

Regional Responses to Venezuela's Mass Population Displacement

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LUISA FELINE FREIER AND SOLEDAD CASTILLO JARA, SEP 16 2020

By August 2020, 5.18 million people had fled Venezuela due to its political, economic, and social crisis. Most of those who left since 2014 chose Latin American destinations, given the elevated economic and administrative costs of migrating to destinations in the global North: 1.76 million Venezuelan citizens lived in Colombia, 829,708 in Peru, 455,494 in Chile, 362,857 in Ecuador, and 264,617 in Brazil. Despite existing regional and national mechanisms for the reception and regularization of Venezuelan migrants, such as the Cartagena Declaration refugee definition, many host countries developed *ad hoc* policy responses. Despite initial general generosity across the region, increasing numbers and rising xenophobia led to a shift towards restrictive policy reactions and *de facto* border closures towards Venezuelans, even before COVID-19. Regarding Venezuela's Andean neighbors, Ecuador and Peru have taken an especially stark restrictive shift, while Colombia has maintained relative openness. This generates surprise, given that Colombia hosts the largest number of Venezuelan migrants worldwide. In this article, we explain the policy drivers of each of these three receiving states, both in the context of domestic policy dynamics and international relations. We argue that an emphasis on domestic policy is associated with restrictive measures, while an emphasis on foreign policy under the right-leaning executive in Colombia has led to maintaining relative policy openness.

Policy responses pre-COVID

Between 2016 and 2018, Ecuador and Peru were relatively generous towards Venezuelans. On the one hand, Ecuador applied the category of South American citizenship, included in its Human Mobility Law (2017), to allow the entry and residence of people from member states of the Union of South American Nations (Unasur), including Venezuela. However, the cost of the Unasur visa was set at US\$250, an unattainable price for the majority of Venezuelan migrants and refugees, especially considering the difficult economic situation in which they found themselves. Peru, on the other hand, was the first country in the region to create a specific permit that regularized the immigration status of the Venezuelan people: the Temporary Permanence Permit (PTP), which authorized them to live and work in the country for one year.

Since mid-2018, however, both countries have gradually adopted similar restrictive measures. In Ecuador, the process of restricting the entry of Venezuelan migrants began with the introduction of a passport requirement through the Ministerial Agreement No. 244 of August 22, 2018. The Judiciary subsequently suspended this measure. In response, the government decided to require an apostilled certificate of criminal records. Likewise, it implemented a "humanitarian corridor", which consisted of offering migrants transportation by bus from the north to the south of the country towards the border with Peru. Finally, through Presidential Decree No. 826 of July 25, 2019, a so-called humanitarian visa was introduced.

In Peru, the announcement of the passport requirement for the entry of Venezuelan immigrants occurred in August 2018. This measure was the subject of a lawsuit by the National Human Rights Coordinator and, although initially revoked, it became effective again in January 2019, in response to an appeal filed by the Ministry of Interior and the National Superintendence of Migration. Then, the application deadline for the PTP was shortened. According to Supreme Decree 007-2018-IN, applications were to be accepted only until December 31, 2018, and the deadline for entering the country was set for October 31 of the same year. In June 2019, the implementation of a humanitarian

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visa was announced. This visa, regulated according to Superintendence Resolution No. 000177-2019, entered into force on June 15 and requires a passport and an apostilled certificate of criminal records from Venezuela.

The humanitarian visas adopted by both countries create a barrier to the legal entry of the vast majority of Venezuelan migrants since it had become virtually impossible to obtain a passport and an apostilled certificate of criminal records due to the state collapse and the rampant corruption in Venezuela. Furthermore, the waiting time for an appointment at the Peruvian consulates in Venezuela ranged from a couple of months to more than two years. Therefore, the term "humanitarian" appears as only euphemistic, as, in reality, these visas have been conceived from a restrictive and securitist approach (Freier and Luzes, 2020).

In contrast to this, the Colombian government progressively developed a series of regularization instruments for Venezuelans. The first permit was the Border Mobility Card (*Tarjeta de Movilidad Fronteriza*, TMF), which dates back to February 2017. In December 2019, the TMF was reactivated again to allow border crossings between Venezuela and Colombia (Venezuela Migration Project, 2020a). Other permits that authorized migrants' entry and stay into Colombian territory are the Entry and Permanence Permit (*Permiso de Ingreso y Permanencia*, PIP), the Special Permanence Permit (*Permiso Especial de Permanencia*, PEP), and the Temporal Transit Permit (*Permiso de Tránsito Temporal*, PTT).

Until December 2, 2018, applications were available for a special version of the PEP entitled PEP-RAMV, which targeted only those who had registered in the Administrative Register of Venezuelan Migrants (*Registro Administrativo de Migrantes Venezolanos*, RAMV) (Proyecto Migración Venezuela, 2019). On July 5, 2019, the Ministry of Foreign Affairs created the Complementary Special Permanence Permit (*Permiso Especial Complementario de Permanencia*, PECP) as a temporary regularization option for Venezuelans who filed an asylum claim between August 19, 2015, and December 31, 2018, and whose claim had been denied or not yet decided. Since January 2020, the Special Permanence Permit for the Promotion of Formalization (*Permiso Especial de Permanencia para el Fomento de la Formalización*, PEPFF) allows employers to hire Venezuelan migrants who do not have an immigration card (cédula de extranjería), work visa, or PEP. Migrants may also opt for one of the three general visas – Visitor Visa, Migrant Visa, and Resident Visa – or request asylum.

These permits, however, also present problems in terms of accessibility and effective access to public services. As previously mentioned, obtaining official documents, such as passports and certificates of criminal records, is practically impossible for Venezuelan migrants with scarce resources. Likewise, in order to qualify for these permits, migrants must abide by both an application deadline, as well as a deadline of entry into the country, and have the documentation to prove the latter. For example, the most recent PEP was approved on January 27, 2020, and could be applied for until May, but it was only made available for Venezuelan citizens who entered the country before November 29, 2019.

In addition, regular migratory status, through the PEP, does not grant effective access to public services, as not all service providers are informed about the existent permits and the rights that each one of them is supposed to grant, and as the PEP is not considered a valid form of documentation. This leads to disadvantageous situations for Venezuelan migrants. For instance, the public healthcare system only assists them in life-threatening cases, and students who do not have a passport are often not allowed to take the official state examination at the end of their school career, since their PEP is not considered a valid document.

Despite these limitations, the Colombian immigration policy is relatively welcoming compared to that of Ecuador and Peru. An important example is Resolution No. 8470 of the National Civil Registry, an exceptional measure adopted by the Colombian government on August 5, 2019, to prevent cases of statelessness among children born in Colombia to Venezuelan parents, since Colombia does not apply *ius soli* to grant nationality. Likewise, the state took a very important step to reduce xenophobic discourse by promoting an interparty pact against the politicization of the migration issue during the campaign prior to the regional elections of October 27, 2019. In Peru, civil society failed in its attempt to push a similar initiative prior to the parliamentary elections of January 26, 2020.

Immigration policies and COVID-19

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In the context of the COVID-19 pandemic, immigration policies in both Ecuador and Peru have continued to develop in parallel. First, the borders of both countries have remained closed to all international travel since the beginning of the pandemic. Second, amidst nation-wide lockdowns, both governments have paid out bonuses for low-income households. In both countries, the list of beneficiaries is based on existing databases made by the ministries in charge of social inclusion (the MIES in Ecuador and the MIDIS in Peru). Therefore, these lists only include nationals and, in order to verify if one is a beneficiary, the system requires a national ID and excludes all immigrants and refugees.

Efforts to include migrants within the governments' pandemic responses have been limited to the efforts and initiatives of international cooperation or organizations that provide support for vulnerable populations. For example, in Ecuador, the UNHCR has provided orientation for refugees during the lockdown, and initiatives to provide food, sanitary products, or shelter for Venezuelan migrants have been spearheaded by the Red Cross and even by Ecuadorian individuals. With the support of private donors, agencies of the United Nations present in Peru (UNHCR, WFP, IOM, and OCHA) have handed out food to vulnerable families of migrants and refugees in coordination with the Peruvian National Institute of Civil Defense. The Archbishopate of Lima has also provided support for vulnerable families that do not receive the government's bonuses. This initiative may encompass migrants, even though it is not explicitly stated. As we shall see below, negative public opinions towards migrants are an obstacle that keeps organizations from being too open about their help to the Venezuelan community.

In the context of the COVID-19 pandemic, the Colombian approach to Venezuelan migration has echoed the above-mentioned policies of relative openness. The Colombian borders have also been closed to all international travel, but while in Ecuador and Peru assistance to migrants has been coordinated mainly through non-state actors, in Colombia, the state has taken an active leadership role. On April 4, humanitarian channels were opened to allow for the safe return of Venezuelan nationals in Norte de Santander and Arauca. On the same day, President Iván Duque declared that Venezuelan migrants would receive the support of existing social programs. The national government officially included migrants in its response to the pandemic following guidelines provided by the UNHCR, OIM, WHO, and OHCHR. This response included coordination with regional and local authorities, particularly with those of border regions, to provide assistance to vulnerable populations who cross the border for humanitarian reasons despite the official lockdown.

Sanitary measures are of vital importance in the Colombia-Venezuela border, where the crossings now occur in a multidirectional fashion, as many Venezuelans have returned to their country amidst the pandemic. At the end of August, it was estimated that 40,000 Venezuelans wished to return. However, movement is currently restricted due to obstacles imposed by the Venezuelan government, which stigmatizes its own returning nationals as "bioterrorists". Additionally, while donors and international organizations have coordinated the provision of humanitarian aid (monetary transfers, sanitary products, and food), the state has taken an active leadership role at the national, regional, and local levels. Examples of this are policies of access to healthcare for migrants, the inclusion of migrant children in the national education system, social assistance for vulnerable populations, and effective economic inclusion.

Explaining different policies

The restrictive shift in the migration policies of Ecuador and Peru can be explained by a shift in both countries' priorities – from a focus on foreign policy to a focus on domestic policy. Both Pedro Pablo Kuczynski's government in Peru and Lenin Moreno's government in Ecuador were initially committed to leading a regional response to the Venezuelan crisis. This stance can be concretely observed in the creation of specific organizations and forums, such as the Lima Group (2017) and the Quito Process (2018). Under Kuczynski's leadership, the Lima Group decidedly positioned itself against the regime of Nicolás Maduro. The Quito Process, on the other hand, was less political but sought a coordinated response to the Venezuelan exodus in the region. However, since 2018, the policies of both countries have led to an emphasis on domestic policy. In the Peruvian case, the separation between the two moments coincides with the presidential change between Kuczynski and Martín Vizcarra, whose government has taken a more restrictive approach (Aron and Castillo Jara, 2020).

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Throughout the years, the number of Venezuelan immigrants and asylum seekers not only rose rapidly in both countries, but migrants' social profiles also changed. Initially, the migrant population tended to consist of young individuals with higher education. But then, as the humanitarian crisis in Venezuela worsened, this profile changed to include people with less education and in various situations of vulnerability, such as single mothers, older adults, or people affected by diseases. As Venezuelan migrants were increasingly perceived as a burden for public services, xenophobic feelings and violence grew and became an important concern and constraint for both governments.

In both countries, Venezuelan migrants were not only perceived by public opinion as a burden but also as a threat. This discourse was fueled by the media coverage that exaggerated the intensity, as well as the statistics of crimes committed by Venezuelans (Freier and Pérez, 2020). Simultaneously, the population's growing fear about Venezuelan crime was exploited and fed by politicians. In Peru, for example, in January 2020, just before the parliamentary elections, the creation of a special – and unconstitutional – police brigade, whose function would be to prosecute foreigners who commit crimes, was announced. More recently, in the context of the COVID-19 pandemic, congress proposed a bill to repatriate vulnerable foreigners to their countries of origin, in an attempt to elude responsibility for the inclusion of migrants in the state's emergency response (PL 04958/2020). In total, five bills presented in the Peruvian Congress between 2019 and 2020 evidence a predominantly negative conception of migrants and the attempt to difficult their regular stay in the country[1]. In particular, bills 05625/2020 and 04844/2019 respond to the perceived link between migration (particularly, irregular migration) and an increase in crime, and propose special and fast mechanisms of expulsion.

In Colombia, where the number of Venezuelan migrants exceeds those of Ecuador and Peru, several of the above-mentioned elements are also present. For example, concern about crimes, specifically robberies and drug trafficking, is commonplace. Public opinion, at least in the short term, also considers migrants as a burden for the state. However, at the political level, a climate of relative openness persists. Overall, the Colombian government has not showcased a shift in priorities – from a focus on foreign policy to a focus on domestic policy – like its Ecuadorian and Peruvian counterparts. Instead, the generous reception of Venezuelan migrants has helped the governments of Juan Manuel Santos and Iván Duque to position themselves internationally as critics of the Venezuelan regime and its Socialism of the 21st Century. This behavior is based on a political logic according to which accepting people, who leave a certain country as refugees or migrants in need of international protection, constitutes a powerful diplomatic message against the regime of their country of origin (Zolberg, 1999). This approach was also adopted by other governments in the region, such as Pedro Pablo Kuczynski in Peru and Mauricio Macri in Argentina (Freier and Parent, 2019). In this regard, Colombia is a telling example of the importance of political ideology in foreign policy.

The Colombian government has also been forced to take a more pragmatic attitude due to geopolitical considerations. Colombia is the main country of entry for Venezuelan migrants due to the border shared by both countries. Although no country in the region effectively controls its borders, this becomes much more evident in the Colombian case. Due to the internal armed conflict, the border area has not been completely under state control for a long time. So, even if the government intended to prevent the entry of Venezuelan migrants, it would not have the capacity to do so. Therefore, unlike Ecuador and Peru, Colombia does not claim to have control over immigration rates from Venezuela but rather seeks ways to regularize and integrate the migrants that are present in Colombian territory.

There is also reciprocity embedded in this attitude. Among the people displaced from Venezuela, there are Colombians who migrated to the neighboring country in the past, fleeing the internal armed conflict and the violence associated with drug trafficking. The Colombian Foreign Ministry estimates that, between 2015 and July 2018, about 300,000 Colombians who were in Venezuela returned to their country of origin, and many of them do not necessarily have Colombian identity documents. Thus, there are also important considerations for the government regarding the protection of its own nationals.

Finally, the Colombian government has been more proactive in raising funds from international cooperation to address the Venezuelan displacement. According to the Ministry of Foreign Affairs, in 2018 and 2019, Colombia received about US\$ 270 million from international cooperation. Although these estimates are not always accurate, this sum represents approximately 45% of the US\$ 580 million that the region has received in total. In relative terms,

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Colombia has been able to cover a greater percentage of its needs, regarding Venezuelan emigration, through international cooperation (26% as of June 2019, compared to 18% in Ecuador and 21% in Peru).

The above-mentioned has provided the Colombian state with more, and closer, contacts with international organizations and donors, which is of vital importance not only in terms of economic resources but also with regards to skills learned and leadership. In the context of the COVID-19 pandemic, Colombia was able to secure technical assistance, medical supplies, and financial support from abroad (China, Canada, the United Arab Emirates, Germany), as well as from the United States Agency for International Development (USAID), the Development Bank of Latin America (CAF) and the Central American Bank for Economic Integration (CABEI), in order to meet the needs of the Venezuelan migrant population.

Conclusion

In this article, we analyzed the reactions of three Andean countries – Ecuador, Peru, and Colombia – to Venezuelan displacement prior to and during the COVID-19 pandemic. While we observe a restrictive policy shift in Ecuador and Peru, Colombia maintained a relatively open approach in its migration governance. In Ecuador and Peru, aid for vulnerable migrant populations has been provided mainly at the initiative of international cooperation or civil society organizations. In contrast, in Colombia, the state has taken an active leadership role in coordinating aid at the national, regional, and local levels. Donors have participated, but state actions have been key in facilitating the emergency policies targeting migrant populations prior to and during the COVID-19 crisis.

These differences can be explained by taking into account the political priorities of the three Andean countries. In contrast to Colombia, we observe a shift in priorities related to migration governance from a focus on foreign policy to a focus on domestic policy in Ecuador and Peru. In Colombia, the ongoing importance of foreign policy under the right-leaning executives of Juan Manuel Santos and Iván Duque, coupled with policy pragmatism, explains relative openness to Venezuelan immigration, both prior and in the context of the COVID-19 pandemic.

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Note

[1] PL 05625/2020 and PL 05349/2020 proposed by Acción Popular, PL 04830/2019 proposed by Fuerza Popular, PL 4844/2019 proposed by Contigo, and PL 4958/2020 proposed by Unión por el Perú.

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