



Nicaraguan Migrant Support Organizations and Civic Space in Costa Rica

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Disclaimer:

This document represents part of the author's study programme while at the Institute of Social Studies. The views stated therein are those of the author and not necessarily those of the Institute.

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List of Acronyms

AMNCR	Nicaraguan Migrant Association
ASTRADOMES	Household Workers Association
CAFTA	Central America Free Trade Agreement
CCSS	Costa Rican Social Security Fund
CDC	Civic Driven Change
CIDEHUM	Centre for the Human Rights of Migrants
CSO	Civil Society Organisations
CTRN	Trade Union Centre for Migrants Rerum Novarum
ECLAC	Economic Commission for Latin America and the Caribbean
ILO	International Labour Organization
ISS	Institute of Social Studies
JMS	Jesuit Migrant Service
LAC	Latin America and the Caribbean
NGO	Non-Governmental Organization
PLN	National Liberation Party
PAC	Citizen Action Party
UNHCR	United Nations Refugee Agency

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Abstract

Nicaraguan migration to Costa Rica has been happening for many decades. Over the years Nicaraguans have been socially constructed as the ones to blame for the setbacks in welfare benefits and criminal violence, which fuels daily practices of racism, discrimination and xenophobia in Costa Ricans. Despite being the largest migrant community, Nicaraguans living in Costa Rica have had a really difficult task to organize and engage in civic participation due the high levels of racism, discrimination and xenophobia towards this migrant community.

This paper explores the ways civic space is changing for Nicaraguan migrant support organizations in Costa Rica. It is argued that civic space is shrinking in places and for groups with institutionalized freedoms.

Relevance to Development Studies

This research contributes to development studies that focus on migration issues. More specifically, it adds to the literature on the study of immigrants as political subjects, how they organize and engage civically in socio political process in the host country.

Key Words:

Migration, Civic Space, Migrant Organizations, Costa Rica

Chapter 1. INTRODUCTION

1.1 Research Problem and Relevance

“Costa Rica is known as the Switzerland of Central America”. The phrase resonates in the national and international community to refer to Costa Rica as a middle-income nation, with respect for human rights and peace efforts in the region. “Costa Rica is supposed to be an exceptional nation in what is seen as socially exclusionary Central America” (Sandoval-García 2004: 435).

A unique number of historical circumstances contributed to the idea of Costa Rica as an exception within the region. Whilst other countries in the region suffered from long and devastating civil wars, military takeovers, chronic poverty and high levels of inequality, Costa Rica always has been characterized for its stable socio-economic environment. The historical development since the 1940s was based on state intervention. The abolition of the army, land reforms and a social security law were adopted leading to more equal and generous welfare benefits for the majority of the population (Macdonald 1997: 34, Franzoni and Sánchez-Ancochea 2016: 121-122).

In recent years, we may rephrase the question: *is Costa Rica still the Switzerland of Central America?* Over the years, Costa Rica positioned itself as a neutral, peaceful and migrant-receiving country, especially during the Central America crisis¹. However, since 1980 Costa Rica has undertaken a transformation in its political economy. Several neoliberal policies were introduced to promote a rapid process of liberalization, deregulation, and privatization (Franzoni and Sánchez-Ancochea 2013). A major turning point in this process was the ratification of the Central American Free Trade Agreement (CAFTA) with the United States in 2009 after a highly polarized and politicized campaign ending with the country’s first referendum in 2007. The movement supporting CAFTA won by a narrow margin of 3%, which suggested a highly divided society. As Sánchez noted, the approval of the treaty “represented a consolidation of this new policy approach, demanding new reforms and locking-in previous ones” (Franzoni and Sánchez-Ancochea 2014: 40).

Despite a steady economic growth in the last decades, the effects of these changes in the political economy are less positive. Costa Rica witnessed a looming fiscal crisis since 2008. In fact, it is amongst the three countries in Latin America that have experienced an increase of inequality since 2000 (OECD 2016, World Bank 2017). The country is facing the biggest financial crisis in the public health system, and over the years there has been a deterioration of the

¹Central America crisis began in 1970s, when various civil wars and revolutions emerged in different countries (e.g. Guatemalan civil war from 1960 to 1996, Nicaragua Sandinista Revolution and Contras during 1960-1996 and El Salvador civil war in the 1970s) (Morales and Castro 2006)

quality of public services enhancing a process of rapid privatization of services (Franzoni and Sánchez-Ancochea 2014: 39-40, Voorend 2017: 55).

In such a context in which the social protection system is under pressure, Costa Rica's state has taken measures to limit certain rights to vulnerable populations, specifically to migrants. Politicians and media portray a 'Costa Rica in crisis' due to migration. For example, on June 7th, 2017, presidential candidate Rodolfo Piza tweeted:

Migration: in Costa Rica the owners of the house are the 'ticos', those who come must comply with the rules set by the owner of the house (El Mundo CR, 2017).

Days earlier the president of Costa Rica, Luis Guillermo Solís promised "to expel from Costa Rica those foreigners who may represent a risk to the country's security" (La Nación 2017; Amelia Rueda 2017).

More specific measures were taken in recent years. In 2013, for example, access to public health services for migrant women with an irregular status was limited to emergencies. In the same year, the National Institute of Learning (INA) did not admit migrants with irregular migratory status. Note, that the institute used to accept in their education programs immigrants independently of their migratory status. The association 'Snacks and Shoes' (*Meriendas y Zapatos*) actively informed how migrant children were being expelled from formal education (Sandoval-García 2015; Voorend 2016). Further, issues regarding the violation of human rights of temporary migrants from Africa and Cuba were raised by human rights organizations (IOM 2016).

In a time of crisis of the development project that Costa Rica has experienced, civil society organizations are becoming more active in defending a socio-economic model that has characterized the country since the 1940s. Unlike other countries in the region, the social and political struggle in Costa Rica is to defend and retain rights, rather than to achieve or expand rights (Sandoval-García 2015). Moreover, the case of Costa Rica follows the trend in the Northern hemisphere where the welfare state is under pressure and migrants are framed as the scapegoats for the crisis.

1.2 Research Focus

This research engages with two main bodies of literature. The first debate this paper engages with is the growing literature around the concept of ‘civic space’. Until now, the narrative centered on how civic space is changing in new democracies, countries undergoing a political transition or with explicit measures of repression and oppression. By civic space, I refer to the enabling environment where people exercise their rights of freedom of association, peaceful assembly, expression and citizen participation (CIVICUS 2016). Literature is becoming available based on cases from established democracies with relatively stable institutional conditions for the use of the civic space. Although ‘civic space’ is a concept developed by the NGO sector, recently scholars (Balassiano and Pandi 2013; Wood 2016; Claessen and de Lange 2016; Mendonça, Aquino and Nogueira 2016) are using this concept to analyze how actors are making use of this civic space to trigger change processes.

The second debate this research speaks to is migration, and in particular to the nexus between migration and development (Truong 2011; Faist 2008). Attention has been growing towards migrant organizations and their activities. Various studies (Sezgin 2008; Sezgin and Dijkzeul 2014; Martínez 2016; Koopmans and Statham 2014) examined migrant organizations and their influence in the countries of origin, from expanding labour rights to influencing migration policies. Yet, a research gap remains on how migrant organizations make use of the civic space in their host countries.

By combining approaches of civic space and migrant organizations, this paper aims to offer an analysis of the political environment and regulatory practices of civic space for Nicaraguan support migrant organizations in Costa Rica between 2010 and 2017. By migrant organizations, I understand those organizations – formal and informal- which work on human rights issues, Nicaraguan immigrants being a main target population. The timeframe was chosen because April 2014 marked a shift in Costa Rican politics. The election victory of the Citizen Action Party (PAC) made an end to the eight-year rule by the National Liberation Party (PLN) and ended the traditional two-party dominance. It was also the first time a leftist candidate won the Costa Rican presidential elections.

How migrant organizations make use of the civic space in Costa Rica is worth examining for two main reasons. First, because ‘migration’ was never before so highly politicized. In late 2015 Costa Rica faced a ‘migration crisis’ when thousands of migrants from Cuba, Haiti, as well as extra-continental migrants (mainly from Africa) were stranded in the country, in their way to the United States. This ‘crisis’ re-positioned the topic on the agenda. Second, even though Nicaraguan immigration is not a new phenomenon in Costa Rica, the crisis in the welfare state of the country coincided with increased hostility towards migrants, especially the Nicaraguans in Costa Rica. Nicaraguans living in Costa Rica represent one of the most prominent cases of intra-regional movements in Latin America.

1.3 Research Question

In turn, the central research question underpinning this paper is: *how and why is civic space changing for Nicaraguan migrant support organizations in Costa Rica between 2010 and 2017?* In order to unpack the underlying elements of this dynamic, I have two secondary questions:

1. How have the political environment and the regulatory practices related to civic space evolved between 2010-2017?
2. How and why has the character of Nicaraguan support migrant organizations and their functions changed during this timeframe?

1.4 Methodology: a qualitative approach

The methodology of this research paper focuses on a social constructionism approach. Social constructionism comes from the idea that meaning exists as it “constructed by human beings as they interact and engage in interpretation” (O’Leary 2014: 07).

This study is exploratory and largely based on qualitative fieldwork in Costa Rica. Fieldwork was carried out in San Jose by focusing on organizations working with Nicaraguan migrants or advocating for their rights. The aim was to gather primary data on the nature of actors, their views on how they conceive civic space in Costa Rica and how it has evolved between 2010 and 2017.

I studied Nicaraguan migrant support organizations during June and August. Initially, I carried out an internet-based mapping of actors working on migration issues in Costa Rica (See Appendix 1). I identified twenty-five organizations which were clustered by their type (Cost Rican NGO, International NGO, academia, government), functions and their scope (national or regional). Then I focused on the organizations whose work was especially to target Nicaraguan migrants. I created five different selection criteria to ensure plurality and to represent a wide range of organizations. The criteria were the following:

1. Type: referring to whether they were defined as unions, collectives, informal groups, networks or organizations formally registered (NGOs).
2. Function: whether their activities were around a humanitarian or advocacy agenda
3. Trajectory: this contributed to scan the state-of-art of organizations, are new actors emerging in light of the recent migration crisis
4. Scope: is their work based on the urban or rural areas or both.
5. Leadership: it helped me to identify those who had a Nicaraguan as the leader of the organization and those actors whose leadership was either a Costa Rica or a migrant from another nationality.

During a three weeks' period in July-August 2017, I interviewed representatives of Nicaraguan migrant support organizations, international organizations working on migrant issues or civic space, experts on civic space and migration in Costa Rica. In particular, I conducted twelve semi-structured one-on-one interviews with coordinators of the migration service. To complement and triangulate information gathered from the interviews, I carried out documentary research of secondary sources such as brochures, articles, and studies about Nicaraguan migration in Costa Rica.

Positionality

After various interviews in Costa Rica where despite my preparation I was not getting answers, I realized that the real struggle was around myself. A “white” young woman studying in Europe with a Costa Rican accent –which is well known because how we pronounce the R sounds much like in English- was at the other seat of the table. This raised a lot of barriers during the interviews.

I come from Central America where migration is a structural dimension of everyday life. I grew up in Guanacaste, a town in the north part of the country. Nicaragua is just one hour away. Nicaraguan culture was an essential part of my life in Costa Rica. Nicaraguans were a daily part my life. In my home, as I grew up with a Nicaraguan domestic worker. In my accent as the phrases and accent are similar. In the traditional food and the cultural traditions.

Yet I have always seen it in binary terms, as ‘the others’ *vis’a vis* ‘us’. I never felt or seen myself as a migrant until I came to study in Europe. Being a Latin American student in a European university made much more aware of the migration phenomena, of being included or excluded from, of being entitled –or not- to certain rights. After my fieldwork, positionality evolved from a concept to a reality to me. I witness how identities and positions are in constant change. They depend on where you stand, in front or with whom you relate.

1.5 Challenges and limitations

A limitation of this study was that the interviews conducted to migrant organizations were mainly with representatives working in the central office located in the urban area. Although most of the organizations have local offices in the border towns (e.g. Los Chiles, Upala, Medio Quedo, Peñas Blancas and San Carlos), the advocacy work is done from the main office based in the capital city. The experience in one place compared to another (rural vs. rural, national vs. local) changes the perception of the civic space.

In the same line, this paper draws upon the interviews conducted to members of Nicaraguan migrant support organizations. Their narratives reflect their past experiences and own positioning. Therefore, it does not represent the diversity of opinions within the same organizations.

Chapter 2. On ‘Civic Space’ and CDC lenses

2.1 Introduction

Change processes are always happening. What is interesting is the amalgam of individuals influencing or leading these change processes, how ‘citizenship’ and other identities locate a person in a certain power dynamic, that empowers or disempowers and that at the end enhance or constrain their civic energy (Biekart and Fowler 2012).

This section analyzes some of the relevant theories this research engages with. Firstly, it reviews the limitations of civil society to show how the notion of civic space draws from it. Second, it explores how Civic Driven Change (CDC) is a useful framework to analyze the way migrants individually or collectively make use of the civic space in their country of residence. Finally, a discussion on the interplay between citizenship and civic action is presented to illustrate how civic action is informed by various elements.²

2.2 Is civil society passé?

“Civil society is passé”, said a German government official (Edwards 2014: 67). The rise of civil society had its momentum in the 1990s when a ‘strong civil society’ was recognized as a key element in any democracy. However, it is a complex concept as it has been defined and re-defined by academics and philosophers over the years. While a historical overview of ‘civil society’ as a theoretical concept goes beyond the scope of this paper, it is important to highlight the main understandings of the concept. This is particularly important to analyze if the concept is still relevant to development studies.

The ideas about civil society varied from left, right and all political currents in between. The thinkers of Enlightenment, like Madison or Tocqueville had in mind an articulated civil society that had to be protected from the state in order to resist and defense against any authoritarianism. More critical ideas came with Hegel and Marx who focused on the existing inequality and power relations within civil society. For Marx, civil society was another “vehicle to furthering the interest of the dominant class under capitalism” (Edwards 2014: 08). Gramsci draws upon Marx ideas but states that civil society is both a sphere where rebellion, as well as ideological hegemony, takes place.

² This chapter is based on an essay submitted for Social Movements and Civic Innovation course (ISS-4349) as part of the educational program for my Master in Development Studies. Since then, it has been improved based on the findings during my field trip.

Major contributions which enriched the debate of civil society further was done by Habermas. Habermas built around Gramsci's ideas about civil society as the public sphere, focusing on the 'discursive public sphere' where people could connect by the free flow of information.

Overall, using 'civil society' as an analytical concept is problematic for several reasons. First, the definition of civil society varies radically between spectrums without reaching a minimal consensus. Borrowing the words of Edwards, "an idea that means everything probably signifies nothing" (2014: 03). Second, the understanding of civil society is in a normative sense as a type of society with positive norms and values. However, in recent times uncivil movements, like anti-migrants' movements in Germany, drug cartels or *maras* (gangs) in Central America are unquestionably part of civil society. The most powerful of these groups are influencing and leading political processes in many parts of the world (Balassiano and Pandi 2012: 1581, Edwards 2014: 67). Third, the concept of civil society is developed in relation to the state, which is seen as an independent arena from both the state and private sector. Yet, in the midst of large movements of commodities, capital and people throughout the world clean cuts among sectors are impossible to make (Biekart and Fowler 2012: 283). The role of hybrid actors such as social entrepreneurship, private-public partnerships to provide public goods and the rise of corporate philanthropy are becoming more relevant to socio-political processes (O'Laughlin 2008: 945-957).

Is civil society *passé*? No for two main reasons. First, there is widespread adoption of the concept in political and development circles. Second, over the years it has raised attention to the importance of 'civil society' in any country. However, in a context where the boundary between the state, the private sector and society are blurred, a broad definition is making civil society a difficult descriptive and analytical concept to apply in development studies. A critical view challenging the assumptions underpinning the concept is then required.

2.3 From 'civic space' to 'shrinking space'

The constraints of civil society as a descriptive and analytical concept translates into new elements and ways of working in development practice. Recently, there is a big furor around the 'civic space'. Big development NGOs and governmental development agencies have situated their reports around the concept of 'civic space' in general, and specifically about the assessment and protection of that space in the Global South (See ACT Alliance and CIDSE, 2014, CAFOD 2013, INTRAC 2012, Oxfam 2017, CIVICUS 2015). Academic literature regarding the regulatory space for civil society is less abundant.

However, some scholars have also positioned their research around the concept of civic spaces, "as a space where civic action takes place" (Douglas, Ho, and Ooi: 2002: 346-347). In 2016 *Development and Practice* published an edition on civil society sustainability. The challenges are around two main trends. First, the

changes in international funding, which includes the reduction of funding and the changing patterns in topics and regions. Second, other aspects affecting the sustainability of civil society such as credibility, legitimacy and the regulatory environment and political space.

In this line, an article by Hayman (2016) refers to exploratory research conducted by Claessen and de Lange (2016), Wood (2016) and Lutsevych (2016) in which they emphasize the availability of civic space as central to the civil society sustainability debate (2016: 672). Pousadela and Cruz (2016) contribution raise attention to the trends in Latin America, a region which has been affected by financial restrictions, increasing political polarization and government hostility (606-617).

Other scholars make a difference between ‘civic spaces’ and ‘civil society space’. Douglas *et al* draw on Lefebvre’s ideas about the need for physical spaces where for all members of society can interact. In their view, the construction of physical civic spaces in which “people of different origins and walks of life can co-mingle without overt control by government, commercial or other private interests” is vital in any society (2002: 02). Balassiano and Pandi echo Douglas *et al* understanding of civic spaces, as they highlight the importance of physical but also virtual civil spaces for civil society in Thailand and Malaysia (Balassiano and Pandi, 2013).

Most of the literature goes around this connection between civic space and civil society (with all the challenges and limitations of the latter). This relation implies that if civic space –as a space or as set of conditions- is available (legally and in practice), civil society will make use of that space. Whereas in places where this set of conditions are not formally granted or protected, civil society will then not participate in change processes. Empirical evidence shows that this relation is not necessarily true in the Global South. Empirical evidence challenges the relation between civic space and civil society looking at the cases of Malaysia and Thailand showing that in countries where freedom of speech and assembly are limited, civil society still flourishes (Balassiano and Pandi, 2013).

‘Civic space’ then is complex to understand. First, because its definition varies depending on the literature. Second, as it is a recent concept, research and reports are constantly being developed to unpack the elements underpinning the concept. At the end, the way you understand ‘civic space’ has important implications in who participates in that space (Hayes et al., 2017).

The definition of civic space underpinning this paper is “the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organized groups, are able to freely, effectively and without discrimination exercise their basic civil rights” (Malena 2015). As such, ‘civic space’ is not a new term. It can be closely related to spatial conceptualizations of ‘civil society’ in general, and in particular Habermas’ idea of civil society as a ‘public sphere’ (Edwards 2014).

Habermas focused on the ‘discursive public sphere’ where people gathered in spaces –both abstract realm and physical venues- to engage in dialogues and discussion around common problems and push for change. As Edwards puts it:

“In its role as the ‘public sphere’, civil society becomes the arena for argument and deliberation as well as for association and institutional collaboration: a “non-legislative, extra-judicial, public space in which societal differences, social problems, public policy, governmental action and matters of community and cultural identity are developed and debated” (Edwards 2014: 67).

It is important to distinguish ‘civic space’ from ‘civil society’. The former can be closely related to the latter, but there is a fundamental difference between the two. Here ‘civic space’ is not equivalent to a site nor an abstract realm, but has a much broader scope. Civic space taken as a set of conditions that allows all members of society to operate freely implies that if these conditions are given formally and in practice, it is easier to build and appropriate physical and virtual spaces. Whereas if the focus is on the physical and more abstract spaces, it ignores the inequality to access those spaces, the variety of voices in those spaces and the power relations within society. Certainly, the challenge lies in both, giving access to those generally excluded from the sphere, as being able to listen to them.

Thus, ‘civic space’ is a useful concept in the analysis for various reasons. First, it focuses on the underlying conditions that enable citizens to achieve their own goals rather than formal groups bounded to a specific sector or issue (Malena 2015). In civic space, ‘citizens’ include both citizens with a citizenship status as well as those without. Second, ‘civic space’ acknowledges a wide range of actors from individual members to formal civil society organizations (CSOs) and all the variety between them (e.g. community activities, public assembly, community-based organizations NGOs, online discussion groups, etc.) and not only those organizations working ‘over the radar’ (Malena 2015). This is particularly important for migrants because of their migratory status, and other elements such as gender, class, race, has profound implications in the way migrants participate in change processes and how.

In an attempt to empirically applied this analytical concept, different initiatives have been developed by the international community (See for example: Enabling Environment Index, Civil Liberties Index, Freedom in the World). In 2016, CIVICUS launched the CIVICUS Monitor, an online platform that rates countries on the basis of how open or close their civic space is. This initiative reports on the state of civic space in various regions such as Latin America, Africa, and the Middle East. In the case of Latin America for instance, the report referred to how democracy is well established (at least at its minimum) throughout the region, yet there is increasing evidence on how the political space is being constrained (CIVICUS 2016). The most recent attempt to unpack the key features of civic space and propose an international index/measure of civic space is done by Malena (2015). She defines a core set of civic space dimensions: 1) freedom

of Information and Expression 2) Rights of Assembly and Association 3) Citizen Participation 4) Non-Discriminatory / Inclusion and 5) Human Rights / Rule of Law (Malena 2015). Each of the five dimensions can be separately assessed, allowing for a spectrum from protected, partially protected and not protected.

These initiatives are valuable in the sense that it measures civic space in a specific point in time and it also captures general trends around the world. However, capturing the state of civic space is problematic because civic space is constantly changing due internal and external elements. Further, most index and measures echo the “shrinking space” metaphor, which emerged in parallel to describe how civic space has deteriorated in many regions. The ‘shrinking space’ propositions is set as:

“The current emergency has been long time in the making. But only recently has it galvanized a concerted response by organized ‘civil society’, which is now mobilizing to understand and counter what is termed ‘shrinking space’, a metaphor that has been widely embraced as a way of describing a new generation of restrictions on political struggle” (Malena 2015).

In many respects, the concepts of ‘civic space’ and ‘shrinking space’ are problematic. The latter more problematic than the former. On one hand, civic space is always linked to a specific nation-state. Yet, academic research on migrant organizations pointed out how migrant organizations are adopting new roles in development in various countries. “Migrant organisations (MOs) are also engaged in humanitarian action in their members’ country of residence, country of origin, and in some cases, even in third countries” (Sezgin and Dijkzeul 2014). This goes in line with Biekart and Fowler who argue that civic energy is also informed by many places, it is around “the idea of being a global citizen with corresponding responsibilities” (Fowler and Biekart 2012: 05).

On the other hand, ‘shrinking space’ is clear a narrative developed from a Northern perspective which implies two main things. First, that is a trend only happening in countries in the Global South. Costa Rica ‘exceptionalism’ makes it a close enough case of a country in the South with similar socio-economic and political performance of Northern countries. Thus, it can shed light the way spaces are closing in the North. While this paper is more focused to challenge the first part of the assumption, ‘shrinking space’ as a central narrative for development agencies also raises questions about the role of these agencies in the pushback of this closing space: how can they ‘protect’ the civic space? How can the space be ‘aided’?

Following this North-South logic, the metaphor also implies that the space was open at a certain point which is not necessarily the case for countries in the South. Repression, violations are not new trends in the Global South, most of these countries are characterized by cycles of ‘openness’ and ‘closeness’ (Hayes et al. 2017: 06). For example, Nicaragua in previous regimes and the current government of President Daniel Ortega have never experienced an ‘open civic space’. Certainly changes from one government to another can be pointed but

not in binary terms of open and close. “*Shrinking space* is simply a more nuanced and convenient way of talking about the problems of exclusion and repression that many social, political and civil rights movements have long faced” (Hayes et al., 2017: 06).

Further, it does not problematize for which kind of actors is the space shrinking, implying that all spaces are closing. Especially in the case of migration, it is key to recognize how certain elements, such as legal status, gender, nationality, can limit the use of civic space by migrants yet enhancing it for nationals. In other words, different elements “allows governments to selectively prioritize certain types of shrinking spaces whilst ignoring others” (Hayes et al. 2017: 06).

2.4 Nicaraguan migrant support organizations through CDC spectacles

In a globalized world with constant flows of commodities, capital and people, it is complex to analyze social change subscribed to a specific sector or limited to non-governmental actors. The boundaries of the three sector society (the state, the market, and the social sector) are every day more permeable. New waves of entrepreneurship, social innovation or the ‘marketization of NGO’ are a few examples of this nuanced area.

In such a context, Civic Driven Change (CDC) emerged to respond to the limits of the three sector approach which is limited to certain actors. CDC is a “citizens’ approach to the enquiry of socio-political processes in relation to power and governance” (Fowler and Biekart 2015: 712). The core elements of the framework are the civic energy inherit in every individual of any society as a driver for their political agency, “that is, the ability to bring about change in power relations” (Biekart and Fowler 2012: 186).

Therefore, CDC is much focused on why civic energy arises in some individuals and in others not. With regard to migrants, this is useful because it avoids reducing the focus to immigrants only as immigrant workers, but on how as a person they “continually influence how society functions and evolves” (Biekart and Fowler 2012: 187).

CDC framework proposes four lenses to unpack socio-political dimensions in a particular change process. 1) politics of belonging 2) politics of action 3) politics of scale and 4) politics of knowledge and communication.

The politics of belonging: focuses on “a rights-based understanding of ‘political agency’ -referring to the ability to bring about change in power relations”- which is known as *inclusive citizenship* (Biekart and Fowler 2012: 186). Critics could argue CDC close relation to the notion of citizenship is problematic to be applied in migration research. At the end, citizenship is traditionally defined in relation to the nation-state, nationality and population homogeneity, implying both ‘inclusion’ and ‘exclusion’ in formal and informal spaces.

Certainly, citizenship is a key concept in migration studies. The challenges of the notion of citizenship in migration research go beyond this research, however, it is important to understand a basic meaning of citizenship and the challenges it supposes especially in the ‘age of migration’ (Castles and Davidson 2000: 104-140; Castles, Haas, and Miller 2014: 1-24). Originally, citizenship was intrinsically related to the notion of the nation-state. Being a citizen meant to belong to a specific territory and political community, to being entitled to certain rights and obligations. As Castles states,

“Being a citizen was just a matter of common sense in the fortunate minority of the world’s countries that might be considered to be democracies. It was ‘normal to be a citizen, which meant having the rights to vote and to stand for political office (...)’ (2000: 01).

Globalization and massive population movements pressure the conceptualization of nation-state and citizenship, as the citizen no longer belongs to a specific territory but moves beyond the borders shaping and re-shaping their own identities (Çakmaklı 2015: 422; Castles and Davidson 2000). The stake of the problem is that recent years have been characterized by strengthening external boundaries and protective measures to prevent influx flows, governments have been active in changing the rules for access to citizenship, the second generation of migrants and migrant children. In this logic,

“Millions of people are disenfranchised because they cannot become citizens in their country of residence. Even more people, however, have formal membership of the nation-state yet lack many of the rights that are to go with this. Porous boundaries and multiple identities undermine ideas of cultural belonging as a necessary accompaniment to political membership. There are increasing number of citizens who do not belong” (Castles and Davidson 2000: 07).

Indeed, citizenship, (understood as the formally granted citizenship) could limit the analysis to only those citizens recognized by the government. But even then, nuances appear. History shows how minority groups such as indigenous populations or afro-descendants are recognized citizens by the government yet other political or cultural rights are denied (Castles and Davidson 2000: 1-24). In the case of migrants, certainly the most affected by this inclusion *vis-à-vis* exclusion is the group of migrants socially constructed as the ‘unwanted migrants’. In fact, research shows that in some countries, second and even third generation of migrants are being denied as citizens (Castles and Davidson 2000: 11).

Recent conceptualizations of citizenship (such as post national citizenship, universal citizenship, multicultural citizenship) may respond better to the case of migrants. However, CDC through ‘politics of belonging’ allow us to go beyond the traditional notion of citizenship without disregarding the concept. Firstly, by recognizing that a society is made up of citizens as well as non-citizens and this in itself has profound implications in their identity and ‘feeling part of something’ (Fowler and Biecart 2015). Second, by pointing out that formal and informal recognition of citizenship is in itself a driver of civic energy. Third, CDC

can be applied to different scenarios. One where migrants have formal membership guarantee by law but they do not see themselves as part of the polity. Another scenario where migrants without formal citizenship have *de facto* civic rights and freedoms, thus their civic participation is greater.

The politics of action: This lens focuses on the civic action, as a driver leading people to act based on their previous experience and towards the desired future. This is based on the '24/7 citizen' premise which refers to the idea that "in whatever they do [and do not do], people's agency contains 'political choices', which co-determine how a society thinks, feels, functions and evolves" (Fowler and Biekart 2015: 187). Note that in this view, inaction is also an action. An apparent inaction can be feeding the civic agency, which can then trigger future change processes.

In civic action, collective action theories are important to mention. Ostrom (cited by Fowler and Biekart 2012: 07) work on collective action theory is relevant because she highlights the complexity of collective and private ownership. She also argues that "individuals will act collectively to provide private goods, but not if it concerns public goods" especially in a local level where the difference between them is less clear (Fowler and Biekart 2012: 07). What is important to note here is that CDC does not solve the dilemmas of collective action (Biekart and Fowler 2012: 185). However, CDC is useful because it is not focused on the public and private dichotomy, but is aware of the connection between them (Fowler and Biekart 2012: 185). Especially with regard to migrants, understanding their civic action only in terms of their economic role in the host country (i.e. as migrant workers) neglects the corresponding socio and political responsibilities as citizens.

In the context of migration in general, and especially in 'illegal' or irregular migration, a political action cannot be limited to articulated structured action nor to formalized groups or movements, it really depends on contexts and scales and historical factors informing that civic action. Depending on places, civic action could be an informal gathering in public spaces or pushing to expand migrant's rights, what is important is to understand the underlying causes of such action. At the end, "what becomes political and in whose favour over time is the exposed tip of an iceberg" (Fowler and Biekart 2013: 472). Then, from a CDC perspective, the focus is on why in some latitudes migrants themselves are taking action in socio-political change and why that is not happening in other places?

Two example can help illustrate the above. Turkish migrants in Germany have been organizing in civic organizations since the beginning of their migration to Germany. After years of organizing and trying to better integrate Turkish migrants in Germany, now the organizations are influencing German politics by developing protective mechanism against discrimination or to expand minority rights in Germany. Although most Turkish migrants have still to gain German citizenship, migrants have access to certain rights that once were only reserved for German citizens (Sezgin 2008: 78-85). In this line, Lacroix and Dumont

(2012) account the transformation of the Moroccan organization field in France and how their civic activities are changing over time. (2012: 3-9)

In the South, Nicaraguan migrants in Costa Rica are a prominent case of South-South migration in Latin America, but in this case, Nicaraguan migrants have not been able to formally organize themselves nor to claim their space in the public sphere. Sandoval (2017) points out that Nicaraguans have played crucial roles in strikes in banana o pineapple plantations which ended in bettering labour conditions for workers but beyond labor rights, Nicaraguan migrants' civic participation is very marginal (2017:03).

The politics of scale: Another feature of CDC is scalability, applicable at horizontal and vertical levels. This is particularly valuable if you consider that in an interconnected world a struggle can operate simultaneously at local as well as global. But, also a struggle has the potential to resonate with people in different socio-economic strata.

From this point of view, migrants' civic action is not constrained to a specific place -their neighbor, community or host country- but has the potential to resonate beyond borders. Whether it is in their country of origin or in other places with high migration flows adopting causes of humanitarian relief or political advocacy. In the 'age of migration' any political act regarding migrants has the potential to influence global policies.

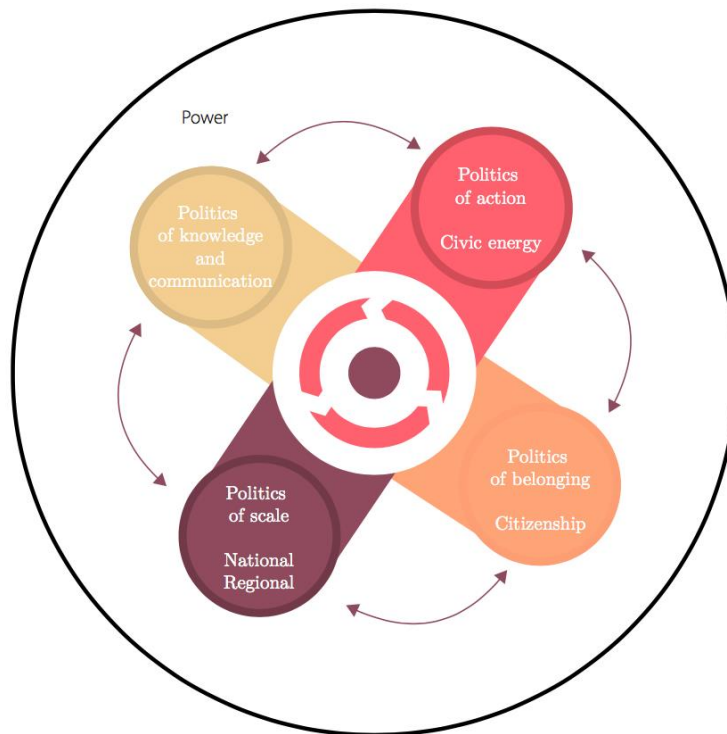
To illustrate this, there is more and more research showing how migrant organizations abroad have ties with their country of origin. While investigating Moroccan organizations in France, Lacroix and Dumont (2012) describe the nature of organizations who are leading socio-political projects in their place of birth (Lacroix and Dumont 2012: 3-9). This is undoubtedly a relevant research field in the upcoming years, as migrant organizations with transnational ties and international character throughout the world are increasing in size and number.

The politics of knowledge and communication: the fourth feature of CDC refers to the politics of knowledge and communication. This lens recognizes there is no just one knowledge, but how people's agency is informed by an individual experience. Hence, there is not one 'change path' instead every polity has their own pathway to bring about change. Further, CDC acknowledges that other types of knowledge have been eroded throughout the years by colonialism and other 'violent practices'. In this sense, CDC gives centrality to the people's own ways to communicate.

CDC lenses are useful because you can combine various lenses (e.g. politics of belonging with politics of scale) to get an in-depth analysis of change processes. Adopting a pair or a group of 'lenses' can be beneficial to analyze how specific factors affect different populations. For example, the drivers of civic energy (politics of action) can be different among different groups (politics of belonging) even if they are fighting for the same cause. At the same time, the lenses are dynamic. Throughout a change process, one lens can trigger or transform to

another (See Figure 1). For example, Dagnino showed evidence on how citizenship (politics of belonging) was redefined by social movements in Brazil throughout the 1980s and how the “connection between citizenship and civic agency infused the political debate and specific struggles in the period”(Dagnino 2008: 31).

Figure 1 – CDC spectacles



Source: Own elaboration based on “A Civic Agency Perspective on Change” (Fowler and Bickart 2012)

Chapter 3. COSTA RICA DEVELOPMENT MODEL IN A NUTSHELL

3.1 Introduction

This section briefly discusses the Costa Rica's 'exceptionality', which is related to the model of development. Internationally, Costa Rica is seen as an outstanding example of a country in the South with a stable social, economic and political development combined with the longest-standing democracy in Central America. However, in the last decade neoliberal policies and financial crisis in public institutions have affected the country's development model. In the second part, I contextualize the migration flows in the last years, especially Nicaraguan migration in Costa Rica.³

3.2 Costa Rica: is paradise in crisis?

Costa Rica is considered "the closest case to an... 'embryonic social democratic welfare state', (...) a social-democratic pioneer" in Latin America (Filgueira 2005: 21 cited by Franzoni and Ancochea 2016: 51). The idea of democracy as the main driver of Costa Rica's social state is debatable. However, Costa Rica's 'exceptionality' is indeed about the country's ability to create social institutions and policies such as health, education, housing and pensions.

A unique number of historical circumstances contributed to the idea of Costa Rica as an 'exception' within a region. From 1940 until 1980, the country was able to create a socio economic and political development based on state intervention. During those years, Costa Rica experienced economic growth combined with a steady increase of per capita social spending. This led to a 'successful' case in the South of expanding welfare benefits built on "universalism and solidarity" (Martínez Franzoni and Sánchez-Ancochea 2016: 151; Voorend 2013: 11).

The state efforts to establish public education and healthcare systems and the high levels of population coverage of these social services illustrate the 'success story'. "By the early 1980s, most Costa Ricans had access to relatively well-paid jobs and to high-quality healthcare, education and pensions", becoming one of the most successful among developing countries (Sandbrook et al., 2007 cited by Martínez Franzoni and Sanchez Ancochea 2013: 02).

³ This chapter draws upon two essays under the title "Interlinkages between poverty and migration: the case of Nicaraguan immigrants in Costa Rica" and "Access of international migrants to welfare benefits: the case of Nicaraguan immigrants in Costa Rica" as part of the courses "People on the Move: Migration, Globalisation and Livelihoods" (ISS-4238) and "Poverty, Gender and Social Protection" (ISS – 4202), respectively.

Costa Rica's development responds to specific socio-economic and political factors. Without going in detail in each factor, some of them are the early establishment of democracy, not having an oligarchy (specially compared to Guatemala or Honduras), the low percentage of indigenous population, the architecture of social policies and the reforms taken in the 40s by left-wing parties (Franzoni and Ancochea 2013: 14; Voorend 2013: 11).

Despite the setbacks, Costa Rica still has a better performance if compared to the rest of the region, some indicators help to illustrate it. In 2014, primary education coverage was 96.1% and 78.1% for secondary education (CEPAL 2016). Compared to the region, Costa Rica literacy rate was 99.3% being over the average for Central American countries and regional research on education ranked the country education system second in Latin America (PEN 2016: 385). Voorend (2016) mentioned that currently "the CCSS, (...) covers about 87% of the Costa Rican population through its health insurance" (2016: 59). Other indicators such infant mortality rate was around 9‰ and life expectancy at birth was 79.6 years in 2015 (ECLAC 2016). These indicators are not only higher within the region but it also follows the trend of countries in Europe. For example, in the Netherlands life expectancy is 81.73 and in Switzerland 83 years (OECD 2016).

A shift in the development model of the country was marked by the economic measures promoted by the Washington Consensus. During 1980 and 1990 neoliberal policies were put in place to start a rapid process of economic transformation. These reforms advocated a reduction in the size of the state, enhancing liberalization, deregulation and privatization (Ancochea et al. 2013: 14; Voorend 2013). Again, compared to neighboring countries, Costa Rica was less affected by neoliberal policies, but even so, the country's development model was undermined.

In 2008 the international economic crisis had consequences in the country. At that point there was a slowdown in production, unemployment was increasing as well as external debt. In fact, Costa Rica is one of only three countries in Latin America that has experienced an increase in inequality since 2000 (OECD 2016). In 2011 the Costa Rican Security Fund (CCSS) confronted its worst economic crisis that "put in question the sustainability of the institution" (Voorend 2016: 32). The peak of the financial crisis was in August 2017, when President Solís announced that the country faced "liquidity problems in paying its obligations and guaranteeing the provision of services" (La Nación 2017).

3.3 Immigration in Costa Rica

These setbacks in the capacity of Costa Rican state to intervene in the socio-political economic spheres coincided with growing migration flows in Costa Rica. South-South migration is the most common flow in population movement, especially nowadays where border controls and protectionist policies are stricter

in the North (Castles et al 1990: 104-140, Haan and Yaqub 2010: 195; Skeldon 2003).

South-South migration present different patterns compared to South-North flows. Even though an in-depth analysis of Costa Rica-Nicaragua case is beyond the scope of this research, some trends are worth to mention to understand the migration phenomenon in Central America. First, middle-income countries attract migrants from nearby low-income countries, cross-border migration increases “in zones with particularly porous borders, and historical and cultural similarities” (De Haan and Yaqub 2010: 195). Second, the strategies undertaken by the poor tend to avoid legal channels, includes the most vulnerable family members and its migration experience is conditioned by their level of poverty. This means that this migration flows are characterized by “temporary or circular migration movements of seasonal workers in agriculture or mining, which are common in many developing regions such as Central America” and “are more likely to involve poorer, less educated migrants as costs are considerably cheaper when migrating regionally” (Hujo and Piper 2007: 09).

Migration is a structural dimension in Central America. Sandoval (2016) highlights some data to show this reality. “While globally, migration is estimated to be 3%, in Latin America, this percentage increases to 6%.” Data accounts that between 12 and 14% of Central Americans live in a country different from their country of origin (Sandoval García 2016: 11). Intra-regional flows occurred in different periods of time caused first “by armed conflicts and then by neoliberal policies” (Sandoval-García 2017). Neoliberal policies implemented since the 80s marked an increase in labour migration (Voorend 2013: 24).

As with social development, with regards to migration, Costa Rica reality was contrary to the rest of Central America. Over the years, Costa Rica has been a receiving rather than a sending country in the region. Nicaraguans and Ngöbe natives in Costa Rica, for example, are one of the most prominent cases of intraregional movements.

Although immigration is not a new trend for Costa Rica since 2015 immigration flows have changed. Costa Rica is still a destination country for Central Americans but influx flows from several Caribbean countries (Cubans, Haitians) as well as ‘extra-continental’ migrants (mainly from Africa) emerged as part of the route to get to the United States. In light to the changing migratory movements, the government has intervened to respond to the ‘migration crisis’ coinciding at the same time with more restrictive measures towards undocumented immigrants (Sandoval 2015). For example, in November 2015 around 8.000 Cubans stranded in Costa Rica for four months after Nicaragua closed the border (Presidency 2016). At that time, the government established 44 shelters near the borders and in early 2016 an agreement to organized airlifts for migrants was reached (IOM 2017).

3.4 Nicaraguan immigrants in Costa Rica

While in recent years there has been an increase in the number of other immigrant groups, Nicaraguans are still the most voluminous group. The 2011 population census accounted that immigrants represented 9% of Costa Rican total population. Nicaraguan immigrants being 74.6% of the total of immigrants. Data shows that “today, 7% of Costa Rica total population has a Nicaraguan background” (Sandoval-García 2015: 07). Thus, Nicaraguan migration in Costa Rica is regarded as one of the major cases of South-South migration in Latin America (Sandoval-García 2015, Morales and Castro 2006).

Movements of Nicaraguans bound to Costa Rica occurred in response to multiple factors like natural disasters, civil wars and structural poverty. Without going into much detail on the migration flows, three main turn points must be identified (See a historical overview in Morales and Castro 2006, Sandoval-García 2015, Sandoval-García 2016). First, in the decade of 1970 temporary cross-border movements happened in response to the 1972 earthquake in Managua (PEN 2015). Second, from 1979 onwards, during Nicaragua’s Sandinista Revolution and the subsequent ‘Contra war’, migration flows from Nicaragua to Costa Rica grew significantly in scale and scope. The third important influx occurred in 1998 after Hurricane Mitch hit Nicaragua. In fact, Morales and Castro (2006) pointed out that the largest volumes of Nicaraguan migrants entered in the decade of 1990, but the biggest flows occurred between 1995 and 2000 (2006:76).

For Nicaraguans, Costa Rica represented an option to run away from structural economic imbalances and better their living standards. But the migration phenomenon cannot be analyzed just from the reality of the sending country. Nicaraguan immigration played a central role in Costa Rica’s economic growth, responding to an explicit demand for cheap low-skilled labour, “that was only partially available in Costa Rica” (Morales and Castro 2006: 231).

Scholars have estimated Nicaraguans account for 80% of the workforce in specific sectors with labour shortages such as agriculture, construction and domestic service (Voorend and Robles Rivera in Voorend 2016: 62, Sandoval 2015: 07). It is noteworthy that these sectors are characterized by low wages, informality and exploitation (Sandoval and Bonilla 2011, Voorend 2016, Morales and Castro 2006: 113-134, Marquette 2006).

Over the years, tensions between Costa Rica and Nicaragua have become a political tool used by governments and intellectuals to exacerbate national identities in both countries (Sandoval-García 2004). As mentioned earlier in this paper, in Costa Rica this sense of nationhood is closely linked to the collective imaginary of Costa Rica as being ‘the Switzerland of Central America’, a ‘paradise’ among the region which goes around Costa Rica’s social development. An article by Sandoval (2004) showed the ways in which intellectuals through public discourses “underline the notion that Nicaraguan immigration is a threat to Costa Rica national identity” (2014: 435). Indeed, the Nicaraguan immigrant is framed

as a threat “to the availability of jobs (Voorend and Robles Rivera, 2011), to security (Sandoval, 2008; Dobles et al, 2013) and to the social policy regime (Bonilla-Carrión, 2008)” (Voorend 2013: 14).

The social construction of the ‘Nicaraguan as a threat’ happened –among other things- because Nicaraguan immigration to Costa Rica coincided with the country’s cutbacks in public spending, which led to the deterioration of welfare benefits. Costa Ricans general perception is that the welfare benefits (especially health services) constitute a magnet for Nicaraguan migration, and are the ones to blame for putting under pressure the system (Voorend 2016). This perception is present in all realms of society. It seems therefore crucial to understand the way organizations working with migrants perceive the civic space in Costa Rica is changing and how that affects their integration into society.

Chapter 4. RESEARCH FINDINGS

4.1 Introduction

Recently international organizations, aid donors and NGOs are informing about the closing space in which civil society operates around the world. According to a recent report by CIVICUS, in Latin America civic space is declining, the main difference from other regions is that is happening in a context where democracy prevails but government corruption and business interests are intertwined (Pousadela 2016: 06).

This chapter begins by reviewing how the civic space, in particular, the political environment and regulatory practices, in Costa Rica evolved between 2010 and 2017. It reviews the changes in the civic space according to the legal frameworks compared to the perceptions of the representatives of Nicaraguan organizations in Costa Rica. Then I move to how the organizations perceive the Nicaraguan immigrant in Costa Rica. Finally, some elements constraining migrant civic participation were identified during the interviews.

4.2 On Politics, Policies and Civic Space

4.2.1 Political environment in the ‘age of migration’

On April 6, 2014, Luis Guillermo Solís won Costa Rica presidential elections in second-round. This marked an unprecedented moment in national politics. First, it was the end of the two-party system and of two consecutive administrations of the traditional National Liberation Party (PLN). It was also the first time a leftist candidate won Costa Rica presidential elections with 80% of the runoff votes. “We are living an extraordinary historical moment: the disappointment of many Costa Ricans with their rulers, with traditional politics and its stratagems, has resulted in a resounding demand for change”, Solís said in his first discourse as President (Presidency 2014).

This was particularly important for civil society organizations who were defending rights and defending a development model based on state intervention. Most of the organizations interviewed identified Luis Guillermo Solís administration –not necessarily the Citizen Action Party (PAC)- as an opportunity to move forward topics that “were impossible with previous governments” (Karina Hernández, August 09, 2017). However, only two organizations pointed out changes during the current administration. Dyalá, the representative of Caritas, said:

“at least this was a government with a social conscience. Directors and Ministers of the different state organizations are opened to dialogue. That in itself is a change from previous administrations. The decision-making process is still closed unless

it is with the National Emergency Commission regarding the current refugee crisis” (Dyala Castro, August 3, 2017).

Most interviewees perceive that during the Solís administration, both presidency and state institutions, are carrying a more ‘inclusive migration processes’ (involving civil society, academia) than previous administrations. All of them mentioned having “good relations” with state institutions. The same three were mentioned by all interviewees: General Directorate of Migration and Foreigners, the Ministry of Labour and the Office of the Ombudsperson. The National Migration Council, for instance, has two permanent civil society representatives. This year, Karina Hernández from Jesuit Migration Service and Fidelina Mena Corrales from the Center for Labour Rights are part of the council.

The Household Workers Association (ASTRADOMES) is perhaps the most well-known nationally and internationally association protecting and advocating for migrant workers, specifically domestic workers. María Teresa Gutierrez, current vice-president of the organization, commented on their on-going work with the current government.

“Since the beginning, Luis Guillermo met with all institutions. You have a sit on the table. Now, you have access to politicians, ministers and public figures, at least they hear, they are listening” (María Teresa, August 03, 2017).

Recently, migration has gained prominence on the public agenda. This occurred due to the migration influxes coming from extra-continental migrants from Africa, Asia and the Caribbean in late 2015. PAC administration categorized it as ‘an unprecedented migration crisis’ and the government has been recognized by the international community as an example on how to deal with a ‘migration crisis’⁴. In the view of Karina from the Jesuit Migration Service (JMS)

“the ‘refugee crisis’ re-politicized the agenda around migration, there is an awareness of the right of migrants ” (Karina Hernández, August 09, 2017).

More critical views regarding the ‘openness’ of the current administration were given by some organizations. Zoilamerica Ortega Murillo, the stepdaughter of Nicaraguan President Daniela Ortega who lives in exile in Costa Rica, and co-founder of the migrant organization *Casa Abierta* (Open House), agrees that indeed now there are more spaces to dialogue with institutions. However, in her view they cannot be directly linked to Solís’ administration.

“Yes, indeed now we have a seat on the table. There are more spaces to dialogue but it is more linked to Obama’s administration and its influence in Central American politics” (Zoilamerica Ortega Murillo, August 2, 2017).

The representative of the Jesuit Migration Service (JMS) argues that migration

⁴ “We consider Costa Rica a champion in managing immigration and an example for the region, said Carlos Maldonado, the UNHCR chief in Costa Rica. [...] Human rights have always been one of Costa Rica’s key trademarks and the country’s government, people and civil society have acted admirably when faced with these migrant flows, he added.”

will never be a priority for any government.

“No government is interested in the migrant population and no government will be. It will never be a priority for any government. Donald Trump's phenomenon is a ‘hidden card’, to frame the migrants as the guilty ones of all social problems. There is a fear of assuming responsibility, they are afraid of how they are going to be judged by society” (Karina Hernández, August 09, 2017).

A representative from the Trade Union Centre for Migrants seconds this view) seconds this view saying: “No politician is interested in the migrant, even less interested in the Nicaraguans” (Rodrigo Villalta Delgado, July 31, 2017).

4.2.2 Human Rights and inclusion or a quest for control?

This section reviews the regulatory framework and practices around migration in Costa Rica. These findings are based on the interviews and document research, such as published laws, reforms, academic research and online information. This review is important because civic agency is tied to the ‘right to have rights’. But also because the assumption in this paper is that migrants’ engagement in the civic space is informed by the “equity of political agency”, not only by “equity of economic opportunity” (Fowler 2013: 28). Certainly, where the right to have rights is in play, nuances appear. For example, migrants may have the right but it is not exercised in practice due to repression. Or migrants may find a way through or around repressive measures. Instead of focusing on one or the other, what is relevant here is to analyze how the changes in the civic space are informed by the regulatory framework and practices.

In 2009, Costa Rica approved the General Law of Migration and Alien Affairs (No.8764) and came into effect in 2010. On one hand, the law has an emphasis on human rights, integration, diversity and solidarity. “On paper it comprises a more integrated approach to migration policy, including various ministries (Housing, Social Security, Health and Labour) as well as migrant organizations in reporting and planning. Indeed, it orients immigration not only as an issue of security, but places much emphasis on its importance for development” (Voorend 2016: 73).

However, some scholars and NGOs made more critical assessments of the 2009 Immigration Reform (ICDR 2013, Sandoval 2015, Voorend 2016). New requirements impede migrants to regularize their status. For instance, to initiate the process the migrant has to be affiliated to the national social security system (ICDR 2013, Sandoval, Voorend). “This requirement by itself is somewhat problematic as it puts the burden and final responsibility of insurance on the individual immigrant worker” (Voorend 2013: 17). Moreover, the 2011 Census showed that only 86,4% of the Costa Rican population was covered by the social security system (ICDR 2013: 6). In words of an interviewed, “now la *Caja* functions as an immigration control entity” (Zoila America Ortega Murillo, August 2, 2017).

The high cost of the regularization process is also problematic. The law establishes various payments to extend or change the migratory status (ICDR 2013, Sandoval 2015, Voorend 2016). All of the interviewed organizations mentioned that now is more difficult to obtain residency in Costa Rica. Hence, regularization is the main challenge faced by Nicaraguan immigrants.

Access to education and health were also mentioned during the interviews. Regarding the former, the country's Constitution (article 19), the Code of Children and Youth (article 59) and the Law on Youth (article 4) guarantee migrant children access to public education regardless their migration status. However, María José Obregón from the Lutheran Church claims the organization has evidence on how local officers limit the enrollment of migrant children with irregular status (María José Obregón, August 01, 2017).

Although in the current administration there have not been formal changes in legislation, in 2016 on Costa Rica's Independence Day (September 15th) a command was issued by the Regional San José Council in which all schools on the area were asked to sing the Nicaraguan National Hymn⁵ during the closing ceremony of the Independence celebrations. This decision triggered a national debate on the number of migrant children accessing to education, the loss of quality in the education system and the increase in the supply of private services (Voorend 2016, Franzoni and Sánchez-Ancochea 2013).

Access to health services is a 'shrinking space' for migrants in both formal documentation and practice. A recent study by Voorend (2016) showed "that the Costa Rican state has been taking actions to limit migrants' access to public healthcare services at a time when voices of welfare chauvinism are louder than before" (2016: 202).

Very much in line with the documentary information and academic research regarding the regulatory framework, in all interviews the access to the public health services is perceived as a 'shrinking' sector. On the other hand, education is opening and the government is taking steps to integrate migrant children in the education system.

"There has been changes in the education system. Now, Nicaraguan children are not required to present birth certificates to attend a school. Also, there have been interesting initiatives around Nicaraguan immigrants in the last years. Videos with a much critical focus such as 'Casa en Tierra Ajena' o 'Punto Ciego' or 'Costa Nica' an initiative that asked children to create their own country in a school in Costa Rica, where Nicaraguan children are allowed to cross the border and attend class" (María José Obregón, August 01, 2017).

Freedom of association and peaceful assembly are constitutionally recognized in Costa Rica. Compared to other countries in Latin America, Costa Rica has high

⁵ See instruction: <https://goo.gl/6ZlxYf>

levels of collaboration and tolerance to the formal rights of assembly and association (Macdonald 1998; Ramírez and Araujo 2016, CUDECO 2014).

Maricruz, member of Nicaraguan Migrant Association (AMNCR) directly reflected upon this stating: “in Costa Rica there is always a space for civil society organizations and unions” (Maricruz Joya, August 01, 2017). Zoilamerica seconds this view: “for migrants’ accessibility to these spaces is the problem in Costa Rica, not so much the country’s policies” (Zoilamerica Ortega Murillo, August 02, 2017).

A central element is how legal and administrative barriers enhance or constrain the use of the civic space. An important element mentioned by all interviewees affecting their functioning is the access to funding. Here, three trends are worth mentioning. First, the limited funding guides the thematic priorities of the organizations. Gabriela Pizarro from the International Centre for the Human Rights of Migrants (CIDEHUM) said “the challenge for NGOs is that funding is scarce, so you have to decide on what you are going to work. For CIDEHUM the focus is on migrant children, extra continentals [Cubans and Africans] and victims of violence from the Northern Triangle.” (Gabriela Pizarro, August 10, 2017) Caritas and Jesuit Migrant Service pointed out funding was available to work in the recovery after the hurricane Otto and the refugee camps in La Cruz, Guanacaste.

The second trend is that affiliated organizations (mainly faith-based organizations) depend on the priorities defined by the global office. Caritas, for example, explained their financial sustainability depends on the Catholic Church. Third, organizations made up by Nicaraguan migrants themselves run mainly through volunteer work. ASTRADOMES, AMNCR mentioned that despite funding they will continue their work with Nicaraguans in Costa Rica.

Another barrier mentioned by organizations, in particular, those with Nicaraguan migrants as leaders, was how the law limits the participation of immigrants. They explicitly referred to Article No. 345 from the Labour Law “which enables immigrants to join a union but it does not allow them to be part of decision-making bodies if they are not national citizens. Even if freedom of association is granted in principle, the same legislation limits migrants’ participation in decision-making process in those bodies. This is problematic because it may result in a crisis of representation. Maricruz from AMNCR stated that

“Fidelina de Center of Labour Rights, she does not represent me, she has never had the problems that I have had” (Maricruz Joya, member of AMNCR board, Interview, August 01, 2017). [Fidelina is the permanent civil society representative in the National Migration Council, she is Costa Rican]

This in large part due to the fact that most NGOs advocating for Nicaraguan migrant rights are working with migrants but are not made up by them. This by

⁶ See: Costa Rica’s Labour Code <<https://goo.gl/95zxvd>>

no means implies that only migrants can speak on their behalf but NGOs central role can undermine migrants' voice and agency.

These barriers are even more problematic in the private sector, where data on the number of workers in unions (4% in 2016) suggest clear hostility towards unions (PEN 2016: 399). Mass sackings and union-breaking have been covered by media and international organizations⁷. Recently in August 2017, the Constitutional Court ruled against the owner of the pineapple plantation La Nenita Farm for the detention and expulsion of three Nicaraguan immigrants who were struggling to assert their rights.⁸ The right of assembly and association is even more difficult for those migrants working in the informal economy (mainly street vendors, newspaper and lottery ticket sellers).

In short, a combination of multiple barriers, the legal framework, Costa Rica's 'anti-union culture' and the vulnerability of the Nicaraguan immigrant. This explains to a large extent why despite the number of Nicaraguans in Costa Rica they have not been able to organize.

4.2.3 Are there any real changes?

Changes in specific sectors were easier to identify for all interviewees. A major achievement by the Trade Union Center Rerum Novarum (CTRN), was the changes in the Labor Code. CTRN is also part of the inter-trade union committee who have a national agenda on labour migration. Within the committee COSIBACR, the coordinator of banana unions, stands out because of the number Nicaraguan men joining the union. The president of COSIBACR is a Nicaraguan who recently became a Costa Rican citizen (Rodrigo Villalta Delgado, July 31, 2017).

ASTRADOMES achieved major improvements for domestic workers in Costa Rica, which in majority are Nicaraguan women. Since 2008 (ILO 2015), basic labor rights were recognized for domestic workers such as a working shift of eight hours, holidays, annual vacations, the Christmas' Bonus and a rise in their basic income. In 2011, the ILO's Domestic Workers Convention (No.189) was ratified by the government. During Luis Guillermo Solís administration, ASTRADOMES pushed for social security coverage for domestic workers. In June 2017, a change in the Social Security Department was achieved, the system changed to allow domestic workers who work less than eight hours a day to be registered in the *Caja* and get social security benefits.

⁷ See: Oxfam Report Sweet or Bitter? Accessed 15/10/2017 <<https://goo.gl/E7B5i2>>, Bitter fruit: the truth about the supermarket pineapple <<https://goo.gl/WMUCTi>>, Pineapple expansion is uncontrolled <<https://goo.gl/7uR5MA>>

⁸ See: A pineapple businessman was against Nica workers who fired and deported by the border police (La Prensa 2017) < <https://goo.gl/7uR5MA> >

What has indeed changed over the last years is the available funding for civil society. This is in largely because of the shifts in development aid but also because most countries in LAC are classified as middle-income countries.

Overall, the regulatory framework and practices affecting immigrants in Costa Rica have changed over the last seven years. On the one hand, there are advances to secure the rights of particular sectors such as vulnerable workers, children right to education, refugee rights. The benefits, however, depend on the regular migration status, their participation in the formal labor market or their belonging to a certain category of migrant. On the other hand, access to funding is a major issue affecting the operation of organizations in Costa Rica.

4.3 Migrant organizations in Costa Rica

This section begins with a characterization of Costa Rica civil society. This characterization is deemed important to understand the kind of activities Nicaraguan migrant support organizations engage in and how they have shifted –or not– their focus over the last seven years. Then, I review the type of organizations and the roles they carry out. Finally, a more detailed account of how the organizations themselves perceive the Nicaraguan immigrant is provided. Methodologically for this section I carried out documentary research of secondary sources, and then complemented the information with primary data from interviews conducted in Costa Rica.

4.3.1 Costa Rican civil society

Compared to other countries in the region, CSOs emerged at an early point in Costa Rica. However, their role was less relevant compared to other countries in the region. Whilst in many countries of Latin America the emergence of civil society was a political contestation to the oppression of the state, in Costa Rica the climate of relative social equity and respect to human rights led a slow to develop and a passive role of civil society (Macdonald 1998; Ramírez and Araujo 2016, CUDECA 2014) Scholars have pointed out that the active involvement of the state in the socio-economic sphere till some extent replace or co-opted efforts of organization (CUDECA 2014; Macdonald 1998: 55).

Thus, civil society in Costa Rica has a particular characteristic. In Costa Rica, the social struggle is institutionalized. This means that any demand, coming from individuals or associations, is directed to the state at a national level. “This has further solidified the role of the already strong Costa Rican state as a main intermediary of demands for new services and obligations” (Ramírez and Araujo 2016: 55).

4.3.2 Unraveling Nicaraguan migrant support organizations

Before unraveling the character of Nicaraguan migrant support organizations it is important to note that except for two, all interviewees were women. The implications of this aspect are discussed below.

Out of twelve organizations studied, two can be defined as unions, three as faith-based organizations, five as mainstream, one as international NGO and one as a regional network (See Appendix 2). Seven of the studied organizations work around human rights issues, Nicaraguan immigrants as a main target. While the others (five) work with specific sectors like refugees, activists, migrant children, or with migration issues in general (See Appendix 3).

Even though the interviews showed the variety of migrant support organizations, some general characteristics were possible to identify. Their focus is mainly

towards migrant workers. As mentioned earlier, Nicaraguan migration in Costa Rica is labour migration. Despite their work in other areas, most organizations aimed to increase migrants' access to information. Their particular task is carried out through 1) legal advice on regularization 2) legal advice on labour rights and 3) reports of violence. The regularization process is the main challenge faced by Nicaraguans and has become an advocacy priority for unions and Migrant Organizations founded and led by Nicaraguans. For example, the member of the Trade Union Centre for Migrants mentioned that their main goal is the approval of the Bill No. 18922. This bill proposes changes in the cost of the regularization process according to the economic activity of the migrant and pushes for a more "open immigration policy and the possibility of establishing new regularization periods" aimed specifically at undocumented immigrants (Bill 18922, paragraph 3).

The main difference between organizations working with Nicaraguans and those founded and led by Nicaraguans, is that their focus is more to a local level, mainly communities, neighbors. Two examples in the urban area are AMNCR and ASTRADOMES whose actions are mainly held in the inner-city park *La Merced* (known as The Nica Park), where most Nicaraguan immigrants gathered together or in *La Carpio* (known as the Little Managua) a neighborhood in the metropolitan area with a least 50% of Nicaraguan inhabitants.

Organizations concentrated in lobby and advocacy activities at a national level are long established CSOs with an important trajectory in migration issues such as CIDEHUM or Jesuit Migration Service. Their advocacy strategy is focused around the national migrants' agenda, in other words, the institutionalized struggle.

As noted earlier, organizations functioning is heavily informed by the access to funding, which is leading them to adapt and adopt new roles in a changing context. Faith-based organizations such as Caritas, the Lutheran Church continue to provide immigrants information and guidance about the regularization process but they are adopting new roles in humanitarian action. Since the flows of Cubans and extra-continentals in Costa Rica, Caritas for example, carried out the so-called 'religious humanitarianism' (Sezgin and Dijkzeul 2014: 165). In partnership with the National Emergency Commission, Caritas had a central role in the refugee camps and in the emergency shelters after the hurricane Otto hit the country (Dyala Castro, August 3, 2017).

Recently, the Jesuit Migration Service became a partner organization of the UNHCR. Karina from the Jesuit Migration Service explained how their function is shifting towards refugees, "there is a regional and national shift in migration flows, the extra-continental migrants and the migrants from Central America northern triangle. Costa Rica is a 'first-time daddy' in this scenario. Costa Rica is part of the transit route to get to U.S., so we have to help to see how we do with this" (Karina Hernández, August 09, 2017).

4.3.3 “Vulnerability does not build the political subject”

Even though the function of the organizations working on migration is moving towards specific sectors such as migrant children or refugees from Cuba or Africa, all organizations perceive Nicaraguans as the most vulnerable migrant population.

Zoilamerica mentioned that “vulnerability does not build the political subject”. She goes on making reference to the profile of Nicaraguan immigrants in Costa Rica, “there are four groups of *nicas* in Costa Rica: 1. domestic workers, 2. private security workers, 3 construction and agricultural workers” (Zoilamerica Ortega Murillo, August 2, 2017).

In a reflection of why Nicaraguans immigrants do not have a strong civic participation in Costa Rica, interviewees mentioned the high level of xenophobia and racism towards Nicaraguans. For the Nicaraguan interviewees every day in Costa Rica is characterized by racism and xenophobia:

“There is xenophobia but not for all migrants, specifically towards the *nicas*. Every day I hear ‘here goes the *nica*’, we have to keep a low profile” (María Teresa Gutierrez, August 03, 2017).

“It was very hard to enter Costa Rica because it is a very xenophobic country towards the migrant population, specifically towards Nicaraguans because they think we come to steal work, to steal” (María José Obregón, August 01, 2017).

“If you are *nica* you are automatically rejected and you have to accept it. We had to migrate so we have to be tolerant. They will always see us as ignorant” (Gloria Dias, August 07, 2017).

The interviews show a variety of voices within migrant organizations in Costa Rica. Their narratives are informed by their past experiences, as migrants or nationals, as women or men, as activist or not. Whichever the case, it is important to analyze the narratives to identify elements that can influence the way migrant organizations make use Costa Rican civic space.

Chapter 5. ZOOMING IN AND OUT THROUGH CDC SPECTACLES

5.1 Introduction

This section analyses the relationship between civic space and civil society capacity. It will be argued that in countries such as Costa Rica, where not only civic space is in principle granted but has a long tradition of institutionalized rights and freedoms, other variables also determine the participation in this civic space. In the second part, CDC lenses are used to analyze different angles of migrant support organizations in the civic space.

5.2 Challenges in the ‘Civic Space’

‘Civic space’ is a complex concept to be empirically applied. Especially in countries where basic rights are formally acknowledged such as Costa Rica, but in general like most Latin America countries.

One of the main problems inherent in the concept is the assumed normative relation between civic space and civil society capacity (with all the challenges and limitations of the latter). This relation implies that if civic space is granted in principle, civil society will arise and make use of it. This, however, is not necessarily true for countries like Costa Rica or countries in the Global North. More importantly, this assumption tends to depoliticize the struggle of certain actors to access and make use of that space.

In the same line, recent attempts to measure civic space contemplate if civic space dimensions are “protected, partially protected or not protected” in legal frameworks and respected in society (Malena 2015: 35). The findings in this research show that civic space is far from being measured in three clear-cut categories, it is rather a space which integrates diversity as well as divergence of actors, interests, locations and actions. In the case of migrants, both formal membership and a polity that does not base membership on nationality are important in the civic space debate. While indeed there is a connection between the rule of law, the respect of the law in practice, a Human Rights narrative and a formal citizen status, neither one of them by itself is sufficient to guarantee an enabling environment for migrants’ use of civic space. Scholars have pointed out how normative human rights frameworks being endorsed by the Costa Rican state coincide with stricter measures to control migration (Sandoval-García *et al* 2013: 06). Voorend explains the case of Costa Rica where

“despite recent migration policy reform in Costa Rica adopting more inclusive language, adherence to human rights principles, and acknowledgment of the

need to integrate immigrants, the state circumvents these frameworks, by ‘shifting’ migration control to institutions that are originally not charged with migration policy control” (2017: 98).

This shows that civic space is not neutral, it is rather a complex and contradictory space which does not respond equally to every citizen. In Costa Rica there is a clear difference in the access and use of civic space for nationals as for migrants, migrants and refugees, even more clear is the difference between Nicaraguans and other immigrants.

At the same time, there are other drivers that have an impact on the use of civic space such as culture, spirituality, religiosity or rationality. While these drivers of civic space engage with larger debates on human agency and civic agency which go beyond this paper, it is important to highlight certain characteristics. Due to the nature of these factors, they are hard to measure but exist in every individual and are embedded in the social norms and values of every society, as well as in institutions.

The findings in this research suggest that migrants’ civic energy is subject to culture. The perceived ‘superior’ Costa Rican culture is an important finding in this research. Costa Rica’s anti-migrant hostility is actually not about the migration phenomenon per se, but about being Nicaraguans, which can explain why Nicaraguans may or may not take action in the civic space (Voorend 2016, Sandoval 2015, Morales 2012). Furthermore, Costa Rica’s “anti-union” culture or the “intellectual activism” as a dominating trend in socio-political processes are also factors constraining Nicaraguan political engagement. Thus, the problem is much more complex than just the formal existence of the space.

The international debate around civic space is now shifting to the idea of ‘closing spaces’. In countries such as Costa Rica where rights are in principle granted, even more so, a country known by its economic social and political stability, the trend of ‘closing space’ takes more nuanced forms. Migrant organizations pointed out that migration control is shifting to other state institutions, in the case of Costa Rica to the Social Security Fund. The ‘closing space’ is happening to specific actors and in specific sectors. Interviewee organizations mentioned that whereas access to education is opening for migrants, the health sector is indeed a shrinking space. In countries like Costa Rica, the ‘closing space’ debate is closely related to the financial sustainability of the organizations.

Civic space, then, needs a much broader conceptualization because of the diversity of connections, power relations and actors within the space. A definition that goes beyond the dichotomy of “opening” vs. “closing” space would be powerful in the debate. Furthermore, there is also a challenge of unpacking the concept and analyzing the causes of a particular trend, why is it opening or closing, instead of just classifying or scoring it. A focus on the former would lead development organizations to be more proactive instead of just reacting to the ‘closing’ trends. With regards to the tools to measure civic space other factors which are less tangible should also be included in the assessment in order to have a

‘good’ understanding. In all, civic space as the sphere in which civic action takes place is far more messy, chaotic, and difficult to measure than how international agencies are contemplating.

5.3 The interplay between lenses

CDC is particularly useful to study migrant involvement because is de-attached from a specific sector or group of actors. Further, the proposed lenses let you zoom in or out to analyze different angles of a change process. This means that CDC lenses are dynamic, interchangeable and interlinked. A process that at a given moment highlights politics of action, over the course of weeks or months can be better analyzed through politics of scale or communication. The same change process, however, can be analyzed through all lenses at the same time to see different dimensions. Following this logic, this section analyzes the way CDC lenses interact with regard to Nicaraguan migrant support organizations in Costa Rica.

FROM CITIZENSHIP TO CIVIC ACTION

The notion of nation-state is based on the existence of state legitimacy, which requires the recognition of a polity as citizens (Fowler and Biekart 2012). Citizenship then, is this implicit relationship between the governed and those who govern. This relation is not static rather it is constantly evolving. In fact, empirical evidence shows how citizenship is subject to negotiation and is constantly redefined by socio-political process (Dagnino 2008).

On the other hand, civic participation is based on the premise that the identity as a citizen is a driver for civic action (Biekart and Fowler 2012b). This is important for citizens in general, but migrants in particular, because their decision to change their country of residence is deeply determined by their identity as citizen of the place they live in or as a global citizen. Yet this “identity as a citizen is part of a complex mosaic of self-realization and ascription by others” which means that this notion of citizenship goes beyond the legal status (Fowler and Biekart 2012: 02).

Interestingly, despite the number of Nicaraguan migrants in Costa Rica they have not been able to organize themselves and claim their rights as citizens⁹. The interviewed organizations explained that is due to the profile of Nicaraguans in the country, low skilled and informal immigrants. Recent changes in legislation¹⁰ however, are a result of civic action initiated and led by migrant organizations.

⁹ Except for specific mobilization of Nicaraguans in banana and coffee plantations.

¹⁰ Security coverage for domestic workers working less than eight hours and workers’ achievements in banana plantations.

It is also true that Costa Rica's explicit demand for low skilled informal migration determined migrant's civic participation. This is because the irregular status of migrants gives partial responsibility to the state towards this group of people (Voorend 2016: 53). State legislation is not designed for irregular migrants, meaning that the relationship of irregular immigrants *vis-à-vis* the state is unclear, most of the time showing the state implicit acceptance of migrants' exploitation, in favor of business interests. A recent report, CIVICUS highlighted the link between business interests and government corruption in Latin America as the main elements affecting the quality of the civic space (Pousadela 2016: 36). The report goes further arguing how rights violations "come from non-state actors that are tolerated or enabled by, or act in collusion with, governments and security forces, particularly at the local level" (Pousadela 2016: 05).

Such contradictions show how migrants' are trapped in a paradox, one in which the state acknowledges and ratifies migrants' rights, yet institutions marginalize the migrant because the state installs formal mechanism of exclusion (e.g. social insurance coverage) or makes use of more informal ones such as the xenophobia towards Nicaraguans (Voorend 2016: 137-149; Sandoval-García 2004: 08). These reflect a clear decoupling between policy and practice.

Daily practices of discrimination and xenophobia embedded in all levels of governance influence Nicaraguans 'belonging'. The Nicaraguan migrant in Costa Rica is socially constructed as a threat to national identity and perceived as an 'inferior culture' linked to criminality and aggression (Voorend 2017: 64, 101; Sandoval-García 2015: 07). It is therefore not surprising that Nicaraguans do not recognize themselves as being part of Costa Rica despite having a legal status. Furthermore, they are aware of their 'belonging' to the 'unwanted' group of migrants. As noted earlier, feeling part of a group is a driver for civic action. Hence, migrants' decision to take part in a change process in their country of residence means not only that the desired future is worth striving for, but also that the future will include them. The latter is a thorny issue for immigrants because of various mechanisms of exclusions, they are not certain if the future would benefit them. What stands out from this case, is how this perceived image as 'inferior people' is assumed by the migrants themselves. As an interviewee puts it "We are accumulating frustration, we are a time bomb, the moment comes when we fulfill that prophecy that the *nica* is violent" (Zoila America Ortega Murillo, August 2, 2017).

Nevertheless, Nicaraguan migrants' inaction or their weak ability to formally organize themselves to claim 'their right to have rights' should be analyzed with caution. In words of Biekart and Fowler (2012), "inaction is also an action. Results of (in)action feed into capabilities and future decision processes leading to a constantly self-developing and updated condition of capability, appraisal and decision choice" (2012: 03). In other words, socio-political processes are always in the making and the unmaking.

Citizenship is an energizer for civic action. What is clear is that formal recognition as immigrant citizen by the state does not translate in the ability to exercise those rights in practice, because citizenship also means to be recognized as citizens by the polity. This does not mean civic energy in immigrants will not come out until full social integration is achieved. For people in general, this ‘belonging’ changes over time and is informed by various ‘identities’ (Fowler 2013: 28). Migrants are no exception. This can be seen, for example, in the fact that Nicaraguans may be never identify themselves as Costa Rican citizens but feeling part of a specific group (migrant workers) or even feeling part of the ‘unwanted migrants’ can drive civic action.

FROM CIVIC ACTION TO SCALE

This idea of multiple ‘belongings’ also influence the scales in which a particular change process takes place. The case of Nicaraguan migrants in Costa Rica and their use of civic space can be analyzed through from a local to a regional scale.

At a regional scale, the ties between Nicaragua and Costa Rica are important. Migration flows of Nicaraguans to Costa Rica also includes the outflow of leaders who are key in a country’s political project. In the case of Nicaragua, this ‘political-drain’ is a result of the state’s coercive power and increased persecution, violence and threats towards political leaders, who are most of the times voices of dissent. This outflow of leaders can have three effects. First, migration of political leaders can be detrimental to the political project of the country of emigration because as the leader is de-attached from the cause, the struggle may vanish. The second effect challenges the former one, as it is related more to the idea that the social cause of the migrant is also ‘on the move’. Then, the reflection should be more focus on how to continue socio-political process from exile? How to use civic space from exile? There are more and more examples of self-led, ‘leaderless’ social movements proving that civic action can be taken everywhere and that in fact, it decreases the risk of an initiative being concentrated around a leader and the risks faced by leaders of being persecuted.

Finally, the perceived individual or collective defeat can lead to inaction in their county of residence. As mentioned earlier, people’s decision to change the place they live in is subject to past experiences, the desired future, and an assessment of the efforts and the risks (Biekart, Fowler: 2013: 29). This is deemed important for Nicaraguans, who experienced the failure of *Sandinismo* (Nicaragua’s political project) and more recently an increasingly hostile environment for dissent. Many Nicaraguans were involved in politics during the country’s revolution and still define themselves as *Sandinistas*. As political subjects Nicaraguans experienced the contradiction between the actual ‘revolution’ and the ideological principles of *Sandinismo*. To make sense of it and reconcile both is crucial for future civic engagement. This goes in line with what Paniagua (2016) found studying the civic engagement of Nicaraguan women in Costa Rica, “political participation of migrants is largely related, although not exclusively, to the political participation

in their countries of origin” (Paniagua 2016: 332). She goes further arguing this is especially true in cases where there is a strong tradition of political formation throughout history as it happens in conflict process, especially during war periods such as the one experienced in Nicaragua (2016: 332).

Zoilamérica Ortega Murillo, for example, the stepdaughter of Nicaragua’s President Daniel Ortega, is living in exile in Costa Rica after years of political intimidation and persecution¹¹. In Nicaragua, she was very involved in politics and she still identifies herself as a *Sandinista* despite being a main critic of Nicaragua’s current political government. After moving to Costa Rica, Zoilamérica co-founded Casa Abierta, aimed to protect LGBTI migrant activists in Costa Rica who in their country of origin are being persecuted. The struggle of being a *Sandinista* without implying a party affiliation or opposing to the current regime without giving up to the idea of the ‘desire *Sandinismo*’, reflects how new forms of ‘belonging’ emerge over time and inform the scale and the ways in which civic action takes place in migrants’ country of residence.

Zooming into the national scale, migrant organizations in Costa Rica are framing their functions around specific topics, government priorities and funding opportunities. These dynamics have important implications for the country’s politics. Working around government priorities or group struggles is indeed a way to influence policies which (indirectly) benefit immigrants. Costa Rica follows the general trend in which migrants are employed in specific economic sectors with poor labour conditions, meaning that, at least in theory, any change in the regulation of those sectors will impact the Nicaraguan immigrant. While this strategy may provide short-term benefits from poor labour conditions, in the long run, it can reinforce the instrumental view of migrants just as economic tools (Truong and Gasper 2011: 11). Civic agency based on economic roles at the end undermines the acknowledgment of migrants as right holders, which hinders the construction of the migrant as a political subject.

Here it was also interesting to note a difference between migrant organizations funded and led by Nicaraguans to those working with Nicaraguans. The former is more engaged at a local scale. Their civic action seems to be crucial in the communities they live in. This can be analyzed by two perspectives. First, formal and informal mechanisms of exclusion hinder Nicaraguans from civically engaging at a national scale. Yet, focusing at a more local level Nicaraguans can see concrete benefits as result of their actions.

Another element that stands out is the number of women¹² interviewed as active members of migrant organizations. It is not possible to draw a relationship between gender and civic energy. However, it would be interesting to further research how gender can be an energizer for civic action.

¹¹ See the story of Zoilamérica: <https://goo.gl/KzY3y3>

¹² Ten out of twelve organizations interviewed.

As so we come to the third scale, the individual. Even though, this research focuses on Nicaraguan migrant organizations, both formal and informal, rather than individual experiences, what stands out through a CDC perspective is the blurry distinction between one another. What may begin as an individual initiative in a community can trigger the civic energy inside others shaping wider civic action. Nicaraguans individual decision of staying in Costa Rica despite discrimination and stigmatization, is in itself a political act. The combined decisions of staying are then an expression of civic action.

The presence of Nicaraguans in certain spaces also stands out. For instance, the inner-city park La Merced in San José called, by nationals as well as Nicaraguans, as the *parque de los nicas* (the *Nica* park) or *la pequeña Managua* (the little Managua). This park has become a key place for Nicaraguans to meet and share information. It could be argued that those spaces are an example of migrant segregation. While this may be partially true, it is also an example of how occupying urban areas reflects how Nicaraguans are no longer limited to ‘invited spaces’ but they are actually creating their own spaces in the receiving country. The ‘migration industry’ (remittance banks, NGOs providing legal assistance, restaurants, accommodation for newcomers) emerging around these urban spaces is also an example of how the mere presence of Nicaragua shapes Costa Rica’s context.

In short, civic action is informed by various elements such as citizenship, culture, identity. Citizenship, formally but also recognized by the polity, is a central element in migrants’ civic action. Citizenship in itself is a result of constant struggle and efforts to cope with formal and informal mechanisms of exclusion. Civic action in migrants, then is a result of various forms of belonging. This idea of ‘belonging’ is in constant change orients the scales (regional, national and local) in which civic action takes place.

CONCLUSIONS

To return to the beginning point of this paper, it seems Costa Rica is indeed the Switzerland of Central America. The parallel between the two countries goes beyond their economic and political reality. Switzerland and Costa Rica are part of the route of choice for migrants trying to enter the United States and Germany, respectively. In the two countries, there is a strong perception of an 'exceptional nation' threatened by immigrants and both are adopting stricter immigration control.

History shows migration has been happening in Costa Rica for many decades. However, since 2015 new trends emerged with increasing migrants coming from the Caribbean and African countries. This 'migration crisis', as the government called it, has heated up the political discussion on migration for the current government and dominates the campaign for the upcoming presidential elections in February 2018.

Given the contractions between policy and practice, where various mechanisms (such as shifting migration control to the social security system) have been put into place to limit migrants' access to certain rights, it can be argued that civic space is indeed a 'closing space' for Nicaraguan migrant support organizations in Costa Rica, regardless of which party is in power. The hopes aroused in 2014 with the victory of Luis Guillermo Solís as first leftist president, did not translate into a more open migration policy. While no concrete actions against migrants have been approved during Solís' administration, inaction reflected the state's action by 'ignoring' the existence of immigrants. Even more, it has been a way to limit immigrants' integration to the Costa Rican society. Therefore, migration control is not a left or right wing issue, but something that all presidents want to be identified with.

Paradoxically, Nicaraguans are still essential for Costa Rica's economy. They are not only indispensable in certain economic sectors such as the agriculture sector, security and construction, Nicaraguan women employed in domestic work allow Costa Rican women to join the formal labour market. Contrary to the strong anti-immigrant voice, it is impossible to replace Nicaraguans with a group of Costa Ricans, nor with any other group of immigrants. Nicaraguans are simply the most voluminous migrant population in Costa Rica, and as such the only migrant group which is able to make up for Costa Rica's labour shortage.

In a context with high levels of racism, discrimination and xenophobia, Nicaraguans living in Costa Rica have had a really difficult task to organize and engage in civic participation. While they have been able to organize to lobby policy changes and played a central role in strikes, their mobilization disappears as soon as their immediate goals have been achieved. Therefore, there is no collective action, or a migrant social movement; they are basically support organizations, and most of them are NGOs.

The character and function of migrant organizations therefore, vary significantly. Those organizations focusing on lobby and advocacy activities at a national level are mainly faith-based NGOs with a long trajectory on human rights issues, Nicaraguan immigrants being the main target. Although they are the most visible and legitimate actors towards the Costa Rica state, their role is shifting with the political priorities and the availability of funding. Hence, most of these organizations are not defending migrant rights but are adopting new roles in Costa Rica's development project.

In the last two years, for example, NGOs such as Caritas, the Jesuit Migration Service and the Lutheran Church migration services adopted new humanitarian roles during and after the natural disasters, as well as in the refugee camps for Cubans and Africans. Other organizations with a long trajectory defending migrants' rights like CIDEMUH are working on specific topics such as human trafficking, migrant children or migrant women victims of violence from Central America's Northern Triangle.

This shift can be explained largely by the fact that the sustainability of these NGOs, after all, depends on the available funding. Their accountability, and their commitment, are to donors rather than to migrants. This also confirms that Nicaraguan migrants are basically not organized in Costa Rica, so that they can claim their migrant' rights themselves. The question then, is why are they so poorly organized in a country in Latin America, which probably has the most favourable conditions to organize citizens? Further research is needed to answer this question. The findings in this paper, however, suggest that Nicaraguans decision to organize and mobilize is informed by various elements. First, the awareness of their 'belonging' to the 'unwanted' group of migrants hinders their political engagement. Second, the failure of *Sandinismo* is deemed important to understand Nicaraguans civic engagement in Costa Rica. Third, the high levels of xenophobia, the anti-union culture in Costa Rica and the 'intellectual-activism' are also central elements informing their decision.

Nicaraguan migrant support organizations are certainly less in number but are having a key role in the socio-political process at a local scale. The findings in this research show how migrants' presence is no longer limited to 'invited spaces', they are actually moving and creating their own spaces. That in itself is a civic action demanding recognition in the host society. In the case of Costa Rica, the occupation of the inner city park La Merced, known as the *Nica Park* by Costa Ricans and Nicaraguans, is an example of creating such spaces. The *Nica Park* has not only shaped the urban area which is now surrounded by the 'migration industry' (remittance banks, NGOs providing legal assistance, restaurants, accommodation for newcomers) but also it holds symbolic meaning for the Nicaraguan community for the ties with the country of origin.

With regards to civic space, the implied relation between civic space and civil society capacity in the concept is rather complex. In the development narrative, it is often assumed that if civic space is formally granted, civil society will make

use of that space in a normative way. Whereas in places where this set of conditions are not formally granted or protected, civil society organizations will not be able to participate in change processes. This is not necessarily true in the South. There is empirical evidence showing how civil society groups can initiate civic action even though basic freedoms are not respected (take the Arab Spring as an example).

It is even more interesting the nuances this relationship is taking in countries like Costa Rica, where not only civic space is formally granted but the country also has a long tradition of institutionalized rights and freedoms. The formal existence of civic space is indeed crucial for any society. Yet other context variables can also determine the participation of actors in this civic space.

In the case of Costa Rica, specific characteristics such as an anti-union culture (in 2016 only 4% of workers in the private sector were unionized), the ‘intellectual’ activism or the civic action concentrated towards the state, determine the way different actors participate in change processes and how. Thus, I argue that civic participation is problematic for all minority groups (LGBTI organizations, indigenous populations) in Costa Rica, even more for Nicaraguans immigrants because they have been used as scapegoats for all social problems. ‘Shrinking civic space’ then is happening in places and for groups with institutionalized freedoms. Which space is closing (and for whom) are therefore central elements in the ‘shrinking space’ debate.

In a way, Nicaraguans occupation of the park illustrates this closing space metaphor. The thematic shift in migrant support organizations, as well, as the little representation of Nicaraguan community in Costa Rican NGOs, leads to a lack of credibility in NGOs. It seems there is no empowerment of Nicaraguans as foreign Costa Rican citizens, and the park is the only place where Nicaraguans are ‘welcome to stay’.

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APPENDICES

Appendix 1 – Overview of organizations interviewed

Organisation	Function	Target group	Type	Scope
ASTRADOMES Household Workers Association	Advocacy, Migration law, labour law for domestic workers	Domestic workers, mainly Nicaraguan women	Costa Rican NGO	Urban and rural
AMNCR Nicaraguan Migrant Association	Nicaraguan immigrants rights, lobby and advocacy, access to information, Nicaraguan community integration	Nicaraguan immigrants	Nicaraguan NGO	Urban
CIDEHUM Centre for the Human Rights of Migrants	Humanitarian, Migrants rights	Migrant children, extra continentals migrants and victims of violence from Central America Northern Triangle	Costa Rican NGO	Urban
CTRN Trade Union Center Rerum Novarum	Workers rights, migrant workers, union	Migrant workers, mainly Nicaraguans	Union	Urban
Casa Abierta	Protection of Human Right Defenders and activists, Central America, activism from exile, migrant activists, refugee activists, focus in LGBT activists	Migrant activists	NGO	Urban
Hivos	Freedom of expression, transparency and accountability	Local CSOs	International NGO	Urban

COSIBACR* Coordination of Costa Rican Banana Workers' Unions	Workers in banana plantations, workers' rights, migrants rights	Workers in banana plantations, mainly Nicaraguans	Union	Rural
Red de Jóvenes sin Fronteras	Migrant youth, social integration, youth migrant and refugees	Migrant youth	Network	Urban
Caritas Costa Rica The Catholic Agency for Justice, Peace and Development	Humanitarian, Migrants rights, human rights; justice; peace and reconciliation	Immigrants in Costa Rica, special attention to Nicaraguans	Faith-based organisation	Urban and rural
Jesuit Migration Service	Fighting discrimination and xenophobia against migrants	Immigrants in Costa Rica, special attention to Nicaraguans	Faith-based organisation	Urban and rural
Lutheran Church migration services	Humanitarian, migrants access to information, migrants rights	Immigrants in Costa Rica, Nicaraguan immigrants	Faith-based organisation	Urban and rural
CAMMINA	Migrant rights, focus in migrant workers, migration in Central America	Migrants in Central America	Network	Urban
Asociación Binacional de Solidaridad de los Nicaragüenses	Migrants rights, Nicaraguan migrants, culture	Nicaraguan immigrants	Nicaraguan NGO	Urban and rural
CENDEROS Fundación Centro de Derechos Sociales de la Persona Migrante	Labour rights for migrants, identity rights	Migrants in Costa Rica	Nicaraguan NGO	Urban
IDESOP Instituto de Estudios Sociales en Población, Universidad Nacional	Temporary migration in Costa Rica	Temporary Migrants in Costa Rica	Academia	Urban

REDNAM Red Nacional de Organizaciones Civiles para las Migraciones Costa Rica	Advocacy, Migrants rights	Immigrants in Costa Rica	Network	Urban and rural
Red de mujeres nicaragüenses en Costa Rica	Rights of migrant women, integration	Nicaraguan women in Costa Rica	Nicaraguan NGO	Urban and rural
Asociación Merienda y Zapatos	Right to education for migrant children	Migrant children	Costa Rican NGO	Urban
SEPROJOVEN Servicios de Educación y Promoción Juvenil	Migrant rights, gender equality and social justice.	Migrant youth	NGO	Urban
Colectivo Bienestar y Migraciones en Costa Rica	Defending migrants rights, Advocacy	Immigrants in Costa Rica, Nicaraguan immigrants	Informal Group, Network	Urban
Ojo a la Migración / Semanario Universidad, Manatí	Migration in Central America	Migrants in Costa Rica, special attention to Nicaraguan migration	Informal network	Urban
Fundación Avina	Migration in Central America and México	Migrants, special attention to victims of violence from Central America Northern Triangle	International NGO	Urban
Instituto de Investigaciones Sociales, Universidad de Costa Rica	Migration in Central America, Migration in Costa Rica, Nicaraguan migrants	Immigrants in Costa Rica, special attention to Nicaraguans	Academia	Urban
CEPPA Centro de Estudios para la Paz	Education for peace, Fighting discrimination and xenophobia against migrant children	Migrant children	Costa Rican NGO	Urban

CEFEMINA

Centro Feminista de Información y Acción

Migration law, labour law for domestic workers, migrant women

Migrant women, domestic workers

Costa Rican NGO Urban

Appendix 2 - List of Interviewees

Organisation	Interview	Position	Nationality
ASTRADOMES	María Teresa Gutierrez	Vice-president	Nicaragua
Household Workers Association	Gloria Dias	Former president	Nicaragua
AMNCR Nicaraguan Migrant Association	Maricruz Joya	Member of AMNCR board	Nicaragua
CIDEHUM Centre for the Human Rights of Migrants	Gabriela Pizarro	President and Legal Representative	Chile
CTRN Trade Union Center Rerum Novarum	Rodrigo Villalta	Coordinator	Costa Rica
Casa Abierta	Zoilamérica Ortega Murillo	Co-founder	Nicaragua
	Dennis Castillo	Co-founder	Honduras
Hivos	Ana Sofía Ruíz	Program Development Manager for Transparency and Accountability and Freedom of Expression	Costa Rica
COSIBACR	Javier Gómez	President	Nicaragua
Red de Jóvenes sin Fronteras	Edwin Viales	Co-founder	Costa Rica
Cáritas	Dyala Castro	Coordinator of Cáritas Legal Centre	Costa Rica
Jesuit Migration Service	Karina Hernández	Head of Social Dimension Jesuit Migration Service	Costa Rica

Lutheran Church	María José Obregón	Coordinator of the Migrant Pastoral	Nicaragua
CAMMINA	Edith Zavala	Director	México

Organisation	Topics	Target group		URL
ASTRADOMES Household Workers Association	Advocacy, Migration law, labour law for domestic workers	Domestic workers, mainly Nicaraguan women	NGO	https://astradomes.org/
AMNCR Nicaraguan Migrant Association	Nicaraguan immigrants rights, lobby and advocacy, access to information, Nicaraguan community integration	Nicaraguan immigrants	NGO	https://www.facebook.com/amn.cr.1
CIDEHUM Centre for the Human Rights of Migrants	Humanitarian, Migrants rights	Migrant children, extra continentals migrants and victims of violence from Central America Northern Triangle	NGO	http://www.cidehum.org/
CTR Trade Union Center Rerum Novarum	Workers rights, migrant workers, union	Migrant workers, mainly Nicaraguans	Union	http://rerumnovarum.org/

Casa Abierta	Protection of Human Right Defenders and activists, Central America, activism from exile, migrant activists, refugee activists	Migrant activists	NGO	http://casabierta.org
Hivos	Freedom of expression, transparency and accountability	Local CSOs	INGO	https://www.hivos.org
COSIBACR* Coordination of Costa Rican Banana Workers' Unions	Workers in banana plantations, workers' rights, migrants rights	Workers in banana plantations, mainly Nicaraguans	Union	https://www.facebook.com/cosibacr
Red de Jóvenes sin Fronteras	Migrant youth, social integration, youth migrant and refugees	Migrant youth	Network	https://goo.gl/AbL
Caritas Costa Rica The Catholic Agency for Justice, Peace and Development	Humanitarian, Migrants rights, human rights; justice; peace and reconciliation	Immigrants in Costa Rica, special attention to Nicaraguans	Faith-based organisation	http://www.caritas.org https://goo.gl/JPYI
Jesuit Migration Service	Fighting discrimination and xenophobia against migrants	Immigrants in Costa Rica, special attention to Nicaraguans	Faith-based organisation	http://jesuitascam.org https://goo.gl/7vN

Lutheran Church	Humanitarian, migrants access to information, migrants rights	Immigrants in Costa Rica, Nicaraguan immigrants	Faith-based organisation	http://www.ilco.cr https://goo.gl/3Yv
CAMMINA	Migrant rights, focus in migrant workers, migration in Central America	Migrants in Central America	Network	http://www.cammin