

CURAÇAO NEEDS ASSESSMENT ON MIGRATION GOVERNANCE



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IOM is committed to the principle that humane and orderly migration benefits migrants and society. As an intergovernmental organization, IOM acts with its partners in the international community to: assist in meeting the operational challenges of migration; advance understanding of migration issues; encourage social and economic development through migration; and uphold the human dignity and well-being of migrants.

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CURAÇÃO

NEEDS ASSESSMENT ON MIGRATION GOVERNANCE



FOREWORD

Migration trends and flows in the Caribbean region have shifted significantly in the last decade, demonstrating the need to create migration governance systems that can adapt and respond effectively for the management of these evolving flows. Curaçao faces unique migration flows and challenges while making positive advancements towards improving migration governance and recognizing the benefits migration can provide to its national development.

As the leading organization addressing migration around the world, and recognizing the impact of migration on development, IOM works with governments and partners in the international community to tackle old and new challenges posed by migration management; promote understanding about the nature of migration flows; encourage social and economic development through the benefits of migration; and ensure respect for the human dignity and well-being of migrants.

The Migration Governance Needs Assessments represent a far-reaching effort across Central America, North America and the Caribbean, seeking to expand the understanding of the institutions and policies regulating migration in the regions in order to support

intraregional sharing of good practices and the identification of efficient solutions to challenges in migration governance.

The Migration Governance Needs Assessments, which have been implemented in ... countries in Central America and the Caribbean and now implemented in Curaçao, address the challenges and opportunities for guaranteeing that migration to, from and within the region occurs through well-managed migration policies and mechanisms. This report for Curaçao has been contextualized to the island's particular situation and, published in both English and Dutch, provides key information to support the Government in understanding the current migration governance systems. The report highlights specific identified needs to support informed decision-making to strengthen migration governance that will benefit both the State and migrants.

We believe that producing accurate and reliable information and analysis is a crucial step towards empowering governments and identifying ways in which IOM and other international partners can assist in strengthening effective migration management.

A handwritten signature in black ink, consisting of a large, stylized initial 'R' followed by a series of loops and a long horizontal stroke extending to the right.

Robert Natiello

Regional Coordination Officer for the Caribbean and Chief of Mission, IOM Guyana

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ACRONYMS AND ABBREVIATIONS

AZV	General Health Insurance (Algemene Ziektelkosten Verzekering)
CARICOM	Caribbean Community
CBS	Central Bureau of Statistics
CDEMA	Caribbean Disaster Emergency Management Agency
KWCARIB	Dutch Caribbean Coast Guard (Kustwacht Caribisch Gebied)
LTU	Landsverordening Toelating en Uitzetting
R4V	Response for Venezuela
SER	Social Economic Council
UNHCR	United Nations High Commissioner for Refugees

INTRODUCTION

Migration trends in the Caribbean have changed along with regional and global dynamics. In recent decades, the region has seen important transformations in the factors that push people to migrate, in the profiles of migrants and in the risks to which migrants are exposed.

In this context, promoting organized, safe and regular migration is key. With the support of the international community, governments in the region have recognized the need to develop migration governance systems that allow them to respond to emerging challenges and to maximize the opportunities presented by migration.

The International Organization for Migration (IOM) has developed different guidelines and tools to support governments in this process and to facilitate aligning domestic policy with international standards for the protection of migrants, including the 2030 Agenda for Sustainable Development and specifically goal 10.7 to “facilitate orderly, safe, and responsible migration and mobility of people, including through implementation of planned and well-managed migration policies.” As part of these efforts, IOM has created the Migration Governance Framework (MiGOF), which defines the principles and objectives of effective migration governance. Additionally, IOM has developed the Migration Governance Indicators (MGI) as an instrument that, without addressing implementation, assesses the institutional, legal and public policy framework on migration in the countries that request it. Currently, Curaçao has not yet implemented the MGI.

The Migration Governance Needs Assessment seeks to provide available information, offering a panoramic view of migration governance in Curaçao, including information about the successes and challenges in the establishment of a comprehensive migration policy and incorporating the perspective of the private sector and civil society. The report was developed in an accessible format that provides data on the structures and policies regulating migration governance and that identifies priorities for strengthening government capacity to manage migration effectively.

METHODOLOGY

In 2018, the International Organization for Migration (IOM) carried out a comprehensive assessment of migration governance needs in ten Caribbean countries. In 2019, the study was replicated in Haiti, and in 2020, the methodology was expanded to Belize, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Guyana, Honduras, Mexico, Panama and Suriname. In 2021, needs assessments were conducted in Aruba, Curaçao and Sint Maarten.

The methodology involved:

- A review of secondary sources of information, including national legislation, regulations and protocols, government reports and studies conducted by IOM, other United Nations agencies and international organizations;
- A baseline questionnaire made up of a set of 35 indicators and 89 sub-indicators, based on the principles and objectives of the IOM Migration Governance Framework (MiGOF). The questionnaire made it possible to identify the specific information gaps and inform the development of protocols for conducting semi-structured interviews;
- A series of in-person and remote semi-structured interviews conducted with government officials, members of civil society and representatives of United Nations agencies;
- Triangulation of primary data, compared with information provided by different information sources, in order to guarantee the reliability of the results.

In Curaçao, 11 interviews were conducted in February and March 2021, with 16 representatives of government ministries, civil society and the private sector. Interviews with government officials included representatives of the Ministry of General Affairs (*Ministerio di Asuntunan General* or *Ministerie van Algemene Zaken*), the Ministry of Justice (*Ministerio di Hustisia* or *Ministerie van Justitie*) and its Anti-Trafficking in Persons Unit, Ministry of Health, Environment and Nature (*Ministerio di Salú, Medioambiente i Naturalesa* or *Ministerie van Gezondheid, Milieu en Natuur*), the Ministry of Economic Affairs (*Ministerio di Desaroyo Ekonómiko* or *Ministerie van Economische Zaken*) and the Central Bureau of Statistics Curaçao (*Centraal Bureua voor de Statistiek Curaçao*).

a

1. Migration Policies and Adherence to International Standards
2. Migration and Border Management
3. Migration Management in Situations of Emergencies and Disasters
4. Migrant Protection and Assistance
5. Migration and Health
6. Labour Migration and Human Development

Each chapter is divided into three subsections that include:

- a. a factual description of government management of migration;
- b. a section of bullet points that highlight the most important aspects discussed in the description;
- c. a table that details the principal needs related to migration governance, organized by sector.

The identified needs included in each chapter were prepared based on the information provided by government representatives, IOM specialists, and representatives of civil society and non-governmental organizations. These offer recommendations and opportunities for improvement, but they are not exhaustive and do not represent the official position of the Government of Curaçao or the organizations consulted.

COUNTRY OVERVIEW: CURAÇAO

The island of Curaçao, located 55 km off the coast of the Bolivarian Republic of Venezuela and in between the islands of Aruba and Bonaire, is a 444 km² island in the Caribbean Sea that is part of the Lesser Antilles island countries. After being colonized by Spain, the Netherlands gained full control of Curaçao in 1634; where the island functioned as the primary economic hub, including for the trans-Atlantic slave trade, during the Dutch Caribbean colonial period.¹ On 10 September 2010, Curaçao became a self-governing state within the Kingdom of the Netherlands² and achieved the status of an autonomous overseas country and territory.³

Curaçao's population consists of approximately 153,671 people,⁴ divided over the following three districts: Band'abou on the north-west, Band'ariba on the south-east, and the capital, Willemstad, on the southern coast of the island.⁵ The majority of the population is concentrated around the economic areas in the south-central part of Curaçao.⁶ The official languages in Curaçao are Dutch and the local language Papiamentú, although English and Spanish are also widely spoken.⁷

The Kingdom of the Netherlands has not yet signed on to become a Member State of CARICOM and its various organs, but Curaçao does participate in the Caribbean Migration Consultations (CMC),⁸ the Global Forum on Migration and Development (GFMD)⁹ and the

Association of Caribbean States (ACS), of which Curaçao is an associate member.¹⁰ In 2019, the Caribbean Disaster Emergency Management Agency (CDEMA) signed a memorandum of understanding with the Kingdom of the Netherlands, including Curaçao, which is viewed as the first step towards obtaining membership to CDEMA.¹¹ The island is also a member of the Organisation for Economic Co-operation and Development (OECD) – an international framework that helps countries shape policies.¹²

Curaçao is considered a high-income country,¹³ with a Gross Domestic Product (GDP) of USD 3,102 billion and a GDP per capita of USD 24,479.¹⁴ Tourism, petroleum refining and bunkering, offshore financing, and transportation and communications are the pillars of Curaçao's island economy, which are closely linked to the international economic sphere.¹⁵ As a result of the COVID-19 health emergency of 2020, which revealed the island's economic vulnerabilities, the Government of Curaçao aims to diversify its economy to ultimately become a resilient island.¹⁶

1 Government of the United States of America, 2021.

2 "The Kingdom of the Netherlands is a sovereign state consisting of the following four autonomous countries: the Netherlands, Aruba, Curaçao and Sint Maarten. Only the Kingdom – not the individual autonomous countries or the public bodies – has international legal personality." For more information see.

3 Government of the United States of America, 2021.

4 CBS Curaçao, n.d.

5 CBS Curaçao, 2014.

6 Ibid.

7 Government of the United States of America, 2021.

8 IOM, 2021.

9 GFMD, 2019.

10 ACS, 2017.

11 CDEMA, n.d.

12 OECD, n.d.

13 World Bank, 2021.

14 Government of the United States of America, 2021.

15 Government of the United States of America, 2021.

16 ITC, 2020.

Curaçao has a net migration rate of -1.32,¹⁷ and in 2019, the island had 6,181 emigrants and 3,549 immigrants.¹⁸ Additionally, Curaçao has an international migration stock of 57,210, constituting 34.9 per cent of the population,¹⁹ of which 56.4 per cent is female. There are approximately 160 different nationalities living on the island, and the biggest immigrant populations include Dutch, Venezuelan, Chinese, Dominican, and Bonairean people.²⁰ Curaçao is one of

the countries most impacted by displacement globally proportional to the local population, with one out of 10 people on the island estimated to be Venezuelan. At the end of 2020, there were approximately 17,000 Venezuelan migrants on the island, and this is expected to increase to 22,000 by the end of 2021.²¹ The emigrant population largely resides in Aruba, Bonaire, Sint Maarten, the Netherlands, and the United States of America.²²

17 UN DESA, 2020.

18 CBS Curaçao, n.d.

19 UN DESA, 2020.

20 CBS Curaçao, n.d.

21 R4V, 2021.

22 CBS Curaçao, n.d.

GENERAL INFORMATION

CAPITAL	CURRENCY	POPULATION	AREA (km ²)	GDP PER CAPITA (USD)	MAIN ECONOMIC ACTIVITIES
Willemstad	The Netherlands Antillean Guilder (ANG)	153,671	444	24,479	Tourism, petrol refining and bunkering, offshore finance, transportation, and communications.

MIGRATION DATA

IMMIGRANT POPULATION	IMMIGRANT POPULATION (% of total population)	WOMEN (% of immigrant population)	EMIGRANT POPULATION IN 2019	INTERNALLY DISPLACED PERSONS	REMITTANCES RECEIVED (million ²³ USD)	REMITTANCES RECEIVED (% of GDP) ²⁴	NET MIGRATION RATE ²⁵
57,210	34.9	56.4	6,181	No data available	176,186,257	5.7	-1.32

²³ World Bank, 2018e.

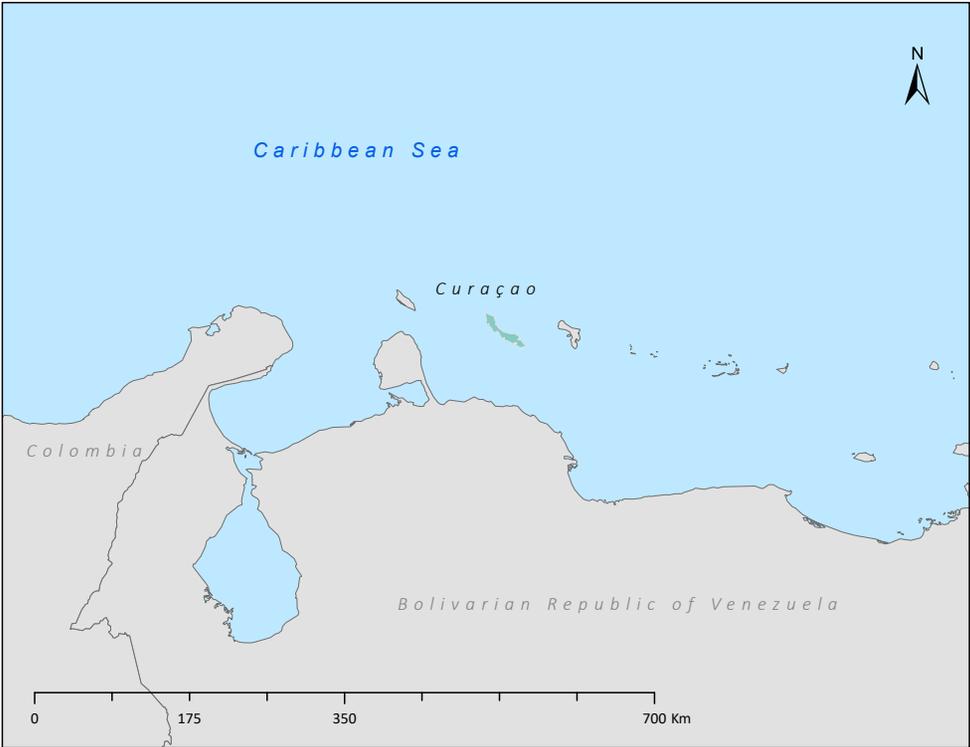
²⁴ World Bank, 2018d.

²⁵ UN DESA, 2020.

LOCATION



Basemap source: ESRI and UN World Map
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MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS

This section describes the different national policies that have been developed in Curaçao for the management of migration.²⁶ It also includes information about the status of ratification of international treaties that support the respect for the rights of migrants.

The Kingdom of the Netherlands, including Curaçao, has ratified eight of the nine main international instruments in the field of human rights. The Kingdom has not yet ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.

The legal framework governing the immigration policy of Curaçao is set out in the *National Ordinance Admission and Removal (Landsverordening Toelating en Uitzetting (LTU), zoals laatst gewijzigd in A.B. 2010, nr. 5)*.²⁷ The island does not have a comprehensive migration policy; although one is currently being developed. Specifically, authorities in the Ministry of General Affairs have identified the need to analyse the current state of affairs with regards to migration in Curaçao to inform the development of policies and strategies, focusing mainly on the socioeconomic integration of migrants and alignment with the Sustainable Development Goals (SDGs). Officials cited the need for human and financial resources to be able to develop a national migration policy.

The Ministry of Justice (*Ministerio di Hustisia* or *Ministerie van Justitie*) includes key departments that manage immigration processes in Curaçao, such as the Admission Organization (Toelatingsorganisatie or TO) for the admission of foreign nationals. Other ministries also play a role in policy development, such as the Ministry of Social Development, Labour and Welfare (*Ministerio di Desaroyo Sosial, Labor i Bienestar* or *Ministerie van Sociale Ontwikkeling, Arbeid en Welzijn* or SOAW), and key officials from the Ministry of Justice have expressed the need for the SOAW to lead the development of a migration policy.

Although the *Charter for the Kingdom of the Netherlands* (Art. 3) –which regulates the constitutional relationship between the constituent countries of the Netherlands, including Curaçao –states that the expulsion of foreign nationals are Kingdom affairs, in practice, the island handles these matters nationally.²⁸ Provisions for expulsion are stipulated in the *Penal Code (Wetboek van Strafrecht, P.B. 2011, no. 48)* and take place via the Public Prosecution Service (Openbaar Ministerie).²⁹ Foreign nationals who have been subjected to expulsion are denied entry for 10 years.³⁰ Through the Kingdom of the Netherlands, Curaçao is part of bilateral agreements for the extradition of foreign nationals with several countries, including the United States of America, Trinidad and Tobago and the Republic of Suriname.³¹

The *Constitution of Curaçao (Staatsregeling van Curaçao, A.B. 2010, no. 86, Art. 3)* prohibits discrimination on the grounds of “religion, philosophy of life, political affiliation, race, gender, or on any other ground.”³² Although migration status is not specifically mentioned, it applies to every person on the island and thus provides some protection to vulnerable migrants.³³ According to the Penal Code, persons are liable to one year of incarceration or a fine of ANG 14,508 /USD 8,083 when they commit discriminatory actions against other persons.³⁴

The Civil Registry Office (*Bevolkingsregister en Verkiezingen* or *Kranshi*) maintains a database for the registration of foreign nationals with residency permits as well as the deregistration of nationals residing abroad, and this information can be disaggregated by nationality and country of birth. The Central Bureau for Statistics (CBS) of Curaçao also collects some data on migration, mainly in the national census³⁵ on labour, income, nationality, first- and second-generation migrants, and, in collaboration with the CBS of the Netherlands, data may be collected on the number of emigrants residing in their country. No records are collected on the diaspora population residing in other countries or on the irregular migrant population, and the CBS Curaçao does not receive information or data requests related to migration from border officials or other government ministries. In order to provide a panoramic view on the migration population on the island, and thus to inform the development of migration

26 As a result of the COVID-19 pandemic, the Netherlands established the Kingdom Act Caribbean Body for Reform and Development (Rijkswet Caribisch orgaan voor hervorming en ontwikkeling, COHO) — A Caribbean reform and development entity for Aruba, Curaçao and Sint Maarten. A country package was created for each island to receive liquidity support from the Netherlands to limit the consequences of the COVID-19 pandemic. However, several conditions have been attached to the country packages, such as reform requests, which may lead to changes in Sint Maarten's policies, including migration policies. For more information please see: www.raadvanstate.nl/@123232/w04-20-0408/.

27 Government of Curaçao, 2010.

28 Government of the Netherlands, 1954.

29 Government of Curaçao, 2011.

30 Government of Curaçao, 2014a.

31 For more information please see: www.treatydatabase.overheid.nl/en/Treaty/SearchAdvancedResult?title=extradition&ActiveStMaarten=True&type=Bilateraal.

32 Government of Curaçao, 2010.

33 Government of Curaçao, *ibid*.

34 Government of Curaçao, 2011.

35 The last census was conducted in 2011.

policies, the CBS Curaçao has identified the following needs: a) human capacity, considering that the current occupation is around 70 per cent as opposed to approximately 30 per cent unemployment; b) request from government agencies for the CBS Curaçao to conduct more migration research; and c) a more frequent, sustainable and transparent cooperation between the CBS and government agencies.

The admission of foreign nationals is based on the principle that foreigners must contribute to the socioeconomic development of the island.³⁶ The TO handles different types of applications for residency, such as: short-stay of foreigners, family reunification, labour, business, education, internship, retirement, and marriages to Dutch nationals. Foreigners who wish to reside on the island for work purposes may apply for a labour or business permit issued by the SOAW. In all cases, applicants must demonstrate that they have sufficient financial means to support themselves and their partner or family, and they must await approval from abroad. For family reunification purposes, applicants must reside for a minimum of one year on the island after being admitted to the island or after a maximum of one year of marriage. According to a report by the SOAW, this process does not seem to fulfil the right to family as set out in the *European Convention on Human Rights* (ECHR, Art. 8), because it hinders the right to immediate family reunification.³⁷ Temporary residence permits are issued for one year with the possibility of renewal, and after five years of continuous residency a renewal cannot be denied, unless applicants do not have health insurance, sufficient financial resources or are a danger to the public order and safety. After ten years, foreign nationals can obtain a residence permit for an indefinite period. When applying for a residence permit, foreign nationals must be in possession of a health insurance certificate. Foreign nationals must also have a guarantor and provide proof of having sufficient means of subsistence, the amount of which is dependent on their nationality. Irregular residency may be a reason for rejecting applications.³⁸

Migrants in Curaçao can obtain citizenship by birth or recognition, option statement or naturalization.³⁹ The option statement is a fast way to obtain Dutch nationality, and persons must be in possession of a valid residence permit. This procedure applies to several migrant groups, including children of immigrants who are at least 18 years, were born in the Kingdom of the Netherlands, and have legally resided in one of the countries in the Kingdom. Migrants can also apply for naturalization through an option statement if they previously had Dutch nationality and want to regain it, or if they have been married to someone with Dutch nationality for at least three years and have continuously resided in Curaçao for at least 15 years.⁴⁰ In other cases, naturalization is possible after five uninterrupted years of residence

on the island. As part of the naturalization process, migrants must complete an exam in the Papiamentú and Dutch language that assesses their knowledge of the Curaçaoan society. In 2020, 152 persons acquired Dutch citizenship in Curaçao through the naturalization process, compared to 230 persons in 2019.⁴¹

The *National Ordinance on Administrative Jurisdiction* (*Landsverordening administratieve rechtspraak, P.B. 2001, no. 80, as amended in 2010*) grants all individuals, including migrants, the right to formally appeal rejections or negative results.⁴²

According to the *Constitution of Curaçao* (Art. 44) persons who are at least 18 years old, a resident of Curaçao, hold Dutch nationality and have not been denied from their voting rights, are allowed to be a member of the Parliament. The members of the Parliament may similarly be elected by residents of Curaçao with Dutch nationality who have reached the age of 18 years (Art. 43).⁴³ Moreover, according to key authorities from the Ministry of Justice, migrants, regardless of residence status, are able to bring forward civil as well as penal procedures. All migrants have the right to be represented before a court, and in the context of a judicial civil procedure, migrants do not have the right of free legal representation.

36 Government of Curaçao, 2014a.

37 Ibid.

38 Ibid.

39 Government of the Netherlands, 2021.

40 Ibid.

41 The number of naturalizations per year were accumulated from the numbers provided on the government website www.gobiernu.cw/.

42 Government of Curaçao, 2010.

43 Government of Curaçao, 2010.

MIGRATION POLICIES AND ADHERENCE TO INTERNATIONAL STANDARDS



Migration strategy and regulatory framework

- The primary immigration legislation is the *National Ordinance Admission and Removal*.
- There is no comprehensive migration policy or strategy, though a draft is under development.
- The Government of Curaçao has formalized an interministerial coordination mechanism pertaining to migration.
- The Kingdom of the Netherlands has signed bilateral agreements with several countries to facilitate extradition processes.



Anti-discrimination

- The *Constitution of Curaçao* prohibits discrimination on several grounds; however, it does not include migration status.
- Persons are liable to one year of imprisonment or a fine of ANG 14,508 /USD 8,083 when they commit discriminatory actions against other persons.



Records and data collection

- The Civil Registry Office maintains a database for the registration of immigrants and the deregistration of emigrants.
- The Central Bureau of Statistics Curaçao collects data on migration through the national census. These data provide only an approximation of the immigrant population, as migrants in irregular status are not considered.

ORGANIZATIONAL AND LEGISLATIVE FRAMEWORK

Legislation governing migration	✓	<i>The National Ordinance Admission and Removal</i>
National migration policy in a programmatic document	—	<i>In development</i>
Interministerial coordination mechanism	✗	
National laws dealing with extradition and agreements for extradition facilitation	✓	<i>The Charter for the Kingdom of the Netherlands and the National Ordinance Admission and Removal</i>

RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	✗	
<i>International Covenant on Civil and Political Rights and Its Two Protocols</i>	✓	1978
<i>International Covenant on Economic, Social and Cultural Rights</i>	✓	1978
<i>International Convention on the Rights of the Child</i>	✓	1995
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1991
<i>Convention on the Rights of Persons with Disabilities</i>	✓	2016
<i>Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i>	✓	1988
<i>International Convention for the Protection of All Persons from Enforced Disappearances</i>	✓	2011
<i>International Convention on the Elimination of All Forms of Racial Discrimination</i>	✓	1991



Access to political rights

- Dutch nationals who are 18 years or older and residents of Curaçao have voting rights.
- Migrants have access to legal recourses can present cases in court regardless of their migration status and may secure legal representation.
- In the context of a judicial civil procedure, migrants do not have the right of free legal representation.



Residence and citizenship

- Temporary residency permits are granted for a maximum of one year with the possibility of renewal.
- Permanent residency permits can be obtained after ten years.
- Citizenship can be obtained by birth or recognition, through an option statement, or through naturalization.
- Naturalization is possible after five uninterrupted years of residence.

MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Conduct a baseline study on the current state of affairs with regard to migration in Curaçao to inform the development of a migration policy and strategy.
- Create, implement and coordinate a comprehensive migration policy and strategy focussing mainly on the socioeconomic integration of migrants and in alignment with the Sustainable Development Goals.
- Allocate human and financial resources to produce a migration policy and strategy.
- Increase human capacity of the Central Bureau of Statistics to conduct migration research, requested by government agencies and establish a more frequent, sustainable and transparent cooperation between the Bureau and these agencies.

MAIN NEEDS IDENTIFIED BY IOM

- Consider the ratification of the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.
- Establish comprehensive legal provisions to prohibit discrimination on grounds of migration status.
- Adjust the admission legislation and policy in alignment with the *European Convention on Human Rights* to allow immediate family reunification for immigrants.

MIGRATION AND BORDER MANAGEMENT

This chapter presents a brief description of the main structures and systems available in Curaçao to manage migration flows and exercise border control.

Curaçao has one international airport and six official seaports that accept the international arrivals of persons. Unofficial border crossing points can be found across the extended sea borders, where irregular migrant movements from the Bolivarian Republic of Venezuela have been detected.⁴⁴

Curaçao's border management falls under the mandate of the Immigration Department (*Departamento di Imigrashon*) of the Police Force (*Kuerpo Policial Kòrsou* or *Korps Politie Curaçao* or KPC), located in the Ministry of Justice (*Ministerio di Husticia*), and is governed by the *National Ordinance Admission and Removal (Landsverordening Toelating en Uitzetting (LTU), zoals laatst gewijzigd in AB 2010 nr. 5)*.⁴⁵ Additionally, as stipulated in the *Coast Guard Act (Rijkswet Kustwacht voor Aruba, Curaçao en Sint Maarten, alsmede voor de openbare lichamen Bonaire, Sint Eustatius en Saba)*,⁴⁶ the Dutch Caribbean Coast Guard (*Kustwacht Caribisch Gebied* or KWCARIB) is responsible for Curaçao's maritime safety and security through law enforcement, surveillance and investigation of crime.⁴⁷ KWCARIB works together with national and international partners to keep the island's waters safe. In 2018, the Government of Curaçao also established an interministerial mechanism pertaining to irregular migration named *Taskforce Undocumented Migrants (Taskforce belast met de problematiek van ongedocumenteerden)*.⁴⁸ Although immigration officers have received training on international standards on migration, authorities from the Ministry of Justice have identified the need for more training on aspects of migration such as migration policies, as well as the need for human resources to improve Curaçao's migration and border management.

Numbers provided by the KPC to the Law Enforcement Council (*Raad voor de Rechtshandhaving*)⁴⁹ from 2015 and 2017, show that the number of refusals and removals in Curaçao has increased.⁵⁰ In 2015, a total of 916 Venezuelans alone were refused entry, of whom 399 were males and 517 were females, in comparison to 1,933 persons, of whom 663 were males and 1,270 were females, the following year. The number of removals increased from 638 in 2015, to 862 in 2016, and 1,391 in 2017. The foreign nationals who were removed from Curaçao were predominantly from Colombia, the Dominican Republic, Haiti, Jamaica and the Bolivarian Republic of Venezuela. Specifically, the number of Venezuelan migrants removed at the border or from within Curaçao has increased. In 2017, 1,390 foreign nationals were refused entry at the border, of whom 91.4 per cent were Venezuelans, and 1,532 persons were removed, of whom 78.5 per cent were Venezuelans.⁵¹

The KPC carries out orders for deportation, expulsion or extradition of foreign nationals who may await deportation in a designated migrant detention centre at the Foreigners' Barracks (*Vreemdelingenbarakken*) of the prison of Curaçao (*Sentro di Detenshon i Korekshon Korsou, SDKK*) or in the pre-removal detention of the Rio Canario police station.⁵² As reported by Amnesty International, in 2017, 1,085 foreigners were detained in the foreigners' barracks, of whom 640 were women and 445 were men⁵³ held in separate areas of the detention centre. Foreign nationals are subject to detention if: a) they constitute a threat to the public administration, peace, safety, or morals; or b) if there is a well-founded belief that they will attempt to avoid their departure (LTU, Art 16).⁵⁴ Migrant children – for whom the age of criminal responsibility is 12 years old, as stipulated in the *Penal Code (Wetboek van Strafrecht, PB 2011, no. 48)*⁵⁵ – are not held in immigration detention. Authorities of Curaçao have indicated that there are specific guidelines for the responsible executive services regarding the treatment, reception and return of minors.⁵⁶ In general, the maximum length of detention

44 R4V, 2019.

45 Government of Curaçao, 2010.

46 Government of the Netherlands, 2008.

47 KWCARIB, 2019.

48 The Task Force Undocumented Migrants includes among others, the Public Prosecution Service, the Korps Police Curaçao, Customs, Interpol, the Coastguard and representatives of the SOAW. For more information please see: www.raadrechtshandhaving.com/wp-content/uploads/2018/11/Inspectierapport-aanpak-illegale-migratie-van-Venezolanen.pdf

49 The Law Enforcement Council is an international body established through the Kingdom Act on the Law Enforcement Council (Rijkswet Raad voor de rechtshandhaving) mandated with the general inspection of laws and judicial procedures of government organizations in Curaçao, Sint Maarten, Bonaire, Saba, and Sint Eustatius.

50 Law Enforcement Council, 2018.

51 Ibid.

52 GDP, 2020.

53 Amnesty International, 2018.

54 Government of Curaçao, 2010.

55 Government of Curaçao, 2011.

56 Government of the Netherlands, 2020.

is 14 days;⁵⁷ however, the LTU (Art. 10.5) states that migrants may be released from detention after six months.⁵⁸ According to the 2020 Global Detention Project (GDP) country report of the Netherlands, most migrants are detained from three days up to several months if a person is not able to obtain the necessary documents or finances to pay for a flight. If a migrant is not able to pay for the cost of deportation after approximately five months, the Government of Curaçao will cover these costs.⁵⁹ Migrants subjected to deportation are denied entry to Curaçao for three years. Nevertheless, the Government of the Netherlands expressed concerns on the limited medical, sanitary and privacy conditions in the designated detention centre for migrants, especially when migrants are detained for a period exceeding two months, which could be considered inhumane treatment.⁶⁰ According to authorities of the Government, there is a need to train officers working in the detention centre to ensure that the basic humanitarian needs of migrants are met. More broadly, government officials should ensure that legislations and provisions pertaining to migration are not only established, but also implemented and complied with.

While entries to the island have been restricted as a result of the COVID-19 emergency, authorities from the Ministry of General Affairs have expressed that this may be an opportunity to utilize this time to regularize migrants in irregular status and to simultaneously work to better manage irregular migration flows. As a result, in March of 2021, the Government made significant efforts to provide migrants in irregular status with regular migration channels by granting them the opportunity to apply for residence permits for a period of three months. This regular migration mechanism was only applicable for migrants who entered the country legally, but overstayed their permit, and who had not committed a crime.

There is no specific legislation pertaining to human smuggling; however, provisions against human smuggling are included in the LTU, the Admission Decision (*Toelatingsbesluit* or TB), and the z (Art 2:154). The latter stipulates that persons guilty of human smuggling are liable to imprisonment not exceeding four years or a fine.⁶¹ However, if human smuggling is accompanied by inhuman or degrading treatment resulting in physical injury, the endangerment of safety, or the death of a person, the punishment can be up to 15 years or a fine of ANG 100,000/USD 55,866. In cases of conviction for human smuggling, persons may be deprived of certain rights or subjected to removal from Curaçao and denied entry to all countries of the Kingdom of the Netherlands (as stipulated in Art. 1:64).⁶²

In 2016, the Curaçao Airport Holding, in collaboration with the Ministry of Justice, implemented an integrated border management system designed by Vision-Box to expedite border control processes for both immigration and emigration.⁶³ Locals and visitors holding a European, Canadian

INFRASTRUCTURE AND EQUIPMENT

Border Management System	✓	Provided by Vision-Box
Records of entries and exits	✓	Digital records
Electronic/biometric passports	✓	Dutch passports
Readers or scanners	✓	Machine-readers and scanners capture photographs
Identification of fraudulent documents	✓	

RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>1954 Convention on the Status of Stateless Persons</i>	✓	1962
<i>Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment</i>	✓	1988
<i>United Nations Convention against Transnational Organized Crime and its protocols</i>	✓	2004
<i>Protocol against the smuggling of migrants by land, air and sea</i>	✓	2008
<i>International Convention for the Protection of All Persons from Enforced Disappearance</i>	✓	2011

57 Ibid.

58 Government of Curaçao, 2010.

59 GDP, 2020.

60 Government of the Netherlands, 2020.

61 Government of Curaçao, 2011.

62 Ibid.

63 Biometric Update, 2016.

or American ePassport, who are staying up to three months, and are over 18 years of age, are able to use the e-Gates, and control their own clearance process. The border management system, which includes machine readers and scanners, captures biometric photos of facial features and verifies the images captured against the information stored in biometric passports. The software is interfaced with an electronic embarkation and disembarkation system for visitors who must submit their personal information in an online system 24 hours prior to departure. The border management system connects to the advanced passenger information system and the Amadeus Airport Operational Data Base,⁶⁴ and is linked watchlists from INTERPOL and other justice databases.⁶⁵ INTERPOL Curaçao, located in the capital of Curaçao, Willemstad, is an independent government unit within the Ministry of Justice, which is headed by a Chief Inspector of Police and staffed by highly trained officers, crime analysts, researcher and technical specialists to help combat regional crime.⁶⁶ As stated by authorities of the Ministry of Justice, the operational system allows the sharing of digital security data with law enforcement and migration entities, and data is shared on a monthly basis.

The visa procedures of Curaçao are arranged through the Dutch Kingdom, and Curaçao cannot independently introduce a visa requirement for a specific country.⁶⁷ Most foreign nationals holding a valid passport may enter visa-free and reside on the island for a period up to 90 days.⁶⁸ Countries whose nationals are required to have a visa to enter Curaçao include the Republic of Cuba, Haiti, and, as of 2021, the Bolivarian Republic of Venezuela. Moreover, nationals from the Dominican Republic, China, and India do not need to apply for a visa if they are in possession of a valid multiple entry visa for the United States of America, Canada, or the European Union. Foreign nationals wishing to visit the island should apply for a visa at least one month in advance at any embassy or consulate of the Netherlands in the appropriate country.⁶⁹

Curaçao issues Kingdom of the Netherlands' e-passports which include a chip, and applications for passports are collected at Dutch consulates abroad to be processed in-country.⁷⁰ According to the Passport Index, which measures the mobility opportunities of a country's citizens, the Netherlands ranks third of 193 countries. The Passport Index shows that Dutch nationals can travel to 93 countries visa free, to 35 countries with a visa on arrival, and to 66 countries with a visa arranged in advanced.⁷¹ Persons with a Dutch nationality in Curaçao must be registered in the Basic Administration of Personal Data (*Basisadministratie*

Personengegevens Curaçao) to apply for a Dutch passport at the Public Affairs (*Publieke Zaken* or *Kranshi*), located in the Ministry of Administration, Planning and Services (*Ministerio di Maneho di Gobernashon, Planifikashon i Servisio Públiko* or *Ministerie van Bestuur, Planning en Dienstverlening*).⁷² Dutch nationals who are not registered in Curaçao's administration may apply for a passport at the Cabinet of the Governor of Curaçao. Passport costs range between ANG 100 /USD 56 and ANG 220 / USD 123 and are issued within 10 working days, must be collected within the period of three months, and are valid for five years.⁷³

64 Ibid.

65 Curaçao Airport Holding, 2020.

66 INTERPOL, n.d.

67 Government of Curaçao, 2014b.

68 Government of Curaçao, 2021d.

69 Ibid.

70 Government of the Netherlands, n.d.

71 Passport Index, 2021.

72 Governor of Curaçao, 2021.

73 Ibid.

MIGRATION AND BORDER MANAGEMENT



Border management

- Curaçao has one international airport and six official seaports.
- The Immigration Department of the Police Force is responsible for the border management of Curaçao, which is governed by the *National Ordinance Admission and Removal*.
- The Dutch Caribbean Coast Guard is mandated by the *Coast Guard Act* to secure the maritime borders of the island.
- Machine readers are available at the airport.
- Passports are checked against watchlists.



Smuggling of migrants

- Provisions against human smuggling are included in the *National Ordinance Admission and Removal*, the *Admission Decision* and the *Penal Code*.
- The *Penal Code* prescribes punishments for the crime of smuggling that range from four to 15 years of imprisonment, or a fine of ANG 100,000/USD 55,866
- There are no data available on the numbers of prosecutions or convictions of smugglers.



Migrant detention

- The foreigners' barracks of the prison of Curaçao is the designated migration detention centre.
- Migrants may also be held in the pre-removal detention of the Rio Canario police station.
- In 2017, 1,085 foreigners were detained in the foreigners' barracks, of whom 640 were women and 445 were men.
- The age of criminal liability is 12, and migrant children are not exempt from detention.



Border management system

- The border management system is provided by Vision-Box.
- The border management system allows for data-sharing with national and international security and law enforcement entities.



Visas

- The visa procedure of the island is arranged by the Netherlands, and Curaçao cannot personally introduce a visa requirement for a specific country.
- Most foreign nationals holding a valid passport may enter visa free and reside on the island for a period up to 90 days; however, some countries are exempt, including the Republic of Cuba, Haiti and the Bolivarian Republic of Venezuela.
- Foreign nationals wishing to visit the island should apply for a visa at least one month in advance at any representation of the Netherlands in the concerning country.⁷⁴



Travel documents

- Curaçao issues biometric passports of the Kingdom of the Netherlands which includes a chip.
- Applications for passports are collected at Dutch consulates abroad to be processed in-country.

MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Improve the management flows of migrants in irregular status and promote regular migration channels.
- Provide training to immigration officers on migration themes, including international trends and migration policies.
- Allocate human resources to the Ministry of Justice in order to improve Curaçao's migration management.

MAIN NEEDS IDENTIFIED BY IOM

- Ensure that the humanitarian rights of detained migrants are met, specifically with regard to medical, sanitary and privacy conditions in the Foreigners' Barracks.
- Provide training to officers in the Foreigners' Barracks on the basic needs of migrants.
- Ensure compliance with legislations and provisions pertaining to migration.
- Create a dedicated legislation regarding human smuggling and include provisions as stipulated in the *Protocol against Smuggling of Migrants by Land Sea and Air*.

⁷⁴ Governor of Curaçao, 2021.

MIGRANT PROTECTION AND ASSISTANCE

The following section will discuss the main government institutions, legislation, and initiatives that exist in Curaçao to provide protection and assistance to migrants, particularly to vulnerable groups, refugees and asylum seekers, victims of trafficking and returnees.

The protection and assistance of various vulnerable groups in Curaçao fall within the mandate of multiple government and local institutions, who, according to the Law Enforcement Council (*Raad voor Rechtshandhaving*), must facilitate victim care involving a crime or traffic incident to all persons and their relatives, including migrants in regular and irregular status.⁸⁶ The NGO Bureau of Victim Services (*Stichting Slachtofferhulp Curaçao*) is responsible for victim care on the island, including migrants. Among other responsibilities, the Bureau facilitates: a) judicial assistance to victims and family members; b) the referral of victims to relevant organizations; and, more broadly, c) the identification and prevention of societal issues on the island.⁸⁷

The Constitution of Curaçao (Staatsregeling van Curaçao, AB 2010, no. 86, Art. 3) prohibits discrimination on the grounds of “religion, philosophy of life, political affiliation, race, gender or on any other ground.”⁸⁸ Although migration status is not specifically mentioned, it applies to every person on the island, and thus provides some protection to vulnerable migrants, such as migrants in irregular status.⁸⁹ According to the *Penal Code of Curaçao (Wetboek van Strafrecht, PB 2011, no. 48)*, persons are liable to one year of imprisonment or a fine of ANG 14,508/USD 8,083 when they support discriminatory actions against other persons, including persons with a different nationality and LGBTIQ+ people.⁹⁰ Every person on the island, including migrants in irregular status, are able to bring forward a judicial case against discrimination.⁹¹

In 2018, Curaçao signed the memorandum of understanding on the Rights of the Child – an action plan that focuses on the assistance for vulnerable children, including migrant and disabled children –to provide these children with “safety nets” within the local community. The Ministry of Justice established a policy that regulates cases involving migrant children in irregular status and created a task force specialized in registering their needs as a response to humanitarian needs in Curaçao.⁹² The Government of Curaçao intends to work with local LGBTIQ+ representatives, public officials, and advocacy organizations to encourage equal rights for the LGBTIQ+ community living on the island.⁹³ Moreover, the collaboration platform of LGBTIQ+ organizations in the Dutch Caribbean islands, Pink Orange Alliance, focuses on improving the position of the LGBTIQ+ communities in society; however, policy documents of the Pink Orange Alliance does not make any specific mention to migrants.⁹⁴ There are also no formal provisions for protecting and assisting migrant women.

Curaçao is not a signatory to the *1951 Convention Relating to the Status of Refugees* and its 1967 Protocol, and there is no national asylum legislation, which limits the mechanisms available to guarantee international protection and access to asylum in the country. However, as the island is bound to the *European Convention on Human Rights (ECHR)*,⁹⁵ migrants who fear that their return to their country of origin would put them at significant risk may apply for protection through procedures following the ECHR (Art. 3). If migrants without a valid residence permit do not wish to submit an application after being heard, or do not claim protection after individual assessment, they can be sent back to their country of origin by the authorities of Curaçao.⁹⁶ In November of 2019, out of 97 migrants who entered the island irregularly by boat, one person submitted a request for protection under the ECHR (Art. 3) and one person was arrested under the suspicion of a criminal offence. The remaining 95 persons were sent back to their country of origin after individual assessments.⁹⁷ The lack of knowledge about the ECHR legislation and policy often prevents migrants from seeking

86 Raad voor de Rechtshandhaving, 2012.

87 Ibid.

88 Government of Curaçao, 2010.

89 Staatsregeling van Curaçao, n.d.

90 Criminal Code (*Wetboek van Strafrecht*), 2012.

91 Government of Curaçao, 2010.

92 Government of the Netherlands, n.d.

93 Government of the Netherlands, 2018.

94 COC Netherlands, 2015.

95 Government of the Netherlands, 2019b.

96 Government of the Netherlands, 2020.

97 Ibid.

protection, which makes those in irregular status specifically vulnerable to exploitation.⁹⁸ Moreover, the Human Rights Watch reported that authorities do not always follow the formal provisions, as they have denied asylum seekers seeking protection under the ECHR. As a result, asylum seekers, whether or not they are detained and pending possible deportation, are identified and registered under the United Nations High Commissioner for Refugees' (UNHCR) mandate, in collaboration with partners.⁹⁹ According to UNHCR, Curaçao had 318 pending asylum seeker cases and hosted 78 refugees and migrants in 2020.¹⁰⁰ Several institutions, including UNHCR and authorities from the Government of the Netherlands, have expressed the need to ensure that humanitarian needs of migrants are protected through comprehensive legislation and policies.

The *Penal Code (Wetboek van Strafrecht, Art. 2:239)* criminalizes sex and labour trafficking, and persons are liable to a fine of 145,061 ANG/80,822 USD or to imprisonment from 12 up to 18 years, depending on the magnitude of the trafficking offence.¹⁰¹ Although, the Act is not a dedicated law to trafficking in persons, and does not include provisions to support victims with psychosocial, medical or legal assistance, victims of trafficking are provided with legal assistance in court through the victim assistance office, which also, in collaboration with IOM, provides them with tools for their voluntary return and integration in their country of origin. Moreover, these victims may receive health care provided by the government. In 2019, the government also established a formal policy document to grant temporary residence permits to the victims of human trafficking. The Anti-Trafficking in Persons Unit, housed within the Ministry of Justice, is the primary agency responsible for coordination and policy formulation. The *action plan Human Trafficking and Human Smuggling by the Ministry of Justice 2017-2021 (Mensenhandel en Mensensmokkel Ministerie van Justitie 2017-2021)*, established in 2017, is currently being implemented by the Anti-Trafficking in Persons Unit. The sector most commonly associated with exploitation or human trafficking in Curaçao is the entertainment industry, as such, the Unit created an awareness campaign meant to discourage potential victims, including Venezuelan women, from travelling to Curaçao to work in bars and dance venues where they are vulnerable to sex trafficking. According to the Unit, there are no specialized centres, shelter or safe house for victims; therefore, the Unit works with organizations for victims of domestic violence to assist victims in need of shelter. In 2019, these organizations housed a limited number of female trafficking victims in shelters specifically for victims of domestic violence as well as hotels due to a shortage of other shelters. When existing shelter facilities reached maximum capacity, the government

placed victims in short-term government-funded apartments.¹⁰² However, for male victims, it has been difficult to arrange housing due to restraints in the government's budget.¹⁰³

The Organized Crime Division under the Curaçao Police Force (*Korps Politie Curaçao (KPC)* or *Kuerpo Polisial Kòrsou*) is mandated to conduct investigations into human trafficking and human smuggling. In 2020, the KPC received training on the detection of human trafficking at border control.¹⁰⁴ IOM also provided the government with training on the identification, referral and protection of victims of human trafficking and after the training, actors expressed the need to develop a *School Development Plan (School Ontwikkelingsplan, SOP)*. In collaboration with IOM, the Anti-Trafficking in Persons Unit established a standard operating procedure on the identification, safe referral and assistance of victims of trafficking in December 2020. Nevertheless, despite these efforts, the number of victims identified in Curaçao has decreased from 44 victims identified in 2018 to three in 2019. Though one case positively resulted in a financial compensation for the victim, previously identified victims who refused to participate in trials against their traffickers were at risk of deportation.¹⁰⁵ Key officials from the Anti-Trafficking in Persons Unit have identified the need to develop a centralized database dedicated to counter-trafficking, as data on counter-trafficking are currently scattered among different institutions, such as the KPC, and are not easily accessible. These officials have also expressed the need to manage the dedicated counter-trafficking fund from the Government of Curaçao and to reserve this fund for actual counter-trafficking activities as it is often allocated to other important activities within Government.

In 2017, 1,390 migrants in irregular status in Curaçao were subjected to forced return.¹⁰⁶ Amnesty International has voiced concerns about the deportation process from Curaçao, possible human rights violations in the processing of detained persons seeking asylum, and the living situations of migrants in irregular status.¹⁰⁷ In order to better streamline the humanitarian needs of migrants, which the Kingdom of the Netherlands is committed to as stipulated in the Charter for the Kingdom of the Netherlands, UNHCR has expressed the need for the Netherlands to assist the Small Island Developing State (SIDS) of Curaçao with financial and human resources to adapt government policies and to find ways for asylum seekers to become economically self-sustained, whilst contributing to the economy of the island. According to the Ministry of Justice, there are no formal provisions for protecting and assisting returnees in Curaçao.

98 R4V, 2020a.

99 Human Rights Watch, 2018.

100 UNCHR, 2021.

101 Criminal Code (*Wetboek van Strafrecht*), 2012.

102 US Department of State, 2020.

103 Ibid.

104 Ibid.

105 Ibid.

106 Government of the Netherlands, 2019b.

107 Amnesty International, 2018.

MIGRANT PROTECTION AND ASSISTANCE



Provisions to protect all migrants

- The *Constitution of Curaçao* prohibits discrimination on several grounds; however, it does not include migration status.
- The *Penal Code* prescribes punishments for discriminatory actions against persons, including persons with a different nationality.
- There is no institution dedicated to the protection of migrants; however, the protection of migrants is streamlined in existing mechanisms and particularly under the Bureau of Victim Services.



Vulnerable groups

- In 2018, Curaçao signed a memorandum of understanding on the Rights of the Child focussing on the assistance for vulnerable children, including migrants.
- Several mechanisms have been established dedicated to vulnerable populations on the island; however, none of them specifically includes migrants in vulnerable positions such as women or LGBTQ+ migrants.

MIGRANT PROTECTION AND ASSISTANCE INFRASTRUCTURE

Institutions for the protection and assistance of migrants	X	
Provisions on migrants or migration status included in anti-discrimination legislation	X	
Formal provisions on migrants included in policies and programming for the protection and assistance of women	X	
Formal provisions on migrants included in policies and programming for the protection and assistance of children	✓	Memorandum of understanding on the rights of the child
Formal provisions for the protection and assistance of asylum seekers and refugees	—	The <i>European Convention on Human Rights</i> ; however, asylum seekers may be denied protection by government officials
Specific legislation to combat trafficking in persons	—	<i>Penal Code</i>
Formal provisions for protecting and assisting returnees		No data available

RELEVANT INTERNATIONAL TREATIES

Convention or treaty	Year of ratification	
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	X	
<i>Domestic Workers Convention (No. 189)</i>	X	
<i>Convention on the Rights of Persons with Disabilities</i>	✓	2016
<i>International Convention on the Rights of the Child</i>	✓	1995
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1991
<i>1951 Convention Relating to the Status of Refugees</i>	✓	1956
<i>1967 Protocol Relating to the Status of Refugees</i>	X	
<i>Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime</i>	✓	2007



Refugees and asylum seekers

- In 2020, Curaçao had 318 pending asylum seeker cases and hosted 58 refugees and migrants.
- Migrants who fear that their return to their country of origin would put them at significant risk may apply for protection through procedures following the European Convention on Human Rights.



Victims of Trafficking in Persons

- There is no dedicated law on trafficking in persons.
- The *Penal Code* prohibits all forms of trafficking; however, it does not include provisions for the protection and assistance of victims of trafficking.
- In 2019, the Government of Curaçao identified three victims of trafficking in comparison to 44 in the previous year.
- The Anti-Trafficking in Persons Unit developed a standard operating procedure on the identification, safe referral and assistance of victims of trafficking in collaboration with IOM.



Returnees

- In 2017, 1,390 migrants in irregular status in Curaçao were subjected to forced return to their country of origin, including asylum seekers.
- There are no formal provisions for protecting and assisting returnees in Curaçao.

MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Identify vulnerable migrant groups on the island and the reasons for their vulnerability.
- Develop a *School Development Plan* pertaining to human trafficking.

MAIN NEEDS IDENTIFIED BY IOM

- Consider ratifying the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*, the *Domestic Workers Convention (No. 189)*, and the *1967 Protocol Relating to the Status of Refugees*.
- Update anti-discrimination legislation to include migration status.
- Create specific provisions to protect particular vulnerable migrant groups, including women and LGBTIQ+ migrants.
- Develop legislation, policy and procedure in order to ensure the protection of asylum seekers.
- Ensure that humanitarian needs of migrants are met through comprehensive legislation and policies.
- Develop and implement a dedicated law against trafficking in persons.
- Formalize and implement protocols and agreements for the assistance of victims of trafficking including for their voluntary return and reintegration.
- Strengthen shelter options for female, male and child victims of human trafficking with an emphasis on victim-centred assistance.
- Provide comprehensive protection measures to encourage victims of human trafficking to participate in trials.

MIGRATION MANAGEMENT IN SITUATIONS OF EMERGENCIES AND DISASTERS

This section offers an overview of the different institutions, laws, regulations and national plans that exist in Curaçao for the management of emergencies and disasters, emphasizing the extent to which the migration perspective is incorporated.

The Risk Management and Disaster Policy Department (*Directie Risicobeheersing en Rampenbeleid*, DRR), established by the Ministry of General Affairs in 2014, is mandated by the *National Ordinance Disaster Response (Landsverordening Rampenbestrijding A.B. 2002, no. 46; P.B. 2015, no. 51)* to ensure effective disaster risk management in Curaçao. The Disaster Response Organization (*Rampenbestrijdingsorganisatie*) falls under the Directorate of Risk Management and Disaster Policy and consists of nine Emergency Support Functions (ESFs),⁷⁵ comprising various government and non-government organizations that work together to mitigate situations of emergency and disaster.⁷⁶ Curaçao's *National Disaster Plan (Rampenplan, A.B. 2008, no. 107; A.B. 2010, no. 40)* provides the framework for agreements between the ESFs and for the management of large-scale emergencies and disasters, and recognizes the needs of migrants in different internal documents. As stated by the DRR, a specific contingency plan has been established to handle situations regarding mass migration.

In 2017, the DRR, with support from the Crisis Management Lectureship of the Institute for Physical Security in the Netherlands, developed the *2017-2022 Risk Profile of Curaçao (Risicoprofiel Curaçao 2017-2022)* to map out areas susceptible to disasters, inform disaster preparedness and response, and guide the development of a national disaster risk management plan.⁷⁷ According to the DRR, the island has provisions available to migrants both in regular and irregular status. Out of the 35 identified risks, the document includes a large influx of migrants from the Bolivarian Republic of Venezuela to Curaçao, specifically in irregular status, as a potential risk for the social environment of the island.⁷⁸ Government representatives expressed concern about this large migration flow, and the document identifies the need to include the risk perception of the public into emergency communication and policy.

In 2019, Curaçao adopted the *Antigua and Barbuda Declaration on School Safety* committed to building resilience in the education sector in the Caribbean region, which includes the following three pillars of the *Comprehensive School Safety Framework*: 1) safe learning facilities; 2) school disaster management; and 3) disaster risk education and resilience education. However, this framework was not specifically designed to distinguish between migrant and non-migrant children and includes all children. Furthermore, the DRR supports the Ministry of Education, Science, Culture and Sport with the overall protection of children, including those affected by disasters. The DRR stresses the need for the Ministry to develop policy regarding school safety for all children, including migrants.

In response to the emergency derived from the COVID-19 pandemic, IOM Curaçao and partners identified shelter, food, non-food items, such as hygiene kits and livelihood supports as priority needs for migrants.⁷⁹ Between April and June 2020, IOM supported 236 migrants with health care, 12 with psychosocial care, 10 with non-food items, 35 with shelter, and 549 with cash-based interventions. IOM provided 41 migrant children with school kits following the re-opening of schools after the COVID-19 lockdown at the beginning of September.⁸⁰ The Government of Curaçao and the Red Cross also conducted a distribution campaign, funded by the Government of the Netherlands, which provided food e-vouchers to migrants.⁸¹ Moreover, the health NGO for irregular migrant populations, Salú Pa Tur, in collaboration with the Government of Curaçao, created video messages in various languages, including Spanish, with information about Curaçao's vaccination programme for migrants in irregular status to register with the foundation to get vaccinated. The messages were disseminated through the social media channels of Salú Pa Tur and other organizations that work with this population and were published on various social media channels and WhatsApp groups.⁸²

The IOM *Migration Crisis Operational Framework (MCOF)*, adopted in 2012, is an operational and institution-wide tool to improve and systematize the way in which IOM supports its Member States to better prepare for and respond to migration crises. The Migrants in Countries in Crisis

75 The 9 ESFs include: ESF1: Water and Energy, ESF2: Telecommunication, ESF3 Public Work, ESF4 Rescue and Safety (fire fighters), ESF5 Public Order (police), ESF6 Health Care (ambulance), ESF7 Social Care (shelters), ESF8 Communication, and ESF9 Governmental Affairs. For more information please see: www.kalamidat.cw/en/disaster-management-organization/.

76 Government of Curaçao, 2021.

77 Government of Curaçao, 2017.

78 Ibid.

79 RV4, 2021.

80 IOM, 2020c.

81 RV4, 2021.

82 Caribbean Network, 2021.

(MICIC) initiative, launched in 2014, provides guidelines and support for ensuring that migrants are included in crisis preparedness, emergency response and postcrisis action. Both of these frameworks are voluntary for States, and they are intended to address these issues while States review their policies inspired by the IOM and other international frameworks such as the Sendai Framework. Curaçao as part of the Associated Members in the Caribbean, participates in the implementation of the *Sendai Framework* where migrants and displaced people are recognized and protected.⁸³

In terms of data collection, information on natural hazards is collected through the Meteorological Department Curaçao under the Ministry of Traffic, Transport and Urban Planning. The Meteorological Department has implemented an early warning system dedicated to natural hazards, such as tsunami activities in the Caribbean region, which is linked to the local community as well as other Caribbean islands within the Kingdom of the Netherlands. One of the Emergency Support Functions of the Directorate of Risk Management and Disaster Policy Department of Control includes a communication function which also manages an early warning system to communicate to the public in situations of emergency and disaster. This system is comprised of an application dedicated to emergencies and disasters in Curaçao; a dedicated emergency radio station; and social media. Additionally, the Government of Curaçao has developed brochures to educate persons on the island and prepare them for natural hazards. In light of the ongoing COVID-19 pandemic, the ESF 8, responsible for information and communication on the island, in collaboration with the DRR, made information related to emergencies and disasters available in Spanish to increase communications with Spanish speaking migrants. As stated by the DRR, they will continue to make important information available in Spanish on the official website of the Government of Curaçao.

The Meteorological Department Curaçao has the responsibility to advise government authorities within the Caribbean part of the Kingdom of the Netherlands on the risk of natural hazards, effects of climate change and possible mitigation measures.⁸⁴ Curaçao is one of the 68 countries committed to the *Sendai Framework Disaster Risk Reduction (SFDRR)* to take national action on disaster risk reduction and climate change mitigation. In the *2014 National Report for Curaçao for The Third International Conference on Small Island Developing States*, the Ministry of Health, Environment and Nature identified 14 priority areas to address environmental, social and economic challenges on the island; however, migratory movements in relation to changes in the environment are not mentioned.⁸⁵

83 Association of Caribbean States, 2015.

84 Government of Curaçao, 2021b.

85 Government of Curaçao, 2014b.

MIGRATION MANAGEMENT IN SITUATIONS OF EMERGENCIES AND DISASTERS



Emergency and risk management

- The Directorate of Risk Management and Disaster Policy is mandated by the National Ordinance Disaster Response to ensure all phases of disaster risk management in Curaçao.
- The Directorate of Risk Management and Disaster Policy recognizes the needs of migrants in different internal documents.



COVID-19 emergency response

- IOM supported migrants during the COVID-19 pandemic with health and psychosocial care, food, non-food items, cash-based interventions and school kits.
- The Red Cross, with support from the Government of Curaçao, provided food e-vouchers to migrants.
- Salú Pa Tur, in collaboration with the Government of Curaçao, created video messages in various languages with information for migrants in irregular status to register with the health foundation to get vaccinated.

INCLUSION OF THE MIGRATION PERSPECTIVE IN PLANS AND PROTOCOLS

Mechanism to include the migration perspective	X	Migration perspective is not included in Curaçao's National Disaster Plan
National risk and disaster management	✓	Curaçao's National Disaster Plan
Early warning system	✓	Information is disseminated in Dutch, English and Papiamentú
Environmental changes	X	Migratory movements are not considered in the National Report for Curaçao for The Third International Conference on Small Island Developing States report

RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>United Nations Framework Convention on Climate Change</i>	X	
<i>Paris Agreement on Climate Change</i>	X	
<i>Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Disaster Relief Operations</i>	✓	2001
<i>Kyoto Protocol to the United Nations Framework Convention on Climate Change</i>	X	



Early warning systems

- Curaçao's early warning systems include the Dutch, English and Papiamentu languages.
- Information is disseminated to the public through an application dedicated to emergencies and disasters, newspapers, social media and radio and television broadcasts.
- Specific information has been made available in the Spanish language to reach Spanish speaking migrants.



Strategies for mitigation and adaptation related to environmental change

- The Meteorological Department advises government authorities within the Kingdom of the Netherlands on the risk of natural hazards, effects of climate change and possible mitigation measures.
- Curaçao is one of the 68 countries committed to the *Sendai Framework Disaster Risk Reduction*.
- The *2014 National Report for Curaçao for The Third International Conference on Small Island Developing States* does not mention migratory movements in relation to changes in the environment.

MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Establish and implement a disaster risk policy regarding school safety for all children, including migrants.
- Include in emergency-related communication and policy the perception of risk that the local population may have about the impact of Venezuelan migrants on the social environment of the island.

MAIN NEEDS IDENTIFIED BY IOM

- Consider ratifying the *United Nations Framework Convention on Climate Change*, the *Paris Agreement on Climate Change*, and the *Kyoto Protocol to the United Nations Framework Convention on Climate Change* and develop and implement legislations accordingly.
- Develop and implement a national disaster risk management plan and include specific provisions for long-term displacement and measures to effectively address the needs of migrants in conditions of vulnerability and in times of emergencies and natural hazards.
- Consider integrating the *IOM Migration Crisis Operational Framework* and the *IOM Migrants in Countries in Crisis* into national policies and strategies.
- Expand the early warning systems to include messages in other languages spoken by migrant groups, such as Spanish.
- Define and monitor interventions aimed at addressing the negative impacts of environmental changes as drivers of forced migration.

MIGRATION AND HEALTH

The following section describes the health-care system in relation to the integration of the migrant population and analyses the level of inclusion of the migrant perspective in the different policies, guidelines, practices and programmes related to health in Curaçao.

The Ministry of Health, Environment and Nature (*Ministerio di Salú, Medioambiente i Naturalesa* or *Ministerie van Gezondheid, Milieu en Natuur*) is responsible for governance and policy development of the health care system in Curaçao. The island offers primary and secondary health services in-country as well as some tertiary care, such as care for long-term illnesses and disabilities. Other tertiary care must be obtained outside of the country. Curaçao has two general hospitals, one psychiatric hospital, one dialysis centre, and several medical centres. The Curaçao Medical Center is the largest hospital in Curaçao with an extensive emergency room and the only intensive care unit on the island.¹⁰⁸ The following government institutions and NGOs cater to different health needs of migrants: a) the Youth Health Care Department (*Departamentu di Salú Hubenil* or DSH), related to health care for migrant children and youth; b) the Fundashon Famia Plania, focused on, among others, reproductive planning and the health of sex workers in Curaçao and for whom migrant women are an important target group; and c) The NGO, Fundashon Salú Pa Tur, founded in 2019, in response to the lack of health policy dedicated to migrants in irregular status.

Curaçao's health care system is not organized in a single system, and most health data are scattered between different health institutions.¹⁰⁹ The Institute for Public Health Curaçao (*Volksgesondheid Instituut Curaçao* or VIC) is an independent research-based institute in the Ministry of Health, Environment and Nature that collects data on health and Curaçao's health care system, and provides information to the government and health sector to inform the development of health policies.¹¹⁰ The VIC collects data on the health status of the population aged 18 years and older every four years through the National Health Survey; however, these data are only disaggregated by gender, age, and financial status, and not by nationality nor country of birth. Nevertheless, data on the health perception of the population, disaggregated by country of birth, are collected every 10 years through the national census and thus provide some information on the health of migrants. In a migration

survey conducted by the Ministry of Social Development, Labour and Welfare in 2014, 306 migrants from the Caribbean region were asked about their health, and out of this group, 15 per cent indicated having health issues such as chronic illness and depression. In more recent years, migrants with health needs, particularly Venezuelans and migrants in irregular status, have increased significantly. As a result of the COVID-19 pandemic, partners of the Response for Venezuela (RV4) platform assisted 532 Venezuelan migrants with health needs in November 2020.¹¹¹ According to key officials from the Ministry of Health, Environment and Nature, there is a need to collect data on the health profile of migrants and their needs, and to establish a centralized data system that allows for data sharing between institutions involved in health care on the island.

The total health expenditure in 2014 consisted of government funds (88.5 per cent), private health care (11.3 per cent), and out-of-pocket expenditures (0.3 per cent).¹¹² The Government of Curaçao spent 12.9 per cent of the GDP on health,¹¹³ increased to 13.2 per cent in 2016.¹¹⁴ The Social Insurance Bank (*Sociale Verzekeringsbank* or SVB) is the implementing body of the *National Basic Health Insurance Ordinance*, which provides the Basic Health Insurance (BVZ) in Curaçao.¹¹⁵ Persons who are registered as permanent residences at the Civil Registry Office, located in the Ministry of General Affairs, are entitled to health insurance through the BVZ. The premium for the BVZ is paid through the income tax, which is paid by both the employer and the employee. Migrants with a permit as well as migrants in irregular status can only access health services in Curaçao through private insurance.¹¹⁶ However, migrants in vulnerable positions, including migrants in irregular status, pregnant women, migrant children, and victims of human trafficking, may access health care through services provided by Fundashon Salú Pa Tur.

In 2015, the Governments of the Netherlands, Curaçao, Aruba and Sint Maarten signed an agreement for cooperation in the implementation and maintenance of the International Health Regulations (IHR). The mutual arrangement creates a partnership, in a network form, between the public health services of the countries Aruba, Curaçao, Sint Maarten and the Netherlands, including the public entities Bonaire, Sint Eustatius and Saba. The Centre

108 Curaçao Tourist Board, 2021.

109 UNICEF, 2013.

110 Government of Curaçao, 2021b.

111 R4V, 2020b.

112 Government of Curaçao, 2017b.

113 Ibid.

114 Government of Curaçao, 2018.

115 Government of Curaçao, 2019.

116 Ibid.

for Infectious Disease Control (*Centrum Infectieziektebestrijding*) of the National Institute for Public Health and the Environment (*Rijksinstituut voor Volksgezondheid en Milieu* or RIVM) in the Netherlands acts as a coordinating agency of the created network of IHR experts. According to key officials from the Ministry of Health, Environment and Nature, health providers have not received any training in providing services responsive to the needs of migrants or on migration health issues, and they have identified this as a need. Moreover, health centres in Curaçao do not provide qualified interpretation services, which leaves migrants who do not understand the Papiamentu, Dutch and English languages in a vulnerable position. Nevertheless, in light of the COVID-19 pandemic, the Government of Curaçao implemented health campaigns with a focus on migrant populations in the English, Chinese, Haitian Creole and Chinese languages. Migrants in irregular status are eligible for vaccines provided by the government and they will not be registered or subjected to deportation. However, several government officials have identified an issue with these migrants who, regardless of this, do not access the vaccination programme in fear of deportation. According to government officials, more awareness raising should be done regarding this matter.

The Curaçao Mental Health Care Foundation (*Geestelijke Gezondheidszorg Curaçao* or GGz Curaçao) is responsible for safeguarding the coherence in care provision of a number of institutions in the field of mental health care. The Foundation manages and provides support to, among other things, the General Psychiatric Hospital Foundation (*Klinika Capriles*), the Foundation Center for Child and Youth Psychiatry (*Yudaboyu*), and the Smile Foundation (*Fundashon Sonrisa*) for shelter.¹¹⁷ Requirements for the admission of patients, including migrants, in the psychiatric hospital include a professional psychiatric diagnosis, a valid insurance certificate or guarantee statement to cover the admission period and the minimum age of 16 years. Other non-government institutions catering to the mental health needs of migrants include: a) the NGO SKUCHAMI; b) Salú Pa Tur, which includes one volunteer psychiatrist who sees migrant patients in irregular status referred by doctors when they believe a patient needs psychiatric care; and d) IOM Curaçao through the NGO Unidat di Bario, who work with an established roster of psychologists.

Migrants constitute a significant part of persons living with HIV in Curaçao. As reported in the HIV Monitoring Report 2020, there were 1,274 HIV-positive individuals registered by the HIV Monitoring Foundation (*Stichting HIV Monitoring*) in the general hospital of Curaçao. Out of this group, 72 per cent were from the Dutch Caribbean islands, followed by 7 per cent from Haiti, 7 per cent from the Dominican Republic, 2 per cent from the Netherlands and 7 per cent from other countries.¹¹⁸ However, Curaçao does not have a national plan to combat HIV/AIDS, and officials from the Ministry of Health, Environment and Nature, the Government of Curaçao have stated that there are no post exposure preventive treatment kits for persons in the event of sexual abuse. Migrants with a valid social insurance card have access to HIV treatment. Regarding other infectious diseases in Curaçao, the national assistance strategy for returnees to control infectious diseases does not include provisions for Malaria or Tuberculosis.

MIGRANTS' ACCESS TO HEALTH CARE

Access to primary care services	—	Through the basic health insurance for residents
Access to secondary care services	—	Through the basic health insurance for residents
Access to psychosocial care	—	Through the basic health insurance for residents
Access to post-exposure prophylaxis treatment		No data available
Access to the national plan to combat HIV/AIDS	✗	
Access to interpretation and translation services	✗	

RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>Constitution of the World Health Organization</i>	✓	1977
<i>International Health Regulations (IHR)</i>	✓	
<i>Resolution on the health of migrants (WHA 61.17)</i>	✓	
<i>International Convention on the Rights of the Child</i>	✓	1995
<i>Convention on the Elimination of All Forms of Discrimination against Women</i>	✓	1991
<i>International Covenant on Economic Social and Cultural Rights</i>	✓	1978

117 GGz Curaçao, 2021.

118 Dutch HIV Monitoring Foundation, 2020.

MIGRATION AND HEALTH



Health-care system

- Curaçao has two general hospitals, one psychiatric hospital, one dialysis centre and several medical centres that provide primary, secondary and some tertiary care.
- The Youth Health Care Department provides health care for migrant children and youth.
- The Fundashon Famia Plania focuses on reproductive planning and the health of sex workers of, among other, migrant women.
- In 2019, the Fundashon Salú Pa Tur was founded to provide health care to migrants in irregular status.
- The Basic Health Insurance provides free primary health care; however, the insurance is only accessible to migrants with a residence permit.



Training

- Health-care professionals have not received formal training on the main health needs of migrants.



Protocols and guidelines

- There is no specific protocol regarding health screening and referrals for migrants.
- In light of the COVID-19 health emergency, migrants regardless of status were granted access to COVID-19 testing and related treatments, and migrants in irregular status could get vaccinated at the Fundashon Salú Pa Tur.



Mental health services

- The Curaçao Mental Health Care Foundation is responsible for safeguarding the coherence in care provision of a number of institutions in the field of mental health care.
- No specific protocols regarding mental health services for migrants are established.
- The NGO SKUCHAMI provides mental health support to migrants.
- IOM Curaçao provides mental health support to migrants through the Unidat di Bario, who work with an established roster for psychologists.
- The Fundashon Salú Pa Tur includes one volunteer psychiatrist who sees migrant patients in irregular status referred by doctors.



Data collection

- The Institute for Public Health Curaçao collects data on health and Curaçao's health-care system.
- The HIV Monitoring Foundation collects data on persons living with HIV and this data can be disaggregated by nationality and country of birth.
- Most health data are scattered between different health institutions.
- No data collection is conducted to determine migrants' access to the public health system.

MAIN NEEDS IDENTIFIED BY GOVERNMENT

- Establish a centralized mechanism for systematic data collection on migrants' health status and needs and access to health services accessible to health institutions.
- Train health officials on health vulnerabilities of migrants and their particular needs of access.

MAIN NEEDS IDENTIFIED BY IOM

- Include migrant-related issues such as access to health in national health plans.
- Implement provisions in legislation or protocols that specifically clarify and address the health needs of migrant populations.
- Consider including migrants with a permit in the basic health insurance.
- Provide formal access to translation services for migrants who do not speak the Papiamentu, English or Dutch language.
- Create awareness raising campaigns on the COVID-19 vaccination programme targeted at migrants in irregular status to assure them that they will not be deported when receiving the vaccine.
- Develop and implement a mental health and psychosocial support plan for migrants, including subsequent protocols and formal referral mechanisms.
- Develop and implement a national strategic plan for HIV/AIDS and include provisions for migrants with living with HIV/AIDS.

LABOUR MIGRATION AND HUMAN DEVELOPMENT

This chapter is divided into two subsections: a) labour migration, which briefly presents a panoramic view of labour migration in the country, as well as the relevant systems to manage labour migration; and b) human development, which describes the extent to which the migration perspective is mainstreamed into national development policies, strategies incorporating the diaspora into the socioeconomic development of the country and how remittances contribute to the local development and migrant families.

LABOUR MIGRATION

In 2019, Curaçao had the largest unemployment rate of the Caribbean part of the Kingdom of the Netherlands with 17.4 per cent, compared to the average percentage of member states of the OECD, including the other Dutch Caribbean islands, of 6.3 per cent.¹¹⁹ At the beginning of 2021, the Ministry of Economic Development (*Ministerio di Desaroyo Ekonómiko* or *Ministerie van Economische Ontwikkeling*) estimated the unemployment rate at 30 per cent. Nevertheless, although Curaçao experiences challenges with high unemployment rates, the island remains attractive for migrants from the region due to better opportunities in the island's labour market compared to in their country of origin.¹²⁰ A 2014 migration study conducted by the Ministry of Social Development, Labour and Welfare (*Ministerio di Desaroyo Sosial, Labor i Bienestar* or *Ministerie van Sociale Ontwikkeling, Arbeid en Welzijn*), showed that common positions among migrants were domestic workers, occupied 71.6 per cent by migrants, followed by armed forces with 70.5 per cent, shop owners with 67.1 per cent, retail and wholesale trade managers with 61.6 per cent, and garden and horticultural labourers with 61.2 per cent.¹²¹ The main countries of origin were the Republic of Colombia, the Dominican Republic, Haiti, Jamaica and the Bolivarian Republic of Venezuela.¹²² In March 2021, the Ministry of Justice (*Ministerio di Hustisia* or *Ministerie van Justitie*) established the Responsible Integration project (*Verantwoordelijke Integratiebeleid*) which provides migrants who entered Curaçao on a legal basis before March 13, 2020, and currently reside in an

irregular status, the opportunity to arrange their residency accordingly, including residency with the purpose of labour.¹²³

Although Curaçao does not have a labour policy, the Ministry of Social Development, Labour and Welfare is mandated with the *National Ordinance on Labour by Foreigners* (*Landsverordening Arbeid Vreemdelingen*, P.B. 2002 no. 82) which stipulates the provisions regarding employment of migrants. According to the Act, work permits are exclusively linked to an employer, who must apply for a work permit when the employee is abroad in order to hire a foreign labour worker.¹²⁴ The Ministry of Social Development, Labour and Welfare, in collaboration with the Permit Office, handles work permits of foreign nationals for the public and private sectors, which are only issued when local labour workers are not able to fill the labour gap of the island. The employment of foreign nationals without a valid work permit is prohibited by law, and employers who violate this provision are liable to imprisonment not exceeding three months or a fine of ANG 100,000/USD 45,775.¹²⁵ American and Dutch nationals are exempted from a work permit and these nationals may reside on the island for a maximum of six months, while they search for work and residence opportunities. When these nationals decide to stay and work on the island, they must apply for Admission by Right (*Toelating van Rechtswege*) at the Admission Organization (*Toelatingsorganisatie*), located in the Ministry of Justice, and this process is handled within four months; however, in practice, petitions regarding a Declaration by Law are handled within two weeks or less. Nevertheless, the Admission by Right process does not allow them to establish a new business on the island; this requires additional licences, such as a business or director's licence, and depending on the business structure and length of residency, various regulations can be applied.

In 2014, the Government of Curaçao established the Curaçao Investor Permit Program, managed by the Admission Office under the Ministry of Justice, to facilitate the investments in Curaçao, such as the purchase of real property or business investments, which are expected to contribute to the island's economy. Additionally, the Investor Permit offers foreign nationals

119 Statistics Netherlands, 2019.

120 Government of Curaçao, 2014.

121 Ibid.

122 Ibid.

123 Government of Curaçao, 2021c.

124 Government of Curaçao, 2001.

125 Ibid.

a residency permit for a minimum period of three years, with possibility for renewal, against an investment of at least USD 281,000 in real estate or business venture.¹²⁶ After five years, foreign investors are able to renew their residency permits when the circumstances of the investments remain unchanged.¹²⁷ Also, when foreign nationals do not have any conflicts with the Curaçaoan law, they can request naturalization.¹²⁸ Furthermore, foreign nationals who have resided legally on the island for five years and wish to start a business, may apply for a business permit and director's licence at the Ministry of Economic Development. In 2014, Haitian and Chinese migrants were the migrant groups who most frequently applied for a permit after five years of residence. Women migrants from the Republic of Colombia and the Dominican Republic were commonly self-employed in the beauty industry, while Venezuelan migrants were often involved in investments, information technology and contracting work.¹²⁹ Curaçao does not have a national assessment for monitoring the domestic labour supply and the effects of outward migrants on the domestic labour market or an occupation shortage list. For this reason, key officials from the Ministry of Economic Development as well as the Social Economic Council in Curaçao have expressed the need for human and financial resources to conduct a labour market analysis and accurately identify labour sectors in need of labour workers, including foreign workers. To achieve this, the *National Ordinance on Labour by Foreigners* will need to be reviewed and adjusted; the roles of governmental institutions that address migrant workers also need to be defined. Specific sectors to target include the tourism, construction, manufacturing and creative industries sectors. This is also essential because the Ministry of Economic Development, in collaboration with the Ministry of Social Development, Labour and Welfare, will be implementing a pathway to support unemployed persons or persons who have lost their jobs due to the COVID-19 pandemic with trainings. Therefore, an assessment or labour market analysis will be a useful tool to have as a baseline indication in the respective key sectors.

In 2013, there were more than 20 trade unions that were connected to international union platforms,¹³⁰ and migrants are able to join them. The Sentral General Di Trahadónan di Korsou (SGTK) is a trade union dedicated to migrants, including those in irregular status, and focuses on discrimination against labour migrants.¹³¹ In addition, SGTK believes that all foreign employees should be regularized, so they are required to contribute to health, life, and accident insurance, and must be paid according to the minimum wage.¹³² Moreover, there are currently 27 employment agencies on the island,¹³³ and all employment agencies on the island need to have a permit, from the Executive Council (*Bestuurscollege*), which grants permits and regulates the agencies. By law, employment agencies may be subject to punishment if they hire out temporary employees without a permit. According to the *Civil Code*, a work agreement between the employment agency and temporary employee is implemented when the employee is hired out for the first

MIGRANT ACCESS TO THE LABOUR MARKET

Access to work in the private sector	✓	Migrants with a work permit have the same access as nationals
Access to work in the public sector	✓	Migrants with a work permit have the same access as nationals
Possibility of self-employment	✓	Migrants with a business permit have the same access as nationals
Shortage occupation list	✗	
Data collection on migrants accessing the labour market	✗	
Access to social security scheme	—	Migrants with a residence permit have the same access as nationals

RELEVANT INTERNATIONAL TREATIES

Convention or treaty		Year of ratification
<i>International Convention on the Rights of the Child</i>	✓	1995
<i>ILO Convention on Migration for Employment (Revised, No. 97)</i>	✓	1952
<i>Complementary provisions of the ILO Convention on Migrant Workers (No.143)</i>	✗	
<i>Domestic Workers Convention (No. 189)</i>	✗	
<i>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</i>	✗	

126 Curaçao Investment & Export Promoting Agency, 2019.

127 Government of Curaçao, 2021.

128 Dutch Caribbean Securities Exchange, 2020.

129 Government of Curaçao, 2014b.

130 Transparency International, 2013.

131 CBS, 2006.

132 Ibid.

133 Yellow Pages Curaçao, 2021.

time, which means that from that moment, the temporary employee has to receive a salary, and the employment agency has formal authority over the temporary employee.¹³⁴

The Central Bureau of Statistics in Curaçao collects data through the yearly Labour Force Survey on the labour force of the island disaggregated by age, but not by nationality or country of birth.¹³⁵ No information is currently collected by the government on migrants with irregular status accessing the labour market. In order to be able to collect information on the foreign labour market, including the irregular population participating in the market, the Central Bureau of Statistics has expressed the need for more human resources.

The *Penal Code* (Art. 2:239) criminalizes labour exploitation. Persons are liable to a fine of 145,061 ANG/80,822 USD, or imprisonment from 12 to 18 years, depending on the magnitude of the offence.¹³⁶ Migrant workers from surrounding Caribbean countries, South America, China and India are predominantly exploited in forced labour in sectors such as construction restaurant and food services.¹³⁷

In 2013, basic health care insurance was introduced for all residents of Curaçao; however, persons who do not have a residency permit are not eligible for the insurance.¹³⁸ The island's elderly are provided with general old-age insurance, and this insurance is available to all legal residents on the island regardless of their employment status; however, the size of the insurance payments depends on the number of years legally spent on the island before one reaches the retirement age of 65.¹³⁹ In 2020, the gross minimum wage per hour for individuals who are 21 years or older was 8.83 ANG/4.92 USD.¹⁴⁰ Arrangements have been established with the Kingdom of the Netherlands to ensure the portability of social security benefits for migrants in the Netherlands.

134 CBS, 2006.

135 CBS, n.d.

136 Government of Curaçao, 2012.

137 Government of the United States of America, 2020.

138 Government of Curaçao, 2019.

139 Government of Curaçao, 2019.

140 Celery, 2021.

LABOUR MIGRATION



Labour migration

- The Ministry of Social Development, Labour and Welfare and the Ministry of Economic Development are the central authorities responsible for the management of the labour force in Curaçao.
- The Ministry of Social Development, Labour and Welfare, in collaboration with the Permit Office, handles applications for work permits.
- The Admission Office of the Ministry of Justice manages the Curaçao Investor Permit Program and residency permits.
- The Ministry of Economic Development, in collaboration with the Permit Office, issues applications for business permits and director's licences.



Labour agreements

- American and Dutch nationals are exempted from a work permit and these nationals may reside on the island for a maximum of six months while they search for work and residence opportunities.



Access to labour markets

- Migrants have access to the private and public sector with a valid work permit; however, employment permits are exclusively linked to an employer for a specific occupation for a definite period of time.
- Migrants are eligible for a business permit after five years of residence.
- There are no specific provisions or mechanisms to promote extensive integration of migrants into the labour market.



Data collection

- The Central Bureau of Statistics in Curaçao collects data on labour participation, but not disaggregated by nationality or country of birth.
- No information is currently collected by government on migrants with irregular status accessing labour market; although the Responsible Integration policy could provide some support regarding this matter.



Forced labour

- The Penal Code criminalizes labour trafficking.
- Persons are liable to a fine or imprisonment, depending on the magnitude of the trafficking offence.



Access to social security

- Migrants have access to the basic health insurance scheme with a valid residence permit.
- Provisions for the portability of social security benefits have been established only with the Netherlands.

MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Allocate human and financial resources to conduct labour market analysis and accurately identify labour sectors in need of labour workers, including foreign workers.
- Allocate human resources for the Central Bureau of Statistics to conduct independent research on labour migration.

MAIN NEEDS IDENTIFIED BY IOM

- Consider ratifying the *ILO Convention on Migration for Employment (Revised, No. 97)*, the *Domestic Workers Convention (No. 189)*, and the *International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*.
- Review and adjust the *National Ordinance on Labour by Foreigners* and establish a labour policy to include provisions on the integration of migrants, including migrants in irregular status, into the formal labour force.
- Clearly define the roles of government institutions and other organizations involved in migration, including labour migration, to make the necessary adjustments.
- Improve communication streams between government institutions and other organizations involved in migration matters.
- Implement systematic collection of data on migrants, specifically with regards to regular and migrants in irregular status.
- Develop monitoring mechanisms targeting labour migration to fill the gaps of the expected employment growth and inform the establishment of evidenced based labour policies.

HUMAN DEVELOPMENT

Curaçao is considered a Small Island Developing State (SIDS) due to its economic dependency on few sources of income and its low-level resilience against natural disasters.¹⁴¹ To meet the Sustainable Development Goals (SDGs), Curaçao is an Associate Member of the SIDS Accelerated Modalities of Action (SAMOA Pathway) – a global framework establishing intergovernmental partnerships to identify SIDS priorities in the formulation of international development goals.

In 2019, the Social Economic Council (SER) of Curaçao organized the Migration Symposium: Migration and Socio-economic Development Policy, Challenges and Options in collaboration with the SERs of Aruba and Sint Maarten and with support from their governments. According to the SER in Curaçao, the results of the symposium highlighted the needs for the Government of Curaçao to: a) clearly define the roles of government institutions and other organizations involved in migration; b) increase communication between different government ministries and organizations involved in migration matters, including labour migration; and c) develop and implement monitoring tools to assess the labour market and inform data-driven and evidence-based policies.¹⁴²

In 2018, upon request of the Government of Curaçao, a group of UN agencies¹⁴³ assisted in the development and implementation of the *Roadmap for SDG Implementation in Curaçao* (2018).¹⁴⁴ The *National Development Plan Curaçao 2015-2030* also includes several SDGs and it notes that an effective immigration policy is essential to encourage return by providing highly valued job opportunities for people of the Curaçaoan diaspora living in other countries. It mentions the importance of a safe work environment for all employees, including migrant employees, and especially women migrant employees.¹⁴⁵ Although the *National Development Plan Curaçao 2015-2030* and the National Development Plan are aligned with the SDGs, they do not include provisions to address target 10.7, to facilitate orderly, safe, regular and responsible migration. The *Compulsory Education Act (Leerplichtlandsverordening, P.B. 1991, no. 85, zoals laatst gewijzigd in 2009)* stipulates that education in Curaçao is mandatory for children from ages four to 18.¹⁴⁶ All children, including migrants, have universal access to primary and secondary education, although migrant children in irregular status will not receive an official diploma when they complete secondary school, which limits their educational and economic development.

The Ministry of Justice (*Ministerio di Husticia* or *Ministerie van Justitie*) established a policy that regulates cases involving children in irregular status, and a task force was created for the registration of cases involving these children.¹⁴⁷ In regard to tertiary education, Curaçao has two universities, including the University of Curaçao and the University of the Dutch Caribbean. Individuals whose preliminary education was outside of the Kingdom of the Netherlands and in a country where English is not the primary language have to complete the Test of English as a Foreign Language.¹⁴⁸ According to the University of Curaçao, migrants are included in the student-teacher population; however, migrant students need a residency permit to access the University, which prevents migrant students in irregular status from accessing the school. The University of Curaçao's law faculty provides courses in migration and refugee law and key officials from the University have identified the need for the Government of Curaçao to sign on to the *International Convention on Migrant Workers* and its Committee and the *1967 Protocol Relating to the Status of Refugees* to provide migrant students in irregular status with equal education and employment opportunities.

The *National Development Plan* voices the need for government policies that focus on urgent housing for irregular migrants; however, no policies or protocols have been developed as of yet.

In 2020, the Cabinet of the Plenipotentiary Minister of Curaçao (*Kabinet van de Gevolmachtigde Minister van Curaçao*) invited Curaçaoans and Dutch citizens of Curaçaoan descent in the Netherlands to register to a diaspora database to map the knowledge and expertise of Curaçao residents living in the Netherlands and to facilitate communication with members of the diaspora when the government or economic sector needs advice or when particular expertise is hard to find. Additionally, at the end of 2020, the Ministry of Economic Development organized a three-day virtual event called the Diaspora for Business Summit with the aim to improve Curaçao's diaspora engagement, to be held on a yearly basis. During this event, local officials, innovators and talents engaged in strategic conversations with persons living in the diaspora to tap into different perspectives and ideas and stimulate knowledge exchange. As a result of the summit, the Ministry created a diaspora database to keep track of persons living in the diaspora. Moreover, What's Cooking in Curaçao is an organization that similarly focuses on strategic conversations between locals and persons living in the diaspora,¹⁴⁹ and they have also promoted the work of the Ministry at www.whatscookingincuracao.com/diaspora. In 2019, Curaçao received 176,186,257 USD in remittances,¹⁵⁰ constituting 5.7 per cent of Curaçao's GDP.¹⁵¹

141 UN, 2021.

142 SER, 2019.

143 The group of UN agencies included the Economic Commission for Latin America and the Caribbean (ECLAC), International Labour Organization (ILO), United Nations Population Fund (UNFPA), and United Nations Children's Fund (UNICEF), and the United Nations Development Programme (UNDP).

144 UN, 2018.

145 Government of Curaçao, 2016.

146 General Audit Office Curaçao, 2016.

147 Government of the Netherlands, n.d.

148 University of Curaçao, 2020.

149 What's Cooking in Curaçao, n.d.

150 World Bank, 2019e.

151 World Bank, 2019d.

HUMAN DEVELOPMENT



Mainstreaming migration into development strategies

- The *Roadmap for SDG Implementation in Curaçao (2018)* and the *National Development Plan Curaçao 2015-2030* are in alignment with several SDGs, but do not include provisions to address target 10.7.
- They note the importance to encourage diaspora engagement as well as a safe work environment of migrant workers, especially female migrants.



Migrant inclusion in social development programmes

- Access to primary and secondary education is compulsory; however, children in irregular status are not eligible for a school diploma.

INCLUSION OF THE MIGRATION PERSPECTIVE IN PLANS AND PROTOCOLS

Human Development Index		No information available on the Human Development Index
Development strategy	✓	<i>Roadmap for SDG Implementation in Curaçao (2018)</i> and <i>National Development Plan Curaçao 2015-2030</i>
Development strategy in alignment with SDG target 10.7	✗	
Programmes to engage the diaspora in development strategies	✓	Diaspora for Business Summit
Remittances in alignment with SDG target 10.c	✗	No information available on the cost of sending and receiving remittances



Diaspora engagement

- People of Curaçao living in the diaspora in the Netherlands can register to a diaspora database.
- The Diaspora for Business Summit, established by the Ministry of Economic Development, is a diaspora event held on a yearly basis.
- The Ministry of Economic Development created its own diaspora database.



Remittances

- In 2019, Curaçao received 176,186,257 USD in remittances, constituting 5.7 per cent of Curaçao's GDP.
- No information is available on the cost of sending and receiving remittances.

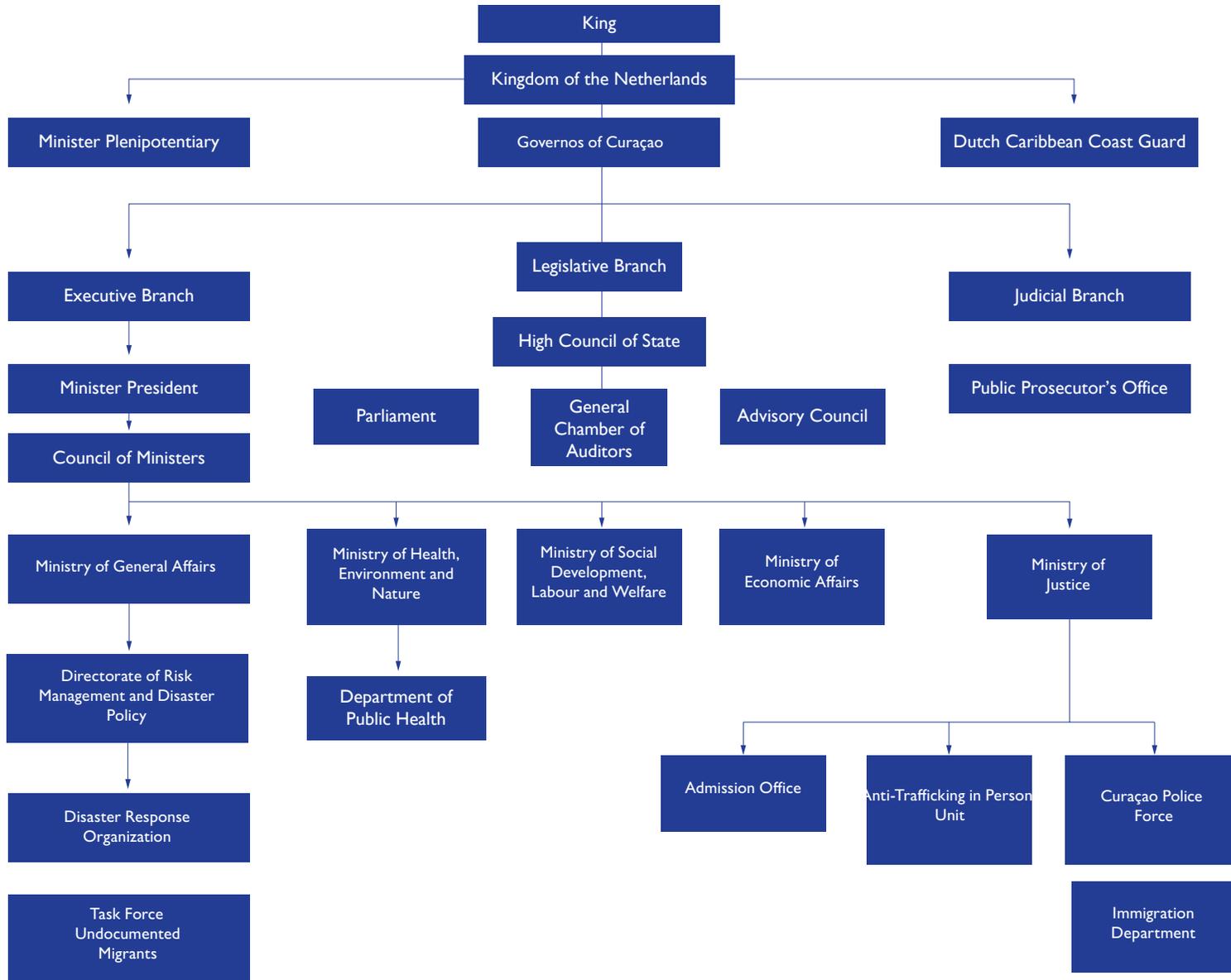
MAIN NEEDS IDENTIFIED BY THE GOVERNMENT

- Develop comprehensive policies that focus on urgent housing for irregular migrants.

MAIN NEEDS IDENTIFIED BY IOM

- Include SDG target 10.7 in national development plans and policies.
- Ensure the access of migrant populations to government social programmes.
- Support activities that provide support for migrants to facilitate social inclusion.
- Sign on to the *International Convention on Migrant Workers* and its Committee and the *1967 Protocol Relating to the Status of Refugees* to provide migrant students in irregular status with equal education and employment opportunities.

ORGANOGRAM



Disclaimer: This is not a complete organogram representing every part of the Government of Curaçao. This organogram highlights the specific institutions that IOM has identified as key to migration governance.

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