

# Possibilities of Building Regional Migration Governance due to the Venezuelan Diaspora in Ibero-America (2015-2018)

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**Abstract**—The paper will seek to examine the scope and limitations of the process of construction of ordinary and extraordinary migration regulatory tools of the countries of Latin America, due to the Venezuelan diaspora in Ibero-America (2015-2018). The analysis methodology will be based on a systematic presentation of the existing advances in the subject under a qualitative approach, in which the results are detailed. We hold that an important part of the Latin American countries that used to be the emitters of migrants have had to generate, with greater or lesser success both nationally and regionally, ordinary and extraordinary migration regulatory tools to respond to the rapid intensification of the current Venezuelan migratory flows. This fact beyond implementing policies for the reception and integration of this population marks a new moment that represents a huge challenge both for the receiving States and for the young Ibero-American institutional migration system. Therefore, we can say that measures to adopt reception and solidarity policies, despite being supported by organs of the multilateral system such as UNHCR and IOM, are not found as guidelines for national and regional action, at the expense of the reactions of the respective public opinions and the influence of what to do of the neighboring countries in the face of the problem.

**Keywords**—Venezuela, migration, Migration policies and governance, Venezuelan diaspora.

## I. INTRODUCTION

WE are currently undergoing profound transformations because of the globalization process, highlighting among its many aspects the high mobility of human beings as migrants. "The International Migration Report 2017" [1] after a rigorous study noted that from 2000 to 2017 the number of migrants increased by at least 49%, reaching 258 million people worldwide. This fact, increasingly present in our realities, has become an important source of change for migrants and the sending, transit and receiving societies. Giving rise to new ways of social composition, which oblige the authorities at all levels to take decisions in favor of adjusting their public policies, either to confront this trend or take advantage of the opportunities that these new dynamics generate.

Within the American context, the recent Venezuelan exodus is particular, since this country had not recorded in its modern history a large-scale migration process like the current one. In

fact, authors such as Raquel Álvarez de Flores, in her recount on the historical evolution of migrations in Venezuela, points out that the Latin American nation was historically a nation that receives migrants.

Alvares [2] highlights two main stages, the first of them marked by migration for the purpose of settlement (1830-1963), where products of foreign trade developed legislation that first attracted Spanish citizens of Canarian origin. Then with the apogee of crops such as coffee in the west of the country, arrived contingents of Germans, Italians, and Colombians, through the establishment of their trading houses.

It is not until what the author points out as Second Stage (1963-1983) that Venezuela, as a product of oil rent, was one of the most important poles of attraction in the region. This fact after World War II established a migratory current from the countries of southern Europe starting in 1950 (Spain, Italy, Portugal, among others), followed by a migratory flow from Latin American countries during the 70s, some of them subjected to authoritarian regimes and severe economic crises (Colombia, Argentina, Chile, Peru, Dominican Republic, among others).

In recent years, the Bolivarian Republic of Venezuela evidences dramatic changes in its migratory processes, to name a few data, we can cite the figures exposed by the International Organization for Migration (IOM) and the United Nations High Commissioner for Refugees (UNHCR). The UN Refugee Agency in coordination with the national migration authorities of the receiving countries, among other sources, published that by November 2018 more than 3 million Venezuelans had left their country, the majority since 2015. Of this total of 2.4 million migrants and refugees in countries of Latin America and the Caribbean, together with an unprecedented number of requests for recognition of refugee status by Venezuelan citizens, which have increased by 2000% between 2014 and 2018.

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), Colombia is the nation that currently serves the majority of Venezuelans who have left their country with more than one million migrants and refugees. Then there is Peru with more than half a million, in Ecuador, they exceed 220,000, Argentina has 130,000, Chile more than 100,000 and in Brazil they have a total of 85,000 [2] The joint special representative of UNHCR and IOM for refugees and migrants from Venezuela, Eduardo Stein, in November 2018, thanked the open door policy of the countries of the region. However, aware of the fragility of the situation,

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he pointed out that "their reception capacity is very limited and requires a stronger and more immediate response from the international community if this generosity and solidarity is to continue" [3]. These circumstances have exceeded the attention span of some of the countries of Latin America and the Caribbean, making it increasingly necessary to elaborate joint strategies that combine regional efforts with those of the multilateral system. All this within a context of high political unrest at an internal and international level with the Venezuelan government, which denies both the existence of such migratory crisis, and the occurrence of a humanitarian emergency due to the chronic shortage of medical and essential items, which is ultimately one of the main factors of expulsion of the population. Despite these serious limitations, the countries of the Latin American region have activated, depending on their possibilities and specific realities, some regularization processes for the Venezuelan population, reaching between 2015 and 2018 more than half a million people with permits of residence (temporary and permanent), through ordinary and extraordinary immigration regulatory tools.

## II. UNILATERAL MIGRATORY EFFORTS

1. **Colombia** [4] is one of the countries most affected by its neighbor status and its long history of migration to Venezuela. In July 2017, its authorities implemented a Special Permit for Permanence (PEP) through Resolution No. 5797/2017 [5]. In this first stage, it was possible to regularize the situation of approximately 68,799 Venezuelan nationals who had entered before July 28, 2017, it is noteworthy that said Special Permit has been processed mainly in the cities of Bogotá, Medellín, and Barranquilla.

In February 2018, with its approval, the second phase of implementation of the PEP for the Venezuelan citizens began, opening the opportunity to obtain this benefit to those who having entered through an official control point of immigration to Colombia before February 2, 2018. This procedure regularized by August 2018, more than 262,535 Venezuelan citizens.

In addition, there are more than 1,600,000 Venezuelans with a Border Mobility Card, which addresses a pendular migration of citizens who reside in the border area, who usually travel between the two countries, including several incomes and outflows per day.

In terms of public health, on August 18, 2017, the Ministry of Health of Colombia issued Resolution 3015 [6], which allows the affiliation of Venezuelan citizens with PEP to the Colombian health system, allowing with the presentation of the PEP along with the passport access to health services, either as a contributor to the contributory regime or to the subsidized regime for those who do not have the capacity to pay. If the PEP is not owned and the status is irregular, Venezuelan nationals have the right to emergency care.

Since its implementation on August 19, 2018, 70,000 PTPs have been granted and another 100,000 are in process. Through Resolution 0740-PEP [7], the PTP in process enables

the Venezuelan citizen to carry out income generating activities in a subordinate or independent manner, for a period of 60 calendar days, renewable until they obtain the PTP card. After the PTP, the Permanent Residence can be processed.

2. **Argentina** [8], in accordance with the adhesion of Venezuela to the MERCOSUR regional bloc, handles the issue of migration through Law No. 25,871 / 2004 [9]. Beyond granting of residences by ordinary criteria (labor relationship, family reunification, etc.), applies to Venezuelan citizens the Residency Agreement for Nationals of the States Parties and Associated of MERCOSUR [10], extending as a humanitarian measure the deadlines for the presentation of the required documentation (e.g. criminal record certificate, apostilled documents, others), through DNM Disposition 594/2018 [11].

In February 2018, the Ministry of Education decided to simplify the procedures to validate the university studies completed in Venezuelan institutions. Between January and May of 2018, 19,821 residences were granted to Venezuelans, of which 2,642 are permanent.

3. **Chile** [12], on its part, since April 2018, grants a Democratic Responsibility Visa, which must be processed in Venezuela, reaching up to August 30, 2018, 64,932 visas, of which 9,626 have been approved.

Between 2015 and 2017, the Chilean State granted more than 120,000 residence permits between permanent stays and temporary visas. The 108,206 Venezuelans who had entered the country with a tourist visa, applied for residence permits in the years 2016/2017, corresponding to the group that has most made this type of requests during this period; due to this in April 2018, Chile launched an Extraordinary Regularization Process along with a new visa scheme for Venezuelans which must be requested at the Chilean consulate in Caracas, as long as they do not have a criminal record.

In the case of Venezuelan migrants to **Brazil** [13], the search for a regular migratory status passes for opting for political asylum, requests that are analyzed by the National Committee for Refugees (CONARE). The Government of Brazil has sought to facilitate regularization for temporary residence, within the framework of the New Migration Act of 2017. The most recent measure, the Portaria Interministerial No. 9 of March 2018 [14] (signed by four ministries: Justice, Labor, Foreign Affairs and Public Security), makes it possible to obtain temporary residence for a period of 2 years, with the possibility of conversion into permanent residence, and exemption from fees for those who cannot afford them. This Portaria replaces Normative Resolution No. 126 of the National Immigration Council of March 2017. Regardless of the regularization route, Venezuelan nationals can work and access public services throughout the Brazilian territory.

In February 2018, the ex-President of the Republic of Brazil, Michel Temer, published Provisional Measure No. 820 [15] and Decree No. 9286/2018 [16], to assist displaced persons in situations of vulnerability due to humanitarian crises, designed to respond to the situation of the Venezuelan nationals in Roraima, which began to gather in improvised

camps generating significant friction with the local population. In response to this, a Federal Emergency Assistance Committee was established, whose mandate is currently to execute and monitor the actions carried out in the area. Highlighting the participation of the Ministry of Defense and the Armed Forces of Brazil, now responsible for the entire host operation in Roraima, in coordination with other Ministries, local governments and the United Nations, mainly IOM, UNHCR and the United Nations Population Fund (UNFPA).

In April 2018, the first voluntary relocation of 265 Venezuelan citizens to the cities of San Pablo and Cuiabá took place, with a figure until August 31, 2018, of more than 1,500 Venezuelan citizens voluntarily relocated between the cities of Rio de Janeiro, Brasília, Paraná, Manaus, João Pessoa, San Pablo and Cuiabá. According to official data, since 2017, 154,920 Venezuelans have entered Brazil through land means through the crossing point of Pacaraima, although slightly more than half, about 80,000 by November 2018, had already left the territory in transit to other destinations.

4. **Peru** [17], one of the countries most affected by the Venezuelan exodus, issued in January 2017 a specific regulation for the granting of the "Temporary Permit of Permanence" (PTP) for people of Venezuelan nationality who had entered the country before February 2017, the term was subsequently extended Decree No. 007-2018 until December 31, 2018. In July 2018, through [18], the entry period was reduced to October 31, 2018. Likewise, only the PTP can be processed before December 31, 2018. Since its implementation on August 19, 2018, more than 70,000 PTPs have been granted and another 100,000 are in the process of being processed. Through Resolution of Superintendence N° 0000165-2018-MIGRATIONS [19], the PTP in process enables the Venezuelan citizen to exercise income-generating activities in a subordinate or independent manner, for a period of 60 calendar days, renewable until they obtain the PTP card, after which it is possible to begin the process of permanent residence.
5. **Panama** sets the trend regarding the restriction of the conditions of permanence to Venezuelans, which can be evidenced in Decree No. 269 [20], in force since May 31, 2017, that instrument reduced the time allowed to remain as a tourist for Venezuelan, Colombian, and Nicaraguan citizens from 180 to 90 days.

The government of Panama maintains its decision argue that the measure is necessary to exercise more effective management of their migration processes, taking into account a large number of people of these nationalities living in their territory, exercising activities unrelated to tourism without requesting a change of immigration status.

Another important measure restricting the entry of Venezuelans is in the enactment of Decree No. 473 [21], effective from October 1, 2017, which stipulates that the Bolivarian Republic of Venezuela has been included in the list of countries that require a sealed visa to enter the Panamanian territory [22].

6. **Ecuador** [23] has maintained its migration policy in a

base to the Migration Statute (2011) [24], which grants temporary residence demonstrating economic solvency, in the same way through the UNASUR Visa (2017), the nationals of the block can access a temporary residence for 2 years. However, after the murder of Diana Carolina Ramírez at the hands of a Venezuelan citizen on January 19, 2019, the President of the Ecuadorian Republic, Mr. Lenín Moreno, responded forming brigades to verify the migratory status of the Venezuelans, restricting the entry of immigrants to the country in a momentary manner.

The vice president of Ecuador, Otto Sonnenholzner, announced which will be a mandatory requirement for Venezuelans to enter the country have an apostilled judicial past.

7. **Uruguay** granted legal residence (temporary and permanent) to Venezuelans through the application of the MERCOSUR Residency Agreement [11]. Since 2014, the country can directly grant permanent residence permits to MERCOSUR nationals, including Venezuela.
8. In **Costa Rica**, according to data provided by the representative of the United Nations High Commissioner for Refugees (UNHCR), Carlos Maldonado, only in the first four months of 2018, a total of 1,369 Venezuelans requested refuge in Costa Rica which represents 55 % of all new requests, without counting the 3,175 procedures that were processed throughout 2017 representing 50% of the total, reaching 15,000 Venezuelan nationals who reside in that condition or whose process is pending for approval by the General Directorate of Migration and Immigration [25].
9. The **Dominican Republic** has not made any extraordinary measure to address the Venezuelan issue despite having been impacted, from what we can see in the Second National Survey of Migration 2017 (ENI 2017) [26] conducted by the National Statistics Office. Where, it is noted that the Venezuelan population went from 3,434 in 2012 to 25,872 in 2017, which represents an increase of 653%. This data corresponds to the Residence Permits issued, with an increase of 313 permits in 2015 to 1,529 in 2017.

### III. THE REGIONAL RESPONSE

The Latin American region, immersed in processes of economic stagnation, institutional political fragility, limited work opportunities, natural disasters, among other factors, has had to deal with a massive flow of migrants from Venezuela without being prepared at both institutional and economic normative levels. Therefore, each State has responded in the first place with the creation of different protocols of action, adapted according to the flow of migrants, their characteristics, their own internal policy, the international repercussions, and their response capacities.

Despite the fact that governments and international organizations such as the Organization of American States (OAS), the Common Market of the South (MERCOSUR), the Andean Community of Nations (CAN), the Caribbean Community (CARICOM), the consultation mechanisms

interstate migration (ISCM), such as the South American Conference on Migration (SACM), the agencies of the multilateral system, including the most important United Nations Organization and its agencies (UNHCR and the OIM). Just to mention some entities that have taken the Venezuelan case into their discussion agendas, it is still a challenge for the region to agree on a joint action that could generate pre-established protocols for action.

Despite this, concrete efforts have been made which can be observed in the Declarations of Quito I [27] and Declarations of Quito II [28], where it should be noted that during the second regional meeting it was concluded with the "Plan of Action on Human Mobility of Venezuelan Nationality in the region", signed by Argentina, Colombia, Chile, Costa Rica, Ecuador, Paraguay, Peru and Uruguay.

In the document, the representatives of the participating countries agreed to approve the Plan of Action, as a follow-up to the "Declaration of Quito I", signed in September 2018. Understanding in total three areas: deepening the mechanisms of Venezuelan migration in the region; international financial cooperation and articulation with international system organizations that have a relationship and competence with migration and refugee issues.

Among the agreements, it was proposed to strengthen the actions that facilitate the human mobility of Venezuelans in the territories of the signatory countries; strengthen the migration and development initiatives that the countries of the region are implementing for an adequate economic and social insertion. This includes migratory normalization processes according to the possibilities and legislation of each host country, with the support of organizations of the United Nations System [29].

To these concrete efforts is added to the Regional Platform for Interagency Coordination, established through the request of the Secretary-General of the United Nations Organization, António Guterres. With the objective of coordinate the humanitarian response of the Venezuelan refugees and migrants, launching in December 2018 the Plan of Regional Action for the Strengthening of the Response to the Recent Migratory Flows of Nationals from Venezuela to South America, North America, Central America, and the Caribbean.

The purpose of this plan is to strengthen the various regional responses mentioned above, providing support to the efforts that governments have carried out throughout the region, based on their different needs and priorities, gathering information at the national level through the Monitoring Matrix of Displacement of the IOM (DTM); and, at the regional level, through official data sources.

It is through cooperation with governments and partners that IOM has implemented DTM operations to capture, process and disseminate information, and thus provide a better understanding of the changing movements and needs of Venezuelan nationals in the region, helping to produce information comprehensive and reliable on recent flows. In addition to this, IOM's efforts in its initiative "Migrants in Countries in Crisis" (MICIC) [30] to protect migrants in countries suffering from conflicts and natural disasters,

derived from the contribution of the States, civil society, international organizations, and private sector actors, establishing voluntary and non-binding lines of action to support the improvement of this migratory situation in particular within the Latin American context.

#### IV. CONCLUSION

All these aforementioned efforts depend on the electoral, political, economic and social scenarios that may vary which is why it is important to study the scope and limitations of these new forms of migration governance at the Latin American level, emanating from the different needs of particular and group responses of the countries of the region in front to the Venezuelan phenomenon. This makes it necessary to explore the development of capabilities and operational tools of the national governments in Latin America in this crisis, and the impact of its results on the Venezuelan population.

We hold that an important part of the Latin American countries, accustomed to being transmitters of migrants, have had to generate, with greater or lesser success both nationally and regionally, ordinary and extraordinary migration regulatory tools, to respond to the rapid intensification of flows current Venezuelan migrants. This fact, beyond conceiving policies for the reception and integration, marks a new moment that represents an enormous challenge, for the receiving States, and for the young Ibero-American institutional migration system constituted through the Commitment of Montevideo on Migration and Development, approved at its XVI Summit in Montevideo (Uruguay) November 2006; the Ibero-American Forum on Migration and Development (Ecuador) April 2008; II Ibero-American Forum on Migration and Development, (El Salvador) July 2010; and III Ibero-American Forum on Migration and Development: "Migrations and Development in the 21st Century: A Transformative Ibero-American Agenda" (Guatemala) October 2018.

As we can see, the lapse between the II Forum 2010 and III Forum 2018 was 8 years. It is not until the impacts of the Venezuelan crisis became an unavoidable issue for the States of internal and regional policy, that they were reactivated, not only several of the mechanisms concerning migration, but those new forums such as the First and Second Regional Meeting of Quito, both in 2018, in order to generate a Plan of Action capable of responding to the challenges posed by the Venezuelan diaspora. Therefore, we can say that the adoption of policies of reception and solidarity, despite being supported by bodies of the multilateral system, such as UNHCR and IOM, do not generate national and regional action guidelines, being at the expense of the reactions of the governments and of the respective public opinions, as well as of the influence of what to do of the neighboring countries in the face of the problem.

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