

# IMISEM

EVERY IMMIGRANT IS AN EMIGRANT  
How Migration Policies Shape  
the Paths to Integration

## Migration Policies in El Salvador

2017-2019

Coordinated by:


Luicy Pedroza  
Pau Palop-García  
So Young Chang

January 2022

# G I G A

German  Institute for Global and Area Studies  
Leibniz-Institut für Globale und Regionale Studien

## Imprint

The IMISEM CASE REPORTS are Open Access publications licensed under the CC BY 4.0  available for download free of charge at our Project Website: [www.imisem.info](http://www.imisem.info) as well as in the Social Science Open Access Repository, which will also host the IMISEM Dataset.

“Every Immigrant is an Emigrant” (IMISEM) is a 4-year project that was funded by the Leibniz-Gemeinschaft and developed at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. The IMISEM project was led by Dr. Luicy Pedroza.

The case reports were authored by a multinational team of researchers coordinated by Luicy Pedroza, Pau Palop-García and So Young Chang. The team of authors (i.e., data collectors) comprised 18 persons (3 core researchers plus 15 student assistants and interns), in alphabetical order: Daniel Braga Nascimento, So Young Chang, Natalia Chudoba, Jenny García Ruales, Belén Goyeneche, Paula Koller, Elena Korshenko, Zihao Lin, Charlotte Metzger, Eduardo Pagés, Pau Palop-García, Luicy Pedroza, Barbara Pilz, Neslihan Önder, Mayya Solonina, Béla Soltész, Arnaz Tejakusuma, and Girindra Wiratni Puspa. For their commitment in the final editing phase, we acknowledge the valuable contributions of Great Uchechukwu Udochi and Micaela Lincango. We are also grateful for the institutional support of the GIGA, especially Peter Peetz, Petra Brandt, Sabine Barth, Jan Lüth, Bert Hoffmann and Verena Schweiger. We also thank Sonia Octavio and Bertram Richter for their support in the cover design and Andrew Crawford for his work in programming the website for the publication of these reports in addition to all the visualizations linked to the IMISEM dataset. Authors alone are responsible for the content of the reports. GIGA and the editors cannot be held liable for any errors and omissions, or for any consequences arising from the use of the information provided.

The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. For maximal transparency, this report follows the structure of the original questionnaire which the team used to collect the information. That tool -an empty questionnaire- is also available in our Project Website for anyone who would like to work further, either to update the cases in the IMISEM sample, or to collect information for cases which were not included in the IMISEM sample. The IMISEM Team encourages both kinds of extensions, which would be very valuable contributions to the scholarly community working on comparative migration policies.

This report you are about to open has been automatically created based on the information contained in the IMISEM dataset, with an R script (version 2.0) coded by Pau Palop-García. Editors of the IMISEM Case Reports: Dr. Luicy Pedroza & Dr. Pau Palop-García.

### How to cite this report:

Pedroza, Luicy; Pau Palop-García, and So Young Chang (2022), *Migration Policies in El Salvador 2017-2019*, IMISEM Case Report, German Institute for Global and Area Studies (GIGA), January, <https://doi.org/10.57671/imisem-22012>, (access date).

German Institute for Global and Area Studies (GIGA) / Leibniz-Institut für Globale und Regionale Studien  
Neuer Jungfernstieg 21  
20354 Hamburg  
Phone: +49 (0)40 - 428 25-593  
Fax: +49 (0)40 - 428 25-547  
Email: [info@giga-hamburg.de](mailto:info@giga-hamburg.de)  
<http://www.giga-hamburg.de>

## **About IMISEM**

“Every Immigrant is an Emigrant (IMISEM)” is a 4-year project that was funded by the Leibniz-Gemeinschaft and hosted at the German Institute for Global and Area Studies (GIGA) from April 2017 until August 2021. Its main distinctive feature is that it adopts a comprehensive view of migration policy. This includes not only the policies that regulate the stages of entry, immigrant residence and integration to citizenship access, but also encompasses the stages of emigration, emigrant rights abroad, and retention of citizenship. Thus, this project bridges for the first time the two sides of migration policy which both the policy and research communities have assumed to exist, but which so far have not been systematically analyzed in their connections. By collecting information on a vast array of information for policies across these six areas (three “stages” \* two “sides”) for 32 cases from three world regions, we hope to offer the scholarly and policy communities the resources to discover connections between the different areas of migration policy within and across cases as well as noteworthy migration policy innovations in so far little-known cases in the world. The IMISEM project was led by Dr. Luicy Pedroza. The data collection for IMISEM took place in Berlin (Germany) from 2017 to 2019 and reflects the state of migration policy at the time of data collection. This report has been created based on the information contained in the IMISEM dataset.

## **The IMISEM case sample**

The sample of 32 cases across Asia, Europe, and Latin America were selected based on heterogeneity in the level of economic development, levels of both flows and stocks of emigrants as well as immigrants, and then finally chosen upon taking into consideration the linguistic abilities and other pragmatic concerns that were decisive for the research team’s ability to explore and understand legal sources and policy regulations of the polities. The cases included in the sample are Argentina, Austria, Bolivia, Brazil, Chile, People’s Republic of China, Colombia, Costa Rica, Dominican Republic, East Timor, Ecuador, El Salvador, France, Germany, Guatemala, Hong Kong, Hungary, Indonesia, Ireland, Japan, Macau, Malaysia, Mexico, Peru, Philippines, Portugal, Singapore, South Korea, Spain, Taiwan, Trinidad and Tobago, and Uruguay.

We use the terms “country” and “state” in all the reports for purposes of consistency, but we are aware that some of the *polities* that we have included in the sample would require a different treatment because of situations of subordination to a higher-level political community (as in the cases of Hong Kong and Macau as Special Administrative Regions) or contested sovereignty issues (as in the case of Taiwan). We kindly ask our readers to bear in mind these important characteristics for any interpretation of the data presented.

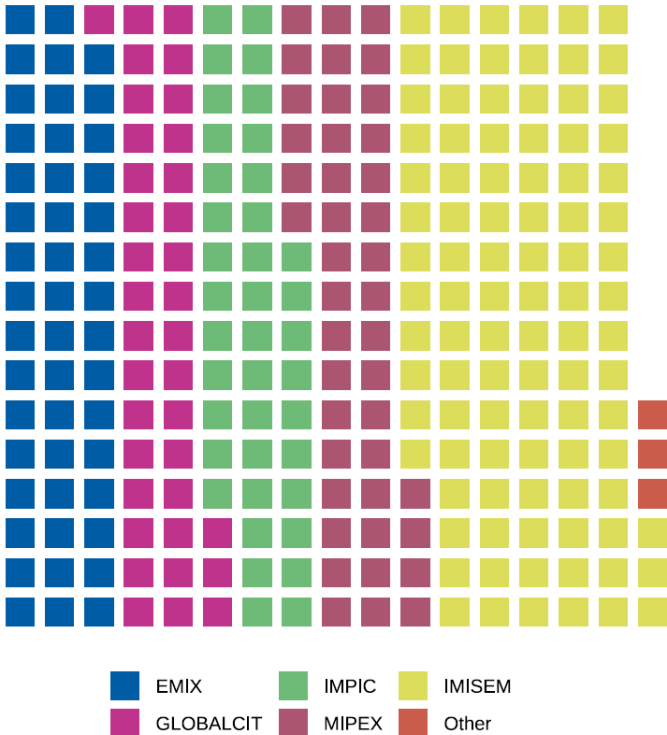
## **About the IMISEM Questionnaire**

For maximal transparency, this report follows the same structure of the IMISEM Data Collection Tool (a questionnaire) which the team used to gather the information. This questionnaire was not distributed to experts to be filled in, but rather served as a systematic tool with which the data collectors/authors were able to collect information in an orderly, systematic, and comparable manner across cases. A template of the IMISEM Data Collection Tool is available for download on our website. It is important for us, the IMISEM Team, to acknowledge how the IMISEM Data Collection Tool builds on previous efforts in

data collection on migration policies. The strategy behind the selection of questions was the following: first, based on a wide survey of the literature, we decided which dimensions and sub-dimensions of policies were relevant for our research goals and noted down the questions that we deemed necessary to gather the information for each of the IMISEM dimensions. Second, we did a thorough review of all the questionnaires produced by previous projects and selected from them those that covered the policy dimensions identified in our initial literature review. As a final step, we came up with new questions that covered those areas that had not been addressed by previous projects and yet seemed crucial to understand migration policies comprehensively and across the three regions that we cover.

The final version includes 288 main questions (and over 800 sub-questions), 90 of which (31.3 %) are original formulations of the IMISEM project and 198 are based on questions developed previously by projects such as [IMPIC](#), [EMIX](#), [GLOBALCIT](#) and [MIPEX](#). The first draft of our Data Collection Tool was piloted on a case from each region and thereafter went through several revisions to refine and modify the wording of questions. As none of the existing tools we drew on had included Asian cases in their original sample, it was important that our tool itself reflected policies that we might encounter in the broader sample pool with their apparent priorities and specificities. An example of this is the addition of questions on broker agencies that assist potential migrants with emigration and immigration, which are highly visible actors in several Asian cases. Adapting questions coming from projects that had originally focused on European cases only also meant discarding items that captured regulations applicable only for European migrants/citizens (i. e. for the European cases in our sample we collect information that applies to “third-country nationals”). The iterative process of piloting and refining questions led to the final version of the IMISEM Data Collection Tool. Figure 1 shows the origin of the questions that are included in our questionnaire.

Figure 1: Origin of the questions included in the IMISEM Data Collection Tool



Each square represents a main question of the IMISEM Questionnaire/Data Collection Tool.

Source: Own elaboration.

## Format of the answers contained in this report

The format of the answers that we present in this report follows the needs of the team to have comparable answers, so that we could more easily assign a numerical code later and therefore produce a dataset which lends itself to different analyses. Yet, we also wanted to include an explanation of the answer in some detail so that our readers can understand how we interpreted the sources and why we assigned a certain code. The importance of including an explanation for each answer cannot be understated. The explanations allow us to add nuance to the instances where there is room for debate and contestation over the interpretation of regulations. By explaining our answers, we hope to increase the transparency of the steps between data collection and data coding, and to invite other researchers to draw their own interpretations and conclusions, which may differ from our own.

Each of the answers in this report is composed of four fields:

**Answer:** this field contains the qualitative answer to the given question (for instance, “yes” or “no”).

**Code:** this field contains the quantitative answer to the given question. This reflects how we translated the qualitative answer into a number or code (for instance, “yes” can be coded as 0, and “no” as 1). The codes allow us to create composite indicators and compare across cases. The transformation of the qualitative answers into codes have been carried out following the IMISEM Codebook, the free access to which is also available on our website.

**Explanation:** this field contains the interpretation for the answer. It is meant to help the reader understand the logic behind the qualitative answer given by the coder. It often refers to the regulations -or lack thereof- and explains how we understood it.

**Sources:** this field contains a description of the sources consulted by the collector/author to come up with the answer and the explanation. Usually, primary sources (such as laws, all kinds of regulations and official government websites) are provided first, followed by consultations with official authorities (if the team considered necessary to corroborate information or decide for an interpretation), and secondary sources.

## Format of the sources

We used a shortened version of the Chicago style for the citation of the different sources to reduce the length of the reports. The sources include the name of the web page, publication, report or legal document in the original language, followed by the translation in English within “[ ]”. Given the complexity of the questions, answering many of them required using more than one source. Therefore, in a single question, several references appear in the same paragraph. They are separated by the following sign: “/”.

For example, the following format was used for legal documents, the most used type of source:

Name of regulation in original language [Name of regulation in English]. Year of enactment (Year of the version). Art. X.

Example: Constitución Española [Spanish Constitution]. 1978 (1992). Art. 78.

## **Varieties of Standard English**

In accordance with the diversity of nationalities and backgrounds in our team, we decided against homogenizing the use of English, which means that readers will find different spelling norms being applied across reports. We followed the use that is customary in the case we collected information for or that which our collectors felt at ease with. The same principle applies to other languages, such as Spanish or German.

## **Contact**

We sincerely hope that our dataset proves useful for your purposes. Please let us know if you have any feedback at: [lpedroza@colmex.mx](mailto:lpedroza@colmex.mx) or find us through our ORCID numbers:

Luicy Pedroza: 0000-0003-1971-4399

Pau Palop-García: 0000-0003-3458-4211

So Young Chang: 0000-0001-9632-3485



## Table of Contents

1.	Emigration policies.....	10
1.1.	General .....	10
1.2.	Documentation .....	12
1.2.1.	Passport.....	12
1.2.2.	Other requirements .....	13
1.3.	Quotas and restrictions .....	14
1.4.	Policy incentives.....	18
1.5.	Penalties .....	20
1.6.	Administration .....	22
2.	Emigrant policies .....	24
2.1.	Policies of representation .....	24
2.1.1.	Electoral rights .....	24
2.1.2.	Regulation of political competition abroad .....	29
2.1.3.	Consultative bodies .....	32
2.1.4.	Consultative bodies at the national level.....	32
2.1.5.	Funding of emigrant associations .....	35
2.2.	Economic Policies .....	36
2.2.1.	Remittances .....	36
2.2.2.	Investment .....	37
2.2.3.	Brain circulation networks .....	38
2.2.4.	Return policies .....	38
2.3.	Social Policies .....	40
2.3.1.	Retirement benefits .....	40
2.3.2.	Health care benefits .....	40
2.3.3.	Education .....	41
2.4.	Cultural policies.....	42
2.4.1.	Visits to country of origin .....	42
2.4.2.	Language courses for emigrants .....	43
2.5.	Obligations .....	43
2.5.1.	Military service .....	43
2.5.2.	Social service .....	43
2.5.3.	Taxes .....	43
2.6.	Administration .....	44
2.6.1.	Home country administration.....	44
2.6.2.	Consular network .....	45
2.6.3.	New consular functions .....	46
2.6.4.	Special offices.....	47
3.	Emigrant citizenship and nationality policies .....	49

3.1.	Emigrant nationality.....	49
3.1.1.	Dual nationality for emigrants.....	49
3.1.2.	Dual nationality only for some countries of residence.....	50
3.1.3.	Loss of nationality after residence abroad.....	51
3.1.4.	Jus sanguinis for emigrants.....	52
3.1.5.	Jus sanguinis across generations.....	52
3.1.6.	Renunciation of nationality is possible.....	53
3.1.7.	Reacquisition of nationality.....	54
3.2.	Emigrant citizenship.....	54
3.2.1.	Citizenship restrictions for dual nationals.....	54
3.2.2.	Different citizenship for emigrants.....	54
3.2.3.	Loss or suspension of citizen rights after residence abroad.....	55
4.	Immigration policies.....	56
4.1.	General.....	56
4.1.1.	Number of entry tracks.....	56
4.1.2.	Biometric information.....	56
4.1.3.	Visa waivers.....	57
4.2.	Documentation.....	57
4.3.	Quotas and restrictions.....	58
4.3.1.	General quota.....	58
4.3.2.	Specific quotas.....	58
4.3.3.	List of excluded persons.....	61
4.3.4.	List of excluded countries.....	61
4.4.	Policy incentives.....	62
4.4.1.	Recognized brokers.....	62
4.5.	Immigration control and penalties.....	62
4.5.1.	Irregular residence.....	62
4.5.2.	Forged documents.....	63
4.5.3.	Aiding undocumented migrants.....	65
4.5.4.	Employment obligations.....	66
4.5.5.	Landlord obligations.....	67
4.5.6.	Airline penalties.....	68
4.6.	Amnesty programs.....	68
4.7.	Administration.....	71
4.8.	Proxy: Labor migration (high- and low-skilled).....	73
4.8.1.	Domestic workers.....	73
4.8.2.	Agricultural workers.....	78
4.8.3.	Medical doctors.....	83
4.9.	Proxy: Refugees.....	88



4.9.1.	Existence of track .....	88
4.9.2.	Restrictions .....	89
4.9.3.	Place of application .....	91
4.9.4.	Permit validity.....	92
4.9.5.	Maximum timeframe for application resolution.....	93
4.9.6.	Possibility to change migratory status .....	94
4.9.7.	Detention.....	94
4.9.8.	Status after rejection .....	95
4.9.9.	Translation and interpretation.....	95
4.10.	Proxy: Co-ethnics .....	95
4.10.1.	General.....	96
4.10.2.	Reasons for co-ethnicity .....	96
4.10.3.	Language test.....	98
4.10.4.	Place of residence .....	98
4.10.5.	Place of application.....	99
4.10.6.	Date of birth.....	99
4.10.7.	Permit validity .....	100
5.	Immigrant policies.....	101
5.1.	Permanent residence .....	101
5.1.1.	Eligibility.....	101
5.1.2.	Security of status.....	110
5.2.	Policies of representation .....	114
5.2.1.	Electoral rights .....	114
5.2.2.	Regulation of participation in parties.....	118
5.2.3.	Consultative bodies .....	118
5.3.	Economic policies .....	120
5.3.1.	Access to labor market.....	120
5.3.2.	Access to support.....	132
5.3.3.	Worker's rights .....	137
5.3.4.	Property rights.....	142
5.4.	Social policies .....	144
5.4.1.	Family reunification .....	144
5.4.2.	Education .....	182
5.4.3.	Health care.....	186
5.4.4.	Unemployment benefits.....	191
5.4.5.	Retirement benefits .....	192
5.5.	Cultural policies.....	194
5.6.	Mobility policies .....	195
5.6.1.	Identity documents .....	195

5.6.2.	Freedom of movement .....	197
5.6.3.	Obligations .....	202
5.6.4.	Military service .....	202
5.6.5.	Social service .....	204
5.6.6.	Taxes .....	206
5.7.	Administration .....	207
6.	Immigrant citizenship and nationality .....	209
6.1.	Immigrant nationality .....	209
6.1.1.	Immigrant dual nationality .....	209
6.1.2.	Emigrant dual nationality for immigrants who naturalized .....	210
6.1.3.	Loss of nationality after residence abroad for naturalized immigrants.....	210
6.1.4.	Unrestrictive jus soli .....	211
6.1.5.	Qualified jus soli .....	211
6.1.6.	Standard naturalization procedure for immigrants due to residence .....	211
6.1.7.	Socialization based acquisition of citizenship .....	213
6.1.8.	Special procedure for immigrants with very long residence in country .....	214
6.1.9.	Preferential naturalization for immigrants from specific countries .....	214
6.1.10.	Cultural affinity/Ethnic ties.....	215
6.1.11.	Spousal transfer .....	215
6.1.12.	Filial transfer .....	215
6.1.13.	Special naturalization for refugees .....	216
6.1.14.	Naturalization for special achievements/talents .....	216
6.1.15.	Naturalization due to investment/financial assets.....	216
6.1.16.	Transfer to other relatives .....	217
6.1.17.	Nationality for the stateless.....	217
6.1.18.	Nationality for regularized immigrants .....	217
6.1.19.	Naturalization possible even if applicant had irregular status before .....	218
6.2.	Immigrant citizenship.....	218
6.2.1.	Restrictions on citizenship for naturalized immigrants .....	218
6.2.2.	Loss or suspension of citizenship after residence abroad for immigrants who naturalized .....	219
6.2.3.	Restrictions on citizenship for naturalized immigrants who are dual nationals	

# 1. Emigration policies

---

## 1.1. General

**EMIGRATION\_1. The attempt to leave the country is punishable by law.**

Answer: No

Code: 1

Explanation: Art. 2 of Migration Law (Decree No. 299) establishes that citizens shall be free to enter and leave the territory of the Republic.

Sources: Decreto N° 299 [Decree 299]. 1986. Art. 2.

**EMIGRATION\_2: Exit fees.**

**Prospective emigrants need to pay a fee before emigrating.**

Answer: No

Code: 1

Explanation: No provision in main regulations (Art. 51 and 52 of Migration Law Decree No. 2772).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 51 and 52.

**Amount of the fee in country of origin currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the fee in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Prospective emigrants need to make a deposit before emigrating:**

Answer: No

Code: 1

Explanation: A deposit is obligatory in case a person who on leaving the country is accompanied by one or more persons of Salvadoran nationality, as a domestic servant, employee, or any other similar condition, except if the destination is any of the Central American countries or Panama (Art. 51 of Migration Law Decree 2772) or in the case of Salvadorean who have to leave the country for the provision of services abroad (Art. 52 of Migration Law Decree No. 2772).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 51 and 52.

**Amount of the deposit in the currency of the country of origin:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Amount of the deposit in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_3: Citizens can only stay abroad for a given maximum of days.**

**Citizens can only stay abroad for a given maximum of days**

Answer: No

Code: 1

Explanation: No provision for a maximum of days abroad in main regulations.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 51 and 52.

**Maximum number of days that citizens can stay abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.2. Documentation

### 1.2.1. Passport

#### **EMIGRATION\_4: Cost of ordinary passport.**

**Cost of ordinary passport in country currency (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 25

Code: 25

Explanation: The cost of a passport is \$25 USD.

Sources: Dirección General de Migración y Extranjería. "Pasaportes [Passports]". Accessed May 15, 2019. <http://www.migracion.gob.sv>.

**Cost of ordinary passport in US Dollars (if there are different costs for passports with different validity, register the cost of the cheapest ordinary passport):**

Answer: 25

Code: 25

Explanation: The cost of a passport is \$25 USD.

Sources: Dirección General de Migración y Extranjería. "Pasaportes [Passports]". Accessed May 15, 2019. <http://www.migracion.gob.sv>.

#### **EMIGRATION\_5: Maximum length of procedure to process passport.**

**Maximum length of procedure to process passport is specified in the regulations or information on the average length is provided by official sources (if there are different lengths, use the minimum):**

Answer: Yes

Code: 1

Explanation: The average delivery time is 45 minutes. However, in periods prior to high seasons, close to the holidays this time may vary, depending on the demand.

Sources: Dirección General de Migración y Extranjería. "Pasaportes [Passports]". Accessed May 15, 2019. <http://www.migracion.gob.sv>.

**Maximum length of procedure to process passport (in days):**

Answer: 1

Code: 1

Explanation: The average delivery time is 45 minutes. However, in periods prior to high seasons, close to the holidays this time may vary, depending on the demand.

Sources: Dirección General de Migración y Extranjería. "Pasaportes [Passports]". Accessed May 15, 2019. <http://www.migracion.gob.sv>.

**Maximum length of procedure to process passport (by categories):**

Answer: From 0 to 2 months

Code: 1

Explanation: The average delivery time is 45 minutes. However in periods prior to high seasons, close to the holidays this time may vary, depending on the demand.

Sources: Dirección General de Migración y Extranjería. "Pasaportes [Passports]". Accessed May 15, 2019. <http://www.migracion.gob.sv>.

**EMIGRATION\_6. Renewal of passport from abroad is possible:**

Answer: Yes

Code: 1

Explanation: The process is carried out at Consulates.

Sources: Ministerio de Relaciones Exteriores de El Salvador. "Servicios Consulares [Consular Services]". Accessed May 15, 2019. <https://rree.gob.sv/servicios-consulares/>.

### 1.2.2. Other requirements

**EMIGRATION\_7. Local police certificate is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A local police certificate is not listed as a requisite for emigration (Art. 50 Migration Law Decree 2772).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 50.

**EMIGRATION\_8. Superior/employer's permission is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A permission from a superior or employer is not listed as a requisite for emigration (Art. 50 Migration Law Decree 2772).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 50.

**EMIGRATION\_9. Proof of income is necessary to emigrate:**

Answer: No

Code: 1

Explanation: A proof of income is not required to emigrate (Art. 50 Migration Law Decree 2772).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 50.

**EMIGRATION\_10. Registration abroad is mandatory.**

Answer: No

Code: 1

Explanation: No evidence of a special register abroad for non-residents found.

Sources: Decreto N° 33 [Decree 33]. 1948.

### **1.3. Quotas and restrictions**

**EMIGRATION\_11. Quotas to emigrate based on ethnicity.**

**Quotas to emigrate based on ethnicity exist in the country:**

Answer: No

Code: 1

Explanation: There are no quotas for emigration.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.



**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_12: Quotas to emigrate based on income.**

**Quotas to emigrate based on income exist in the country:**

Answer: No

Code: 1

Explanation: There are no quotas for emigration.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**Quota to emigrate for 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_13. Those who are liable for military conscription are allowed to emigrate:**

Answer: Yes

Code: 1

Explanation: Although military service is mandatory in El Salvador, there is no provision regarding a restriction of emigration for main in or close to military conscription (Art. 215 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 215.

**EMIGRATION\_14: Banned countries for emigration.**

**There are countries that are banned as destination for emigrants:**

Answer: No

Code: 1

Explanation: There is no list of banned destination for citizens.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**List of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of countries banned for citizens in 2017:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_15. Higher education graduates must pay an education “tax” (or compensation) to be able to emigrate:**

Answer: No

Code: 1

Explanation: There is no education tax on emigration.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**EMIGRATION\_16. Recipients of state scholarship are banned from emigrating:**

Answer: No

Code: 1

Explanation: State scholarship recipients are not banned from emigrating.

Sources: Ministerio de Relaciones Exteriores & SICDES. “Preguntas Frecuentes [Frequently Asked Questions]”. Accessed May 15, 2019. <http://cooperacion.rree.gob.sv/web/becas/preguntas-frecuentes>.

**EMIGRATION\_17: Ban for specific civil professional groups.**

**There is an emigration ban for specific professional group(s):**

Answer: No

Code: 1

Explanation: There is no ban for distinct civil professional groups.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**There is a ban for medical doctors:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**There is a ban for other professions:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_18. The ban can be overcome by a letter signed by a supervisor:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_19. The ban can be overcome by a letter signed by an official authority.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 1.4. Policy incentives

### **EMIGRATION\_20. Existence during 2017 of campaigns to encourage emigration:**

Answer: No

Code: 0

Explanation: There are no records of campaigns carried out to encourage emigration.

Sources: Ministerio de Relaciones Exteriores. "Ministerio de Relaciones Exteriores El Salvador [Ministry of Foreign Affairs El Salvador]". Access date not available. <https://rree.gob.sv/>. / Dirección General de Migración y Extranjería. "Dirección General de Migración y Extranjería [General Directorate of Migration and Aliens]". Access date not available. <http://www.migracion.gob.sv/>.

### **EMIGRATION\_21. Existence during 2017 of campaigns to discourage emigration:**

Answer: No

Code: 0

Explanation: There are no records of campaigns carried out to discourage emigration.

Sources: Ministerio de Relaciones Exteriores. "Ministerio de Relaciones Exteriores El Salvador [Ministry of Foreign Affairs El Salvador]". Access date not available. <https://rree.gob.sv/>. / Dirección General de Migración y Extranjería. "Dirección General de Migración y Extranjería [General Directorate of Migration and Aliens]". Access date not available. <http://www.migracion.gob.sv/>.

### **EMIGRATION\_22. Existence of license system to recognize and authorize emigration brokers (i.e. persons or companies dedicated to facilitating the immigration process to emigrants):**

Answer: No

Code: 0

Explanation: The only institution authorized for immigration process are state institutions. In this case the Vice-Ministry for Salvadorans Abroad (Viceministerio para los Salvadoreños en el Exterior) which is in charge of implementation and design of emigration policy and emigrant policy. As well as the Directorate General of Migration and Foreign Affairs (Dirección General de Migración y Extranjería) in charge of Emigrant Policies among others.

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019. <https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv/>. / Decreto del Consejo de Ministros Nº 24 [Council of Ministers Decree 24]. 1989. / Ministerio de Relaciones Exteriores de El Salvador. Organigrama Institucional MRREE [Organizational Chart MRREE]. 2019. / Ministerio de Relaciones Exteriores de El Salvador. "Áreas del viceministerio para los salvadoreños en el exterior [Areas of the

Vice Ministry for Salvadorans Abroad]”. Accessed May 27, 2019. <https://rree.gob.sv/viceministerio-para-los-salvadorenos-en-el-exterior/areas-del-viceministerio-para-los-salvadorenos-en-el-exterior/>.

**EMIGRATION\_23: Emigration lump sum.**

**State of origin pays a lump sum incentive to citizens willing to emigrate:**

Answer: No

Code: 0

Explanation: There is no lump sum to incentive emigration.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**Register the amount of the sum in country currency:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Register the amount of the sum in US Dollars:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_24. State of origin allows citizens willing to emigrate the withdrawal of accumulated social benefits (e.g. unemployment benefits) in a single transfer.**

Answer: No

Code: 0

Explanation: In El Salvador there are no social benefits in case of unemployment.

Sources: Ley del seguro social y reglamentos del régimen general de salud y riesgos profesionales [Social Security Law and Regulations of the General Health and Occupational Risks System]. 1997.

## 1.5. Penalties

### EMIGRATION\_25: Loss of private property.

#### Risk of losing real state in case of emigration:

Answer: No

Code: 1

Explanation: There is no risk of losing private property in case of emigration (see for instance Art. 2, Art. 11 and Art. 22 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2, 11 and 22.

#### Risk of losing bank accounts in case of emigration:

Answer: No

Code: 1

Explanation: There is no risk of losing private property in case of emigration (see for instance Art. 2, Art. 11 and Art. 22 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2, 11 and 22.

### EMIGRATION\_26: Re-entry ban.

#### Existence of a re-entry ban after residence abroad for nationals by naturalization:

Answer: No

Code: 1

Explanation: There is no re-entry ban after residence abroad. Art. 2 of Migration Law establishes that everyone shall be free to enter and leave the territory of the Republic, subject to such limitations as may be established by this law.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 2. / Decreto N° 299 [Decree 299]. 1986.

#### Re-entry ban applies after how many months of residence abroad?

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals by birth:**

Answer: No

Code: 1

Explanation: There is no re-entry ban after residence abroad. Art. 2 of Migration Law establishes that everyone shall be free to enter and leave the territory of the Republic, subject to such limitations as may be established by this law.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 2. / Decreto N° 299 [Decree 299]. 1986.

**Re-entry ban after residence abroad for nationals by birth after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of a re-entry ban after residence abroad for nationals with dual or multiple nationality:**

Answer: No

Code: 1

Explanation: There is no re-entry ban after residence abroad. Art. 2 of Migration Law establishes that everyone shall be free to enter and leave the territory of the Republic, subject to such limitations as may be established by this law.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 2. / Decreto N° 299 [Decree 299]. 1986.

**Re-entry ban after residence abroad for nationals with dual or multiple nationality after how many months of residence abroad?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRATION\_27. Existence of sanctions (other than a re-entry ban) for overstaying abroad:**



Answer: No

Code: 1

Explanation: There are no sanctions for overstaying abroad since no limit for stay is established in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

## 1.6. Administration

**EMIGRATION\_28. Existence of institution/agency with competencies for exit and/or emigration:**

**Existence of institution/agency with competencies for exit and/or emigration:**

Answer: Yes

Code: 1

Explanation: Two institutions have competences over exit and emigration policy. On the one hand, the Vice-Ministry for Salvadorans Abroad (Viceministerio para los Salvadoreños en el Exterior) and, on the other hand, the Directorate General of Migration and Foreign Affairs (Dirección General de Migración y Extranjería).

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019. <https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>. / Decreto del Consejo de Ministros N° 24 [Council of Ministers Decree 24]. 1989. / Ministerio de Relaciones Exteriores de El Salvador. Organigrama Institucional MRREE [Organizational Chart MRREE]. 2019. / Ministerio de Relaciones Exteriores de El Salvador. "Áreas del viceministerio para los salvadoreños en el exterior [Areas of the Vice Ministry for Salvadorans Abroad]". Accessed May 27, 2019. <https://rree.gob.sv/viceministerio-para-los-salvadorenos-en-el-exterior/areas-del-viceministerio-para-los-salvadorenos-en-el-exterior/>.

**Name of the institution with competencies for exit and/or emigration in original language:**

Answer: Viceministerio para los Salvadoreños en el Exterior and Dirección General de Migración y Extranjería

**Name of the institution with competencies for exit and/or emigration in English:**

Answer: Vice-Ministry for Salvadorans Abroad and the Directorate General of Migration and Foreign Affairs

**Place in the administrative hierarchy:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2. Emigrant policies

---

### 2.1. Policies of representation

#### 2.1.1. Electoral rights

##### **EMIGRANT\_1. Voting is mandatory for citizens residing abroad:**

Answer: No

Code: 0

Explanation: External voting is regulated by the Ley especial para el ejercicio del voto desde el exterior (Special Law For Exercising Vote From Abroad) adopted in 2014. This law establishes that Salvadorans residing abroad may exercise their right to vote.

Sources: Decreto N° 273 [Decree 273]. 2013.

##### **Does the country have presidential elections?**

Answer: Yes

Code: 1

##### **Does the country have a bicameral system (e.g. composed of a lower house and an upper house, or an originating chamber and a reviewer chamber)?**

Answer: No, the country only has a Lower House

Code: 2

#### *Presidential elections*

##### **EMIGRANT\_2. Can non-resident citizens vote in national presidential elections from abroad?**

Answer: Generally enfranchised

Code: 1

Explanation: External voting is regulated by the Ley especial para el ejercicio del voto desde el exterior (Special Law For Exercising Vote From Abroad) adopted in 2014. This law establishes that Salvadoreans residing abroad may exercise their right to vote in Presidential and Vice-presidential elections.

Sources: Decreto N° 273 [Decree 273]. 2013.

##### **EMIGRANT\_3. Can non-resident citizens stand as candidates in national presidential elections from abroad?**

Answer: Generally enfranchise

Code: 1

Explanation: Salvadorans living abroad have no limitations with respect to eligibility to stand as a candidate in Presidential and Vice-Presidential elections. Art. 151 of the Constitution establishes that all Salvadorians by birth can be elected President or Vice-President. Moreover, none of the limitations for running as a candidate in Presidential elections established in the Constitution (Art. 127, Art. 151 and Art. 152) refer to residence abroad.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 127, 151 and 152.

## *Legislative elections*

### Lower house (National Elections)

#### **EMIGRANT\_4. Can non-resident citizens vote in national legislative elections (lower house) from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: External voting is regulated by the Ley especial para el ejercicio del voto desde el exterior (Special Law for Exercising Vote from Abroad) adopted in 2014. This law establishes that Salvadorans residing abroad may exercise their right to vote only in Presidential and Vice-presidential elections (Art. 1).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 1.

#### **EMIGRANT\_5. Can non-resident citizens stand as candidates in national legislative elections (lower house) from abroad?**

Answer: Generally disenfranchise

Code: 0

Explanation: Salvadorians abroad cannot stand as candidates in legislative elections. Art. 126 Constitution establishes that, in order to be elected deputy, it is necessary to be over twenty-five years of age, Salvadoran by birth, the child of a Salvadoran father or mother, of notorious honesty and instruction, and not to have lost the rights of a citizen in the five years preceding the election. Since they cannot vote in legislative elections, it is understood that they do not have their full citizen rights and, thus, cannot stand as candidates in legislative elections.

Sources: Cuéllar, Eduardo. Access to electoral rights: El Salvador. Fiesole: EUDO Citizenship Observatory, 2015. Access date not available. / Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 126.

### Upper house (National Elections)

**EMIGRANT\_6. Can non-resident citizens vote in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_7. Can non-resident citizens stand as candidates in national legislative elections (upper house) from abroad?**

Answer: Non applicable (no Upper House elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Registration*

**EMIGRANT\_8. Registration in the electoral roll for non-resident citizens:**

Answer: Active registration, frequent renewal (for every election)

Code: 0

Explanation: One-off active registration in separate registry for voters abroad. As established by Art. 4 and 7 of the Special Law for Exercising Vote from Abroad, Non-resident citizens must register on a special electoral roll. The procedure for registration can be made personally when an individual obtains the Unique Identification Document abroad, electronically, or personally at the office of the Supreme Electoral Tribunal in San Salvador.

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4 and 7.

*Remote voting*

**EMIGRANT\_9. Voting methods from abroad:**

**Voting methods available to cast votes from abroad - Electronic voting:**

Answer: No

Code: 0

Explanation: The Special Law for the Exercise of Vote from Abroad in Presidential Elections establishes that Salvadorans living abroad must vote by postal ballot before the day of the election (Art. 16).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4, 7 and 16.

**Voting methods available to cast votes from abroad - Proxy voting:**

Answer: No

Code: 0

Explanation: The Special Law for the Exercise of Vote from Abroad in Presidential Elections establishes that Salvadorans living abroad must vote by postal ballot before the day of the election (Art. 16).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4, 7 and 16.

**Voting methods available to cast votes from abroad - Postal voting:**

Answer: Yes

Code: 1

Explanation: The Special Law for the Exercise of Vote from Abroad in Presidential Elections establishes that Salvadorans living abroad must vote by postal ballot before the day of the election (Art. 16).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4, 7 and 16.

**Voting methods available to cast votes from abroad - Personal voting in consulates or embassies:**

Answer: No

Code: 0

Explanation: The Special Law for the Exercise of Vote from Abroad in Presidential Elections establishes that Salvadorans living abroad must vote by postal ballot before the day of the election (Art. 16).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4, 7 and 16.

**Voting methods available to cast votes from abroad - Ad hoc polling stations:**

Answer: No

Code: 0

Explanation: The Special Law for the Exercise of Vote from Abroad in Presidential Elections establishes that Salvadorans living abroad must vote by postal ballot before the day of the election (Art. 16).

Sources: Decreto N° 273 [Decree 273]. 2013. Art. 4, 7 and 16.

### *Special representation*

#### **EMIGRANT\_10: Emigrant special representation.**

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's lower house?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special seats reserved for non-resident candidates in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the lower house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a special extraterritorial constituency (i.e. reserved seats) for non-resident voters in the country's upper house?**

Answer: No

Code: 0

Explanation: Not applicable

Sources: Not applicable



**Number of special seats reserved for non-resident candidates in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Number of special emigrant districts in the upper house:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

*Remote voting implementation*

**EMIGRANT\_11. External voting has been implemented (non-resident citizens have been able to vote from abroad in the past elections):**

Answer: yes

Code:

Explanation: External voting has been implemented.

Sources: Decreto N° 273 [Decree 273]. 2013.

**EMIGRANT\_12. In case external voting has not been implemented after its adoption, what are the main reasons?**

Answer: N/A

Code: N/A

Explanation: Not applicable

Sources: Not applicable

**2.1.2. Regulation of political competition abroad**

### *Party offices in the state of reception*

#### **EMIGRANT\_13. Offices of political parties are legally allowed abroad:**

Answer: No specific regulation of offices abroad

Code: 0.5

Explanation: No provision regulating external party offices in main regulation (Law of Political Parties).

Sources: Decreto N° 307 [Decree 307]. 2013.

#### **EMIGRANT\_14. Actual existence of permanent offices of home country parties abroad which target emigrants in order to capture funding for campaigns or political support:**

Answer: No

Code: 0

Explanation: No permanent offices of home country parties abroad.

Sources: Alianza Republicana Nacionalista. "Alianza Republicana Nacionalista [Nationalist Republican Alliance]". Access date not available. <https://www.facebook.com/ARENAOFICIAL/>. / Frente Farabundo Mart'í para la Liberación Nacional. "FMLN Oficial [FMLN Official]". Access date not available. <https://www.fmln.org.sv/>.

#### **EMIGRANT\_15. Register the list of countries (in English) in which the three biggest political parties of the state of origin have offices abroad (consider parties or political movements with the highest number of votes in the last national legislative election).**

Answer: Not applicable

Code: Not applicable

Explanation: There are no permanent offices of home country parties abroad.

Sources: Alianza Republicana Nacionalista. "Alianza Republicana Nacionalista [Nationalist Republican Alliance]". Access date not available. <https://www.facebook.com/ARENAOFICIAL/>. / Frente Farabundo Mart'í para la Liberación Nacional. "FMLN Oficial [FMLN Official]". Access date not available. <https://www.fmln.org.sv/>.

#### **EMIGRANT\_16. Could external party offices receive public funding from state of origin?**

Answer: No specific regulation

Code: 0.5

Explanation: There are no external political party offices. Nevertheless, no provision limiting the potential funding of offices abroad.

Sources: Decreto N° 413 [Decree 413]. 2014. / Decreto N° 307 [Decree 307]. 2013.

## *Political campaigns*

### **EMIGRANT\_17. Electoral campaigns abroad for home elections are legally regulated:**

Answer: No specific regulation of campaigns abroad

Code: 0.5

Explanation: Campaigns abroad are not regulated in main electoral regulations (Electoral Code and Law of Political Parties).

Sources: Decreto N° 413 [Decree 413]. 2014. / Decreto N° 307 [Decree 307]. 2013.

### **EMIGRANT\_18. Actual existence of campaigns abroad for home elections:**

Answer: No

Code: 0

Explanation: No evidence of campaigns abroad found.

Sources: Not applicable

### **EMIGRANT\_19. Existence of public funding for electoral campaigns in state of residence:**

Answer: No mention to public funding for campaigns abroad in main electoral regulations

Code: 0.5

Explanation: Campaigns abroad are not regulated in main regulations (Electoral Code and Law of Political Parties).

Sources: Decreto N° 413 [Decree 413]. 2014. / Decreto N° 307 [Decree 307]. 2013.

## *Membership in political parties*

### **EMIGRANT\_20. Emigrant membership to home country political parties:**

Answer: Legally allowed AND same status for emigrants as for residents

Code: 1

Explanation: All citizens registered in the electoral roll have the right to affiliate to a political party. Since Salvadorians abroad can participate in Presidential elections and, thus, are included in the electoral roll, they also have the right to affiliate to Salvadorian political parties.

Sources: Decreto N° 307 [Decree 307]. 2014. Art. 35. / Estatuto del Partido Político Alianza Republicana Nacionalista [Nationalist Republican Alliance Political Party Statute]. 2002. / Estatuto Del

### 2.1.3. Consultative bodies

#### 2.1.4. Consultative bodies at the national level

##### **EMIGRANT\_21. Existence of a consultative body on emigrant issues:**

Answer: Yes

Code: 1

Explanation: The body is known as CONMIGRANTES, which is an inter-institutional body comprises of civil society and migrants, a non-profit, autonomous, decentralized public law institution. The objectives are elaborating, proposing, channeling, and verifying compliance with the integral protection policy.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 6.

##### **EMIGRANT\_22. The consultation is structural or ad hoc:**

Answer: Structural

Code: 1

Explanation: The Plenary of the Council shall meet at least twice a month or with a convenient frequency to ensure the effective development of their powers by convocation of its President.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 17.

##### **EMIGRANT\_23. Composition of the consultative body:**

Answer: 0.75

Code: 0.75

Explanation: The consultative body comprises of delegated representatives of public institutions, nonprofit organizations, and ministries.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 12.

##### **EMIGRANT\_24. Who chairs the consultative body?**

Answer: Member of the government

Code: 0.25

Explanation: The Consultative body will be chaired by the Vice-Minister for Salvadorans Abroad, who will exercise the functions of Coordinator of the Council, and the functions of the Deputy Coordinator will be exercised by the Director General of Migration and Foreign Affairs.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 12.

**EMIGRANT\_25. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Yes

Code: 1

Explanation: The consultative body is capable of preparing, proposing, and channeling policies on migration and development. Moreover, the consultative body is also capable of verifying the implementation of strategic plans.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 10.

**EMIGRANT\_26. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about the right to get a response.

Sources: Decreto N° 655 [Decree 655]. 2011.

**EMIGRANT\_27. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs, through the Vice-Minister for Salvadorans Abroad, shall take all necessary measures to ensure that the selection process is carried out in a transparent manner, respecting the principles of equality; access to information; protection of personal data; dissemination of public management and equitable participation, taking into account geographical, territorial and gender representation.

Sources: Decreto N° 80 [Decree 80]. 2012.

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: 1

Code: 1

Explanation: The Ministry of Foreign Affairs, through the Vice-Minister for Salvadorans Abroad, shall take all necessary measures to ensure that the selection process is carried out in a transparent manner, respecting the principles of equality; access to information; protection of personal data; dissemination of public management and equitable participation, taking into account geographical, territorial and gender representation.

Sources: Decreto N° 80 [Decree 80]. 2012.

### *Consultative bodies at the consular level*

#### **EMIGRANT\_28. Existence of a consultative body of emigrants at the consular level.**

Answer: No

Code: 0

Explanation: No consultative body of emigrants at the consular level.

Sources: Not applicable

#### **EMIGRANT\_29. The consultation is structural or ad hoc:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_30. Composition of the consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **EMIGRANT\_31. Who chairs the consultative body?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_32. The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_33. Beyond consultation on policies affecting emigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**EMIGRANT\_34. Selection criteria to ensure representativeness**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographically-balanced consultative body:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**2.1.5. Funding of emigrant associations**

## **EMIGRANT\_35. Existence of consular support (in kind or financial) to independent emigrant associations**

Answer: Yes

Code: 1

Explanation: There is consular support for two different activities conducted by emigrant associations. First, One the Plan Anual Operativo 2017 includes the support of community initiatives abroad. Second. the so-called ventanillas comunitarias can be started within civil society initiatives. The Organizational Community Development Program for Salvadorans Abroad aims at the implementation of community leadership capacity building initiatives abroad. The ventanillas consulares provide support in the efforts of the consular network, in terms of assistance, protection and care for compatriots. Since 2017 (21 in Canada, USA, and Mexico), in Europa since 2018 just one found in Málaga, Spain.

Sources: Viceministro para salvadoreños en el exterior. Propuesta para la Creación de “Ventanillas Consulares” [Proposal for the Creation of Ventanillas Consulares]. 2017. / Ministerio de Relaciones Exteriores de El Salvador. “Cancillería inaugura ventanillas consulares en Los Ángeles, California [Foreign Ministry opens Consular Windows in Los Angeles, California]”. Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-ventanillas-consulares-en-los-angeles-california/>. / Ministerio de Relaciones Exteriores de El Salvador, “Cancillería inaugura primera ventanilla consular para atención de compatriotas en Europa [Foreign Ministry opens First Consular Window for the Attention of Compatriots in Europe]”. Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-primera-ventanilla-consular-para-atencion-de-compatriotas-en-europa/>. / Ministerio de Relaciones Exteriores. Plan Anual Operativo 2017 [Operative Plan 2017]. 2017

## **2.2. Economic Policies**

### **2.2.1. Remittances**

#### **EMIGRANT\_36. Government program/strategy to attract remittances from emigrants.**

**Existence of a government program to attract remittances from emigrants:**

Answer: No

Code: 0

Explanation: No concrete measure to control remittance cost or increase remittances revenue has been found.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 32.

**Measures to improve banking channels for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Existence of fee controls for remittances:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Remittances used for a co-development scheme (if remittances are used by the state of origin to fund development policies):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 2.2.2. Investment

**EMIGRANT\_37. Existence of a government program to attract investments from emigrants (i.e. investment in housing, local enterprises, etc.):**

Answer: Yes

Code: 1

Explanation: There is a program which aims to attract investments from emigrants. The Art. 35 Special Law for the Protection and Development of Salvadoran Migrants and their Families Decree No. 655 establishes the creation of the Investment Attraction Project for Salvadorans abroad which is aim at creating investment promotion strategies. Additionally, the Law creates the Incentives Project for the Creation of Small and Medium Enterprises, which aims at providing advice, and promoting the link between remittances and the financing of credits for business activities. The Projects were created in 2011 by the Law and have been implemented in different forms since then, for instance with the Mesas de Inversión y Economía “La casa abierta”.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 35. / Sistema de Información Comercial. “Ministra de Economía lidera proyecto de atracción de inversión extranjera [Minister of Economy leads foreign investment attraction Project]”. Access date not available. <http://infotrade.minec.gob.sv/blog/ministra-de-economia-lidera-proyecto-de-atraccion-de-inversion-extranjera/>. / Banco Central de la Reserva de El Salvador. “Presentan plan ‘Casa abierta: salvadoreños en el exterior 2016-2019 [Present Plan ‘Open House: Salvadorans Abroad 2016-2019]’”. Access date not available. [https://www.bcr.gob.sv/esp/index.php?option=com\\_k2&view=item&id=909:presentan-plan-casa-abierta-salvadore%C3%B1os-en-el-exterior-2016-2019&Itemid=168](https://www.bcr.gob.sv/esp/index.php?option=com_k2&view=item&id=909:presentan-plan-casa-abierta-salvadore%C3%B1os-en-el-exterior-2016-2019&Itemid=168).

### 2.2.3. Brain circulation networks

**EMIGRANT\_38. Are there formally constituted networks aiming to build connections between emigrants and the state of origin to share knowledge?**

Answer: No

Code: 0

Explanation: Although the Special Law for the Protection and Development of Salvadoran Migrants and their Families establishes the creation of the Project for Transfer of Technology and Scientific, Technical and Cultural Knowledge which aims at facilitating the contributions of Salvadorian emigrants to development in El Salvador (Art. 33), such program has not been regulated nor implemented so far.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 3.

### 2.2.4. Return policies

**EMIGRANT\_39. Recognition of academic and professional qualifications acquired in the state of residence:**

**Recognition in state of origin of academic and professional qualifications emigrants acquired in the state of residence:**

Answer: Yes

Code: 1

Explanation: There are two different forms of recognition: equivalence and incorporation. Incorporation is the recognition of the academic validity of professional studies performed abroad or served in the country by foreign institutions. Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

**Timeframe for the recognition of academic/professional qualifications obtained abroad. If there are several processes (i.e. automatic, for higher education, for primary education.), register the one with the lengthier timeframe:**

Answer: 6 months or less

Code: 1

Explanation: Incorporation takes 30 days to process. Equivalence takes 8 days to process.

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

**EMIGRANT\_40. Communication campaigns aiming to convince emigrants to return to home country:**

Answer: No

Code: 0

Explanation: No communication campaigns aiming to convince emigrants to return to El Salvador found.

Sources: Ministerio de Relaciones Exteriores. "Ministerio de Relaciones Exteriores El Salvador [Ministry of Foreign Affairs El Salvador]". Access date not available. <https://rree.gob.sv/>.

**EMIGRANT\_41. Existence of brain gain programs developed by the government targeting highly qualified emigrants:**

Answer: Yes

Code: 1

Explanation: In 2017, the MoFA signed a cooperation agreement with two universities (University of Oriente and University Gerardo Barrios). The cooperation aims to benefit nationals around the world, as well as people returned to the country. One of the programs is in the form of academic exchange for young Salvadorans abroad.

Sources: Ministerio de Relaciones Exteriores de El Salvador. "Cancillería y Universidad de Oriente firman convenio de cooperación para acercar posibilidades académicas a salvadoreños retornados y en el exterior [Foreign Ministry and Universidad de Oriente sign cooperation agreement to bring academic possibilities to Salvadorans returning and abroad]". Accessed May 28, 2019. <https://rree.gob.sv/cancilleria-y-universidad-de-oriente-firman-convenio-de-cooperacion-para-acercar-posibilidades-academicas-a-salvadorenos-retornados-y-en-el-exterior/>. / Ministerio de Relaciones Exteriores de El Salvador. "Cancillería y Universidad Gerardo Barrios firman convenio para programas académicos en beneficio de compatriotas en el exterior y retornados [Foreign Ministry and Gerardo Barrios University sign agreement for academic programs for the benefit of compatriots abroad and returnees]". Accessed May 28, 2019. <https://rree.gob.sv/cancilleria-universidad-gerardo-barrios-firman-convenio-programas-academicos-beneficio-compatriotas-exterior-retornados/>.

**EMIGRANT\_42. Existence of welfare provisions or benefits that aim at facilitating the reintegration of emigrants in the home society:**

Answer: Yes

Code: 1

Explanation: Besides the programs in the regulation such as the Project of Productive Cooperation and Technical Cooperation (Art. 32 Special Law for the Protection and Development of Salvadoran Migrants and their Families) and an Employment Pool (Art. 34 Special Law for the Protection and Development of Salvadoran Migrants and their Families). On Year 2017 the following benefits were

created: (1) Salvador es tu casa: El “Salvador es tu casa” (El Salvador is your home) which is managed by the Ministry of Foreign Affairs and the Public Services System. It is composed of a variety of initiatives that contribute to the reinsertion of nationals returning to the country. Among them are programs to promote professional and business training, education in entrepreneurship, training for new skills and certification of knowledge acquired in the United States. (2) Provision of seed capital to returnees for entrepreneurial projects: The main objective of this initiative, which to date has materialized its second delivery with a total of 147 beneficiaries, is to strengthen the effective integration of emigrants returning to El Salvador to its social and economic development. This support is part of the Integral Program of Reinsertion to Returning Persons that was launched in January 2016 by the Central Government. This effort provides participants with continuous follow-up and also offers psychosocial and business workshops to provide them with new skills and knowledge, so that they can start their own entrepreneurial ideas.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 32 and 24. / Ministerio de Relaciones Exteriores de El Salvador. “El Salvador es tu casa [El Salvador is your Home]”. Access date not available. <https://rree.gob.sv/elsalvadorestucasa/>. / Ministerio de Relaciones Exteriores de El Salvador. “Gobierno salvadoreño hace segunda entrega de capital semilla a personas retornadas para proyectos emprendedores [Salvadoran government makes second delivery of seed capital to returnees for entrepreneurial projects]”. Access date not available. <https://rree.gob.sv/gobierno-salvadoreno-segunda-entrega-capital-semilla-personas-retornadas-proyectos-emprendedores/>.

## 2.3. Social Policies

### 2.3.1. Retirement benefits

#### **EMIGRANT\_43. Retirement benefits after emigration (i.e. pensions):**

Answer: Yes

Code: 1

Explanation: Non-resident Salvadorians may also join the pensions system. Every six months pensioners who live outside El Salvador must apply for a certificate of survival to be sent to the different pension institutions.

Sources: Ministerio de Relaciones Exteriores de El Salvador. “Servicios Consulares [Consular Services]”. Access date not available. <https://rree.gob.sv/servicios-consulares/>. / Decreto N° 927 [Decree 927]. 1996. Art. 9.

### 2.3.2. Health care benefits

#### **EMIGRANT\_44. Health care benefits.**

**Health coverage can be extended abroad (access to health services covered by the healthcare system in country of origin):**

Answer: No

Code: 0

Explanation: Emigrants keep health coverage in state of origin and can access health care services if they visit the state of origin.

Sources: Instituto Salvadoreño del Seguro Social. “Régimen Especial para salvadoreños en el exterior [Special Regime for Salvadorans Abroad]”. Access date not available.  
[http://www.iss.gov.sv/index.php?option=com\\_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77](http://www.iss.gov.sv/index.php?option=com_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77).

**Emigrants can keep their health insurance in the state of origin and access health care services when they visit the state of origin:**

Answer: Yes

Code: 1

Explanation: Emigrants keep health coverage in state of origin and can access health care services if they visit the state of origin.

Sources: Instituto Salvadoreño del Seguro Social. “Régimen Especial para salvadoreños en el exterior [Special Regime for Salvadorans Abroad]”. Access date not available.  
[http://www.iss.gov.sv/index.php?option=com\\_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77](http://www.iss.gov.sv/index.php?option=com_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77).

**Emigrants can pay for their families' contributions to the public health care scheme of the state of origin:**

Answer: No

Code: 0

Explanation: Covering family members' contributions to the health care scheme is not contemplated in the regulations.

Sources: Instituto Salvadoreño del Seguro Social. “Régimen Especial para salvadoreños en el exterior [Special Regime for Salvadorans Abroad]”. Access date not available.  
[http://www.iss.gov.sv/index.php?option=com\\_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77](http://www.iss.gov.sv/index.php?option=com_content&view=article&id=1608%25regimen-especial-para-salvadorenos-en-el-exterior&catid=103%25noticias-ciudadano&Itemid=77).

### 2.3.3. Education

**EMIGRANT\_45. Education programs for emigrants.**

**Emigrants can access scholarships awarded by the state of origin in the same conditions as resident citizens:**

Answer: Yes

Code: 1

Explanation: Scholarships awarded by the Government of El Salvador or its partners do not include residence in El Salvador as a general requisite.

Sources: Ministerio de Relaciones Exteriores & SICDES. "Preguntas Frecuentes [Frequently Asked Questions]". Accessed May 15, 2019. <http://cooperacion.rree.gob.sv/web/becas/preguntas-frecuentes>.

**State of origin has created schools abroad where emigrants can access education provided by the state of origin (i.e. follow the same curricula as schools in country of origin):**

Answer: No

Code: 0

Explanation: No Salvadoran schools for emigrant children abroad.

Sources: Ministerio de Relaciones Exteriores & SICDES. "Preguntas Frecuentes [Frequently Asked Questions]". Accessed May 15, 2019. <http://cooperacion.rree.gob.sv/web/becas/preguntas-frecuentes>.

**State of origin offers language courses to emigrants to learn the language of the state of reception:**

Answer: No

Code: 0

Explanation: No evidence of language and cultural courses for children of emigrants found.

Sources: Ministerio de Relaciones Exteriores & SICDES. "Preguntas Frecuentes [Frequently Asked Questions]". Accessed May 15, 2019. <http://cooperacion.rree.gob.sv/web/becas/preguntas-frecuentes>.

## **2.4. Cultural policies**

### **2.4.1. Visits to country of origin**

**EMIGRANT\_46. State of origin organizes visits to the origin country for emigrants on a regular basis:**

Answer: No

Code: 0

Explanation: No evidence of visits to the country of origin found.

Sources: Ministerio de Relaciones Exteriores. "Ministerio de Relaciones Exteriores El Salvador [Ministry of Foreign Affairs El Salvador]". Access date not available. <https://rree.gob.sv/>.

## 2.4.2. Language courses for emigrants

**EMIGRANT\_47. State of origin finances cultural courses for learning the culture and traditions of the country of origin (this could include language courses to learn the language of origin):**

Answer: No

Code: 0

Explanation: No evidence of language courses for emigrants found.

Sources: Ministerio de Relaciones Exteriores. "Ministerio de Relaciones Exteriores El Salvador [Ministry of Foreign Affairs El Salvador]". Access date not available. <https://rree.gob.sv/>.

## 2.5. Obligations

### 2.5.1. Military service

**EMIGRANT\_48. Emigrants have the obligation to comply with military service:**

Answer: Military service mandatory for residents and nonresidents

Code: 1

Explanation: Military service is mandatory in El Salvador. No exceptions are made regarding residency abroad. Nevertheless, it is not clear how Salvadorans abroad should comply with this duty. There are no regulations on this matter.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

### 2.5.2. Social service

**EMIGRANT\_49. Emigrants have the obligation to comply with social service:**

Answer: No existence of social service

Code: Not applicable

Explanation: Social service does not exist in El Salvador.

Sources: Not applicable

### 2.5.3. Taxes

**EMIGRANT\_50. Obligation to pay taxes in state of origin**

**Emigrant must pay income taxes in state of origin:**

Answer: No

Code: 0

Explanation: Only residents must pay taxes in El Salvador (Art. 5 of the Income Tax Law).

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 5.

**There are special taxes for emigrants:**

Answer: No

Code: 0

Explanation: No evidence of special taxes for emigrants found.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 5.

## **2.6. Administration**

### **2.6.1. Home country administration**

**EMIGRANT\_51. Existence of a home country administration agency/body for emigrants in state of origin.**

**Existence of institution/agency with competencies for emigrant policies:**

Answer: Yes

Code: 1

Explanation: The Ministry of Foreign Affairs and the Vice-Ministry for Salvadorans Abroad (Ministerio de Relaciones Exteriores y el Viceministerio para los Salvadoreños en el Exterior) and the Directorate General of Migration and Foreign Affairs (Dirección General de Migración y Extranjería).

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019.

<https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]" Accessed May, 2019. <http://www.migracion.gob.sv>. / Reglamento Interno del Órgano Ejecutivo [Internal Regulations of the Executive Branch]. 1989. / Ministerio de Relaciones Exteriores de El Salvador. Organigrama Institucional MRREE [Organizational Chart MRREE]. 2019. / Ministerio de Relaciones Exteriores de El Salvador. "Áreas del viceministerio para los salvadoreños en el exterior [Areas of the Vice Ministry for Salvadorans Abroad]" Accessed May 27, 2019. <https://rree.gob.sv/viceministerio-para-los-salvadorenos-en-el-exterior/areas-del-viceministerio-para-los-salvadorenos-en-el-exterior/>.



**Name of the institution with competencies for emigrant policies in original language:**

Answer: Ministerio de Relaciones Exteriores y el Viceministerio para los Salvadoreños en el Exterior

**Name of the institution with competencies for emigrant policies in English:**

Answer: Ministry of Foreign Affairs and the Vice-Ministry for Salvadorans Abroad

**EMIGRANT\_52. Place in the administrative hierarchy:**

Answer: 2nd Rank in the public administration

Code: 0.75

Explanation: The Ministry of Foreign Affairs and the Vice-Ministry for Salvadorans Abroad (Ministerio de Relaciones Exteriores y el Viceministerio para los Salvadoreños en el Exterior): Second rank within the Ministry of Foreign Affairs. General Direction of Migration and Foreign Affairs (Dirección General de Migración y Extranjería). Third rank within the Ministry of Justice.

Sources: Ministerio de Relaciones Exteriores de El Salvador. Organigrama Institucional MRREE [Organizational Chart MRREE]. 2019.

## 2.6.2. Consular network

**EMIGRANT\_53: Number of consulates.**

**Number of consular missions deployed by the state of origin (including consular sections in embassies but excluding honorary consulates):**

Answer: 69

Code: 69

Explanation: Embassies with consular section: 37 General consulates and consulates: 29 Consular agencies: 3. Total: 69.

Sources: Ministerio de Relaciones Exteriores de el Salvador. "Embajadas y consulados de El Salvador [Embassies and Consulates of El Salvador]". Accessed May 28, 2019. [http://embajadasyconsulados.rree.gob.sv/index.php?option=com\\_content&view=featured&Itemid=323](http://embajadasyconsulados.rree.gob.sv/index.php?option=com_content&view=featured&Itemid=323).

**Number of countries in which the state of origin has a consular mission (including consular sections in embassies but excluding honorary consulates):**

Answer: 39

Code: 39

Explanation: 39 embassies, 37 of which include a consular section.

Sources: Emigrant Policies Index (EMIX) / Ministerio de Relaciones Exteriores de el Salvador. "Embajadas y consulados de El Salvador [Embassies and Consulates of El Salvador]". Accessed May 28, 2019. [http://embajadasyconsulados.rree.gob.sv/index.php?option=com\\_content&view=featured&Itemid=323](http://embajadasyconsulados.rree.gob.sv/index.php?option=com_content&view=featured&Itemid=323).

### 2.6.3. New consular functions

#### EMIGRANT\_54: Extensions to the consular network services.

##### Existence of mobile consulates:

Answer: Yes

Code: 1

Explanation: Mobile consulate is available at consulate in California, US.

Sources: Consulado General de El Salvador en Los Ángeles, California. "Jornada de consulado móvil beneficiará a compatriotas en Bakersfield, California [Mobile consulate day will benefit compatriots in Bakersfield, California]". Accessed June 3, 2019. <http://consuladolosangeles.rree.gob.sv/index.php/actualidad/noticias/item/5977-jornada-de-consulado-movil-beneficiara-a-compatriotas-en-bakersfield-california>.

##### Consulates open on weekends on a regular basis (e.g. once monthly):

Answer: Yes

Code: 1

Explanation: Weekend hours is available at consulate in Silver Spring, US.

Sources: Ministerio de Relaciones Exteriores de El Salvador. "Consulado en Silver Spring, EUA, atenderá trámites de pasaporte el sábado 11 de marzo [Consulate in Silver Spring, USA, will attend passport procedures on Saturday, March 11]". Accessed June 3, 2019. <https://rree.gob.sv/aviso/consulado-silver-spring-eua-atendera-tramites-pasaporte-sabado-11-marzo/>.

##### Consulates offer some services online:

Answer: No

Code: 0

Explanation: No evidence of online consular services found.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 6.

#### EMIGRANT\_55: Adoption of new consular functions.

##### Consulates offer financial consultancy:

Answer: No

Code: 0

Explanation: No evidence of financial consultancy found.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 6.

#### **Consulates offer psychological consultancy:**

Answer: No

Code: 0

Explanation: No evidence of psychological consultancy found.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 6.

#### **Consulates offer health services:**

Answer: Yes

Code: 1

Explanation: Health services are available at consulates.

Sources: Decreto N° 655 [Decree 655]. 2011. Art. 28. / Ministerio de Relaciones Exteriores de El Salvador. "Cancillería inaugura ventanillas consulares en Los Ángeles, California [Foreign Ministry opens consular windows in Los Angeles, California]". Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-ventanillas-consulares-en-los-angeles-california/>. / Ministerio de Relaciones Exteriores de El Salvador. "Cancillería inaugura primera ventanilla consular para atención de compatriotas en Europa [Foreign Ministry opens first consular window for the attention of compatriots in Europe]". Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-primera-ventanilla-consular-para-atencion-de-compatriotas-en-europa/>. / Embajada de El Salvador en Alemania. "Protección consular [Consular Protection]" Accessed June 3, 2019. <http://embajadaalemania.rree.gob.sv/index.php/proteccion-consular>. / Consulado Honorario de El Salvador en Andalucía. "Manual de preguntas frecuentes [Handbook of Frequently Asked Questions]". Accessed June 3, 2019. [http://www.consuladodeelsalvador.info/pdfs/preguntas\\_frecuentes.pdf](http://www.consuladodeelsalvador.info/pdfs/preguntas_frecuentes.pdf). / Viceministro para salvadoreños en el exterior, «Propuesta para la Creación de "Ventanillas Consulares [Proposal for the creation of Consular Windows]». 2017. / Ministerio de Relaciones Exteriores de El Salvador. "Gobierno de El Salvador juramenta enlaces comunitarios para ampliar la red de apoyo consular en los Estados Unidos [Government of El Salvador Swears in Community Liaisons to Expand Consular Support Network in the U.S.]". Accessed June 3, 2019. <https://rree.gob.sv/gobierno-de-el-salvador-juramenta-enlaces-comunitarios-para-ampliar-la-red-de-apoyo-consular-en-los-estados-unidos/>.

#### **2.6.4. Special offices**

**EMIGRANT\_56. Existence of special migrant offices in state of reception created by state of origin (e.g. offices for migrant workers):**

Answer: Yes

Code: 1

Explanation: There are no special offices exclusively for migrant workers, but the ventanillas consulares offer also legal labour protection. Ventanillas consulares: since 2017 (21 in Canada, USA, and Mexico), in Europa since 2018 just one found in Málaga, Spain. The ventanillas consulares provide support in the efforts of the consular network, in terms of assistance, protection and care for compatriots.

Sources: Viceministro para salvadoreños en el exterior, «Propuesta para la Creación de “Ventanillas Consulares [Proposal for the creation of Consular Windows]». 2017. / Ministerio de Relaciones Exteriores de El Salvador. “Cancillería inaugura ventanillas consulares en Los Ángeles, California [Foreign Ministry opens consular windows in Los Angeles, California]”. Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-ventanillas-consulares-en-los-angeles-california/>. / Ministerio de Relaciones Exteriores de El Salvador. “Cancillería inaugura primera ventanilla consular para atención de compatriotas en Europa [Foreign Ministry opens first consular window for the attention of compatriots in Europe]”. Accessed June 3, 2019. <https://rree.gob.sv/cancilleria-inaugura-primera-ventanilla-consular-para-atencion-de-compatriotas-en-europa/>.

### 3. Emigrant citizenship and nationality policies

---

**CITNAT: Does the country make a distinction between citizenship and nationality?**

Answer: Yes

Code: 1

Explanation: Nationality refers to be part of the state of El Salvador, either by birth or by naturalization (Art. 90-92 of the Constitution). It is linked to a legal status attesting membership to the country (Art. 90 of the Constitution). Citizenship refers to participatory political practices and duties (Art. 71-73 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 71-73 and 90-92.

#### 3.1. Emigrant nationality

##### 3.1.1. Dual nationality for emigrants

**EMINAT\_1. Deprivation of nationality for having acquired a foreign nationality.**

**Loss of nationality for acquisition of foreign citizenship (nationals by birth):**

Answer: No provision

Code: 1

Explanation: The Salvadorian Constitution recognizes explicitly the right to enjoy dual or multiple nationality (Art. 91 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

**Nationality can be withdrawn only if person resides abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person was born abroad:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Nationality can be withdrawn only if person acquires citizenship of other country voluntarily:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Loss of nationality can be prevented:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### 3.1.2. Dual nationality only for some countries of residence

**EMINAT\_2. Dual nationality only tolerable if citizen by birth naturalizes in certain countries.**

**Dual nationality is only tolerable if citizen by birth naturalizes in certain countries with which state of origin has signed treaties:**

Answer: No

Code: 1

Explanation: The Salvadorian Constitution recognizes explicitly the right to enjoy dual or multiple nationality (Art. 91 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

**Which countries:**

Answer: Not applicable

Code: Not applicable

Explanation: N/A

Sources: Not applicable

### 3.1.3. Loss of nationality after residence abroad

**EMINAT\_3: Loss of nationality after residence abroad.**

**Country of origin deprives their national citizens by birth who emigrated of that nationality because of residence abroad:**

Answer: No provision

Code: 1

Explanation: There is no provision in the main regulation (i.e. Constitution). Only Salvadorians by naturalization can lose their nationality after residence abroad.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

**Nationality can be withdrawn only if person resides abroad for 20 years or more:**

Answer: No

Code: 0

Explanation: Nationality by naturalization is lost after residing more than two consecutive years in the country of origin or by absence from the territory of the Republic for more than five consecutive years, except in the case of a permit granted in accordance with the law (Art. 94 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

**Nationality can be withdrawn only if person has another citizenship:**

Answer: No

Code: 0

Explanation: Art. 93 of the Constitution establishes that it is possible to maintain the former nationality only if there exists reciprocity agreement of dual nationality between the El Salvador and the country of the nationality of origin.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 93.

**Country of origin deprives their national citizens by naturalization who emigrated of that nationality because of residence abroad:**

Answer: Yes = 0

Code: 0

Explanation: Nationality by naturalization is lost after residing more than two consecutive years in the country of origin or by absence from the territory of the Republic for more than five consecutive years, except in the case of a permit granted in accordance with the law (Art. 94 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

### 3.1.4. Jus sanguinis for emigrants

**EMINAT\_4: Transfer of nationality to children born abroad.**

**Country of origin permit parents to confer their nationality on their children who are born abroad:**

Answer: Yes

Code: 1

Explanation: The Constitution establishes that children born abroad to a Salvadorian father or mother are Salvadorians by birth.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.2.

**Transfer of nationality is applicable to:**

Answer: No limit

Code: 0

Explanation: There is no provision in the regulation about jus sanguinis across generations.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

### 3.1.5. Jus sanguinis across generations

**EMINAT\_5: Transfer of nationality to children born abroad from former citizens.**

**Country of origin permits children who are born abroad to adopt the nationality of parents who are former citizens**

Answer: No

Code: 0

Explanation: Only children born abroad to a Salvadorian father or mother are Salvadorians by birth can adopt the nationality.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.2.



**Transfer of nationality is applicable to:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **3.1.6. Renunciation of nationality is possible**

**EMINAT\_6: Voluntary renunciation of nationality abroad is possible.**

**Country of origin provides for a national citizen that resides abroad to voluntarily renounce his/her nationality:**

Answer: Renunciation is possible

Code: 1

Explanation: Renunciation of nationality is possible.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

**Renunciation abroad is only possible if person has another nationality:**

Answer: No, person renouncing does not have to show proof of another nationality

Code: 0

Explanation: No provision in main regulation. The only condition of nationality renunciation is to do it before a competent authority.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

**Renunciation abroad is only possible if person was born outside of the country or acquired citizenship of the country by naturalization:**

Answer: No

Code: 0

Explanation: No provision in main regulation. The only condition of nationality renunciation is to do it before a competent authority.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

### 3.1.7. Reacquisition of nationality

**EMINAT\_7. Country of origin provides for reacquisition of nationality for former nationals:**

Answer: Yes

Code: 1

Explanation: An application process of recovery is possible and recognized in the Constitution (Art. 91 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 91.

## 3.2. Emigrant citizenship

### 3.2.1. Citizenship restrictions for dual nationals

**EMICIT\_1. Conditions or restrictions for the exercise of citizen rights if individual has dual or multiple nationalities (nationals by naturalization):**

Answer: No restrictions

Code: 1

Explanation: No provisions in main regulation found.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### 3.2.2. Different citizenship for emigrants

**EMICIT\_2. Is there a special status for nationals who are located temporarily or permanently outside the national territory such that they fall in an official category that is different to resident nationals/citizens and which carries legal consequences (e.g. Overseas Indians)?**

Answer: No

Code: 0

Explanation: The main regulations do not mention any special status for those located temporarily or permanently outside the national territory.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### 3.2.3. Loss or suspension of citizen rights after residence abroad

**EMICIT\_3: Country deprives their national citizens by birth who emigrated of their citizen rights.**

**Does the country deprive their national citizens by birth who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: An emigrant, however, is not eligible to serve as a deputy or participate in municipal elections.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 126.

**Conditions for the exercise of citizen rights if individual resides abroad (nationals by birth) [\*If it is not specified in the regulation, it is coded as restrictions not conditional to return]:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 4. Immigration policies

---

### 4.1. General

#### 4.1.1. Number of entry tracks

**IMMIGRATION\_1. How many visa types does the country have?**

Answer: 3

Code: 3

Explanation: Tourist visa, temporary residence, and permanent residence.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 5.

**IMMIGRATION\_2: Categorical organization of visas**

**Are the visas organized by overarching categories?**

Answer: No

Code: 0

Explanation: There are only three visas (tourist, temporal residence and permanent residence).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 5.

**How many categories?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### 4.1.2. Biometric information

**IMMIGRATION\_3: Collection of biometric information.**

**Does the state collect biometric information from all citizens for example for passports?**

Answer: No

Code: 0

Explanation: No provision in main regulations (Migration Law, Decree 2772 and Decree 299 and Regulation of the Migration Law, Executive Decree 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

#### **Does the state collect biometric information from immigrants for example for passports?**

Answer: No

Code: 0

Explanation: No provision in main regulations (Migration Law, Decree 2772 and Decree 299 and Regulation of the Migration Law, Executive Decree 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

### **4.1.3. Visa waivers**

**IMMIGRATION\_4. Is there in the immigration law a specific provision by which the state can determine that certain countries or individuals under specific circumstances can be exempted from the regular visa procedures that apply to residence and work visas (excluding tourists, and regional migrants) (e.g. entry of Spaetaussiedler or Jewish immigrants in Germany)?**

Answer: No

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772 and 299).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

## **4.2. Documentation**

**IMMIGRATION\_5: Issue of legal compulsory identification documents.**

**Are all immigrants issued legal compulsory identification documents (e.g. residence permit, IDs)?**

Answer: Yes

Code: 1

Explanation: As established in Art. 49 of the Migration Law (Decree 2772), temporal residents will receive a special identity card in which it would be established their right to reside regularly in El Salvador.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 49.

#### **Are they required to carry them at all times?**

Answer: No

Code: 0

Explanation: There is no provision regarding the obligation to carry the identity card at all times.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 49.

### **4.3. Quotas and restrictions**

#### **4.3.1. General quota**

**IMMIGRATION\_6: General quota for immigration.**

#### **Is there a general quota (numerical limit) for immigration?**

Answer: No

Code: 1

Explanation: There is no provision for a general quota for immigration in the Salvadorian main migration regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

#### **Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.3.2. Specific quotas**

**IMMIGRATION\_7: Quota for high-skilled migrants.**

**Is there a quota (numerical limit) on the number of high-skilled migrants that were allowed to enter the country?**

Answer: No

Code: 1

Explanation: There is no provision for quota for high-skilled migrants in the Salvadorian main migration regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_8: Quota for low-skilled migrants.**

**Is there a quota (numerical limit) on the number of low-skilled migrants that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: There is no provision for a quota for low-skilled migrants in the Salvadorian main migration regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_9: Quota for refugees.**

**Is there a quota (numerical limit) on the number of refugees?**

Answer: No

Code: 1

Explanation: There is no provision for a quota for refugees in the Salvadorian main migration regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto N° 79 [Decree 79]. 2005.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_10: Quota for co-ethnics.**

**Is there a quota (numerical limit) on the number of co-ethnics that are allowed to enter the country?**

Answer: No

Code: 1

Explanation: There is no provision for a quota for co-ethnics in the Salvadorian main migration regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**Number of people that make up the quota:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable



### 4.3.3. List of excluded persons

#### IMMIGRATION\_11: Categories of excluded persons.

**Are there categories of excluded persons from immigration?**

Answer: Yes

Code: 0

Explanation: Art. 10 of the Migration Law (Decree 2772) establishes that the entry into Salvadorian territory is banned for the following categories of persons: (1) Those who suffer from contagious diseases; (2) Those that endanger the security of the state; and (3) those that present a threat to the public interest.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 10.

#### List of categories of excluded persons:

Answer: Art. 10 of the Migration Law (Decree 2772) establishes that the entry into Salvadorian territory is banned for the following categories of persons: (1) Those who suffer from contagious diseases; (2) Those that endanger the security of the state; and (3) those that present a threat to the public interest.

Code: Art. 10 of the Migration Law (Decree 2772) establishes that the entry into Salvadorian territory is banned for the following categories of persons: (1) Those who suffer from contagious diseases; (2) Those that endanger the security of the state; and (3) those that present a threat to the public interest.

Explanation: Art. 10 of the Migration Law (Decree 2772) establishes that the entry into Salvadorian territory is banned for the following categories of persons: (1) Those who suffer from contagious diseases; (2) Those that endanger the security of the state; and (3) those that present a threat to the public interest.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

### 4.3.4. List of excluded countries

#### IMMIGRATION\_12: Countries excluded.

**Is there a list of countries whose nationals are banned for immigration in this country?**

Answer: No

Code: 1

Explanation: El Salvador does not have a list of countries whose citizens are banned for immigration into the country.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**List of countries excluded:**

Answer: Not applicable

Code: Not applicable

Explanation: El Salvador does not have a list of countries whose citizens are banned for immigration into the country.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

## **4.4. Policy incentives**

### **4.4.1. Recognized brokers**

**IMMIGRATION\_13. State has a license system to recognize and authorize immigration brokers (i.e. persons or companies dedicated to facilitate the immigration process for immigrants):**

Answer: No

Code: 0

Explanation: No provision for a broker system in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

**IMMIGRATION\_14. State offers pecuniary incentives to citizens willing to immigrate:**

Answer: No

Code: 0

Explanation: No provision for financial incentives in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986.

## **4.5. Immigration control and penalties**

### **4.5.1. Irregular residence**

**IMMIGRATION\_15: Illegal residence.**

**Is illegal residence in the country considered a criminal offense?**

Answer: No

Code: 1

Explanation: Art. 60 of Migration Law establishes that the irregular entry of immigrants is an administrative offense.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. Art. 60.

#### **Is illegal residence considered an administrative offense?**

Answer: Yes

Code: 0

Explanation: Art. 60 of Migration Law establishes that the irregular entry of immigrants is an administrative offense.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. Art. 60.

### **4.5.2. Forged documents**

#### **IMMIGRATION\_16: Penalties for immigrants with forged documents.**

##### **Are there penalties for immigrants for forged documents?**

Answer: Yes

Code: 0

Explanation: Forgery is punishable by fine or expulsion.

Sources: Decreto ejecutivo N° 33 [Decree 33]. 1959. Art. 39.

##### **Penalty is expulsion:**

Answer: Yes

Code: 2

Explanation: Forgery is punishable by fine or expulsion.

Sources: Decreto ejecutivo N° 33 [Decree 33]. 1959. Art. 39.

##### **Penalty is a fine:**

Answer: Yes

Code: 2

Explanation: Forgery is punishable by fine or expulsion.

Sources: Decreto ejecutivo N° 33 [Decree 33]. 1959. Art. 39.

**Penalty is detention:**

Answer: No

Code: 1

Explanation: No provision in main regulations (Regulation of the Migration Law, Executive Decree No 33).

Sources: Decreto ejecutivo N° 33 [Decree 33]. 1959. Art. 39.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: No provision in main regulations (Regulation of the Migration Law, Executive Decree No 33).

Sources: Decreto ejecutivo N° 33 [Decree 33]. 1959. Art. 39.

**IMMIGRATION\_17: Penalties for immigrants with expired documents.**

**Are there penalties for immigrants with expired documents?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Migration Law Decree 2772 and 299 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**Penalty is expulsion:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is detention:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.5.3. Aiding undocumented migrants**

**IMMIGRATION\_18: Penalties for aiding undocumented migrants.**

**Are there penalties for aiding undocumented migrants?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Migration Law Decree 2772 and 299 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **4.5.4. Employment obligations**

**IMMIGRATION\_19: Penalties for employers who hire migrant workers without a legal work permit.**

**Are there sanctions for employers hiring migrant workers without a legal work permit?**

Answer: Yes

Code: 0

Explanation: Art. 62 of the Migration Law establishes that employers, before hiring a foreigner, must be certain that he/she has a regular status and an employment permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 62.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Art. 62 of the Migration Law establishes that employers, before hiring a foreigner, must be certain that he/she has a regular status and an employment permit. Not complying with this regulation is fined with a fee from 100 to 500 Colones (from 11,5 to 57,17 USD).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 62.

**Penalty is imprisonment:**

Answer: No

Code: 1

Explanation: Employers that give employment to a foreigner without a work permit are subject to paying a fee from 100 to 500 Colones (from 11,5 to 57,17 USD).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 62.

#### **4.5.5. Landlord obligations**

**IMMIGRATION\_20: Penalties for landlords who rent shelter to migrants without a regular migrant status.**

**Are there penalties for landlords who rent shelter to migrants without a regular migrant status?**

Answer: No

Code: 1

Explanation: No provision in main regulations (Migration Law Decree 2772 and 299 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**Penalty is a fine:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Penalty is imprisonment:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### 4.5.6. Airline penalties

**IMMIGRATION\_21: Penalties for airlines carrying immigrants without documentation.**

**Are airlines or other carriers subject to penalties (fines, imprisonment and/or other penalties) for letting travel passengers lacking relevant documentation (such as entry permits or passports)?**

Answer: Yes

Code: 0

Explanation: Art. 65 of the Migration Law establishes that transportation companies should make sure that people that use their services to enter El Salvador must have all the required documentation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 65.

**Sanction is a fine:**

Answer: Yes

Code: 2

Explanation: Art. 65 of the Migration Law establishes that transportation companies should make sure that people that use their services to enter El Salvador must have all the required documentation. If, as a consequence of not filling the legal formalities the entry into El Salvador of a traveler is rejected, the transport company is obliged to transport that person outside Salvadorian territory. Failing to comply with this regulation is punished with a fine up to 1000 Colones (114, 35 USD).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 65.

**Penalty is more than a fine:**

Answer: No

Code: 1

Explanation: Transportation companies that transport people without required documentation are subject to paying a fee up to 1000 Colones (114,35 USD).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 65.

#### 4.6. Amnesty programs

**IMMIGRATION\_22: Existence of amnesty program.**

**In the past decade, did any amnesty program for irregular immigrants or any permanent regularization mechanism exist?**

Answer: No



Code: 0

Explanation: No provision in main regulations (Migration Law, Decree No. 2772 and No. 299, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**The amnesty program is/was:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being employed is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is/was a condition to qualify for the amnesty program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Does a case by case regularization for irregular immigrants existed?**

Answer: No

Code: 0

Explanation: No provision in main regulations (Migration Law, Decree No. 2772 and No. 299, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**Being employed is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**A given duration of stay is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Having a certain nationality is a condition to qualify for the case by case regularization program:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is regularization through marriage possible:**

Answer: No

Code: 0

Explanation: No provision in main regulations (Migration Law, Decree No. 2772 and No. 299, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Decree 33]. 1959.

**IMMIGRATION\_23. The amnesty defines the types of irregular migrants as:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **4.7. Administration**

**IMMIGRATION\_24\_1: Administration in charge of immigration regulation.**

**Which institution is in charge of immigration regulation (in original language)?**

Answer: Dirección General de Migración y Extranjería

Code: Dirección General de Migración y Extranjería

Explanation: This institution advise the Ministry of Justice and Public Security on migration matters/implementation of migration policies.

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019.

<https://www.transparencia.gob.sv/instituciones/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Directorate General of Migration and Foreign Affairs

**IMMIGRATION\_24\_2: Administration in charge of implementing immigration policies.**

**Which institution is in charge of the implementation of immigration policies (in original language)?**

Answer: Dirección General de Migración y Extranjería

Code: Dirección General de Migración y Extranjería

Explanation: This institution advise the Ministry of Justice and Public Security on migration matters/implementation of migration policies.

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019. <https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>.

**Which institution is in charge of immigration regulation (in English language)?**

Answer: Directorate General of Migration and Foreign Affairs

**IMMIGRATION\_24\_3: Administration in charge of border control.**

**Which institution is in charge of border control (in original language)?**

Answer: Dirección General de Migración y Extranjería

Code: Dirección General de Migración y Extranjería

Explanation: This institution advise the Ministry of Justice and Public Security on migration matters/implementation of migration policies.

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019. <https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>.

**Which institution is in charge of border control (in English language)?**

Answer: Directorate General of Migration and Foreign Affairs

**IMMIGRATION\_24\_4: Administration in charge of detentions.**

**Which institution is in charge of detentions (in original language)?**

Answer: Dirección General de Migración y Extranjería

Code: Dirección General de Migración y Extranjería

Explanation: This institution advise the Ministry of Justice and Public Security on migration matters/implementation of migration policies.

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019. <https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>.

**Which institution is in charge of detentions (in English language)?**

Answer: Directorate General of Migration and Foreign Affairs

## 4.8. Proxy: Labor migration (high- and low-skilled)

**IMMIGRATION\_25: Visas applied to labor migration.**

**Is there a labor migration scheme that allows immigrants to enter the country to work in any capacity?**

Answer: Yes

Code: 1

**Is the same visa applied to (1) domestic worker proxy, (2) agricultural worker proxy, and (3) medical doctor proxy?**

Answer: Yes

Code: 1

### 4.8.1. Domestic workers

**Is there a visa scheme (entry track) for domestic workers?**

Answer: Yes

Code: 1

Explanation: Domestic workers need to apply for a visa for Temporary Residents (Art. 24 Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_26. Do migrants trying to enter the country under this entry track, need to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: Sponsorship is not required. No provision in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_27. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating?**

Answer: Yes, required

Code: 0.25

Explanation: A previous job offer is not required to enter El Salvador as a temporary resident. However, in order to be able to work, temporary residents must apply for a work permit once they are in the country. In order to apply for this permit, a previous job offer is required (Art. 29 of the Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_28. Does the country use a national labor market test for covering posts under the domestic worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Yes

Code: 0.5

Explanation: The work permit is only given once is proof that no national worker will be displaced (Art. 29 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_29. Is the domestic worker entry track restricted to certain nationalities? (specify the nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision for restrictions based on nationality.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_30: Restrictions based on age.**

**Are there age limits for migrant domestic workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No restrictions regarding age.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_31. Is having a certain gender a requisite to be admitted to the country under the domestic worker entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding gender.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_32. Is having a certain marital status a requisite to be admitted to the country under the domestic worker track entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding marital status.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_33. Do migrant domestic workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No economic requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_34. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a domestic worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No language requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_35. Does the application under the domestic worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 31.46

Code: 31.46

Explanation: Art. 68 establishes that temporal residents must pay a fee of 250 Colonos (Art. 68.3 of Migration Law) plus an inscription fee of 25 Colonos (Art. 68.8 of Migration Law). In USD Dollars 2,86 (inscription) plus 28,6 (general fee).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 68.

**IMMIGRATION\_36. How long is the domestic work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: The permit is valid for 12 months (Art. 7 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 7.

**IMMIGRATION\_37. Is it possible to renew the work permit granted under the domestic worker entry track?**

Answer: Yes

Code: 1

Explanation: It is possible to renew the permit for a total stay of maximum 5 years (Art. 29 of Migration Law). It is not necessary to leave the country in order to be granted the renewal.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_38: Possibility of changing jobs.**

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch employers?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).



Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant domestic worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: No

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant worker accepted under the domestic worker entry track to switch locations?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_39. Does loss of employment result in the withdrawal of a migrant domestic worker's resident permit under this track?**

Answer: Yes, unspecified

Code: 6

Explanation: Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law). Thus, it is interpreted that loss of employment results in the withdrawal of resident permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_40. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant domestic workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Art. 25 of the Migration Law establishes that all foreigners enjoy the same rights regarding job conditions and employment than Salvadorian nationals.

Sources: Decreto N° 299 [Decree 299]. 1986. Art. 25.

**IMMIGRATION\_41. Is a minimum level of education required to apply to the domestic entry track?**

Answer: No

Code: 1

Explanation: No requirement for a minimum level of education.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_42. Is a test of good health required for migrant domestic worker?**

Answer: Yes

Code: 0

Explanation: A test of good health is required.

Sources: Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)]".

## **4.8.2. Agricultural workers**

**Is there a visa scheme (entry track) for agricultural workers?**

Answer: Yes

Code: 1

Explanation: Agricultural workers need to apply for a visa for Temporary Residents. The application must be directed to a Salvadorian consulate (Art. 24 Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_43. Do migrants trying to enter the country under the agricultural worker entry track need to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: Sponsorship is not required. No provision in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_44. Is a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as an agricultural worker?**

Answer: Yes, required

Code: 0.25

Explanation: A previous job offer is not required to enter El Salvador as a temporary resident. However, in order to be able to work, temporary residents must apply for a work permit once they are in the country. In order to apply for this permit, a previous job offer is required (Art. 29 of the Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_45. Does the country use a national labor market test for covering posts under the agricultural worker proxy (i.e. employers seeking to hire an immigrant had to prove no native worker could do the job)?**

Answer: Yes

Code: 0.5

Explanation: The work permit is only given once is proof that no national worker will be displaced (Art. 29 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_46. Is the agricultural worker entry track restricted to certain nationalities? (specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision for restrictions based on nationality.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24

**IMMIGRATION\_47: Restrictions based on age.**

**Are age limits for migrant agricultural workers in order to be admitted to the country?**

Answer: No

Code: 1

Explanation: No restrictions regarding age.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_48. Is having a certain gender a requisite to be admitted to the country under this entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding gender.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_49. Is having a certain marital status a requisite to be admitted to the country under the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding marital status.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_50. Do migrant agricultural workers need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No economic requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_51. Is knowledge of the host country's language considered beneficial or required for the decision on immigrating as an agricultural worker?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No language requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_52. Does the application under the agricultural worker entry track cost a fee? Register the fee in US Dollars. If application does not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 31.46

Code: 31.46

Explanation: Art. 68 establishes that temporal residents must pay a fee of 250 Colonos (Art. 68.3 of Migration Law) plus an inscription fee of 25 Colonos (Art. 68.8 of Migration Law). In USD Dolars 2,86 (inscription) plus 28, 6 (general fee).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 68.

**IMMIGRATION\_53. How long is the work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: The permit is valid for 12 months (Art. 7 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 7.

**IMMIGRATION\_54. Is it possible to renew the work permit granted under the agricultural worker entry track?**

Answer: Yes

Code: 1

Explanation: Yes. It is possible to renew the permit for a total stay of maximum 5 years (Art. 29 of Migration Law). It is not necessary to leave the country in order to be granted the renewal.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_55: Possibility of changing jobs.**

**Is it possible for a migrant agricultural worker accepted under this entry track to switch employers?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch professional sectors?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant agricultural worker accepted under this entry track to switch locations?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_56. Does loss of employment result in the withdrawal of a migrant agricultural worker's resident permit under this track?**

Answer: Yes, unspecified

Code: 6

Explanation: Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law). Thus, it is interpreted that loss of employment results in the withdrawal of resident permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_57. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant agricultural workers were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Yes. Art. 25 of the Migration Law establishes that all foreigners enjoy the same rights regarding job conditions and employment than Salvadorian nationals.

Sources: Decreto N° 299 [Decree 299]. 1986. Art. 25.

**IMMIGRATION\_58. Is a minimum level of education required to apply to the agricultural worker entry track?**

Answer: No

Code: 1

Explanation: No requirement for a minimum level of education.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_59. Is a test of good health required for migrant agricultural workers?**

Answer: Yes

Code: 0

Explanation: A test of good health is required.

Sources: Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)]".

### **4.8.3. Medical doctors**

**Is there a visa scheme (entry track) for medical doctors?**

Answer: Yes

Code: 1

Explanation: Medical doctors need to apply for a visa for Temporary Residents. The application must be directed to a Salvadorian consulate (Art. 24 Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_60. Do migrants trying to enter the country under the medical doctor entry track, needed to be sponsored by an individual or group?**

Answer: No

Code: 1

Explanation: Sponsorship is not required. No provision in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_61. Are a concrete job offer (e.g. acceptance letter, formal invitation) or a contract signed in advance required or beneficial for immigrating as a medical doctor?**

Answer: Yes, required

Code: 0.25

Explanation: A previous job offer is not required to access El Salvador as a temporary resident. However, in order to be able to work, temporary residents must apply for a work permit once they are in the country. In order to apply for this permit, a previous job offer is required (Art. 29 of the Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_62. Does the country use a national labor market test for covering posts under the medical doctor proxy (i.e. employers seeking to hire an immigrant had to prove that no native worker could do the job)?**

Answer: Yes

Code: 0.5

Explanation: The work permit is only given once is proof that no national worker will be displaced (Art. 29 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_63. Is the medical doctor entry track restricted to certain nationalities? (Specify nationalities in the explanation).**

Answer: No

Code: 1

Explanation: No provision for restrictions based on nationality.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_64: Restrictions based on age.**

**Are there age limits for migrant medical doctors to be admitted to the coun-try?**

Answer: No

Code: 1

Explanation: No restrictions regarding age (Migration Law, Decree 2772).



Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRATION\_65. Is having a certain gender a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding gender.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_66. Is having a certain marital status a requisite to be admitted to the country under the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No restrictions regarding marital status.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24.

**IMMIGRATION\_67. Do migrant medical doctors need to prove the ability to support themselves?**

Answer: No

Code: 1

Explanation: No economic requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_68. Is knowledge of the host country's language considered beneficial or required for the decision on whether someone could immigrate as a medical doctor?**

Answer: Neither beneficial, nor required

Code: 1

Explanation: No language requisite in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_69. Does the application under the medical doctor entry track cost a fee? Register the fee in US Dollars. If application did not cost anything, specify 0. If there are several fees (for example, for initiating the process and for issuing the document), add up the amounts.**

Answer: 31.46

Code: 31.46

Explanation: Art. 68 establishes that temporal residents must pay a fee of 250 Colonos (Art. 68.3 of Migration Law) plus an inscription fee of 25 Colonos (Art. 68.8 of Migration Law). In USD Dollars 2,86 (inscription) plus 28, 6 (general fee).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 68.

**IMMIGRATION\_70. How long is the medical doctor work permit valid for? Indicate the period in months.**

Answer: 12

Code: 12

Explanation: The permit is valid for 12 months (Art. 7 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 7.

**IMMIGRATION\_71. Is it possible to renew the work permit granted under the medical doctor entry track?**

Answer: Yes

Code: 1

Explanation: It is possible to renew the permit for a total stay of maximum 5 years (Art. 29 of Migration Law). It is not necessary to leave the country in order to be granted the renewal).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

**IMMIGRATION\_72: Possibility of changing jobs.**

**Is it possible for a migrant medical doctor to switch employers?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant medical doctor to switch professional sectors?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Is it possible for a migrant medical doctor to switch locations?**

Answer: No

Code: 0

Explanation: It is not possible to switch employers, sector or location. Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_73. Does loss of employment result in the withdrawal of a migrant worker's resident permit under the medical doctor track?**

Answer: Yes, unspecified

Code: 6

Explanation: Work permit is linked to an employer and renewal is only possible when the employer remains the same (Art. 30 of Migration Law). Thus, it is interpreted that loss of employment results in the withdrawal of resident permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**IMMIGRATION\_74. Is it required by law that the work conditions (e.g. minimum wage, working hours, and benefits) of the migrant medical doctors were equal to those of native workers?**

Answer: Yes

Code: 1

Explanation: Art. 25 of the Migration Law establishes that all foreigners enjoy the same rights regarding job conditions and employment than Salvadorian nationals.

Sources: Decreto N° 299 [Decree 299]. 1986. Art. 25.

**IMMIGRATION\_75. Is a minimum level of education required to apply to the medical doctor entry track?**

Answer: No

Code: 1

Explanation: No requirement for a minimum level of education

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-33.

**IMMIGRATION\_76. Is a test of good health required for migrant medical doctors?**

Answer: Yes

Code: 1

Explanation: A test of good health is required.

Sources: Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)].

## **4.9. Proxy: Refugees**

### **4.9.1. Existence of track**

**IMMIGRATION\_77. Does the country grant refugee status?**

Answer: Yes

Code: 1

Explanation: The Law for the Determination of the Status of Refugees approved in 2002 regulates the recognition of refugees.

Sources: Decreto N° 918 [Decree 918]. 2002.

**IMMIGRATION\_78. Are certain countries deemed safe third countries (i.e. could persons arriving through these countries be precluded from claiming asylum)?**

Answer: No

Code: 1

Explanation: No provision regarding safe third countries in main regulations (Law of the Determination of the Status of Refugees, Decree 918 and Regulation for the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

#### **IMMIGRATION\_79: Safe countries of origin.**

**Are certain countries deemed safe countries of origin (i.e. refugee claims arising out of persecution in those countries could be precluded)?**

Answer: No

Code: 1

Explanation: No provision regarding safe countries of origin in main regulations (Law of the Determination of the Status of Refugees, Decree 918 and Regulation for the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

#### **How many countries?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.9.2. Restrictions**

**IMMIGRATION\_80: Refugee status restricted for certain nationalities.**

**Is refugee status restricted to certain nationalities?**

Answer: No

Code: 1

Explanation: Refugee status is not restricted to certain nationalities (Art. 4 of Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 4.

**Which nationalities?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_81: Restrictions based on age.**

##### **Are there age limits for potential refugees to be admitted to the country?**

Answer: No

Code: 1

Explanation: No provision regarding age in main regulations (Law of the Determination of the Status of Refugees, Decree 918 and Regulation for the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

##### **Which minimum age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

##### **Is being below a certain age limit beneficial for the decision on whether someone gains access to refugee status?**

Answer: No

Code: 1

Explanation: No provision regarding age in main regulations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

##### **Below which age?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_82. Is having a certain gender a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No provision regarding gender in main regulations (Law of the Determination of the Status of Refugees, Decree 918 and Regulation for the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

#### **IMMIGRATION\_83. Is having a certain marital status a requisite to be granted refugee status?**

Answer: No

Code: 0

Explanation: No provision regarding marital status in main regulations (Law of the Determination of the Status of Refugees, Decree 918 and Regulation for the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

### **4.9.3. Place of application**

#### **IMMIGRATION\_84: Place of application**

##### **Can asylum seekers file an application for asylum from outside the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Generally, applications must be presented at points of entry (Art. 14 of Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 14 and 25.

##### **Can asylum seekers file an application for asylum at the border/ports of entry of country's territory?**

Answer: Yes

Code: 1

Explanation: Generally, applications must be presented at points of entry (Art. 14 of Law for the Determination of the Status of Refugees). However, application at the border is also possible.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 14 and 25.

#### **Can asylum seekers file an application for asylum on the destination country's territory?**

Answer: Yes

Code: 1

Explanation: Generally, application must be lodged abroad or at the border. However, for migrants already residing regularly in Salvadorian territory, in case of sudden changes in country of origin that justify the application for refugee status, the application can be file within Salvadorian territory (Art. 25 of Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 14 and 25.

### **4.9.4. Permit validity**

#### **IMMIGRATION\_85. How long is the initial residence permit for recognized refugees valid for?**

Answer: Temporary, between 12 and 24 months

Code: 5

Explanation: The permit is temporary (one year).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 33.

#### **IMMIGRATION\_86: Permit renewal.**

##### **Is it possible to renew a temporary residence permit?**

Answer: Yes

Code: 1

Explanation: Art. 33 of Law for the Determination of the Status of Refugees establishes that the renewal of the temporary residence permit for refugees is possible. Renewal is granted for one extra year.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 33 and 47.

##### **Is it possible to apply for a permanent resident permit for recognized refugees?**

Answer: Yes, possible to apply for a permanent permit after 5-6 years

Code: 3



Explanation: Art. 47 of the Law establishes that the time of temporary residence in the national territory of the refugee will be valid to opt for the definitive residence, according to the corresponding national legislation.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 47.

**IMMIGRATION\_87. Can a recognized refugee lose his or her status as a refugee when the threatening situation in his or her country of origin ceases?**

Answer: Yes

Code: 0

Explanation: Art. 40e of the Law for the Determination of the Status of Refugees establishes that, when the threatening situation in the country of origin ceases to exist, the status of refugee is no longer recognized.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 40e.

#### **4.9.5. Maximum timeframe for application resolution**

**IMMIGRATION\_88: Timeframe for resolution.**

**Is there a maximum of days to process the application of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Art. 27 of the Law for the Determination of the Status of Refugees establishes that the Refugee Commission (in charge of deciding about the applications) must reach a decision within 30 days from application.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 27

**What is the maximum of days?**

Answer: 30

Code: 30

Explanation: Art. 27 of the Law for the Determination of the Status of Refugees establishes that the Refugee Commission (in charge of deciding about the applications) must reach a decision within 30 days from application.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 27.

#### **4.9.6. Possibility to change migratory status**

**IMMIGRATION\_89. If an application on refugee status is rejected, does the applicant have the right to appeal?**

Answer: Yes

Code: 1

Explanation: Art. 29 of the Law for the Determination of the Status of Refugees establishes applicants whose application has been rejected have the right to appeal. Appeal must be done within 3 days after resolution of the application.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 29.

**IMMIGRATION\_90. Is it possible for recognized refugees to change their migratory status?**

Answer: No

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

#### **4.9.7. Detention**

**IMMIGRATION\_91: Detention**

**Are asylum seekers detained while their claims are being processed?**

Answer: No

Code: 4

Explanation: No provision for the detention of refugees while claims are being processed (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Are asylum seekers detained after their claims are processed?**

Answer: No

Code: 2

Explanation: No provision for the detention of refugees before or after their claims are being processed (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

#### **4.9.8. Status after rejection**

**IMMIGRATION\_92. What is the status of asylum seekers whose applications are rejected?**

Answer: Immediate deportation

Code: 1

Explanation: After an application is rejected, applicants must leave the country within maximum 30 days (Art. 30 of the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 30.

**IMMIGRATION\_93. Do asylum seekers have the possibility to work during the process of application?**

Answer: Yes

Code: 1

Explanation: Asylum-seekers are allowed to work during the process of application (Art. 35 of the Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 35.

#### **4.9.9. Translation and interpretation**

**IMMIGRATION\_94. Does the state provide official translation or interpretation for the process of asylum seekers?**

Answer: Yes

Code: 1

Explanation: Art. 31 of the Law for the Determination of the Status of Refugees recognizes the right of refugees to official interpretation during the recognition process.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 31.

#### **4.10. Proxy: Co-ethnics**

#### 4.10.1. General

**IMMIGRATION\_95. Existence of co-ethnics in 2017 (i.e. group(s) of immigrants that were granted easier access).**

**Are there group(s) of immigrants that are granted easier access to immigration and citizenship due to colonial history, language, religion, ancestry, and/or ill-treatment in the past?**

Answer: Yes

Code: 1

Explanation: Based on Art. 40 of the Migration Law, nationals of countries from Central America and Panama can access permanent residence. The only requisite is to show a proof of good conduct (no residence requirement).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**IMMIGRATION\_96. Register the name of the group(s).**

Answer: Nationals of countries from Central America and Panama

Code: Nationals of countries from Central America and Panama

Explanation: Based on Art. 40 of the Migration Law, nationals of countries from Central America and Panama can access permanent residence. The only requisite is to show a proof of good conduct (no residence requirement).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### 4.10.2. Reasons for co-ethnicity

**IMMIGRATION\_97. Reasons for co-ethnicity.**

**Shared language:**

Answer: No

Code: 0

Explanation: Shared language is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Shared religion:**

Answer: No

Code: 0

Explanation: Religion is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Shared ancestry:**

Answer: No

Code: 0

Explanation: Shared ancestry is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Citizen of former colony:**

Answer: No

Code: 0

Explanation: Colonial ties is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Ill treatment by country in the past:**

Answer: No

Code: 0

Explanation: Ill treatment by country in the past is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Self-declaration: avowal to be of country's ethnicity:**

Answer: No

Code: 0

Explanation: Avowal to be of country's ethnicity is not the reason for granting easier access to the co-ethnic groups.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Other:**

Answer: Yes

Code: 1

Explanation: Although it is not specified in the law, the reason may be former political ties (i.e. Republic of Central America).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### **IMMIGRATION\_98. May converts apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **IMMIGRATION\_99. If ancestry is sufficient to claim entitlement to preferential immigration rights, what is the degree of ancestry required?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.10.3. Language test**

#### **IMMIGRATION\_100. What is the required level of language skills?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **4.10.4. Place of residence**

#### **IMMIGRATION\_101. Does the applicant have to reside in a specific country to be entitled to easier access and right to permanent settlement? (If yes, specify country in the explanation).**

Answer: No

Code: 0

Explanation: Based on Art. 40 of the Migration Law, nationals of countries from Central America and Panama can access permanent residence. The only requisite is to show a proof of good conduct (no residence requirement).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### **4.10.5. Place of application**

**IMMIGRATION\_102. Place of application.**

**Can applicants file an application from outside the territory of the host country?**

Answer: Yes

Code: 1

Explanation: Applications from outside of El Salvador is possible. Applications must be lodged to Salvadoran Consulate.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Can applicants file an application on host country's territory?**

Answer: Yes

Code: 1

Explanation: Applications are also possible on host country's territory.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### **4.10.6. Date of birth**

**IMMIGRATION\_103. Do applicants need to be born before or after a certain date to be eligible?**

Answer: No

Code: 0

Explanation: No provision in main regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### **4.10.7. Permit validity**

**IMMIGRATION\_104. If citizenship is not granted right away/after a shorter period, how long is the resident permit valid for?**

Answer: Permanent

Code: 1

Explanation: Based on Art. 40 of the Migration Law, nationals of countries from Central America and Panama can access permanent residence. The only requisite is to show a proof of good conduct (no residence requirement).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**IMMIGRATION\_105. Permit renewal.**

**Is it possible to renew a temporary residence permit for co-ethnics?**

Answer: Not applicable

Code: Not applicable

Explanation: Permanent residence is granted without the requirement of previous residence.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

**Is it possible to apply for a permanent resident permit for co-ethnics?**

Answer: Yes, possible to apply for permanent permit after less or equal 1 year

Code: 1

Explanation: Co-ethnics (i.e. Central Americans and Panamanian by birth) might access permanent residence directly upon entering the country (Art. 40 Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.



## 5. Immigrant policies

---

### 5.1. Permanent residence

#### 5.1.1. Eligibility

##### **IMMIGRANT\_1: General existence of a permanent residence scheme.**

Answer: Yes

Code: 1

Explanation: Permanent residence is regulated by the Migration Law (Art. 9 and Art. 34-35).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 9, 34 and 35.

##### **IMMIGRANT\_2: Existence of a permanent residence scheme for different proxies.**

###### **Do asylum seekers have access to permanent residence?**

Answer: No

Code: 0

Explanation: Residence in Salvador as asylum seeker is not computed for acquiring permanent residence (Art. 41 of Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 41.

###### **Do refugees have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Residence in Salvador as refugee is computed for acquiring permanent residence (Art. 41 of Law for the Determination of the Status of Refugees).

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 41.

###### **Do co-ethnics have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Co-ethnics (i.e. Central Americans and Panamanian by birth) access permanent residence directly upon entering the country (Art. 40 Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40

### **Do domestic workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Art. 31 of the Migration Law establishes that, in special cases, appreciated by the Ministry of Internal Affairs, foreigners who have entered the republic as temporary residents may change their immigration status to that of permanent residents, upon payment of the registration fees. Nevertheless, the definition of special cases is not included in the regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 31.

### **Do agricultural workers have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Art. 31 of the Migration Law establishes that, in special cases, appreciated by the Ministry of Internal Affairs, foreigners who have entered the republic as temporary residents may change their immigration status to that of permanent residents, upon payment of the registration fees. Nevertheless, the definition of special cases is not included in the regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 31.

### **Do medical doctors have access to permanent residence?**

Answer: Yes

Code: 1

Explanation: Art. 31 of the Migration Law establishes that, in special cases, appreciated by the Ministry of Internal Affairs, foreigners who have entered the republic as temporary residents may change their immigration status to that of permanent residents, upon payment of the registration fees. Nevertheless, the definition of special cases is not included in the regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 31.

### **IMMIGRANT\_3: Required time of habitual residence.**

#### **How many months of habitual residence are required from asylum seekers for accessing permanent residence?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**How many months of habitual residence are required from refugees for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: After a period of 5 years, a refugee is allowed to apply for the permanent residency (Art.29 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 34.

**How many months of habitual residence are required from co-ethnics for accessing permanent residence?**

Answer: 0

Code: 0

Explanation: Co-ethnics may access permanent residency upon their arrival in the country (Art. 40 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 34. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019.

**How many months of habitual residence are required from domestic workers for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: After a period of 5 years, a temporary resident is allowed to apply for permanent residency.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29 and 31. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

**How many months of habitual residence are required from agricultural workers for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: After a period of 5 years, a temporary resident is allowed to apply for permanent residency.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29 and 31. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

**How many months of habitual residence are required from medical doctors for accessing permanent residence?**

Answer: 60

Code: 60

Explanation: After a period of 5 years, a temporary resident is allowed to apply for permanent residency.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29 and 31. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

**IMMIGRANT\_4: Periods of absence allowed.**

**Are periods of absence allowed before granting of permanent status for asylum seekers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e.g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Are periods of absence allowed before granting of permanent status for refugees? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 3

Code: 3

Explanation: Three months (Art. 41 of the Regulations to the Law for the Determination of the Status of Refugees Decree No. 79).

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 41.

**Are periods of absence allowed before granting of permanent status for co-ethnics? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: Not applicable

Code: Not applicable

Explanation: No residence requirement.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 34.

**Are periods of absence allowed before granting of permanent status for domestic workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 3

Code: 3

Explanation: The period of absence allowed prior to granting of permanent status is ninety days (Art. 33 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Are periods of absence allowed before granting of permanent status for agricultural workers? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 3

Code: 3

Explanation: The period of absence allowed prior to granting of permanent status is ninety days (Art. 33 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Are periods of absence allowed before granting of permanent status for medical doctors? If yes, register the number of non-consecutive months per year allowed. If no absence is allowed, type in 0 months. If the period of absence is discretionary, register as 0. In case that non-consecutive months are not established per year (e. g. ten months in a period of five years), calculate the average per year.**

Answer: 3

Code: 3

Explanation: The period of absence allowed prior to granting of permanent status is ninety days (Art. 33 of Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

#### **IMMIGRANT\_5. Result of a regularization process.**

**The regularization process leads to:**

Answer: no regularization process possible

Code: 0

Explanation: Regularization process does not exist in El Salvador.

Sources: Not applicable

#### **IMMIGRANT\_6: Language test.**

**Is there a language requirement for asylum seekers to access permanent residence?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there a language requirement for refugees to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: There is no language requirement for accessing permanent residence for refugees.

Sources: Decreto N° 79 [Decree 79]. 2005.

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: There is no regulation on language proficiency in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019.

**Is there a language requirement for domestic workers to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: There is no regulation on language proficiency in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**Is there a language requirement for co-ethnics to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: There is no regulation on language proficiency in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**Is there a language requirement for medical doctors to access permanent residence?**

Answer: no requirement

Code: 1

Explanation: There is no regulation on language proficiency in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**IMMIGRANT\_7: Economic resources.**

**Is there an economic resources requirement for applying to permanent residence for asylum seekers?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Is there an economic resources requirement for applying to permanent residence for refugees?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: There is no provision regarding economic resources in the main regulation.

Sources: Decreto N° 79 [Decree 79]. 2005.

**Is there an economic resources requirement for applying to permanent residence for co-ethnics?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: There is no provision regarding economic resources in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40. / Consultation with expert, Directorate-General of Migration and Foreign Affairs. May 23, 2019.

**Is there an economic resources requirement for applying to permanent residence for domestic workers?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: There is no provision regarding economic resources in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**Is there an economic resources requirement for applying to permanent residence for agricultural workers?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: There is no provision regarding economic resources in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**Is there an economic resources requirement for applying to permanent residence for medical doctors?**

Answer: none or below level of social assistance and no income source is excluded

Code: 1

Explanation: There is no provision regarding economic resources in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45.

**IMMIGRANT\_8: Cost of application.**



**What is the cost of the application of permanent residence in the original currency (include the cost of issuance if any)?**

Answer: 2000

Code: 2000

Explanation: Art. 68 of the Migration Law establishes that the application for permanent residence has a cost of ¢ 2.000.00 (\$ 229,57) for nationals that do not belong to the co-ethnic group.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 68.

**What is the cost of the application of permanent residence in the USD (include the cost of issuance if any)?**

Answer: 229.57

Code: 229.57

Explanation: Art. 68 of the Migration Law establishes that the application for permanent residence has a cost of ¢ 2.000.00 (\$ 229,57) for nationals that do not belong to the co-ethnic group.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 68.

**IMMIGRANT\_9: Employer sponsorship.**

**Do asylum seekers have to be sponsored by an employer?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Sponsorship is not required for refugees.

Sources: Decreto N° 79 [Decree 79]. 2005.

**Do co-ethnics have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Sponsorship is not required. The only requirement is certificate of good conduct.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 40.

#### **Do domestic have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Domestic workers do not require sponsorship.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

#### **Do agricultural workers have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Agricultural workers do not require sponsorship.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

#### **Do medical doctors have to be sponsored by an employer?**

Answer: no, sponsorship is not required

Code: 1

Explanation: Medical doctors do not require sponsorship.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 24-45. / Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

### **5.1.2. Security of status**

**IMMIGRANT\_10: Maximum length of application procedure.**

**Maximum length of application procedure for asylum seekers in months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for asylum seekers:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Maximum length of application procedure for refugees in months:**

Answer: 997

Code: 997

Explanation: No provision regarding maximum length of application in regulations.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 918 [Decree 918]. 2002.

**Maximum length of application procedure for refugees:**

Answer: no regulation on maximum length

Code: 0

Explanation: No provision regarding maximum length of application in regulations.

Sources: Ley de Migración, Decreto No 2772 [Migration Law, Decree 2772]. 1958. / Ley para la Determinación de la Condición de Personas Refugiadas, Decreto 918 [Law for the Determination of the Status of Refugees, Decree 918]. 2002.

**Maximum length of application procedure for co-ethnics in months:**

Answer: 997

Code: 997

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Maximum length of application procedure for co-ethnics:**

Answer: no regulation on maximum length

Code: 0

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Ley de Migración, Decreto No 2772 [Migration Law, Decree 2772]. 1958.

**Maximum length of application procedure for domestic workers in months:**

Answer: 997

Code: 997

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Maximum length of application procedure for domestic workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Ley de Migración, Decreto No 2772 [Migration Law, Decree 2772]. 1958.

**Maximum length of application procedure for agricultural workers in months:**

Answer: 997

Code: 997

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Maximum length of application procedure for agricultural workers:**

Answer: no regulation on maximum length

Code: 0

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Ley de Migración, Decreto No 2772 [Migration Law, Decree 2772]. 1958.

**Maximum length of application procedure for medical doctors in months:**

Answer: 997

Code: 997

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Maximum length of application procedure for medical doctors:**

Answer: no regulation on maximum length

Code: 0

Explanation: No provision regarding maximum length of application in the main regulation.

Sources: Ley de Migración, Decreto No 2772 [Migration Law, Decree 2772]. 1958.

**IMMIGRANT\_11: Grounds for rejection.**

**Not fulfilling the original conditions that were required to access original permit is a ground for rejecting permanent residence application:**

Answer: yes

Code: 1

Explanation: The Migration Law and its regulation do not refer explicitly to grounds for rejection. However, in the application form for permanent residence, a proof of criminal record and a proof of employment are listed within the mandatory documentation that applicants must submit to the migration authorities.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 31. Migración El Salvador. 2019. "Residencia definitiva por tener cinco años residencia temporal Art. 31 [Permanent residence for having five years temporary residence Art. 31]." 2019.

**IMMIGRANT\_12: Legal guarantees.**

**Rejection of applications must be reasoned:**

Answer: no

Code: 0

Explanation: Art. 67 of the Migration Law establishes that the resolutions of the Migration Authorities can be appealed. There is not explicit mention to the obligation to provide a reasoned decision or to the possibility of appealing to an independent administrative authority.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 67.

**Rejected applicants have the right to appeal:**

Answer: yes

Code: 1

Explanation: Art. 67 of the Migration Law establishes that the resolutions of the Migration Authorities can be appealed. There is not explicit mention to the obligation to provide a reasoned decision or to the possibility of appealing to an independent administrative authority.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 67.

**IMMIGRANT\_13: Expulsion is precluded for victims of violence or crime.**

**Expulsion is precluded for immigrants of all categories who are victims of violence or crime:**

Answer: no

Code: 0

Explanation: There is no provision in the main regulation.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

## **5.2. Policies of representation**

**IMMIGRANT\_14: Regulation of electoral rights.**

**Subnational electoral rights can be regulated at the subnational level:**

Answer: no

Code: 0

Explanation: Electoral rights are regulated at the national level. The main regulation instruments are the Constitution and the Electoral Code.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014.

### **5.2.1. Electoral rights**

**IMMIGRANT\_15: Voting eligibility for non-citizens.**

**Does the country have presidential elections?**

Answer: yes

Code: 1

**Does the country have a bicameral system (composed of a lower house and an upper house)?**

Answer: no, the country only has a lower house

Code: 2

**Can non-citizen residents vote in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and subnational levels. Art. 97 of the Constitution (and Art. 247 of the Electoral Code) establish that foreigners who directly or indirectly participate in the internal politics of the country lose the right to reside in El Salvador.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 97. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014. Art. 247.

**Can non-citizen residents vote in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and subnational levels. Art. 97 of the Constitution (and Art. 247 of the Electoral Code) establish that foreigners who directly or indirectly participate in the internal politics of the country lose the right to reside in El Salvador.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 97. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014. Art. 247.

**Can non-citizen residents vote in national legislative elections (upper house)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_16: Residence duration-based requirements for active electoral rights.**

**Previous residence required for being eligible to vote in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in lower house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to vote in upper house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_17: Registration in the electoral roll for non-citizen residents.**

**Registration in the electoral roll for non-citizen residents:**

Answer: not applicable (non-citizen residents cannot vote)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_18: Passive electoral rights for non-citizen residents.**

**Can non-citizen residents stand as candidates in national presidential elections?**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and subnational levels. Art. 97 of the Constitution (and Art. 247 of the Electoral Code) establish that foreigners who directly or indirectly participate in the internal politics of the country lose the right to reside in El Salvador.



Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 97. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014. Art. 247.

**Can non-citizen residents stand as candidates in national legislative elections (lower house)?**

Answer: generally disenfranchised

Code: 0

Explanation: Non-citizens are disenfranchised at both national and subnational levels. Art. 97 of the Constitution (and Art. 247 of the Electoral Code) establishes that foreigners who directly or indirectly participate in the internal politics of the country lose the right to reside in El Salvador.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 97. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014. Art. 247.

**Can non-citizen residents stand as candidates in national legislative elections (upper house)?**

Answer not applicable (no presidential elections)

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_19: Residence duration-based restrictions for passive electoral rights.**

**Previous residence required for being eligible to stand as candidate in presidential elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Previous residence required for being eligible to stand as candidate in lower house elections:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## 5.2.2. Regulation of participation in parties

**IMMIGRANT\_20: Emigrant membership to home country political parties.**

**Non-citizen resident membership to state or reception political parties:**

Answer: not legally allowed

Code: 0

Explanation: Membership in a political party is reserved to nationals. Art. 97 of the Constitution (and Art. 247 of the Electoral Code) establish that foreigners who directly or indirectly participate in the internal politics of the country lose the right to reside in El Salvador.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 97. / Código Electoral, Decreto N° 413 [Electoral Code, Decree 413]. 2014. Art. 247.

## 5.2.3. Consultative bodies

**IMMIGRANT\_21: Existence of a consultative body of immigrants acting at the national level.**

**Existence of a consultative body on immigrant issues:**

Answer: no

Code: 0

Explanation: A consultative body on immigrant issues is non-existent.

Sources: Not applicable

**IMMIGRANT\_22: Structural or ad hoc consultation.**

**The consultation is:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_23: Composition of the consultative body.**

**Composition of the consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_24: Leadership of the consultative body.**

**Who chairs the consultative body?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_25: Right of initiative to make its own reports or recommendations.**

**The body has the right of initiative to make its own reports or recommendations, even when not consulted:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_26: Right to get a response from the government to recommendation.**

**Beyond consultation on policies affecting immigrants the body has the right to get a response from national authorities to its advice/recommendations:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**IMMIGRANT\_27: Selection criteria to ensure representativeness.**

**Existence of selection criteria to ensure a gender-balanced consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Existence of selection criteria to ensure a geographic-balanced consultative body:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

## **5.3. Economic policies**

### **5.3.1. Access to labor market**

**IMMIGRANT\_28: Migrant access to labor market.**

**Can asylum seekers access the labor market?**

Answer: no

Code: 0

Explanation: There are no provisions in main regulations establishing that asylum seekers are allowed to work while waiting to the resolution of the asylum application.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Can refugees access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees Decree establishes that refugees shall enjoy the right to engage in economic activities, whether dependent or independent, in the public or private sector, without prejudice to the relevant legal provisions. General labor provisions, however, establish that 90 percent of employees in a company must have Salvadorian nationality (Art. 7 Labor Code). Nevertheless, exceptions can be done in special circumstances (Art. 7 Labor Code).

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7.

### **Can co-ethnics access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: The Labor Code establishes that 90 percent of employees in a company must have Salvadoran nationality (Art. 7 Labor Code). However, Art. 10 of the Labor Code establishes that for the calculation of the percentages referred to in Art. 7, the Central Americans of origin will be considered as Salvadorans.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7 and 10.

### **Can domestic workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: The Labor Code establishes that 90 percent of employees in a company must have Salvadoran nationality, although exceptions in special circumstances can be done (Art. 7 Labor Code). A reference to this provision is also included in Art. 29 of the Migration Law.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

### **Can agricultural workers access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: The Labor Code establishes that 90 percent of employees in a company must have Salvadoran nationality, although exceptions in special circumstances can be done (Art. 7 Labor Code). A reference to this provision is also included in Art. 29 of the Migration Law.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

### **Can medical doctors access the labor market?**

Answer: yes, but under certain conditions

Code: 0.5

Explanation: The Labor Code establishes that 90 percent of employees in a company must have Salvadoran nationality, although exceptions in special circumstances can be done (Art. 7 Labor Code). A reference to this provision is also included in Art. 29 of the Migration Law.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

### **Can permanent residents access the labor market?**

Answer: yes, equal access

Code: 1

Explanation: Art. 45 of the Migration Law establishes that all permanent residents may freely exercise remunerated or lucrative activities.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 29.

### **IMMIGRANT\_29: Migrant access to self-employment.**

#### **Can asylum seekers access self-employment?**

Answer: no

Code: 0

Explanation: There are no provisions in main regulations establishing that asylum seekers are allowed to work while waiting to the resolution of the asylum application.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

#### **Can refugees access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 42 of the Regulation for the Law for the Determination of the Status of Refugees establishes that refugees shall enjoy the right to engage in economic activities, whether dependent or independent, in the public or private sector, without prejudice to the relevant legal provisions.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42.

#### **Can co-ethnics access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 11 of the Labor Code establishes that immigrants shall enjoy the same rights to work as Salvadorians without more limitations that those establish in the law (e.g. Art. 7 and 8 of the Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 11.

#### **Can domestic workers access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 11 of the Labor Code establishes that immigrants shall enjoy the same rights to work as Salvadorians without more limitations that those establish in the law (e.g. Art. 7 and 8 of the Labor Code). Moreover, the form to apply for temporal residence refers explicitly to self-employment of temporal residents.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 11. / Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)].

### **Can agricultural workers access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 11 of the Labor Code establishes that immigrants shall enjoy the same rights to work as Salvadorians without more limitations that those establish in the law (e.g. Art. 7 and 8 of the Labor Code). Moreover, the form to apply for temporal residence refers explicitly to self-employment of temporal residents.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 11. / Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)].

### **Can medical doctors access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 11 of the Labor Code establishes that immigrants shall enjoy the same rights to work as Salvadorians without more limitations that those establish in the law (e.g. Art. 7 and 8 of the Labor Code). Moreover, the form to apply for temporal residence refers explicitly to self-employment of temporal residents.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 11. / Migración El Salvador. 2019. "02. F.02 Residencia temporal con autorización para trabajar (no centroamericano) [02. F.02 Temporary residence with authorization to work (not Central American)].

### **Can permanent residents access self-employment?**

Answer: yes, equal access

Code: 1

Explanation: Art. 45 of the Migration Law establishes that all permanent residents may freely exercise remunerated or lucrative activities.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 45

### **IMMIGRANT\_30: Migrant access to civil service.**

#### **Can asylum seekers access employment in schools (primary and secondary)?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can refugees access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

#### **Can co-ethnics access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

#### **Can domestic workers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1



Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

### **Can agricultural workers access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

### **Can medical doctors access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

### **Can permanent residents access employment in schools (primary and secondary)?**

Answer: yes, equal access

Code: 1

Explanation: Art. 14 of the Law of the Teaching Profession establishes that the only three requisites to access the teaching career are to possess the corresponding pedagogical title recognized by the Ministry of Education; To be registered in the Escalafonario Registry; and Not to have any of the incapacities for the exercise of the profession. Thus, Salvadorian nationality is not required. Additionally, Art. 15 of the same law establishes that educators with a pedagogical title obtained

abroad, duly authenticated, may only practice teaching after incorporation into the national teaching staff.

Sources: Decreto N° 665 [Decree 655]. 1996. Art. 14 and 15.

#### **Can asylum seekers access employment in public administration?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Can refugees access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

#### **Can co-ethnics access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

#### **Can domestic workers access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

### **Can agricultural workers access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

### **Can medical doctors access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

### **Can permanent residents access employment in public administration?**

Answer: yes, equal access

Code: 1

Explanation: Art. 18 of the Law of the Civil Service establishes that to enter the civil service and to belong to the administrative career it is required to be a Salvadorian national, Central American national or a foreigner who meets the requirements established by the Political Constitution and secondary laws. Thus, foreigners with a work permit can work in public administration.

Sources: Decreto Ley N° 507 [Decree Law 507]. 1961. Art. 18.

### **Can asylum seekers access employment in the police?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

**Can co-ethnics access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

**Can domestic workers access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

**Can agricultural workers access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

**Can medical doctors access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

#### **Can permanent residents access employment in the police?**

Answer: no

Code: 0

Explanation: Art. 20.2 of the Law of the Police Career establishes that to be a Salvadorian by birth is a requisite to become a police officer.

Sources: Decreto legislativo N° 773 [Legislative Decree 773]. 1996. Art. 20.2.

#### **Quotas for preferential hiring of asylum seekers exist:**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Quotas for preferential hiring of refugees exist:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

#### **Quotas for preferential hiring of co-ethnics exist:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

#### **Quotas for preferential hiring of domestic workers exist:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Quotas for preferential hiring of agricultural workers exist:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Quotas for preferential hiring of medical doctors:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Quotas for preferential hiring of permanent residents:**

Answer: no

Code: 0

Explanation: No provision for a preferential quota in main regulations (i.e. Labor Code).

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Can asylum seekers access employment in the armed forces?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Can refugees access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

#### **Can co-ethnics access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

#### **Can domestic workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

#### **Can agricultural workers access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

#### **Can medical doctors access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

### **Can permanent residents access employment in the armed forces?**

Answer: no

Code: 0

Explanation: Art. 1-3 of the Armed Forces Military Service and Reserve Law establish that only Salvadorians are eligible to participate in the armed forces.

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1-3.

## **5.3.2. Access to support**

### **IMMIGRANT\_31: Public employment services.**

#### **Can asylum seekers access public employment services?**

Answer: No

Code: 0

Explanation: Asylum-seekers have no access to public employment services.

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

#### **Can refugees access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Refugees have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

#### **Can co-ethnics access public employment services?**

Answer: Yes, equal access

Code: 1



Explanation: Co-ethnics have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

### **Can domestic workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Domestic workers have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

### **Can agricultural workers access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Agricultural workers have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

### **Can medical doctors access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Medical doctors have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

### **Can permanent residents access public employment services?**

Answer: Yes, equal access

Code: 1

Explanation: Permanent residents have equal access as nationals. In order to access employment services, immigrants just need a DUI (Documento Único de Identidad/ ID) or a residence valid ID (Carnet de Residente).

Sources: Empleos Públicos en el Salvador. "Empleos Públicos en El Salvador [Public Employment in El Salvador]". Accessed May 24, 2019. <http://www.empleospublicos.gob.sv/Default.aspx>.

### **IMMIGRANT\_32: Recognition of qualifications.**

#### **Recognition of qualifications acquired abroad by asylum seekers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for asylum-seekers is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

#### **Recognition of qualifications acquired abroad by refugees:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for asylum-seekers is the same procedures and fees as for nationals. Moreover, Art. 43 of the Regulations to the Law for the Determination of the Status of Refugees establishes that refugees holding professional qualifications obtained and/or recognized by the respective authorities shall be granted the right to exercise their profession, provided that there are international conventions and treaties on the subject. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6. / Decreto N° 79 [Decree 79]. 2005. Art. 43.

### **Recognition of qualifications acquired abroad by co-ethnics:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for co-ethnics is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

### **Recognition of qualifications acquired abroad by domestic workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for domestic workers is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

### **Recognition of qualifications acquired abroad by agricultural workers:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for agricultural workers is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad,

or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

### **Recognition of qualifications acquired abroad by medical doctors:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for medical doctors is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

### **Recognition of qualifications acquired abroad by permanent residents:**

Answer: Yes, same procedure as for nationals

Code: 1

Explanation: Recognition of qualifications for permanent residents is the same procedures and fees as for nationals. There are two different forms of recognition: equivalences and incorporations. The Incorporation implies the recognition and academic validity of professional studies performed abroad, or served in the country by foreign institutions time needed for the incorporation is of 30 days (Art. 20 Higher Education Law). Equivalence is understood to be the recognition of studies carried out abroad, analogous to the basic or secondary education of the National Education System (Art. 18 Higher Education Law). The time regulated here is of 8 days. The competent authority is within the Ministry of Education, the Academic Accreditation Office (Oficina de Acreditación Académica) or the Dirección de Registro e Incorporaciones, Dirección Nacional de Educación Superior (Direction of Registration and Incorporations, National Direction of Higher Education) (Art. 3-6 Regulations for Equivalences and Proofs of Sufficiency in Basic and Secondary Education and Incorporation of Secondary Education Degrees).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 18 and 20. / Decreto N° 82 [Decree 82]. 1995. Art. 3-6.

### 5.3.3. Worker's rights

#### **IMMIGRANT\_33: Membership in trade unions.**

##### **Can asylum seekers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

##### **Can refugees be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

##### **Can co-ethnic be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

##### **Can domestic workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

**Can agricultural workers be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

**Can medical doctors be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

**Can permanent residents be members and participate in trade union associations and work-related negotiation bodies?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Foreigners are allowed to participate in trade unions, however, members of trade union boards must be Salvadorian by birth (Art. 47 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 47.

**IMMIGRANT\_34: Job transferability.**

**Can asylum seekers change their employer without risking their immigration status?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **Can refugees change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Art. 42 of the Regulation for the Law for the Determination of the Status of Refugees establishes that refugees shall enjoy the right to engage in economic activities, whether dependent or independent, in the public or private sector, without prejudice to the relevant legal provisions.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 42.

### **Can co-ethnics change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: The Labor Code establishes that 90 percent of employees in a company must have Salvadoran nationality (Art. 7 Labor Code). However, Art. 10 of the Labor Code establishes that for the calculation of the percentages referred to in Art. 7, the Central Americans of origin will be considered as Salvadorans.

Sources: Decreto legislativo N° 15 [Legislative Decree 15]. 1972. Art. 7 and 10.

### **Can domestic workers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Art. 30 of the Migration Law establish that a temporal residency permit with option to employment cannot be renewed if the employer is not the original for which the permit was granted.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

### **Can agricultural workers change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Art. 30 of the Migration Law establish that a temporal residency permit with option to employment cannot be renewed if the employer is not the original for which the permit was granted.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Can medical doctors change their employer without risking their immigration status?**

Answer: No

Code: 0

Explanation: Art. 30 of the Migration Law establish that a temporal residency permit with option to employment cannot be renewed if the employer is not the original for which the permit was granted.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 30.

**Can permanent residents change their employer without risking their immigration status?**

Answer: Yes, without conditions

Code: 1

Explanation: Art. 45 of the Migration Law establishes that all permanent residents may freely exercise remunerated or lucrative activities.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 45.

**IMMIGRANT\_35: Right to redress.**

**Do asylum seekers have the right to redress if the terms of their employment contracts have been violated?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Do co-ethnics have the right to redress if the terms of their employment contracts have been violated?**

Answer: No



Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958.

**Do domestic workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Do agricultural workers have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Do medical doctors have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

**Do permanent residents have the right to redress if the terms of their employment contracts have been violated?**

Answer: No

Code: 0

Explanation: There is no provision in the legislation about the right to redress in case of violation of employment contract.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto legislativo N° 15 [Legislative Decree 15]. 1972.

### **5.3.4. Property rights**

#### **IMMIGRANT\_36: Property rights.**

##### **Can asylum seekers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Asylum-seekers may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

##### **Can refugees acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Refugees may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

##### **Can co-ethnics acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Co-ethnics may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all

those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

### **Can domestic workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Domestic workers may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

### **Can agricultural workers acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Agricultural workers may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

### **Can medical doctors acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Medical doctors may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

### **Can permanent residents acquire property in the state of reception?**

Answer: Yes, but under certain conditions

Code: 0.5

Explanation: Permanent residents may acquire property except for rustic real state/rustic property. In this case the ownership of rustic real estate may not be acquired by foreigners in whose countries of origin Salvadorans do not have equal rights (Art. 2 and 109 of the Constitution). Rustic properties are all those agricultural buildings located on rustic land and indispensable for the development of agricultural, livestock or forestry activities.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 2 and 109.

## **5.4. Social policies**

### **5.4.1. Family reunification**

**Can asylum seekers bring their families to their country of residence?**

Answer: no

Code: 0

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. This provision only applies to recognized refugees and not to asylum seekers.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Can refugees bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Can co-ethnics bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019. 2019.

### **Can domestic workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include domestic workers) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

### **Can agricultural workers bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include agricultural workers) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

### **Can medical doctors bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include medical doctors) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

### **Can permanent residents bring their families to their country of residence?**

Answer: yes

Code: 1

Explanation: There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include permanent residents) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

## *Eligibility*

### **IMMIGRANT\_37: Resident requirement for ordinary legal residents.**

#### **Residence requirement for ordinary legal residents (asylum seekers). In months:**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Residence requirement for ordinary legal residents (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

#### **Residence requirement for ordinary legal residents (refugees). In months:**

Answer: 0

Code: 0

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. There is no mention to a resident requirement. Thus, it is understood that no resident requirement is applied in case of refugees.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

#### **Residence requirement for ordinary legal residents (refugees):**

Answer: no residence requirement

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. There is no mention to a resident requirement. Thus, it is understood that no resident requirement is applied in case of refugees.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

#### **Residence requirement for ordinary legal residents (co-ethnics). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (co-ethnics):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (domestic workers). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (domestic workers):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (agricultural workers). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (agricultural workers):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

#### **Residence requirement for ordinary legal residents (medical doctors). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.



**Residence requirement for ordinary legal residents (medical doctors):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Residence requirement for ordinary legal residents (permanent residents). In months:**

Answer: 0

Code: 0

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Residence requirement for ordinary legal residents (permanent residents):**

Answer: no residence requirement

Code: 1

Explanation: No residence requirement. There is no provision regarding a residence requirement in the regulations. Thus, it is interpreted that temporal and permanent residents (which include co-ethnics) can apply for family reunification as soon as they have their status recognized.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 38 and 48. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**IMMIGRANT\_38: Family members considered for reunification.**

**Family member eligible for reunification (asylum seekers): Spouse.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Partner in a civil union or long-term relationship.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Children.**

Answer: not applicable

Code: Not applicable

Explanation:

Sources:

**Family member eligible for reunification (asylum seekers): Parents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (asylum seekers): Grandparents.**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Family member eligible for reunification (refugees): Spouse.**

Answer: yes

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. For the purposes of the Law, the basic family group mean the spouse or life partner, children under eighteen, dependent elderly parents. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Family member eligible for reunification (refugees): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. For the purposes of the Law, the basic family group mean the spouse or life partner, children under eighteen, dependent elderly parents. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Family member eligible for reunification (refugees): Children.**

Answer: yes

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. For the purposes of the Law, the basic family group mean the spouse or life partner, children under eighteen, dependent elderly parents. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Family member eligible for reunification (refugees): Parents.**

Answer: yes

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. For the purposes of the Law, the basic family group mean the spouse or life partner, children under eighteen, dependent elderly parents. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Family member eligible for reunification (refugees): Grandparents.**

Answer: no

Code: 0

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. For the purposes of the Law, the basic family group mean the spouse or life partner, children under eighteen, dependent elderly parents. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Family member eligible for reunification (co-ethnics): Spouse.**

Answer: yes

Code: 1

Explanation: Co-ethnics have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (co-ethnics): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Co-ethnics have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (co-ethnics): Children.**

Answer: yes

Code: 1

Explanation: Co-ethnics have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019

**Family member eligible for reunification (co-ethnics): Parents.**

Answer: yes

Code: 1

Explanation: Co-ethnics have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (co-ethnics): Grandparents.**

Answer: no

Code: 0

Explanation: Co-ethnics have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019

**Family member eligible for reunification (domestic workers): Spouse.**

Answer: yes

Code: 1

Explanation: Domestic workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (domestic workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Domestic workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (domestic workers): Children.**

Answer: yes

Code: 1

Explanation: Domestic workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (domestic workers): Parents.**

Answer: yes

Code: 1

Explanation: Domestic workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (domestic workers): Grandparents.**

Answer: no

Code: 0

Explanation: Domestic workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (agricultural workers): Spouse.**

Answer: yes

Code: 1

Explanation: Agricultural workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (agricultural workers): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Agricultural workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (agricultural workers): Children.**

Answer: yes

Code: 1

Explanation: Agricultural workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (agricultural workers): Parents.**

Answer: yes

Code: 1

Explanation: Agricultural workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (agricultural workers): Grandparents.**

Answer: no

Code: 0

Explanation: Agricultural workers have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (medical doctors): Spouse.**

Answer: yes

Code: 1

Explanation: Medical doctors have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (medical doctors): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Medical doctors have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (medical doctors): Children.**

Answer: yes

Code: 1

Explanation: Medical doctors have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (medical doctors): Parents.**

Answer: yes

Code: 1

Explanation: Medical doctors have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Family member eligible for reunification (medical doctors): Grandparents.**

Answer: no

Code: 0

Explanation: Medical doctors have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.



Sources: Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

**Family member eligible for reunification (permanent residents): Spouse.**

Answer: yes

Code: 1

Explanation: Permanent Residents have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

**Family member eligible for reunification (permanent residents): Partner in a civil union or long-term relationship.**

Answer: yes

Code: 1

Explanation: Permanent Residents have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

**Family member eligible for reunification (permanent residents): Children.**

Answer: yes

Code: 1

Explanation: Permanent Residents have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

**Family member eligible for reunification (permanent residents): Parents.**

Answer: yes

Code: 1

Explanation: Permanent Residents have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. “08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]”. 2019.

**Family member eligible for reunification (permanent residents): Grandparents.**

Answer: no

Code: 0

Explanation: Permanent Residents have the right to request the reunion of their basic family group. The basic family group means the spouse or life partner, children under eighteen, and parents.

Sources: Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

*Security of status*

**IMMIGRANT\_39: Length of application procedure.**

**Length of application procedure in months (asylum seekers).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure (asylum seekers).**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Length of application procedure in months (refugees).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

**Length of application procedure (refugees).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

**Length of application procedure in months (co-ethnics).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure (co-ethnics).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure in months (domestic workers).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure (domestic workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure in months (agricultural workers).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure (agricultural workers).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure in months (medical doctors).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure (medical doctors).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Length of application procedure in months (permanent residents).**

Answer: 97

Code: 97

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Not applicable

**Length of application procedure (permanent residents).**

Answer: no regulation of maximum length

Code: 0

Explanation: There is no provision in main regulations about the regulation the maximum length of the application procedure.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**IMMIGRANT\_40: Duration of permit.**

**Duration of validity of permit (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Duration of validity of permit (refugees):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. The relatives of their basic family nucleus will have the same legal status as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Duration of validity of permit (co-ethnics):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: The permit of relatives is dependent of the sponsor's permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Duration of validity of permit (domestic workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: The permit of relatives is dependent of the sponsor's permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Duration of validity of permit (agricultural workers):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: The permit of relatives is dependent of the sponsor's permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Duration of validity of permit (medical doctors):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: The permit of relatives is dependent of the sponsor's permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Duration of validity of permit (permanent residents):**

Answer: equal to sponsor's residence permit

Code: 1

Explanation: The permit of relatives is dependent of the sponsor's permit.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**IMMIGRANT\_41: Grounds for rejection, withdrawing or refusing to renew status.**

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Break-up of family relationship is a ground for rejecting family reunification application (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country. Also, the Law for the Determination of the Status of Refugees establishes that the refugee status is withdraw if the situation in the country of origin ceases to pose a threat.

Sources: Decreto N° 918 [Decree 918]. 2002. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (refugees):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country. Also, the Law for the Determination of the Status of Refugees establishes that the refugee status is withdraw if the situation in the country of origin ceases to pose a threat.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (refugees):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country. Also, the Law for the Determination of the Status of Refugees establishes that the refugee status is withdraw if the situation in the country of origin ceases to pose a threat.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (co-ethnics):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.



**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (co-ethnics):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (co-ethnics):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (domestic workers):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (domestic workers):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (agricultural workers):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (agricultural workers):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (medical doctors):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (medical doctors):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Being an actual and serious threat to national security is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Proven fraud in the acquisition of permit is a ground for rejecting family reunification application (permanent residents):**

Answer: yes

Code: 1

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**Break-up of family relationship is a ground for rejecting family reunification application (permanent residents):**

Answer: no

Code: 0

Explanation: Art. 39 of the Regulation of the Migration Law establishes as a ground for rejecting, withdrawing or refusing to renew status the proven fraud regarding information provided when entering the country.

Sources: Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. Art. 39.

**IMMIGRANT\_42: Special circumstances.**

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of existing links with country of origin (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of physical or emotional violence (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (agricultural workers):**

Answer: no



Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in main the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (medical doctors):**

Answer: no

Code: 0

Explanation: Not applicable

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of solidity of sponsor's family relationship (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of duration of sponsor's residence in country (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of existing links with country of origin (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Before refusal or withdrawal, due account is taken of physical or emotional violence (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Migration Law, Decree 2772, Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**IMMIGRANT\_43: Legal guarantees and redress in case of refusal or withdrawal.**

**Legal guarantee in case of refusal or withdrawal: reasoned decision (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: right to appeal (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Legal guarantee in case of refusal or withdrawal: reasoned decision (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Legal guarantee in case of refusal or withdrawal: right to appeal (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (refugees):**

Answer: no

Code: 0

Explanation: No provision in the main regulation (Law for the Determination of the Status of Refugees, Decree 918).

Sources: Decreto N° 918 [Decree 918]. 2002.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (co-ethnics):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: right to appeal (co-ethnic):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (co-ethnic):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: right to appeal (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (domestic workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: right to appeal (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (agricultural workers):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: right to appeal (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (medical doctors):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: reasoned decision (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: right to appeal (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Legal guarantee in case of refusal or withdrawal: representation before an independent administrative authority (permanent residents):**

Answer: no

Code: 0

Explanation: No provision in the main regulations (Migration Law, Decree 2772 and Regulation of the Migration Law, Executive Decree No. 33).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**IMMIGRANT\_44: Right to autonomous permit.**

**Right to autonomous residence permit for partners and children at age of majority (asylum seekers):**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Right to autonomous residence permit for partners and children at age of majority (refugees):**

Answer: after less or equal 3 years

Code: 0.75

Explanation: Art. 37 of the Law for the Determination of the Status of Refugees establishes that refugees recognized as such will have the right to request the reunion of their basic family group. The relatives of their basic family nucleus will have the same legal status and the same facilities as the family member officially recognized as a refugee.

Sources: Decreto N° 918 [Decree 918]. 2002. Art. 37.

**Right to autonomous residence permit for partners and children at age of majority (co-ethnics):**

Answer: no right

Code: 0



Explanation: Relative's permit is dependant to sponsors. Also, relatives reunited under the family reunification scheme are not allowed to work.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Right to autonomous residence permit for partners and children at age of majority (domestic workers):**

Answer: no right

Code: 0

Explanation: Relative's permit is dependant to sponsors. Also, relatives reunited under the family reunification scheme are not allowed to work.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Right to autonomous residence permit for partners and children at age of majority (agricultural workers):**

Answer: no right

Code: 0

Explanation: Relative's permit is dependant to sponsors. Also, relatives reunited under the family reunification scheme are not allowed to work.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Right to autonomous residence permit for partners and children at age of majority (medical doctors):**

Answer: no right

Code: 0

Explanation: Relative's permit is dependant to sponsors. Also, relatives reunited under the family reunification scheme are not allowed to work.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

**Right to autonomous residence permit for partners and children at age of majority (permanent residents):**

Answer: no right

Code: 0

Explanation: Relative's permit is dependant to sponsors. Also, relatives reunited under the family reunification scheme are not allowed to work.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Migración El Salvador. "08 F.08 Residencia temporal para familiares acompañantes [08 F.08 Temporary residence for accompanying relatives]". 2019.

## 5.4.2. Education

### **IMMIGRANT\_45: Access to education.**

#### **Children of asylum seekers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

#### **Children of refugees have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State. Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees Decree establishes also that refugees shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5. / Decreto N° 79 [Decree 79]. 2005. Art. 42.

#### **Children of co-ethnics have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally, the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

**Children of domestic workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

**Children of agricultural workers have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

**Children of medical doctors have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

**Children of permanent residents have access to compulsory education:**

Answer: yes, explicit obligation in law for migrants to have same access as nationals

Code: 1

Explanation: Art. 56 of the Constitution establishes that all inhabitants of the Republic have the right and duty to receive nursery and basic education that enables them to serve as useful citizen children. Additionally the Art. 5 of the General Law on Education establishes that nursery and basic education is obligatory and together with special education shall be free of charge when imparted by the State.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 56. / Decreto N° 917 [Decree 917]. 1996. Art. 5.

**IMMIGRANT\_46: Access to higher education.**

**Asylum seekers and their children have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation Asylum-seekers have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Refugees have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Refugees have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Co-ethnics have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Co-ethnics have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Domestic workers have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Domestic workers have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Agricultural workers have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: They have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Medical doctors have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: They have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are fulfilled (Art. 17 Law on Higher Education Decree).

Sources: Decreto N° 468 [Decree 468]. 2004. Art. 17.

**Permanent residents have access to higher education:**

Answer: Yes, implicit obligation to have same access as nationals

Code: 0.5

Explanation: Permanent residents have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are complete (Art. 17 Law on Higher Education Decree).

Sources: They have access if the following conditions are fulfilled: baccalaureate degree or an equivalent degree obtained abroad, is legally recognized in El Salvador, and if the admission requirements of the respective university are complete (Art. 17 Law on Higher Education Decree).

**IMMIGRANT\_47: Support for language instruction.**

**Provision of education support in language(s) of instruction for migrant pupils:**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about continuous and ongoing education support in language(s) of instruction for migrant pupils.

Sources: Decreto N° 917 [Decree 917]. 1996. / Decreto N° 468 [Decree 468]. 2004.

**IMMIGRANT\_48: Intercultural education.**

**Intercultural education is included in pre-service training in order to qualify as a teacher:**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about intercultural education in pre-service training in order to qualify as a teacher

Sources: Decreto N° 665 [Decree 655]. 1996. / Decreto N° 74 [Decree 74]. 1996.

**IMMIGRANT\_49: Integration in teachers' syllabus.**

**Migration and integration are obligatory topics in professional development training:**

Answer: no

Code: 0

Explanation: No provision for the inclusión of migration and integration topics in obligatory in-service professional development training.

Sources: Decreto N° 665 [Decree 655]. 1996. / Decreto N° 74 [Decree 74]. 1996.

### **5.4.3. Health care**

**IMMIGRANT\_50: Conditions for inclusion in the health care system**

**Conditions for inclusion of asylum seekers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees establishes that refugees (no asylum seekers) shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction. Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42. / Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Conditions for inclusion of refugees in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees establishes that refugees shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42.

#### **Conditions for inclusion of co-ethnics in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Conditions for inclusion of domestic workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

**Conditions for inclusion of agricultural workers in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

**Conditions for inclusion of medical doctors in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

**Conditions for inclusion of permanent residents in the health care system:**

Answer: inclusion is unconditional

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.



## **IMMIGRANT\_51: Coverage of health care services.**

### **Health care coverage for asylum seekers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees establishes that refugees (no asylum seekers) shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction. Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42. / Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

### **Health care coverage for refugees.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 42 of the Regulations to the Law for the Determination of the Status of Refugees establishes that refugees (no asylum seekers) shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction. Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 42. / Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

### **Health care coverage for co-ethnics.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Health care coverage for domestic workers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Health care coverage for agricultural workers.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Health care coverage for medical doctors.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **Health care coverage for permanent residents.**

Answer: same coverage as nationals

Code: 1

Explanation: Art. 1 of the Salvadorian Constitution establishes that it is the obligation of the State to assure the inhabitants of the Republic, the enjoyment of freedom, health, culture, economic well-being and social justice. In addition, Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners enjoy the same rights as nationals with the only exception of political rights. Art. 3 of the Social Security Law establishes that all workers (regardless nationality) are covered by the Social Insurance which includes health insurance (Art. 2a of Social Security Law).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 1. / Decreto N° 1263 [Decree 1263]. 1953. Art. 2 and 3. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12.

#### **5.4.4. Unemployment benefits**

##### **IMMIGRANT\_52: Unemployment benefits.**

###### **Access of asylum seekers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

###### **Access of refugees to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

###### **Access of co-ethnics to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

**Access of domestic workers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

**Access of agricultural workers to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

**Access of medical doctors to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

**Access of permanent residents to unemployment benefits as compared to citizen residents:**

Answer: no unemployment benefits

Code: 97

Explanation: No unemployment benefits in El Salvador.

Sources: Not applicable

#### **5.4.5. Retirement benefits**

**IMMIGRANT\_53: Retirement benefits.**

**Access of asylum seekers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

**Access of refugees to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination. In addition, Art. 42 of Regulations to the Law for the Determination of the Status of Refugees Decree establish that refugees shall be accorded the same treatment as nationals with respect to public health care, social security and access to public education without any restriction.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7. / Decreto N° 79 [Decree 79]. 2005. Art. 42.

**Access of co-ethnics to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

**Access of domestic workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

**Access of agricultural workers to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

#### **Access of medical doctors to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

#### **Access of permanent residents to retirement benefits as compared to citizen residents:**

Answer: equal access

Code: 1

Explanation: Art. 7 of the Law of the Savings System for Pensions establishes that affiliation to the pension system shall be mandatory when a person enters a job in a relationship of labor subordination.

Sources: Decreto legislativo N° 927 [Legislative Decree 927]. 1996. Art. 7.

## **5.5. Cultural policies**

### **IMMIGRANT\_54: Funding for bilingual education.**

#### **Is there public funding for bilingual education in the language of majoritarian migrant groups?**

Answer: no

Code: 0

Explanation: No provisions found regarding bilingual education of majoritarian migrant groups.

Sources: Ministerio de Cultura. "Ministerio de Cultura [Ministry of Culture]". Access date not available. <http://www.cultura.gob.sv/>. / Ministerio de Educación. "Ministerio de Educación-Gobierno de El Salvador [Ministry of Education-Government of El Salvador]". Access date not available.

<https://www.mined.gob.sv/>. / Ministerio Dirección General de Migración y Extranjería. "Dirección General de Migración y Extranjería [General Directorate of Migration and Aliens]". Access date not available. <http://www.migracion.gob.sv/>.

#### **IMMIGRANT\_55: Funding for media on main migrant group's language.**

**Is there public funding for media in the language of the main migrant group?**

Answer: no

Code: 0

Explanation: No provisions found regarding funding for media on main migrant group languages.

Sources: Ministerio de Cultura. "Ministerio de Cultura [Ministry of Culture]". Access date not available. <http://www.cultura.gob.sv/>. / Ministerio de Educación. "Ministerio de Educación-Gobierno de El Salvador [Ministry of Education-Government of El Salvador]". Access date not available. <https://www.mined.gob.sv/>. / Ministerio Dirección General de Migración y Extranjería. "Dirección General de Migración y Extranjería [General Directorate of Migration and Aliens]". Access date not available. <http://www.migracion.gob.sv/>.

## **5.6. Mobility policies**

### **5.6.1. Identity documents**

#### **IMMIGRANT\_56: Confiscation of identification documents.**

**Do asylum seekers have the right not to have their identity document confiscated by any-one (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

**Do refugees have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959. / Decreto N° 918 [Decree 918]. 2002. / Decreto N° 79 [Decree 79]. 2005.

**Do co-ethnics have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Do domestic workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Do agricultural workers have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Do medical doctors have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0



Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

**Do permanent residents have the right not to have their identity document confiscated by anyone (excluding public authorities)?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about the right not to have identity documents confiscated.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. / Decreto N° 299 [Decree 299]. 1986. / Decreto ejecutivo N° 33 [Executive Decree 33]. 1959.

## 5.6.2. Freedom of movement

**IMMIGRANT\_57: Freedom of movement within country.**

**Do asylum seekers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

**Do refugees have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration

and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

### **Do co-ethnics have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

### **Do domestic workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

### **Do agricultural workers have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

**Do medical doctors have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

**Do permanent residents have the right to move freely within the country?**

Answer: yes

Code: 1

Explanation: There is no specific provision in the regulation about freedom of movement within the country. But interpreting the laws above it may be assumed that this migrant group enjoy freedom of movement. Art. 3 of the Migration Law establishes that foreigners within the national territory shall enjoy the same individual guarantees as nationals, except for the limitations established in the Constitution and the secondary laws of the country. In addition. Art. 12 of the Special Law of Migration and Foreigners establishes that foreigners in the national territory, with the exception of political rights, shall enjoy the same rights as nationals and shall be subject to the same obligations.

Sources: Decreto N° 918 [Decree 918]. 2002. / Ley especial de migración y de extranjería [Special Law of Migration and Foreigners]. 2019. Art. 12. / Decreto N° 299 [Decree 299]. 1986. Art. 3.

**IMMIGRANT\_58: Freedom to move outside the country.**

**Do asylum seekers have the right to leave the country?**

Answer: no

Code: 0

Explanation: There is no provision in the regulation about this in the refugee regulation. This lack of a specific provision is interpreted negatively.

Sources: Decreto N° 918 [Decree 918]. 2002.

**Number of months of absence allowed per year (asylum seekers):**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do refugees have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 41 of the Regulations to the Law for the Determination of the Status of Refugees establish that refugees have the right to leave the country for a period not exceeding three months.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 41.

**Number of months of absence allowed per year (refugees):**

Answer: 3

Code: 3

Explanation: Art. 41 of the Regulations to the Law for the Determination of the Status of Refugees establish that refugees have the right to leave the country for a period not exceeding three months.

Sources: Decreto N° 79 [Decree 79]. 2005. Art. 41.

**Do co-ethnics have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Number of months of absence allowed per year (co-ethnics):**

Answer: 3

Code: 3

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Do domestic workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Number of months of absence allowed per year (domestic workers):**

Answer: 3

Code: 3

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Do agricultural workers have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Number of months of absence allowed per year (agricultural workers):**

Answer: 3

Code: 3

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Do medical doctors have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Number of months of absence allowed per year (medical doctors):**

Answer: 3

Code: 3

Explanation: Art. 33 of the Migration Law establishes that temporary residents will be able to leave and enter the country, but will lose their immigration status if their period of absence exceeds ninety days.

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 33.

**Do permanent residents have the right to leave the country?**

Answer: yes

Code: 1

Explanation: Permanent residence can exit the country. However, if it is longer than one year, a special request must be submitted (Art. 44 of the Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 44.

**Number of months of absence allowed per year (permanent residents):**

Answer: 12

Code: 12

Explanation: Permanent residence can exit the country. However, if it is longer than one year, a special request must be submitted (Art. 44 of the Migration Law).

Sources: Decreto legislativo N° 2772 [Legislative Decree 2772]. 1958. Art. 44.

### **5.6.3. Obligations**

#### **5.6.4. Military service**

**IMMIGRANT\_59: Military service.**

**Do asylum seekers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

**Do refugees have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

**Do co-ethnics have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

**Do domestic workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

**Do agricultural workers have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

### **Do medical doctors have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

### **Do permanent residents have the obligation to comply with military service?**

Answer: military service mandatory for citizens, but not for non-citizens

Code: 0

Explanation: Only Salvadorian nationals are obliged to to the military service (Art. 1 Military Service and Armed Force Reserve Act).

Sources: Decreto N° 298 [Decree 298]. 1992. Art. 1.

## **5.6.5. Social service**

### **IMMIGRANT\_60: Social service.**

#### **Do asylum seekers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

#### **Do refugees have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

#### **Do co-ethnics have the obligation to comply with social service?**



Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

**Do domestic workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

**Do agricultural workers have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

**Do medical doctors have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

**Do permanent residents have the obligation to comply with social service?**

Answer: no social service in state of reception

Code: 97

Explanation: No social service in El Salvador.

Sources: Not applicable

## 5.6.6. Taxes

### IMMIGRANT\_61: Income taxes.

#### Do asylum seekers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

#### Do refugees have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

#### Do co-ethnics have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

#### Do domestic workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

#### Do agricultural workers have to pay income taxes in state of reception?

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

### **Do medical doctors have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

### **Do permanent residents have to pay income taxes in state of reception?**

Answer: yes

Code: 1

Explanation: Art. 1 of the Income Tax Law establishes that all fiscal residents are taxable persons, regardless nationality.

Sources: Decreto N° 134 [Decree 134]. 1992. Art. 1.

## **5.7. Administration**

### **IMMIGRANT\_62: Existence of immigrant integration agency in state of reception.**

#### **Existence of institution/agency with competencies for immigrant policies:**

Answer: yes

Code: 1

Explanation: Directorate General of Migration and Foreign Affairs

Sources: Dirección General de Migración y Extranjería. "DGME Organigrama [DGME Organizational Chart]". Accessed May 24, 2019.

<https://www.transparencia.gob.sv/institutions/dgme/documents/organigrama>. / Dirección General de Migración y Extranjería El Salvador. "Misión, visión, valores y principios [Mission, Vision and Principles]". Accessed May 24, 2019. <http://www.migracion.gob.sv>.

**Name of the institution with competencies for immigrant policies in original language:**

Answer: Dirección General de Migración y Extranjería

**Name of the institution with competencies for immigrant policies in English:**

Answer: Directorate General of Migration and Foreign Affairs

**Access to antidiscrimination body.**

**Migrants can access antidiscrimination bodies and prerogatives (e.g. make official complaints to an Ombudsperson) regardless of migrant status (they might be explicitly mentioned as eligible, or not; what we care about is that they are not explicitly excluded, for instance, by statements that restrict access to nationals):**

Answer: Yes

Code: 1

Explanation: Migrants are not explicitly excluded. The Procurator should ensure respect for and guarantee of human rights in El Salvador, as well as to assist victims of human rights violations and to promote and propose such measures as it deems necessary in the light of the to prevent violations of human rights (Art. 11 of Law on the Office of the Procurator for the Defense of Human Rights).

Sources: Decreto N° 183 [Decree 183]. 1992. Art. 11.

## 6. Immigrant citizenship and nationality

---

### 6.1. Immigrant nationality

#### 6.1.1. Immigrant dual nationality

**IMNAT\_1: Renunciation of previous nationality.**

**Does the country require applicants to naturalization by residence to renounce their previous nationality?**

Answer: Yes

Code: 0

Explanation: Generally, naturalized citizens may not hold multiple citizenship. Naturalized citizens may retain their nationality provided that the principle of reciprocity is respected.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 93.

**Citizenship can be withdrawn only if person resides outside the country:**

Answer: Yes

Code: 1

Explanation: Nationality by naturalization is lost after residing more than two consecutive years in the country of origin or by absence from the territory of the Republic for more than five consecutive years, except in the case of a permit granted in accordance with the law (Art. 94 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

**Are there exceptions?**

Answer: For some countries officially

Code: 1

Explanation: Art. 93 of the Constitution establishes that it is possible to maintain the former nationality only if there exists reciprocity agreement of dual nationality between the El Salvador and the country of the nationality of origin.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 93.

**IMNAT\_1\_1: Sanctions.**

**Are there sanctions for naturalized persons who are later found to have the nationality of the country or origin despite there being a procedure and having pledged to renounce it?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation after sanctions linked to renunciation of nationality (El Salvador Constitution and Migration Law, Decree No.299)

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. / Decreto N° 299 [Decree 299]. 1986.

### **6.1.2. Emigrant dual nationality for immigrants who naturalized**

**IMNAT\_2: Emigrant dual nationality for naturalized immigrants.**

**Does the country deprive their national citizens by naturalization of nationality (or provide for the involuntary loss of it) for having acquired a foreign one (i.e. of their place of residence) and, if so, under which conditions?**

Answer: No provision

Code: 1

Explanation: Nationality by naturalization is only lost if more than 2 years of residence in country of origin (Art. 94.1 of the Constitution) or judicial sentence (Art. 94.2 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

### **6.1.3. Loss of nationality after residence abroad for naturalized immigrants**

**IMNAT\_3: Loss after residence abroad for naturalized immigrants**

**For national citizens by naturalization who emigrated, does the country deprive them of their nationality (or provide for the involuntary loss of it) because of residence abroad**

Answer: Authorities have arbitrary power to withdraw citizenship

Code: 0

Explanation: Nationality by naturalization is lost after residing more than two consecutive years in the country of origin or by absence from the territory of the Republic for more than five consecutive years, except in the case of a permit granted in accordance with the law (Art. 94 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

**After how many years abroad?**

Answer: 5

Code: 5

Explanation: Nationality by naturalization is lost after residing more than two consecutive years in the country of origin or by absence from the territory of the Republic for more than five consecutive years, except in the case of a permit granted in accordance with the law (Art. 94 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

#### **6.1.4. Unrestrictive jus soli**

**IMNAT\_4: Unrestrictive jus soli.**

**Does the country provide for a child to acquire nationality by birth in the territory irrespective of the birthplace of the parents?**

Answer: Yes

Code: 1

Explanation: Art. 90 of the Constitution establishes that those born in the territory of El Salvador are Salvadorians by birth.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.

#### **6.1.5. Qualified jus soli**

**IMNAT\_5: Qualified jus soli.**

**Does the country provide for children to acquire nationality by birth in the territory only if their parents were also born there?**

Answer: No

Code: 0

Explanation: No provision about qualified jus soli in the main regulation.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 94.

#### **6.1.6. Standard naturalization procedure for immigrants due to residence**

**IMNAT\_6: Ordinary naturalization.**

**Does the country provide for standard naturalization procedure for immigrants due to residence in it?**

Answer: Yes, provision for standard naturalization based on residence

Code: 1

Explanation: Generally, the requisite to access naturalization is five years of residence in El Salvador (Art. 92.2 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.2.

**Number of years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: Generally, the requisite to access naturalization is five years of residence in El Salvador (Art. 92.2 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.2.

**Number of continuous years of residence required for naturalization:**

Answer: 5

Code: 5

Explanation: Generally, the requisite to access naturalization is five years of residence in El Salvador (Art. 92.2 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.2.

**Permanent residence status is required for naturalization:**

Answer: No

Code: 0

Explanation: No provision about permanent residence status in the main regulation. The requisite to access naturalization is five years of residence in El Salvador (Art. 92.2 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.2.

**Renunciation of previous nationality is required:**

Answer: General renunciation except for some countries

Code: 0.35

Explanation: Art. 93 of the Constitution establishes that it is possible to maintain the former nationality only if there exists reciprocity agreement of dual nationality between the El Salvador and the country of the nationality of origin.



Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 93.

**Language condition for naturalization:**

Answer: No language condition in the law

Code: 0

Explanation: No provision regarding language proficiency in the main regulation.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

**Civil knowledge is a requisite for naturalization:**

Answer: No naturalization test or cultural assimilation condition

Code: 0

Explanation: No provision on civil knowledge in the main regulation.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

**Clean criminal record is a requisite:**

Answer: No criminal record or good character condition

Code: 0

Explanation: No provision regarding clean criminal record in the main regulation. However, it is worth to mention that police clearance is listed as one of the prerequisites of applying permanent residency.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

**Economic resources as requisite for naturalization:**

Answer: No requirement on income, employment, or welfare dependency

Code: 0

Explanation: No provision regarding economic resources in the main regulation. However, proof of job record is listed as one of the prerequisites of applying permanent residency.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

## **6.1.7. Socialization based acquisition of citizenship**

**IMNAT\_7: Naturalization by socialization.**

**Does the country provide for acquisition of nationality of minors who reside for a certain period or schooling in the country?**

Answer: No provision

Code: 0

Explanation: There is no provision in the regulation about socialization-based acquisition of nationality.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

### **6.1.8. Special procedure for immigrants with very long residence in country**

**IMNAT\_8: Long residence.**

**Does the country provide for acquisition of nationality by a person who has resided there for a very long time (e.g. more or equal of 12 years)?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about a special procedure for immigrants with very long residence in the country.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

### **6.1.9. Preferential naturalization for immigrants from specific countries**

**IMNAT\_9: Preferential naturalization by country.**

**Does the country provide for a special (e.g. quicker, easier) acquisition of nationality by a person who is a national of another specific country?**

Answer: Yes

Code: 1

Explanation: For citizens by birth from Spain or a Hispanoamerican country, the residence requirement is reduced to 1 year (Art. 90 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.

### **6.1.10. Cultural affinity/Ethnic ties**

**IMNAT\_10: Preferential naturalization due to cultural or ethnic ties.**

**Does the country provide for acquisition of nationality by a person who has an affinity with its culture or is somehow defined as co-ethnic?**

Answer: Yes

Code: 1

Explanation: For citizens of countries formerly part of the Federal Republic of Central America, or for a person who is a citizen by birth of Spain or an Hispanoamerican country.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90-92.

### **6.1.11. Spousal transfer**

**IMNAT\_11: Spousal transfer.**

**Does the country provide for acquisition of nationality by the spouse or registered partner of a person who is already a national citizen?**

Answer: Yes

Code: 1

Explanation: Yes. Art. 92 of the Constitution establishes that a spouse of a citizen can access naturalization after residing 2 years in El Salvador.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.

### **6.1.12. Filial transfer**

**IMNAT\_12: Filial transfer.**

**Does the country provide for acquisition of nationality by the child of a person who is already a national citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about filial transfer.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.

### **6.1.13. Special naturalization for refugees**

#### **IMNAT\_13: Refugees.**

**Does the country facilitate the acquisition of nationality by a refugee in its territory?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about special naturalization for refugees.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 90.

### **6.1.14. Naturalization for special achievements/talents**

#### **IMNAT\_14: Special talents.**

**Does the country provide for the acquisition of nationality by a person in account of special achievements/talents?**

Answer: Yes

Code: 1

Explanation: A person who has rendered notable services to El Salvador (Art. 92.3 of the Constitution). However, is not defined concretely what kind of notable services.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 92.3.

### **6.1.15. Naturalization due to investment/financial assets**

#### **IMNAT\_15: Special talents.**

**Does the country provide for the acquisition of nationality by a person with special financial assets (say which) or persons who invest money in the country?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about naturalization due to investment/financial assets.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### **6.1.16. Transfer to other relatives**

**IMNAT\_16: Transfer to other relatives.**

**Does the country provide for the acquisition of nationality by a relative other than the spouse or child of a person who is already a citizen?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about transfer of nationality to other relatives in case of naturalization.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### **6.1.17. Nationality for the stateless**

**IMNAT\_17: Stateless.**

**Does the country facilitate the naturalization of a stateless person in its territory?**

Answer: No

Code: 0

Explanation: There is no provision in the regulation about naturalization for stateless.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### **6.1.18. Nationality for regularized immigrants**

**IMNAT\_18: Regularization.**

**Does the country make any differentiation in terms of naturalization procedures regarding persons that have benefited from regularization programs ((i.e. is there any special naturalization scheme for regularized immigrants)?**

Answer: Not applicable (i.e. no regularization)

Code: Not applicable

Explanation: No regularization program in El Salvador.

Sources: Not applicable

### **6.1.19. Naturalization possible even if applicant had irregular status before**

**IMNAT\_19: Irregular status.**

**Does the country provide for a person who has or has had irregular migrant status who can however prove having had resided long enough in the country to apply for naturalization (i. e. is ever having been an irregular migrant an impediment to regularize)?**

Answer: No

Code: 0

Explanation: No regularization program in El Salvador.

Sources: Not applicable

## **6.2. Immigrant citizenship**

### **6.2.1. Restrictions on citizenship for naturalized immigrants**

**IMCIT\_1: Restrictions for naturalized immigrants.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized (even if they only have that one nationality)?**

Answer: Yes

Code: 1

Explanation: Yes, i.e. naturalized citizens cannot stand as presidential candidates (Art. 151 of the Constitution)

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 151.

**For how long are the restrictions applied?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Yes

Code: 1

Explanation: Yes, i.e. naturalized citizens cannot stand as presidential candidates (Art. 151 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 151.

#### **Do the restrictions apply to public office posts?**

Answer: Yes

Code: 1

Explanation: i.e. naturalized citizens cannot stand as presidential candidates (Art. 151 of the Constitution).

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983. Art. 151.

#### **Other type of restrictions**

Answer: No

Code: 0

Explanation: No provision in the main regulation.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

### **6.2.2. Loss or suspension of citizenship after residence abroad for immigrants who naturalized**

#### **IMCIT\_2. Loss or suspension of citizenship.**

**Does the country deprive their national citizens by naturalization who emigrated of their citizenship rights (i.e. political rights mostly) or suspend them because of residence abroad?**

Answer: No

Code: 0

Explanation: No provision in main regulations about suspension of rights due to residence abroad.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

#### **Are these rights recovered upon return?**

Answer: not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

### **6.2.3. Restrictions on citizenship for naturalized immigrants who are dual nationals**

**IMCIT\_3: Restrictions for naturalized immigrants who are dual nationals.**

**Does the country restrict citizenship (i.e. mainly political-electoral rights, either passive or active) of those who have naturalized and have another/other nationality/ies?**

Answer: No

Code: 0

Explanation: There is no provision in main regulations regarding restrictions on citizenships for naturalized immigrants.

Sources: Constitución de El Salvador [El Salvador Constitution]. 1983.

**How long do the restrictions apply?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to electoral rights?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable

**Do the restrictions apply to public office post?**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable



Sources: Not applicable

**Other type of restrictions (beyond electoral and public office posts).**

Answer: Not applicable

Code: Not applicable

Explanation: Not applicable

Sources: Not applicable