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WOLA
Advocacy for Human Rights in the Americas

March 27, 2025

Minister of Foreign Affairs and Worship Arnoldo André Tinoco
Minister of Public Security Mario Zamora
Government of Costa Rica

Re: U.S. flights of asylum seekers denied access to asylum and due process

Dear Minister Tinoco and Minister Zamora:

Please receive our warmest regards and appreciation for your commitment to upholding human rights. We write as human rights organizations to express our concern about the U.S. government's sending of families seeking asylum to Costa Rica, and Costa Rica's role in enabling this unlawful action. We urge the government of Costa Rica to halt the onward return of individuals in need of international protection, provide prompt access to legal counsel and refugee protection, adhere to human rights prohibitions against arbitrary detention, and request that the U.S. government facilitate the return to its country of asylum seekers who were denied the right to lodge asylum claims in the United States.

We do not know what information was shared with your government prior to these arrivals, but media accounts and our own monitoring alarmingly indicate that U.S. officials refused and failed to provide legally required asylum screenings and due process to people seeking asylum from political, religious or other persecution prior to transporting them to Costa Rica. Media and other accounts confirm that the United States government transported to Costa Rica 200 people from Afghanistan, China, Georgia, Iran, Russia, Uzbekistan, the Democratic Republic of Congo, Yemen, and other countries - including 81 children. Many of these countries have well documented track records of political, religious, and other persecution, confirming that many of the fears of these asylum seekers are indeed manifestly well-founded. Some of the people transferred to Costa Rica also have family, religious or other community ties in the United States from whom they are now separated.

We are gravely concerned that the transfers of the asylum seekers from the United States to Costa Rica do not have a valid basis in U.S. law and violate international law, and that the government of Costa Rica has assisted with this effort. As you are likely aware, the new U.S. administration has issued a presidential proclamation that attempts to suspend entry and

access to asylum laws enacted by the U.S. Congress. The U.S. Department of Homeland Security has invoked this proclamation (including on documents provided to some asylum seekers) to attempt to authorize transfers to Costa Rica and, from there, repatriation to countries of origin. This is tantamount to chain refoulement. The transfers have occurred without protection screenings required by U.S. law and despite the prohibitions on sending asylum seekers to potential persecution and torture under the Refugee Convention, its Protocol, and the Convention Against Torture.

After arriving in Costa Rica, asylum seekers and migrants were transported to the isolated Temporary Attention Center for Migrants (CATEM) where they have been effectively detained, as they are prohibited from leaving the shelter. We understand that some of the asylum seekers and migrants have since been returned to their home countries while others remain stranded in the CATEM facility to which legal counsel and human rights organizations have not been given access. We are gravely concerned that these people have not been provided the ability to seek asylum.

The Costa Rican Ombudsman's Office, as part of its important functions, published a [report](#) regarding their concerns about the privation of liberties of those in the CATEM, citing their detention—without having committed any crimes, the lack of clarity around their access to asylum, and the mistreatment in their transfer to Costa Rica. A consortium of Costa Rican [university professors](#) cited concerns around the threat of refoulement and the lack of coordination among institutions to receive these individuals properly and with regard to their rights and due process.

We urge the government of Costa Rica to take steps to address these injustices and prevent their repetition. Such steps should include: immediate and unrestricted access to communication with family, legal counsel, UN agencies and civil society organizations; the prohibition of refoulement for those with international protection needs; access to full and fair asylum procedures, including access to lawyers; release from detention; and, for those who still wish to seek asylum in the United States, the facilitation of their return to the country, with U.S. assurances that legally required asylum processing and due process will be upheld. We also urge that the government of Costa Rica refrain from accepting any further flights of third country nationals from the United States who have not had a full and fair examination of their asylum claims in the United States. Costa Rica should not risk serving as a “bridge” for chain refoulement by facilitating returns to potential persecution or torture.

We look forward to discussing these matters with government officials, and would like to request a meeting with officials, which we'd be happy to organize virtually, to discuss these recommendations.

Sincerely,

AMNESTY INTERNATIONAL

HUMAN RIGHTS FIRST

HUMAN RIGHTS WATCH

REFUGEES INTERNATIONAL

WASHINGTON OFFICE ON LATIN AMERICA (WOLA)

AMERICAN FRIENDS SERVICE COMMITTEE (AFSC)

Cc:

Deputy Security Minister, Omer Badilla

Costa Rica Ombudsman Angie Cruickshank Lambert

Tania Renaum, Executive Secretary, Inter-American Commission on Human Rights

Andrea Pochak, IACHR Rapporteur for Human Mobility