

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND**

**THE GOVERNMENT OF THE REPUBLIC OF COSTA RICA
CONCERNING THE TRANSFER OF THIRD COUNTRY NATIONALS**

The Government of the United States of America and the Government of the Republic of Costa Rica (hereinafter referred to individually as a "Participant" and collectively as the "Participants"),

AFFIRMING their willingness to cooperate concerning the potential transfer of certain third-country nationals present in the United States to Costa Rica,
Have reached the following understandings:

1. Purpose and Scope

The purpose of this Memorandum of Understanding ("MOU") is to memorialize a non-binding understanding between our Governments to facilitate the transfer of third-country nationals from the United States to Costa Rica.

2. Case-by-Case Consideration and Documentation

2.1. The Government of the United States of America may in its complete discretion propose to the Government of the Republic of Costa Rica the transfer of such third-country nationals, and the Government of the Republic of Costa Rica may in its complete discretion consider accepting such a proposal in whole or in part.

2.2. The Government of the Republic of Costa Rica intends to provide appropriate immigration status or other legal accommodation for third-country nationals transferred consistent with this MOU.

3. Assurances

The Participants intend that all actions taken pursuant to this MOU be in accordance with their respective obligations under: the Convention Relating to the Status of Refugees, done at Geneva on July 28, 1951; the Protocol Relating to the Status of Refugees, done at New York on January 31, 1967; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York on December 10, 1984; and all other relevant international obligations, national constitutions, laws, regulations, and immigration and visa policies, as well as the principle of non-refoulement. Consistent with this intention, the Government of the Republic of Costa Rica assures the Government of the United States of America that it would treat any third-country national transferred from the United States to Costa Rica in a manner that is in accordance with its international legal obligations and that any third-country national

transferred to Costa Rica would not be subjected to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or torture, in Costa Rica, or further transferred to any country in which they would be subjected to persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or torture.

4. General Provisions

4.1. The participants intend to develop, to the extent appropriate, operating procedures to assist with implementing this MOU. The Participants intend to consult to resolve any questions about the interpretation or implementation of this MOU.

4.2. Either participant may discontinue its participation in this MOU at any time but, if that should occur, intends to provide written notice to the other participant through diplomatic channels.

4.3. Nothing in this MOU is intended to create any rights or obligations under international or domestic law, including with respect to the disbursement or obligation of funds. All actions undertaken consistent with this MOU are subject to the availability of funds and the applicable laws and regulations of both Participants.

4.4. This MOU becomes operative upon signature by both Participants.

Signed, in duplicate, in the English and Spanish languages, both being equally official.

**FOR THE GOVERNMENT OF
THE UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF
THE REPUBLIC OF COSTA RICA:**

Date: 3-23-24

Place: San Jose

Date: 23 April 2024

Place: San Jose

Annex A
Procedures for Transfer of Third-Country Nationals from
the United States to Costa Rica

The participants intend to use the following procedures to implement this arrangement:

1. Individuals eligible to be transferred:

- Individuals eligible for transfer to Costa Rica under this arrangement are nationals of third countries.
- The Government of the Republic of Costa Rica retains the discretion to accept or reject any individual proposed for transfer to Costa Rica.

2. Preliminary number of individuals to be transferred:

- The Government of the United States of America intends to propose for transfer to Costa Rica up to 25 individuals per week.
- The Government of the Republic of Costa Rica may decide to exceed this figure at its discretion and in such case would inform the United States.

3. Procedures for transfer:

- Forty-eight (48) hours before a proposed transfer flight, the Government of the United States of America, via the U.S. Embassy in San Jose, intends to send the Government of the Republic of Costa Rica, the flight manifest of the individuals proposed for transfer.
- In such flight manifests, the Government of the United States of America intends to provide the following information, if available: name; sex; date of birth; nationality; and criminal record, to the extent known to the United States.
- The Government of the Republic of Costa Rica intends to review the flight manifest and indicate its acceptance or rejection of the manifest, or any individual on it, promptly. Any persons not included on the approved manifest are not expected to be allowed on the transfer flight.
- In providing its acceptance of the flight manifest, the Government of the Republic of Costa Rica intends to indicate its preferences for the arrival airport and arrival time for the transfer flight.
- To ensure the safety and security of the transfer flight, the individuals being transferred are expected to be accompanied by appropriate U.S. Department of Homeland Security personnel. The Government of the Republic of Costa Rica intends to facilitate entry for them and the transfer flight crew.

4. Procedures for reception:

- The Government of the Republic of Costa Rica intends that any individuals transferred under this arrangement be received and processed under its relevant immigration laws and procedures.
- The Government of the United States of America expects to compensate the International Organization for Migration (IOM) for services provided to individuals transferred under this arrangement.
- IOM's services for individuals transferred under this arrangement are expected to be provided at no cost to the Government of the Republic of Costa Rica. The Government

of the Republic of Costa Rica intends to coordinate with IOM to initiate IOM's services and to facilitate the entry and activities of IOM staff.