration, Regional Free Movement,
Refuge, and Nationality**

By Diego Acosta and Jeremy Harris.

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Executive Summary

This report presents and describes a new database that was generated using 40 indicators that typify the migration regimes of 26 countries in Latin America and the Caribbean (LAC) that are borrowing members of the Inter-American Development Bank (IDB). These indicators have enabled us to compare these migration regimes along multiple dimensions, identify subregional patterns, and observe trends in the recent evolution of these policies.

The indicators are grouped into six areas: **international instruments**, which covers each country's involvement in treaties and other multilateral agreements; **regional instruments**, which analyzes whether countries are party to agreements covering the Americas or its subregions; **visa-free entry rights**, which measures whether a visa is required to enter the country; **access to temporary residence**, which examines preferences in the granting of residence permits and regularization processes for irregular migrants; **rights while resident**, which looks at migrants' access to healthcare, education services and the labor market, family reunification, voting rights, and permanent residence; and **nationality**, which measures whether the **nationality** of a given country is only obtained at birth or can be acquired through a subsequent naturalization process.

The value assigned to each indicator is backed by a reference to the legal instruments that define the policy in question. For most indicators, a text containing additional information explaining the specific case is also provided. This is a unique database for LAC and is included in [Annex II](#) of this report. It can also be accessed through the IDB Migration Unit [web page](#).

THE MAIN FINDINGS FROM OUR ANALYSIS OF THE DATABASE ARE:

A legal regime for migration has begun to emerge in Latin America in the 21st century. This includes the adoption of new migration laws that are generally accompanied by subregional mobility schemes, such as the MERCOSUR, Bolivia, and Chile Residency Agreement and, more recently, the Andean Statute. This new 21st-century model tends to include mechanisms for the permanent regularization of migrants; the right to access the labor market, public health systems, and public education; and the right to family reunification. These mechanisms are complemented by greater access to voting rights, at least for local elections. This model is well established in Mesoamerica, the Southern Cone, and the Andean countries, but has not yet made inroads in the Caribbean.

The regularization of irregular migrants through permanent mechanisms established by law and extraordinary regularization programs is now fairly common in Latin America, but not in the Caribbean. The countries in the region have carried out more than 90 extraordinary regularization programs since 2000.



Many of these countries offer preferential access to permanent residency for migrants from certain other countries that meet basic criteria. In some cases, they also offer preferential treatment for naturalization. The only countries that do not allow residency almost automatically for nationals of at least one other country in the region are the Bahamas and Haiti in the Caribbean, and Costa Rica, Guatemala, Honduras, Nicaragua, Panama, the Dominican Republic, and Mexico in Mesoamerica.



The percentage of ratification of both international and subregional instruments is very high in Latin America but much lower in the Caribbean.



Regional freedom of movement and residency agreements have become extremely commonplace within LAC's legislative landscape and they influence many aspects of migration policy, such as access to the labor market or family reunification.



The country that requires visas for visiting nationals from more states in the region than any other is Venezuela (11 states), followed by Mexico (9). Venezuela's policy in this regard owes to its application of the principle of reciprocity with states that require visas for Venezuelan nationals. The fact that Mexico is a transit country to the United States for some migrants may explain its requirements in this regard.



Haitian nationals require visas in more countries in the region than those of any other nationality, followed by Venezuelans and Dominicans.

To develop the database, we analyzed some 435 legal instruments that define migration policy in 26 countries, using the 40 indicators.

Our analysis of this compendium of laws, regulations, decrees, administrative orders, and other instruments shows that:

- » The legal instruments that are in force in the Andean countries in the Southern Cone are between 8 and 15 years old, on average, as compared to 25 to 30 years old in Mesoamerica and the Caribbean. This is testimony to the increase in legislative efforts on migration in these two subregions in recent years.
- » In some areas, such as the regulation of visa regimes or extraordinary programs for regularizing irregular migrants, the legislative activity in question rests largely on decrees and administrative orders issued by countries' executive branches without the intervention of their parliaments. This leads to less stable norms that entail less legal certainty for all stakeholders, including migrants, the administration, the judiciary, and others.

This database of indicators and legal instruments is the IDB Migration Unit's first attempt at undertaking a comparative analysis of migration policy regimes in the countries of Latin America and the Caribbean. The unit will continue to update it, with the aim of making it a key source of data for the region.



Introduction

Migration, the seeking of refuge, intraregional freedom of movement, and nationality are highly complex legislative areas that are regulated through a wide variety of instruments at the domestic, bilateral, regional, and international levels. The ability to objectively measure different aspects of countries' migration policies allows us to identify the similarities and differences between the legislation in force that governs the movement of people across the region's borders, their access to rights and services while resident in their destination country, and their eventual access to that country's nationality, should they desire to acquire it. The methodology developed in this study and the compendium of legal instruments provide an overview of migration policy regimes in countries in Latin America and the Caribbean (LAC). Future updates will monitor these issues and examine any trends that emerge.

This project has analyzed more than 435 legal instruments from 26 countries, including constitutions (Esponda 2021), regional legislation, bilateral agreements, laws, regulations, decrees, administrative orders, and other documents such as public policies or reports. Where necessary, the appropriate authorities in a given country were consulted to clarify doubts. The aim of the project is not to rank countries, as any effort in that direction would imply a value judgment on the relative weighting of many factors that it would be impossible to fully justify. Instead, the project seeks to provide an objective description of the most important aspects of the regulation of migration policy in LAC and make this available to the public.

It is important to note that the database does not evaluate the practical implementation of the clauses of the legislation in question.¹ Although practice may differ in some respects from the letter of the law (Acosta 2018; Acosta and Freier 2015), analyzing the latter is fundamental to understanding not only how migration is regulated but also the decisions that migrants make (Blair, Grossman, and Weinstein 2022 and 2021).

This report presents a series of 40 indicators on these issues that have been applied to the 26 borrowing member countries of the Inter-American Development Bank (IDB)². Each indicator consists of a specific, objective question as to whether the country has ratified a given treaty, how many times it has carried out a regularization, or whether or not it grants a certain right in its legislation. These indicators enable us to make concrete, objective comparisons between countries.

THEY COVER THE FOLLOWING AREAS:

1. INTERNATIONAL INSTRUMENTS (17 indicators)

This indicator analyzes each country's ratification of the United Nations' nine main international human rights treaties that affect people's international freedom of movement, six other treaties that regulate human mobility, and the Global Compact on Refugees and the Global Compact for Safe, Ordinary and Regular Migration.

¹ This report uses the terms "laws," "legal instruments," and "norms" interchangeably.

² For analytical purposes, the countries are divided into four groups: Southern Cone, Andean countries, the Caribbean, and Mesoamerica.

2. REGIONAL INSTRUMENTS (8 indicators)

This examines the ratification of conventions and agreements within the Americas on human rights and refuge, and also considers countries' involvement in different subregional mobility schemes.

3. VISA-FREE ENTRY TO COUNTRIES (1 indicator)

This measures the number of countries whose nationals require a visa to enter any other country in the region. Entering another country is the first step on any migration journey.

4. ACCESS TO TEMPORARY RESIDENCY (3 indicators)

Once a migrant has entered another country, obtaining a residency permit is the next key step in their migration journey. This indicator includes subindicators for preferential access to residency for nationals of countries in the same subregion and two indicators that examine the regularization mechanisms available to irregular migrants.

5. RIGHTS WHILE RESIDENT (6 indicators)

While a migrant is resident in the country, their integration into the host society may be facilitated by their having the right to access the labor market and public healthcare and education services, to take part in political life by voting, to family reunification, and to eventually obtain permanent residency.

6. ACCESS TO NATIONALITY (5 indicators)

The final aspect of our analysis of migration covers legal standards on access to nationality, which includes not only the possibility of naturalization but also access to nationality for the children of

migrants that are born in the country in question (*jus soli*). To complement this, we also examined the regulations for obtaining nationality for the children of nationals born abroad (*jus sanguinis*). Finally, we analyzed whether each country allows dual citizenship for nationals who acquire another nationality and for foreigners who become local citizens.

The universe of countries covered is the 26 borrowing member countries of the IDB, such that the database contains 1,040 indicators. There are three types of indicators. The majority (32) are binary and therefore measure whether an international instrument has been ratified or not, or whether a right is granted or not. Two of the indicators are numeric and reveal the number of borrowing countries whose nationals require a visa to enter the country in question, or the number of extraordinary regularizations that have been carried out since 2000. Finally, six indicators have three possible answers: "not permitted," "permitted for some migrants," or "permitted for all migrants," with variations in the three categories as needed for the indicator in question.

As tends to be the case when gathering policy indicators, it is often difficult to provide a precise response as to whether or not a certain treatment is granted, given that a country may do so for a certain group of migrants or only under certain circumstances. Consequently, for each indicator, the database includes additional information that qualifies or clarifies the assigned value, as well as a reference to the law or laws on which the analysis and assigned value are based, including the specific article. Finally, a link to each law is also included to facilitate the use of the database.

THE PURPOSE OF THIS DOCUMENT IS TO PRESENT THE PROJECT'S MAIN FINDINGS.

The next section examines the six areas into which it is divided: international instruments, regional instruments, visa-free entry, temporary residency, rights while resident, and, finally, nationality. **Each section presents the results descriptively, after which we examine the main trends in more detail.** After analyzing the indicators, we briefly review the body of legal instruments that were compiled and examined for the project, which is followed by some concluding comments. The methodology and a glossary of terms are included in annexes to the report.

1. International Instruments

This section is divided into three sections that analyze various international instruments that affect the regulation of human mobility. It begins by looking at the ratification of the nine main UN international human rights treaties (which are summarized in [table 1](#)). The second section covers the ratification of five conventions and an additional protocol that all influence the legal regime for human mobility in various ways. The third section examines two instruments that are not international treaties but that are highly significant ([table 2](#)). The reason that they are not international treaties is because the international community decided to produce two declarations that are far-reaching but not legally binding. They cannot be ratified but merely supported or endorsed.

1.a Main international United Nations human rights treaties

1.a.1 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)³, December 21, 1965

This convention seeks to eradicate racial discrimination and hatred. It also guarantees the enjoyment of certain civil, political, economic, social, and cultural rights without discrimination on the grounds of race, color, descent, or national or ethnic origin. These rights include the right to freedom of movement and residency within the territory of a state; the right to leave any country, including one's own, and to return to one's country; and the right to a nationality (article 5). Some 182 countries have ratified the CERD, including all IDB borrowing member states.

1.a.2 International Covenant on Civil and Political Rights (ICCPR), December 16, 1966

This convention seeks to guarantee the protection of the civil and political rights of those who are in the territory of a state and subject to its jurisdiction, without any discrimination. This includes specific rights for foreigners in relation to the guarantees and procedures that must be complied with in the case of expulsion from the country (article 13). Some 173 countries have ratified the ICCPR, including all IDB borrowing member countries.

1.a.3 International Covenant on Economic, Social, and Cultural Rights (ICESCR), December 16, 1966

The ICESCR seeks to guarantee a series of rights in areas such as education, health, social security, and labor. All IDB borrowing member countries are part of the group of 171 countries that have ratified the covenant.

1.a.4 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), December 18, 1979

The objective of CEDAW is to eliminate all forms of discrimination against women, which is understood as any “distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights...” (article 1). Article 9 is particularly relevant since it establishes equal rights for women to “acquire, change or retain their nationality”; that neither marriage to an alien nor change of nationality by the husband during

³ Abbreviations used in this document are those used by the UN.

marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband"; and that states parties grant "women equal rights with men with respect to the nationality of their children." CEDAW has been ratified by 189 countries, including all IDB borrowing member states.

1.a.5 Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT), December 10, 1984

The section of this convention that is most relevant to this study is article 3: "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." The CAT has been ratified by 171 countries, 21 of which are IDB borrowing member states.

1.a.6 Convention on the Rights of the Child (CRC), November 20, 1989

The purpose of this convention is to protect the rights of children under the age of 18. The main clauses are contained in articles 7 (the right to acquire a nationality after birth) and 9-10 (on family unity and reunification). The CRC has been ratified by all IDB borrowing member states and 196 countries globally.

1.a.7 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), December 18, 1990

This is the most important international treaty on the rights of migrants and their families.

It includes rights that apply to all migrants, regardless of whether their status is irregular (articles 8-35), and rights that only apply to migrant workers who are documented or whose status is regular (articles 36-56). The ICMW has been ratified by 17 borrowing member states and 57 countries in total.

1.a.8 Convention on the Rights of Persons with Disabilities (CRPD), December 13, 2006

This treaty seeks to guarantee "full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities" (article 1). The most important article in relation to this study is article 18, which establishes freedom of movement and nationality, including the right to acquire and change nationality, leave any country including one's own, enter one's own country, or acquire a nationality after birth. The CRPD has been ratified by all IDB borrowing member states and by 184 countries in total.

1.a.9 International Convention for the Protection of All Persons from Enforced Disappearance (CPED), December 20, 2006

This convention prohibits the use of forced disappearance against any person. The most relevant section of the CPED is article 16: "No State Party shall expel, return ("refouler"), surrender or extradite a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to enforced disappearance." This CPED has been ratified by 13 IDB borrowing member states out of a total of 63.

TABLE 1: International Instruments (date of ratification)

CARIBBEAN								
	BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME	TRINIDAD & TOBAGO
1.a.1 ICERD	8 / 5 / 1975	11 / 8 / 1972	11 / 14 / 2001	2 / 15 / 1977	12 / 19 / 1972	6 / 4 / 1971	3 / 15 / 1984	10 / 4 / 1973
1.a.2 ICCPR	12 / 23 / 2008	1 / 5 / 1973	6 / 10 / 1996	2 / 15 / 1977	2 / 6 / 1991	10 / 3 / 1975	12 / 28 / 1976	12 / 21 / 1978
1.a.3 ICESCR	12 / 23 / 2008	1 / 5 / 1973	3 / 9 / 2015	2 / 15 / 1977	10 / 8 / 2013	10 / 3 / 1975	12 / 28 / 1976	12 / 8 / 1978
1.a.4 CEDAW	10 / 6 / 1993	10 / 16 / 1980	6 / 16 / 1990	7 / 17 / 1980	7 / 20 / 1981	10 / 19 / 1984	3 / 1 / 1993	1 / 12 / 1990
1.a.5 CAT	5 / 31 / 2018	Not Ratified	3 / 17 / 1986	5 / 19 / 1988	Not Ratified	Not Ratified	11 / 16 / 2021	Not Ratified
1.a.6 CRC	2 / 20 / 1991	10 / 9 / 1990	5 / 2 / 1990	1 / 14 / 1991	6 / 8 / 1995	5 / 14 / 1991	3 / 1 / 1993	12 / 5 / 1991
1.a.7 ICMW	Not Ratified	Not Ratified	11 / 14 / 2001	7 / 7 / 2010	Not Ratified	9 / 25 / 2008	Not Ratified	Not Ratified
1.a.8 CRPD	9 / 28 / 2015	2 / 27 / 2013	6 / 2 / 2011	9 / 10 / 2014	7 / 23 / 2009	3 / 30 / 2007	3 / 29 / 2017	6 / 25 / 2015
1.a.9 CPED	Not Ratified	Not Ratified	8 / 14 / 2015	Not Ratified	Not Ratified	Not Ratified	Not Ratified	Not Ratified

SOTHERN CONE					
	ARGENTINA	BRAZIL	CHILE	PARAGUAY	URUGUAY
1.a.1 ICERD	2 / 10 / 1968	27 / 3 / 1968	20 / 10 / 1971	18 / 8 / 2003	30 / 8 / 1968
1.a.2 ICCPR	8 / 8 / 1986	24 / 1 / 1992	10 / 2 / 1972	10 / 6 / 1992	1 / 4 / 1970
1.a.3 ICESCR	8 / 8 / 1986	24 / 1 / 1992	10 / 2 / 1972	10 / 6 / 1992	1 / 4 / 1970
1.a.4 CEDAW	15 / 7 / 1985	1 / 2 / 1984	7 / 12 / 1989	6 / 4 / 1987	9 / 10 / 1981
1.a.5 CAT	24 / 9 / 1986	28 / 9 / 1989	30 / 12 / 1988	12 / 3 / 1990	24 / 10 / 1986
1.a.6 CRC	4 / 12 / 1990	24 / 9 / 1990	13 / 8 / 1990	25 / 9 / 1990	20 / 11 / 1990
1.a.7 ICMW	23 / 2 / 2007	Not Ratified	21 / 3 / 2005	23 / 9 / 2008	15 / 2 / 2001
1.a.8 CRPD	2 / 9 / 2008	1 / 8 / 2008	29 / 7 / 2008	3 / 9 / 2008	11 / 2 / 2009
1.a.9 CPED	14 / 12 / 2007	29 / 11 / 2010	8 / 12 / 2009	3 / 8 / 2010	4 / 3 / 2009

MESOAMERICA + MEXICO								
	COSTA RICA	EL SALVADOR	GUATEMALA	HONDURAS	MEXICO	NICARAGUA	PANAMA	DOMINICAN REPUBLIC
1.a.1 ICERD	1 / 16 / 1967	11 / 30 / 1979	1 / 18 / 1983	10 / 10 / 2002	2 / 20 / 1975	2 / 15 / 1978	8 / 16 / 1967	5 / 25 / 1983
1.a.2 ICCPR	11 / 29 / 1968	11 / 30 / 1979	5 / 5 / 1992	8 / 25 / 1997	3 / 23 / 1981	3 / 12 / 1980	3 / 8 / 1977	1 / 4 / 1978
1.a.3 ICESCR	11 / 29 / 1968	11 / 30 / 1979	5 / 19 / 1988	2 / 17 / 1981	3 / 23 / 1981	3 / 12 / 1980	3 / 8 / 1977	1 / 4 / 1978
1.a.4 CEDAW	4 / 4 / 1986	8 / 19 / 1981	8 / 12 / 1982	3 / 3 / 1983	3 / 23 / 1981	10 / 27 / 1981	10 / 29 / 1981	9 / 2 / 1982
1.a.5 CAT	11 / 11 / 1993	6 / 17 / 1996	1 / 5 / 1990	12 / 5 / 1996	1 / 23 / 1986	7 / 5 / 2005	8 / 24 / 1987	1 / 24 / 2012
1.a.6 CRC	8 / 21 / 1990	7 / 10 / 1990	6 / 6 / 1990	8 / 10 / 1990	9 / 21 / 1990	10 / 5 / 1990	12 / 12 / 1990	6 / 11 / 1991
1.a.7 ICMW	Not Ratified	3 / 14 / 2003	3 / 14 / 2003	8 / 9 / 2015	3 / 8 / 1999	10 / 26 / 2005	Not Ratified	Not Ratified
1.a.8 CRPD	10 / 1 / 2008	12 / 14 / 2007	4 / 7 / 2009	4 / 14 / 2008	12 / 17 / 2007	12 / 7 / 2007	8 / 7 / 2007	8 / 18 / 2009
1.a.9 CPED	2 / 16 / 2012	Not Ratified	Not Ratified	4 / 1 / 2008	3 / 18 / 2008	Not Ratified	6 / 22 / 2011	Not Ratified

TABLE 1: International Instruments (date of ratification) (cont.)

	ANDEAN				
	BOLIVIA	COLOMBIA	ECUADOR	PERU	VENEZUELA
1.a.1 ICERD	9 / 22 / 1970	9 / 2 / 1981	9 / 22 / 1966	9 / 29 / 1971	10 / 10 / 1967
1.a.2 ICCPR	8 / 12 / 1982	10 / 29 / 1969	3 / 6 / 1969	4 / 28 / 1978	5 / 10 / 1978
1.a.3 ICESCR	8 / 12 / 1982	10 / 29 / 1969	3 / 6 / 1969	4 / 28 / 1978	5 / 10 / 1978
1.a.4 CEDAW	6 / 8 / 1990	1 / 19 / 1982	11 / 9 / 1981	9 / 13 / 1982	5 / 2 / 1983
1.a.5 CAT	4 / 12 / 1999	12 / 8 / 1987	3 / 30 / 1988	7 / 7 / 1988	7 / 29 / 1991
1.a.6 CRC	6 / 26 / 1990	1 / 28 / 1991	3 / 23 / 1990	9 / 4 / 1990	9 / 13 / 1990
1.a.7 ICMW	10 / 16 / 2000	5 / 24 / 1995	2 / 52 / 2002	9 / 14 / 2005	10 / 25 / 2016
1.a.8 CRPD	11 / 16 / 2009	5 / 10 / 2011	4 / 3 / 2008	1 / 30 / 2008	9 / 24 / 2013
1.a.9 CPED	12 / 17 / 2008	7 / 11 / 2012	10 / 20 / 2009	9 / 26 / 2012	Not Ratified

Source: Compiled by the authors.

1.b International treaties that affect the regulation of human mobility

1.b.1 Convention Relating to the Status of Refugees (CSR), July 28, 1951

The CSR defines the term “refugee” and establishes the legal status and protection owed to those who are granted this status. It applies to people who are refugees as a result of events that took place before January 1, 1951.

1.b.2 Additional Protocol Relating to the Status of Refugees (ASPR), January 31, 1967

The ASPR expands the scope of application of the CSR by removing the geographical or time limits that were part of the latter. There are 145 states parties to the CSR and 146 to the ASPR. All IDB borrowing member states are parties except Barbados and Guyana, which have not ratified either instrument, and Venezuela, which has ratified the ASPR but not the CSR.

1.b.3 Convention Relating to the Status of Stateless Persons (CSP), September 28, 1954

This convention defines the term “stateless person” as someone “who is not considered as a national by any State” and establishes the legal status and protection of such people. The CSP has been ratified by 96 countries, 20 of which are IDB borrowing member states.

1.b.4 Convention on the Reduction of Statelessness (CRS), August 30, 1961

The CRS establishes several obligations to reduce statelessness, including granting nationality to a person born in the territory who would otherwise be stateless (article 1) or limiting the state’s ability to deprive a person of their nationality if doing so would lead to their being stateless (article 8). It has been ratified by 77 countries, 17 of which are IDB borrowing member states.

1.b.5 Protocol Against the Smuggling of Migrants by Land, Sea and Air⁴ November 15, 2000

The protocol seeks to “prevent and combat the smuggling of migrants, as well as to promote co-operation among states parties to that end, while protecting the rights of smuggled migrants” (article 2). The protocol has 178 states parties, including all IDB borrowing member states except Bolivia and Colombia.

⁴ “Smuggling” is the facilitation or promotion of the illegal entry of a person into a country they are not a national or a permanent resident of, for the purpose of financial gain. See the Glossary ([Annex I](#)) for more details.

1.b.6 Protocol to Prevent, Suppress and Punish Trafficking⁵ in Persons, Especially Women and Children, December 12, 2000

The purpose of the protocol is to “prevent and combat trafficking in persons,” especially women and children, and to “protect and assist the victims of such trafficking” (article 2). The protocol has 150 states parties, including all IDB borrowing member states.

1.c Instruments that are not international treaties

1.c.1 Global Compact on Refugees, December 17, 2018

The Global Compact on Refugees is an agreement negotiated at the government level that establishes four key objectives: alleviate pressures on host countries, enhance refugee self-reliance, expand

access to third-country solutions, and support conditions in countries of origin for return in safety and dignity. All but five UN member states voted in favor; the Dominican Republic was one of the five abstentions. All other IDB borrowing member countries supported the Global Compact.

1.c.2 Global Compact for Safe, Orderly and Regular Migration, December 19, 2018

This is an agreement negotiated at the government level under the auspices of the United Nations. It covers all aspects of international migration and sets out 23 objectives in various areas. Supporting states are committed to these objectives. The Global Compact was adopted by 152 of the 193 UN member states, including 20 IDB borrowing member countries. Brazil initially voted in favor but has since announced its intention not to endorse the Global Compact. The other LAC countries that abstained or voted against it are Belize, Chile, the Dominican Republic, Paraguay, and Trinidad and Tobago.

TABLE 2: International Instruments

	CARIBBEAN							
	BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME	TRINIDAD & TOBAGO
1.b.1 CSR 1951	15 / 9 / 1993	Not Ratified	27 / 6 / 1990	Not Ratified	25 / 9 / 1984	30 / 7 / 1964	29 / 11 / 1978	10 / 11 / 2000
1.b.2 APSR 1967	15 / 9 / 1993	Not Ratified	27 / 6 / 1990	Not Ratified	25 / 9 / 1984	30 / 10 / 1980	29 / 11 / 1978	10 / 11 / 2000
1.b.3 CSP 1954	Not Ratified	6 / 3 / 1972	14 / 9 / 2006	Not Ratified	27 / 9 / 2018	Not Ratified	Not Ratified	11 / 4 / 1966
1.b.4 CRS 1961	Not Ratified	Not Ratified	14 / 8 / 2015	Not Ratified	27 / 9 / 2018	9 / 1 / 2013	Not Ratified	Not Ratified
1.b.5 Smuggling Protocol 2000	26 / 9 / 2008	11 / 11 / 2014	14 / 9 / 2006	16 / 4 / 2008	19 / 4 / 2011	29 / 9 / 2003	25 / 5 / 2007	6 / 11 / 2007
1.b.6 Trafficking Protocol 2000	26 / 9 / 2008	11 / 11 / 2014	26 / 9 / 2003	14 / 9 / 2004	19 / 4 / 2011	29 / 9 / 2003	25 / 5 / 2007	6 / 11 / 2007
1.c.1 GCM 2018	Endorsed	Endorsed	Not Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Not Endorsed
1.c.2 GCR 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed

⁵ Trafficking is the recruitment or receipt of persons using forms of coercion or fraud for the purpose of exploitation. This includes sexual exploitation and forced labor. See the Glossary ([Annex I](#)) for more details.

TABLE 2: International Instruments (cont.)

	SOUTHERN CONE				
	ARGENTINA	BRAZIL	CHILE	PARAGUAY	URUGUAY
1.b.1 CSR 1951	15 / 11 / 1961	16 / 11 / 1960	28 / 1 / 1972	1 / 4 / 1970	22 / 9 / 1970
1.b.2 APSR 1967	6 / 12 / 1967	7 / 4 / 1972	27 / 4 / 1972	1 / 4 / 1970	22 / 9 / 1970
1.b.3 CSP 1954	1 / 6 / 1972	13 / 8 / 1996	11 / 4 / 2018	1 / 7 / 2014	2 / 4 / 2004
1.b.4 CRS 1961	13 / 11 / 2014	25 / 10 / 2007	11 / 4 / 2018	6 / 6 / 2012	21 / 9 / 2012
1.b.5 Smuggling Protocol 2000	19 / 11 / 2002	29 / 1 / 2004	29 / 11 / 2004	23 / 9 / 2008	4 / 3 / 2005
1.b.6 Trafficking Protocol 2000	19 / 11 / 2002	29 / 1 / 2004	29 / 11 / 2004	22 / 9 / 2004	4 / 3 / 2005
1.c.1 GCM 2018	Endorsed	Not Endorsed	Not Endorsed	Not Endorsed	Endorsed
1.c.2 GCR 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed

	MESOAMERICA + MEXICO							
	COSTA RICA	EL SALVADOR	GUATEMALA	HONDURAS	MEXICO	NICARAGUA	PANAMA	DOMINICAN REPUBLIC
1.b.1 CSR 1951	28 / 3 / 1978	28 / 4 / 1983	22 / 9 / 1983	23 / 3 / 1992	7 / 6 / 2000	28 / 3 / 1980	2 / 8 / 1978	4 / 1 / 1978
1.b.2 APSR 1967	28 / 3 / 1978	28 / 4 / 1983	22 / 9 / 1983	23 / 3 / 1992	7 / 6 / 2000	28 / 3 / 1980	2 / 8 / 1978	4 / 1 / 1978
1.b.3 CSP 1954	2 / 11 / 1977	9 / 2 / 2015	28 / 11 / 2000	1 / 10 / 2012	7 / 6 / 2000	15 / 7 / 2013	2 / 6 / 2011	Not Ratified
1.b.4 CRS 1961	2 / 11 / 1977	Not Ratified	19 / 7 / 2001	18 / 12 / 2012	Not Ratified	29 / 7 / 2013	2 / 6 / 2011	Not Ratified
1.b.5 Smuggling Protocol 2000	7 / 8 / 2003	18 / 3 / 2004	1 / 4 / 2004	18 / 12 / 2008	4 / 3 / 2003	15 / 2 / 2006	18 / 8 / 2004	10 / 12 / 2007
1.b.6 Trafficking Protocol 2000	9 / 9 / 2003	18 / 3 / 2004	1 / 4 / 2004	1 / 4 / 2008	4 / 3 / 2003	12 / 10 / 2004	18 / 8 / 2004	5 / 2 / 2008
1.c.1 GCM 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Not Endorsed
1.c.2 GCR 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed	Not Endorsed

TABLE 2: International Instruments (cont.)

	ANDINOS				
	BOLIVIA	COLOMBIA	ECUADOR	PERÚ	VENEZUELA
1.b.1 CSR 1951	9 / 2 / 1982	10 / 10 / 1961	17 / 8 / 1955	21 / 12 / 1964	Not Ratified
1.b.2 ASPR 1967	9 / 2 / 1982	4 / 3 / 1980	6 / 3 / 1969	15 / 9 / 1983	19 / 9 / 1986
1.b.3 CSP 1954	6 / 10 / 1983	7 / 10 / 2019	2 / 10 / 1970	23 / 1 / 2014	Not Ratified
1.b.4 CRS 1961	6 / 10 / 1983	15 / 8 / 2014	24 / 9 / 2012	18 / 12 / 2014	Not Ratified
1.b.5 Smuggling Protocol 2000	Not Ratified	Not Ratified	17 / 9 / 2012	23 / 1 / 2002	15 / 4 / 2005
1.b.6 Trafficking Protocol 2000	18 / 5 / 2006	4 / 8 / 2004	17 / 9 / 2012	23 / 1 / 2002	13 / 5 / 2002
1.c.1 GCM 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed
1.c.2 GCR 2018	Endorsed	Endorsed	Endorsed	Endorsed	Endorsed

Source: Compiled by the authors.

Findings relating to international instruments

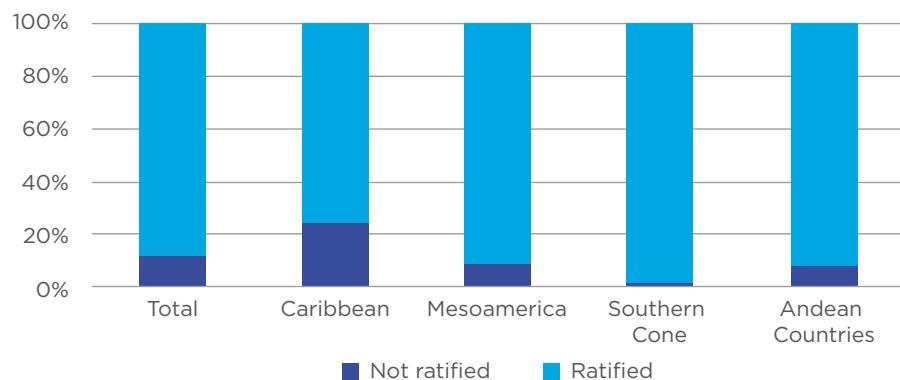
The main finding is that the rate of ratification of these instruments is very high for IDB borrowing member states in general, but is much lower in the Caribbean. First, of the total 234 possible ratifications of the nine main UN human rights treaties by the 26 countries, 209 have been carried out. Some 16 of these 25 nonratifications are from Caribbean countries and 7 are from countries in Mesoamerica. Of the 156 possible ratifications of the 6 international treaties that affect the regulation of human mobility, 22 (or 14%) have not taken place. Of these 22, 13 are from the Caribbean, and 7 are from Mesoamerica (see [figure 1](#)). The two 2018 Global Compacts provided 52 opportunities for support from the 26 IDB borrowing member countries. Of these, 7 (13%) did not take place. The Andean countries are the only subregion to have fully supported both global compacts ([figure 2](#)).

Five countries (Argentina, Ecuador, Honduras, Peru, and Uruguay) have ratified or endorsed all the treaties. At the other extreme are the

Dominican Republic and Barbados, which have rejected the most instruments (six), followed by Guyana and Trinidad and Tobago which have not ratified or supported five of them. The relative frequency of nonratifications by Caribbean countries may be explained by these not being independent countries at the time that the treaties were negotiated, although this does not explain why they have not joined subsequently.

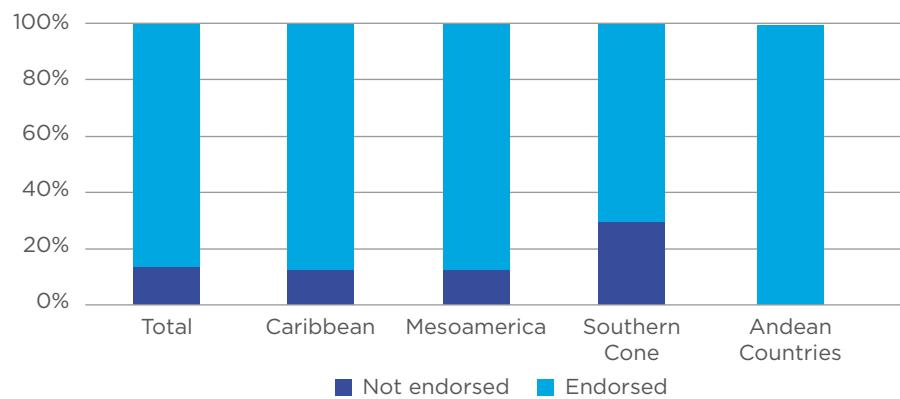
Of the 16 instruments analyzed (taking the CSR and the ASPR as a single instrument), 7 have been ratified by all states and 9 have been rejected by at least one IDB borrowing member country. Leaving aside the Convention for the Protection of All Persons from Enforced Disappearance, the relevance of which to the regulation of mobility is more limited, the Convention on the Reduction of Statelessness and International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are the least accepted of the 16 instruments, as nine countries have still not joined them, most of which are in the Caribbean. Positive progress has been made on the Convention on the Reduction of Statelessness, which has been ratified by 12 states since 2010, some of which (e.g., Argentina, Paraguay,

FIGURE 1: Ratification of the 16 Human Rights and Human Mobility Treaties



Source: Compiled by the authors.

FIGURE 2: Support for the Global Compacts for Refugees and Safe and Regular Migration



Source: Compiled by the authors.

and Uruguay) have also recently enacted specific domestic laws in this area. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families may be ratified by other states in the near future. For example, Haiti signed it in 2013 but has not yet ratified it, while Brazil's Congress has been debating doing so since 2010.⁶ In fact, of the 57 states that have ratified it worldwide, 17 (30%) are IDB borrowing member countries, so the overall trend in LAC is to be a party to this instrument.

Two other factors are worth noting. Most of the states included in this study adopted specific laws on human trafficking, although issues relating to migrant smuggling tend to be included in migration laws. Three exceptions to this are Ecuador, which regulates human trafficking in its human mobility law, Suriname, and Venezuela. Furthermore, while all LAC countries except Barbados and Guyana have ratified the Refugee Convention and/or the Additional Protocol to this, there are five that have not passed any national laws in this area (Bahamas, Haiti, Jamaica, Trinidad and Tobago, and Suriname). **This is a major challenge that could pose huge difficulties when it comes to recognizing refugee status and providing protection for those holding this.**

⁶ For more information steps have been taken as part of this process, see the following link (last accessed December 29, 2021): <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=489652>

2. Regional Instruments

This section is divided into three subsections that analyze the different regional instruments that affect the regulation of human mobility. The first of these examines the ratification of two inter-American conventions. The second covers two indicators that do not refer to the ratification of a specific duty but rather to the recognition of the jurisdiction of the Inter-American Court of Human Rights and the domestic implementation of the Cartagena Declaration on Refugees. The third explores the ratification of subregional instruments that facilitate the free movement of persons (see [Table 3](#)). Finally, it is worth noting the importance of some regional forums in which migration topics have been discussed in recent years, such as the South American Conference on Migration or the Quito Process. These are not included here as they do not produce binding legal norms.

2.a Regional conventions

2.a.1 American Convention on Human Rights (ACHR), November 22, 1969

Also known as the Pact of San José, this is the most important human rights instrument in the Americas and includes an extensive list of civil and political rights. It also establishes the two competent bodies that are empowered to ensure compliance with the ACHR: the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. The ACHR has been ratified by 24 states in the Americas, including all the IDB borrowing member countries except the Bahamas, Belize, Guyana, and Trinidad and Tobago.

2.a.2 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, November 17, 1988

Also known as the Protocol of San Salvador, this instrument includes a number of fundamental socioeconomic rights, such as the right to education, social security, and health or labor rights. It has been ratified by 17 IDB borrowing member countries, most of which are in Central and South America. Most Caribbean countries have not yet ratified it, including the Bahamas, Barbados, Belize, Guyana, Haiti, Jamaica, and Trinidad and Tobago, and neither has the Dominican Republic. Chile is likely to be the next state to ratify it, as its Senate approved this in July 2021.

2.b Other indicators for regional cooperation

2.b.1 Jurisdiction of the Inter-American Court of Human Rights (IA Court)

This indicator refers to the countries that have recognized the jurisdiction of the IA Court as per article 62 of the ACHR. Some 20 IDB borrowing member countries have done so to date; the only countries that have not are the following Caribbean countries: Bahamas, Belize, Guyana, Jamaica, and Trinidad and Tobago, the latter of which has also not ratified the ACHR. The Dominican Republic is currently in legal limbo on this matter. Through ruling 256 of 2014, the Dominican Constitutional Court declared that the jurisdiction of the IA Court had not been recognized through the proper procedure and that it therefore did not have jurisdiction. Conversely, in March 12, 2019, the IA Court issued an order in which it deemed that the Constitutional Court ruling of November 4, 2014, has no legal effect under international law.

2.b.2 Cartagena Declaration on Refugees, November 22, 1984

The Cartagena Declaration is a non-legally binding instrument that was adopted in 1984, a time when a large number of Central American citizens were fleeing their countries but whose legal status did not fall under the definition of refugee in the 1951 Geneva Convention Relating to the Status of Refugees, or the 1967 Additional Protocol to this. The Cartagena Declaration expanded the concept of refugee to include “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”⁷ This expanded definition has been included in part or in full in the domestic legislation of 15 IDB borrowing member states: Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay. In Costa Rica, the Cartagena Declaration has been applied at the judicial level. The remaining IDB borrowing member countries have not included the expanded definition in their domestic legislation.

2.c Subregional instruments on the free movement of persons

2.c.1 Residency Agreement for Nationals of the MERCOSUR States Parties, Bolivia, and Chile, December 6, 2002

This agreement entered into force in 2009 and is open for ratification by any of the full and associate member countries of MERCOSUR. This means that all 12 South American countries can join it. Guyana, Suriname, and Venezuela are the only

countries that have not ratified the agreement to date. It offers nationals of states parties the right to residency in another state. Specifically, it enables them to obtain a two-year temporary residency permit that can then be converted into a permanent one. The agreement covers a variety of rights, including the rights to work, education, or family reunification.

2.c.2 Decision No. 878 Andean Migration Statute, May 12, 2021

This decision entered into force on August 11, 2021, and is directly applicable in the four member states of the Andean Community: Bolivia, Colombia, Ecuador, and Peru. The statute adds to the set of instruments that have already been adopted by the Andean Community and that facilitate the free movement of people, including Decision 545, which only applies to workers. It establishes that nationals of these countries have the right to reside in any of the other states, as do any foreigners with permanent residency rights in any of them. Those in question are initially granted a temporary residency permit that may later be converted into a permanent one. The statute provides access to rights such as education or family reunification, as well as the right to work, including self-employment.

2.c.3 Central American Free Mobility Agreement CA-4, June 20, 2006

This agreement was signed by the migration authorities of El Salvador, Guatemala, Honduras, and Nicaragua within the framework of the Central American Integration System (SICA). The other four SICA member states (Belize, Costa Rica, Panama, and the Dominican Republic) are not party to it. It facilitates the transit of people from participating countries without the need for a passport but does not include the right to residency.

⁷ Cartagena Declaration on Refugees, adopted by the Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, held in Cartagena, Colombia, from November 19 to 22, 1984.

TABLE 3: Regional and Subregional Instruments

	CARIBBEAN								
	BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME	TRINIDAD & TOBAGO	
ACHR 1969	Not Ratified	5 / 11 / 1981	Not Ratified	Not Ratified	14 / 9 / 1977	19 / 7 / 1978	12 / 11 / 1987	Not Ratified	
San Salvador 1988	Not Ratified	Not Ratified	Not Ratified	Not Ratified	Not Ratified	Not Ratified	28 / 2 / 1990	Not Ratified	
IACHR	Not Accepted	Accepted	Not Accepted	Not Accepted	Accepted	Not Accepted	Accepted	Not Accepted	
Cartagena 1984	Not Internalized	Not Internalized	Internalized	Not Internalized	Not Internalized	Not Internalized	Not Internalized	Not Internalized	
CARICOM	Not Ratified	Ratified	Ratified	Ratified	Not Ratified	Ratified	Ratified	Ratified	
SICA CA-4	Not Ratified								
MERCOSUR 2002	Not Ratified					Not Ratified			
	SOUTHERN CONE								
	ARGENTINA		BRAZIL		PARAGUAY		URUGUAY		CHILE
ACHR 1969	14 / 8 / 1984		9 / 7 / 1992		18 / 8 / 1989		26 / 3 / 1985		10 / 8 / 1990
San Salvador 1988	30 / 6 / 2003		8 / 8 / 1996		28 / 5 / 1997		21 / 11 / 1995		Not Ratified
IACHR	Accepted		Accepted		Accepted		Accepted		Accepted
Cartagena 1984	Internalized		Internalized		Internalized		Internalized		Internalized
MERCOSUR 2002	Ratified		Ratified		Ratified		Ratified		Ratified
	MESOAMERICA + MEXICO								
	COSTA RICA	EL SALVADOR	GUATEMALA	HONDURAS	MEXICO	NICARAGUA	PANAMA	DOMINICAN REPUBLIC	
ACHR 1969	2 / 3 / 1970	20 / 6 / 1978	27 / 4 / 1978	5 / 9 / 1977	2 / 3 / 1981	25 / 9 / 1979	8 / 5 / 1978	21 / 1 / 1978	
San Salvador 1988	29 / 9 / 1999	4 / 5 / 1995	30 / 5 / 2000	14 / 9 / 2011	8 / 3 / 1996	15 / 12 / 2009	28 / 10 / 1992	Not Ratified	
IACHR	Accepted	Accepted	Accepted	Accepted	Accepted	Accepted	Accepted	Not Accepted	
Cartagena 1984	Not Internalized	Internalized	Internalized	Internalized	Internalized	Internalized	Not Internalized	Not Internalized	
SICA CA-4	Not Ratified	Ratified	Ratified	Ratified		Ratified	Not Ratified	Not Ratified	
	ANDEAN								
	COLOMBIA		BOLIVIA		ECUADOR		PERU		VENEZUELA
ACHR 1969	28 / 5 / 1973		20 / 6 / 1979		8 / 12 / 1977		12 / 7 / 1978		1 / 7 / 2019
San Salvador 1988	22 / 10 / 1997		12 / 7 / 2006		10 / 2 / 1993		17 / 5 / 1995		Not Ratified
IACHR	Accepted		Accepted		Accepted		Accepted		Accepted
Cartagena 1984	Internalized		Internalized		Internalized		Internalized		Not Internalized
Decisión 878 CAN	11 / 8 / 2021		11 / 8 / 2021		11 / 8 / 2021		11 / 8 / 2021		
MERCOSUR 2002	Ratified		Ratified		Ratified		Ratified		Not Ratified

Source: Compiled by the authors.

2.b.4 Revised Treaty of Chaguaramas Establishing the Caribbean Community (CARICOM) and Including the Single Market, July 5, 2001.

This treaty entered into force on January 1, 2006. Per article 46, certain categories of nationals of CARICOM member states have the right to work in other states. There are currently ten skilled worker categories. These are: university graduates, artists, musicians, professional athletes, media workers, nurses, teachers, artisans with a Caribbean Vocational Qualification (CVQ), domestic workers with a CVQ or similar certificate, and those holding a university diploma or vocational training certificate that is comparable to a diploma and was awarded by a recognized university or institution.⁸ All other nationals of member states do not have the right to work and must follow each country's domestic immigration laws. All CARICOM member states except the Bahamas have ratified the agreement. In other words, the IDB borrowing member countries to have ratified it are Barbados, Belize, Guyana, Haiti, Jamaica, Suriname, and Trinidad and Tobago. However, Haiti does not apply the free mobility framework to skilled workers.

Findings in regional instruments

There were two major findings. First, as with the international instruments, there was significant divergence between the ratification of these instruments by the Caribbean states and the other three subregions. With the exception of Suriname, relatively few Caribbean states are parties to the American Convention on Human Rights and the Protocol of San Salvador nor recognize the contentious jurisdiction of the IA Court. Likewise, Belize is the only state to have incorporated the expanded definition of "refugee" from the Cartagena Declaration in its domestic legislation. The Dominican Republic is the only state in the other subregions to follow a similar pattern to the Caribbean states. **At the other end of the spectrum, 13 countries have ratified both conventions, accepted the jurisdiction of the IA Court, and have implemented the Cartagena Declaration.**

Second, regional freedom of movement agreements have become extremely commonplace within LAC's legislative landscape. The exception in this case is SICA, which only has the Central American Free Mobility Agreement. This has been implemented by merely four of the bloc's eight member states and, moreover, is very limited in scope compared to MERCOSUR, the Andean Community, or CARICOM agreements.⁹

⁸ For more information, see the report: Caribbean Community Secretariat, CARICOM. Single Market and Economy, Free Movement—Travel and Work, 3rd edition, 2017, p. 20. The following website also contains relevant information (last accessed December 28, 2021): <https://gisbarbados.gov.bb/csmeftravel/>

⁹ Statistics from the IDB and OECD (2021, p. 27) demonstrate the magnitude of the impact of the MERCOSUR and CARICOM regional mobility mechanisms. The Andean Community migration statute is too recent for data on it to be available yet.

3. Visa-Free Entry

This section explores the citizens of countries that are required to obtain a visa to enter a given country. The data that it draws on comes mainly from the official websites of the relevant ministries in each country, usually the ministry of foreign affairs. Our analysis covers the 26 IDB borrowing member countries. **Our main finding is that visa-free movement among LAC countries is commonplace, although conditions vary considerably from country to country.**

First, the country that requires visas for visiting nationals from more states in the region than any other is Venezuela, which requires them for citizens of 11 countries, followed by Mexico with 9 (see [figure 3](#)). Venezuela's policy in this regard owes to its application of the principle of reciprocity with states that require visas for Venezuelan nationals. As a consequence, it has modified its visa legislation in the last five years on several occasions to exclude nationals from several countries from the benefit of visa-free entry as tourists, such as Panama in 2017 or Chile and Peru in 2019.

In the case of Mexico, this may be related to the fact that it is the main country of transit for migrants seeking to reach the United States. This generates a significant flow and visas are a mechanism that may slow it to make it more manageable. Countries whose citizens must have a visa prior to travelling to Mexico are those that are most often encountered attempting to cross into the U.S. without permission. These include four countries in Central America (El Salvador, Guatemala, Honduras, and Nicaragua), Haiti and the Dominican Republic, and Ecuador¹⁰. Nationals of these countries are among the most often detained at the US border for attempting to cross without permission¹¹.

With respect to the other countries that require visas of citizens of six or more LAC countries, we find the countries of the Northern Triangle (El Salvador, Guatemala, and Honduras) and Costa Rica in Central America, Guyana in the Caribbean, and Paraguay in South America. In five of these eight cases, the Guyanese visa requirements seem to be based on reciprocity, as those eight countries also require visas for Guyanese. The three exceptions are El Salvador, Haiti, and Nicaragua. Paraguay requires visas for nationals of eight countries of the Caribbean, though this is reciprocal only with Guyana and Surinam.

¹⁰ Joint Foreign Ministry-Government communiqué of Mexico, “Méjico suspende temporalmente exención de visas para nacionales ecuatorianos”, August 20, 2021, available here: <https://www.gob.mx/sre/prensa/mexico-suspende-temporalmente-exencion-de-visas-para-nacionales-ecuatorianos-280613?idiom=es> (last accessed December 28, 2021).

¹¹ US Customs and Border Patrol had more than 97 thousand encounters with Ecuadorians attempting to cross the US border without permission in fiscal year 2021. While it is possible that some persons were encountered more than once, this is still eight times the number of Ecuadorians in similar circumstances in 2020. See <https://www.cbp.gov/newsroom/stats/nationwide-encounters>

FIGURE 3: Number of Countries in LAC Whose Nationals Are Required to Hold a Visa to Enter Other Countries



Source: Compiled by the authors. See datamig.iadb.org/law-map.

If the data is analyzed from the point of view of the number of destination countries that nationals of each country can visit without a visa, only the citizens of Argentina, Brazil, Costa Rica, and Uruguay have the privilege of entering all other borrowing member countries without a visa. Nationals of Barbados, Chile, Mexico, and Trinidad and Tobago require visas for just one state, and those of six other countries in two (see [table 4](#)). All other countries except Bolivia require visas for Haitian nationals, including other countries in the Caribbean.

Second, several states have introduced visa requirements for Venezuelan nationals in recent years, namely Honduras and Panama in 2017; Guatemala in 2018; Chile, Ecuador, the Dominican

Republic, Peru, and Trinidad and Tobago in 2019; and Nicaragua in 2021¹² (Chaves-González and Echevarría Estrada 2020; Acosta, Blouin, and Freier 2019).

Another noteworthy point in the case of Haiti is the uncertain relationship between the right to freedom of movement that derives from regional agreements and the application of visa requirements. For example, in 2018, the heads of state and government of the CARICOM countries decided to recognize Haitian citizens' right to move to another member state for stays of up to six months, subject to certain conditions.¹³ However, this right is not being complied with in practice for various reasons.

TABLE 4: Number of Countries in LAC Requiring Visas for Nationals of Each Country

Number of countries	Countries
0	Argentina, Brazil, Costa Rica, Uruguay
1	Barbados, Chile, Mexico, Trinidad and Tobago
2	Belize, Colombia, Panama, Peru, Paraguay
3	Bahamas, Guatemala
4	Ecuador, El Salvador, Honduras
5	Bolivia, Guyana, Jamaica
6	Nicaragua
9	Suriname
10	Dominican Republic
11	Venezuela
24	Haiti

Source: Compiled by the authors.

¹² Mexico and Costa Rica also introduced visa requirements for Venezuelan nationals in January and February 2022, respectively.

¹³ CARICOM, Thirty-Ninth Regular Meeting of the Conference of Heads of Government of the Caribbean Community, Montego Bay, Jamaica, July 4–6, 2018, p. 12.

4. Temporary Residency

4.a Preferential access to temporary residency

This indicator examines whether a country allows privileged access to temporary residency for nationals of another state in the region. **The main finding is that free residency clauses have become commonplace and now exist in the legislation of 17 of the 26 borrowing member countries.** That said, a few points need to be explored in greater detail.

First, the only countries that do not allow privileged access to residency for nationals of at least one other country are the Bahamas and Haiti in the Caribbean, and Costa Rica, Guatemala, Honduras, Nicaragua, Panama, the Dominican Republic, and Mexico in Mesoamerica. Mexico's position is explained by the fact that it is not a party to any regional agreement with freedom of movement rules. Likewise, the Bahamas has not ratified the 2001 Revised Treaty of Chaguanas, while Haiti does not apply the part concerning the free movement of certain skilled workers despite having ratified it. Finally, the Central American Free Mobility Agreement that was adopted as part of SICA was agreed on by only four countries (El Salvador, Guatemala, Honduras, and Nicaragua) and is intended to allow intraregional transit but not residency.

Second, rules facilitating residency can be found not only in regional agreements but also in bilateral treaties and domestic legislation. For example, Argentina, Brazil, Uruguay, and El Salvador establish residency rights for nationals of certain countries in the region in their domestic legislation. This is also the case for Colombia, although on a temporary basis: Decree 216 of 2021 enables Venezuelan nationals to request residency if they

entered the country regularly before May 2023 (article 4). Bilateral agreements on this matter are also commonplace in South America and include, for example, the agreements signed between Ecuador and Venezuela (2010), Argentina and Brazil (2005), and Brazil and Uruguay (2013). The relevant regional treaties include the MERCOSUR, Bolivia, and Chile Residency Agreement and the MERCOSUR Residency Agreement, both of which have been in force since 2009; the Andean Migratory Statute, in force since August 11, 2021; and Articles 45 and 46 of the CARICOM Revised Treaty of Chaguanas, which entered into force on January 1, 2006. These three agreements differ in terms of scope—in other words, who they apply to and what rights they entail—but they all facilitate the residency of thousands of people in South America and the Caribbean.

Third, reciprocity is not always a prerequisite. For example, Argentina, Brazil, and Uruguay offer residency rights to nationals of Guyana, Suriname, and Venezuela even though this treatment is not reciprocal. Brazil also enables Haitian nationals to apply for a temporary visa at its Port-au-Prince Consulate, which can be transformed after arrival in Brazil into a two-year residency permit (Fernandes et al. 2013). Likewise, El Salvador allows residency for those who are nationals of other Central American countries by birth, a privilege that Salvadorans do not enjoy in these countries. Finally, several Caribbean countries (e.g., Barbados, Guyana, Jamaica, or Trinidad and Tobago) give special treatment to citizens of the Bahamas, or Haiti, or both, even though these countries do not implement the CARICOM agreement for the free movement of skilled workers. Consequently, Colombia's decision in 2016 not to offer the right of residency to Chilean nationals due to the lack of existing reciprocity is not a pattern that is always observed.

FIGURE 4: Preferential Access to Temporary Residency



Source: Compiled by the authors. See datamig.iadb.org/law-map.

TABLE 5: Temporary Residency

	CARIBBEAN							
	BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME	TRINIDAD & TOBAGO
Preferential access to temporary residence	No	For some nationals of the subregion	For some nationals of the subregion	For some nationals of the subregion	No	For some nationals of the subregion	For some nationals of the subregion and some others	For some nationals of the subregion
Permanent regularization mechanisms	Not Available	Not Available	Available	Not Available	Not Available	Not Available	Not Available	Not Available
Extraordinary regularization mechanisms since 2000	No extraordinary regularizations have been carried out	One extraordinary regularization has been carried out	One extraordinary regularization has been carried out					

	SOUTHERN CONE				
	ARGENTINA	BRAZIL	PARAGUAY	URUGUAY	CHILE
Preferential access to temporary residence	For some nationals of South America	For some nationals of South America and some others	For some nationals of South America	For some nationals of South America	For some nationals of South America
Permanent regularization mechanisms	Available	Available	Available	Available	Not Available
Extraordinary regularization mechanisms since 2000	11 extraordinary regularizations have been carried out	5 extraordinary regularizations have been carried out	2 extraordinary regularizations have been carried out	One extraordinary regularization has been carried out	3 extraordinary regularizations have been carried out

	MESOAMERICA + MEXICO							
	MEXICO	GUATEMALA	EL SALVADOR	HONDURAS	NICARAGUA	COSTA RICA	PANAMA	DOMINICAN REPUBLIC
Preferential access to temporary residence	No	No	For some nationals of the subregion	No	No	No	No	No
Permanent regularization mechanisms	Available	Available	Not Available	Not Available	Available	Available	Not Available	Not Available
Extraordinary regularization mechanisms since 2000	9 extraordinary regularizations have been carried out	One extraordinary regularization has been carried out	One extraordinary regularization has been carried out	No extraordinary regularizations have been carried out	No extraordinary regularizations have been carried out	3 extraordinary regularizations have been carried out	13 extraordinary regularizations have been carried out	2 extraordinary regularizations have been carried out

TABLE 5: Temporary Residency (cont.)

	ANDEAN				
	BOLIVIA	COLOMBIA	ECUADOR	PERU	VENEZUELA
Preferential access to temporary residence	For some nationals of South America	For some nationals of South America	For some nationals of South America	For some nationals of South America	For some nationals of South America
Permanent regularization mechanisms	Available	Not Available	Available	Available	Not Available
Extraordinary regularization mechanisms since 2000	11 extraordinary regularizations have been carried out	12 extraordinary regularizations have been carried out	4 extraordinary regularizations have been carried out	8 extraordinary regularizations have been carried out	3 extraordinary regularizations have been carried out

Source: Compiled by the authors.

4.b Permanent regularization mechanisms

The database distinguishes between two different regularization procedures. Permanent regularization mechanisms (4.b) are procedures that are established by law or in the implementing regulations and that allow any individual to benefit from them at any time if certain requirements are met. In contrast, extraordinary programs (4.c), discussed below, only apply for a limited time and are normally regulated by means of a decree or administrative order issued by the executive.

The main trend that we want to highlight is that **permanent regularization mechanisms have become commonplace in the region and are in place in 13 countries**.

First, most countries have incorporated these mechanisms as part of the new migration laws they have passed since 2000 (Bauer 2019). This includes Argentina (2004), Uruguay and Panama (2008), Costa Rica (2009), Mexico (2011), Nicaragua (2011), Bolivia (2013), Guatemala (2016), and Brazil, Ecuador, and Peru (2017). The only exceptions are Paraguay (whose procedure is in its 1996 Migration Act) and Belize, whose procedure was established in its 1958 Immigration Act, which was passed more than two decades before its independence in 1981. A consensus thus seems to be emerging in Latin America that these instruments are a valid form of migration management.

However, this consensus does not extend to the Caribbean, since no country other than Belize has such permanent procedures in place.

Second, in South America, these mechanisms cannot be viewed separately from the adoption of the MERCOSUR Residency Agreements and the Andean Migratory Statute. Both instruments function as permanent regularization mechanisms since they allow nationals of countries that are party to them to obtain a residency permit in the destination country regardless of whether their migration status is irregular.

Third, the scope of application differs considerably in each case. For example, in Belize, regularization can only be requested by those who entered the country as minors and have resided there for ten years. Likewise, in Argentina, those who have entered the country irregularly cannot start regularization proceedings even though this runs counter to the MERCOSUR Residency Agreements.

Fourth, they also vary in terms of the level of discretion granted to the administration. In Bolivia, for example, the legislation simply states that the General Migration Authority has the power to regularize temporary or permanent stays. In contrast, in countries such as Argentina, Brazil, or Mexico (Basok and Rojas Wiesner 2018), the individual has the right, in some cases, to initiate the process of requesting a regularization when certain requirements are met.

Finally, it is hard to evaluate how effective these procedures are due to the absence of public statistics covering the number of residence permits granted, the reasons for granting or denying these, or the nationality of those requesting them. The IDB and OECD (2021) are working on compiling statistics of this type, but more data is needed to identify good practices to inform future policies.

4.c Extraordinary regularization programs

Extraordinary regularization programs are processes that only apply for a limited time and are normally adopted through administrative decrees or orders. Our database includes all programs adopted by each of the countries since January 2000.

The main finding is that extraordinary regularization programs are widespread: at least 92 have been adopted in 18 of the 26 countries since 2000 (see [figure 5](#)).

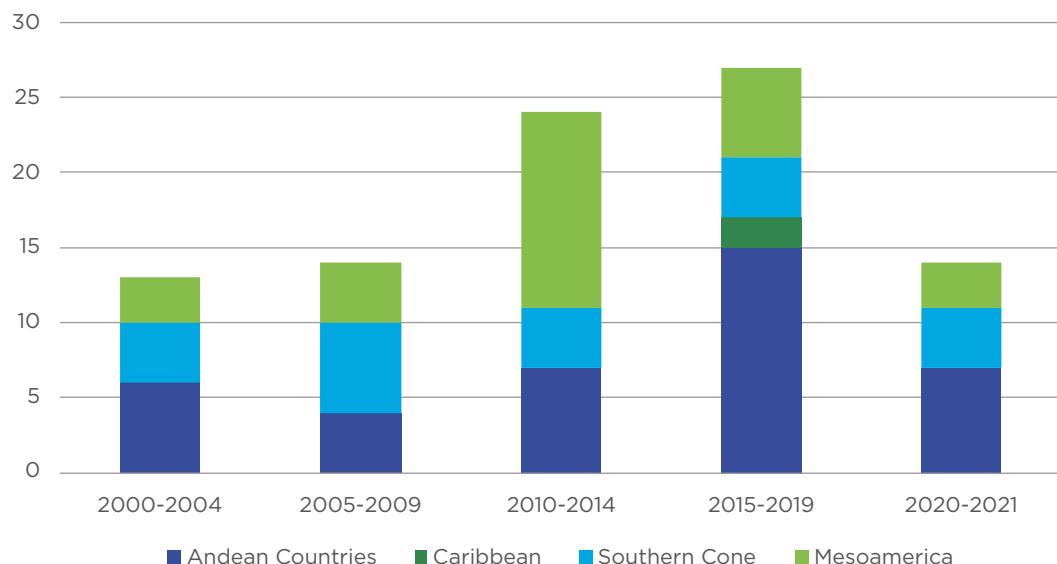
First, extraordinary programs are rarely implemented in the Caribbean. Indeed, only very recently have Suriname (2017) and Trinidad and Tobago (2019) done so. In contrast, all countries

in the remaining three subregions have used such programs on at least one occasion, with the exception of Honduras and Nicaragua.

Secondly, the programs have become more frequent over the years, as can be seen in [figure 5](#). It should be noted that the last period shown in [figure 5](#), 2020 to 2021, is only two years long yet includes more extraordinary regularization initiatives than during the five years from 2000 to 2004. Furthermore, many of the programs implemented in the early 2000s were limited in scope and resulted from agreements between South American countries such as the bilateral agreement between Argentina and Bolivia and between each of these countries and Peru (Alfonso 2013). Regularization programs have multiplied in recent years in response to the arrival of growing numbers of migrants, mainly from Venezuela, but also, to a much lesser extent, from Europe, North America, Asia, and Africa. Some countries have also taken advantage of the adoption of new migration laws to establish exceptional regularization processes, as was the case in Costa Rica in 2012, Guatemala in 2016, El Salvador in 2019, and Chile in 2021.

Third, the scope of application varies hugely in terms of which individuals are eligible. In some cases, the programs are aimed at those whose asylum applications have been denied (Costa Rica, 2020), those who have resided in the country for a long

FIGURE 5: Extraordinary Regularization Programs, 2000-2021



Source: Compiled by the authors.

time (e.g., ten years in El Salvador, 2019; or seven years in Uruguay, 2009), or those who have a job offer or family ties (Mexico, 2003). Some countries, such as Colombia or Panama, have been forced to update their regularization processes on several occasions to include new categories of people, as there are still significant numbers of people whose status is irregular.

Fourth, the residence permits granted are usually valid for one or two years, as is the case in Trinidad and Tobago (2019). In this regard, the Temporary Protection Statute adopted by Colombia in 2021 is unusual in that it allows Venezuelan nationals who meet the requirements to regularize their status and obtain a residency permit that is valid through 2031 (Selee and Bolter 2021; Del Real 2022).

Fifth, it is not unusual for programs to target specific nationalities. Such approaches have benefited nationals from countries outside the Americas, such as South Korea (Argentina, 2014), China (Panama, 2016 and 2018) or Senegal (Argentina, 2013; Brazil, 2019), and others from within the region, such as the Dominican Republic (Argentina, 2013; Brazil, 2019), or Haiti (Argentina, 2017; Brazil, 2021; Ecuador, 2010). Recent years have seen a large number of programs targeting Venezuelan nationals, such as those adopted by Colombia and Peru from 2017 on, Ecuador (Álvarez Velasco

2020; Ramírez 2020) and Trinidad and Tobago in 2019, or the Dominican Republic in 2021.

Finally, it is worth noting that there are no statistics compiled on regularizations, which limits the possibility of jointly analyzing all of these cases. However, there are several studies, including some from the IDB¹⁴, that have examined the impacts of specific regularization programs in some countries. Ibañez et al. (2022) studied one of the largest programs, the granting of the Special Residence Permit (PEP in Spanish) that Colombia gave to hundreds of thousands of Venezuelans in 2018. According to the authors, "for migrants that obtained one, the PEP resulted in an increase in their wellbeing, in better labor conditions, and deepened their access to state services."

The IDB and OECD (2021) compiled statistics on the emission of residence permits in general, and captured several regularizations including the PEP, but work is pending to be able to analyze the 90 instances of extraordinary regularization, and the permanent regularization programs that arise from the recent migration laws. It is clear that regularization has become a policy tool in common use in the region, and thus merits greater study as a general phenomenon, beyond the specific cases that have drawn attention thus far.

¹⁴ In addition to Ibáñez et al. (2022), Kossoudji and Cobb-Clark (2002), Kaushal (2006), and Bratsberg et al. (2006) reach similar findings.

5. Rights While Resident

5.a Right to work

This section provides information on whether foreigners with residency permits can access the labor market and distinguishes whether countries grant this to all foreigners or only to some¹⁵. The indicator does not provide information on whether individuals can be self-employed. **The main finding is that the right of access to the labor market is generally limited to certain categories of non-nationals.**

There is a small group of countries that generally allow foreigners with a residency permit to access the labor market. These countries include Argentina, Bolivia, Chile, Ecuador, Guatemala, Peru, and Uruguay.

The remaining countries only allow some foreigners with residency permits to engage in paid work or require a special prior authorization of some kind to do so, as is the case for Jamaica, for example.

Likewise, there is a major relationship between regional freedom of movement agreements and the right to work. This is the case in the Caribbean countries, which apply the freedom of movement framework for skilled workers (except in the Bahamas and Haiti). It is also true in Brazil and Paraguay, which implement the MERCOSUR, Bolivia, and Chile Residency Agreement, which Colombia also applies, along with the Andean Migratory

Statute. Brazil has also adopted domestic measures that allow nationals from Guyana, Suriname, Venezuela, and Haiti to access the labor market. The same is true of El Salvador, where native-born Central Americans enjoy privileged access to the labor market.

5.b Right to healthcare

This indicator examines whether the country's laws establish the right of access to healthcare for non-nationals. The indicator contains two components: "migrants with residency permits" and "migrants without residency permits." **The main finding is that most states that have adopted new immigration laws in the last 20 years explicitly include the right of access to health care for irregular migrants and equal treatment for nationals and non-nationals.** That said, countries fall into four groups.

The first contains countries that have passed immigration-related legislation since 2000 that explicitly include the right to access health services, even for those without a residency permit. This includes Argentina (2004), Brazil (2017), Chile (2021), Ecuador (2017), El Salvador (2019), Mexico (2011), Peru (2017), Uruguay (2008), and Venezuela (2004). Bolivia (2013) and Guatemala (2016), which also have recent migration laws, guarantee this right for at least some people whose status is irregular, such as pregnant women. Colombia guarantees medical care for undocumented migrants but only in emergencies.

¹⁵ The IDB Migration Unit is finalizing a deeper study on the regulation of access to the labor market for migrants, that will be published as part of this series on the Governance of Human Mobility.

TABLE 6: 21st Century Migration Laws

Country	Year	Right to Healthcare	Right to Education	Family Reunification	Permanent Regularization Mechanism
Honduras	2003	Some categories	Some categories	Extended family	No
Argentina	2004	All	All	Extended family	Yes
Dom. Rep.	2004	Not regulated	Not regulated	Nuclear family	No
Venezuela	2004	All	All	Not regulated	No
Panama	2008	Not regulated	Not regulated	Extended family	Yes
Uruguay	2008	All	All	Extended family	Yes
Costa Rica	2009	Some categories	Not regulated	Extended family	Yes
Mexico	2011	All	All	Extended family	Yes
Nicaragua	2011	Not regulated	Not regulated	Extended family	Yes
Bolivia	2013	All	All*	Extended family	Yes
Guatemala	2016	All	Some categories	Extended family	Yes
Brazil	2017	All	All*	Extended family	Yes
Ecuador**	2017	All	All*	Extended family	Yes
Peru	2017	All	All	Extended family	Yes
El Salvador	2019	All	Some categories	Extended family	No
Chile	2021	All	All	Extended family	No
Colombia	2021	Some Categories*	Some Categories*	Extended family*	No

*Right granted through administrative orders prior or subsequent to the Migration Act.

** Ecuador's Organic Human Mobility Act was reformed in 2021.

Source: Compiled by the authors.

The second group contains countries whose legal system establishes rights for foreigners in general, sometimes mentioning healthcare, but without clearly specifying whether there is equal treatment or whether this includes those who are undocumented. This group includes Costa Rica, Honduras, Panama, Paraguay, and the Dominican Republic.

The third group is made up of Caribbean countries whose immigration laws were passed decades ago and do not include a catalog of rights. In these

cases, reports from international organizations have been used to determine access levels.¹⁶ However, as this right is not explicitly set out in the law, these states are not categorized as granting it. The countries in this group are Bahamas, Barbados, Belize, Guyana, Jamaica, Suriname, and Trinidad and Tobago.

The last group is made up of Haiti and Nicaragua: their Constitutions and migration laws appear only to guarantee the right to healthcare for nationals.

¹⁶ In this case, the database provides additional information that comes from reports by international organizations on the practical implementation of the right to healthcare.

TABLE 7: Rights While Resident

	CARIBBEAN							
	BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME	TRINIDAD & TOBAGO
Labor Markets	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories
Healthcare	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted
Education	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Not Granted	Not Granted	Not Granted	Permitted for migrants with residence permit	Permitted for migrants with residence permit
Family reunification	Permitted for the nuclear family (spouse and minor children)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Not Granted	Not Granted	Permitted for the nuclear family (spouse and minor children)	Permitted for the extended family (other family members)
Permanent Residence	Preferences based on factors other than nationality	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferential access for regional migrants	Preferences based on factors other than nationality	Preferences for regional migrants and based on other factors	Preferential access for regional migrants	Preferences for regional migrants and based on other factors
Right to Vote	Not Granted	Permitted in all elections (local and national)	Permitted in all elections (local and national)	Permitted in all elections (local and national)	Not Granted	Permitted in all elections (local and national)	Not Granted	Permitted in all elections (local and national)

	SOUTHERN CONE				
	ARGENTINA	BRAZIL	CHILE	PARAGUAY	URUGUAY
Labor Markets	Permitted, in general, for all residence categories	Permitted for some permit categories	Permitted, in general, for all residence categories	Permitted for some permit categories	Permitted, in general, for all residence categories
Healthcare	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit
Education	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit
Family reunification	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)
Permanent Residence	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferential access for regional migrants	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors
Right to Vote	Permitted in local elections	Not Granted	Permitted in all elections (local and national)	Permitted in local elections	Permitted in all elections (local and national)

TABLE 7: Rights While Resident (cont.)

MESOAMERICA + MEXICO								
	COSTA RICA	EL SALVADOR	GUATEMALA	HONDURAS	MEXICO	NICARAGUA	PANAMA	DOMINICAN REPUBLIC
Labor Markets	Permitted for some permit categories	Permitted for some permit categories	Permitted, in general, for all residence categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories	Permitted for some permit categories
Healthcare	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit	Not Granted	Not Granted	Permitted for migrants with residence permit
Education	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit	Permitted for migrants with residence permit
Family reunification	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)
Permanent Residence	Preferences based on factors other than nationality	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferences based on factors other than nationality	Preferences based on factors other than nationality	Preferences for regional migrants and based on other factors	Preferences based on factors other than nationality	Preferences based on factors other than nationality
Right to Vote	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted	Not Granted

ANDEAN					
	BOLIVIA	COLOMBIA	ECUADOR	PERU	VENEZUELA
Labor Markets	Permitted, in general, for all residence categories	Permitted for some permit categories	Permitted, in general, for all residence categories	Permitted, in general, for all residence categories	Permitted for some permit categories
Healthcare	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit
Education	Permitted for all migrants even without residence permit	Permitted for migrants with residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit	Permitted for all migrants even without residence permit
Family reunification	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Permitted for the extended family (other family members)	Not Granted
Permanent Residence	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferences for regional migrants and based on other factors	Preferential access for regional migrants
Right to Vote	Permitted in local elections	Permitted in local elections	Permitted in all elections (local and national)	Permitted in local elections	Permitted in local elections

Source: Compiled by the authors.

5.c Right to education

This indicator examines whether the country's laws establish the right for nonnationals to access education. The indicator contains two components: "migrants with residency permits" and "migrants without residency permits."

As with access to the right to healthcare, the main finding is that most states that have adopted new immigration laws in the last 20 years explicitly include the right for migrants without residency permits (those whose status is irregular) to access education and equal treatment for nationals and nonnationals. Countries can be grouped as follows:

The first contains countries that have passed immigration-related legislation since 2000 that explicitly include the right to access education (see [table 2](#)), even for those without a residency permit. This is the case in Argentina (2004), Chile (2021), Mexico (2011), Peru (2017), Uruguay (2008), and Venezuela (2004). In Brazil, Bolivia, and Ecuador, the right is not recognized in recent migration legislation but is contained in other administrative orders adopted in recent years.

The second group is made up of countries whose legislation does not specify whether there is equal treatment in access to education or whether this includes those who are undocumented. This group includes Costa Rica, El Salvador, Guatemala, Honduras, Paraguay, and the Dominican Republic.

The third group is made up of Caribbean countries whose immigration laws were passed decades ago and do not include the right to education. The countries in this group are Bahamas, Barbados, Suriname, and Trinidad and Tobago.

The final group is made up of countries that do not explicitly grant the right of access to education to foreigners or those in an irregular situation. Colombia grants this right to Venezuelan citizens regardless of their migration status, but not to other irregular migrants. In Panama and Nicaragua, a residency permit is required to enroll in the education system. In Belize, the law grants nationals and permanent residents the right to access education, but not others. Finally, the constitutions of Guyana, Jamaica, and Haiti only enshrine the right to education for nationals. In other cases, the database indicates when irregular migrants do not have access to education due to there being no

specific clause in the legislation granting them this right. It is possible, however, that individuals may have access to the right to education based on a combined reading of the Constitution, national legislation, and the international treaties to which the state is a party (particularly the Convention on the Rights of the Child). This is the case in the Bahamas and Costa Rica, among others.

5.d Right to family reunification

This indicator examines whether the country's laws explicitly establish the right to the reunification of both the nuclear family (spouse and underage children) and the extended family. The indicator thus covers both of these aspects. **The main finding is that most states allow reunification with both the nuclear family and other family members.**

First, the right to family reunification (which is sometimes known as family unity or the preservation of family unity) has been made a right in many recent immigration acts, including those of Argentina (2004), Uruguay (2008), Bolivia (2013), Brazil (2017), Chile (2021), Ecuador (2017 law following the reform of article 1 in 2021), Mexico (2011), or Peru (2017).

Second, it is worth mentioning that 21 of the 26 IDB borrowing member states use broad definitions of "family" that extend beyond the nuclear family. The only exceptions are the Bahamas and Suriname, which only allow for reunification with the nuclear family, and Haiti, Jamaica, and Venezuela, which have not legislated the issue. The Dominican Republic is at a halfway point: it recognizes the reunification of disabled adult children but only with Dominican nationals or permanent residents, not with temporary residents. The most relatives with whom reunification beyond the nuclear family is most often recognized include civil unions (e.g., Guatemala, Peru, and Mexico), older children with disabilities (e.g., Argentina, Bolivia, Colombia, and Uruguay), parents (e.g., Chile, Nicaragua, and Paraguay), grandchildren and grandparents (e.g., Ecuador, Honduras, and Trinidad and Tobago), siblings (e.g., Costa Rica), or others up to the second degree of affinity (e.g., El Salvador).

Third, in some cases, applicants are required to have a permanent residency permit (e.g., Bahamas, Colombia, Ecuador, Honduras, and Paraguay), and in some countries, there is preferential treatment for citizens from the region (e.g., Belize, Guyana, and Jamaica).

Finally, it should be noted that the only countries that lack a clear regulatory framework on family reunification are Venezuela, which has not passed the regulations for the migration law that should have legislated this issue, Haiti (which has not developed legislation on the issue), and Jamaica, which has only done so for skilled workers from other CARICOM countries.

5.e Right to permanent residence

This indicator examines whether a country allows privileged access to permanent residency for nationals of another state in the region and whether it allows other categories of foreigners who are not nationals of LAC countries to do so. **The main finding is that most countries (19 in total) grant privileged treatment around access to permanent residency for nationals of other countries in the region by virtue of regional or bilateral treaties or domestic legislation.**

First, several countries allow privileged access to permanent residency for nationals of another state in the region. This is mainly the case in South America as a consequence of the two MERCOSUR Residency Agreements and the Andean Migratory Statute, which establish this right after migrants have spent two years in the country. The countries that apply it are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Uruguay. There are also bilateral agreements that facilitate access to permanent residency either directly (agreements between Uruguay and Argentina, and Uruguay and Brazil) or by establishing privileged treatment (the agreement between Ecuador and Venezuela). Finally, Argentina and Brazil extend permanent residency privileges to nationals of Guyana, Suriname, and Venezuela, and Brazil also does so for Haiti. Uruguay is unique in the region in that it directly grants permanent residency to nationals of the remaining 11 South American countries, without the need for them to first obtain temporary residency.

The instruments that facilitate the movement within CARICOM or SICA of nationals from the same region do not include any norms on permanent residency. Despite this, some countries—such as Barbados, Belize, Guyana, Jamaica, Trinidad and Tobago, or Suriname—give privileged treatment to skilled workers from CARICOM countries. Guatemala grants permanent residency to those born in other Central American countries when they have been temporary residents for one year, instead of the five required for nationals of other countries, while in El Salvador and Nicaragua, regional nationals can obtain permanent residency rights directly. Panama is unusual in that it offers direct permanent residency rights to Italian nationals under a bilateral agreement, a unique example of regulation with a country outside the region.

Second, most countries (23 in total), allow various categories of foreigners to obtain permanent residency even if they are not nationals of a country in the region. The only three exceptions are Venezuela, whose regulations to the legislation on this issue were never adopted; Guyana, which only allows this for family members of skilled workers under the CARICOM agreement; and Suriname, which has no clearly established rules but depends on the administrative discretion of the executive.

The reasons for which a person can obtain permanent residency are very varied and include having lived in the country for a certain number of years, usually between three (e.g., Argentina, Costa Rica, or Nicaragua) and five (e.g., Belize, Colombia, Guatemala or Honduras), although Ecuador only requires 21 months. Some countries allow the family members of nationals or foreigners with residency rights privileged access to permanent residency. This includes Argentina, Barbados, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, and Uruguay.

A third category is investors, annuitants, or retirees. This is the case in countries such as Barbados, Guatemala, Jamaica, Mexico, Paraguay, and the Dominican Republic.

Finally, in some countries, access to permanent residence is facilitated for refugees or victims of human trafficking, as is the case in Brazil, Mexico, or Uruguay.

FIGURE 6. Preferential Access to Permanent Residency



Source: Compiled by the authors. See datamig.iadb.org/law-map.

5.f Right to vote

This section examines whether the country enables nonnationals to exercise the right to vote in two types of elections: local and national. **The main finding is that the majority of the states included in our analysis (15 of the 26) allow the nationals of certain countries the right to vote in local elections, at least** (see [figure 7](#)). The countries fall into five groups.

The first group contains the three countries that allow nonnationals to vote in both local and national elections without discrimination on the grounds of nationality. These are Chile, Ecuador, and Uruguay, although their residency requirements differ: five years in the former two and fifteen in Uruguay (Finn 2020).

The second group contains Caribbean countries that allow Commonwealth nationals (but not those of other countries) to vote in both types of elections.¹⁷ This group made up of Barbados, Belize, Guyana, Jamaica, and Trinidad and Tobago.

The third group includes countries that only allow nonnationals to vote in local elections. These countries are Argentina, Bolivia, Colombia, Paraguay, Peru, and Venezuela. The group also includes Trinidad and Tobago, where citizens from non-Commonwealth member states may vote in local elections.

Brazil represents a fourth group in itself. The only foreigners that are granted voting rights are those of Portuguese nationality, who can exercise it in both types of elections after they have resided in the country for three years, as a result of a bilateral agreement in force between the two countries.

Finally, there are the countries that do not allow foreigners to vote. These countries are the Bahamas, Costa Rica, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, and Suriname.

These groupings point to a significant difference between the ten Southern Cone and Andean states, which all allow some type of political participation (albeit in a very limited fashion in the case of Brazil); the Caribbean countries that were formerly British colonies, which allow Commonwealth citizens to vote; and the countries of Central America, Mexico, and those Caribbean countries that were not British colonies, which all prohibit nonnationals from any type of political participation.

It is also worth noting that the right to freedom of movement within the region has not played a highly significant role in this matter. Only the recent Andean Migration Statute establishes, in article 9, that Andean citizens who obtain permanent residency have the right to vote in local elections. As the right to permanent residency can be obtained in two years, this will benefit those wishing to vote in Colombia or Ecuador, which otherwise requires nonnationals to be resident for five years before they can acquire the right to vote.

¹⁷ The Commonwealth has 54 member states. For more information, see <https://thecommonwealth.org/member-countries>

FIGURE 7: Access to Voting Rights for Resident Immigrants



Source: Compiled by the authors. See datamig.iadb.org/law-map.

6. Nationality

6.a Jus soli (the right to citizenship for those born in the territory of a country)

This section analyses whether a country automatically grants nationality to those born in its territory, regardless of the nationality of their parents or their parents' place of birth.

Jus soli prevails in IDB borrowing member countries. Just 5 of the 26 countries do not automatically grant nationality through this rule. These are the Bahamas, Colombia, the Dominican Republic, Haiti, and Suriname. In this latter, jus soli only applies if there is a risk of statelessness. Colombia has decided to grant nationality to the children of Venezuelans born in its territory through a series of temporary measures that have so far been extended until 2023. In Haiti, jus soli only applies if the father or mother is of the "African race." Finally, jus soli was automatic in the Dominican Republic until the reform of the country's Constitution in 2015.

It should also be noted that children of diplomats do not automatically obtain nationality in some countries, such as Brazil, Belize, Guatemala, Jamaica, or Trinidad and Tobago. However, in Chile or Nicaragua, a person born in the territory may subsequently opt for nationality regardless of whether or not their parents were there as diplomats.

With the exception of some countries such as Argentina, most of the 26 countries cover this matter in their constitutions. Jus soli is well established in LAC—indeed, it has remained in place in many states since their first constitutions were adopted after independence (Acosta 2018).

6.b Jus sanguinis (the right to citizenship for children of nationals born abroad)

This section examines whether a country allows a parent to pass their nationality on to a child of theirs born in another country.

Jus sanguinis also predominates in the 26 states. Only four do not allow it automatically: Bahamas, Panama, Paraguay, and Uruguay. In the case of the Bahamas, jus sanguinis applies only if the father is a national, but not if the mother is. In the remaining three countries, a residency requirement must be met before nationality can be obtained.

The other 22 countries accept it automatically, although some, such as Ecuador, have higher requirements if the parent is a naturalized national rather than one by birth. This degree of acceptance may have to do with the large number of emigrants from these countries that are living abroad and states' willingness to maintain ties with their diasporas.

6.c Dual nationality

This section explores whether a country allows dual citizenship for citizens who obtain the nationality of another country and for foreigners who obtain the local nationality.

The main finding is that all countries accept some form of dual nationality, with the exception of the Bahamas (see [figures 8](#) and [9](#)). First, 22 countries allow their nationality to be retained if their citizens become naturalized abroad (indicator 6.c.1). In some cases, the changes in legislation that prompted this trend were the result of pressure from emigrant groups, mainly in the United States (Escobar 2007).

Second, 16 countries do not require foreigners wishing to become naturalized to give up their existing nationality (indicator 6.c.2). However, there are clear differences between the different subregions in this regard, since six countries in Mesoamerica do establish this requirement, which is far less common in South America (only Chile implements it) or the Caribbean (the Bahamas and Haiti). In Uruguay, foreigners cannot naturalize, as will be examined below.

Based on these two trends, the 26 countries can be categorized into four groups. The first includes 13 states that allow both forms of dual nationality, i.e., nationals who obtain a second nationality and foreigners who become naturalized local citizens. This is the case in Argentina, Barbados, Belize, Brazil, Bolivia, Colombia, the Dominican Republic, Ecuador, El Salvador, Jamaica, Peru, Trinidad and Tobago, and Venezuela.

The second group is made up of eight states that allow their nationals to obtain a second nationality but require foreigners who become naturalized to give up their existing nationality. The states that

follow this approach are Chile, Costa Rica, Guatemala, Haiti, Honduras, Mexico, and Nicaragua. Uruguay is also included in this group as foreigners cannot naturalize but can instead only obtain an alternative legal status known as “legal citizenship.” In the case of Guatemala, those acquiring Guatemalan nationality are not required to give up their previous nationality if they are nationals by birth of Belize or one of the countries that were part of the Central American Republic. In Nicaragua, the requirement does not apply to Spanish or Central American citizens. In Costa Rica, there are exceptions if bilateral agreements are in place, and Panama applies exceptions if there is reciprocity.

The third group is made up of Guyana and Suriname, whose nationals lose their nationality if they acquire another, and Panama and Paraguay, whose nationals lose citizenship (that is, the exercise of political rights) if they obtain another nationality. However, foreigners who become nationals are not required to give up their existing nationality. Guyana makes an exception when its citizens obtain a second nationality by marriage, in which case they do not lose their Guyanese nationality. In Paraguay, nationals can acquire Spanish or Italian nationality without losing their citizenship as a result of bilateral agreements.

The Bahamas is the only country in the last group, as it does not allow dual nationality under any circumstances, which sets it apart in the region.

Finally, it should be stressed that some countries distinguish between nationals by birth that hold two nationalities and those who have acquired their nationality through naturalization and who lose this if they opt to become citizens of another country. This is the case, for example, in Honduras, Mexico, Panama, Trinidad and Tobago, and even in Uruguay, where individuals lose their legal citizenship if they subsequently become naturalized in another state.

FIGURE 8: Dual Citizenship for Nationals Who Acquire Another Country's Nationality



Source: Compiled by the authors. See datamig.iadb.org/law-map.

TABLE 8: Nationality

		CARIBBEAN						
		BAHAMAS	BARBADOS	BELIZE	GUYANA	HAITI	JAMAICA	SURINAME TRINIDAD & TOBAGO
Ius soli		Not Automatic	Automatic	Automatic	Automatic	Not Automatic	Automatic	Not Automatic
Ius Sanguinis		Not Automatic	Automatic	Automatic	Automatic	Automatic	Automatic	Automatic
Dual Citizenship - Permitted for nationals naturalizing abroad		Not Permitted	Permitted	Permitted	Not Permitted	Permitted	Permitted	Not Permitted
Dual citizenship - Permitted for foreigners naturalizing in the host country		Not Permitted	Permitted	Permitted	Permitted	Not Permitted	Permitted	Permitted
Naturalization		Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
		SOUTHERN CONE						
		ARGENTINA	BRAZIL	PARAGUAY		URUGUAY		CHILE
Ius soli		Automatic	Automatic	Automatic		Automatic		Automatic
Ius Sanguinis		Automatic	Automatic	Automatic		Not Automatic		Not Automatic
Dual Citizenship - Permitted for nationals naturalizing abroad		Permitted	Permitted	Not Permitted		Permitted		Permitted
Dual citizenship - Permitted for foreigners naturalizing in the host country		Permitted	Permitted	Permitted		Not Permitted		Not Permitted
Naturalization		Permitted	Permitted	Permitted		Not Permitted		Permitted

TABLE 8: Nationality (cont.)

		MESOAMERICA + MEXICO							
		MEXICO	GUATEMALA	EL SALVADOR	HONDURAS	NICARAGUA	COSTA RICA	PANAMA	DOMINICAN REPUBLIC
Ius soli	Automatic	Not Automatic							
Ius Sanguinis	Automatic	Not Automatic	Automatic						
Dual Citizenship - Permitted for nationals naturalizing abroad	Permitted	Not Permitted	Permitted						
Dual citizenship - Permitted for foreigners naturalizing in the host country	Not Permitted	Not Permitted	Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Permitted	
Naturalization	Permitted								
ANDEAN									
		BOLIVIA	COLOMBIA		ECUADOR		PERU		VENEZUELA
Ius soli	Automatic		Not Automatic		Automatic		Automatic		Automatic
Ius Sanguinis	Automatic		Automatic		Automatic		Automatic		Automatic
Dual Citizenship - Permitted for nationals naturalizing abroad	Permitted		Permitted		Permitted		Permitted		Permitted
Dual citizenship - Permitted for foreigners naturalizing in the host country	Permitted		Permitted		Permitted		Permitted		Permitted
Naturalization	Permitted		Permitted		Permitted		Permitted		Permitted

Source: Compiled by the authors.

FIGURE 9: Dual Citizenship for Foreigners Who Acquire the Country's Nationality



Source: Compiled by the authors. See datamig.iadb.org/law-map.

6.d Naturalization

This section looks at whether the country offers the possibility of naturalization through residency. This is the case in all countries except Uruguay where, as already mentioned, naturalization does not exist as a legal concept, and foreigners can only obtain a status known as “legal citizenship” but not nationality. The additional information collected for each of the 26 states enables us to make some additional observations.

First of all, the number of years of residency that countries require nonnationals to comply with prior to applying for nationality varies enormously, ranging from two years in Argentina and Peru to ten years in Venezuela. Many states reduce the length of residency required for certain nationalities. For example, Jamaica does so for nationals of Commonwealth countries or Ireland, Guatemala for those of Central American countries, Brazil for those of Portuguese-speaking countries, and Colombia or Venezuela for nationals of LAC and Spain in both cases, and those of Portugal and Italy in the case of Venezuela. Some states also reduce the required residency period for those who are married to a national (e.g., Colombia, Ecuador, or Panama), or whose children are nationals (e.g., Bolivia or Brazil).

Secondly, some states require applicants to have a permanent residency permit before applying for naturalization (e.g., Brazil, Nicaragua, or the Dominican Republic). This implies that those with a temporary residency permit can never obtain citizenship unless they first obtain a permanent one.

Finally, most states establish a variety of conditions for this process, many of which they share, such as knowledge of the country’s language, holding a job or possessing certain resources, not having a criminal record, or taking an oath in a ceremony. With only a few exceptions (e.g., Argentina or Chile), states reserve the power not to grant nationality even if applications meet these conditions, as doing so is understood as a discretionary power of the state.

As was mentioned in the section on residency and regularizations, public statistics are severely lacking not only on the total number of naturalizations per year, but also on the nationality of those requesting them, the numbers of applications that are rejected, the reasons for this, or the estimated processing time for the applications. Further research into this matter is thus needed (Courtis and Penchaszadeh 2015).

7. Analysis of the Catalog of Migration-Related Legal Instruments

As mentioned at the beginning of this report, this database analyzes more than 435 legal instruments adopted by the 26 IDB borrowing member states. This section contains some final comments on our findings.

First, several countries have adopted migration laws since 2000 (table 2). This includes 17 countries: Honduras (2003), Argentina, the Dominican Republic, and Venezuela (2004), Uruguay and Panama (2008), Costa Rica (2009), Mexico (2011), Nicaragua (2011), Bolivia (2013), Guatemala (2016), Brazil, Ecuador, and Peru (2017), El Salvador (2019), Chile (2021) and Colombia (2021). In other words, all IDB borrowing member countries outside the Caribbean have substantially modified their migration laws, except Paraguay (Santi 2019), where the migration law proposed in 2016 was ultimately not adopted.¹⁸ Generally speaking, with minimal exceptions such as Honduras, the Dominican Republic, and Venezuela (which grant a more limited set of rights), these new legal frameworks have brought improvements in access to various rights such as health, education, work, and family reunification, at least on paper. In many cases, these laws have also included permanent regularization mechanisms. Argentina's Migration Act 25.871 of 2004 (Brumat and Torres 2015) has played a core role by functioning as a model that has been imitated to a certain extent by other countries in the region, specifically in aspects such as family reunification and rights of access to healthcare and public education. It is thus not too far-fetched to speak of the emergence of modern

migration legislation in Latin America, but not the Caribbean, certain aspects of which are generously regulated on paper, although this is not always the case in practice (Veiga 2021; Finn and Umpierrez de Reguero 2020; Ceriani 2011; Mármore 2010).

The group of countries that have also adopted new refugee-related laws or regulations since 2000 can be added to this list: Venezuela (2001), El Salvador, Paraguay, and Peru (2002), Argentina (2006), Uruguay (2007), Nicaragua (2008), Chile (2010), Mexico (2011), Bolivia (2012), Colombia (2013), and Guatemala (2019). Other countries, such as Costa Rica or Ecuador, regulate the matter in the migration acts they adopted in 2009 and 2017, respectively. Consequently, we could also speak of the emergence of refugee legislation in Latin America. In most cases, broad principles are included in the letter of the law—such as the expanded definition of the Cartagena Declaration—even if these are not always applied in practice (Acosta and Sartoretto 2020; Freier and Gauci 2021; Hammoud-Gallego 2021; Jubilut, Vera Espinoza, and Mezzanotti 2021).

The average number of years that have passed since the laws (or other legal instruments) that are in force in each subregion were adopted reveals a range of patterns (figure 10). The countries of the Andean region and the Southern Cone base their migration policies on laws that are 8 to 12 years old on average. In Mesoamerica, the average age of these laws is over 20 years old, and in the Caribbean it is over 30.

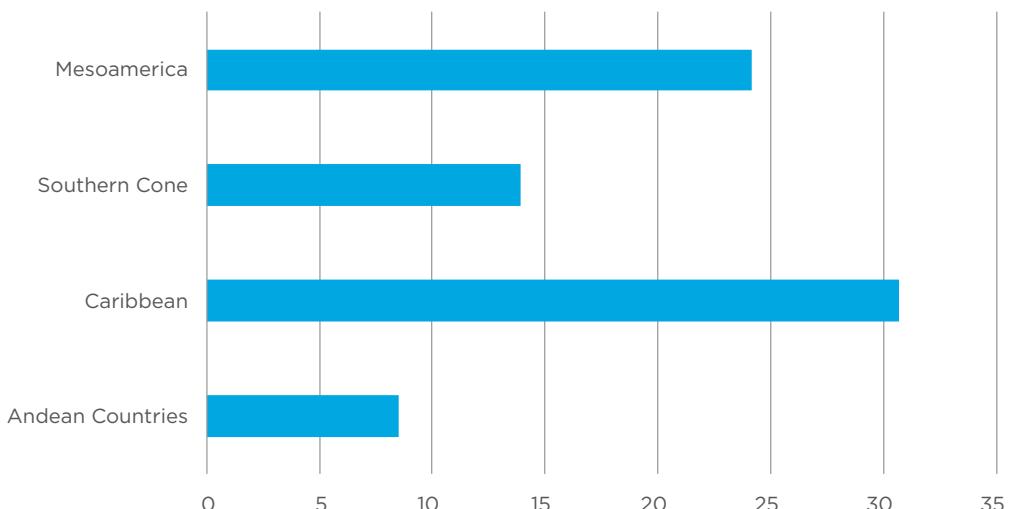
¹⁸ Proposed Migration Act, Ministry of the Interior, General Migrations Department, Paraguay, 2016. See the following link (last consulted January 17, 2022): <http://www.migraciones.gov.py/index.php/noticias/presentan-propuesta-de-reforma-de-la-ley-migratoria-nacional-al-poder-legislativo>

There is no doubt that laws are preferable as a legislative approach to other types of instruments, since they favor security, predictability, and legal certainty for all stakeholders. That said, there are also an enormous number of lower-ranking administrative orders that have been adopted by the executive without the involvement of the legislature. These regulate a variety of aspects of migration but focus mainly on regularizations (figure 11). Indeed, the purpose of 57 of the 90 administrative orders identified by this project is the extraordinary regularization of certain categories of foreigners. While these extraordinary processes are certainly praiseworthy, a more in-depth look at the possible lack of legal migration routes is needed.

Specifically, there needs to be further analysis of the lack of application of the expanded definition of “refugee” from the Cartagena Declaration. Research also needs to focus on how permanent regularization mechanisms actually function in countries where these exist, notably to discover why states appear to need to adopt extraordinary regularization mechanisms via executive decrees or administrative orders.

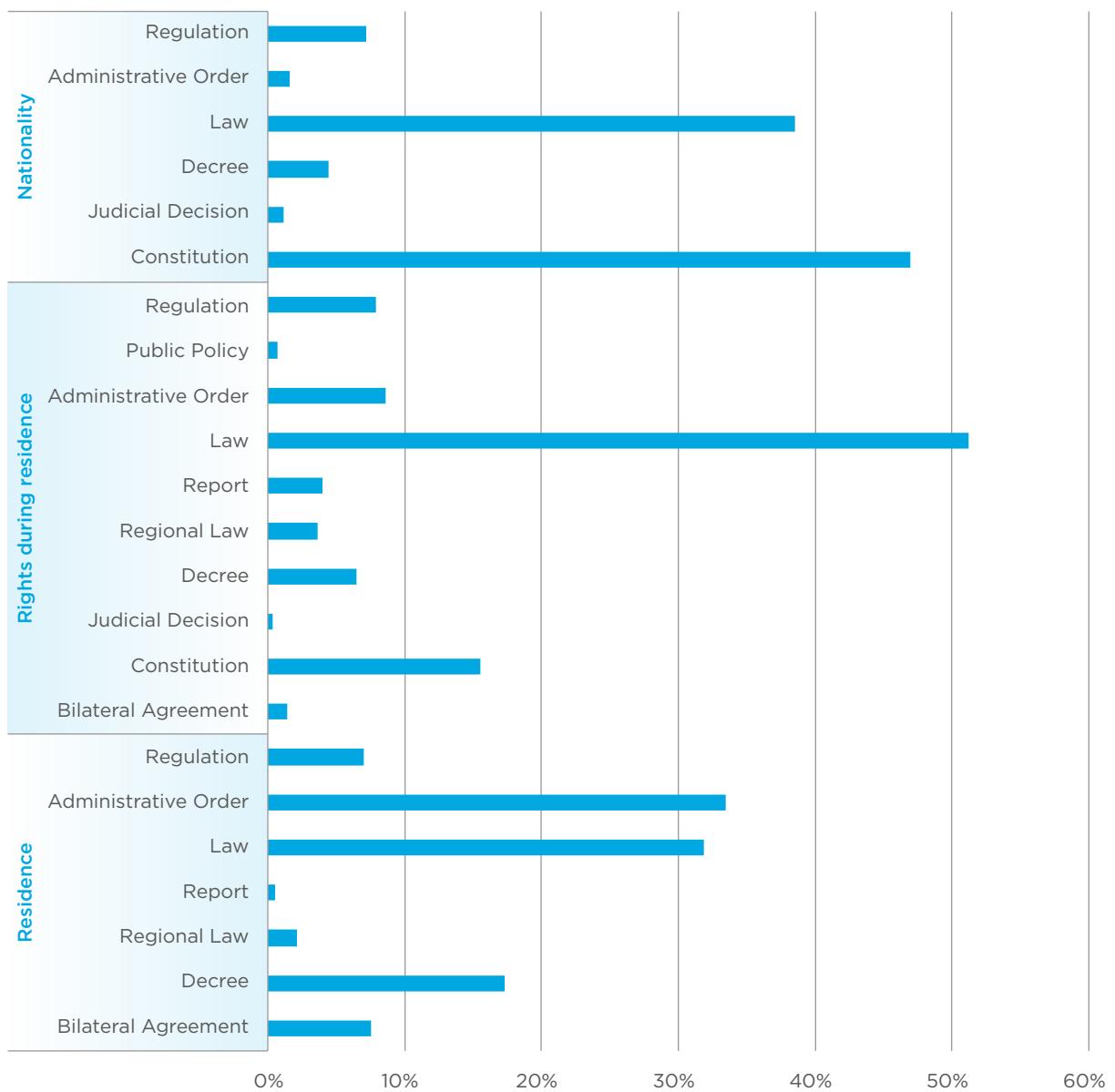
Finally, we noted that constitutions play a significant role in the regulation of migration, mainly as relates to access to nationality (Acosta 2018).

FIGURE 10: Average Age of the Laws Underlying the Indicators (Years)



Source: Compiled by the authors.

FIGURE 11: Types of Instruments Used to Legislate Migration



Source: Compiled by the authors.

8. Conclusions

The database presented in this paper enables the migration policy regimes of the 26 LAC countries that are IDB borrowing members to be described and typified. Recent years have observed qualitative changes in the migration flows in LAC, with increasing intra-regional flows as opposed to the emigration out of the region that had predominated in the past. These changes in the nature of the migration flows have transformed several countries into hosts of important numbers of immigrants. The challenges that this brings have had the consequence of increasing the relevance of migration policy and emphasizes the importance of socioeconomic integration of migrants. The objective of this project is to show the current state of these policies in all countries of the region, and point out that, on paper although not always in practice, a significant number of countries are responding with relatively open regimes.

Beyond the different subregional patterns, it is worth highlighting the emergence, still incomplete, of a 21st century Latin American Migration Regime. This is characterized by the establishment of broader rights for migrants, especially intra-regional migrants, who in many cases have almost automatic access to temporary residence, and facilitation of their obtaining permanent residence and even, in some cases, nationality.

That said, this type of regime has not arisen in all countries of the region, as several countries have not substantially updated their migration regimes in several decades, while in other cases reforms in

this century have not established as many rights for migrants as others. In the Caribbean and some other countries, in general, the regimes in force are from the past century, despite these countries not being exempt from the increasing flows of intra-regional migrants in recent years. The displacement of Haitians and Venezuelans in particular have put pressure on countries of the subregion. Notwithstanding these exceptions, the trend in the Americas is clearly towards rules that facilitate the integration of migrants into the societies and economies of the countries that receive them.

In the instances in which there is no international framework that facilitates temporary residence, countries have made broad use of extraordinary regularizations to incorporate migrants into their societies such that they benefit from rights to work and access public services. This study has identified 90 cases of regularization in the region since 2000 and observes that they have come with increasing frequency – from only 14 cases in the first five years of the millennium to more than 25 between 2015-2019, in 19 countries.

Above and beyond the findings presented in this report, we hope that the database elaborated in this project may be of use to those who study the governance of human mobility in Latin America and the Caribbean. **The project intends to remain active through the work of the Migration Unit, with updates and expansions to the database, which will enable constant monitoring of the evolution of migration policy in the region.**

References

Acosta, D. (2018), *The National versus the Foreigner in South America. 200 Years of Migration and Citizenship Law*, Cambridge University Press.

Acosta, D., and Sartoretto, L. (2020). ¿Migrantes o refugiados? La Declaración de Cartagena y los venezolanos en Brasil. Fundación Carolina, 9, 17.

Acosta, D., Blouin, C., and Freier, L.F. (2019). La emigración venezolana: Respuestas latinoamericanas (Documento de Trabajo No. 3, 30). Fundación Carolina. <http://webcarol.local/la-emigracion-venezolana-respuestas-latinoamericanas/>

Acosta, D., and Freier, F. (2015), Turning the Immigration Policy Paradox Up-Side Down? Populist Liberalism and Discursive Gaps in South America, *International Migration Review*, 49, 659-697.

Alfonso, A. (2013), *La experiencia de los países suramericanos en materia de regularización migratoria*, Buenos Aires, International Organization for Migration.

Álvarez Velasco, S. (2020). Ilegalizados en Ecuador, el país de la “ciudadanía universal.” *Sociologías*, 22(1), 138-170. <https://doi.org/10.1590/15174522-101815>

Basok, T., and Rojas Wiesner, M.L. (2018). Precarious Legality: Regularizing Central American Migrants in Mexico. *Ethnic and Racial Studies*, 41(7), 1274-1293. <https://doi.org/10.1080/01419870.2017.1291983>

Bauer, K. (2019). Extending and Restricting the Right to Regularisation: Lessons from South America. *Journal of Ethnic and Migration Studies*, 1-18. <https://doi.org/10.1080/1369183X.2019.1682978>

Blair, C.W., Grossman, G., and Weinstein, J.M. (2022), Liberal Displacement Policies Attract Forced Migrants in the Global South, *American Political Science Review*, 116, 351-358.

Blair, C.W., Grossman, G., and Weinstein, J.M. (2021), Forced Displacement and Asylum Policy in the Developing World, *International Organization*, 1-42.

Bratsberg, B., J. F. Ragan, Jr, and Z. M. Nasir (2002). The effect of naturalization on wage growth: A panel study of young male immigrants. *Journal of Labor Economics* 20 (3), 568-597

Brumat, L., and Torres, R.A. (2015), La Ley de Migraciones 25.871: Un caso de democracia participativa en Argentina, *Estudios Políticos*, 46, 55-77.

Ceriani, P. (2011), Luces y sombras en la legislación migratoria latinoamericana, *Nueva Sociedad*, 233, 68-86.

Chaves-González, D., and Echevarría Estrada, C. (2020), *Un perfil regional de los migrantes y refugiados venezolanos en América Latina y el Caribe*, Washington, Migration Policy Institute and International Organization for Migration.

Courtis, C., and Penchaszadeh, A.P. (2015). El (im) posible ciudadano extranjero. Ciudadanía y nacionalidad en Argentina. *Revista SAAP*, 9(2), 375-394.

Del Real, D. (2022), Seemingly Inclusive Liminal Legality: the Fragility and Illegality Production of Colombia's Legalization Programmes for Venezuelan Migrants, *Journal of Ethnic and Migration Studies*, DOI: 10.1080/1369183X.2022.2029374

Escobar, C. (2007), Extraterritorial Political Rights and Dual Citizenship in Latin America, *Latin American Research Review*, 42, 43-75.

Esponda, J. (2021), *Constituciones políticas y migraciones en América Latina*, Buenos Aires, International Organization for Migration.

Fernandes, D., Milesi, R. Pimenta, B., and do Carmo, V. (2013), Migração dos Haitianos para o Brasil. A RN n. 97/ 12: Uma Avaliação Preliminar, *Caderno de Debates*, 8, 55-70.

Finn, V. (2020), Migrant Voting: Here, There, in Both Countries, or Nowhere, *Citizenship Studies*, 24(6), 730-50.

Finn, V., and Umpierrez de Reguero, S. (2020), Inclusive Language for Exclusive Policies: Restrictive Migration Governance in Chile, 2018. *Latin American Policy*, 11(1), 42-61. <https://doi.org/10.1111/lamp.12176>

Freier, F., and Gauci, J.-P. (2021), Refugee Rights Across Regions: A Comparative Overview of Legislative Good Practices in Latin America and the EU, *Refugee Survey Quarterly*, 39(3), 321-362.

Hammoud-Gallego, O. (2021), A Liberal Region in a World of Closed Borders? The Liberalization of Asylum Policies in Latin America, 1990-2020. *International Migration Review*, 1-34. <https://doi.org/10.1177/01979183211026202>

Ibáñez, Ana María et. al. (2022). Salir de la Sombra: Cómo un programa de regularización mejoró la vida de los migrantes venezolanos en Colombia. Banco Interamericano de Desarrollo.

Inter-American Development Bank and OECD (2021), *Migration Flows in Latin America and the Caribbean: Statistics on Permits for Migrants*. <http://dx.doi.org/10.18235/0003665>

Jubilut, L.L., Vera Espinoza, M., and Mezzanotti, G. (Eds.) (2021), *Latin America and Refugee Protection: Regimes, Logics, and Challenges* (Vol. 41). Berghahn. <https://www.berghahnbooks.com/title/JubilutLatin>

Kossoudji, S. A. and D. A. Cobb-Clark (2002). Coming out of the shadows: Learning about legal status and wages from the legalized population. *Journal of Labor Economics*

Kaushal, N. (2006). Amnesty programs and the labor market outcomes of undocumented workers. *Journal of Human Resources* 41 (3), 631-647.

Mármora, L. (2010), Modelos de gobernabilidad migratoria. la perspectiva política en América del Sur, *Revista Interdisciplinar da Mobilidade Humana*, 35, 71-92.

Ramírez, J. (2020), From South American Citizenship to Humanitarianism: the Turn in Ecuadorian Immigration Policy and Diplomacy. *Estudios Fronterizos*, 21(1), 1-23. <https://doi.org/10.21670/ref.2019061>

Santi, S. (2019), La nueva política migratoria de Paraguay: Derechos humanos y seguridad como pilares para el tratamiento político de la inmigración. *Estudios de Derecho*, 77(169), 213-242. <https://doi.org/10.17533/udea.esde.v77n169a09>

Selee, A., and Bolter, J. (2021). Colombia's Open-Door Policy: an Innovative Approach to Displacement? *International Migration, Special Issue*, 1-20. <https://doi.org/10.1111/imig.12839>

Veiga, M.J. (2021), *Revisión de los marcos normativos de Argentina, Estado Plurinacional de Bolivia, Chile, Perú y Uruguay*, Buenos Aires, International Organization for Migration.

Annex I. Glossary

» INTERNATIONAL HUMAN RIGHTS LAW

A series of international treaties adopted since 1945 provide a legal framework and have led to the development of the body of international human rights. Other instruments have been adopted at the regional level that reflect specific concerns in this area and establish precise protection mechanisms.

» INTERNATIONAL MIGRANT

Although there is no definition for the term “international migrant” in international law, the Inter-American Commission on Human Rights (IACHR) defines it as “any person outside the territory of the State of which he or she is a national.”¹⁹

» IRREGULAR MIGRANT

This refers to migrants who entered the territory of a State of which they are not nationals in an irregular fashion, those who have overstayed the time that they were authorized to remain there, or those whose reasons for being admitted to a country no longer hold.

» MIGRANT SMUGGLING

This is the facilitation or promotion of the illegal entry of a person into a country that they are not a national or permanent resident of, for the purpose of financial gain.

Migrant smuggling is a crime that, in its aggravated form, is deemed to jeopardize the physical integrity or health of the victim or to victimize a minor.

» NATURALIZATION

The granting of nationality by a State to a foreigner who meets the requirements established for this purpose in the appropriate legal framework.

» REFUGEE

A refugee is understood to be “any person who... owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”²⁰

However, the 1984 Cartagena Declaration on Refugees expanded this definition to adapt it to the challenges and specific circumstances of the Americas. According to this document, in addition to the factors set out in the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, “refugees” should also include “persons who have

¹⁹ IACHR, Human Rights of Migrants, Refugees, Stateless Persons, Victims of Trafficking in Persons and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System, OEA/Ser.L/V/II.Doc. 46/15, December 31, 2015.

²⁰ Definition of refugee in the 1951 United Nations Convention Relating to the Status of Refugees, article 1A(2).

fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”

In keeping with the guidelines established by the UNHCR, the IAHCR has deemed that a person is a refugee as soon as they meet the requirements set forth in the traditional or expanded definition, which necessarily occurs before they are formally granted refugee status. This implies that the recognition of refugee status is not constitutive but rather declarative. In other words, refugee status is not acquired by virtue of recognition, but rather that condition is recognized by the fact of already being a refugee.²¹

» REGULARIZATION

The procedure through which a foreigner whose migration status is irregular can obtain legal residence in another country.

» RIGHT TO FAMILY UNITY

The family “is the natural and fundamental group unit of society” and has the right to live together, receive respect, protection, assistance, and support, as stipulated in the 1948 Universal Declaration of Human Rights

(article 16 [3]); the 1969 American Convention on Human Rights (article 17); the 1966 International Covenant on Civil and Political Rights (articles 17 and 23), and the International Covenant on Economic, Social and Cultural Rights (article 1).

» STATELESS PERSON

“A person who is not considered as a national by any State under the operation of its law” (article 1 of the 1954 Convention relating to the Status of Stateless Persons).

» TRAFFICKING IN PERSONS OR HUMAN TRAFFICKING

This refers to “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”²²

²¹ IACHR, Human Rights of Migrants, Refugees, Stateless Persons, Victims of Trafficking in Persons and Internally Displaced Persons: Norms and Standards of the Inter-American Human Rights System. December 31, 2015, para. 131; UNHCR, Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status. 1979, para. 28.

²² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, (known as the Palermo Protocol).

Annex II - Methodology

To describe and typify migration policy regimes in LAC countries, this study begins by examining whether each country is a party to the body of international and regional agreements that promote human rights and cover issues that are relevant to people in movement. It then goes on to analyze how the process of migration unfolds, beginning with the ease of entry into another country, the acquisition of regular temporary residency status, and the rights enjoyed by migrants that have acquired this. Finally, it analyzes whether a migrant can acquire permanent residency status and, eventually, full citizenship in their destination country by naturalization.

Coverage: time and space

The project analyzes the legal regulation of migration, refuge, free intraregional movement, and nationality in the 26 IDB borrower countries²³ and groups these into the subregions used by the IDB.

Although the IDB includes Haiti in Mesoamerica, for the purposes of this study it has been included among the Caribbean countries because it is a member of the Caribbean Community (CARICOM). Belize is also included among the Caribbean countries even though it is a member of both CARICOM and the Central American Integration System (SICA). Finally, the Dominican Republic is analyzed alongside the Central American countries because it is a member of SICA but not of CARICOM. All the same, when it comes to aspects such as the ratification of international instruments, the Dominican Republic is easier to compare to other Caribbean countries and shows patterns that are similar to theirs.

THESE FOUR SUBREGIONS AND THE COUNTRIES THEY CONTAIN ARE AS FOLLOWS:



SOUTHERN CONE: Argentina, Brazil, Paraguay, and Uruguay.



ANDEAN GROUP: Bolivia, Colombia, Ecuador, Peru, and Venezuela.



CARIBBEAN: Bahamas, Barbados, Belize, Guyana, Haiti, Jamaica, Suriname, and Trinidad and Tobago.



MESOAMERICA, MEXICO, PANAMA, AND THE DOMINICAN REPUBLIC: also includes Costa Rica, El Salvador, Guatemala, Honduras, and Nicaragua.

The information presented herein derives from our analysis of the legal instruments in force as of December 31, 2021. The one exception is Chile, as the analysis includes the Migration Act of 2021—this finally entered into force on February 14, 2022, when the regulations for the law were passed. However, the regulations themselves are not analyzed in this version of the database but will be included in a future update.

²³ This document uses “Latin America and the Caribbean (LAC)” and “the 26 borrowing members of the IDB” interchangeably.

Coverage: legal material

The project analyzed more than 435 legal instruments from 26 countries, including Constitutions, regional legislation, bilateral agreements, laws, regulations, decrees, administrative orders, and other documents such as public policies or reports. In most cases, a link to the official publication in the appropriate gazette or a government or international repository of norms is provided.

The aim of this project is not to rank countries but rather to provide users with objective information on factors that are relevant to them. In this sense, the database is merely descriptive and does not evaluate the practical implementation of the clauses contained in the text of the legislation in question. When a country does not explicitly regulate the access to a certain right (e.g., access to public health services for irregular migrants) in any legislation, this is coded in the database by responding that this right does not exist in the law. This does not necessarily mean that this is not the case in practice. Likewise, when the database shows that a given right does exist in the letter of the law, this does not necessarily mean that it is applied in practice. Whenever reports have been received of rights being applied in practice, this has been noted in the additional information section for each indicator and country.

In cases in which a right only applies to a certain group of nonnationals, a decision was made depending on whether the group in question represents the majority of the foreign population in the country. In other words, the intention is always to identify the rule that is generally applied. For example, some states in the Caribbean allow Commonwealth country nationals the right to vote. These cases would be coded positively. Conversely, Brazil only grants Portuguese nationals the right to vote and thus would be coded negatively in the database. Users can find more information on these examples in the additional information section of the database.

Finally, each indicator includes a reference to the article(s) of the legislation that led to the country being coded in a particular way. Also included are links to access the norms in question directly. Users can therefore evaluate our interpretation of the law for themselves and provide the IDB team with any information they deem worthy of consideration for future updates ([using this form on the webpage](#)).

Use cases

The database is simple, intuitive, and can be used in a variety of ways. First, countries can be explored individually or through comparisons. Second, they can be visualized using the interactive map tools. Third, users can download the list of norms for one or more countries, including links to the legislation in question, to facilitate further research. The results of these tools can be exported, and the entire database can be downloaded [here](#).

Indicators

The database contains 40 indicators, which are divided into six sections that in turn contain various subsections. The first two sections concern each state's ratification or acceptance of various international and regional instruments. The remaining sections analyze the four main aspects of any migration regime: entry, temporary residence, rights while resident, and access to permanent residence, or, eventually, nationality.

SECTION 1: INTERNATIONAL INSTRUMENTS

This section is divided into three subsections that each contain a total of 17 indicators. For each indicator, we indicate whether the country has ratified the particular international treaty in question and the date on which it did so. The first section (1.a) covers the nine main UN human rights treaties that include aspects that are relevant to the movement of people, namely:

- 1.a.1 International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- 1.a.2 International Covenant on Civil and Political Rights (1966)
- 1.a.3 International Covenant on Economic, Social and Cultural Rights (1966)
- 1.a.4 Convention on the Elimination of All Forms of Discrimination Against Women (1979)
- 1.a.5 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- 1.a.6 Convention on the Rights of the Child (1989)
- 1.a.7 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- 1.a.8 Convention on the Rights of Persons with Disabilities (2006)
- 1.a.9 International Convention for the Protection of All Persons from Enforced Disappearance (2006)

The second section (1.b) covers another series of international treaties that relate to human mobility. These listings include not only the date of ratification but also the domestic laws that have been adopted to regulate each of them. These treaties are:

- 1.b.1 Convention Relating to the Status of Refugees (1951)
- 1.b.2 Protocol Relating to the Status of Refugees (1967)
- 1.b.3 Convention Relating to the Status of Stateless Persons (1954)
- 1.b.4 Convention on the Reduction of Statelessness (1961)
- 1.b.5 Protocol Against the Smuggling of Migrants by Land, Sea and Air (2000)
- 1.b.6 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000).

The final section (1.c) includes two instruments that are not international treaties and thus cannot be ratified but only endorsed or supported. These are:

- 1.c.1 Global Compact on Refugees (2018)
- 1.c.2 Global Compact for Safe, Orderly and Regular Migration (2018).

In these two instances, we note whether the state voted in favor of adopting the instruments in question at the United Nations General Assembly.

SECTION 2: REGIONAL INSTRUMENTS

This section is divided into three subsections that contain a total of eight indicators. The first subsection (2.a) covers the ratification and date of the following conventions:

- 2.a.1 American Convention on Human Rights (1969)
- 2.a.2 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador) (1988)

The second section (2.b) focuses on other regional instruments:

- (2.b.1) The first establishes whether or not countries have accepted the contentious jurisdiction of the Inter-American Court of Human Rights.
- (2.b.2) With respect to the Cartagena Declaration, we establish whether the country has incorporated its broader definition of refugee into its internal legislation, and, if so, the law and article in which it does so. We code this as a "no" when this definition is not included in refugee law but has only been used at the judicial level, as is the case in Costa Rica.

The third subsection (2.c) covers the ratification of the following instruments at the subregional level:

- 2.c.1 Residency Agreement for Nationals of the MERCOSUR States Parties (2002)²⁴
- 2.c.2 Decision No. 878 Andean Migration Statute (2021)
- 2.c.3 Central American Free Mobility Agreement CA-4 (2006)
- 2.c.4 Revised Treaty of Chaguaramas Establishing the Caribbean Community (CARICOM) and including the single market (2001).

SECTION 3: VISA-FREE ENTRY

This section contains a single indicator (3.a.1) analyzing the nationalities that must obtain a visa to enter the country. Our analysis focuses exclusively on the requirements established set by the 26 borrowing member countries of the IDB among themselves. Countries are coded as “visa required” when only certain nationals of a given country can enter without a visa, such as those with a residence permit or visa for the Schengen area country, the United States, or Canada.

SECTION 4: TEMPORARY RESIDENCY

This section contains three indicators that measure whether it is possible to obtain temporary residency in a given country. The first indicator examines whether nationals of certain countries are given preferential treatment. The other two indicators examine whether migrants who are residing in the country irregularly can regularize their status.

- A. Preferential access to temporary residency (4.a.1):** This indicator establishes whether a country provides privileged access to temporary residency for nationals of another state

within the same subregion as a consequence of a regional agreement, bilateral treaty, or domestic legislation. There are two components to this indicator: “Privileged access for nationals of the same subregion” and “Privileged access for nationals of the same subregion and some from other subregions.” There are two options for the first components: “none,” or a list of countries whose nationals enjoy privileged access to residency. Similarly, there are two ways to answer the second aspect: “none,” or the list of additional countries with preferential access.

- B. Permanent regularization mechanisms (4.a.2):** Through this indicator, we analyze whether a country has included a permanent regularization procedure in its legislation or regulations that can be used at any time, under certain conditions, by any person whose migration status is irregular to obtain residency. We coded countries positively even in cases where the personal scope of application is quite limited, such as in Belize, where regularization and residency rights can only be requested by those who entered the country when they were minors. We took the same approach when the administration acts with a certain degree of discretion, as is the case in Paraguay. However, we coded countries negatively when the law enables the appropriate authorities to establish these mechanisms but they have not yet done so, as is the case in Chile.

- C. Extraordinary regularization programs (4.a.3):** We used this indicator to analyze whether a country has implemented extraordinary regularization programs since January 2000. We also included the number of programs that have been carried out since then and the corresponding legal instruments.

²⁴ In 2002, MERCOSUR adopted two residency agreements: The Residency Agreement for Nationals of the MERCOSUR States Parties (Agreement no. 13/02) and the Residency Agreement for Nationals of the MERCOSUR States Parties, Bolivia, and Chile (Agreement no. 14/02), which Ecuador, Peru, and Colombia joined in 2011 and 2012. The text of the two agreements is identical, with the sole exception that the second also applies to MERCOSUR associated states and not just states parties. This report thus makes more reference to the second agreement than the first. Furthermore, since August 5, 2017, Venezuela has been suspended from all the rights and obligations that are inherent to being a state party to MERCOSUR, in accordance with the provisions of the second paragraph of article 5 of the Ushuaia Protocol on Democratic Commitment in MERCOSUR of July 24, 1998.

SECTION 5: RIGHTS WHILE RESIDENT

This section includes six indicators that examine access to certain rights for nonnationals that hold a residency permit in the country and, in some cases, those whose status is irregular. Access to these rights facilitates the individual's integration into the host society.

RIGHT TO WORK (5.A.1)



This indicator analyses whether, broadly speaking, the country enables foreigners with residency permits to engage in paid work or will only do so for those with certain types of residency permits.

RIGHT TO HEALTHCARE (5.A.2)



Through this indicator, we explore whether the country's laws grant nonnationals the right to access public health services. The indicator contains two components: "migrants with residency permits" and "migrants without residency permits." Consequently, there are three possible responses: all, only those with residency permits, or none. Countries are coded affirmatively when this right derives from the text of the legal framework for migration, the Constitution, or the healthcare law. However, they are coded as a "no" when the right in question is mentioned in the report of an international body and is not explicitly contained in any legal text, particularly when it is not specifically mentioned in connection with irregular migrants. Countries are also coded negatively when the national legislation explicitly restricts the right to access healthcare to citizens or those with a residency permit.

RIGHT TO EDUCATION (5.A.3)



This indicator examines whether the country's laws grant nonnationals the right to access public healthcare. The indicator contains two components: "migrants with residency permits" and "migrants without residency permits." Consequently, there are three possible responses: all, only those with residency permits, or none. Countries are coded affirmatively when this right explicitly derives from the text of the legal framework for migration, the Constitution, or the education law. However, they are coded as a "no" when the right in question is mentioned in the report of an international body but is not explicitly contained in any legal text, particularly when the right in question is not mentioned in connection with irregular migrants. Countries are also coded negatively when the national legislation explicitly restricts the right to access education to citizens or those with a residency permit.

RIGHT TO FAMILY REUNIFICATION (5.A.4)



This indicator considers whether the country's laws establish the right to family reunification—that is, whether they establish mechanisms that allow certain family members to enter the country and take up residence there. The indicator contains two components: the nuclear family (spouses and underage children) and the extended family (which includes parents, siblings, or adult children). Countries such as Haiti and Venezuela are coded as a "no," for example, as their legislative frameworks do not include procedures for reunification. The same applies to Jamaica, as reunification is only legislated for the family members of skilled workers from CARICOM countries.

RIGHT TO PERMANENT RESIDENCY (5.A.5)



This indicator establishes whether a country allows privileged access to permanent residency for nationals of another state as a consequence of a regional agreement, bilateral treaty, or domestic legislation. It also includes information on other categories, such as family members or investors. The indicator contains two components: “Preferences based on nationality” and “Preferences based on factors other than nationality.” There are two options for the first component: “none,” or a list of countries whose nationals enjoy privileged access to permanent residency. The second component identifies whether other factors may lead to expedited or privileged access to permanent residency.

RIGHT TO VOTE (5.A.6)



We use this indicator to analyze whether the country grants nonnationals the right to vote. There are two components to the indicator: local elections and national elections. There are three possible answers: all elections, local elections, or no elections. Countries are coded positively when the right is limited to certain nationalities, provided that the spectrum of these is sufficiently broad. For example, both components of this right are coded affirmatively for Barbados, Belize, Guyana, Jamaica, and Trinidad and Tobago, which grant voting rights to nationals from the 54 Commonwealth countries. However, Brazil is assigned a “no,” as only Portuguese nationals can vote there.

SECTION 6: NATIONALITY

A. Jus soli (the right to citizenship for those born in the territory of a country) (6.a.1): This indicator analyses whether a country automatically grants nationality to those born in its territory, regardless of the nationality of their parents or their parents’ place of birth. Among the countries that we categorized affirmatively, we included those that only made minimal exceptions such as not granting nationality to the children of diplomats (e.g., Brazil, Belize, Guatemala, Jamaica, or Trinidad and Tobago) and those with a registration requirement, such as Costa Rica. However, countries are coded as negative when the conditions for obtaining nationality are excessively exclusive, as is the case in Haiti, for example, where at least one of the parents has to be a member of the “African race” for the child to be automatically granted nationality after being born in the territory.

B. Jus sanguinis (the right to citizenship for children of nationals born abroad) (6.a.2): This indicator examines whether a country allows a parent to pass their nationality on to a child of theirs born in another country. An affirmative answer is given when a country automatically grants this without imposing any specific conditions. This includes countries with administrative requirements such as registering with the consulate (e.g. Colombia or Costa Rica). However, the answer is “no” in cases such as the Bahamas, because jus sanguinis only applies automatically if the father is a national. If the mother is a national, the minor may apply to be registered as a Bahamian citizen between the ages of 18 and 21. In contrast, Barbados can be said to apply automatic jus sanguinis since its conditions for doing so are less restrictive: If the father is Barbadian, the child acquires his nationality automatically, and can also do so via the mother provided that she acquired her nationality by being born in Barbados. Finally, the answer was coded as a “no” in the cases of Panama, Paraguay, and Uruguay, since anyone born abroad must establish residence in these countries to be considered a national by birth.

C. Dual nationality: These indicators are used to examine whether a country allows dual nationality. They are divided into two components.

1. The first component (6.a.3) examines whether dual nationality is allowed for **nationals who acquire citizenship of a second country**. The answer is affirmative in the case of countries that distinguish between those who are nationals by birth, who may hold two passports, and those who have acquired their nationality through naturalization and who lose this if they opt to become citizens of another country. This is the case, for example, in Honduras, Mexico, Panama, and Trinidad and Tobago. However, the response is coded as a “no” when the exceptions are very limited. For example, Guyana only allows its nationality not to be forfeited if the second nationality is obtained by marriage.

2. The second component (6.a.4) examines whether **those who acquire the country’s nationality can also keep their previous nationality**. We coded countries that do so even if they make exceptions for certain nationalities as a “no,” as is the case in Costa Rica, Guatemala, Nicaragua, or Panama.

D. Naturalization (6.a.5): This indicator looks at whether the country offers the possibility of naturalization through residency. All countries are coded affirmatively except Uruguay, where naturalization does not exist as a legal concept—the closest option is a legal status known as “legal citizenship,” which does not entail the acquisition of Uruguayan nationality. The additional information section includes data on the length of residency required, reductions of this for those who have married a national or have children holding the nationality of the country, countries whose nationals receive privileged treatment that reduces the period of residency required, and other conditions such as language, economic resources, or the absence of a criminal record. Note that none of these factors are coded in the database.²⁵

²⁵ Those interested in the coding of these factors can consult the following database: Vink, Maarten, Luuk van der Baaren, Rainer Bauböck, Iseult Honohan, and Bronwen Manby (2021). GLOBALCIT Citizenship Law Dataset, v1.0, Country-Year-Mode Data (Acquisition). Global Citizenship Observatory, <https://hdl.handle.net/1814/73190>.

Annex III – Country Data

The following pages present the data by country, with additional comments. This information can also be found at datamig.iadb.org/RPM

	ARGENTINA		HAITI
	BAHAMAS		HONDURAS
	BARBADOS		JAMAICA
	BELIZE		MEXICO
	BOLIVIA		NICARAGUA
	BRAZIL		PANAMA
	CHILE		PARAGUAY
	COLOMBIA		PERU
	COSTA RICA		DOMINICAN REPUBLIC
	ECUADOR		SURINAME
	EL SALVADOR		TRINIDAD AND TOBAGO
	GUATEMALA		URUGUAY
	GUYANA		VENEZUELA

ARGENTINA

ARGENTINA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: October 02, 1968

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 17722 - 26-abr-68

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: August 08, 1986

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 23313 Apruébanse los Pactos Internacionales de Derechos Económicos, Sociales y Culturales y Civiles y Políticos y su Protocolo Facultativo.

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: August 08, 1986

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 23313 Apruébanse los Pactos Internacionales de Derechos Económicos, Sociales y Culturales y Civiles y Políticos y su Protocolo Facultativo.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: July 15, 1985

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 23179 Apruébase la Convención sobre la Eliminación de todas las Formas de Discriminación contra la Mujer.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: September 24, 1986

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 23338 Apruébase la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: December 04, 1990

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 23849 Apruébase la Convención sobre los Derechos del Niño

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: February 23, 2007

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 26202 Apruébase la Convención Internacional sobre la Protección de todos los Trabajadores Migratorios y de sus Familiares

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: December 14, 2007

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 26298 Apruébase la Convención Internacional para la Protección de las Personas contra las Desapariciones Forzadas

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: September 02, 2008

The law listed below passes the international treaty within the country, the first step toward the Office of the President ratifying it at the international level.

- Ley Nº 26378 Apruébase la Convención sobre los Derechos de las Personas con Discapacidad y su Protocolo Facultativo

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: November 15, 1961

- Ley General de Reconocimiento y Protección al Refugiado Nº 26165

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: December 06, 1967

- Ley General de Reconocimiento y Protección al Refugiado Nº 26165

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: June 01, 1972

- Ley General de Reconocimiento y Protección de las Personas Apátridas Nº 27512

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: November 13, 2014

- Ley General de Reconocimiento y Protección de las Personas Apátridas Nº 27512

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: November 19, 2002

There is no specific law on human trafficking, though it is regulated in art. 116 of Migration Act 25.871.

- Ley de Migraciones Nº 25871 (Art. 116)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: November 19, 2002

- Ley sobre Prevención y Sanción de la Trata de Personas y Asistencia sus Víctimas Nº 23364

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

ARGENTINA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: August 14, 1984

The law listed below approves the regional treaty within the country, which is the first step toward the Office of the President ratifying it at the regional level.

- Ley Nº 23054 Aprobación de la Convención Americana sobre Derechos Humanos

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: June 30, 2003

The law listed below approves the regional treaty within the country, which is the first step toward the Office of the President ratifying it at the regional level.

- Ley N° 24658 Apruébase el Protocolo adicional a la Convención Americana sobre Derechos Humanos en materia de Derechos Económicos, Sociales y Culturales —Protocolo de San Salvador—.

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Ley General de Reconocimiento y Protección al Refugiado Nº 26165 (Art. 4(b))

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Ley N° 25903 Apruébase el Acuerdo sobre Residencia para Nacionales de los Estados Partes del Mercosur

ARGENTINA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 4 countries

Visa is required for nationals of Bahamas, Belice, Haití, República Dominicana

ARGENTINA - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of all MERCOSUR member and associate countries (that is, the 11 remaining countries in South America) have the right to obtain residence permits in Argentina. Direct relatives of Argentine nationals or permanent residents also have the right to do so.

- Ley de Migraciones N° 25871 (Arts. 10, 22-23)
- Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias (Arts. 22-23)

Permanent Regularization Mechanisms

Available

According to immigration regulations (art. 61, Law No. 25.871), upon ascertaining that a foreigner's stay in the country is irregular, the National Migration Authority shall instruct them to regularize their situation within a certain period, under threat of ordering their expulsion, taking into account the foreigner's profession, any relationships they have with Argentine nationals, the documented period of stay, and other personal and social circumstances. If this period expires without the foreigner having regularized their situation, the National Migration Authority shall decree their expulsion with suspensory effect and shall intervene and act as a party before the judge or court with jurisdiction over the matter, for the purpose of reviewing the administrative decision to expel the person in question.

- Ley de Migraciones N° 25871 (Art. 61)
- Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias (Art. 61)

Extraordinary Mechanisms since 2000

11 extraordinary regularizations have been carried out

There have been several extraordinary regularization mechanisms since 2000: for nationals of Bolivia through the 2004 bilateral migration agreement between Bolivia and Argentina nationals of countries outside the MERCOSUR (2004) nationals of MERCOSUR member and associate countries (2005) nationals of the Dominican Republic (2013) nationals of the Republic of Senegal (2013) nationals of the Republic of South Korea (2014) nationals of the Republic of Haiti (2017) and migrant children and adolescents of the Bolivarian Republic of Venezuela (2021).

- Disposición 53.253/2005 Programa Nacional de Normalización Documentaria Migratoria
- Decreto N° 1169/04 Regularización de la Situación Migratoria de Ciudadanos Nativos de Países fuera de la Órbita del MERCOSUR
- Disposición 1/2013 Regimen Especial de Regularización de Extranjeros de Nacionalidad Dominicana
- Disposición 2/2013 Régimen Especial de Regularización de Extranjeros de Nacionalidad Senegalesa
- Disposición 979/2014 Régimen Especial de Regularización de Extranjeros de Nacionalidad Coreana
- Disposición 1143-E/17 Concesión de Residencia Temporaria Nacionales Haitianos
- Disposición 1891/2021 Régimen Especial de Regularización para Niños, Niñas y Adolescentes Migrantes Venezolanos
- Acuerdo Migratorio entre la República de Bolivia y la República de Argentina
- Ley 26.126 Apruébase el Acuerdo Migratorio entre la República Argentina y la República de Bolivia, suscripto en Buenos Aires el 21 de abril de 2004.
- Protocolo Adicional al Convenio de Migración entre la República Argentina y la República de Bolivia (del 16/02/98) (Art. 1)
- Convenio de Migración entre la República del Perú y la República de Argentina (1998) y Protocolo Adicional al Convenio de Migración entre la República del Perú y la República Argentina suscrito el 16 de diciembre de 2002 (Art. 1)
- Segundo Protocolo Adicional al Convenio de Migración entre la República Argentina y la República de Bolivia (del 16 de febrero de 1998) (Art. 1)

ARGENTINA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Art. 6 of the Migration Act states that: "All jurisdictions of the State shall ensure that immigrants and their families have equal access to social services, public goods, health, education, justice, labor, employment, and social security as nationals, with the same rights and protections." The law explicitly prohibits the employment of people who are residing in the country irregularly (art. 53).

- Ley de Migraciones N° 25871 (Arts. 6, 51-53)

Right to healthcare

Permitted for all migrants even those without a permit

Art. 8 of the Migration Act states that: “Access to the right to health, social services, or healthcare may not be denied to any foreigner who requires it, regardless of their migration status, nor may their access to it be restricted in any way.”

- [Ley de Migraciones N° 25871 \(Arts. 6, 8\)](#)

Right to education

Permitted for all migrants even those without a permit

According to art. 7 of the Migration Act, “in no case shall an irregular migration status prevent a foreigner from being admitted as a student to an educational establishment, be it public or private national, provincial, or municipal primary, secondary, tertiary, or university-level.”

- [Ley de Migraciones N° 25871 \(Arts. 6, 7\)](#)

Right to family reunification

Permitted for Extended family (other family members)

Art. 10 of the Migration Act establishes that “the State shall guarantee immigrants’ right to family reunification with parents, spouses, minor unmarried children, or children of legal age with disabilities.” The extended family therefore includes parents, common-law spouses, and older children with disabilities.

- [Ley de Migraciones N° 25871 \(Arts. 10, 22\)](#)
- [Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias \(Art. 22\)](#)

Right to permanent residence

Preferences for regional migrants and based on other factors

Privileged access to the right to residence will be granted to nationals of MERCOSUR member and associate countries, who will only have to prove that they have resided in the country for two years, in contrast to those who fall into other migration categories. This includes nationals of the other 11 South American countries. Likewise, as a result of the bilateral agreement between Argentina and Brazil, people from both countries have the right to settle permanently in the other without first needing a temporary residence permit (entering the country under a transitory category such as "tourist" is enough to access permanent residence). Foreigners who are direct relatives of an Argentine national or a permanent resident also have the privilege of direct access to the category of permanent residents. For relatives of Argentine citizens, this includes the spouse, children, and parents. For relatives of permanent residents, this includes the spouse, parents, and unmarried minor children. According to National Migration Authority Provision 4880/15, it is enough for the partner of the Argentine national or permanent resident migrant to prove that they are cohabiting to be considered a spouse by the migration legislation. All other foreigners must reside in the country for three years before they can apply for permanent residence.

- Ley de Migraciones N° 25871 (Arts. 10, 22)
- Ley 26.240 Apruébase el Acuerdo entre la República Argentina y la República Federativa del Brasil para la Concesión de la Residencia Permanente a Titulares de Residencias Transitorias o Temporarias (Art. 1)
- Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias (Art. 22)
- Disposición 4880/2015 Análogos Efectos Jurídicos al Matrimonio - Extranjeros que Acrediten Unión Convivencial (Art. 1)
- Acuerdo entre la República Argentina y la República Federativa del Brasil para la Concesión de Residencia Permanente a Titulares de Residencias Transitorias o Temporarias (Art. 1)

Right to Vote

Permitted in Local Elections

Art. 11 of Migration Law No. 25871 states that "the Republic of Argentina shall facilitate consultations and foreigners' participation in decisions relating to the public life and administration of the communities in which they reside, in accordance with national and provincial legislation on this matter." However, since local elections fall under the jurisdiction of the respective provinces, each of these districts establishes how they will be carried out and who can vote in them. Thus, at present, 22 of the country's 23 provinces (all except Formosa) allow resident migrants to vote in local elections after a certain period (usually after they have resided in the country for two or three years), provided that they are of legal age and have a National Identity Card. Migrants are only obliged to vote in two provinces, while nationals are always obliged to do so. By way of example, in Buenos Aires Province, art. 191 paragraph (2) of the Constitution of the Province establishes that "the following shall vote in local elections: citizens on the district electoral roll and foreigners of legal age who can read and write in Spanish, have lived in the municipality for two years, who are enrolled in a special registry, and who pay annual fiscal or municipal taxes of at least 200 pesos in total."

- Ley de Migraciones N° 25871 (Art. 11)
- Decreto Reglamentario 616/10 Reglamentación de la Ley de Migraciones N° 25.871 y sus Modificatorias (Art. 11)
- Constitución de la Provincia de Buenos Aires (Art. 191(2))

ARGENTINA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is absolute.

- Ley de Ciudadanía N° 346 (Art. 1)

Ius Sanguinis (descent, born abroad)

Automatic

The acquisition of nationality via jus sanguinis is absolute, but at least one of the person's Argentinian parents must provide proof of their parenthood before a federal court in Argentina.

- Ley de Ciudadanía N° 346 (Arts. 1, 5)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Those who acquire Argentine nationality through naturalization are not required to give up their previous nationality.

- Fallo de la Corte Suprema de Justicia de la Nación, "Padilla, Miguel M. s/ Presentación"

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Argentine nationality through naturalization are not required to give up their previous nationality.

- Fallo de la Corte Suprema de Justicia de la Nación, "Padilla, Miguel M. s/ Presentación"

Naturalization

Permitted

Foreigners who wish to become Argentine citizens must be over 18 years of age, have resided in the country for two continuous years, and must express their intention to become Argentine citizens before a federal judge, while also meeting other requirements such as having an honest occupation or means of subsistence. The persons who meet these requirements are entitled to obtain Argentine nationality.

- Ley de Ciudadanía N° 346 (Art. 2(1))
- Constitución de la Nación Argentina (Art. 20)
- Decreto 3213 Reglamentación de la Ley de Ciudadanía (Art. 3)

BAHAMAS

BAHAMAS - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: August 05, 1975

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: December 23, 2008

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: December 23, 2008

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 06, 1993

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: May 31, 2018

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: February 20, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

Bahamas ratified the C097—Migration for Employment Convention (Revised), 1949 (No. 97), on May, 1976.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: September 28, 2015

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: September 15, 1993

The Bahamas has not enacted asylum or refugee legislation as explained by the UNHCR Submission on the Bahamas: 29th Universal Periodic Review session, January 2018.

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 15, 1993

The Bahamas has not enacted asylum or refugee legislation as explained by the UNHCR Submission on the Bahamas: 29th Universal Periodic Review session, January 2018.

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: September 26, 2008

Rules on this are included in the 1967 Bahamas Immigration Act, but there is no specific law.

- Immigration Act (Section 47 (criminalizes the act of smuggling))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 26, 2008

- Trafficking in Persons (Prevention and Suppression) Act, 2008

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Endorsed

BAHAMAS - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Not Ratified

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Not Ratified

Implementation Cartagena Declaration 1984

Not Internalized

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Not Ratified

BAHAMAS - TEMPORARY RESIDENCE

Preferential Access to Residence

No

Bahamas has not ratified CARICOMs Revised Treaty of Chaguaramas, which includes the free movement of skilled workers.

Permanent Regularization Mechanisms

Not Available

The Bahamas criminalizes irregular entry and stay.

- Immigration Act (Secs. 19, 25-26)

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

The Bahamas criminalizes irregular entry and stay.

- Immigration Act (Secs. 19, 25-26)

BAHAMAS - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Not all nonnationals with a residence permit can work, although some exceptions apply.

- Immigration Act (Secs. 8, 29, 30)

Right to healthcare

Not Permitted

The Immigration Act remains silent on access to healthcare. However, according to a report by the US Department of State in 2020, it provided COVID medical assistance to all regardless of migration status.

- 2020 Country Reports on Human Rights Practices: The Bahamas, US Department of State. (p. 9)

Right to education

Permitted for Migrants with a residence permit

According to the Education Act, all children between 5 and 16 years old are of compulsory school age. There is no explicit reference to migrants without a residence permit.

- [Education Act Bahamas \(Sec. 22\)](#)

Right to family reunification

Permitted for Core family (spouse and minor children)

The spouse and children of permanent residents can be granted a residence permit at the discretion of the Immigration Board.

- [Immigration Act \(Sec. 16\)](#)

Right to permanent residence

Preferences based on factors other than nationality

This remains at the discretion of the Immigration Board. The person has to fulfill certain conditions: be 18 or over, show good character, and intend to reside permanently in the Bahamas.

- [Immigration Act \(Sec. 13\)](#)

Right to Vote

Not permitted for any migrants

Only citizens of the Bahamas can vote.

- [Parliamentary Elections Act, 1992 \(Sect. 8\)](#)

BAHAMAS - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of República Dominicana, Haití - Las personas con ciudadanía de la República Dominicana y Haití están exentas si tienen tarjeta de residencia en Estados Unidos o son residentes permanentes en Canadá. Última actualización: 14 de febrero de 2014.

BAHAMAS - NATIONALITY

Ius soli (birth in the territory of the country)

Not Automatic

Jus soli is not automatic, but one parent has to be a Bahamian citizen.

- Constitution of the Commonwealth of the Bahamas (Art. 6)

Ius Sanguinis (descent, born abroad)

Not Automatic

Jus sanguinis is automatic if the father is a citizen of the Bahamas. If the mother is a citizen, then the person can apply to be registered as a citizen of the Bahamas when they are between 18 and 21 years of age.

- Constitution of the Commonwealth of the Bahamas (Arts. 8-9)

Dual Citizenship Permitted for nationals naturalizing abroad

Not Permitted

Bahamians who acquire another nationality lose their Bahamian nationality.

- Constitution of the Commonwealth of the Bahamas (Art. 11)
- Bahamas Nationality Act (Sec. 10)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Those seeking to acquire Bahamian nationality must first give up their previous nationality.

- Constitution of the Commonwealth of the Bahamas (Art. 5)
- Bahamas Nationality Act (Sec. 9)

Naturalization

Permitted

Commonwealth citizens have a special procedure to register as a citizen of the Bahamas. All others can also apply to naturalize. These are two different procedures but the conditions are the same. The person must have been resident in the Bahamas for 12 months immediately prior to the application, and was either resident in the country, in the service of the government, or had partly such residence and partly such service for six out of nine years prior to the 12-month period. Other requirements include good character, knowledge of English, and intention to continue to reside. The granting of citizenship is discretionary.

- Bahamas Nationality Act (Sections 5 and 9 and second schedule)

BARBADOS

BARBADOS - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: November 08, 1972

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: January 05, 1973

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: January 05, 1973

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 16, 1980

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Not Ratified

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: October 09, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

Barbados ratified the C097—Migration for Employment Convention (Revised), 1949 (No. 97), on May 8, 1967.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: February 27, 2013

Geneva Convention relating to the Status of Refugees, 28 July 1951

Not Ratified

Protocol relating to the Status of Refugees, 31 January 1967

Not Ratified

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: March 06, 1972

Barbados does not have any specific legislation on statelessness.

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: November 11, 2014

There is no specific legislation on human trafficking but the matter is included in the Immigration Act.

- Immigration Act (Sec. 12)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: November 11, 2014

- Trafficking in Persons Prevention Act, 2016

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

BARBADOS - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: November 05, 1981

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Ratified

Barbados allows free movement of CARICOM nationals who fall under the following categories: media person, artiste, musician, artisan, sports person, nurse, teacher, household domestic, agricultural worker, security guard, graduate, holder of an associate degree or a comparable qualification.

- Caribbean Community (Movement of Skilled Nationals) (Amendment) Act, 2020

BARBADOS - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 6 countries

Visa is required for nationals of Bolivia, República Dominicana, Ecuador, Haití, Honduras, Paraguay - Última actualización 1-Jul-20

BARBADOS - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of CARICOM Member States, including Haiti but excluding Bahamas, who fall under certain categories of skilled workers have the right to obtain residence in Barbados. The rest need to apply for and obtain a residence permit.

- Caribbean Community (Movement of Skilled Nationals) Act (Second schedule)
- Caribbean Community (Movement of Skilled Nationals) (Amendment) Act, 2020 (Sec. 4)
- Immigration Act (Sec. 6)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

BARBADOS - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

With the exception of certain categories, such as permanent residents, or CARICOM skilled workers, no one in Barbados may engage in any occupation or accept employment without having first obtained a written permit for that purpose granted by the minister. The minister has the discretion to decide whether this work permit is granted and under what conditions.

- Immigration Act (Sec. 17)

Right to healthcare

Not Permitted

The Immigration Act remains silent on access to healthcare. According to an IOM report, this is only available to citizens and permanent residents. Regarding CARICOM nationals, Barbados has signed the Declaration of Intent to provisionally apply the Protocol on Contingent Rights. This Protocol includes, in the built-in agenda of rights which Member States undertake to extend through a phased approach, the right to access primary healthcare on a nondiscriminatory basis for the principal beneficiary resident, spouse, and dependents. There is no indication that Barbados has extended this provision to CARICOM nationals.

- International Organization for Migration (2018), *Migration Governance in the Caribbean. Report on the Island States of the Commonwealth Caribbean* (p. 64)

Right to education

Permitted for Migrants with a residence permit

The Immigration Act remains silent on this matter, but it is regulated in the Education Act without making any distinction between nationals and foreigners. There is no explicit reference to migrants without a residence permit.

- Education Act (Sec. 41)

Right to family reunification

Permitted for Extended family (other family members)

Certain categories of immigrants can be permitted entry with their dependents. These categories include those who have successfully established themselves in Barbados in a profession, trade, business, or agricultural enterprise, or those who are retirees with sufficient means. Dependents include the spouse, a child, stepchild, or adopted child, under the age of 18 years any other relative who is, by reason of age or any infirmity of body or mind, wholly dependent on that person for his subsistence. The same dependents of CARICOM nationals falling under the categories allowed free movement of workers are also permitted to reside in Barbados.

- Immigration Act (Sec. 5)
- Caribbean Community (Movement of Skilled Nationals) (Amendment) Act, 2020 (Sec. 4)

Right to permanent residence

Preferences for regional migrants and based on other factors

Certain categories of people can directly apply to be registered as a permanent resident, such as those married to a national of Barbados. The rest need to reside for five years in Barbados as immigrants. This status is granted to certain nonnationals, such as those who have successfully established themselves in Barbados in a profession, trade, business, or agricultural enterprise, or those who are retirees with sufficient means.

- Immigration Act (Secs. 5-6)
- Caribbean Community (Movement of Skilled Nationals) (Amendment) Act, 2020 (Sec. 5)

Right to Vote

Permitted in all elections (local and national)

Commonwealth citizens who have resided in Barbados for three years immediately before the qualifying date can register as electors.

- [Representation of the People Act \(Sec. 7\)](#)

BARBADOS - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

The person automatically acquires citizenship through birth unless the father is a foreign diplomat or one of the parents is an enemy alien.

- The Constitution of Barbados (Sec. 4)

Ius Sanguinis (descent, born abroad)

Automatic

Jus sanguinis is automatic if the father is a citizen. If the mother is a citizen of Barbados the child will only obtain citizenship of Barbados if the mother acquired it via jus soli herself. There are discussions around offering citizenship to grandchildren, too, but the amendment has not yet been adopted.

- The Constitution of Barbados (Sec. 5)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Barbadians who acquire another nationality do not need to renounce their citizenship.

- Barbados Citizenship Act (Sec. 8)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Barbadian nationality through naturalization are not required to give up their previous nationality.

- Barbados Citizenship Act (Second schedule)

Naturalization

Permitted

The granting of a certificate of naturalization is discretionary. The person must fulfill certain conditions, including having been resident in Barbados for 12 months immediately prior to the application, as well as during five out of seven years predating the 12-month period. Other conditions include good character and the intention to reside in Barbados.

- Barbados Citizenship Act (Cap. 186, Section 7 and second schedule)

BELIZE

BELIZE - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: November 14, 2001

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: June 10, 1996

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: March 09, 2015

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: May 16, 1990

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: March 17, 1986

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: May 02, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: November 14, 2001

Belize has also ratified C097—Migration for Employment Convention (Revised), 1949 (No. 97) on 15 December 1983.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: August 14, 2015

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: June 02, 2011

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: June 27, 1990

- Refugees Act

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: June 27, 1990

- Refugees Act

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: September 14, 2006

Belize does not have a specific law on statelessness.

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: August 14, 2015

Belize does not have a specific law on statelessness.

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: September 14, 2006

There is no specific law on migrant smuggling. This is regulated by the Immigration Act.

- Immigration Act (Secs. 32, 34)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 26, 2003

- Trafficking in Persons (Prohibition) Act, 2013

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

Belize did not vote in the General Assembly.

Endorsed

Belize voted in favor.

BELIZE - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Not Ratified

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Not Ratified

Implementation Cartagena Declaration 1984

Internalized

- Refugees Act (Sec. 2(4)(c))

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Ratified

- Caribbean Community (Free Movement of Skilled Persons) Act
- Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2020

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Not Ratified

Belize is a member of SICA but has not joined the Free Movement Convention.

BELIZE - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 1 countries

Visa is required for nationals of Haití - Excepto si un ciudadano haitiano tiene un visado válido de ingreso a Estados Unidos o una tarjeta de residencia permanente en ese país, o un visado de entrada múltiple del espacio de Schengen, o un visado válido de entrada múltiple o una tarjeta de residencia permanente en Canadá.

BELIZE - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

CARICOM nationals, excluding those from the Bahamas and Haiti, do not need to apply for work permits in the categories listed below: graduates of all recognized universities, artists, musicians, sportspersons, media workers, nurses, teachers, artisans with Caribbean Vocational Qualifications, and holders of associate degrees or comparable qualifications. The rest need to apply for and obtain a residence permit.

- Caribbean Community (Free Movement of Skilled Persons) Act (first schedule)
- Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2020 (Sec. 7)

Permanent Regularization Mechanisms

Available

A person who entered Belize as a minor (whether legally or illegally) and has been continuously residing in Belize for a period of at least 10 years shall be eligible to apply for permanent residency.

- Immigration Act (Sec. 10)

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

BELIZE - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

A temporary employment permit may be issued by the Director of Immigration and Nationality Services to any person who satisfies the Director of Immigration of Nationality Services that he wishes to enter Belize for the purpose of employment. There is, however, discretion to grant such permits. CARICOM nationals falling under one of the 10 categories that allow free movement of workers have the right to work.

- Immigration Act (Secs. 12, 16)
- Caribbean Community (Free Movement of Skilled Persons) Act (first schedule)
- Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2020 (Sec. 7)

Right to healthcare

Not Permitted

The law remains silent on this point. According to IOM reports, migrants have access to primary health care regardless of their migration status.

- International Organization for Migration (IOM), 2020. Migration Governance Indicators Profile 2020 - Belize. IOM. Geneva. (p. 12)
- International Organization for Migration (IOM), 2021. Belize Needs Assessment on Migration Governance. IOM. San José, Costa Rica. (pp. 22-24)

Right to education

Permitted for Migrants with a residence permit

No citizen or permanent resident of Belize shall be refused admission to any school on account of religion, race, ethnicity, language, or political affiliation.

- Education Act (Sec. 24)

Right to family reunification

Permitted for Extended family (other family members)

CARICOM nationals falling under one of the categories allowing free movement of workers can be reunited with a) their spouse an unmarried adopted child of the national or an unmarried child or stepchild of the national, who is (i) under the age of 18(ii) under the age of 25 and attending school or university as a full time student or(iii) over the age of 17 and who, due to disability, is wholly dependent on the national, (c) a parent or grandparent of the national, who is wholly dependent on the national or (d) any other natural person certified as a dependent, by order of the Court. Non-CARICOM nationals who have an assured income and adequate accommodation can be reunited with their dependents which include the spouse, children, stepchildren, or adopted children under 16.

- Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2020 (Secs. 2, 4)
- Immigration Act (Sec. 15)

Right to permanent residence

Preferences for regional migrants and based on other factors

CARICOM nationals falling under one of the categories allowing free movement of workers and their dependents can apply for indefinite stay to engage in gainful employment. Nonprivileged migrants include "immigrant for employment" which refers to a person who migrates to the country with a view to being employed otherwise than on their own account. They and their family members can obtain permanent residence after five years.

- Caribbean Community (Free Movement of Skilled Persons) (Amendment) Act, 2020 (Sec. 4)
- Immigration Act (Secs. 2, 15)

Right to Vote

Permitted in all elections (local and national)

Citizens of a Commonwealth country who have ordinarily resided in Belize for a period of not less than 12 months immediately preceding the date of registration or is a citizen of any Commonwealth country who is domiciled in Belize and is ordinarily resident therein on that date.

- Representation of the People Act (Sect. 5)

BELIZE - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Person is born in Belize unless the child is born to a foreign diplomat and neither parent is a citizen, or one of the parents is an enemy alien and the child is born in a place then under occupation by the enemy.

- Constitution of Belize (Art. 24)

Ius Sanguinis (descent, born abroad)

Automatic

It is automatic if the father or mother is a Belizean citizen.

- Constitution of Belize (Art. 25)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

A citizen of Belize by birth or descent who acquires the citizenship of any other country may, if the laws of the other country so permit and they choose to do so, retain their citizenship of Belize.

- Constitution of Belize (Art. 27)
- Belizean Nationality Act (Art. 21)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Belizean nationality through naturalization are not required to give up their previous nationality.

- Belizean Nationality Act (Sec. 10)

Naturalization

Permitted

Person has been ordinarily resident in Belize for 5 years immediately prior to the application and intends to continue to do so. Other conditions: sound mind, good character, no conviction for serious criminal offenses, no threat to safety or public order in Belize, not having been declared bankrupt, sufficient means for self-support. The granting of citizenship is a discretionary power of the state.

- Belizean Nationality Act (Secs. 10(1), 17(1))

BOLIVIA

BOLIVIA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: September 22, 1970

- Ley Nº 1978 de 14 de mayo de 1999, Aprueba y Eleva a Rango de Ley, la Aprobación y Ratificación por Decreto Supremo Nº 9.345 de 13 de agosto 1970 de la Convención Internacional sobre la Eliminación de todas las Formas de Discriminación Racial.

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: August 12, 1982

Bolivia joined the treaty through Supreme Decree No. 18950 of May 17, 1982, which subsequently became Law No. 2119 after being enacted on September 11, 2000.

- Decreto Supremo Nº. 18950 Dispónese la adhesión de Bolivia al Pacto Internacional de Derechos Económicos, Sociales y Culturales así como al de Derechos Civiles y Políticos

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: August 12, 1982

Bolivia joined the treaty through Supreme Decree No. 18950 of May 17, 1982, which subsequently became Law No. 2119 after being enacted on September 11, 2000.

- Decreto Supremo Nº. 18950 Dispónese la adhesión de Bolivia al Pacto Internacional de Derechos Económicos, Sociales y Culturales así como al de Derechos Civiles y Políticos

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: June 08, 1990

- Ley Nº 1100 Aprueba el convenio sobre Eliminación de Todas las Formas de Discriminación Contra la Mujer

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: April 12, 1999

- Ley Nº 1930 Aprueba y Ratifica la Convención contra la Tortura y otros Tratos o Penas Crueles, Inhumanos o Degradantes,

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: June 26, 1990

- Ley Nº 1152 Apruébase la suscripción de la Convención sobre los Derechos del Niño

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: October 16, 2000

- Ley Nº 1976 Aprueba la Convención Internacional sobre la Protección de los Derechos de los Trabajadores Migratorios y de sus Familiares

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: December 17, 2008

- Ley Nº 3935 Aprueba la «Convención Internacional para la protección de todas las personas contra las Desapariciones Forzadas

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: November 16, 2009

- Ley Nº 4024 Aprueba la Convención sobre los Derechos de las Personas con Discapacidad y su Protocolo Facultativo

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: February 09, 1982

- Ley 251 de Protección a Personas Refugiadas

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: February 09, 1982

- Ley 251 de Protección a Personas Refugiadas

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: October 06, 1983

Bolivia has ratified the Convention but does not have a law on statelessness. However, Supreme Decree No. 1440 of 2012, which approves the regulations for Law No. 251 of 2012 on the protection of refugees, establishes in its sole transitory provision that “any request for the temporary recognition of statelessness shall be processed in accordance with the procedure established in Law No. 251 and these Regulations, as appropriate in each case.”

- Decreto Supremo No. 1440 por medio del cual se Aprueba el Reglamento de La ley No. 251 de Junio de 2012 de Protección a Personas Refugiadas (Disposición transitoria única)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: October 06, 1983

Bolivia has ratified the Convention but does not have a law on statelessness. However, Supreme Decree No. 1440 of 2012, which approves the regulations for Law No. 251 of 2012 on the protection of refugees, establishes in its sole transitory provision that “any request for the temporary recognition of statelessness shall be processed in accordance with the procedure established in Law No. 251 and these Regulations, as appropriate in each case.”

- Decreto Supremo No. 1440 por medio del cual se Aprueba el Reglamento de La ley No. 251 de Junio de 2012 de Protección a Personas Refugiadas (Disposición transitoria única)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Not Ratified

Bolivia has passed Comprehensive Law 263 against Human Trafficking and Smuggling, which includes provisions for protecting victims of such acts. Arts. 34 onward modify the Criminal Code by making human trafficking and smuggling crimes punishable by imprisonment. However, it has not ratified this Convention.

- Ley 263 Integral contra la Trata y Tráfico de Personas
- Decreto Supremo 1486 Reglamento de la Ley N° 263 Integral contra la Trata y Tráfico de Personas

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: May 18, 2006

Bolivia has passed Comprehensive Law 263 against Human Trafficking and Smuggling, which includes provisions for protecting victims of such acts. Art.s 34 onward modify the Criminal Code by making human trafficking and smuggling crimes punishable by imprisonment.

- Ley 263 Integral contra la Trata y Tráfico de Personas
- Decreto Supremo 1486 Reglamento de la Ley N° 263 Integral contra la Trata y Tráfico de Personas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Endorsed

BOLIVIA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: June 20, 1979

- Ley Nº 1430 Aprueba y Ratifica la Convención americana sobre Derechos Humanos (Art. 1)

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: July 12, 2006

- Ley Nº 3293 Aprueba la Ratificación del "Protocolo Adicional de San Salvador"

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

- Ley Nº 1430 Aprueba y Ratifica la Convención americana sobre Derechos Humanos (Art. 2)

Implementation Cartagena Declaration 1984

Internalized

- Ley 251 de Protección a Personas Refugiadas (Art. 15)

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Ley Nº 2831 Aprueba la Ratificación de Bolivia al Acuerdo sobre Residencia para Nacionales de los Estados Parte del MERCOSUR, Bolivia y Chile

Andean Migration Statute, 2021

Ratified: August 11, 2021

The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute "is applicable immediately after entering into force and is not subject to regulations." Art. 35 states that "it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration." This was published on May 12, 2021, such that the statute entered into force on August 11, 2021.

- Decisión 878 Estatuto Migratorio Andino

Preferential Access to Residence

Only for some LAC nationals

The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute “is applicable immediately after entering into force and is not subject to regulations.” Art. 35 states that “it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration.” This was published on May 12, 2021, such that the statute entered into force on August 11, 2021. The MERCOSUR Residence Agreement applies in Bolivia for nationals of Argentina, Brazil, Chile, Paraguay, and Uruguay. There are also bilateral agreements between Bolivia and Brazil and Argentina.

- Ley Nº 2831 Aprueba la Ratificación de Bolivia al Acuerdo sobre Residencia para Nacionales de los Estados Parte del MERCOSUR, Bolivia y Chile
- Ley Nº 3016 que aprueba el Acuerdo entre el Gobierno de la República de Bolivia y el Gobierno de la República Federativa de Brasil para el Permiso de Residencia, Estudio y Trabajo de Nacionales Fronterizos Brasileños y Bolivianos
- Acuerdo Migratorio entre la República de Bolivia y la República de Argentina
- Ley Nº 3240 que Aprueba el Acuerdo Migratorio entre la República de Bolivia y la República de Argentina
- Decisión 878 Estatuto Migratorio Andino

Permanent Regularization Mechanisms

Available

Permanent Regularization Mechanism: according to the provisions of art. 7, para. II, number 11 of Law 370 of May 8, 2013, or the Migration Act, the General Migration Authority has the power to “regularize temporary or permanent stays.”

- Ley Nº 370 de Migración (Art. 7(2)(11))

Extraordinary Mechanisms since 2000

11 extraordinary regularizations have been carried out

Since 2000, Bolivia has adopted several legal instruments to regularize migration status, the scopes of which vary, as detailed below: 1. Migration Regularization Agreement between the Republic of Peru and the Republic of Bolivia (2003), signed on January 26, 2002, and approved by Law No. 2482 of July 2, 2003, which states that “it applies to nationals of either of the States Parties in the territory of the other whose status is irregular and who, seeking to regularize their status to engage in formal labor activities as employees or through self-employment as self-employed or self-employed, submit an application for regularization to the corresponding migration authority in the receiving country as set out in the following Arts. within one (1) year of the entry into force of this agreement” 2. Migration Agreement between the Republic of Bolivia and the Republic of Argentina, passed by Law No. 3240 of November 22, 2005, which states that “nationals of one of the States Parties whose stay in the territory of the other party is irregular that and submit the documentation detailed in art. 4 within 365 days from the effective date of this agreement, may avail themselves of its terms” 3. Ministerial Resolution 059 of the Ministry of the Interior of March 18, 2013, approving the procedures for regularizing the migration status of Mennonite citizens in Bolivia, by virtue of which Administrative Resolution no. 05 of the General Migration Authority of June 12, 2013, is adopted,

¹⁰² issuing the plan for regularizing the migration status of Mennonite citizens and the exercise of rights and obligations within the framework of the regulations in force 4. Supreme Decree No. 1800 of November 20,

2013, which aims to “establish the regularization of the migration status of foreigners in Bolivian territory whose migration status is irregular. To this end, the General Migration Authority and the General Personal Identification Service (SEGIP) will exempt those concerned from the payment of fines” 5. Administrative Resolution no. 69 of the Bolivian General Migration Authority of June 6, 2015, which adopts the 2015 Migration Regularization Plan for Foreign University Students in Bolivia, within the framework of the Residence Agreement of the MERCOSUR Member and Associate States 6. Administrative Resolution DIGEMIG no. 162 of the Bolivian General Migration Authority of October 6, 2015, through which the Migration Regularization Plan is adopted for foreigners from MERCOSUR Member and Associate States residing in Ángel Sandoval and Velasco provinces 7. Supreme Decree No. 2965 of 2016, which aims to “establish the exceptional regularization of the migration status of foreigners in Bolivian territory whose migration status is irregular. To this end, the General Migration Authority (DIGEMIG) and the General Personal Identification Service (SEGIP) will exempt those concerned from the payment of fines” 8. Supreme Decree No. 3676 of 2018 which aims to “establish the exceptional regularization of the migration status of foreigners in Bolivian territory whose migration status is irregular, and the conditions and requirements of this” 9. The migration regularization process provided for in Supreme Decree No. 4576 of 2021 is currently in force. This grants temporary stays of two years temporary stays of two years to foreigners who request their status be regularized within 12 months of the publication of the decree (i.e., from August 25, 2021).

- Acuerdo de Regularización Migratoria entre la República del Perú y la República de Bolivia (Art. 2)
- Ley Nº 2482 que Aprueba el Acuerdo de Regularización Migratoria entre la República de Bolivia y la República del Perú
- Acuerdo Migratorio entre la República de Bolivia y la República de Argentina (Art. 2)
- Ley Nº 3240 que Aprueba el Acuerdo Migratorio entre la República de Bolivia y la República de Argentina
- Resolución Ministerial Nº 059/2013 Regularización Menonitas
- Decreto Supremo Nº 1800 Regularización Migratoria
- Resolución Administrativa Nº 69 de la Dirección General de Migraciones de Bolivia Plan de Regularización Migratoria para Estudiantes Universitarios Extranjeros
- Resolución Administrativa DIGEMIG Nº 162 de la Dirección General de Migraciones Adopta el Plan de Regularización Migratoria para Personas Extranjeras de los Estados Parte y Asociados del MERCOSUR que Radican en las Provincias de Ángel Sandoval y Velasco
- Decreto Supremo Nº 2965 Regularización Migratoria
- Decreto Supremo Nº 3676 Regularización Migratoria
- Decreto Supremo Nº 4576 Regularización Migratoria
- Protocolo Adicional al Convenio de Migración entre la República Argentina y la República de Bolivia (del 16/02/98) (Art. 1)
- Segundo Protocolo Adicional al Convenio de Migración entre la República Argentina y la República de Bolivia (del 16 de febrero de 1998) (Art. 1)

BOLIVIA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Art. 141 of the Political Constitution of Bolivia states that people born in Bolivian territory are Bolivians by birth, with the exception of the children of foreign personnel of diplomatic missions.

- Constitución Política del Estado (Art. 141)

Ius Sanguinis (descent, born abroad)

Automatic

Art. 141 of the Political Constitution of Bolivia states that people born abroad to a Bolivian mother or Bolivian father are Bolivians by birth. Art. 58 of the Migration Act (Law No. 370 of May 8, 2013, which was amended by Law No. 1067 of 2018) states that “people born abroad of a Bolivian mother or Bolivian father may be registered at the consular offices of the Plurinational State of Bolivia abroad and obtain a Bolivian birth certificate, in accordance with the legal provisions set out in the Political Constitution and the legislation that is currently in force.”

- Constitución Política del Estado (Art. 141)
- Ley Nº 370 de Migración (Art. 58)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

According to art. 143 of the Bolivian Constitution of 2009, Bolivian nationality is not lost by acquiring foreign citizenship.

- Constitución Política del Estado (Art. 143)
- Decreto Supremo 27698 Reglamento sobre Doble Nacionalidad y Recuperación de la Nacionalidad Boliviana (Art. 9)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Foreigners who acquire Bolivian nationality shall not be obliged to renounce their previous nationality.

- Constitución Política del Estado (Art. 143)
- Decreto Supremo 27698 Reglamento sobre Doble Nacionalidad y Recuperación de la Nacionalidad Boliviana (Art. 9)

Naturalization

Permitted

Art. 142 of the Political Constitution of Bolivia establishes that foreigners may acquire Bolivian nationality through naturalization when they have resided in the country for at least three continuous years and expressly state their desire to do so, in accordance with the requirements established by law. Art. 142, para. II adds that the minimum required residence period shall be reduced to two years for foreigners in any of the following situations: 1. Those with a Bolivian spouse, Bolivian children, or Bolivian foster parents. Foreign citizens who acquire citizenship by marrying Bolivian citizens shall not lose it in the event of divorce or their spouse's death. 2. Those who do military service in Bolivia at the required age and in accordance with the law. 3. Those who are granted Bolivian nationality by the Plurinational Legislative Assembly in recognition of their services to the country.

- Constitución Política del Estado (Art. 142)
- Ley Nº 370 de Migración (Título VII sobre la Naturalización de personas migrantes extranjeras)
- Decreto Supremo Nº 1923 Reglamento de la Ley de Migración (Arts. 20-25)

BOLIVIA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 0 countries

Visa is required for nationals of Bahamas, Barbados, Belice, República Dominicana, El Salvador, Guatemala, Guyana, Haití, Honduras, Jamaica, Nicaragua, Surinam, Trinidad y Tobago - Respecto de las visas sujetas a verificación, el artículo 10 del Reglamento de Migración estipula que “cuando la persona extranjera no haya podido acceder a una representación consular, la Dirección General de Migración podrá emitir la visa de turismo o visita en los puestos de control fronterizo terrestres y aeroportuarios migratorios y por motivos de fuerza mayor en su oficina central o sus administraciones departamentales” previa autorización fundamentada de la Dirección General de Migración.

- Decreto Supremo Nº 27150 por medio del cual se Modifica la Lista de Exoneración y Extensión de Visas (Anexo II)
- Decreto Supremo Nº 28997 de 1 de enero 2007 por medio del cual se modifica la Lista de Exoneración y Extensión de Visas (Art. 1)
- Decreto Supremo Nº 1923 Reglamento de la Ley de Migración (Arts. 8, 10)

BOLIVIA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Art. 48 of the Migration Act establishes that “foreign migrants that have been authorized to enter the Plurinational State of Bolivia to stay in the country on a transitory, temporary, or permanent basis may carry out any remunerated or gainful activity or occupation on their own account or in an employment relationship, enjoying the protection and rights of the laws that govern the labor and social security regime.”

- Ley Nº 370 de Migración (Arts. 32, 48)

Right to healthcare

Permitted for Migrants with a residence permit

In accordance with Law 475 of December 30, 2013, on the Provision of Comprehensive Health Services, foreigners who are not covered by the short-term social security subsector within the framework of international instruments, under the principle of reciprocity and under the same conditions as Bolivians (...), have the right to access free comprehensive public healthcare likewise, foreigners who are in Bolivia and who belong to the following population groups also have this right: pregnant women women seeking sexual and reproductive healthcare children under the age of five persons who have been officially recognized as having disabilities, in accordance with current regulations.”

- Ley Nº 370 de Migración (Art. 12(2))
- Ley 475 de Prestaciones de Servicios de Salud Integral del Estado Plurinacional de Bolivia (Art. 5)

Right to education

Permitted for all migrants even those without a permit

Ministerial Resolution No. 001 of January 4, 2018, of the Bolivian Ministry of Education on general regulations for the management of educational establishments enables foreign children and adolescents to enter the Bolivian education system regardless of their migration status.

- Ley Nº 370 de Migración (Art. 12(5))
- Resolución Ministerial Nº 001 del Ministerio de Educación de Bolivia sobre normas Generales para la Gestión Educativa y Escolar

Right to family reunification

Permitted for Extended family (other family members)

Art. 4, para. 22 of Law 370 on Migration establishes that protection of family unity and reunification is granted to people with kinship ties of up to the first degree of consanguinity and affinity. In this sense, art. 12, para. 8 on the rights of migrants states that family reunification extends to parents, spouses, children, dependents, or adult children with disabilities.

- Ley Nº 370 de Migración (Arts. 4(22), 12(8))
- Decreto Supremo Nº 1923 Reglamento de la Ley de Migración (Arts. 9(I)(f)(4), 12(I)(e), 13(II)(d))

Right to permanent residence

Preferences for regional migrants and based on other factors

Permanent residence is granted to foreign migrants who have been in the country for at least three years and expressly request it in the case of nationals of MERCOSUR member and associate countries, two years of residence is required before permanent residence can be granted. This includes nationals of Argentina, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, and Uruguay. Nationals of Colombia, Ecuador, and Peru may also obtain permanent residence in Andean Community countries under art. 22 of the Andean Migration Statute.

- Ley Nº 370 de Migración (Art. 31)
- Decisión 878 Estatuto Migratorio Andino (Art. 22)

Right to Vote

Permitted in Local Elections

Art. 27 of the Political Constitution of Bolivia states that “foreigners residing in Bolivia have the right to vote in municipal elections.” According to art. 45 of the Law on the Electoral Regime (Law 026 of June 30, 2010), foreigners can vote in municipal elections when they have resided lawfully in the respective municipality for at least two years. To vote, they must be registered on the electoral roll.

- Constitución Política del Estado (Art. 27)
- Ley Nº 370 de Migración (Art. 12(9))
- Ley 026 del Régimen Electoral (Arts. 45, 98)

BRAZIL

BRAZIL - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: March 27, 1968

- Decree nº 65.810 internalizes the ICERD

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: January 24, 1992

- Decree nº 592 internalizes the ICCPR

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: January 24, 1992

- Decree nº 591 internalizes the ICESCR

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: February 01, 1984

- Decree nº 4.377 internalizes the Convention on the Elimination of Discrimination against Women

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: September 28, 1989

- Decree nº 40 internalizes the Convention against Torture

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: September 24, 1990

- Decree nº 99.710 internalizes the CRC

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

Brazil ratified ILO C097—Migration for Employment Convention (Revised), 1949 (No. 97) on 18 June 1965.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: November 29, 2010

- Decree nº 8.767 internalizes the International Convention for the Protection of All Persons from Enforced Disappearance

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: August 01, 2008

- Decree nº 6.949 internalizes the Convention on the Rights of Persons with Disabilities and its Optional Protocol

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: November 16, 1960

- Law nº 9.474 Refugee Statute

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: April 07, 1972

- Law nº 9.474 Refugee Statute

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: August 13, 1996

Brazil does not have a specific law on statelessness. The framework for protection against statelessness is provided by the Brazilian Migration Act.

- Law nº 13.445 Migration Law (Art. 26)
- Decree nº 9.199 Regulates the Migration Law (Arts. 95-107)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: October 25, 2007

Brazil does not have a specific law on statelessness. The framework for protection against statelessness is provided by the Brazilian Migration Act.

- Law nº 13.445 Migration Law (Art. 26)
- Decree nº 9.199 Regulates the Migration Law (Arts. 95-107)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: January 29, 2004

There is no specific law on migrant smuggling in Brazil.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: January 29, 2004

- Law nº 13.344, Provides for the Prevention and Repression of Internal and International Trafficking in Persons and Measures to Assist Victims

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

Brazil voted to adopt the Global Compact for Migration on December 18, 2018, but later withdrew from it under President Jair Bolsonaro

The Global Compact on Refugees, 17 December 2018

Endorsed

BRAZIL - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: July 09, 1992

- Decree nº 678, internalizes the American Convention on Human Rights

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: August 08, 1996

- Decree nº 3.321, internalizes the Additional Protocol in the Area of Social

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

- Decree nº 4.463 recognizes the jurisdiction of the Inter-American Court of Human Rights

Implementation Cartagena Declaration 1984

Internalized

The expanded definition of "refugee" in the Cartagena Declaration' was partially adopted by Brazilian law in art. 1, para. III of Law No. 9.474, Refugee Statute, July 22, 1997.

- Law nº 9.474 Refugee Statute (Art. 1(III))

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Decree nº 6.975 MERCOSUR Residence Agreement

BRAZIL - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 1 countries

Visa is required for nationals of Haití - Actualizado 20-Oct-21

- Decree nº 9.199 Regulates the Migration Law (Art. 25)

Preferential Access to Residence

For some LAC nationals and some others

Law 13.445/17 provides that beneficiaries of the MERCOSUR Residence Agreement have the right to reside in Brazil. In addition, nationals of Venezuela, Suriname, and Guyana also have the right of residence. Nationals from Haiti are also beneficiaries of the right of residence on humanitarian grounds.

- Law nº 13.445 Migration Law (Arts. 30-36)
- Decree nº 9.199 Regulates the Migration Law (Arts. 123-162)
- Portaria Interministerial MJSP/MRE nº 19, Provides for the residence permit for immigrants who are in Brazilian territory and who are nationals of a bordering country, where the Residence Agreement for Nationals of MERCOSUR States Parties and Associated Countries is not in force (Art. 2)
- Portaria Interministerial nº 13 Provides for the Granting of Temporary Visas and Residence Permits for Humanitarian Reception Purposes for Haitian Nationals and Stateless Persons Residing in the Republic of Haiti (Art. 5)
- Decree nº 6.975 MERCOSUR Residence Agreement (Arts. 4-5)

Permanent Regularization Mechanisms

Available

Migrants whose status is irregular will be individually notified to regularize their situation within 60 days or leave the country voluntarily.

- Decree nº 9.199 Regulates the Migration Law (Arts. 176-177)

Extraordinary Mechanisms since 2000

5 extraordinary regularizations have been carried out

There was one extraordinary regularization in 2009 applicable to all foreign nationals in an irregular situation who resided in the country. Two other procedures in 2019 offered regularization to Senegalese or Dominican Republic nationals who had applied for asylum and whose applications were still being processed. Nationals from Haiti can apply to regularize their status in the country for humanitarian reasons until December 31, 2021. Another administrative resolution in September 2021 established, among other things, that Afghan nationals whose migration status in Brazil is irregular can apply for a two-year residence permit on humanitarian grounds.

- Law nº 11.961 Provides for the Temporary Residence for Foreigners in an Irregular Situation in the National Territory
- Portaria Interministerial n. 10 Dispõe sobre a Concessão e os Procedimentos de Autorização de Residência aos Nacionais da República do Senegal, que tenham Processo de Reconhecimento da Condição de Refugiado em Trâmite no Brasil.
- Interministerial Order No 5 Establishes the Granting of a Residence Authorization to Dominican Republic Nationals who have an ongoing Process of Refugee Status Recognition
- Portaria Interministerial nº 13 Provides for the Granting of Temporary Visas and Residence Permits for Humanitarian Reception Purposes for Haitian Nationals and Stateless Persons Residing in the Republic of Haiti (Art. 5)
- Portaria Interministerial No 24 Dispõe sobre a concessão do visto temporário e da autorização de residência para fins de acolhida humanitária para nacionais afegãos, apátridas e pessoas afetadas pela situação de grave ou iminente instabilidade institucional, de grave violação de direitos humanos ou de direito internacional humanitário no Afeganistão. (Art. 5)

BRAZIL - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Migrants from MERCOSUR Member and Associate States as well as nationals from Guyana, Suriname, and Venezuela can work in Brazil. This also applies to other nationals who benefit from special permits such as Haitians. The rest need to apply and can be granted a temporary permit offering the right to work if they have a job offer.

- Law nº 13.445 Migration Law (Arts. 14, 111)
- Decree nº 9.199 Regulates the Migration Law (Arts. 33, 38)
- Decree nº 6.975 MERCOSUR Residence Agreement
- Portaria Interministerial MJSP/MRE nº 19, Provides for the residence permit for immigrants who are in Brazilian territory and who are nationals of a bordering country, where the Residence Agreement for Nationals of MERCOSUR States Parties and Associated Countries is not in force (Art. 7)
- Portaria Interministerial nº 13 Provides for the Granting of Temporary Visas and Residence Permits for Humanitarian Reception Purposes for Haitian Nationals and Stateless Persons Residing in the Republic of Haiti (Art. 10)

Right to healthcare

Permitted for all migrants even those without a permit

In accordance with the Migration Act, all migrants have access to health public services without any discrimination on the grounds of nationality or migration status.

- Law nº 13.445 Migration Law (Art. 4(VIII))
- Decree nº 9.199 Regulates the Migration Law (Art. 256(II))

Right to education

Permitted for all migrants even those without a permit

The Migration Act does not guarantee irregular migrants the right to education. However, National Education Council Resolution No. 1 establishes that children and adolescents must be granted the right to education regardless of their migratory status.

- Law nº 13.445 Migration Law (Art. 4)
- Decree nº 9.199 Regulates the Migration Law (Art. 256(II))
- Resolution nº 1 CNE Provides for the right to enroll migrant children and adolescents, refugees, stateless persons and asylum seekers in the Brazilian public education system (Art. 1 (3) (II))

Right to family reunification

Permitted for Extended family (other family members)

Article 3(VIII) of the Migration Act guarantees the right to family reunification. According to art. 45 of the Decree no. 9.199 that regulates the Migration Act, family members are: the spouse or partner, without any discrimination children ascendant up to the second degree descendant up to the second degree siblings people under tutelage, curatorship, or custody and stepchildren, as long as they are under 18, or under 24 if they remain in education, or of any age, if proven to be economically dependent on the sponsor.

- Law nº 13.445 Migration Law (Arts. 3(VIII), 37)
- Decree nº 9.199 Regulates the Migration Law (Art. 45)
- Portaria nº 12, Provides for the temporary visa and the residence permit for family reunion (Art. 2)

Right to permanent residence

Preferences for regional migrants and based on other factors

Privileged migrants are the following: I. beneficiaries of the MERCOSUR Residence Agreement, who can obtain permanent residence after two years. This includes nationals of the following countries: Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, and Uruguay (see below for Argentina and Uruguay) II. nationals of Guyana, Suriname, and Venezuela, after two years of residence III. victims of human trafficking, slave labor, and other violations aggravated by migration status (permanent residence is granted from the moment they are recognized as victims and they receive an indefinite leave to remain permit) IV. nationals from Argentina and Uruguay have the right to directly obtain permanent residence due to bilateral agreements. V. investors are also entitled to permanent residence permits in Brazil. VI. Haitian nationals, after two years of residence.

- Law nº 13.445 Migration Law (Art. 30(g))
- Portaria nº 87, Provides for the procedures and granting of residence permits to persons who have been victims of human trafficking, slave labor or violation of rights aggravated by their migratory status (par. 1)
- Decree nº 6.736 Agreement between the Federative Republic of Brazil and the Argentine Republic (Art. 1)
- Decree nº 9.089 Enacts the Agreement between the Federative Republic of Brazil and the Oriental Republic of Uruguay on Permanent Residence for the Purpose of Achieving Free Movement of Persons (Art. 2)
- Normative Regulation nº 13, Regulates the granting of a residence permit for investment by an individual in a legal entity in the country, 12-Dez-17 (Art. 5(IV))
- Portaria Interministerial nº 13 Provides for the Granting of Temporary Visas and Residence Permits for Humanitarian Reception Purposes for Haitian Nationals and Stateless Persons Residing in the Republic of Haiti (Art. 5)
- Decree nº 6.975 MERCOSUR Residence Agreement (Arts. 4-5)
- Portaria Interministerial MJSP/MRE nº 19, Provides for the residence permit for immigrants who are in Brazilian territory and who are nationals of a bordering country, where the Residence Agreement for Nationals of MERCOSUR States Parties and Associated Countries is not in force (Art. 5)
- Acordo entre a República Federativa do Brasil e a República Argentina para Concessão de Permanência a Detentores de Vistos Temporários ou a Turistas (Art. 1)
- Acordo entre a República Federativa do Brasil e a República Oriental do Uruguai sobre Residência Permanente com o Objetivo de Alcançar a Livre Circulação de Pessoas (Art. 2)

Right to Vote

Not permitted for any migrants

Art. 14, para. 2 of the Federal Constitution prohibits foreigners from being listed on the electoral roll. However, the Treaty of Friendship, Cooperation, and Assistance grants political rights to Portuguese nationals who have resided in Brazil for three years, on grounds of reciprocity.

- Constitution of the Federal Republic of Brazil (Art. 14)
- Decree nº 3.927, Enacts the Treaty of Friendship, Cooperation and Consultation, between the Federative Republic of Brazil and the Portuguese Republic (Art. 17(1))

Ius soli (birth in the territory of the country)

Automatic

Those born in the Federative Republic of Brazil, even to foreign parents, provided that they are not at the service of their country.

- [Constitution of the Federal Republic of Brazil \(Art. 12\(a\)\)](#)

Ius Sanguinis (descent, born abroad)

Automatic

Those born abroad to a Brazilian father or a Brazilian mother are Brazilians by birth, provided that either of the parents is in the service of the Federative Republic of Brazil. So are those born abroad to a Brazilian father or a Brazilian mother, provided they are registered at a Brazilian consulate or come to reside in the Federative Republic of Brazil and opt, at any time, after reaching the age of majority, for Brazilian nationality.

- [Constitution of the Federal Republic of Brazil \(Art. 12\(b\)-\(c\)\)](#)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Dual citizenship is permitted in cases when the original nationality is recognized by foreign law or in cases when Brazilians residing in another country are required to become naturalized citizens as a condition to remain in its territory or to exercise civil rights.

- [Constitution of the Federal Republic of Brazil \(Art. 12, para. 4\(II\)\(a\)-\(b\)\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Brazilian nationality through naturalization are not required to give up their previous nationality.

- [Law nº 13.445 Migration Law \(Art. 65\)](#)

Naturalization

Permitted

Naturalization in Brazil can be: ordinary, extraordinary, special, or provisional. As a general rule, ordinary naturalization is granted to persons that have lived in the country for four years possessing permanent residence. This period can be shorter in some cases: 1. Two years for stateless people 2. One year for residents that have Brazilian children, a Brazilian spouse or partner, have provided or are able to provide relevant services to Brazil, or have relevant professional, scientific, or artistic capacities. 3. One year for nationals of a Portuguese-speaking country, when they intend to continue to reside in Brazil. The granting of citizenship is a discretionary power.

- Law nº 13.445 Migration Law (Arts. 64-72, Art. 26, par. 7)
- Decree nº 9.199 Regulates the Migration Law (art. 95)
- Portaria nº 623, Provides for the procedures for naturalization, equal rights, loss of nationality, re-acquisition of nationality and revocation of the decision to lose Brazilian nationality
- Portaria Interministerial nº 5, establishes procedures to be adopted in relation to the processing of requests for recognition of statelessness and the facilitated procedure for naturalization of stateless persons thus recognized by the Federative Republic of Brazil
- Constitution of the Federal Republic of Brazil (Art. 12(2)(a))

CHILE

CHILE - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: October 20, 1971

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: February 10, 1972

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: February 10, 1972

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: December 07, 1989

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: September 30, 1988

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: August 13, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: March 21, 2005

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: December 08, 2009

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: July 29, 2008

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: January 28, 1972

- Ley 20430 Establece Disposiciones sobre Protección de Refugiados
- Decreto 837 Aprueba Reglamento de la Ley 20430 que Establece Disposiciones sobre Protección de Refugiados
- Decreto 287 Aprueba Convención sobre el Estatuto de los Refugiados

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: April 27, 1972

- Ley 20430 Establece Disposiciones sobre Protección de Refugiados
- Decreto 837 Aprueba Reglamento de la Ley 20430 que Establece Disposiciones sobre Protección de Refugiados
- Decreto 293 Aprueba Protocolo sobre el Estatuto de los Refugiados

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: April 11, 2018

Chile does not have a law on statelessness. The topic is briefly regulated in the Law on Migration and Aliens.

- Ley 21325 de Migración y Extranjería (Arts. 155(10), 173)
- Decreto 112 Promulga la Convención sobre el Estatuto de los Apátridas

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: April 11, 2018

Chile does not have a law on statelessness. The topic is briefly regulated in the Law on Migration and Aliens.

- Ley 21325 de Migración y Extranjería (Arts. 155(10), 173)
- Decreto 111 Promulga la Convención para Reducir los Casos de Apatridia

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: November 29, 2004

- Ley 20507 Tipifica los Delitos de Tráfico Ilícito de Migrantes y Trata de Personas y Establece Normas para su Prevención y más Efectiva Persecución Criminal (Art. 411 bis)
- Ley 21325 de Migración y Extranjería (Art. 13)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: November 29, 2004

- Decreto 342 Promulga la Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional y sus siguientes Protocolos contra el Tráfico Ilícito de Migrantes por Tierra, Mar y Aire y para Prevenir, Reprimir y Sancionar la Trata de Personas, Especialmente Mujeres y Niños (Art. 411 ter a quinque)
- Ley 20507 Tipifica los Delitos de Tráfico Ilícito de Migrantes y Trata de Personas y Establece Normas para su Prevención y más Efectiva Persecución Criminal (Art. 411 ter a quinque)
- Ley 21325 de Migración y Extranjería (Art. 13)

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

Chile has not adopted the Global Compact and abstained from voting.

The Global Compact on Refugees, 17 December 2018

Endorsed

CHILE - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: August 10, 1990

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Recently approved by the Senate in July of 2021 but not yet ratified.

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Ley 20430 Establece Disposiciones sobre Protección de Refugiados (Art. 2.2)

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

Chile signed the agreement in 2002 but only applies it to nationals of five countries: Argentina, Bolivia, Brazil, Paraguay, and Uruguay.

- Oficio Circular N°26465 Subsecretario del Interior Instruye sobre Aplicación del Acuerdo sobre Residencia de los Estados Partes del MERCOSUR, Bolivia y Chile

CHILE - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 4 countries

Visa is required for nationals of Surinam, República Dominicana, Haití, Venezuela - Última modificación 22-jun-2019

- Resolución Núm. 1.542 exenta, Fija Cuadro de Aranceles de Visas y Vistos de Turismo Otorgados en el Extranjero (Art. 45 (still in force))
- Ley 21325 de Migración y Extranjería (Art. 27)
- Decreto N°237 del Ministerio del Interior y Seguridad Pública. Establece Visto Consular de Turismo a Nacionales de la República Bolivariana de Venezuela

CHILE - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

The MERCOSUR Residence Agreement applies in Chile for nationals of Argentina, Bolivia, Brazil, Paraguay, and Uruguay.

- Oficio Circular N°26465 Subsecretario del Interior Instruye sobre Aplicación del Acuerdo sobre Residencia de los Estados Partes del MERCOSUR, Bolivia y Chile

Permanent Regularization Mechanisms

Not Available

According to the provisions of art. 155 no. 8 of Law 21325 (2021), the Undersecretary of the Interior may “establish regularization mechanisms for foreigners whose migration status is irregular, in accordance with the objectives of national immigration policy, including the corresponding requirements, which shall be carefully determined to promote and facilitate regular migration status and may take the length of the interested party’s irregular stays into account.” However, this cannot be deemed a permanent mechanism that a person whose migration status is irregular can opt for at any time—instead, it depends on the willingness of the Undersecretary of the Interior to implement extraordinary regularization mechanisms.

- Ley 21325 de Migración y Extranjería (Art. 155(8), Art. 8 transitorio)

Extraordinary Mechanisms since 2000

3 extraordinary regularizations have been carried out

Extraordinary regularization programs: 2007 (Exemption Resolution No. 36.339 of the Department of Aliens and Migration) 2018 (Exemption Resolution No. 1965 of 2018) 2021 (temporary art. 8 of Law 21325 on Migration and Aliens).

- Resolución Exenta N° 1965 de 2018 de la Subsecretaría de Interior
- Resolución Exenta N° 36.339
- Ley 21325 de Migración y Extranjería (Art. 8 transitorio)
- Resolución Núm. 1.769 Exenta Aprueba Proceso de Regularización Contemplado en el Artículo Octavo Transitorio de la Ley 21.325 de Migración y Extranjería

CHILE - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Art. 14. Labor Rights. Foreigners shall enjoy the same labor rights as Chileans, without prejudice to the requirements and sanctions established by law in certain circumstances. All employers shall comply with their legal obligations in labor-related matters, without prejudice to the foreign employee's migration status. Furthermore, art. 73 establishes that: "Temporary residents may engage in paid activities."

- [Ley 21325 de Migración y Extranjería \(Arts. 14, 73\)](#)

Right to healthcare

Permitted for all migrants even those without a permit

Art. 15. Right to access healthcare. Foreigners who are legally resident in the country or whose status is irregular and their dependents have the right access to healthcare in accordance with the requirements established by the health authority, on an equal basis with nationals.

- [Ley 21325 de Migración y Extranjería \(Art. 15\)](#)

Right to education

Permitted for all migrants even those without a permit

Art. 17. Access to Education. The State shall guarantee access to preschool, primary, and secondary education to foreign minors living in Chile on an equal footing with nationals. This right may not be denied or limited because their migration status or that of their parents or guardians is irregular.

- [Ley 21325 de Migración y Extranjería \(Art. 17\)](#)

Right to family reunification

Permitted for Extended family (other family members)

Art. 19. Family Reunification. Residents may request family reunification with their spouse or with the person with whom they maintain a relationship the effects of which are equivalent to marriage, in accordance with applicable law, as well as parents, minor children, children with disabilities, unmarried children under the age of 24 who are in education, and minors who are in their care or guardianship. The State must promote the protection of family unity.

- [Ley 21325 de Migración y Extranjería \(Art. 19\)](#)

Right to permanent residence

Preferential access for regional migrants

Art. 78: Permanent residence may only be granted to foreigners in possession of a temporary residence permit that expressly admits applying for permanent residence and who comply with the requirements established in this law, its regulations, and the supreme decree that establishes the subcategories listed in art. 70. As of December 1, 2021, the regulations have not yet been adopted. Nationals of MERCOSUR countries do not have priority treatment in this area.

- Ley 21325 de Migración y Extranjería (Arts. 78-79)
- Oficio Circular N°26465 Subsecretario del Interior Instruye sobre Aplicación del Acuerdo sobre Residencia de los Estados Partes del MERCOSUR, Bolivia y Chile

Right to Vote

Permitted in all elections (local and national)

According to art. 14 of the Constitution, foreigners who have resided in Chile for more than five years and who meet the requirements set forth in the art. 13, para. 1 may exercise the right to vote in the cases and forms established by the law. Art. 60 of Organic Constitutional Law 18700 on Popular Voting and Canvassing establishes the right to vote in all types of elections.

- Constitución Política de la República de Chile (Art. 14)
- Ley 21325 de Migración y Extranjería (Art. 174)
- Ley Orgánica Constitucional 18700 sobre Votaciones Populares y Escrutinios (Art. 60)

CHILE - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Those born in Chilean territory are Chilean nationals, with the exception of the children of foreigners who are in Chile on government service and the children of foreigners in transit, all of whom may, however, opt for Chilean nationality. This declaration must be made within a year of the interested party's 18th birthday. Art. 173 of Law 21325 (2021) should also be taken into account: "A foreigner in transit shall be understood as a person who is passing through Chilean territory, with no intention of settling in it and who falls into any of the transitory migration subcategories established as per art. 53. Any person born in Chilean territory who falls under any of the exceptions listed in art. 10, para. 1, of the Political Constitution who would otherwise be stateless shall be considered Chilean by birth. In the absence of proof to the contrary, it shall be presumed that any children found abandoned by their parents in Chilean territory were born in the country of Chilean parents."

- Constitución Política de la República de Chile (Art. 10)
- Ley 21325 de Migración y Extranjería (Art. 173)
- Decreto 5142 Fija el Texto Refundido de las Disposiciones sobre Nacionalización de Extranjeros (Art. 10)

Ius Sanguinis (descent, born abroad)

Automatic

The children of a Chilean father or mother who are born abroad. However, one of their parents or grandparents is required to have acquired Chilean nationality. In practice, the interested party is required to ask to register the birth at the appropriate consulate and prove that the above requirements have been met.

- [Constitución Política de la República de Chile \(Art. 10\)](#)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

If a Chilean acquires a different nationality, they may still keep their Chilean nationality.

- [Constitución Política de la República de Chile \(Art. 11\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

To be granted a naturalization certificate, applicants must first renounce their nationality of origin or any other nationality they have acquired or that might correspond to them.

- [Decreto 5142 Fija el Texto Refundido de las Disposiciones sobre Nacionalización de Extranjeros \(Art. 2\)](#)
- [Constitución Política de la República de Chile \(Art. 10\)](#)

Permitted

In Chile, naturalization certificates are granted in accordance with the law to foreigners who: are 18 or over, have resided in Chilean territory for more than five years, and hold a permanent residence permit the children of foreigners who are 14 or older, have resided in Chilean territory for more than five years, have parents or guardians with permanent residence permits who have authorized them to acquire Chilean nationality and children under 18 years, one of whose parents' refugee status has been acknowledged by Chile. Those in the latter category may become Chilean nationals from the moment that at least one of their parents has obtained their naturalization certificate, without needing to comply with any other legal requirements. Permanent residents who can prove that they have resided continually in Chilean territory for two years and have any of the ties listed below can apply for qualified nationality: a. Anyone who has been the spouse of a Chilean national for at least two years and whose marriage is registered in Chile, provided that the provisions of art. 133 of the Civil Code are complied with during the same period. b. Relatives of Chilean nationals up to the second degree of consanguinity and those adopted by Chilean nationals. c. Children whose father or mother were once Chilean nationals but lost their Chilean nationality before their birth. d. Those who receive special authorization by law. A naturalization certificate will not be granted to foreigners who are in any of the following situations: 1. Those who have received convictions in the last ten years for acts that are deemed felonies in Chile. 2. Those who have received convictions in the last five years for acts that are deemed misdemeanors or minor offenses in Chile, and those with precedents that make it advisable not to grant them nationality.

- Constitución Política de la República de Chile (Art. 10)
- Ley 21325 de Migración y Extranjería (Art. 86)
- Decreto 5142 Fija el Texto Refundido de las Disposiciones sobre Nacionalización de Extranjeros (Arts. 2-3)

COLOMBIA

COLOMBIA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: September 02, 1981

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: October 29, 1969

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: October 29, 1969

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: January 19, 1982

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: December 08, 1987

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: January 28, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: May 24, 1995

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: July 11, 2012

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: May 10, 2011

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: October 10, 1961

- Decreto 2840 por el cual se Establece el Procedimiento para el Reconocimiento de la Condición de Refugiado, se Dictan Normas sobre la Comisión Asesora para la Determinación de la Condición de Refugiado y Otras Disposiciones

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: March 04, 1980

- Decreto 2840 por el cual se Establece el Procedimiento para el Reconocimiento de la Condición de Refugiado, se Dictan Normas sobre la Comisión Asesora para la Determinación de la Condición de Refugiado y Otras Disposiciones

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: October 07, 2019

There is no specific law on statelessness in Colombia. Statelessness is covered by Law 2136, which establishes a comprehensive migration policy for the Colombian State.

- Ley 2136 por medio de la cual se Establecen las Definiciones, Principios y Lineamientos para la Reglamentación y Orientación de la Política Integral Migratoria del Estado Colombiano y se Dictan otras Disposiciones (Arts. 65-67)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: August 15, 2014

There is no specific law on statelessness in Colombia. Statelessness is covered by Law 2136, which establishes a comprehensive migration policy for the Colombian State.

- Ley 2136 por medio de la cual se Establecen las Definiciones, Principios y Lineamientos para la Reglamentación y Orientación de la Política Integral Migratoria del Estado Colombiano y se Dictan otras Disposiciones (Arts. 65-67)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Not Ratified

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: August 04, 2004

- Ley 985 Adopta Medidas contra la Trata y Normas para Atender y Proteger a sus Víctimas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

COLOMBIA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: May 28, 1973

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: October 22, 1997

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Decreto 4503 por el cual se modifica el Procedimiento para el Reconocimiento de la Condición de Refugiado (Art. 1)

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Decreto 941 de 2014 Decreto 941 de 2014 Mediante el cual se Incorporan al Ordenamiento Migratorio Interno, Visas Previstas en el Marco del Acuerdo sobre Residencia para los Nacionales de los Estados Parte del Mercosur, Bolivia y Chile, y se Dictan Otras Disposiciones en Materia Migratoria

Andean Migration Statute, 2021

Ratified: August 11, 2021

The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute "is applicable immediately after entering into force and is not subject to regulations." Art. 35 states that "it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration." This was published on May 12, 2021, such that the statute entered into force on August 11, 2021.

- Decisión 878 Estatuto Migratorio Andino

COLOMBIA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

The general visa regime establishes that work visas are mandatory. The exceptions to this are Venezuelan nationals who hold Special Stay Permits (PEP) or Temporary Protection Permits (PTP), who are allowed to work. Citizens of some MERCOSUR member or associate countries—specifically, Argentina, Brazil, Bolivia, Ecuador, Paraguay, Peru, and Uruguay—may access type-M visas, which allow them to work. The Migration Statute also includes the right for nationals of Bolivia, Ecuador, and Peru to pursue self-employment or employment.

- Resolución 6045 of 2017 Por la cual se Dictan Disposiciones en Materia de Visas (Art. 47)
- Resolución 5797 Por medio de la cual se crea un Permiso Especial de Permanencia (Art. 3)
- Decisión 878 Estatuto Migratorio Andino (Art. 20)
- Decreto 216 del 2021 por medio del cual se Adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se Dictan Otras Disposiciones en Materia Migratoria (Art. 11)

Right to healthcare

Permitted for Migrants with a residence permit

Everyone has the right to receive emergency care, including those whose migration status is irregular. Only migrants with a residence permit can be affiliated with the General Health System. In 2017, Venezuelan migrants holding Special Stay Permits (PEP) were authorized to register with the General Health System.

- Ley 1751 de 2015 por medio de la cual se Regula el Derecho Fundamental a la Salud (Arts. 6, 10, 14)
- Decreto 780 de 2016 Por medio del cual se expide el Decreto Único Reglamentario del Sector Salud y Protección Social (Arts. 2.1.3.5, 2.5.3.2.2)
- Resolución 3015 de 2017 Por medio de la cual se Incluye el Permiso Especial de Permanencia - PE como Documento Válido de Identificación en los Sistemas de Información del Sistema de Protección Social (Art. 6)
- Corte Constitucional Sentencia SU677/17

Right to education

Permitted for Migrants with a residence permit

In 2018, Venezuelan children and adolescents were authorized to enroll in educational establishments regardless of their migration status. Other migrants wishing to enroll in educational establishments must have type-M student visas.

- Resolución 6045 of 2017 Por la cual se Dictan Disposiciones en Materia de Visas (Art. 10)
- Circular Conjunta 16 de 2018 del Ministerio de Educación Nacional Instructivo para la Atención de Niños, Niñas y Adolescentes Procedentes de Venezuela en los Establecimientos Educativos Colombianos

Right to family reunification

Permitted for Extended family (other family members)

Members of the immediate family who are financially dependent on the main holder of a type-M or type-R visa may hold beneficiary visas, as may those who are dependent on the main holder of a type-V visa when this visa has been granted for certain activities. As a general rule, members of the immediate family of the main holder of a visa will be understood as including the spouse or permanent partner, their parents when they depend economically on the holder, all children under 25, and children over 25 when they have a disability that prevents them from being financially independent.

- [Resolución 6045 of 2017 Por la cual se Dictan Disposiciones en Materia de Visas \(Art. 26\)](#)

Right to permanent residence

Preferences for regional migrants and based on other factors

Those who fall into the following categories receive privileged treatment and obtain permanent residence after two years: Nationals of one of the States Parties to the Residence Agreement for Nationals of the MERCOSUR States Parties, Bolivia, and Chile. The Andean Migration Statute also applies for nationals of Bolivia, Ecuador, or Peru. Being the spouse or permanent partner of a Colombian national, being the adopted parent or child of a Colombian national. Those who fall into the following categories can obtain permanent residence directly: Former Colombian nationals who have given up this nationality, parents of a Colombian national by birth. Foreigners who do not fall into one of these privileged categories must have remained in Colombian territory continuously and uninterruptedly for five years under any of the following conditions: as a holder of a type-M visa as per the conditions set out in numbers 4 to 11 of art. 17 (for work, investment, study, cooperation, among others) as a holder of a refugee visa and direct foreign investment of the minimum amounts established by law.

- [Resolución 6045 of 2017 Por la cual se Dictan Disposiciones en Materia de Visas \(Art. 21\)](#)
- [Decisión 878 Estatuto Migratorio Andino \(Art. 22\)](#)

Right to Vote

Permitted in Local Elections

Only foreigners who are of legal age, hold a residence visa, and have been resident in the country for more than five years can vote in local elections.

- [Resolución 542 de 2015 Por la cual se Establecen los Requisitos de los Extranjeros Residentes en Colombia para ser Parte del Censo Electoral en las Elecciones y Consultas Populares de Carácter Municipal o Distrital \(Art. 1\)](#)
- [Ley 1070 de 2006 por Medio de la cual se Reglamenta el Voto de Extranjeros Residentes en Colombia \(Arts. 1, 2, 5\)](#)

COLOMBIA - NATIONALITY

Ius soli (birth in the territory of the country)

Not Automatic

Colombia does not apply absolute jus soli. The children of foreigners born in Colombian territory may only access Colombian nationality if their parents are understood to be legally resident in the country, which only occurs after they have remained in the country for three continuous years, according to the legislation in force. Exceptional measures were created for the children of Venezuelans born in Colombian territory to allow them access to Colombian nationality from birth and thus prevent statelessness.

- Ley 2136 por medio de la cual se Establecen las Definiciones, Principios y Lineamientos para la Reglamentación y Orientación de la Política Integral Migratoria del Estado Colombiano y se Dictan otras Disposiciones
- Resolución 8470 de 2019 Por la cual se Adopta una Medida Administrativa de Carácter Temporal y Excepcional, para Incluir de Oficio la Nota "Válido para Demostrar Nacionalidad" en el Registro Civil de Nacimiento de Niñas y Niños Nacidos en Colombia, que se Encuentran en Riesgo de Apatridia, Hijos de Padres Venezolanos, que no Cumplen con el Requisito de Domicilio.
- Ley 1997 de 2019 por medio del cual se establece un Régimen Especial y Excepcional para Adquirir la Nacionalidad Colombiana por Nacimiento, para Hijos e Hijas de Venezolanos en Situación de Migración Regular o Irregular, o de Solicitantes de Refugio, Nacidos en Territorio Colombiano, con el fin de Prevenir la Apatridia.
- Circular 168 de 2017 Registro civil Inscripción en el Registro Civil de Nacimiento de los Hijos de Extranjeros
- Constitución Política de Colombia (Art. 96)
- Resolución 8617 por la cual se modifica parcialmente la Resolución 8470 y se prorroga su vigencia

Ius Sanguinis (descent, born abroad)

Automatic

Children of Colombians born abroad are nationals by birth once they are registered with the Colombian consulate in their place of birth by providing an authenticated copy of their foreign birth certificate.

- Constitución Política de Colombia (Art. 96)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Colombians may obtain another nationality without losing their Colombian nationality.

- Constitución Política de Colombia (Art. 96)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Colombian nationality through naturalization are not required to give up their previous nationality.

- Constitución Política de Colombia (Art. 96)
- Ley 43 por Medio de la cual se Establecen las Normas Relativas a la Adquisición, Renuncia, Pérdida y Recuperación de la Nacionalidad Colombiana (Art. 14)

Naturalization

Permitted

Nationals of Latin America and the Caribbean and Spain may apply for Colombian nationality after residing in Colombia for two years. This same applies to foreigners who are married to Colombians. Other foreigners may opt for Colombian nationality after five years of regular, uninterrupted residence, provided that they comply with the requirements established by the Ministry of Foreign Affairs.

- Ley 43 por Medio de la cual se Establecen las Normas Relativas a la Adquisición, Renuncia, Pérdida y Recuperación de la Nacionalidad Colombiana (Art. 4)
- Decreto Único Reglamentario 1067 del Sector Administrativo de Relaciones Exteriores. (Artículo 2.2.4.2.1)

COLOMBIA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of Haití, Nicaragua - Haití y Nicaragua requieren visa. Los nacionales de Nicaragua pueden ingresar sin visa si son titulares de un permiso de residencia de un estado miembro del espacio Schengen, de Estados Unidos o de Canadá, o si son titulares de una visa Schengen o de una visa de Estados Unidos o de Canadá con una vigencia mínima de 180 días en el momento de entrar a Colombia.

- Resolución 10535 por la cual se Establecen Disposiciones de Exención de Visas (Arts. 1-3, 7-8)

COLOMBIA - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of MERCOSUR member and associate countries have the right to reside in Colombia. This excludes nationals from Suriname, Guyana, and, as of 2019, Chile, since Colombia decided to suspend the granting of MERCOSUR nationals of countries based on the reciprocity principle. On the other hand, Venezuelan nationals entering the country within two years of the Temporary Protection Statute coming into force (i.e., until May 28, 2023) are also entitled to obtain a residence permit until 2031. Finally, for nationals of Bolivia, Ecuador, and Peru, both the MERCOSUR Residence Agreement and the Andean Migration Statute apply.

- Resolución 6045 of 2017 Por la cual se Dictan Disposiciones en Materia de Visas
- Decreto 216 del 2021 por medio del cual se Adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se Dictan Otras Disposiciones en Materia Migratoria
- Decreto 941 de 2014 Decreto 941 de 2014 Mediante el cual se Incorporan al Ordenamiento Migratorio Interno, Visas Previstas en el Marco del Acuerdo sobre Residencia para los Nacionales de los Estados Parte del Mercosur, Bolivia y Chile, y se Dictan Otras Disposiciones en Materia Migratoria
- Decisión 878 Estatuto Migratorio Andino
- Resolución 971 Por la cual se implementa el Estatuto Temporal de Protección para Migrantes Venezolanos adoptado por medio del Decreto 216 de 2021 (Arts. 14, 15, 20)

Permanent Regularization Mechanisms

Not Available

12 extraordinary regularizations have been carried out

The first regularization process took place in 2008. Colombia went on to adopt ten different instruments from 2017 on through which various categories of Venezuelan nationals were allowed to regularize their status through the Special Stay Permit (PEP). The Temporary Protection Statute was created in 2021 and enables Venezuelan migrants present in Colombian territory as of January 31, 2021, to regularize their status.

- Decreto 3970 por el cual se Dictan Disposiciones sobre Regularización de Extranjeros
- Resolución 5797 Por medio de la cual se crea un Permiso Especial de Permanencia
- Resolución 0740 Por la cual se Establece un Nuevo Término para acceder al Permiso Especial de Permanencia (PEP)
- Resolución 6370 del 1 de agosto de 2018 por la cual se Reglamenta la Expedición del Permiso Especial de Permanencia - PEP creado mediante Resolución 5797 de 2017 del Ministerio de Relaciones Exteriores, para su Otorgamiento a las Personas Inscritas en el Registro Administrativo de Migrantes Venezolanos
- Resolución 10064 Por la cual se Modifica el Parágrafo 1 del Artículo 1 de la Resolución 6370 de 2018
- Resolución 10667 Por la cual se Establece un Nuevo Término para Acceder al Permiso Especial de Permanencia - PEP, Creado Mediante la Resolución 5797 del 25 de Julio de 2017
- Resolución 2540 Por la cual se Reglamenta la Expedición del Permiso Especial de Permanencia (PEP) creado mediante la Resolución 5797 de 2017, en virtud del Memorando de Entendimiento suscrito entre el Gobierno de la República de Colombia y el Gobierno de la República Bolivariana de Venezuela
- Resolución 3548 Por medio de la cual se crea un Permiso Especial Complementario de Permanencia (PECP)
- Resolución 0240 Por la cual se Establece un Nuevo Término para Acceder al Permiso Especial de Permanencia - PEP
- Decreto 117 de 2020 de creación de un Permiso Especial de Permanencia para el Fomento de la Formalización - PEPFF
- Resolución 2502 Por la cual se Establece un Nuevo Término para Acceder al Permiso Especial de Permanencia (PEP)
- Decreto 216 del 2021 por medio del cual se Adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se Dictan Otras Disposiciones en Materia Migratoria
- Resolución 971 Por la cual se implementa el Estatuto Temporal de Protección para Migrantes Venezolanos adoptado por medio del Decreto 216 de 2021 (Art. 2)

COSTA RICA

COSTA RICA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: January 16, 1967

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: November 29, 1968

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: November 29, 1968

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: April 04, 1986

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: November 11, 1993

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: August 21, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

Costa Rica has not ratified ILO conventions 97 and 143 on migrant workers.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: February 16, 2012

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: October 01, 2008

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: March 28, 1978

- Ley General de Migración y Extranjería N. 8764 (Arts. 106-123)

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: March 28, 1978

- Ley General de Migración y Extranjería N. 8764 (Arts. 106-123)

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: November 02, 1977

- Ley General de Migración y Extranjería N. 8764 (Art. 123)
- Reglamento para la Declaratoria de la Condición de Persona Apátrida N° 39620-RE-G

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: November 02, 1977

- Ley General de Migración y Extranjería N. 8764 (Art. 123)
- Reglamento para la Declaratoria de la Condición de Persona Apátrida N° 39620-RE-G

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: August 07, 2003

The General Migration Law stipulates that human trafficking is a crime.

- Ley General de Migración y Extranjería N. 8764 (Art. 249)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 09, 2003

Costa Rica has a law against human trafficking.

- Ley 9095 contra la Trata de Personas y Creación de la Coalición Nacional contra el Tráfico Ilícito de Migrantes y la Trata de Personas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

COSTA RICA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: March 02, 1970

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: September 29, 1999

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

The General Migration Act does not include the definition from the Cartagena Declaration. However, a ruling from the Contentious Administrative Court states that: "the Constitutional Court has incorporated the Cartagena Declaration into domestic law as a parameter of constitutionality."

- [Sentencia del Tribunal Contencioso Administrativo, Sección Cuarta \(Voto Número 0103- 2014 IV\) Relativa a la Definición Ampliada de Refugiado en Costa Rica.](#)

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Not Ratified

Although Costa Rica is a member of the Central American Integration System, it is not part of the Central America-4 Free Mobility Agreement (CA-4).

COSTA RICA - TEMPORARY RESIDENCE

Preferential Access to Residence

No

Anyone wishing to reside in the country must request authorization to do so from the General Department of Migration and Aliens under the appropriate migration category.

- Ley General de Migración y Extranjería N. 8764 (Arts. 66-71)

Permanent Regularization Mechanisms

Available

The General Law on Migration and Aliens enables special procedures to be established to enable people whose migration status prevents them from complying with the requirements of current migration legislation to obtain a regular migration status. Since migrants are staying in Peruvian territory irregularly, the Migration Act establishes that migrants who are parents of a Costa Rican minor or adult with a disability can have their administrative status regularized. Likewise, migrants whose status is irregular may have this regularized if doing so is necessary for humanitarian reasons to address a situation of vulnerability in which they find themselves.

- Ley General de Migración y Extranjería N. 8764 (Arts. 71, 128)
- Decreto 37112-G Reglamento de Extranjería (Arts. 58, 135)

Extraordinary Mechanisms since 2000

3 extraordinary regularizations have been carried out

The General Law on Migration and Aliens establishes the possibility of creating extraordinary regularization mechanisms (art. 71). In 2020, the special temporary complementary protection category was created to enable foreigners who have been denied refugee status and are in a vulnerable situation to remain legally in the country and work there. The category was created specifically for Venezuelan, Nicaraguan, and Cuban migrants that applied for refugee status between January 2016 and March 2020. The category authorizes such migrants to stay for two years, after which this can be renewed. The measure was valid through December 15, 2021. In 2020, the Special Category for Temporary Workers in the Agricultural, Agro-export, and Agribusiness Sector (CETTSA) was also created to facilitate the regularization of foreigners who entered Costa Rican territory between January 15, 2016, and January 15, 2020, and who work or intend to work in the agricultural, agro-export, or agribusiness sectors. In 2012, the Regulations on Aliens established a six-month period in which those under the age of 25 who could not regularize their migration status by any other of the categories set out in the law and who demonstrated being settled in the country for at least five years could regularize their status.

- Ley General de Migración y Extranjería N. 8764 (Art. 71)
- Directiva N° DJUR-0190-12-2020-JM Categoría Especial Temporal de Protección Complementaria para Personas Venezolanas, Nicaragüenses y Cubanas a quienes se les haya Denegado su Solicitud de Refugio
- Decreto Ejecutivo 42406-MAG-MGP Procedimiento para Acceder al Régimen de Excepciones para la Regularización Migratoria de las Personas Trabajadoras de los Sectores Agropecuario, Agroexportador o Agroindustrial
- Decreto 37112-G Reglamento de Extranjería (Transitorio III)

COSTA RICA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

The General Law on Aliens establishes that temporary residents “may only engage in remunerated or gainful activities on their own account or in an employment relationship when authorized by the General Authority” (art. 80). According to art. 177 of the law, “fines will be issued to those who provide work or employment to foreigners who are not authorized to engage in such activities such that they pursue or perform activities other than those that they are authorized to perform.”

- Ley General de Migración y Extranjería N. 8764 (Arts. 80, 92-101, 177)

Right to healthcare

Permitted for Migrants with a residence permit

Art. 31 of the General Law on Migration and Aliens establishes that: 6) Foreigners will have access to the Costa Rican social security system in accordance with the legislation in force and their migration category. As noted by the IOM in a 2019 report, migrants whose status is irregular may receive care from the Costa Rican Social Security Fund if they request it.

- Ley General de Migración y Extranjería N. 8764 (Art. 31)
- OIM (2019) Perfil de Gobernanza sobre Migración Costa Rica 2019 (p. 10)

Right to education

Permitted for Migrants with a residence permit

Migrants entering the country to pursue education there must have a student visa (which is considered a special visa category). The Constitution establishes that preschool and primary education are compulsory and free of charge. However, no clause has been identified that explicitly establishes the right of access to education for migrants whose status is irregular.

- Ley General de Migración y Extranjería N. 8764 (Arts. 31, 102-105)
- Constitución Política de la República de Costa Rica (Art. 78)
- Reglamento 35589-MEP de Matrícula y de Traslados de los Estudiantes (Art. 17)

Right to family reunification

Permitted for Extended family (other family members)

Family reunification is available to most people with a residence permit. They can apply for family reunification for their parents, spouse, and children. The same applies to the spouse, parents, minor children or adult children with disabilities, and minor siblings or adult siblings with disabilities of Costa Rican nationals. Students and refugees may also apply for the reunification of their nuclear family.

- Ley General de Migración y Extranjería N. 8764 (Arts. 68, 78)

Right to permanent residence

Preferences based on factors other than nationality

Temporary residents who have lawfully stayed in Costa Rica for three years may apply for permanent residence. Foreigners who are first-degree blood relatives (parents, minor children or adult children with disabilities, and minor siblings or adult siblings with disabilities) of a Costa Rican citizen may also apply directly.

- Ley General de Migración y Extranjería N. 8764 (Art. 78)

Right to Vote

Not permitted for any migrants

Art. 19 of the Constitution establishes that foreigners may not intervene in the political affairs of the country.

- Constitución Política de la República de Costa Rica (Arts. 19, 94)

COSTA RICA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

To be Costa Rican by birth, a child born in Costa Rica to foreign parents must be officially registered as such by either parent while a minor, or on their own account when they are of legal age, up to the age of 25.

- Constitución Política de la República de Costa Rica (Art. 13)

Ius Sanguinis (descent, born abroad)

Automatic

The child of a Costa Rican father or mother by birth who is born abroad and is registered as such in the Civil Registry is considered Costa Rican by birth. This process can be carried out by either parent while the person in question is still a minor, or on their own account between the ages of 18 and 25.

- Constitución Política de la República de Costa Rica (Art. 13)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

According to art. 16 of the Constitution, Costa Rican citizenship cannot be given up and is irrevocable.

- Constitución Política de la República de Costa Rica (Art. 16)
- Decreto n.º 12-2012 y sus reformas Reglamento relativo a los Trámites, Requisitos y Criterios de Resolución en Materia de Naturalizaciones (Art. 7)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Furthermore, the requirements for acquiring Costa Rican nationality include giving up any previous nationalities, except in the case of nationals of countries with which Costa Rica has dual nationality treaties.

- Decreto n.º 12-2012 y sus reformas Reglamento relativo a los Trámites, Requisitos y Criterios de Resolución en Materia de Naturalizaciones (Arts. 8 (j), 45)
- Ley 1155 de Opciones y Naturalizaciones (Art. 11 (6))

Naturalization

Permitted

Generally speaking, foreigners must reside in the country for seven years before they can apply for Costa Rican nationality. There are some exceptions. Citizens of Central American countries, Spain, and Spanish-speaking countries in South America can acquire nationality by naturalization after five years of residence. Those who are married to Costa Ricans can obtain Costa Rican nationality after two years of residence. Anyone wishing to acquire Costa Rican nationality must prove good conduct, have a known trade, be able to speak, write, and read Spanish, and understand the history and values of Costa Rica.

- Constitución Política de la República de Costa Rica (Arts. 14, 15)

COSTA RICA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 6 countries

Visa is required for nationals of Colombia, Nicaragua, República Dominicana, Haití, Ecuador, Jamaica - Los nacionales de estos países requieren de una visa consular para ingresar. Los ciudadanos nicaragüenses podrán solicitar, en los Consulados de Costa Rica en Nicaragua y Panamá, visa de tránsito de un solo ingreso o visa doble de tránsito, siempre que su viaje sea por razones comerciales o laborales. Los nacionales de los países con requerimientos de visa que posean visa de ingreso múltiple (visa de turismo, visa de tripulante o visa de negocios) a Estados Unidos de América (exclusivamente visa tipo B1-B2, B1 o B2, visa tipo D, C1/D de múltiples ingresos) y Canadá (exclusivamente visa múltiple) no requieren visa para ingresar a Costa Rica. Los nacionales de los países con requerimiento de visa con una permanencia legal que permita múltiples ingresos y con una vigencia mínima de seis meses en Estados Unidos de América, Canadá, Suiza, Reino Unido, y los países de la Unión Europea no necesitan visa para ingresar a Costa Rica.

- Directrices Generales de Visas de Ingreso y Permanencia para no Residentes Circular DG-004-2021-UI-AJ

DOMINICAN REPUBLIC

DOMINICAN REPUBLIC - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: May 25, 1983

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: January 04, 1978

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: January 04, 1978

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: September 02, 1982

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: January 24, 2012

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: June 11, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: August 18, 2009

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: January 04, 1978

- Decreto Presidencial no. 2330 Reglamento de la Comisión Nacional para los Refugiados

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: January 04, 1978

- Decreto Presidencial no. 2330 Reglamento de la Comisión Nacional para los Refugiados

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: December 10, 2007

- Ley 137-03 sobre Tráfico Ilícito de Migrantes y Trata de Personas (Art. 2)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: February 05, 2008

- Ley 137-03 sobre Tráfico Ilícito de Migrantes y Trata de Personas (Art. 3)

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

The Dominican Republic did not vote in favor of the Pact at the UN General Assembly.

Not Endorsed

The Dominican Republic abstained from voting on the Pact at the UN General Assembly.

DOMINICAN REPUBLIC - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: January 21, 1978

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Not Ratified

The Dominican Republic is currently in legal limbo. Through ruling 256 of 2014, the Dominican Constitutional Court declared that the jurisdiction of the IA Court had not been recognized through the proper procedure and that it therefore did not have jurisdiction. Conversely, on March 12, 2019, the IA Court issued an order in which it deemed that the Constitutional Court ruling of November 4, 2014, has no legal effect under international law.

Implementation Cartagena Declaration 1984

Not Internalized

- Decreto Presidencial no. 2330 Reglamento de la Comisión Nacional para los Refugiados (Art. 6)

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Not Ratified

The Dominican Republic is a member of SICA but has not joined the Free Movement Convention.

DOMINICAN REPUBLIC - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of Haití, Venezuela - La última actualización fue el 2 de diciembre de 2019 con la inclusión de los nacionales venezolanos a partir del 16 de diciembre de 2019. El listado está disponible en el siguiente enlace: http://www.consuladord.com/pdfs/ley_no.875_sobre_visados.pdf

- Resolución 006/2019 que Establece el Requerimiento de Visa de Turismo para los Nacionales de la República Bolivariana de Venezuela

DOMINICAN REPUBLIC - TEMPORARY RESIDENCE

Preferential Access to Residence

No

- Ley 285 sobre Migración (Art. 44)
- Decreto 631 Reglamento de Aplicación de la Ley General de Migración (Art. 48)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

2 extraordinary regularizations have been carried out

There have been two: 1. The National Regularization Plan for Foreigners (PNRE), which allowed those whose status was irregular to regularize this for 18 months 2. A program for Venezuelan citizens who entered the country from January 2014 through March 2020.

- Decreto 327 que instituye el Plan Nacional de Regularización de Extranjeros en Situación Migratoria Irregular en la República Dominicana
- Resolución que Normaliza dentro de la Categoría de no Residente la Situación Migratoria Irregular de los Nacionales Venezolanos en Territorio Dominicano

DOMINICAN REPUBLIC - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Some categories of residents are not allowed to work. As a general rule, foreigners admitted as permanent residents may perform any kind of work or paid activity, with the exception of those who fall into the category of retirees, pensioners, or annuitants, who require prior authorization to do so. Those with a temporary residence permit may perform remunerated activities while their permit is valid.

- Ley 285 sobre Migración (Arts. 26, 98-101)

Right to healthcare

Permitted for Migrants with a residence permit

This is not explicitly covered in the Migration Act. Art. 25 of the Constitution states that foreigners have the same rights and obligations as nationals. Art. 61 establishes that all people have the right to comprehensive healthcare. However, art. 3 of the General Health Act limits this right to Dominican nationals and foreigners with a residence permit. For all other foreigners, access will depend on international conventions, bilateral agreements, and other legal provisions.

- Constitución de la República Dominicana (Art. 25)
- Ley General de Salud no. 42/01 (Art. 3)

Right to education

Permitted for Migrants with a residence permit

This is not explicitly covered in the Migration Act. Art. 25 of the Constitution states that foreigners have the same rights and obligations as nationals. Art. 63 of the Constitution states that all people have the right to a full education.

- Constitución de la República Dominicana (Arts 25, 63)

Right to family reunification

Permitted for Extended family (other family members)

Dominican nationals or permanent resident aliens may apply to be reunited with their spouse, minor unmarried children, or disabled adult children. Temporary residents may also apply for temporary residence for their spouse and minor children.

- Ley 285 sobre Migración (Art. 33.3)
- Decreto 631 Reglamento de Aplicación de la Ley General de Migración (Arts. 3, 48)

Right to permanent residence

Preferences based on factors other than nationality

Foreigners who contribute their own assets to carry out activities of interest that benefit the country are considered investors. Likewise, retirees, pensioners, or annuitants are foreigners who can prove that they receive a regular, ongoing income from outside the country that allows them to live in it. Both of these groups can obtain permanent residence directly. Other foreigners must first spend five years in the country as temporary residents and meet other requirements.

- [Ley 285 sobre Migración \(Art. 33\)](#)
- [Decreto 631 Reglamento de Aplicación de la Ley General de Migración \(Arts. 50, 57, 62\)](#)

Right to Vote

Not permitted for any migrants

Foreigners are categorically prohibited from taking part in political activities in Dominican territory.

- [Decreto 631 Reglamento de Aplicación de la Ley General de Migración \(Art. 33\)](#)
- [Constitución de la República Dominicana \(Art. 25\(1\)\)](#)

DOMINICAN REPUBLIC - NATIONALITY

Ius soli (birth in the territory of the country)

Not Automatic

The person must be born in Dominican territory and must not be the child of foreigners who are members of diplomatic and consular missions, foreigners who are in transit, or foreigners who are residing in Dominican territory illegally.

- [Constitución de la República Dominicana \(Art. 18\(3\)\)](#)

Ius Sanguinis (descent, born abroad)

Automatic

Those born abroad to a Dominican father or mother, even if they have acquired a nationality that is different from that of their parents via jus soli. Once they reach the age of 18, they may express their desire to hold dual nationality or give up one of their nationalities before the competent authority.

- [Constitución de la República Dominicana \(Art. 18\(4\)\)](#)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Dominican nationals are entitled to acquire foreign nationality. The acquisition of another nationality does not imply the loss of Dominican nationality.

- [Constitución de la República Dominicana \(Art. 20\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who wish to become naturalized Dominican nationals are not required to give up their previous nationality.

- [Ley 1683 sobre Naturalización \(Art. 1\)](#)

Naturalization

Permitted

Applicants are required to have resided in the country for two continuous years and to have already acquired permanent residence (which usually occurs after five years of temporary residence). Other requirements must also be met. The granting of nationality is discretionary. There is another procedure for nationals who were once Dominicans and were deprived of their nationality through ruling 0168/2013, most of whom were of Haitian origin, which led to many becoming stateless. As a result, Law No. 169-14 was adopted. The law establishes two regimes: a) a special regime for the benefit of children of nonresidents born in Dominican territory to nonresident parents from June 16, 1929, to April 18, 2007, registered at the Dominican Civil Registry using identity documents that were not recognized by the regulations in force for these purposes at the time of registration and b) the registration of children born in the Dominican Republic to foreign parents whose migration status was irregular and who were not registered at the Civil Registry. Those who fall under the first regime may be certified as Dominican nationals after complying with a specific process. Those who fall under the second regime may regularize their migratory status and then may acquire Dominican nationality through naturalization two years later.

- [Ley 1683 sobre Naturalización \(Arts. 1, 7\)](#)
- [Ley No. 169-14 que establece un Régimen Especial para Personas Nacidas en el Territorio Nacional Inscritas Irregularmente en el Registro Civil Dominicano y sobre Naturalización \(Arts. 1, 2, 6-8\)](#)
- [Decreto 631 Reglamento de Aplicación de la Ley General de Migración \(Art. 52\)](#)

ECUADOR

ECUADOR - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: September 22, 1966

22-Sep-66

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: March 06, 1969

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: March 06, 1969

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: November 09, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: March 30, 1988

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: March 23, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: February 05, 2002

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: October 20, 2009

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: April 03, 2008

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: August 17, 1955

Ecuador does not have a specific refugee law, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 98)
- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Arts. 75-90)

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: March 06, 1969

Ecuador does not have a specific refugee law, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 98)
- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Arts. 75-90)

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: October 02, 1970

Ecuador does not have a specific law on statelessness, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 110-116)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: September 24, 2012

Ecuador does not have a specific law on statelessness, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 110-116)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: September 17, 2002

Ecuador does not have a specific law on human trafficking, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

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- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 117-122)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 17, 2002

Ecuador does not have a specific law on human trafficking, but the matter is covered by the Organic Law on Human Mobility and its Regulations.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 117-122)

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

ECUADOR - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: December 08, 1977

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: February 10, 1993

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 98)

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Acuerdo Ministerial del Ministerio de Relaciones Exteriores y Movilidad Humana Nro. 000031

Andean Migration Statute, 2021

Ratified: August 11, 2021

The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute “is applicable immediately after entering into force and is not subject to regulations.” Art. 35 states that “it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration.” This was published on May 12, 2021, such that the statute entered into force on August 11, 2021.

- Decisión 878 Estatuto Migratorio Andino

ECUADOR - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of Haití, Venezuela - Última actualización 25 de marzo de 2020.

ECUADOR - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

According to art. 51 of the Organic Law on Human Mobility: "Foreigners residing in Ecuador, including those subject to international protection, have the right to work."

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 51)

Right to healthcare

Permitted for all migrants even those without a permit

According to art. 52 of the Organic Law on Human Mobility: "Foreigners residing in Ecuador have the right to access health systems in accordance with the law and international instruments ratified by the Ecuadorian State. Public or private institutions providing health services may not refuse to provide emergency care based on a person's nationality or migration status under any circumstances."

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 52)

Right to education

Permitted for all migrants even those without a permit

Ecuadorian legislation establishes access to education as a right, including for vulnerable people such as people in movement.

- Acuerdo Nro. MINEDUC-MINEDUC-2020-00025-A Normativa para Regular y Garantizar el Acceso, Permanencia, Promoción y Culminación del Proceso Educativo en el Sistema Nacional de Educación a Población que se encuentra en Situación de Vulnerabilidad (Art. 2)

Right to family reunification

Permitted for Extended family (other family members)

Art. 1 of the Organic Law on Human Mobility establishes that every person has the right to family unity. Foreigners who are related to an Ecuadorian or a foreign citizen who is a permanent resident in Ecuador by the second degree of consanguinity or affinity may obtain a permanent residence visa.

- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Arts. 21, 50)
- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 1)

Right to permanent residence

Preferences for regional migrants and based on other factors

Venezuelan nationals may obtain permanent residence through the Ecuador-Venezuela Migration Statute. Nationals of Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, and Uruguay have the right to permanent residence in Ecuador after residing there for two years, as per the terms of the MERCOSUR Residence Agreement. Both Venezuelan and MERCOSUR nationals must also have sufficient means to support themselves. Nationals of Bolivia, Colombia, and Peru can also obtain permanent Andean residence status through art. 22 of the Andean Migration Statute. Nationals of all other countries must reside in Ecuador for 21 continuous months and meet other requirements. There are also categories enabling certain family members to access permanent residence.

- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 8)
- Acuerdo Ministerial del Ministerio de Relaciones Exteriores y Movilidad Humana Nro. 000031 (Art. 6)
- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 63-64)
- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Art. 59)
- Decisión 878 Estatuto Migratorio Andino (Art. 22)

Right to Vote

Permitted in all elections (local and national)

Those who have been legally resident in Ecuador for five years have the right to vote in both local and national elections.

- Constitución de la República del Ecuador (Art. 63)

ECUADOR - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is absolute.

- Constitución de la República del Ecuador (Art. 7)

Ius Sanguinis (descent, born abroad)

Automatic

Jus sanguinis applies to those born abroad to a father or mother born in Ecuador up to the third degree of consanguinity. Those born to a father or mother who has acquired Ecuadorian nationality through naturalization must be registered by the Ecuadorian parent at the Civil Registry and Identity Department or diplomatic missions or consular offices and will be considered naturalized Ecuadorian citizens.

- Constitución de la República del Ecuador (Arts. 7-8)
- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 75)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Ecuadorians that obtain another nationality need not give up their Ecuadorian nationality.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 80)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Ecuadorian nationality through naturalization are not required to give up their previous nationality.

- Constitución de la República del Ecuador (Art. 8)
- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Art. 72)

Naturalization

Permitted

Applicants are required to reside in the country for three years and to meet other requirements such as speaking Spanish, knowing the country's history, and holding a permanent residence visa. The granting of this is discretionary. Stateless people or those who have married an Ecuadorian or are in a common-law relationship with one must reside in the country for two years.

- Ley Orgánica de Movilidad Humana enmendada por Ley Orgánica Reformatoria de 2021 (Arts. 70-82)

ECUADOR - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, and Uruguay are entitled to reside in Ecuador as a result of the MERCOSUR Residence Agreement. In the case of nationals of Bolivia, Colombia, and Peru, the Andean Community Migratory Statute also applies. Venezuelan nationals may obtain residence permits under the bilateral agreement between the two countries.

- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 4)
- Acuerdo Ministerial del Ministerio de Relaciones Exteriores y Movilidad Humana Nro. 000031
- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Art. 42)
- Decisión 878 Estatuto Migratorio Andino

Permanent Regularization Mechanisms

Available

Foreigners whose migration status has become irregular as a result of the termination or cancellation procedures contemplated in the Organic Law on Human Mobility may initiate a regularization procedure by requesting a new migration status that allows them to regularize their stay in Ecuadorian territory. They must do so within a nonextendable period of thirty (30) days after the corresponding administrative procedure has taken place.

- Decreto Ejecutivo 111 Reglamento a la Ley Orgánica de Movilidad Humana (Art. 15)

Extraordinary Mechanisms since 2000

4 extraordinary regularizations have been carried out

Several extraordinary regularization processes have taken place, including programs for: 1. Haitian nationals who entered the country up to January 31, 2010 2. Venezuelan nationals in 2010—this process was included in the Migratory Statute signed by the two countries and that lasted 180 days from the adoption of the instructions in question in Ecuador in 2011 by means of Instruction 000045 3. Peruvian nationals 4. Venezuelan nationals in 2019, which was extended by Executive Decree 1020 in 2020.

- Decreto Ejecutivo 248 Regularización Haitianos
- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 16)
- Acuerdo 000045: Expídense el Instructivo para la Aplicación del Proceso de Regularización de los Ciudadanos y Ciudadanas de Nacionalidad Venezolana de conformidad con el Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela
- Estatuto Migratorio Permanente Ecuatoriano-Peruano (Art. 14)
- Decreto 826 Otórguese una Amnistía Migratoria para todas las Ciudadanas y Ciudadanos Venezolanos
- Decreto Ejecutivo 1020

EL SALVADOR

EL SALVADOR - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: November 30, 1979

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: November 30, 1979

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: November 30, 1979

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: August 19, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: June 17, 1996

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: July 10, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: March 14, 2003

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: December 14, 2007

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: April 28, 1983

- Decreto 918 Ley para la Determinación de la Condición de Personas Refugiadas

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: April 28, 1983

- Decreto 918 Ley para la Determinación de la Condición de Personas Refugiadas

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: February 09, 2015

El Salvador does not have a law on statelessness, but the matter is covered in its Special Law on Migration and Aliens.

- Decreto 286 Ley Especial de Migración y Extranjería (Arts. 127-132)

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: March 18, 2004

There is no specific law against migrant smuggling but this is prohibited in the Special Law on Migration and Aliens.

- Decreto 286 Ley Especial de Migración y Extranjería (Art. 229(1))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: March 18, 2004

- Decreto 824 Ley Especial contra la Trata de Personas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Endorsed

EL SALVADOR - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: June 20, 1978

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: May 04, 1995

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Decreto 918 Ley para la Determinación de la Condición de Personas Refugiadas (Art. 4(c))

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Ratified

- Decreto 286 Ley Especial de Migración y Extranjería (Art. 25)

EL SALVADOR - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 6 countries

Visa is required for nationals of Bolivia, Haití, Jamaica, Perú, Venezuela - Publicado el 28-10-20

EL SALVADOR - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Foreigners wishing to reside in El Salvador must apply for a residence permit. Central Americans by birth enjoy special treatment because they can obtain a multiple-entry temporary residence permit that includes the right to perform any lawful activity for a period of up to two years, which can be extended.

- Decreto 286 Ley Especial de Migración y Extranjería (Arts. 108, 109, 111, 122)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

1 extraordinary regularization has been carried out

Foreigners who have been residing in the country irregularly for at least ten years before the entry into force of the Special Law on Migration and Aliens and who can demonstrate that they have settled permanently there may apply to the General Migration Authority to be regularized as permanent residents once the immigration fine and the respective fees have been paid.

- Decreto 286 Ley Especial de Migración y Extranjería (Art. 339)
- Decreto No. 35 Reglamento de la Ley Especial de Migración y de Extranjería (Art. 190)

EL SALVADOR - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

The Ministry of Labor must issue a legal opinion authorizing the work permit, and a letter of commitment from the employer is required. However, the law establishes that Central Americans by birth shall be granted work and residence permits without such an opinion or a letter of commitment from an employer being required (arts. 111 and 122).

- Decreto 286 Ley Especial de Migración y Extranjería (Arts. 110-111, 122, 144-45, 228(1))

Right to healthcare

Permitted for all migrants even those without a permit

The Constitution establishes that the health of the inhabitants of El Salvador is a public good. The Law on Migration and Aliens establishes that foreigners shall enjoy the same rights and guarantees as nationals from the moment they enter Salvadoran territory, except for the exceptions established in the Constitution and secondary laws. Recital IV of the Law on Migration and Aliens establishes that it is the State's obligation to issue a legal ruling that ensures that the human rights of migrants and their families are protected, promoted, and respected and that they are guaranteed fair, dignified treatment regardless of their migration status.

- Constitución de la República de El Salvador (Art. 65)
- Decreto 286 Ley Especial de Migración y Extranjería (Art. 18 y considerando IV)

Right to education

Permitted for Migrants with a residence permit

The Constitution establishes that all people have the inalienable right to education. The Law on Migration and Aliens establishes that foreigners shall enjoy the same rights and guarantees as nationals from the moment they enter Salvadoran territory, except for the exceptions established in the Constitution and secondary laws. However, no explicit mention is made of this right for people whose status is irregular.

- Constitución de la República de El Salvador (Art. 53)
- Decreto 286 Ley Especial de Migración y Extranjería (Art.18)

Right to family reunification

Permitted for Extended family (other family members)

Foreigners may apply for temporary residence permits to accompany a family member within the fourth degree of consanguinity and the second degree of affinity, their spouse or partner, if they are applying for resident status in the country or have already obtained this.

- Decreto No. 35 Reglamento de la Ley Especial de Migración y de Extranjería (Art. 179)

Right to permanent residence

Preferences for regional migrants and based on other factors

Central Americans by birth who enter the country via regular means may obtain permanent residence status directly without having previously acquired a temporary residence permit. Other foreigners must have resided in the country for an indefinite amount of time that depends on their migration status.

- Decreto 286 Ley Especial de Migración y Extranjería (Art. 152)

Right to Vote

Not permitted for any migrants

Only citizens have political rights.

- Constitución de la República de El Salvador (Arts. 71-72)

EL SALVADOR - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

People born in Salvadoran territory are Salvadorans.

- Constitución de la República de El Salvador (Art. 90(1))

Ius Sanguinis (descent, born abroad)

Automatic

Children born abroad to a Salvadoran father or mother are Salvadoran.

- Constitución de la República de El Salvador (Art. 90(2))

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Salvadorans by birth have the right to enjoy double or multiple nationality.

- Constitución de la República de El Salvador (Art. 91)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those that seek Salvadoran nationality need not give up their original nationality.

- Decreto 286 Ley Especial de Migración y Extranjería (Arts. 158-159)
- Constitución de la República de El Salvador (Arts. 92-93)

Naturalization

Permitted

Nationals of the other countries that once made up the Federal Republic of Central America who have established residence in El Salvador and who manifest their desire to acquire Salvadoran nationality before the competent authorities can obtain this by birth, without being required to give up their nationality of origin. The following can acquire Salvadoran nationality through naturalization: 1. Nationals by birth of Spain and Spanish-speaking countries in the Americas who have resided in the country for a year 2. Other foreigners who have resided in the country for five years 3. Those granted it in recognition for notable services rendered to the Republic 4. Those who are married to Salvadorans after two years of residence.

- Constitución de la República de El Salvador (Arts. 90, 92)
- Decreto 286 Ley Especial de Migración y Extranjería (Arts. 155-156)

GUATEMALA

GUATEMALA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: January 18, 1983

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: May 05, 1992

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: May 19, 1988

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: August 12, 1982

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: January 05, 1990

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: June 06, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: March 14, 2003

Guatemala also ratified ILO Convention C097—Migration for Employment Convention (Revised), 1949 (No. 97), on February 13, 1952.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: April 07, 2009

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: September 22, 1983

- Acuerdo de Autoridad Migratoria Nacional No. 2-2019 Reglamento del Procedimiento para la Protección, Determinación y Reconocimiento del Estatuto de Refugiado en el Estado de Guatemala

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 22, 1983

- Acuerdo de Autoridad Migratoria Nacional No. 2-2019 Reglamento del Procedimiento para la Protección, Determinación y Reconocimiento del Estatuto de Refugiado en el Estado de Guatemala

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: November 28, 2000

Guatemala does not have a law on statelessness.

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: July 19, 2001

Guatemala does not have a law on statelessness.

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: April 01, 2004

Guatemala does not have a specific law on human trafficking.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: April 01, 2004

- Ley Contra la Violencia Sexual, Explotación y Trata de Personas, Decreto Número 9-2009.

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Endorsed

GUATEMALA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: April 27, 1978

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: May 30, 2000

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Acuerdo de Autoridad Migratoria Nacional No. 2-2019 Reglamento del Procedimiento para la Protección, Determinación y Reconocimiento del Estatuto de Refugiado en el Estado de Guatemala (Art. 4 (b))

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Ratified

- Decreto 44-2016 Código de Migración (Art. 67)

GUATEMALA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 7 countries

Visa is required for nationals of Bolivia, Ecuador, Guyana, Haití, Jamaica, Venezuela - Los nacionales de Bolivia, Ecuador, Guyana y Jamaica que tengan visa Americana, Canadiense o de Schengen vigente, no tienen que tramitar visa guatemalteca. Última actualización 17 de septiembre de 2021.

GUATEMALA - TEMPORARY RESIDENCE

Preferential Access to Residence

No

People wishing to obtain a residence permit in Guatemala must apply for it at the corresponding consulate or the Guatemalan Institute of Migration.

- Decreto 44-2016 Código de Migración (Arts. 75-76)

Permanent Regularization Mechanisms

Available

Foreigners who have entered Guatemalan territory peacefully and in good faith but without undergoing the mandatory immigration control and who wish to remain in the country by opting for ordinary immigration status as defined in the Migration Code may apply to regularize their migration status. To apply to regularize their status, foreigners must prove that they are relatives within the degrees of consanguinity and affinity established by the law of a Guatemalan national or a foreigner with a permanent or temporary residence permit, except in the case of nationals of Central American countries, who do not need to prove this.

- Acuerdo de Autoridad Migratoria Nacional No. 7-2019 Reglamento General del Código de Migración (Arts. 38-42)

Extraordinary Mechanisms since 2000

1 extraordinary regularization has been carried out

According to art. 234 of the Migration Code, foreign nationals whose status is irregular are granted a 180-day period in which to apply for their migration status to be regularized, beginning 180 days after the Migration Code enters into force. The State has the right to establish regularization plans. These are plans through which the Guatemalan State allows a foreigner residing in the country whose migration status is irregular to regularize this, as set out in the Migration Code and its regulations. No such plan has been carried out so far.

- Decreto 44-2016 Código de Migración (Arts. 106-111, 234)

GUATEMALA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Those wishing to work in the country must receive a worker's residence permit from the Guatemalan Institute of Migration. Generally speaking, all foreigners have the right to work as per the Migration Code.

- Decreto 44-2016 Código de Migración (Arts. 6, 75)

Right to healthcare

Permitted for Migrants with a residence permit

The Migration Code states that: "Migrant women have the right to access public sexual and reproductive health services on equal footing with Guatemalans, regardless of whether they bear identity documents enabling them to be in the country."

- Decreto 44-2016 Código de Migración (Art. 13)

Right to education

Permitted for Migrants with a residence permit

The Migration Code states that: "All foreigners have the right to education within the national education system." According to art. 74 of the Constitution: "Inhabitants have the right and obligation to receive preschool, preprimary, and primary education, within the age limits established by law." However, the Code does not explicitly establish this right for people whose status is irregular.

- Decreto 44-2016 Código de Migración (Art. 7)
- Constitución Política de la República de Guatemala (Art. 74)

Right to family reunification

Permitted for Extended family (other family members)

The Migration Code states that: "blood relatives within the degrees of kinship established by law and who depend on the migrant worker may settle in the country for the duration of the migrant worker's labor activities. So may the legal or common-law spouse of the migrant worker."

- Decreto 44-2016 Código de Migración (Arts. 27, 60)

Right to permanent residence

Preferences for regional migrants and based on other factors

Permanent residents are people who wish to take up legal residence in the country and also comply with the other legal requirements, which will be detailed in the corresponding regulations which will fall within the following criteria: a) have been a temporary resident for a period of five or more years. b) have been married to a Guatemalan national or have declared being in a common-law marriage with one for one or more years. c) non-Guatemalan relatives, within the degrees of consanguinity and affinity established by law, of a Guatemalan national. d) those born in other Central American countries when they have been temporary residents for one year. e) annuitants or pensioners, who are individuals that have been authorized to reside in the country and who have a permanent lawful income from abroad.

- Decreto 44-2016 Código de Migración (Art. 78)

Right to Vote

Not permitted for any migrants

Only citizens have political rights.

- Constitución Política de la República de Guatemala (Art. 136)

GUATEMALA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Those born in the national territory except the children of diplomatic officials.

- Constitución Política de la República de Guatemala (Art. 144)

Ius Sanguinis (descent, born abroad)

Automatic

Those born abroad to a Guatemalan mother or father.

- Constitución Política de la República de Guatemala (Art. 144)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Guatemalan nationality is inalienable when acquired by birth, even when the person has opted to acquire foreign nationality. The only exceptions to this are cases in which giving up their Guatemalan nationality is mandatory to be able to acquire the new nationality. Guatemalans by birth who have acquired foreign nationality and have lost their Guatemalan nationality as a result of this mandatory renunciation process may re-establish residence in Guatemala and recover their Guatemalan nationality.

- Constitución Política de la República de Guatemala (Art. 144)
- Decreto 1613 Ley de Nacionalidad (Art. 3)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Those who become naturalized Guatemalan nationals must renounce their previous nationality except in the case of nationals by birth of the countries that made up the Federal Republic of Central America and Belize.

- Constitución Política de la República de Guatemala (Art. 145 y Art. 19 de las disposiciones transitorias)
- Decreto 1613 Ley de Nacionalidad (Arts. 11, 37)

Naturalization

Permitted

Nationals by birth of the countries that made up the Federal Republic of Central America and Belize will be considered Guatemalans by birth if they establish residence in Guatemala and manifest their desire to become Guatemalans before the competent authority. This group will be able to keep their previous nationality. All other people must renounce their nationality of origin and reside in Guatemala for five consecutive years or for nonconsecutive periods that total ten years. Other requirements must also be met, such as good conduct, a Spanish and civics exam, and swearing an oath.

- [Constitución Política de la República de Guatemala \(Art. 145 y Art. 19 de las disposiciones transitorias\)](#)
- [Decreto 1613 Ley de Nacionalidad \(Arts. 33-34, 37\)](#)

GUYANA

GUYANA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: February 15, 1977

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: February 15, 1977

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: February 15, 1977

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: July 17, 1980

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: May 19, 1988

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: January 14, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: July 07, 2010

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: September 10, 2014

Geneva Convention relating to the Status of Refugees, 28 July 1951

Not Ratified

Protocol relating to the Status of Refugees, 31 January 1967

Not Ratified

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: April 16, 2008

There is no specific law on human trafficking in Guyana. The matter is regulated in the Immigration Act.

- Immigration Act (Sec. 34(h))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 14, 2004

- Combating of Trafficking in Persons Act 2004

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

GUYANA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Not Ratified

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Not Ratified

Implementation Cartagena Declaration 1984

Not Internalized

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Not Ratified

Guyana is an associate member of MERCOSUR but has not joined the Residence Agreement.

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Ratified

All ten categories of CARICOM workers are in place under Guyana's law. Guyana has not ratified the MERCOSUR Residence Agreement.

- Caribbean Community (Free entry of skilled nationals) Act (Section 8 and schedule 1)

GUYANA - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of CARICOM Member States, except those from Haiti but including those from the Bahamas, who fall under certain categories of skilled workers have the right to obtain residence in Guyana. The rest need to apply for and obtain a residence permit.

- Caribbean Community (Free entry of skilled nationals) Act (Section 3 and schedule 1)
- Immigration Act (Sec. 12)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

GUYANA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

All nationals of CARICOM Member States, except for those from Haiti but including those from the Bahamas, who fall under one of the 10 categories of skilled workers have the right to work in Guyana. The rest of nationals of CARICOM Member States, as well as non-CARICOM nationals, can only work in Guyana if they already have employment awaiting them.

- Caribbean Community (Free entry of skilled nationals) Act (Section 10 and schedule 1)
- Immigration Regulations (Sec. 4)

Right to healthcare

Not Permitted

The Immigration Act remains silent on access to healthcare. According to an IOM report from 2021, all migrants have access to healthcare, regardless of whether they have a residence permit or not,.

- International Organization for Migration (IOM), 2021. Guyana Needs Assessment on Migration Governance. IOM. San José, Costa Rica. (p. 22)

Right to education

Not Permitted

The Immigration Act remains silent on access to education. The Constitution only guarantees the right of education to citizens in art. 27. According to an IOM report from 2021, access to education is universal.

- International Organization for Migration (IOM), 2021. *Guyana Needs Assessment on Migration Governance*. IOM. San José, Costa Rica. (p. 32)
- Constitution of the Co-operative Republic of Guyana Act 1980 (Art. 27)

Right to family reunification

Permitted for Extended family (other family members)

Nationals of CARICOM Member States, except those from Haiti but including those from the Bahamas, falling under the 10 categories of skilled workers, can be reunited with their spouse, unmarried children under the age of 18, or under the age of 25 if attending university or school full time, or over the age of 18 if wholly dependent on that person due to disability, including stepchildren and adopted children. They can also be reunited with a parent who is wholly dependent on that person for his subsistence and also by any other natural person certified as such by order of court. Non-CARICOM nationals can be reunited with their spouse, children, stepchildren, or adopted children under 16, and any other relative who is wholly dependent on them for their subsistence.

- Caribbean Community (Free entry of skilled nationals) Act (Secs. 2, 10)
- Immigration Act (Sec. 2)

Right to permanent residence

Preferential access for regional migrants

Nationals of CARICOM Member States, except for those from Haiti but including those from the Bahamas, who fall under one of the 10 categories of skilled workers have the right to remain in Guyana for a period of indefinite duration. There are no provisions on indefinite residence for non-CARICOM nationals except for those who are the spouse or dependent member of a CARICOM national.

- Caribbean Community (Free entry of skilled nationals) Act (Section 3 and schedule 1)
- Immigration Act (Sec. 7(A))

Right to Vote

Permitted in all elections (local and national)

A Commonwealth citizen who is not a citizen of Guyana and who is domiciled and resident in Guyana and has been so resident for one year immediately preceding the qualifying date can be registered as an elector.

- Constitution of the Co-operative Republic of Guyana Act 1980 (Art. 159)

GUYANA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is automatic unless the person is born to a foreign diplomat and neither parent is a citizen, or one of the parents is an enemy alien and the child is born in a place then under occupation by the enemy.

- Constitution of the Co-operative Republic of Guyana Act 1980 (Art. 43)

Ius Sanguinis (descent, born abroad)

Automatic

Those born abroad to a Guyanese mother or father automatically acquire Guyanese nationality provided the parent did not acquire their nationality by descent.

- Constitution of the Co-operative Republic of Guyana Act 1980 (Art. 44)

Dual Citizenship Permitted for nationals naturalizing abroad

Not Permitted

Dual citizenship is only permitted if a Guyanese national obtains a second citizenship through marriage.

- Constitution of the Co-operative Republic of Guyana Act 1980 (Art. 46)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Foreigners who acquire Guyanese nationality are not required to give up their previous nationality.

- Guyana Citizenship Act (Second schedule)

Naturalization

Permitted

Person has been resident in Guyana for 12 months immediately prior to the application, and five out of seven years prior to the 12-month period. Other conditions: good character, intent to reside in the country, oath of allegiance. Less stringent conditions apply to British protected persons. The minister might waive certain requirements. Naturalization is discretionary.

- Guyana Citizenship Act (Sec. 9 and second schedule)

GUYANA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 8 countries

Visa is required for nationals of Haití, El Salvador, Nicaragua, Venezuela, Guatemala, Honduras, México, Paraguay - Las personas bolivianas pueden obtener un visado de turista a su llegada. Los ciudadanos de Guatemala, Honduras y México están exentos, si son titulares de una tarjeta de residencia permanente en Estados Unidos o de un visado de Estados Unidos, Canadá o el espacio de Schengen. Última actualización: 22 de junio de 2021 Haití fue incluido de nuevo en el listado de países cuyos ciudadanos necesitan visado para entrar en Guyana. Haití había sido eximido de ese requisito en 2019.

- [Immigration \(Revocation\) Order 2021](#)

HAITI

HAITI - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: December 19, 1972

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: February 06, 1991

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: October 08, 2013

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: July 20, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Not Ratified

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: June 08, 1995

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: July 23, 2009

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: September 25, 1984

Haiti does not have a refugee law.

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 25, 1984

Haiti does not have a refugee law.

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: September 27, 2018

Haiti does not have a law on statelessness.

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: September 27, 2018

Haiti does not have a law on statelessness.

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: April 19, 2011

Haiti does not have a specific law against migrant smuggling. The matter is regulated in the Immigration Act.

- Loi sur l'Immigration et l'Émigration (Art. 51)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: April 19, 2011

- Loi sur la Lutte contre la Traite des Personnes

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Endorsed

HAITI - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: September 14, 1977

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Not Ratified

Haiti has not implemented the free movement regime although it has signed the revised Treaty of Chaguaramas.

- IOM (2019), Free Movement of Persons in the Caribbean: Economic and Security Dimensions

HAITI - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 3 countries

Visa is required for nationals of República Dominicana, Panamá, Colombia

HAITI - TEMPORARY RESIDENCE

Preferential Access to Residence

No

Despite having ratified the revised Treaty of Chaguaramas, Haiti has not put in place any legislation to facilitate the entry and residence of nationals of CARICOM Member States who fall under certain categories of skilled workers.

- [Loi sur l'Immigration et l'Émigration \(Arts. 4, 8\)](#)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

HAITI - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

No foreigner can work in Haiti without first obtaining a work permit from the Labor Force Department (Direction de la main-d'œuvre). There are some exceptions like those who are married to a Haitian national and have resided in the country for three years, or those who have been in the country for 10 years.

- [Code du Travail \(Arts. 306-315\)](#)

Right to healthcare

Not Permitted

There are no provisions in the law regarding access to healthcare. Art. 23 of the Constitution establishes the State's obligation to provide "for all citizens in all territorial divisions appropriate means to ensure protection, maintenance, and restoration of their health by establishing hospitals, health centers, and dispensaries."

- [La Constitution de la République d'Haïti \(Art. 23\)](#)

Right to education

Not Permitted

There are no provisions in the law. Art. 22 of the Constitution recognizes the right of every citizen to decent education, whereas art. 32 establishes that the State guarantees the right to education.

- [La Constitution de la République d’Haïti \(Art. 22, 32\)](#)

Right to family reunification

Not permitted

There is no mention of family reunification in the laws. The decree on privileged residence mentions the possibility of family members also being included among those who obtain such permits but does not define who is part of the family group.

- [Décret relatif à la Résidence Privilégiée \(Art. 3\)](#)

Right to permanent residence

Preferences based on factors other than nationality

Certain nonnationals can apply for what is called privileged residence. In order to obtain it, the person needs to prove they have sufficient means. The residence permit does not include the right to work.

- [Décret relatif à la Résidence Privilégiée \(Art. 3\)](#)

Right to Vote

Not permitted for any migrants

Only Haitian nationals have the right to vote.

- [Loi Électorale \(Art. 22\)](#)

HAITI - NATIONALITY

Ius soli (birth in the territory of the country)

Not Automatic

Person is born in Haiti to a father who is an alien and "of the African race," or, if the child is not recognized by the father, to a mother who is an alien and "of the African race."

- Décret du 6 Novembre 1984 sur la Nationalité Haïtienne (Art. 2)
- La Constitution de la République d'Haïti (Art. 11)

Ius Sanguinis (descent, born abroad)

Automatic

Any person born to both a Haitian father and mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth. Those born to a Haitian mother and a foreign parent can make a declaration to obtain Haitian nationality once they reach the age of majority.

- Décret du 6 Novembre 1984 sur la Nationalité Haïtienne (Art. 2 and 7.)
- La Constitution de la République d'Haïti (Art. 11)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

It is permitted for Haitians who acquire a different nationality.

- La Constitution de la République d'Haïti (Art. 12)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Not permitted for those who acquire Haitian nationality through naturalization.

- Décret du 6 Novembre 1984 sur la Nationalité Haïtienne (Art. 22)

Naturalization

Permitted

The person must have been resident in Haiti for five years. Other conditions: oath of renunciation of citizenship of another country. The granting of citizenship is discretionary.

- Décret du 6 Novembre 1984 sur la Nationalité Haïtienne (Arts. 15, 22)

HONDURAS

HONDURAS - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: October 10, 2002

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: August 25, 1997

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: February 17, 1981

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: March 03, 1983

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: December 05, 1996

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: August 10, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: August 09, 2005

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: April 01, 2008

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: April 14, 2008

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: March 23, 1992

There is no refugee law. The conditions for seeking shelter are regulated in the Law on Migration and Aliens.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Arts. 42-51)

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: March 23, 1992

There is no refugee law. The conditions for seeking shelter are regulated in the Law on Migration and Aliens.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Arts. 42-51)

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: October 01, 2012

There is no law on statelessness. The conditions for being recognized as stateless are regulated in the Law on Migration and Aliens and its Regulations.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 54)
- Reglamento de la Ley de Migración y Extranjería (Art. 59)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: December 18, 2012

There is no law on statelessness. The conditions for being recognized as stateless are regulated in the Law on Migration and Aliens and its Regulations.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 54)
- Reglamento de la Ley de Migración y Extranjería (Art. 59)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: November 18, 2008

There is no specific law on human trafficking in Honduras. The Regulations for the Migration Act sanction those who abet the violations sanctioned by the Law on Migration and Aliens, be it directly or indirectly.

- Reglamento de la Ley de Migración y Extranjería (Art. 136(12))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: April 01, 2008

- Decreto 59-2012 Ley contra la Trata de Personas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

HONDURAS - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: September 05, 1977

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: September 14, 2011

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

The conditions for obtaining refugee status are regulated in the Law on Migration and Aliens.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 42(3))

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Ratified

HONDURAS - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 6 countries

Visa is required for nationals of Bolivia, Haití, Guyana, Jamaica, Surinam, Venezuela

HONDURAS - TEMPORARY RESIDENCE

Preferential Access to Residence

No

Foreigners wishing to obtain residence shall apply for it through the General Secretariat of the Secretariat of State at the Department of the Interior and Justice.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 22)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

The Law on Migration and Aliens allows Congress to grant immigration amnesty to foreigners to promote and facilitate the regularization of their immigration status when circumstances so warrant. To date, this power has not been used.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 109)

HONDURAS - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Foreigners are required to obtain a work permit from the Department of Labor and Social Security. Some categories of migrants (such as annuitants) are not allowed to engage in paid activities.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Arts. 15, 23)

Right to healthcare

Permitted for Migrants with a residence permit

The Constitution and the Migration Act establish that foreigners shall receive equal treatment with Hondurans, including the restrictions established by law on the grounds of public order, security, and social harmony. No mention is made as to whether these rights extend to people whose migration status is irregular. Art. 145 of the Constitution recognizes the right to healthcare.

- Constitución Política de Honduras Decreto 131 (Art. 31, 145)
- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 11)

Right to education

Permitted for Migrants with a residence permit

The Constitution and the Migration Act establish that foreigners shall receive equal treatment with Hondurans, with the restrictions established by law on the grounds of public order, security, and social harmony. The Constitution also establishes that every child has the right to education. The right is not explicitly recognized in any text for people whose migration status is irregular.

- Constitución Política de Honduras Decreto 131 (Arts. 31, 123)
- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 11)

Right to family reunification

Permitted for Extended family (other family members)

Foreigners who have children that are Honduran by birth or who marry or enter into a common-law marriage with a Honduran inside or outside Honduran territory may obtain residence in the country. Furthermore, the Migration and Alien Affairs Authority may grant the spouse, any minor children or adult dependent children of the spouses, and the paternal and maternal grandparents of the spouse's children special permission to stay when this is requested by the foreigner who has been granted special permission to stay. Several categories of foreigners may obtain special residence permits according to art. 42 of the regulations.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Arts. 35-36)
- Reglamento de la Ley de Migración y Extranjería (Arts. 42, 75)

Right to permanent residence

Preferences based on factors other than nationality

Foreigners acquire the right to permanent residence in the country after having remained as legal residents or as holders of a special residence permit for a minimum of five years.

- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 21(7))

Right to Vote

Not permitted for any migrants

Only citizens have the right to vote.

- Constitución Política de Honduras Decreto 131 (Art. 37)

HONDURAS - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Those born in Honduran territory are deemed to be Honduran, except for children of foreign diplomats.

- Constitución Política de Honduras Decreto 131 (Art. 23)

Ius Sanguinis (descent, born abroad)

Automatic

Those born abroad to a mother or father who is Honduran by birth are deemed to be Honduran.

- Constitución Política de Honduras Decreto 131 (Art. 23)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Those who have acquired Honduran nationality lose this if they become naturalized citizens of another country. However, Hondurans by birth do not lose their Honduran nationality if they acquire another.

- Constitución Política de Honduras Decreto 131 (Arts. 28, 29)
- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 65(1))

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Unless a treaty on dual nationality is in place, anyone applying for Honduran nationality must first renounce their previous nationality.

- Constitución Política de Honduras Decreto 131 (Art. 24)
- Decreto N° 208-2003 Ley de Migración y Extranjería (Art. 64)

Naturalization

Permitted

To obtain Honduran nationality through naturalization, applicants are required to have resided in the country for one year, in the case of Central Americans by birth, two years for nationals of Spain and the rest of Latin America, and three years for nationals of all other countries. In addition, they must 1) have civil legal capacity 2) possess assets or exercise a trade, activity, or licit occupation through which they can support themselves or depend economically on their parents or spouse 3) have shown good conduct and not have been sentenced for a crime before and during their stay in the country or have been sought by the authorities of another country for a common felony and, 4) pass a general knowledge exam on the history, geography, and Constitution of the Republic of Honduras. The granting of nationality is discretionary.

- [Decreto N° 208-2003 Ley de Migración y Extranjería \(Art. 63\)](#)
- [Constitución Política de Honduras Decreto 131 \(Art. 24\)](#)

JAMAICA

JAMAICA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: June 04, 1971

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: October 03, 1975

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: October 03, 1975

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 19, 1984

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Not Ratified

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: May 14, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: September 25, 2008

Jamaica has also ratified ILO C097—Migration for Employment Convention (Revised), 1949 (No. 97) on 26-Dec-62.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: March 30, 2007

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: July 30, 1964

Jamaica does not have any domestic legislation for the protection of refugees or the granting of asylum under the international refugee instruments. However, Jamaica adopted a refugee policy in 2009.

- Jamaica Refugee Policy of 2009

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: October 30, 1980

Jamaica does not have any domestic legislation for the protection of refugees or the granting of asylum under the international refugee instruments. However, Jamaica adopted a refugee policy in 2009.

- Jamaica Refugee Policy of 2009

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: January 09, 2013

Jamaica does not have a specific law on statelessness.

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: September 29, 2003

Jamaica has no specific law dealing with migrant smuggling but the matter is regulated in the Aliens Act and in the Immigration Restriction (Commonwealth Citizens) Act.

- Aliens Act (Sec. 20)
- Immigration Restriction (Commonwealth Citizens) Act (Sec. 30)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 29, 2003

- Trafficking in Persons (Prevention, Suppression and Punishment) Act

Endorsed

Endorsed

JAMAICA - REGIONAL INSTRUMENTS

Ratified: July 19, 1978

Not Ratified

Not Ratified

Not Internalized

Ratified

CARICOM nationals do not need to apply for work permits in these ten (10) categories listed below: Graduates of all recognized universities, artists musicians, sportspersons, media workers, nurses, teachers, artisans with Caribbean Vocational Qualifications (such as those issued by Heart Trust/NTA), and holders of associate degrees or comparable qualifications.

- Caribbean Community (Free Movement of Skilled Persons) Act

JAMAICA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of Haití, Nicaragua - Los ciudadanos haitianos en viaje de trabajo no requerirán visado si poseen un visado de ingreso en Estados Unidos, Reino Unido, Canadá o el espacio de Schengen (a partir de julio de 2018).

JAMAICA - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of CARICOM Member States who fall under certain categories of skilled workers have the right to obtain residence in Jamaica. This includes nationals from the Bahamas and Haiti even though these two countries do not apply the free movement of skilled workers framework. The rest need to apply and obtain a residence permit.

- Caribbean Community (Free Movement of Skilled Persons) Act (Sec. 3 and first schedule)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

JAMAICA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

In general, and with some exceptions like nationals of CARICOM Member States falling under certain categories of skilled workers and their dependents, migrants do not have the right to work and need to apply for a permit that is granted discretionarily.

- Foreign Nationals and Commonwealth Citizens (Employment) Act (Secs. 3, 7)
- Caribbean Community (Free Movement of Skilled Persons) Act (Sec. 8)

Right to healthcare

Not Permitted

The laws and the Constitution remain silent on this point. According to an IOM report, this is available under the same conditions as for nationals.

- International Organization for Migration (2018), Migration Governance in the Caribbean. Report on the Island States of the Commonwealth Caribbean (p. 64)

Right to education

Not Permitted

The laws remain silent on this point. The Constitution establishes the right of every child to publicly funded tuition but only for those who are citizens of Jamaica. Jamaica has signed CARICOM's Protocol on Contingent Rights but not the Declaration of Intent to provisionally apply it.

- Jamaica (Constitution) Order in Council 1962 (Sec. 13(3)(k)(ii))
- CARICOM Protocol on Contingent Rights (Art. II (1)(e))

Right to family reunification

Not permitted

CARICOM nationals falling into the 10 categories of skilled workers can bring their spouse and their unmarried child, stepchild, or adopted child under 18 years old. They can also bring their partners if they have lived and cohabited as if they were married for five years. Family reunion for non-CARICOM nationals, or for those CARICOM nationals not falling into the 10 categories, is not explicitly regulated in Jamaican law.

- Caribbean Community (Free Movement of Skilled Persons) Act (Sec. 2)

Right to permanent residence

Preferences for regional migrants and based on other factors

CARICOM nationals falling under the 10 specified categories of skilled workers, as well as their dependents, can be allowed to enter and remain in Jamaica for an indefinite period. Nonprivileged migrants falling under certain categories can obtain permanent residence. These are: employment—for foreign nationals working on the island for more than three years; retirement—for retired foreign nationals who wish to retire in Jamaica; Marriage to a Jamaican—for foreign nationals who are married to a Jamaican; national dependent—for foreign nationals who are dependent on a Permanent Resident holder; Previous holders of Unconditional Landing status by virtue of marriage to a Jamaican. This information is retrieved from the official website of the Jamaican Passport, Immigration, and Citizenship Agency: <https://www.pica.gov.jm/immigration/permanent-residence>

- Caribbean Community (Free Movement of Skilled Persons) Act (Sec. 3)

Right to Vote

Permitted in all elections (local and national)

Commonwealth citizens can vote in all elections if they register and have been resident in Jamaica for the preceding 12 months.

- Representation of The People Act (Sec. 5(2)(a), Form. 13)

JAMAICA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

A person is born in Jamaica unless they are born to a foreign diplomat and neither parent is a citizen, or one of the parents is an enemy alien and the child is born in a place then under occupation by the enemy. The person is deemed to be born in the country if at the time of birth the mother is a citizen residing abroad in the diplomatic service of Jamaica, or if—regardless of whether she is a citizen—the mother resides abroad as the spouse of a citizen who works in the diplomatic service of Jamaica.

- [Jamaica \(Constitution\) Order in Council 1962 \(Art. 3\)](#)

Ius Sanguinis (descent, born abroad)

Automatic

Person is born abroad to a Jamaican mother, or to a non-Jamaican mother married to a Jamaican citizen, residing abroad in the employment of the Jamaican diplomatic service. Person is born to a citizen who obtained such citizenship through jus soli or jus sanguinis or by registration due to marriage to a citizen.

- [Jamaica \(Constitution\) Order in Council 1962 \(Art. 3\)](#)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Jamaicans who acquire a second nationality do not need to give up their Jamaican nationality.

- [Jamaican Nationality Act \(Sec. 7, schedule 2\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Foreigners who acquire Jamaican nationality are not required to give up their previous nationality.

- [Jamaican Nationality Act \(Second schedule\)](#)

Naturalization

Permitted

Person has been resident in Jamaica for 12 months immediately prior to the application, as well as for four out of seven years predating the 12-month period. Other conditions: full capacity, good character, intent to reside in Jamaica, and oath of loyalty. The minister is explicitly allowed to waive certain requirements and the granting of naturalization is discretionary. Irish citizens and those from the Commonwealth only need to reside in the country for five years, although the minister may accept a shorter period.

210 • [Jamaican Nationality Act \(Sections 3, 6 and second schedule\)](#)

MEXICO

MEXICO - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: February 20, 1975

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: March 23, 1981

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: March 23, 1981

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: March 23, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: January 23, 1986

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: September 21, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: March 08, 1999

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: March 18, 2008

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: December 17, 2007

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: June 07, 2000

- Ley sobre Refugiados, Protección Complementaria y Asilo Político

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: June 07, 2000

- Ley sobre Refugiados, Protección Complementaria y Asilo Político

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: June 07, 2000

Mexico does not have a specific law on statelessness. However, art. 151 of the Regulations of the Migration Act states that: "if the State or States that the foreigner has claimed to be a national of do not acknowledge this, or there are reasonable grounds for presuming that this is the case, or there is evidence of a refusal on the part of the State's consular or national authorities to allow the foreigner in question to enter their country of origin, the immigration authority will issue an agreement in which it declares the person to be stateless and will grant them the status of permanent resident, as per the terms of art. 59 of this Act."

- Reglamento de la Ley de Migración (Art. 151)

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: March 04, 2003

Pursuant to art. 159 (II) and (III) of the Migration Act, a penalty of 8 to 16 years' imprisonment and a fine equivalent to 5,000 to 15,000 days of the current general minimum wage in the Federal District shall be imposed on anyone who: "introduces one or more foreigners into Mexican territory without the corresponding documentation, with the purpose of obtaining a profit, be it directly or indirectly" or "harbors or transports one or more foreigners through Mexican territory to evade immigration controls, with the purpose of obtaining a profit, be it directly or indirectly."

- Ley de Migración (Art. 159(II)-(III))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: March 04, 2003

- Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos
- Reglamento de la Ley General para Prevenir, Sancionar y Erradicar los Delitos en Materia de Trata de Personas y para la Protección y Asistencia a las Víctimas de estos Delitos

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

MEXICO - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: March 02, 1981

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: March 08, 1996

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Mexico accepted the jurisdiction of the Inter-American Court of Human Rights on December 16, 1998, some time after ratifying the American Convention on Human Rights.

Implementation Cartagena Declaration 1984

Internalized

- Ley sobre Refugiados, Protección Complementaria y Asilo Político (Art. 13 (II))

MEXICO - TEMPORARY RESIDENCE

Preferential Access to Residence

No

Certain categories of foreigners may obtain residence in Mexico, but they must request it.

- Ley de Migración (Arts. 52(IX), 54-57)
- Reglamento de la Ley de Migración (Art. 111)

Permanent Regularization Mechanisms

Available

The immigration regulations establish the right to request the regularization of migration status under certain circumstances, including when the foreigner lacks the necessary documentation to prove that their status is regular when the documentation that proves their immigration status has expired or when they have ceased to meet the requirements by virtue of which they were granted a certain status of stay.

- Ley de Migración (Arts. 132-134)

Extraordinary Mechanisms since 2000

9 extraordinary regularizations have been carried out

Eight extraordinary regularization processes have taken place in Mexico. The first was in effect for the six months prior to July 31, 2000. The second was in effect for seven months in 2001. The third was adopted in December 2003 and was in effect during 2004 for those who had been in the country before January 2001 and had a job offer or a family relationship with a Mexican or resident alien. The fourth was adopted in 2005 and applied to those who had entered the country before January 1, 2002. It was later amended in 2006 to include those who had entered the country up to January 1, 2005. The fifth was adopted in December 2006 and was in effect for 12 months. The sixth was adopted in 2008 for those who had entered the country before January 1, 2007. The seventh was regulated in 2015 for those who had entered Mexican territory before November 9, 2012, and who were residing in the country with an irregular migration status as of January 13, 2015. The eighth was adopted in 2016.

- Circular CRE/002-2000 del INM Programa de Regularización Migratoria
- Circular por la que se Da a Conocer el Programa de Regularización Migratoria 2001 y sus Reglas Aplicables
- Acuerdo Mediante el cual se Establecen los Criterios conforme a los cuales los Extranjeros, de Cualquier Nacionalidad, que Habitén en Territorio Nacional, Podrán Promover la Obtención de su Documentación Migratoria conforme a la Normatividad Aplicable en la Calidad Migratoria de No Inmigrante.
- Acuerdo que tiene por objeto establecer los criterios conforme a los cuales los extranjeros, de cualquier nacionalidad, que habitan en territorio nacional, podrán promover la obtención de su documentación migratoria conforme a la normatividad aplicable, en la calidad migratoria de No Inmigrante
- Acuerdo Prórroga al Programa de Regularización Migratoria de 2005
- ACUERDO que tiene por objeto establecer los criterios conforme a los cuales los extranjeros, de cualquier nacionalidad, que habiten en el territorio nacional, podrán promover la obtención de su documentación migratoria
- ACUERDO que tiene por objeto establecer los criterios conforme a los cuales, los extranjeros de cualquier nacionalidad que se encuentren de manera irregular en territorio nacional y manifiesten su interés de residir en el mismo, puedan promover la obtención de su documentación migratoria en la calidad de inmigrante con las características de profesional, cargo de confianza, científico, técnico, familiares, artistas o deportistas o bien, en la característica de asimilado en los casos que de maner
- Programa Temporal de Regularización Migratoria de 2015
- Programa Temporal de Regularización Migratoria de 2016

MEXICO - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Art. 5 of the Political Constitution establishes that no one may be prevented from engaging in the profession, industry, trade, or occupation that suits them, provided this is lawful. However, art. 164 of the Regulations of the Migration Act states that: "Foreigners whose status of stay was obtained through an offer of employment are authorized to work." Furthermore, there is a quota system that must be respected when requesting and granting an employment permit to a nonnational.

- [Constitución Política de los Estados Unidos Mexicanos \(Art. 5\)](#)
- [Reglamento de la Ley de Migración \(Arts. 119-123, 164\)](#)

Right to healthcare

Permitted for all migrants even those without a permit

According to art. 66 of the Migration Act: "A migrant's migration status shall not prevent them from exercising the rights and freedoms recognized in the Constitution, in the international treaties and conventions to which Mexico is a party, and in this Act." Art. 4 of the Constitution establishes that every person has the right to health.

- [Constitución Política de los Estados Unidos Mexicanos \(Art. 4\)](#)
- [Ley de Migración \(Art. 66\)](#)

Right to education

Permitted for all migrants even those without a permit

According to art. 66 of the Migration Act: "A migrant's migration status shall not prevent them from exercising the rights and freedoms recognized in the Constitution, in the international treaties and conventions to which Mexico is a party, and in this Act." Art. 3 of the Constitution establishes that every person has the right to education.

- [Constitución Política de los Estados Unidos Mexicanos \(Art. 3\)](#)
- [Ley de Migración \(Art. 66\)](#)

Right to family reunification

Permitted for Extended family (other family members)

The Migration Act guarantees the right to family unity for both the nuclear family and the extended family of both Mexicans and permanent residents, although in the latter case certain requirements are added. The family unity with the following people will be guaranteed: parents spouse, common-law spouse, or equivalent figure children of the permanent resident and of the spouse or common-law spouse (as long as they are minors and have not married, or are in the guardianship or custody of the Mexican or permanent resident) siblings of the permanent resident, as long as they are children and adolescents and have not married, or are in their custody. The temporary resident may also enter the country with certain family members or request their entry at a later date.

- [Ley de Migración \(Arts. 10, 52 \(VII\), 55-56\)](#)
- [Reglamento de la Ley de Migración \(Art. 111\)](#)

Right to permanent residence

Preferences based on factors other than nationality

According to the Migration Act, the following have privileged access to permanent residence: migrants who are recognized as political asylum seekers, refugees, in need of complementary protection, or are stateless retirees or pensioners who receive an income from a foreign government or international organizations or private companies for services rendered abroad that allows them to live in the country those who have children who are Mexican nationals by birth and those who have direct second-degree ascendants or descendants who are Mexican nationals by birth. “Privileged” access to permanent residence may also be acquired through family unity and includes those with the following ties to Mexican nationals or permanent residents: parents, children, and children of the spouse or common-law spouse, provided they are minors and have not married, or are in their legal guardianship or custody. It is worth clarifying that both the spouse and the common-law spouse or equivalent do not have an “absolute” right to permanent residence. Instead, they will obtain a temporary residence permit for two years, after which they may apply for permanent resident status. Finally, permanent residence may also be obtained through an order from the National Institute of Migration, in accordance with the points system established for this purpose in art. 57 of the Migration Act.

- Ley de Migración (Arts. 54-57)
- Reglamento de la Ley de Migración (Art. 111)

Right to Vote

Not permitted for any migrants

According to art. 33 of the Political Constitution, “foreigners may not interfere in the political affairs of the country in any way.”

- Constitución Política de los Estados Unidos Mexicanos (Art. 33)

MEXICO - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is absolute.

- Constitución Política de los Estados Unidos Mexicanos (Art. 30 (a)(I))

Ius Sanguinis (descent, born abroad)

Automatic

Jus sanguinis is absolute. However, the transfer of nationality via jus sanguinis only goes as far as the children of a Mexican father or mother, regardless of whether the parents' Mexican nationality was acquired through naturalization.

- Constitución Política de los Estados Unidos Mexicanos (Art. 30(a)(II)-(III))

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Dual nationality is permitted for Mexicans by birth. Mexican nationality acquired by naturalization will be lost if the person voluntarily acquires a foreign nationality, among other reasons, as per art. 37 (b) of the Mexican Constitution.

- [Constitución Política de los Estados Unidos Mexicanos \(Art. 37\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Foreigners wishing to obtain Mexican nationality must give up their previous nationality.

- [Ley de Nacionalidad \(Arts. 17, 19\)](#)

Naturalization

Permitted

Migrants who wish to become naturalized Mexicans must reside in the country for at least five years immediately before submitting their application. However, in some cases, it is possible to obtain Mexican nationality by residing in the country for two years before applying. These cases include being a lineal descendant of a Mexican by birth, having children who are Mexicans by birth, being a national of a Latin American country, Spain, or Portugal, or making a substantial contribution to the nation. The same period is established in art. 20 (II) of the Nationality Act for those who become naturalized Mexican citizens by marrying a Mexican national. Furthermore, art. 20 (III) of the Nationality Act allows those who are adopted by Mexican nationals or minors who are second-degree descendants of Mexican nationals to become Mexicans through naturalization after having resided in the country for only one year. Those who wish to become naturalized Mexican nationals are required to give up their previous nationality.

- [Constitución Política de los Estados Unidos Mexicanos \(Arts. 30\(B\)\(I\)-\(II\), 37\(b\)\)](#)
- [Ley de Nacionalidad \(Arts. 19-21\)](#)
- [Reglamento de la Ley de Nacionalidad \(Arts. 15-16\)](#)

MEXICO - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 9 countries

Visa is required for nationals of Ecuador, El Salvador, Guatemala, Guyana, Haití, Honduras, Nicaragua, República Dominicana, Surinam - 6-sep-21 Los nacionales de estos países no requieren visado si cuentan con alguno de los siguientes documentos: a) Documento que acredite residencia permanente en Canadá, Estados Unidos de América, Japón, el Reino Unido de la Gran Bretaña e Irlanda del Norte, cualquiera de los países que integran el Espacio Schengen, así como en los países miembros de la Alianza del Pacífico (Chile, Colombia y Perú). b) Visa válida y vigente de Canadá, de los Estados Unidos de América, Japón, el Reino Unido de la Gran Bretaña e Irlanda del Norte o cualquiera de los países que integran el Espacio Schengen.

NICARAGUA

NICARAGUA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: February 15, 1978

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: March 12, 1980

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: March 12, 1980

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 27, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: July 05, 2005

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: October 05, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: October 26, 2005

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: December 07, 2007

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: March 28, 1980

- Ley 655 de Protección a Refugiados

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: March 28, 1980

- Ley 655 de Protección a Refugiados

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: July 15, 2013

The General Law on Migration and Aliens establishes the procedure for determining whether a person is stateless.

- Ley 761 General de Migración y Extranjería (Arts. 39-40)

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: July 29, 2013

The General Law on Migration and Aliens establishes the procedure for determining whether a person is stateless.

- Ley 761 General de Migración y Extranjería (Arts. 39-40)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: February 15, 2006

There is no specific law that regulates migrant smuggling in Nicaragua.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: October 12, 2004

- Ley 896 contra la Trata de Personas

Endorsed

Endorsed

NICARAGUA - REGIONAL INSTRUMENTS

Ratified: September 25, 1979

Ratified: December 15, 2009

Ratified

12-Feb-91

Internalized

The refugee protection law is based on the Declaration of Cartagena, among other instruments.

- Ley 655 de Protección a Refugiados (Art. 1(c))

Ratified

- Decreto 4966 de Aprobación del Convenio de la Visa Única Centroamericana

NICARAGUA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Art. 16 of the General Law on Migration and Aliens establishes the category of migrant worker and the special permit that must be requested to work in Nicaragua. Art. 153 expressly prohibits the hiring of workers whose legal status is irregular.

- [Ley 761 General de Migración y Extranjería \(Arts. 16-17, 153\)](#)

Right to healthcare

Not Permitted

Art. 11 of the General Law on Migration and Aliens states that: "foreigners enjoy the same rights and individual and social guarantees as Nicaraguans... except for the limitations established by the Political Constitution and the laws of the Republic of Nicaragua." Art. 27 of the Constitution states that foreigners enjoy equal rights with Nicaraguans: "the State respects the rights recognized in this Constitution and guarantees them for all people who are within its territory and are subject to its jurisdiction." However, art. 59 of the Constitution limits the right to health to "Nicaraguans."

- [Constitución Política de la República de Nicaragua \(Arts. 27, 59\)](#)
- [Ley 761 General de Migración y Extranjería \(Art. 11\)](#)

Right to education

Permitted for Migrants with a residence permit

Art. 212 of the General Law on Migration and Aliens establishes that technical and higher education establishments are obliged to require foreigners who wish to study, engage in internships, or teach at them to provide documentation proving that they are legally resident in the country or the corresponding authorization from the Migration and Alien Affairs Authority. It makes no reference to primary schools and other elementary educational establishments. Art. 58 of the Nicaraguan Constitution states that "Nicaraguans have the right to education and culture."

- [Constitución Política de la República de Nicaragua \(Art. 58\)](#)
- [Ley 761 General de Migración y Extranjería \(Art. 212\)](#)

Right to family reunification

Permitted for Extended family (other family members)

Dependent family members of foreigners who obtain a temporary residence permit may also obtain such permits. The concept of family extends to the second degree of consanguinity and the first degree of affinity. The spouse, children, and parents of certain categories of migrants (e.g., those with capital) may obtain permanent residence directly. Foreigners with affinity or consanguinity ties with Nicaraguans (understood as the spouse, parents, and minor children) may also obtain permanent residence directly.

- [Ley 761 General de Migración y Extranjería \(Arts. 25, 30\)](#)

Right to permanent residence

Preferences for regional migrants and based on other factors

Foreigners can become permanent residents after three years of temporary residence. Certain categories of foreigners can access permanent residence directly, including Central Americans by birth those from countries with which Nicaragua has signed dual nationality agreements, provided that the principle of reciprocity is applied or residents who are pensioners or annuitants.

- Ley 761 General de Migración y Extranjería (Art. 30)

Right to Vote

Not permitted for any migrants

Foreigners may not exercise political rights.

- Constitución Política de la República de Nicaragua (Art. 27)

NICARAGUA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 2 countries

Visa is required for nationals of Haití, Venezuela - Los venezolanos dejaron de necesitar visado en 2018 pero se les volvió a requerir a partir de 2021. Nicaragua forma parte del Convenio de la visa única centroamericana.

- Disposición 001 de 2021 Cambio de Clasificación Migratoria de Visas para Nacionales de la República Bolivariana de Venezuela
- Decreto 4966 de Aprobación del Convenio de la Visa Única Centroamericana
- Manual Regional de Procedimientos Migratorios de la Visa Única Centroamericana CA-4

NICARAGUA - TEMPORARY RESIDENCE

Preferential Access to Residence

No

The General Law on Migration and Aliens establishes two categories of residents: permanent and temporary. Temporary residents enter the country with the intention of staying for between two and three years, or for the time in which they will engage in a specific activity. Foreigners who are Central Americans by birth and nationals of countries with which Nicaragua has signed dual nationality agreements may opt directly for permanent residence, as long as the principle of reciprocity applies. Both must apply for a residence permit.

- Ley 761 General de Migración y Extranjería (Arts. 24-30)

Permanent Regularization Mechanisms

Available

Art. 118 of the General Law on Migration and Aliens establishes that the Migration and Alien Affairs Authority may grant foreigners it has deemed to be staying in the country on irregular terms a fixed period of up to 30 days to regularize their stay or leave the country. Art. 170 of the law establishes that migrants whose status is irregular who establish a stable relationship with a Nicaraguan citizen may request a change of status to regularize their situation.

- Ley 761 General de Migración y Extranjería (Arts. 118, 170)

Extraordinary Mechanisms since 2000

No extraordinary regularizations have been carried out

Art. 215 of the General Law on Migration and Aliens establishes that, when circumstances so warrant, the National Assembly shall grant migration amnesty to foreigners to promote and facilitate the regularization of their migration status, doing so on its own initiative or at the behest of the President of the Republic. However, no cases in which this prerogative has been used have yet been reported.

- Ley 761 General de Migración y Extranjería (Art. 215)

NICARAGUA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is automatic. The only exceptions are the children of foreign diplomats, the children of foreign officials in the service of international organizations, or the children of those sent by their governments to work in Nicaragua unless they opt for Nicaraguan nationality.

- Ley 761 General de Migración y Extranjería (Art. 45)
- Constitución Política de la República de Nicaragua (Art. 16)
- Ley 149 de Nacionalidad (Art. 3)

Ius Sanguinis (descent, born abroad)

Automatic

Art. 45 of the General Law on Migration and Aliens establishes that the children of a Nicaraguan father or mother are Nicaraguan and does not include any additional conditions when the birth takes place abroad.

- Ley 761 General de Migración y Extranjería (Art. 45)
- Constitución Política de la República de Nicaragua (Art. 16)
- Ley 149 de Nacionalidad (Art. 3)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Art. 20 of the Constitution establishes that Nicaraguans can hold dual nationality. This is confirmed in art. 46 of the General Law on Migration and Aliens.

- Constitución Política de la República de Nicaragua (Arts. 20, 22)
- Ley 761 General de Migración y Extranjería (Arts. 46, 62, 63, 64(1))

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

The Constitution establishes that naturalized Nicaraguans must give up their nationality of origin before obtaining Nicaraguan nationality, unless they are nationals of Spain or Central America, in which case they do not have to do so, as per art. 54 of the General Law on Migration and Aliens.

- Constitución Política de la República de Nicaragua (Art. 19)
- Ley 761 General de Migración y Extranjería (Arts. 53-54)

Naturalization

Permitted

The Constitution states that foreigners can obtain Nicaraguan nationality after giving up their nationality of origin. The Migration Act also establishes that foreigners can request nationality after four years of permanent residence. There is preferential treatment for foreign nationals of Spain and the Central American countries, who may apply for nationality after two years of permanent residence, as well as for residents who are investors or residents with Nicaraguan children. Granting Nicaraguan nationality is a sovereign act of the State of Nicaragua and is therefore discretionary.

- Ley 761 General de Migración y Extranjería (Arts. 52-57)
- Constitución Política de la República de Nicaragua (Art. 19)
- Decreto Ejecutivo 31-2012 Reglamento a la Ley 761 General de Migración y Extranjería (Art. 117)

PANAMA

PANAMA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: August 16, 1967

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: March 08, 1977

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: March 08, 1977

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 29, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: August 24, 1987

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: December 12, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: June 22, 2011

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: August 07, 2007

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: August 02, 1978

- Decreto Ejecutivo número 5 que desarrolla la Ley 5 de 26 de octubre de 1977 por la cual se aprueba la Convención y Protocolo sobre el Estatuto de los Refugiados

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: August 02, 1978

- Decreto Ejecutivo número 5 que desarrolla la Ley 5 de 26 de octubre de 1977 por la cual se aprueba la Convención y Protocolo sobre el Estatuto de los Refugiados

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: June 02, 2011

- Decreto Ejecutivo Número 10 que Reglamenta la Ley 28 de 30 de Marzo de 2011, que Aprueba la Convención sobre el Estatuto de los Apátridas de 1954

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: June 02, 2011

- Decreto Ejecutivo Número 10 que Reglamenta la Ley 28 de 30 de Marzo de 2011, que Aprueba la Convención sobre el Estatuto de los Apátridas de 1954

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: August 18, 2004

- Ley 36 sobre el Tráfico Ilícito de Migrantes y Actividades Conexas

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: August 18, 2004

- Ley 79 sobre Trata de Personas y Actividades Conexas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

Panama did not vote in the UN General Assembly but expressed its support for the Pact through an official communiqué from the Ministry of Foreign Affairs. The communiqué (dated December 19, 2018) is available here:

<https://mire.gob.pa/panama-celebra-adopcion-del-pacto-global-de-migraciones-en-el-marco-de-la-organizacion-de-las-naciones-unidas/>

The Global Compact on Refugees, 17 December 2018

Endorsed

PANAMA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: May 08, 1978

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: October 28, 1992

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

Convenio Centroamericano de Libre Movilidad CA-4, 20 June 2006

Not Ratified

Although Panama is a member of the Central American Integration System, it is not part of the Central America-4 Free Mobility Agreement (CA-4).

PANAMA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 4 countries

Visa is required for nationals of Haití, Venezuela, República Dominicana, Surinam

- Decreto 473 por el cual se Incluye a la República Bolivariana de Venezuela dentro de los Países que Requieren Visa Estampada

PANAMA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Panama requires foreigners to obtain and pay for work permits. The requirements for these permits, the process for obtaining them, and their length vary depending on the different migration categories (which are not included in a single instrument). There are several categories of work permits for foreigners that can be authorized by the Ministry of Labor.

- Decreto Ejecutivo Número 17 por el que se Reglamentan los Artículos 17 y 18 del Decreto de Gabinete N252 de 1971 (Art. 1)
- Decreto ejecutivo Número 67 que Modifica el Decreto Ejecutivo No. 17 de 11 de mayo de 1999 (Art. 1)
- Código del Trabajo Decreto del Gabinete 252 (Arts. 17, 18)

Right to healthcare

Not Permitted

According to art. 109 of the Political Constitution of the Republic of Panama of 1972: "the individual, as part of the community, has the right to the promotion, protection, conservation, recovery, and rehabilitation of health and the obligation to preserve this." It also states that safeguarding the health of the population of the Republic of Panama is an essential function of the State and includes the tasks of prevention, curing, and rehabilitation.

- Constitución Política de Panamá (Art. 109)

Right to education

Permitted for Migrants with a residence permit

There is no legislation on access to education for migrant children. The State provides scholarships, but access to these is restricted to nationals. Foreign students require a visa to enroll in educational establishments, so it can be inferred that they cannot access education without one.

- Constitución Política de Panamá (Art. 56)
- Decreto Ejecutivo 320 que Reglamenta el Decreto Ley No. 3 de 22 de febrero de 2008 que Crea el Servicio Nacional de Migración y Dicta otras Disposiciones (Arts. 13-14)

Right to family reunification

Permitted for Extended family (other family members)

Art. 18 of Law 3 of 2008 states: "Dependents shall be understood to mean the spouse, parents, and children under the age of 18. Children between 18 and 25 years of age may be requested to be listed as dependents, provided that they are in education and are financially dependent on the temporary resident. They shall be granted a temporary permit that in no case shall exceed the length of the temporary resident's permit.

- Decreto Ley 3 Que crea el Servicio Nacional de Migración, la Carrera Migratoria y Dicta Otras Disposiciones (Art. 18)
- Decreto Ejecutivo 320 que Reglamenta el Decreto Ley No. 3 de 22 de febrero de 2008 que Crea el Servicio Nacional de Migración y Dicta otras Disposiciones (Arts. 75, 76)

Right to permanent residence

Preferences based on factors other than nationality

The law defines permanent residents as those who enter the national territory for economic and investment reasons, through special and demographic policies, and other subcategories with the intention of settling in the country. It stipulates specific conditions that applicants must meet to access this permit, which relate to resource availability, the type of professional activity, or the investment. Panama signed a Treaty of Friendship with Italy in 1966. By virtue of this treaty, Italian nationals can access permanent residence directly.

- Decreto Ley 3 Que crea el Servicio Nacional de Migración, la Carrera Migratoria y Dicta Otras Disposiciones (Art. 20)
- Decreto Ejecutivo 320 que Reglamenta el Decreto Ley No. 3 de 22 de febrero de 2008 que Crea el Servicio Nacional de Migración y Dicta otras Disposiciones (Art. 148, ss)
- Resolución 4803 por la cual se Establece un Permiso de Residente Permanente Amparado por el Tratado de Amistad, Comercio y Navegación entre la República de Panamá y la República de Italia (Art. 1)

Right to Vote

Not permitted for any migrants

The Constitution does not grant foreigners the right to vote.

- Constitución Política de Panamá (Art. 129)

PANAMA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Art. 9 of the Panamanian Constitution establishes that those born in Panama are Panamanian nationals.

- Constitución Política de Panamá (Art. 9)

Ius Sanguinis (descent, born abroad)

Not Automatic

Art. 9 of the Panamanian Constitution establishes that children born abroad to a Panamanian parent must establish residence in Panamanian territory to become Panamanian. Furthermore, children of a parent who has acquired Panamanian nationality through naturalization and who are born outside Panamanian territory must not only establish residence in the country but also express their desire to become Panamanian nationals no more than one year after reaching the age of majority.

- [Constitución Política de Panamá \(Art. 9\)](#)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Art. 13 of the Constitution establishes that Panamanians by birth who become naturalized citizens of another country are tacitly giving up their citizenship (that is, they lose their right to exercise political rights in Panama) but not their nationality. However, naturalized Panamanian citizens who acquire another nationality lose their Panamanian nationality.

- [Constitución Política de Panamá \(Art. 13\)](#)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Foreigners wishing to acquire Panamanian nationality must give up their nationality of origin unless they are from Spain or a Latin American country and the country in question does not require Panamanians wishing to become naturalized citizens to give up their nationality.

- [Constitución Política de Panamá \(Art. 10\)](#)
- [Decreto Ley 3 Que crea el Servicio Nacional de Migración, la Carrera Migratoria y Dicta Otras Disposiciones \(Arts. 120, 128\)](#)

Naturalization

Permitted

Applicants must submit their request for a Letter of Nationality to the Ministry of Government and Justice after proving that they have resided in the country for five years. This period is reduced to three years for those who are parents of a Panamanian national and those married to a Panamanian national. For nationals of Latin American and Caribbean countries and Spain, the requirements stipulated in their country of origin for Panamanian nationals apply. Applicants must prove that their migration status is regular and that they are in good health, do not have a criminal record, and have sufficient means. The granting of nationality is a discretionary power of the State.

- [Constitución Política de Panamá \(Art. 10\)](#)
- [Decreto Ley 3 Que crea el Servicio Nacional de Migración, la Carrera Migratoria y Dicta Otras Disposiciones \(Arts. 118 y siguientes.\)](#)

Preferential Access to Residence

No

The law distinguishes between temporary residents (art. 18), which refers to foreigners or their dependents who enter the Panamanian territory for reasons relating to work, special policies, education, culture, religious, humanitarian issues, family reunification, and those that fall into other subcategories, for a period of up to six years and permanent residents (art. 20). Permanent residents are foreigners who enter Panamanian territory for economic and investment reasons, through special demographic policies, and must demonstrate that they have the financial means to justify their desire to reside in the country.

- [Decreto Ley 3 Que crea el Servicio Nacional de Migración, la Carrera Migratoria y Dicta Otras Disposiciones \(Arts. 18, 20\)](#)

Permanent Regularization Mechanisms

Available

As of 2016, the extraordinary regularization processes known as Crisol de Razas [Melting Pot] were replaced by a general regularization procedure. A 2016 decree that was amended in 2017 establishes that those opting for this procedure are required to have stayed in the territory for at least one year at the time the decree was enacted and not to have a police record, among other requirements. Executive Decree no. 235 of September 15, 2021, established that any foreigner who has obtained a provisional residence permit through one of the Extraordinary Migratory Regularization Processes (Crisol de Razas) or through the General Migration Regularization Procedure may opt for permanent residence for six or ten years.

- [Decreto ejecutivo 167 que Establece el Procedimiento de Regularización Migratoria General](#)
- [Decreto Ejecutivo 145 que Modifica el Artículo 2 del Decreto Ejecutivo 167.](#)
- [Decreto ejecutivo 235 que Establece los Procedimientos y Requisitos para la Renovación de los Permisos Provisionales y para Optar por la Residencia Permanente](#)

13 extraordinary regularizations have been carried out

The Crisol de Razas [Melting Pot] Temporary Residence Permit was an extraordinary residence program implemented in Panama to regularize foreigners' migration status. It was made possible legally through art. 171 of Executive Decree 320, which allows the National Migration Service to authorize the initiation of migration-related regularization procedures. It has been implemented at least 11 times since 2010 and led to the granting of two-year renewable residences. In 2016, it was made into a permanent regularization mechanism. However, extraordinary regularization programs continue to exist. Two have been implemented for Chinese nationals: one in 2016 and another in 2018. The Crisol de Razas regularization processes included here are those of July 2010 May, September, and October 2011 two in 2012 February, July, and December 2013 and March and August 2014. Also worth noting is Executive Decree 547 of 2012, which established the procedures and requirements for these processes. This decree was repealed by Executive Decree 167 of 2016, which establishes a general procedure for regularizing migration status and marked the end of the Crisol de Raza programs. Also included here are the two decrees of 2016 and 2018 that established extraordinary regularization processes for Chinese nationals.

- Decreto Ejecutivo 320 que Reglamenta el Decreto Ley No. 3 de 22 de febrero de 2008 que Crea el Servicio Nacional de Migración y Dicta otras Disposiciones (Art. 171)
- Resolución 13500 Panamá, Crisol de Razas 2010
- Resolución 9540 Panamá, Crisol de Razas 2011
- Resolución 17679 Panamá, Crisol de Razas septiembre 2011
- Resolución 230 Panamá, Crisol de Razas octubre 2011
- Resolución 5571 Panamá, Crisol de Razas 2012
- Resolución 15313 Panamá, Crisol de Razas agosto 2012
- Resolución 3201 Panamá, Crisol de Razas 2013 febrero
- Resolución 12765 Panamá, Crisol de Razas julio 2013
- Resolución 32117 Panamá, Crisol de Razas diciembre 2013
- Resolución 7015 Panamá, Crisol de Razas marzo 2014
- Resolución 24587 Panamá, Crisol de Razas agosto 2014
- Decreto Ejecutivo 547 que se Establece el Procedimiento y los Requisitos de los Procesos de Regularización Migratoria Extraordinaria denominado "Panamá, Crisol de Razas"
- Decreto ejecutivo 167 que Establece el Procedimiento de Regularización Migratoria General
- Decreto Ejecutivo 168 Proceso de Regularización Extraordinaria Migratoria para Nacionales de la República Popular China
- Decreto Ejecutivo 183 Regularización Migratoria Extraordinaria para Nacionales de la República Popular China

PARAGUAY

PARAGUAY - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: August 18, 2003

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: June 10, 1992

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: June 10, 1992

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: April 06, 1987

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: March 12, 1990

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: September 25, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: September 23, 2008

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: August 03, 2010

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: September 03, 2008

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: April 01, 1970

- Ley General sobre Refugiados N° 1938

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: April 01, 1970

- Ley General sobre Refugiados N° 1938

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: July 01, 2014

- Ley 6149 sobre Protección y Facilidades para la Naturalización de las Personas Apátridas

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: June 06, 2012

- Ley 6149 sobre Protección y Facilidades para la Naturalización de las Personas Apátridas (Art. 72)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: September 23, 2008

There is no specific law on migrant smuggling but the Migration Act imposes a sanction of three months to two years imprisonment on: "Anyone who helps a foreigner to enter the national territory in violation of this law and its regulations or conceals them after entering."

- Ley de Migraciones N° 978/96 (Art. 108(2))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: September 22, 2004

- Ley Integral contra la Trata de Personas N° 4788

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

The Republic of Paraguay joined the Global Compact verbally at the Marrakech Conference (December 10, 2018) but did not sign the resolution adopted by the United Nations General Assembly approving the document (December 19, 2018).

The Global Compact on Refugees, 17 December 2018

Endorsed

PARAGUAY - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: August 18, 1989

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: May 28, 1997

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Ley General sobre Refugiados Nº 1938 (Art. 1(B))

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Ley Nº 3565 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR

PARAGUAY - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 8 countries

Visa is required for nationals of Bahamas, Barbados, Belice, Guyana, Haití, Jamaica, Surinam, Trinidad y Tobago - Aug-2019

PARAGUAY - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Foreigners who are admitted as temporary residents or are authorized to become temporary residents may only engage in the remunerated or gainful self-employed or employed activities that were contemplated when granting their residence permit. Permanent residents may engage in any type of labor activity. Nationals of the countries to which the MERCOSUR Residence Agreement applies have the right to work. These are: Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, and Uruguay.

- Ley de Migraciones N° 978/96 (Arts. 25, 26, 62-65)
- Ley N° 3565 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR

Right to healthcare

Permitted for Migrants with a residence permit

The law does not expressly refer to this right. However, art. 21 of the Migration Law states that: "Foreigners who are authorized to settle in the country as permanent residents shall enjoy the same rights and have the same obligations as Paraguayans, as per the forms and limitations established by the Constitution and laws." Art. 68 of the Constitution states that: "The State shall protect and promote health as a fundamental right of the individual and in the interest of the community. No one shall be deprived of public assistance to prevent or treat disease, plagues, or epidemics, nor of relief following catastrophes and accidents."

- Ley de Migraciones N° 978/96 (Art. 21)
- Constitución Nacional de la República de Paraguay (Art. 68)

Right to education

Permitted for Migrants with a residence permit

The law does not expressly refer to this right. However, art. 21 of the Migration Act states that: “Foreigners who are authorized to settle in the country as permanent residents shall enjoy the same rights and have the same obligations as Paraguayans, as per the forms and limitations established by the Constitution and laws.” Art. 73 of the Constitution states that: “All people have the right to comprehensive, ongoing education (...).”

- Ley de Migraciones N° 978/96 (Art. 21)
- Constitución Nacional de la República de Paraguay (Art. 73)

Right to family reunification

Permitted for Extended family (other family members)

Foreign relatives of Paraguayan citizens—specifically, their spouse, minor children, and parents—may enter the country as permanent residents. This also applies to the spouse, minor children, and parents of foreigners who are authorized to settle in the country as permanent residents.

- Ley de Migraciones N° 978/96 (Arts. 14(4), 21)

Right to permanent residence

Preferences for regional migrants and based on other factors

Nationals of MERCOSUR Member States (Argentina, Brazil, and Uruguay) and associate countries (Bolivia, Chile, Colombia, Ecuador, and Peru) must only prove that they have resided in the country two years before they can obtain permanent residence. Those who can obtain permanent residence directly include the spouse, minor children, and parents of Paraguayan citizens or foreign citizens who are permanent collection, and other categories of foreigners such as investors, retirees, and pensioners. Other foreigners who have been allowed to enter the country as temporary residents may apply to the General Migration Authority to be granted permanent residence. The law does not stipulate a minimum period during which applicants must reside in the country to do so, but “the reasons for the request must be justified, and documentation and other requirements demanded by the law and its regulations must be provided for applicants to be admitted into the requested category.”

- Ley N° 3565 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR
- Ley N° 3578 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile
- Ley de Migraciones N° 978/96 (Arts. 14, 48, 50)

Right to Vote

Permitted in Local Elections

Migrants with permanent residence may vote in municipal elections. In this regard, art. 120 of the Constitution states that “foreigners with permanent residence permits shall have the same rights as nationals in municipal elections.”

- Constitución Nacional de la República de Paraguay (Art. 120)
- Ley 834 Establece el Código Electoral Paraguayo (Art. 2, 95)

PARAGUAY - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Nationals of the following MERCOSUR member and associate countries have the right to obtain residence permits: Argentina, Brazil, Uruguay, Bolivia, Chile, Peru, Colombia, and Ecuador. The spouse, minor children, and/or parents of Paraguayan citizens also have this right, as do the spouse, minor children, and/or parents of foreigners previously admitted as permanent residents on the grounds that they are spontaneous, assisted migrants with capital, investors or retirees, and pensioners or annuitants. No other foreigners have the right to do so.

- Ley N° 3565 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR (Arts. 11-12)
- Ley N° 3578 Aprueba el Acuerdo sobre Residencia para Nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile
- Ley de Migraciones N° 978/96 (Arts. 14, 21)
- Decreto 18.295 Reglamenta la Ley 978/96 de Migraciones (Arts. 11-12)

Permanent Regularization Mechanisms

Available

According to the country's immigration regulations, "When declaring the entry or stay of a nonresident foreigner or a foreigner with temporary residence in the country to be illegal, the General Migration Authority may take either of the following courses of action, depending on the foreigner's profession, their kinship with Paraguayan nationals, the proven length of time they have remained in the country, and other social factors: a) instruct them to regularize their immigration status or, b) order them to leave the country within a specified period, under threat of ordering their expulsion" (art. 60). Likewise, "nonresident foreigners or foreigners with temporary residence permits who are authorized to regularize their stay in the country shall be granted a provisional residence permit by the General Migration Authority for the duration of these proceedings" (art. 61).

- Ley de Migraciones N° 978/96 (Arts. 60-61)

Extraordinary Mechanisms since 2000

2 extraordinary regularizations have been carried out

Paraguay has passed two extraordinary regularization mechanisms. Through Law No. 3486/08, it passed the Agreement on Regularizing Migration between the Government of the Republic of Paraguay and the Government of the Republic of Bolivia, which allowed nationals of the two countries to regularize their situation within 180 days of the agreement entering into force. Second, in 2011, Paraguay passed Law No. 4429, which regularizes the migration status of foreigners intending to reside permanently in the country. According to art. 1 of the law, it covered “foreigners who have been in the territory of the Republic of Paraguay for less than a year before the law was published, whose migration status is irregular, and who intend to reside in the country permanently.” This was regulated through a decree in 2012.

- Ley N° 3486 Aprueba el Acuerdo sobre Regularización Migratoria entre el Gobierno de la República del Paraguay y el Gobierno de la República de Bolivia
- Ley 4429 Regulariza la Residencia de Extranjeros/as en Situación Migratoria Irregular
- Decreto 8373 Por el cual se Reglamenta la Ley N° 4429 del 4 de octubre de 2011 que Regulariza la Residencia de Extranjeros/as en Situación Migratoria Irregular

PARAGUAY - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is absolute.

- Constitución Nacional de la República de Paraguay (Art. 146(1))

Ius Sanguinis (descent, born abroad)

Not Automatic

The acquisition of nationality via jus sanguinis is applied differently to people who are born abroad. First, if one of the parents of the child born abroad is “in the service of the Republic of Paraguay,” they automatically acquire Paraguayan nationality. Second, nationality may be acquired via jus sanguinis provided that the Paraguayan parent of children born outside Paraguay “resides in Paraguay permanently.” In the latter case, acquisition is not automatic. Instead, the interested party must present a simple declaration to this effect when they are over the age of 18. If they are under 18, their legal representative’s declaration shall be valid until then, subject to ratification by the interested party.

- Constitución Nacional de la República de Paraguay (Art. 146 incs. 2), 3) y último párrafo.)

Dual Citizenship Permitted for nationals naturalizing abroad

Not Permitted

Dual nationality is only allowed when there is an “international treaty of reciprocity of constitutional rank between the countries of origin and adoption” (art. 149 of the Constitution). For now, agreements are only in place with Spain and Italy. Paraguayan nationals by birth who obtain a second nationality other than that of Spain or Italy lose their Paraguayan citizenship, that is, the exercise of political rights (art. 153 of the Constitution). This suspension of Paraguayan citizenship ends if the person gives up their new nationality. Paraguayans who have acquired their nationality through naturalization lose Paraguayan citizenship if they acquire another nationality (art. 150 of the Constitution).

- Constitución Nacional de la República de Paraguay (Arts. 149, 150, 153)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Paraguayan nationality through naturalization are not required to give up their previous nationality.

- Constitución Nacional de la República de Paraguay (Arts. 148)
- Acordada n. 464 Reglamento Interno de la Corte Suprema de Justicia (Arts. 37-50)

Naturalization

Permitted

Foreigners can acquire Paraguayan nationality through naturalization when the person concerned reaches the age of majority (18 years), has been residing in Paraguay for at least three years, has exercised a profession, trade, science, art, or occupation in the country, and demonstrates good conduct. However, the Constitution clarifies that those who have obtained Paraguayan nationality through naturalization will only become full citizens two years after doing so. The granting of nationality is a discretionary power of the State.

- Constitución Nacional de la República de Paraguay (Arts. 148, 152)
- Acordada n. 464 Reglamento Interno de la Corte Suprema de Justicia (Art. 46)

PERU

PERU - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: September 29, 1971

- Decreto Ley N° 18969 Aprueba la Convención sobre la Eliminación de Todas las Formas de Discriminación Racial

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: April 28, 1978

- Decreto Ley N° 22128 Aprueban Pacto Internacional de Derechos Civiles y Políticos

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: April 28, 1978

- Decreto Ley N° 22129 Adoptan Pacto Internacional de Derechos Económicos, Sociales y Culturales

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: September 13, 1982

- Resolución Legislativa N° 23432 Aprueba Convención sobre Eliminación de todas las Formas de Discriminación Contra la Mujer

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: July 07, 1988

- Resolución Legislativa N° 24815 Aprueba Convención contra la Tortura

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: September 04, 1990

- Resolución Legislativa N° 25278 Aprueban la "Convención sobre los Derechos del Niño"

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: September 14, 2005

- Resolución Legislativa N° 28602 que aprueba la Convención Internacional sobre la Protección de los Derechos de todos los Trabajadores Migratorios y sus Familiares²⁴⁹

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: September 26, 2012

- Resolución Legislativa N° 29894 Apruébase la Convención Internacional para la Protección de todas las Personas contra las Desapariciones Forzadas

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: January 30, 2008

- Resolución Legislativa N° 29127 Aprueba la Convención sobre los Derechos de las Personas con Discapacidad

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: December 21, 1964

- Resolución Legislativa N° 15.014 Aprobando la Convención sobre el Estatuto de los Refugiados
- Ley N° 27.891 del Refugiado
- Decreto Supremo No. 119-2003-RE que Aprueba Reglamento de la Ley del Refugiado

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 15, 1983

- Resolución Legislativa N° 15.014 Aprobando la Convención sobre el Estatuto de los Refugiados
- Ley N° 27.891 del Refugiado
- Decreto Supremo No. 119-2003-RE que Aprueba Reglamento de la Ley del Refugiado

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: January 23, 2014

Peru does not have a law on statelessness. The matter is briefly mentioned in the Legislative Decree on Migration.

- Decreto Legislativo N° 1350 de Migraciones (Arts. 8, 23, 29)
- Resolución Legislativa N° 30108 que Aprueba la Convención sobre el Estatuto de los Apátridas

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: December 18, 2014

Peru does not have a law on statelessness. The matter is briefly mentioned in the Legislative Decree on Migration.

- Decreto Legislativo N° 1350 de Migraciones (Arts. 8, 23, 29)
- Resolución Legislativa N° 30244 Aprueba la Convención para Reducir los Casos de Apatridia

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: January 23, 2002

- Ley N° 28.950 contra la Trata de Personas y el Tráfico Ilícito de Migrantes
- Decreto Supremo N° 001-2016-IN Reglamento de la Ley 28950 contra la Trata de Personas y el Tráfico Ilícito de Migrantes
- Decreto Supremo N° 008-2018-IN que Aprueba las Directrices Intersectoriales para la Prevención y Persecución del Delito, y la Atención y Protección de las Personas en Situación de Tráfico Ilícito de Migrantes y Víctimas de Delitos en el Contexto de la Migración

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: January 23, 2002

The Law against Human Trafficking and Migrant Smuggling (Law No. 28.950), amended the Criminal Code to include human trafficking and migrant smuggling as crimes. Art. 29 para. k of the Legislative Decree on Migration contemplates humanitarian visas for those who have been victims of human trafficking or smuggling.

- Resolución Legislativa N° 27527 Apruébase la 'Convención de las Naciones Unidas contra la Delincuencia Organizada Transnacional' y sus dos Protocolos adicionales
- Ley N° 28.950 contra la Trata de Personas y el Tráfico Ilícito de Migrantes
- Decreto Supremo N° 001-2016-IN Reglamento de la Ley 28950 contra la Trata de Personas y el Tráfico Ilícito de Migrantes
- Decreto Legislativo N° 1350 de Migraciones
- Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones (Art. 91)
- Decreto Supremo N° 008-2018-IN que Aprueba las Directrices Intersectoriales para la Prevención y Persecución del Delito, y la Atención y Protección de las Personas en Situación de Tráfico Ilícito de Migrantes y Víctimas de Delitos en el Contexto de la Migración

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

PERU - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: July 12, 1978

- Decreto Ley N° 22231 Aprueban "Convención Americana sobre Derechos Humanos"

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: May 17, 1995

- Resolución Legislativa N° 26448 Aprueban el Protocolo Adicional a la Convención Americana sobre Derechos Humanos en Materia de Derechos Económicos, Sociales y Culturales

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Peru accepted the jurisdiction of the IA Court through the Sixteenth Final and Temporary Provision of the Political Constitution of 1979. Subsequently, Legislative Resolution No. 27.152 (July 8, 1999) approved the withdrawal of the contentious jurisdiction of the Court of San José and, finally, Legislative Resolution No. 27.401 (January 19, 2001) repealed Legislative Resolution No. 27.152, leaving the acceptance of the jurisdiction of the IA Court.

- Resolución Legislativa N° 27401 restablece la Competencia Contenciosa de la Corte Interamericana de Derechos Humanos

Implementation Cartagena Declaration 1984

Internalized

- Ley N° 27.891 del Refugiado (Art. 3)

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

According to the annex to the Act of Accession of the Republic of Peru to the Residence Agreement for Nationals of the States Parties to MERCOSUR, Bolivia, and Chile, the agreement entered into force on the date of this accession: June 28, 2011.

- Acta de Adhesión de la República del Perú al Acuerdo sobre Residencia para Nacionales de los Estados partes del Mercosur, Bolivia y Chile

Andean Migration Statute, 2021

Ratified: August 11, 2021

The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute "is applicable immediately after entering into force and is not subject to regulations." Art. 35 states that "it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration." This was published on May 12, 2021, such that the statute entered into force on August 11, 2021.

- Decisión 878 Estatuto Migratorio Andino

PERU - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Art. 52 of the Political Constitution of Peru states that "all people born in the territory of the Republic of Peru are Peruvians by birth."

- Constitución Política del Perú (Art. 52)
- Ley Nº 26.574 de Nacionalidad (Art. 2)
- Decreto Supremo Nº 004-97-IN "Aprueban el Reglamento de la Ley de Nacionalidad".

Ius Sanguinis (descent, born abroad)

Automatic

The Political Constitution of Peru states that "those born abroad of a Peruvian father or mother and duly registered with the appropriate registry office" are Peruvian nationals. Law 30.738 of March 13, 2018, amended art. 52 of the Political Constitution of Peru, eliminating the requirement that the children of Peruvian parents be registered while still minors.

- Constitución Política del Perú (Art. 52)
- Ley 30738 de Reforma del artículo 52 de la Constitución Política del Perú
- Ley Nº 26.574 de Nacionalidad (Art. 2)
- Decreto Supremo Nº 004-97-IN "Aprueban el Reglamento de la Ley de Nacionalidad".

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

The Nationality Act states that Peruvians by birth who acquire another country's nationality do not lose their Peruvian nationality.

- Constitución Política del Perú (Art. 53)
- Ley Nº 26.574 de Nacionalidad (Arts. 9-11)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who wish to become naturalized Peruvian citizens are not required to give up their previous nationality.

- Ley Nº 26.574 de Nacionalidad (Arts. 3, 11)

Naturalization

Permitted

According to the Peruvian Nationality Law, naturalized Peruvians are: 1. Foreigners who express their desire to become Peruvian nationals and who meet the following requirements: a) have resided legally in Peruvian territory for at least two consecutive years. b) regularly exercise a profession, art, trade, or business activity. c) have no criminal record and show good conduct and good moral character. 2. Foreigners residing in Peruvian territory to whom the Congress of the Republic confers the honor of Peruvian nationality in recognition of distinguished services provided to the Peruvian nation, by means of a Legislative Resolution and at the behest of the Office of the President. The granting of nationality is discretionary.

- Constitución Política del Perú (Art. 52)
- Ley Nº 26.574 de Nacionalidad (Art. 3)
- Decreto Supremo Nº 004-97-IN "Aprueban el Reglamento de la Ley de Nacionalidad". (Arts. 8-15)

PERU - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 4 countries

Visa is required for nationals of Venezuela, Haití, El Salvador, Nicaragua - La Resolución de Superintendencia de Migraciones No. 000177-2019 establece la exigencia de visa para nacionales de Venezuela pero determina que por razones humanitarias se admitan en el territorio nacional a las personas de nacionalidad venezolana con cédula de identidad, sin exigencia del pasaporte, bajo los siguientes supuestos: i) Menores de edad en tránsito hacia el Perú para reunirse con sus padres y no cuenten con cédula de identidad o pasaporte sino únicamente partida de nacimiento ii) Mayores de edad en tránsito hacia el Perú para reunirse con su núcleo familiar residente en Perú iii) Mayores de edad en situación de extrema vulnerabilidad en tránsito hacia el Perú iv) Mujeres embarazadas en situación de extrema vulnerabilidad en tránsito hacia el Perú y, v) Adultos mayores, de más de 60 años, en tránsito hacia el Perú Cabe considerar que mediante Decreto Supremo 061-2016-RED se exonera del requisito de la visa de Turista a los extranjeros que cuenten con residencia permanente en la República de Chile, la República de Colombia o en los Estados Unidos Mexicanos.

- Resolución de Superintendencia de Migraciones No. 000177-2019 que Establece la Exigencia de Visa para Nacionales de Venezuela
- Decreto Supremo No. 001-2012-RE
- Decreto Supremo 061-2016-RE Exoneran del Requisito de Visa de Turista a los Extranjeros que Cuenten con Residencia Permanente en la República de Chile, la República de Colombia o en los Estados Unidos Mexicanos

PERU - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

The Republic of Peru's Act of Accession to the MERCOSUR Residence Agreement establishes the immediate entry into force of this agreement, without the need for additional domestic legislation, and states that it will apply to Argentina, Brazil, Paraguay, and Uruguay (MERCOSUR Member States) and Bolivia and Chile. Venezuela is suspended from the MERCOSUR and therefore the agreement does not apply to its nationals. The Andean Migration Statute applies to the Member States of the Andean Community of Nations (Bolivia, Colombia, Ecuador, and Peru). Art. 31 establishes that the Andean Migration Statute "is applicable immediately after entering into force and is not subject to regulations." Art. 35 states that "it shall enter into effect within ninety (90) calendar days, counted from the day following its publication in the Official Gazette of the Cartagena Declaration." This was published on May 12, 2021, such that the statute entered into force on August 11, 2021.

- [Resolución Legislativa N° 29217 que aprueba el "Acuerdo sobre residencia para nacionales de la República del Perú y la República Argentina"](#)
- [Decisión 878 Estatuto Migratorio Andino](#)

Permanent Regularization Mechanisms

Available

According to art. 36 of the Legislative Decree on Migration, "foreigners whose migration status is irregular may request that the restriction on their entering the country be lifted and/or that their situation be regularized, in accordance with the provisions set forth in the Regulations." The Regulations also cover the procedure for requesting this for people who have entered the country in an irregular manner, have exceeded their term of stay, or are in exceptional situations that include "vulnerability family reunification the best interest of the child and adolescent or the protection of other fundamental rights recognized in the Political Constitution and in international treaties and conventions to which Peru is a party" (art. 219).

- [Decreto Legislativo N° 1350 de Migraciones \(Art. 36\)](#)
- [Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones \(Arts. 217-224\)](#)

9 extraordinary regularizations have been carried out

From 2000 onward, Peru has implemented several migration regularization initiatives, including the following: 1. Migration Regularization Agreement between the Republic of Peru and the Republic of Bolivia (2002), which applies to nationals of either of the States Parties in the territory of the other whose status is irregular, which was approved by Legislative Resolution No. 27.857. 2. The Additional Protocol to the Migration Regularization Agreement between the Republic of Peru and the Republic of Argentina, which applies to nationals of either of the States Parties in the territory of the other whose status is irregular. 3. The agreement to regularize the labor and migration situation of Peruvian and Ecuadorian nationals in the extended border integration zone (ZIF), ratified by Supreme Decree 012-2007-RE, states that “the purpose of this agreement is to establish an extraordinary migration regime to regularize the stay of agricultural and construction workers and domestic service employees in the border integration zone. For these purposes, the agreement is extended to include the departments of Lambayeque, Amazonas, and Loreto in Peru, and the provinces of Azuay and Cañar in Ecuador.” 4. The Permanent Peru-Bolivia Migration Statute, which allowed Ecuadorian citizens in Peru whose migration status was irregular and who had entered Peruvian territory before February 3, 2011, to regularize their status, as passed by Instruction 84 of 2011. 5. Supreme Decree No. 002-2017-IN of January 2, 2017, which applies to Venezuelan citizens whose migration status is irregular as a result of their stay or residence permit expiring. 6. Supreme Decree No. 023-2017-IN of July 27, 2017, which applies to Venezuelan citizens whose migration status is irregular as a result of their stay or residence permit expiring. 7. Supreme Decree No. 001-2018-IN of January 221, 2018, which applies to Venezuelan citizens whose migration status is irregular as a result of their stay or residence permit expiring. 8. Supreme Decree No. 010-2020-IN, which “approves special, exceptional, and temporary measures to regularize the migration status of foreigners. Validity: 180 days after publication.” This applies to people whose migration status is irregular, whether they are foreigners who have overstayed the term of the stay granted by the migration authority or foreigners who have entered the national territory irregularly because they have not complied with immigration controls.

- Acuerdo de Regularización Migratoria entre la República del Perú y la República de Bolivia
- Resolución Legislativa Nº 27.857 que Aprueba el Acuerdo de Regularización Migratoria entre la República del Perú y la República de Bolivia
- Convenio de Migración entre la República del Perú y la República de Argentina (1998) y Protocolo Adicional al Convenio de Migración entre la República del Perú y la República Argentina suscrito el 16 de diciembre de 2002 (Art. 2)
- Acuerdo para Regularizar la Situación Laboral y Migratoria de Nacionales del Perú y del Ecuador en la Región de Integración Fronteriza Ampliada, ratificado mediante Decreto Supremo No. 012-2007-RE
- Resolución Directoral Nº 000084-2011-IN/1601 que Aprueba el Instructivo de Regularización de Permanencia de los Ciudadanos de Nacionalidad Ecuatoriana
- Decreto Supremo Nº 002-2017-IN Aprueban Lineamientos para el Otorgamiento del Permiso Temporal de Permanencia para las Personas de Nacionalidad Venezolana
- Decreto Supremo Nº 023-2017-IN Aprueban Lineamientos para el Otorgamiento del Permiso Temporal de Permanencia para las Personas de Nacionalidad Venezolana
- Decreto Supremo Nº 001-2018-IN Aprueban Lineamientos para el Otorgamiento del Permiso Temporal de Permanencia para las Personas de Nacionalidad Venezolana
- Decreto Supremo Nº 010-2020-IN que Aprueba Medidas Especiales, Excepcionales y Temporales para Regularizar la Situación Migratoria de Extranjeros y Extranjeras
- Resolución Ministerial Lineamientos para el Otorgamiento y Prórroga de la Calidad Migratoria Humanitaria

PERU - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

According to art. 9 of the Legislative Decree on Migration, the “State recognizes that foreigners enjoy and exercise the fundamental rights established in the Political Constitution of Peru, such as access to healthcare, education, and work on an equal basis with nationals, notwithstanding for the prohibitions and limitations established in the regulations in force.” On the matter of the limitations, Supreme Decree No. 007-2017-IN (Migration Regulations) states that foreigners in the tourism innovation category “cannot work or perform remunerated or gainful activities.” Generally speaking, those in other migration are allowed to work although there are exceptions, such as aid workers or diplomats. Nationals of the countries to which the MERCOSUR Residence Agreement or Andean Migration Statute apply also have the right to work. These countries are Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, and Uruguay.

- Decreto Legislativo N° 1350 de Migraciones (Art. 9)
- Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones (Arts. 77, 80-98)
- Decisión 878 Estatuto Migratorio Andino (Art. 20)
- Acta de Adhesión de la República del Perú al Acuerdo sobre Residencia para Nacionales de los Estados partes del Mercosur, Bolivia y Chile

Right to healthcare

Permitted for all migrants even those without a permit

According to art. 9 of the Legislative Decree on Migration, the “State recognizes that foreigners enjoy and exercise the fundamental rights established in the Political Constitution of Peru, such as access to healthcare on an equal basis with nationals, notwithstanding the prohibitions and limitations established in the regulations in force.” In line with this, Supreme Decree No. 007-2017-IN (Migration Regulations) establishes that the Ministry of Health will issue standards and establish the necessary measures to guarantee foreigners access to public health services, even if their migration status is irregular. Furthermore, one of the specific objectives of the 2017-2025 National Migration Policy adopted through Supreme Decree No. 015-2017 RE is to “implement initiatives that guarantee foreign migrants in Peru access to education, healthcare, and social services, regardless of their legal migration status.”

- Decreto Legislativo N° 1350 de Migraciones (Art. 9)
- Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones (Art. 7)
- Decreto Supremo N° 015-2017-RE que Aprueba la Política Nacional Migratoria (1.4.5.4 Lineamientos)

Right to education

Permitted for all migrants even those without a permit

According to art. 9 of the Legislative Decree on Migration, the “State recognizes that foreigners enjoy and exercise the fundamental rights established in the Political Constitution of Peru, such as access to healthcare, education, and work on an equal basis with nationals, notwithstanding for the prohibitions and limitations established in the regulations in force.” In relation to this, art. 8 of Supreme Decree No. 007-2017-IN (Migration Regulations) states that the Ministry of Education will issue standards and establish the necessary measures to guarantee foreigners access to public education services, even if their migration status is irregular. Furthermore, Supreme Decree No. 015-2017 RE, which approves the 2017-2025 National Migration Policy, includes the following in its guidelines: “implement[ing] initiatives that guarantee foreign migrants in Peru access to education, healthcare, and social services, regardless of their legal migration status.”

- Decreto Legislativo N° 1350 de Migraciones (Art. 9)
- Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones (Art. 8)
- Decreto Supremo N° 015-2017-RE que Aprueba la Política Nacional Migratoria (1.4.5.4 Lineamientos.)

Right to family reunification

Permitted for Extended family (other family members)

In accordance with art. 38 of the Legislative Decree on Migration, for the purposes of family unity, “the nuclear family is made up of the following people: a. The spouse or common-law spouse, as per the provisions of the Civil Code b. Minor children c. Unmarried adult children of up to 28 years of age who are pursuing technical or higher education d. Unmarried children who are unable to support themselves due to a proven physical or mental disability e. Minor children of the spouse or common-law spouse d. Unmarried children of the spouse or common-law spouse who are unable to support themselves due to a proven physical or mental disability g. Parents h. Parents of the spouse or common-law spouse.

- Decreto Legislativo N° 1350 de Migraciones (Arts. V, 37-38)
- Reglamento del Decreto Legislativo N° 1350, Decreto Legislativo de Migraciones (Arts. 89. 93)

Right to permanent residence

Preferences for regional migrants and based on other factors

As a general rule, permanent residence is granted to foreigners after they have resided in the country legally for three years. Both the MERCOSUR Residence Agreement and the Andean Migration Statute allow temporary residence (up to two years) to become permanent by petitioning the immigration authority in the ninety (90) days before their temporary residence permit expires and by providing certain documents. This benefits nationals of Argentina, Brazil, Chile, Paraguay, and Uruguay, through the MERCOSUR Residence Agreement. This agreement also benefits nationals of Bolivia, Colombia, and Ecuador, as does the Andean Migration Statute.

- Decreto Legislativo N° 1350 de Migraciones (Arts. 29.2(m), 33, 67, 93)
- Decisión 878 Estatuto Migratorio Andino (Art. 22)

Right to Vote

Permitted in Local Elections

Art. 7 of Municipal Elections Law No. 26864 states that “foreigners over 18 years of age who have resided in the country for more than two continuous years before the election are entitled to vote in elections and be elected, except in border municipalities, as long as they have registered with the corresponding electoral registry.”

- [Ley N° 26.864 de Elecciones Municipales \(Art. 7\)](#)

SURINAME

SURINAME - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: March 15, 1984

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: December 28, 1976

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: December 28, 1976

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: March 01, 1993

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: November 16, 2021

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: March 01, 1993

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: March 29, 2017

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: November 29, 1978

Suriname filed a declaration of succession regarding the Geneva Convention on November 19, 1978 (excluding the reservations expressed by the Netherlands), in force with retroactive effect from November 25, 1975. On the basis of domestic Surinamese immigration law, refugees are entitled to a permanent residence permit when they have been admitted to Suriname.

- Aliens Act 1991 (S.B. 1992, no. 3) (Arts. 6, 10)

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: November 29, 1978

Suriname filed a declaration of succession regarding the Geneva Convention on November 19, 1978 (excluding the reservations expressed by the Netherlands), in force with retroactive effect from November 25, 1975. On the basis of domestic Surinamese immigration law, refugees are entitled to a permanent residence permit when they have been admitted to Suriname.

- Aliens Act 1991 (S.B. 1992, no. 3) (Arts. 6, 10)

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Three provisions enshrined in the Aliens Decree 1995 concerning refugee rights are also applicable to stateless persons. In art. 1(g), the Aliens Decree 1995 defines a stateless person as a person considered stateless by the 1954 Convention. This concerns the right not to be deported while an application for residence rights or appeal is pending and the fact that the extension of a granted residence right may only be refused on a limited number of grounds.

- Aliens Decree 1995 (S.B. 1995 no. 85) (Art. 61)

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Three provisions enshrined in the Aliens Decree 1995 concerning refugee rights are also applicable to stateless persons. In art. 1(g), the Aliens Decree 1995 defines a stateless person as a person considered stateless by the 1954 Convention. This concerns the right not to be deported while an application for residence rights or appeal is pending and the fact that the extension of a granted residence right may only be refused on a limited number of grounds.

- Aliens Decree 1995 (S.B. 1995 no. 85) (Art. 61)

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: May 25, 2007

There is no explicit reference to smuggling in the Migration Act.

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: May 25, 2007

There is no specific law on human trafficking. The matter is regulated in the Criminal Code.

- Suriname Penal Code (G.B. 1911 no. 1) (Art. 334)

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

SURINAME - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: November 12, 1987

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: February 28, 1990

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Not Ratified

Suriname is an associate member of MERCOSUR but has not joined the Residence Agreement.

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Ratified

CARICOM nationals do not need to apply for work permits in these seven (7) categories listed below: graduates of all recognized universities artists musicians sportspersons media workers nurses teachers. Suriname has not ratified the MERCOSUR Residence Agreement.

- Law Qualified Citizens Caricom 2006 (S.B. 2006 no. 19, as amended by S.B. 2008 no. 29)

SURINAME - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 1 countries

Visa is required for nationals of Haití - Los países de ALC, menos Haití, están exentos de los requisitos de visado o pueden obtener una tarjeta de turista la cual no constituye un visado como tal.

SURINAME - TEMPORARY RESIDENCE

Preferential Access to Residence

For some LAC nationals and some others

CARICOM nationals can acquire a residence permit in the seven (7) categories listed below: graduates of all recognized universities, artists, musicians, sportspersons, media workers, nurses, and teachers. All other CARICOM nationals do not need to apply for an Authorization for Temporary Stay (Machtiging tot Kort Verblijf, or MKV), but are nevertheless required to apply for a residence permit within 14 days after arrival. Persons of Suriname origin (PSA) who have been granted a PSA document can acquire a permanent residence permit or a temporary residence permit (for a maximum of two years).

- Law Qualified Citizens Caricom 2006 (S.B. 2006 no. 19, as amended by S.B. 2008 no. 29) (Art. 6)
- Law PSA 2014 (S.B. 2014 No. 8) (Arts. 6-7)
- English: Guidelines on Admission and Residence of Foreigners of Surinamese Origin (S.B. 2008 no. 93, as amended by S.B. 2014 no. 15 and S.B. 2016 no. 71) (Arts. 6-7)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

1 extraordinary regularization has been carried out

This regularization started in September 2017. According to the IOM, there were 3,347 applications for residence: 1,537 from Haitians, 983 from Chinese nationals, and 229 from Cubans. International Organization for Migration (IOM), 2021. Suriname Needs Assessment on Migration Governance. IOM. San José, Costa Rica.

- Project Legalisation
- International Organization for Migration (IOM), 2021. Suriname Needs Assessment on Migration Governance. IOM. San José, Costa Rica.

SURINAME - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Foreign nationals are in principle required to apply for a work permit. Art. 3 of the Work Permit Act states that a nonnational (regardless of residence status) may not be employed unless he/she has a work permit. Therefore, they will need both a residence permit and a work permit. Certain categories of CARICOM citizens (Qualified CARICOM Citizens) and persons of Surinamese origin (PSA) who have been granted a PSA document are allowed to work without a work permit.

- [Law Work Permit Aliens 1981 \(SB 1981 no. 162\) \(Art. 3\)](#)
- [Law Qualified Citizens Caricom 2006 \(S.B. 2006 no. 19, as amended by S.B. 2008 no. 29\) \(Art. 6\)](#)
- [Law PSA 2014 \(S.B. 2014 No. 8\) \(Arts. 6-7\)](#)
- [English: Guidelines on Admission and Residence of Foreigners of Surinamese Origin \(S.B. 2008 no. 93, as amended by S.B. 2014 no. 15 and S.B. 2016 no. 71\) \(Arts. 6-7\)](#)

Right to healthcare

Not Permitted

All residents (ingezetenen) are required to obtain Basic Health Insurance (Basisgezondheidsverzekering). If a person has paid employment, their employer is required to pay at least 50% of the premium. An IOM report states that even though regular residence is not explicitly required for obtaining Basic Health Insurance, irregular residents might not be able to obtain Basic Health Insurance, as they may be required to provide identity documents and/or residence documentation during the application process. Suriname has signed CARICOM's Protocol on Contingent Rights but not the Declaration of Intent to provisionally apply it.

- [Law National Basic Health Insurance 2014 \(S.B. 2014 no. 114\) \(Art. 4\)](#)
- [International Organization for Migration \(IOM\), 2021. Suriname Needs Assessment on Migration Governance. IOM. San José, Costa Rica. \(p. 22\)](#)
- [CARICOM Protocol on Contingent Rights](#)

Right to education

Permitted for Migrants with a residence permit

All resident children are entitled to free primary school education until the age of 12. An IOM report states that children without a regular migration status can only attend primary school if a caretaker with a regular status enrolls them. The IOM report also states that resident children whose status is regular are generally able to attend secondary school. Suriname has signed CARICOM's Protocol on Contingent Rights but not the Declaration of Intent to provisionally apply it.

- [Constitution 1987 \(S.B. 1987 no. 38\) \(Art. 39\)](#)
- [Primary Education Act 1960 \(G.B. 1960 no. 108\)](#)
- [International Organization for Migration \(IOM\), 2021. Suriname Needs Assessment on Migration Governance. IOM. San José, Costa Rica. \(p. 30\)](#)
- [CARICOM Protocol on Contingent Rights](#)

Right to family reunification

Permitted for Core family (spouse and minor children)

A spouse and a child below the age of 21 who is part of the family unit (gezin) of a Surinamese citizen or a permanent residence permit holder can acquire residence rights. For a person who has the status of Person of Suriname Origin (PSA status), a legal partner or a child below the age of 21 can also acquire PSA status.

- Law PSA 2014 (S.B. 2014 No. 8) (Art. 5)
- Aliens Decree 1995 (S.B. 1995 no. 85) (Art. 16(1))

Right to permanent residence

Preferential access for regional migrants

CARICOM nationals can acquire a permanent residence permit if they fall in the following seven specified categories noted below: graduates of all recognized universities, artists, musicians, sportspersons, media workers, nurses, and teachers. Persons of Suriname origin (PSA) who have been granted a PSA document can acquire a permanent residence permit or a temporary residence permit (for a maximum of two years). Nonprivileged migrants can acquire a permanent residence permit at the discretion of the minister.

- Law Qualified Citizens Caricom 2006 (S.B. 2006 no. 19, as amended by S.B. 2008 no. 29) (Art. 6)
- Law PSA 2014 (S.B. 2014 No. 8) (Arts. 6-7)
- English: Guidelines on Admission and Residence of Foreigners of Surinamese Origin (S.B. 2008 no. 93, as amended by S.B. 2014 no. 15 and S.B. 2016 no. 71) (Arts. 6-7)
- Aliens Act 1991 (S.B. 1992, no. 3) (Arts. 10, 11(1))
- Aliens Decree 1995 (S.B. 1995 no. 85) (Art. 16 (2))

Right to Vote

Not permitted for any migrants

Persons with Person of Surinamese Origin status (PSA Status) are excluded from electoral rights until they acquire Surinamese citizenship (art. 7 of the PSA Law of 2014). Foreigners do not have the right to vote.

- Constitution 1987 (S.B. 1987 no. 38) (Art. 57)

SURINAME - NATIONALITY

Ius soli (birth in the territory of the country)

Not Automatic

Jus soli is granted if the child would become stateless because it does not have another nationality.

- Law for the Regulation of the Surinamese nationality and the Residence S.B.1975 no.4, as amended (Art. 3)

Ius Sanguinis (descent, born abroad)

Automatic

Nationality is automatically granted if the father or mother held Surinamese nationality at the time of the child's birth.

- Law for the Regulation of the Surinamese nationality and the Residence S.B.1975 no.4, as amended (Art. 3)

Dual Citizenship Permitted for nationals naturalizing abroad

Not Permitted

Surinamese nationality is lost by acquiring another nationality.

- Law for the Regulation of the Surinamese nationality and the Residence S.B.1975 no.4, as amended (Arts. 8, 11)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Under art. 8 of the law, certain categories of foreigners who become naturalized Surinamese nationals are not required to give up their previous nationality.

- Law for the Regulation of the Surinamese nationality and the Residence S.B.1975 no.4, as amended (Arts. 8, 11)

Naturalization

Permitted

Applicants must have been resident in Suriname for the five years immediately preceding the application. The granting of nationality is discretionary.

- Law for the Regulation of the Surinamese nationality and the Residence S.B.1975 no.4, as amended (Art. 8)

TRINIDAD AND TOBAGO

TRINIDAD AND TOBAGO - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: October 04, 1973

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: December 21, 1978

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: December 08, 1978

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: January 12, 1990

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Not Ratified

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: December 05, 1991

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Not Ratified

Trinidad ratified ILO C097—Migration for Employment Convention (Revised), 1949 (No. 97) on May 24, 1963.

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: June 25, 2015

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: November 10, 2000

There is no refugee law in Trinidad and Tobago. There is only a policy document on the matter that was adopted in 2014. The subsidiary law which applies is the 1976 Immigration Act.

- A Phased Approach towards the Establishment of a National Policy to address Refugee and Asylum Matters in the Republic of Trinidad and Tobago (Refugee Policy)

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: November 10, 2000

There is no refugee law in Trinidad and Tobago. There is only a policy document on the matter that was adopted in 2014. The subsidiary law which applies is the 1976 Immigration Act.

- A Phased Approach towards the Establishment of a National Policy to address Refugee and Asylum Matters in the Republic of Trinidad and Tobago (Refugee Policy)

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: April 11, 1966

Trinidad and Tobago does not have a law on statelessness.

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: November 06, 2007

There is no specific law on human trafficking in Trinidad and Tobago. The matter is regulated in Immigration Act.

- Immigration Act (Sec. 40(h))

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: November 06, 2007

- Trafficking in Persons Act

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Not Endorsed

Trinidad did not vote in the UN General Assembly when the Compact was adopted.

The Global Compact on Refugees, 17 December 2018

Endorsed

TRINIDAD AND TOBAGO - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Not Ratified

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Not Ratified

Implementation Cartagena Declaration 1984

Not Internalized

CARICOM Revised Chaguaramas Treaty Free Movement of Skilled Workers, 1 January 2006

Ratified

TRINIDAD AND TOBAGO - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 3 countries

²⁷² Visa is required for nationals of Bolivia, Haití, Venezuela - Última enmienda 17 de junio 2019

TRINIDAD AND TOBAGO - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

Some CARICOM nationals from all CARICOM Member States except the Bahamas but including those from Haiti have the right to reside in Trinidad and Tobago if they have certain qualifications (e.g. a degree from the University of the West Indies, the University of Technology, Jamaica, or the University of Guyana, designated as a bachelor's, master's or doctor's degree or (b) a degree of doctorandus, meester, licentiatus, or doctor from the University of Suriname or (c) any university degree which is recommended by the University of the West Indies to be at least comparable in academic standing or if they are an artist, a musician, a sportsperson, or a media worker. Non-CARICOM nationals can obtain a residence permit if by reason of their education, occupational qualifications, personal history, employment record, training, skills, or other special qualifications they have established or are likely to be able to establish themselves successfully in Trinidad and Tobago in a profession, trade, self-operating business, or agricultural enterprise and have sufficient means of support to maintain themselves and their immediate family in Trinidad and Tobago.

- [Immigration \(Caribbean Community Skilled Nationals\) Act \(Secs. 3, 8, 9\(a\)\)](#)
- [Immigration Act \(Sec. 6\(1\)\(a\)\)](#)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

1 extraordinary regularization has been carried out

In 2019, the government implemented a process to exempt Venezuelan nationals, including those who were irregularly present in the country, from the requirement of obtaining a work permit to engage in employment in Trinidad and Tobago. This was initially valid until July 31, 2020, and later extended until the end of 2020. Approximately 16,500 Venezuelans registered. In 2021, the government extended the period of exemption until December 31, 2021.

- [Immigration \(Exemption From Work Permit\) Order, 2019](#)
- [Immigration \(Exemption From Work Permit\) \(Amendment\) Order, 2020](#)
- [Immigration \(Exemption from Work Permit\) \(Venezuelan Nationals\) Order, 2021](#)

TRINIDAD AND TOBAGO - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Citizenship is not granted via jus soli if the person is born to a foreign diplomat and neither parent is a citizen, or one of the parents is an enemy alien and the child is born in a place then under occupation by the enemy.

- The Constitution of the Republic of Trinidad and Tobago (Sec. 17(1), (2))

Ius Sanguinis (descent, born abroad)

Automatic

Citizenship is granted if the person is born abroad to a citizen who acquired their nationality other than by descent. If the person is born to a citizen by descent, they need to be registered by a parent while the person is a minor, or by the person themselves within one year of reaching the age of majority. The person loses citizenship if they do not swear an oath of allegiance within one year of reaching the age of majority.

- The Constitution of the Republic of Trinidad and Tobago (Sec. 17(3))
- Citizenship of the Republic of Trinidad and Tobago Act (Secs. 5, 8)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Citizens by birth or by descent do not lose their citizenship if they obtain that of another country, but not those by naturalization or registration.

- Citizenship of the Republic of Trinidad and Tobago Act (Sec. 11(2)(D))

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those wishing to acquire Trinidadian and Tobagonian nationality through naturalization are not required to give up their previous nationality.

- Citizenship of the Republic of Trinidad and Tobago Act (Sec. 12)

Naturalization

Permitted

The minister may grant a certificate of naturalization to those who: 1. Have resided in Trinidad and Tobago for the last 12 months before applying. 2. Have resided in Trinidad and Tobago for the seven years immediately preceding the said period of 12 months or have been on government service, or have combined periods of residence and service for periods amounting in total to not less than five years. 3. Have knowledge of English and of the duties of a citizen of Trinidad and Tobago, good character, and swear an oath of allegiance. The residence period is five years for Commonwealth citizens, citizens of the Republic of Ireland, and British protected persons.

TRINIDAD AND TOBAGO - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Some CARICOM nationals from all CARICOM Member States, except the Bahamas, have the right to reside in Trinidad and Tobago if they fall under certain categories of skilled workers. Non-CARICOM nationals, except for some limited exceptions like permanent residents, need to apply for a work permit, and the minister has the discretion to grant the permit or not.

- [Immigration \(Caribbean Community Skilled Nationals\) Act \(Sec. 3\(3\)\)](#)
- [Immigration Regulations, 1974 \(Sec. 10\)](#)

Right to healthcare

Not Permitted

The Immigration Act and the Constitution remain silent on access to healthcare. According to an IOM report, this is available to foreigners under the same conditions as nationals. Regarding CARICOM nationals, Trinidad and Tobago has signed the Declaration of Intent to provisionally apply the Protocol on Contingent Rights. This Protocol includes, in the built-in agenda of rights which Member States undertake to extend through a phased approach, the right to access primary healthcare on a nondiscriminatory basis for the principal beneficiary resident, spouse, and dependents. There is no indication that Trinidad has extended this provision to CARICOM nationals.

- [International Organization for Migration \(2018\), Migration Governance in the Caribbean. Report on the Island States of the Commonwealth Caribbean \(p. 64\)](#)

Right to education

Permitted for Migrants with a residence permit

The Immigration Act remains silent on this matter, but it is regulated in the Education Act without apparently making any distinction between nationals and foreigners. According to UNHCR, Venezuelan children are having problems accessing the education system:
<https://www.r4v.info/en/document/education-sector-background-notes-caribbean>

- [Education Act \(Sec. 76\)](#)

Right to family reunification

Permitted for Extended family (other family members)

Some CARICOM nationals falling under the rules on the free movement of workers can have their spouse and dependents residing with them. Dependents mean: (a) a child or stepchild under the age of 18 (b) a child over the age of 18 and wholly dependent on that person for his subsistence (c) a parent and a grandparent wholly dependent on that person for their subsistence non-CARICOM nationals can have certain family members joining them—particularly the spouse, parents, or grandparents. Also, according to section 5(e) of the Immigration Act: “the child of a person who is a citizen of Trinidad and Tobago or who by virtue of this section is a resident provided that such child is a minor or is dependent on and living with his parents.”

- [Immigration \(Caribbean Community Skilled Nationals\) Act \(Secs. 2, 10\)](#)
- [Immigration Act \(Secs. 5-6\)](#)

Right to permanent residence

Preferences for regional migrants and based on other factors

Some CARICOM nationals from all CARICOM Member States except the Bahamas have the right to permanent residence in Trinidad and Tobago if they have certain qualifications as CARICOM skilled workers. Non-CARICOM nationals who become residents if they fulfill certain conditions, such as having certain education or occupational qualifications, only lose that permit if they voluntarily reside outside Trinidad and Tobago for a continuous period of one year, unless they obtain a certificate from the Minister in the prescribed form exempting them from this provision.

- [Immigration \(Caribbean Community Skilled Nationals\) Act \(Sec. 3\(1\)\)](#)
- [Immigration Act \(Sec. 7\)](#)

Right to Vote

Permitted in all elections (local and national)

A Commonwealth citizen can vote in a parliamentary election, a municipal council election, or the Tobago House of Assembly election if they have resided in Trinidad and Tobago for a period of at least one year immediately preceding the qualifying date and they have been a resident in Trinidad and Tobago within the meaning of section 5(1) of the Immigration Act for that same period. Non-Commonwealth citizens are qualified to be an elector for an electoral district at a municipal council if they have been resident for five years.

- [Representation of the People Act \(Secs. 12-13\)](#)

URUGUAY

URUGUAY - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: August 30, 1968

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: April 01, 1970

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: April 01, 1970

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: October 09, 1981

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: October 24, 1986

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: November 20, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: February 15, 2001

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Ratified: March 04, 2009

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: February 11, 2009

Geneva Convention relating to the Status of Refugees, 28 July 1951

Ratified: September 22, 1970

- Ley 18076 de Refugiados

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 22, 1970

- Ley 18076 de Refugiados

Convention relating to the Status of Stateless Persons, 28 September 1954

Ratified: April 02, 2004

- Ley 19682 Aprobación de Normas para el Reconocimiento y Protección al Apátrida

Convention on the Reduction of Statelessness, 30 August 1961

Ratified: September 21, 2001

- Ley 19682 Aprobación de Normas para el Reconocimiento y Protección al Apátrida

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: March 04, 2005

- Ley 19643 de Prevención y Combate de la Trata de Personas (Art. 4)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: March 04, 2005

- Ley 19643 de Prevención y Combate de la Trata de Personas

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

URUGUAY - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: March 26, 1985

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Ratified: November 21, 1995

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Internalized

- Ley 18076 de Refugiados (Art. 2(b))

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Ratified

- Ley 17927 Aprobación de los Acuerdos sobre Residencia para Nacionales de los Estados Partes del MERCOSUR, Bolivia y Chile

URUGUAY - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 3 countries

Visa is required for nationals of República Dominicana, Haití, Surinam - Última modificación 14 de febrero 2019

URUGUAY - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

All nationals of the 11 countries in South America have the right to obtain permanent residence in Uruguay directly.

- Ley N° 19254 Residencia Permanente en la República (Arts. 1, 2)
- Ley 18.250 de Migración (Art. 34)

Permanent Regularization Mechanisms

Available

In the circumstances set out in para. A), B), and C) of art. 51 of this law, the National Department of Immigration must first instruct the person in question to regularize their status in the country within a reasonable period, under penalty of expulsion, taking into account their specific circumstances—including whether they are in a relationship with a national, and their personal and social conditions.

- Ley 18.250 de Migración (Art. 52)

Extraordinary Mechanisms since 2000

1 extraordinary regularization has been carried out

Exceptionally, and for one time only, foreigners who had entered the country irregularly and were still there when the Migration Act was passed could be granted legal residence in the country, provided they complied with the requirements set out in the regulations. Art. 6 of the Regulations established the need to prove they had been resident in the country for seven years to be eligible for regularization.

- Ley 18.250 de Migración (Art. 82)
- Decreto N° 394/009, Reglamentación de la Ley No. 18.250, Ley de Migraciones (Art. 6)

URUGUAY - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

According to art. 16 of the Migration Act: "Migrants shall enjoy equal treatment with nationals with regard to employment activity."

- Ley 18.250 de Migración (Arts. 8, 16, 19)

Right to healthcare

Permitted for all migrants even those without a permit

Art. 8 of the Migration Act states that migrants and their families have the right to healthcare: Furthermore, art. 9 establishes that: "Under no circumstances shall irregular migration status prevent a foreigner from having free access to justice and health facilities."

- Ley 18.250 de Migración (Arts. 8, 9)

Right to education

Permitted for all migrants even those without a permit

Art. 8 of the Migration Act states that migrants and their families have the right to education on an equal footing with nationals: Furthermore, art. 11 states that: "The children of migrants shall enjoy the fundamental right of access to education on an equal footing with nationals. Migrant workers' children may not be denied access to public or private educational establishments or have this access limited on the grounds that their parents' status is irregular."

- Ley 18.250 de Migración (Arts. 8, 11)

Right to family reunification

Permitted for Extended family (other family members)

The Uruguayan State guarantees migrants the right to family reunification with spouses and minor children and with the following members of the extended family: parents, common-law spouses, and adult children with disabilities.

- Ley 18.250 de Migración (Art. 10)

Right to permanent residence

Preferences for regional migrants and based on other factors

Nationals of MERCOSUR member and associate countries may obtain permanent residence directly. This applies to nationals of the remaining 11 South American countries. Spouses, common-law spouses, parents, siblings, and grandchildren of Uruguayans may also obtain permanent residence directly by providing proof of such relationships. So can people who have been granted refugee status. All other foreigners must meet certain conditions.

- Ley 18.250 de Migración (Art. 33)
- Decreto N° 394/009, Reglamentación de la Ley No. 18.250, Ley de Migraciones (Art. 9)
- Acuerdo entre la República Oriental del Uruguay y la República Federativa del Brasil sobre Residencia Permanente con el Objetivo de Alcanzar la Libre Circulación de Personas (Art. 2)

Right to Vote

Permitted in all elections (local and national)

Foreigners who show good conduct, have a family based in Uruguay, who have invested capital in the country or who own property there, and pursue an occupation, science, or art, and have been habitually resident in the country for at least 15 years have the right to vote, without needing to first obtain legal citizenship. Proof of residence shall be based on a public or private instrument the date of which has been verified. If the competent authority finds the proof to be satisfactory, the foreigner shall be authorized to vote as soon as they register to do so, for which they need to present the authorization that they are issued for this purpose.

- [Constitución de la República Oriental del Uruguay \(Art. 78\)](#)

URUGUAY - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is absolute.

- Constitución de la República Oriental del Uruguay (Art. 74)

Ius Sanguinis (descent, born abroad)

Not Automatic

A person born abroad that is the child or grandchild of a Uruguayan citizen and establishes residence in Uruguay.

- Constitución de la República Oriental del Uruguay (Art. 74)
- Ley 16.021 Consideración de Ciudadanía Natural. Interpretación del Artículo 74 de la Constitución (Art. 3)
- Ley Nº 19.362 Ciudadanía Natural (Art. 1)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Uruguayan nationality is not lost if the person acquires the nationality of another country. Legal citizenship is lost if the person subsequently becomes a naturalized citizen of another country.

- Constitución de la República Oriental del Uruguay (Art. 81)

Dual Citizenship Permitted for foreigners naturalizing in host country

Not Permitted

Foreigners cannot acquire Uruguayan nationality but can instead only obtain legal citizenship, thus they are not permitted to hold dual nationality.

- Constitución de la República Oriental del Uruguay (Art. 75)

Naturalization

Not Permitted

Foreigners cannot become naturalized Uruguayan citizens. The only status they can obtain is so-called legal citizenship. To do so, they must reside in the country for five years (three years if they have a family) and meet other requirements such as being employed and showing good conduct.

- Constitución de la República Oriental del Uruguay (Art. 75)

VENEZUELA

VENEZUELA - INTERNATIONAL INSTRUMENTS

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 21 December 1965

Ratified: October 10, 1967

International Covenant on Civil and Political Rights (ICCPR), 16 December 1966

Ratified: May 10, 1978

International Covenant on Economic, Social and Cultural Rights (ICESCR), 16 December 1966

Ratified: May 10, 1978

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979

Ratified: May 02, 1983

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984

Ratified: July 29, 1991

Convention on the Rights of the Child (CRC), 20 November 1989

Ratified: September 13, 1990

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW), 18 December 1990

Ratified: October 25, 2016

International Convention for the Protection of All Persons from Enforced Disappearance (CPED), 20 December 2006

Not Ratified

Convention on the Rights of Persons with Disabilities (CRPD), 13 December 2006

Ratified: September 24, 2013

Geneva Convention relating to the Status of Refugees, 28 July 1951

Not Ratified

Venezuela has not ratified the 1951 Convention but has ratified the 1967 Protocol.

Protocol relating to the Status of Refugees, 31 January 1967

Ratified: September 19, 1986

Venezuela has not ratified the 1951 Convention but has ratified the 1967 Protocol.

- Ley Orgánica sobre Refugiados o Refugiadas y Asilados o Asiladas

Convention relating to the Status of Stateless Persons, 28 September 1954

Not Ratified

Convention on the Reduction of Statelessness, 30 August 1961

Not Ratified

Protocol against the Smuggling of Migrants by Land, Sea and Air, 12 December 2000

Ratified: April 15, 2005

There is no specific law on human trafficking in Venezuela, but the issue is covered by the Law on Migration and Aliens and the Organic Law on Organized Crime and the Financing of Terrorism.

- Ley de Extranjería y Migración 37.944 (Art. 52)
- Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo (Art. 42)

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, 12 December 2000

Ratified: May 13, 2002

There is no specific law on human trafficking in Venezuela but the issue is covered by the law on organized crime.

- Ley Orgánica contra la Delincuencia Organizada y Financiamiento al Terrorismo (Art. 41)

The Global Compact for Safe, Orderly and Regular Migration, 19 December 2018

Endorsed

The Global Compact on Refugees, 17 December 2018

Endorsed

VENEZUELA - REGIONAL INSTRUMENTS

American Convention on Human Rights, 22 November 1969

Ratified: July 01, 2019

Venezuela opposed Convention in 2013 but ratified it again in 2019.

Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights "Protocol of San Salvador", 17 November 1988.

Not Ratified

Contentious Jurisdiction Inter-American Court of Human Rights

Ratified

Implementation Cartagena Declaration 1984

Not Internalized

Agreement on Residence for MERCOSUR Member States' Nationals, 06 December 2002

Not Ratified

Venezuela has been suspended as a member of MERCOSUR. In any case, it has not ratified the MERCOSUR Residence Agreement.

VENEZUELA - VISA-FREE ENTRY

Number of LAC countries whose nationals require a visa to enter

Visa required for nationals of 11 countries

Visa is required for nationals of Bahamas, El Salvador, Guyana, República Dominicana, Haití, Honduras, Guatemala, Surinam, Perú, Chile, Panamá

- Resolución Conjunta 234, 429, mediante la que se Concede el Beneficio de Excepción de Visado de no Migrante (Turista) para los Nacionales de la República de Nicaragua (Art. 1)
- Resolución Conjunta Nº 080, 096, mediante la cual se Excluye a la República de Guatemala del Listado de Países Beneficiados de Supresión de Visas de No Migrantes (Turistas) en Pasaportes Ordinarios (Art. 1)
- Resolución N° 116 Supresión de Visas de No Migrantes (Turistas) en Pasaportes Ordinarios (Art. 1)
- Resolución Conjunta 128, 195, por la cual se Excluye a la República del Perú del Listado de Países Beneficiarios con la Supresión de Visas de no Migrantes (Turistas) en Pasaportes Ordinarios (Art. 1)
- Resolución Conjunta 127, 195, por la cual se Excluye a la República de Chile del Listado de Países Beneficiarios con la Supresión de Visas de no Migrantes (Turistas) en Pasaportes Ordinarios (Art. 1)
- Resolución Conjunta Nº 090, 281, mediante la cual se Excluye a la República de Panamá del Listado de Países Beneficiados de Supresión de Visas de No Migrantes (Turistas) en Pasaportes Ordinarios (Art. 1)

VENEZUELA - TEMPORARY RESIDENCE

Preferential Access to Residence

Only for some LAC nationals

The only exceptions are Ecuadorian nationals, who can obtain a temporary residence permit that can later be made permanent, as per the bilateral agreement between the two countries. Nationals of all other countries have to apply for residence permits.

- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 4)
- Ley de Extranjería y Migración 37.944 (Art. 16)

Permanent Regularization Mechanisms

Not Available

Extraordinary Mechanisms since 2000

3 extraordinary regularizations have been carried out

There have been three extraordinary regularization processes. The first took place in 2004 and included all foreigners who were eligible for regularizing their status and, in some cases, obtaining nationality. The second program took place in 2010, was only for Ecuadorians, was included in the Migratory Statute signed between both countries, and lasted 180 days. The third was for Peruvian citizens in 2013.

- Decreto N° 3.041 mediante el cual se dicta la Reforma Parcial del Reglamento para la Regularización y Naturalización de los Extranjeros y las Extranjeras que se encuentren en el Territorio Nacional
- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 16)
- Resolución 109/13 Facilitar la Regularización de los Ciudadanos y Ciudadanas de nacionalidad peruana en la República Bolivariana de Venezuela

VENEZUELA - RIGHTS DURING RESIDENCE

Right to work

Permitted for some permit categories

Foreigners who wish to work must obtain work permits from the ministry with jurisdiction over the field in question. The applicant must initiate the procedure for obtaining this permit themselves through their employer in Ecuadorian territory. Some employment categories are exempted from having to obtain labor permits, such as scientists for periods not exceeding 90 days.

- Ley de Extranjería y Migración 37.944 (Arts. 16, 17)

Right to healthcare

Permitted for all migrants even those without a permit

Art. 13 of the Aliens Act establishes that foreigners have the same rights as nationals with no limitations other than those established in the Constitution and laws. Furthermore, art. 2 of the Aliens Act states that its provisions apply to “foreigners who are in the Ecuadorian territory, regardless of their migration status.” Art. 83 of the Constitution establishes that all people have the right to health.

- Ley de Extranjería y Migración 37.944 (Arts. 2, 13)
- Constitución de la República Bolivariana de Venezuela (Art. 83)

Right to education

Permitted for all migrants even those without a permit

Art. 13 of the Aliens Act establishes that foreigners have the same rights as nationals with no limitations other than those established in the Constitution and laws. Furthermore, art. 2 of the Aliens Act states that its provisions apply to “foreigners who are in the Ecuadorian territory, regardless of their migration status.” Art. 103 of the Constitution establishes the right to comprehensive, quality, continuing education, with equal opportunities and on an equal basis, with no limitations other than those that derive from individuals’ aptitudes, vocation, and aspirations.

- Ley de Extranjería y Migración 37.944 (Arts. 2, 13)
- Constitución de la República Bolivariana de Venezuela (Art. 103)

Right to family reunification

Not permitted

Ecuadorian nationals may be reunited with their spouse or common-law spouse, children under the age of 18, or adults with different abilities, and parents. The law does not set out any specific procedures for other foreigners wishing to reunite with their families and the regulations for the law have not been adopted. Art. 13 of the law establishes equal treatment with nationals and art. 75 of the Constitution establishes the right to family unity.

- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 8)
- Ley de Extranjería y Migración 37.944 (Art. 13)
- Constitución de la República Bolivariana de Venezuela (Art. 75)

Right to permanent residence

Preferential access for regional migrants

Ecuadorian nationals may apply for permanent residence status if they can prove they have the means to support themselves and meet other requirements. Nationals of other countries have to apply for a permanent residence permit to be able to stay indefinitely, although the law does not establish the requirements for obtaining this because the regulation of the law has not been passed yet.

- Estatuto Migratorio entre la República del Ecuador y la República Bolivariana de Venezuela (Art. 8)
- Ley de Extranjería y Migración 37.944 (Art. 6)

Right to Vote

Permitted in Local Elections

Foreigners who have resided in the country for 10 years may vote in municipal and regional elections.

- Constitución de la República Bolivariana de Venezuela (Art. 64)

VENEZUELA - NATIONALITY

Ius soli (birth in the territory of the country)

Automatic

Jus soli is automatic.

- Ley de Nacionalidad y Ciudadanía (Art. 9)
- Constitución de la República Bolivariana de Venezuela (Art. 32)

Ius Sanguinis (descent, born abroad)

Automatic

Jus sanguinis is absolute if both parents are Venezuelan by birth. If only one of the parents is Venezuelan by birth then the person must declare their desire to become a Venezuelan national or establish their residence within Venezuelan territory. If the parents are Venezuelan by naturalization then the person must establish their residence in Venezuelan territory before the age of 18 and declare their desire to be a Venezuelan national before the age of 25.

- Ley de Nacionalidad y Ciudadanía (Art. 9)
- Constitución de la República Bolivariana de Venezuela (Art. 32)

Dual Citizenship Permitted for nationals naturalizing abroad

Permitted

Venezuelan nationality is not lost upon acquisition of another nationality.

- Constitución de la República Bolivariana de Venezuela (Art. 34)

Dual Citizenship Permitted for foreigners naturalizing in host country

Permitted

Those who acquire Venezuelan nationality through naturalization are not required to give up their previous nationality.

- Ley de Nacionalidad y Ciudadanía (Art. 25)

Naturalization

Permitted

Applicants are required to have resided in the country for 10 years unless they are nationals of Spain, Italy, Portugal, Latin America, or the Caribbean, or have married a Venezuelan national, in which case the residence requirement is five years. The procedure is established in the Nationality and Citizenship Act.

- Constitución de la República Bolivariana de Venezuela (Art. 33)
- Ley de Nacionalidad y Ciudadanía (Arts. 21-35)

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Human Mobility Governance Series

