

The Venezuelan Refugee Crisis: An Analysis of Refugee Policies in South America

Isabelle Hoagland
Justice Studies
James Madison University
800 S Main St.
Harrisonburg, VA 22807 USA

Faculty Advisor: Dr. Daniel Beers

Abstract

Millions of people have fled extreme starvation and economic deprivation in Venezuela since 2014, leaving neighboring countries scrambling to respond to large flows of refugees crossing their borders. Venezuelans are fleeing to numerous countries, but Peru, Colombia and Brazil host the most Venezuelans in the region. Latin America has experienced a progressive paradigm shift in refugee policy in the past 20 years, emphasizing a rights-based approach to immigration rather than deterrence. The crisis in Venezuela is the first time these policies are being tested on a large scale. Venezuelans are not considered refugees in the eyes of the global refugee regime, which defines a refugee as someone who has been individually persecuted by the state. The 1984 Cartagena Declaration expanded this narrow definition, encompassing a broader category of forced migrants, including Venezuelans, who are still deserving of asylum. The purpose of this project is to analyze how this progressive framework of protection in Latin America plays out in the face of a major migration crisis, and whether the refugee regime established in the Cartagena Declaration is succeeding in protecting Venezuelans in neighboring countries. This work contributes to the overall literature regarding refugee protection, as well as the effectiveness of alternative policies in refugee protection. It is a critical case study to assess the practical application of the policy, and a within-case analysis to assess potential variation between the three countries and the forces driving those differences. The conclusion is that these policies were effective at first, but they are unsustainable. Although there are important variations in how each country has handled Venezuelan refugees, they all have had similar outcomes over time, and are beginning to move towards a more deterrence-based paradigm as the influx grows.

Keywords: Venezuela, Refugees, Cartagena Declaration

1. Introduction

Venezuelans are fleeing their country in staggering numbers. Since 2014, an estimated three million have left Venezuela in search of a better life¹. As the flow of Venezuelans into neighboring countries continues to increase², host countries have been forced to quickly accommodate for the hundreds and often thousands of refugees pouring in daily. Although the region has been welcoming to the refugees crossing into neighboring countries, they are struggling to sustain this generosity and are beginning to move towards deterrence policies given the size of the influx. The progressive refugee regime that the region first adopted in the 1984 Cartagena Declaration is being tested for the first time in the face of a major migration crisis, and it is critical to evaluate how effectively the region is implementing these protection-based policies.

This paper will specifically investigate how Peru, Colombia, and Brazil are handling the influx of Venezuelans into their countries, particularly in terms of their asylum policies, the special temporary visas they have created, and how

they are treating those who crossed the border illegally and live without any legal status. Each of these policies will be evaluated based on their sustainability, durability and effectiveness. Although Peru, Colombia, and Brazil have each handled the refugee crisis differently, they are all experiencing similar outcomes and are struggling to sustain their policies under the current regime. The lack of international support combined with the rapidly increasing numbers of Venezuelan refugees have resulted in host countries exhausting all of their resources and beginning to shift towards deterrence-based refugee policies.

2. Background and Policy Environment

In the past 20 years, Latin America has experienced a paradigm shift in its immigration policies. After military dictatorships in the 1970s and 1980s, Latin American countries began to move away from restrictive immigration policies and towards policies that focus on human rights and nondiscrimination³. This liberal wave of asylum and migration policies that were implemented in Latin America occurred during the same time that the United States and Europe developed increasingly strict immigration reform. This came under the pretext of national security, specifically during the ‘war on terror’ era⁴. As such, Latin America is viewed globally as having relatively progressive frameworks in place for refugees and migrants. With this progressive reputation for its immigration and refugee framework that Latin America has developed, the current exodus of refugees from Venezuela is seen as a critical test for the region’s policies⁵.

Latin America has demonstrated a committed effort to strengthening its regional policies for displaced persons. The majority of Latin American countries are signatories to the 1951 Refugee Convention and the 1967 Protocol. Through the 1984 Cartagena Declaration, the region expanded its definition of who is considered a refugee and demonstrated engagement to the issue through the 2004 Mexico Declaration and 2014 Brazil Declaration⁶. By indicating such a commitment to refugees and migrants in their region, Latin America has set a high bar for how it handles situations of mass displacement.

2.1 Cartagena Declaration

Latin America adopted the Cartagena Declaration in 1984, which expanded the definition of a refugee in the region. It is a non-binding agreement, but many countries in the region including Peru, Colombia, and Brazil have incorporated its definition of a refugee into their national law⁷. The Cartagena Declaration states that refugees are “persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order”⁸. By this definition, Venezuelans currently fleeing the country are considered refugees in the 15 signatory states⁹.

The Cartagena Declaration presents a fundamentally different refugee regime than the current global regime in place. It advocates for responsibility-sharing between host countries and the broader international community and rejects the idea of deterrence that so many other countries, such as the US and European countries, have moved towards¹⁰. It emphasizes the importance of protection of the refugees themselves, which is lacking from the global refugee regime¹¹.

However, while the Cartagena Declaration is an impressive example of a regional effort to incorporate cooperation in humanitarian law, there are no specific implementation guidelines mentioned anywhere throughout the document, which leaves countries very little to work with when attempting to physically implement policies. States are more likely to sign it into their own national law if they feel that it is not too restrictive and violating any part of their sovereignty. However, the lack of guidelines also allows states to be lax in their implementation, or to choose if they even enforce it at all. This is one of the biggest drawbacks of the Cartagena Declaration, and this lack of clarity regarding implementation has allowed countries to not fulfill their share of the responsibility¹².

2.2 Economic, Food, and Healthcare Crises

The economic crisis in Venezuela can be blamed in large part on its single-export-driven economy, price and currency controls, and governmental corruption. Prior to 2014, Venezuela received 95% of its export earnings and 25% of its GDP from its large oil reserves¹³, leaving its economy primarily dependent on the market of a single export. With a heavy reliance on oil as its main commodity, the economy was left extremely vulnerable to volatile oil prices. When the price of oil crashed in 2014, hard currency reserves practically disappeared, and the government could no longer

afford the imports it became increasingly reliant on during the previous decade's oil boom¹⁴. Inflation skyrocketed, and GDP crashed. In 2018 alone, the IMF has predicted that inflation will reach 1,000,000% by the end of the year.

In addition to Venezuela's reliance on oil, extreme price controls and currency controls contributed to the crash of the economy. Strict price controls were meant to keep basic goods like food and medicine affordable to the general population, but with a limit on what they could charge for their products, manufacturers stopped producing goods because it was no longer profitable¹⁵. Currency controls, first introduced by President Chavez in 2003, created a black market for these basic goods. The government sold US dollars at varying rates, giving some companies preferential rates for in-demand commodities like food. These companies would then sell the goods for a profit, which led to rampant corruption¹⁶.

The major recession that began in 2014, combined with a significant loss of purchasing power, a dependency on imports that it could no longer afford, hyperinflation, and nearly non-existent domestic food production, led to a massive nation-wide food shortage. Between 2013-2017, food imports dropped 76%. As of 2018, the food industry is only able to produce 30% of what it was producing in 2012. Malnutrition rates have risen dramatically, particularly in women and children. A large hospital in Caracas saw a 260% increase of malnourished children in 2017 alone¹⁷. Eighty seven percent of the population has reported not being able to afford enough food. Meanwhile, President Maduro is denying the existence of the issue and refusing all international aid¹⁸.

The country is also experiencing a complete collapse of its healthcare system. In addition to relying on imports for food, the government relied on imports for 95% of all medicine and health equipment. In 2014, the government had to reduce imports by 60%, which sparked an extreme medicine and health equipment shortage throughout the country. Pharmacies in 2017 reported an 84% shortage of medicines that treat the four most common causes of death in the country: diarrhea, respiratory tract infections, high blood pressure, and diabetes. Further, doctors told the Office of the United Nations High Commissioner for Human Rights that patients are required to buy their own medical supplies for their treatment, including syringes, medical gloves, and medications¹⁹.

Even if an individual can afford medical treatment despite the hyper-inflated prices, only 7% of emergency rooms and 8% of operating rooms are currently functioning across the country. Given this lack of preventative medicine and treatment options, there have been numerous cases of previously-eradicated diseases, such as malaria and diphtheria. Another issue the healthcare system is facing is a lack of doctors and nurses. As many as 50% of doctors and 37% of nurses have left the country in search of livable wages and better working conditions²⁰.

The health crisis has disproportionately affected women and children. The maternal death rate rose 60% between 2012-2016, and infant mortality rates rose by 30%. Women no longer have reliable access to contraception, as pharmacies in 2017 reported a 90% shortage of birth control²¹. For these reasons, many pregnant women are choosing to flee to a neighboring country to give birth, so that they can deliver their baby in a hospital²². The economic, food, and healthcare crises are the most significant push-factors for Venezuelans.

3. Policy Analysis

Refugees are entering neighboring countries in a variety of ways. Some are applying for asylum, and some are choosing to apply for temporary protection visas that have been created specifically for Venezuelans. Others are choosing a clandestine approach, crossing illegally into neighboring countries because of systemic flaws within the asylum and visa processes. When refugees began flowing out of Venezuela, neighboring countries were initially welcoming, and opened their borders to help. Many countries even created special visas to allow Venezuelans temporary legal status. Out of these three legal statuses, asylum is the option that offers the most protections, and living undocumented offers the least. Although Latin America has the broadest definition of asylum in the world, most countries in this region have historically received very few requests for humanitarian protection, so their asylum systems are not well developed²³.

Despite having a seemingly comprehensive refugee regime, Latin America is seeing high numbers of Venezuelans entering host countries with irregular status. Allowing Venezuelans to remain undocumented, and not giving them an affordable and accessible avenue to secure legal status, is the option that provides the least protection to Venezuelans and is not a durable solution for the host countries themselves. In a 2018 statement, the Inter-American Commission on Human Rights expressed concern for Venezuelans living in these situations of irregularity, noting that this leaves them exposed to becoming victims of human trafficking, exploitation, survival sex, and other forms of slavery-like servitude²⁴. Criminalizing Venezuelans who are living without status fosters a culture of xenophobia and discrimination, which further exacerbates their vulnerability to victimization of such crimes (IACHR, 2018). Since living without legal status is such an unsustainable solution, it presents numerous issues to both the Venezuelans and

the countries hosting them. Living in a country without legal documentation, individuals are at constant risk of deportation. The Cartagena Declaration specifically reiterates the importance of non-refoulement, therefore granting protection to Venezuelans from involuntary repatriation²⁵. However, when Venezuelans are not provided legal status in the country they have fled to, they are criminalized and are automatically at a much higher risk of being sent back to Venezuela. The next sections of the paper will explore the legal avenues available to Venezuelans in Peru, Colombia, and Brazil. These specific countries were chosen because of their unique responses to the situation and the relatively high numbers of Venezuelans that have arrived in these countries.

3.1 Peru

According to UNHCR estimates, approximately 1,200 Venezuelans cross into Peru daily. In total, Peru is hosting around 600,000 Venezuelans, making it the second-largest hosting country after Colombia²⁶. It is the largest recipient of asylum seekers specifically, but there is a notable lack of people processing these asylum applications²⁷. The country has implemented creative solutions to the crisis, including the creation of the region's first temporary protection visa for Venezuelans, but it is struggling to maintain these solutions and cannot keep up with the numbers they are receiving. As the temporary protection visa is no longer offered and they continue to fall behind in processing asylum applications, more and more Venezuelans in Peru are left living without any legal status or protection.

In Peru, access to legal documentation has become significantly more challenging. As the situation in Venezuela shows no signs of improving, it is unlikely that migration flows out of Venezuela will decrease²⁸. As a result, more and more Venezuelans will likely be entering Peru via irregular migration²⁹. Without legal status, Venezuelans will not have access to work permits, healthcare, and other protections that are granted through the PTP and asylum³⁰. The next two sections will describe the legal paths available to Venezuelans entering Peru.

3.1.1 *asylum*

Peru has had its asylum legislation in place since 2003³¹. However, there are significant flaws in Peru's asylum processes. Beginning August 25th, 2018, Peru began requiring all Venezuelans entering the country to present a valid passport. This requirement was implemented because the number of Venezuelans entering the country had quadrupled since February 2018. Peruvian authorities stated that this would help them keep track of everyone entering the country for security reasons, since Venezuelan ID cards can be easily forged³².

The passport rule is a major issue for Venezuelans because the Venezuelan agency responsible for issuing passports, SAIME, has been in a state of bureaucratic delay for the past two years. This has resulted in Venezuelan citizens waiting approximately two years to get an appointment for a passport. A black market has emerged, made up of many SAIME officials, who will accept bribes to cut the line. This comes at a steep price. At the time of writing, minimum wage in Venezuela is equivalent to \$.50/month USD, and the price to cut the line for a passport is between \$800-\$1,000 USD. Therefore, a very few, elite number of people can afford to get a passport in a timely manner. A 2018 Human Rights Watch report strongly denounced Peru's passport requirement, stating that turning away asylum seekers purely on the basis of lacking certain forms of identification constitutes refoulement and therefore breaks international refugee law. After receiving legal backlash, the Foreign Minister of Peru announced that he would allow Venezuelans in with expired passports, and children and the elderly could enter without one at all³³.

Venezuelans without a passport can submit an asylum application at the border, which automatically qualifies them for work authorization. As a result, Peru's asylum system has become increasingly backlogged³⁴. Additionally, many Venezuelans have reported that they have been misinformed about their right to apply for asylum. Multiple interviews have demonstrated that Peruvian migration officers are telling Venezuelans they cannot apply for asylum and can only apply for the PTP, Peru's temporary residence permit for Venezuelans. Part of the reason behind this is because the staggering number of asylum applications has created enormous delays in processing, and because Peru does not want Venezuelans remaining in the country long-term³⁵. Of the 250,000 asylum applications in process, 150,000 of them are applications that have not yet been decided on, which leaves the applicants living in the country without any legal protections³⁶.

3.1.2 *Permiso Temporal de Permanencia (PTP) – Temporary Residency Permit*

The Permiso Temporal de Permanencia ('Temporary Residency Permit') is Peru's preferred alternative to asylum for Venezuelans entering the country. Peru was a regional pioneer in offering temporary residence visas to Venezuelan refugees³⁷. However, the Peruvian government stopped offering this visa on October 31st, 2018.

Peru's Ministry of the Interior and the National Office of Migration started offering PTPs on February 2nd, 2017. When it was implemented, the original deadline to obtain the visa was December 31st, 2018. However, as the numbers of Venezuelans continued to grow enormously, the government decided to move the deadline up to October 31st, 2018. In the few days leading up to the deadline, over 10,000 Venezuelans lined up to receive the permit in time³⁸. The visa validates the regular immigration status of the holder, and allows them to study, work, pay taxes, and access healthcare services³⁹. As soon as the applicant applies, they are immediately authorized to start working until they receive the physical card, for up to 60 days. It is valid for one year and can be renewed and extended indefinitely. Additionally, it provides the ability to apply for residency once the permit expires, making it a commendably durable policy for the recipients⁴⁰. As of October 2018, 175,000 Venezuelans received the PTP for one year, and 320,000 more applications were still processing⁴¹.

Peru has been highly praised for offering this alternative immigration status to Venezuelans. The High Commissioner of the UNHCR, Filippo Grandi, commended Peru in 2018 for generously opening its border to Venezuelans and creating a special status to regulate their entry and grant them access to social services. In a 2017 statement, the Inter-American Commission for Human Rights commended Peru's PTP program by calling it a "good practice in the region" and called on other countries in the Organization of American States to follow in their footsteps⁴².

3.2 Colombia

Colombia is hosting significantly more Venezuelans than any other South American country. As of December 2018, over 1.2 million Venezuelans were living in Colombia. While many Venezuelans in Colombia do have plans to continue on to other countries, 80% have reported that they intend to stay in Colombia permanently⁴³. Felipe Muñoz, advisor to President Iván Duque, stated in December 2018 that even if Venezuelans stopped entering Colombia tomorrow, it would take years for Colombia to recover from this migration influx. The government is predicting that the Venezuelan population in Colombia will double by the end of 2019, so Colombia is facing an imminent and dramatic increase in the coming months⁴⁴. The following paragraphs will outline the legal options that are available to Venezuelans entering Colombia, which include asylum, the Border Mobility Card and the Special Stay Permit.

3.2.1 *asylum*

When it was written, the 1984 Cartagena Declaration praised Colombia for having a "generous tradition" of asylum practices in its country. However, few Venezuelans are choosing to apply for asylum in Colombia and are instead opting for the alternative legal options outlined below. Between 2014-2017, only 500 asylum applications were filed in Colombia. This can be compared to 13,600 in Brazil and 6,000 in Peru within this same time frame⁴⁵.

A large factor as to why so few Venezuelans are opting to apply for asylum in Colombia is because they are not eligible to receive work authorization while their applications are being processed, which can take up to two years⁴⁶. This leaves them with no choice but to work in the informal sector, which is dangerous and leaves them vulnerable to exploitation⁴⁷. Many of the Venezuelans coming into Colombia are actually Colombians who fled to Venezuela during the Colombian Civil War and are now returning to their country of origin⁴⁸. The Civil War in Colombia lasted for decades and produced the displacement of over 7 million, resulting in many Colombians seeking asylum in neighboring countries. Around 400,000 of the Colombians who sought asylum in Venezuela are returning to their old territories in Colombia, which has begun to cause tensions in terms of land distribution and distribution of resources⁴⁹. As Colombia is still emerging from this war and engaging in peace talks of its own, it is struggling to also prioritize improving its asylum policies in the face of such a large influx⁵⁰. Colombia has now reportedly restricted nearly all access to asylum⁵¹.

3.2.2 *Tarjeta de Movilidad Fronteriza (TMF) – Border Mobility Card*

Many Venezuelans who come into Colombia are not staying permanently. In late 2016, the country introduced the Tarjeta de Movilidad Fronteriza ('Border Mobility Card'), which allows card holders to temporarily cross over the border⁵². The main reason to cross the border for a short period of time is to stock up on essential items like food and medicine that are unavailable in Venezuela⁵³. Venezuelans with the TMF often make multiple entries and exits throughout the day. In the first four months of 2018, there were approximately 7.3 million entries and 6.6 million exits using this card. There are seven approved border-crossing points where TMF holders can enter the country⁵⁴.

3.2.3 *Permiso Especial de Permanencia (PEP) – Special Stay Permit*

The PEP allows Venezuelans who have entered through one of the seven controlled migration posts and had their passports stamped to regularize their status in Colombia for up to two years. With this permit, Venezuelans are allowed to work, study, and receive social security benefits. According to Christian Krüger Sarmiento, the General Director of Colombian Migration, the PEP “is a part of the provisions taken by the national government to maintain and preserve internal and social order, avoid the exploitation of labor, to ensure respect for the human dignity of Venezuelans and guarantee national security”⁵⁵. He further states that Colombia recognizes that Venezuelans are not migrating for pleasure but out of necessity, and that the country is committed to allowing them to become productive members of Colombian society⁵⁶.

PEP was first implemented in October 2017, and it provides windows of time for Venezuelans to register. There have been three complete rounds of PEP, and the fourth round opened in December of 2018 and will remain open until April 2019. Already, as of January 2019, 119,000 Venezuelans have applied for this fourth round. In the third round, which lasted between August-December 2018, over 300,000 applicants had their status successfully regularized. Of the 1.2 million estimated Venezuelans living in Colombia, around 535,000 are living there with the PEP⁵⁷. Given the fact that the PEP is valid for two years, those who registered during the first round will expire in October 2019. According to Diego Chaves, former UN Liaison Officer and Senior Monitor, IOM in Colombia, the government is unclear about what the status will be of those with the PEP after it expires. There is no clear path to residency following the duration of the permit, so this is a challenge for the Colombian government on the near horizon⁵⁸. One of the greatest issues with the PEP is that it requires a passport in order to apply, unless the applicant pre-registered with the *Registro Administrativo de Migrantes Venezolanos* (RAMV), the Administrative Registry of Venezuelan Migrants, between April and July of 2018. In this time period, 440,000 irregular Venezuelans in Colombia had their status regularized with PEP⁵⁹.

3.3 Brazil

While fewer Venezuelans are entering Brazil compared with Peru and Colombia, the influx has completely overwhelmed the host state’s resources and provoked violent xenophobic sentiments from the Brazilian population. This is further aggravated by Brazil’s securitized response to the situation, which exacerbates tensions between the locals and the refugees. Brazilians view Venezuelans, particularly undocumented Venezuelans, as a threat to their economic and national security, which is reflected in their military response to this humanitarian crisis. Although Brazil has commendably provided 10 shelters to Venezuelans and facilities at the border that allow incoming migrants to apply for asylum or a temporary residency permit, it is the Brazilian army who is facilitating and overseeing this. The shelters provide healthcare and housing for about 4,000 Venezuelans, regardless of whether they possess legal status in the country⁶⁰.

The army oversees all distribution of aid and services, and they heavily patrol the shelters. There have been multiple reports of army personnel directing discriminatory language and abuse towards the Venezuelans, which is not addressed due to a lack of accountability. As noted above, they rarely intervene in incidences of civilian violence towards Venezuelans. In an August 2018 incident, Brazilians violently attacked dozens of Venezuelans who were living on the street and burned their personal belongings. This attack followed an anti-immigration protest in Roraima. As a result, around 1,200 Venezuelan asylum seekers decided to return to Venezuela. Brazilian authorities did not intervene or arrest anybody involved in the attacks⁶¹. The result of this securitized response is that Brazil has conceptualized all Venezuelan refugees as criminals, whether they have a regular or irregular status or not, which is leading to high rates of hate crimes by Brazilians against Venezuelans, particularly those living in shelters and on the streets⁶².

3.3.1 *asylum*

Most Venezuelans entering Brazil are crossing directly into the Roraima state, resulting in this region experiencing a very large influx of Venezuelans in a very concentrated area. In the state capital Boa Vista, Venezuelans now make up 23% of the population⁶³. As of November 2018, 150,000 Venezuelans have crossed into Roraima, and 65,000 of them have requested asylum⁶⁴. Asylum is a popular option compared to other legal avenues in Brazil it allows asylum seekers to remain in the country while their applications are being processed⁶⁵. Work permits are granted automatically after applying, which also makes it a desirable choice⁶⁶.

Roraima is experiencing a severe strain of its resources for public services, which is calling into question the sustainability of its procedures and policies for asylum seekers⁶⁷. Venezuelans have access to healthcare and the public-school systems. Since Venezuelans are concentrated into a relatively small geographic area compared to the rest of the country, they have saturated the public services available, which already lack funding⁶⁸. To fix this issue, the Brazilian government in 2018 has attempted to implement a process called “interiorization,” which would relocate the migrants throughout the country so that they are spread out and not all concentrated. This would alleviate much of the strain that Roraima is currently experiencing. However, the language barrier that exists between Venezuelans and Brazilians makes Venezuelans less desirable for Brazilian employers⁶⁹. Local authorities around the country do not want Venezuelans resettled in their states for various reasons, so this process has not yet produced significant results⁷⁰. As of September 2018, only 850 Venezuelans had been resettled throughout the country⁷¹, which is a meager number considering approximately 900 Venezuelans are crossing into Brazil daily⁷².

3.3.2 temporary residency

In a highly-praised response, Brazil passed a law in March 2017 that provides a streamlined process to apply for temporary residency. The Brazilian government has set up checkpoints at the border where incoming Venezuelans can choose to apply for this temporary residency, making it incredibly easy and accessible to apply for⁷³. While this law is not exclusively for Venezuelan migrants, it was designed with Venezuelans in mind. It is a two-year residency permit that provides work authorization, and only a national ID card (not a passport) is required to apply. This law repealed the Alien Statue, which viewed immigrants as a threat to the nation and provided strict immigration policies under the guise of national security. Instead, this new law focuses on immigrant rights, granting them easier access to legal documentation to live and work in the country and special protection from forced repatriation⁷⁴. Brazil has been internationally applauded for adopting this comprehensive legislation⁷⁵. However, it is important to note that the President-elect, Jair Bolsonaro, is promising to close the border with Venezuela and change the nation’s immigration policies to revert to a “national-security” focus, so this new law is likely in jeopardy⁷⁶.

4. Conclusion

In the face of the largest humanitarian crisis that Latin America has seen in decades, it is absolutely critical that Latin American countries accept a shared responsibility for the Venezuelans fleeing their country. Overall, Peru, Colombia, and Brazil have demonstrated a commitment to the progressive immigration principles of the 1984 Cartagena Declaration, although the increasing strain of the influx has put this commitment in question. The best thing that host countries can do is to provide Venezuelans with durable, accessible avenues of resettlement. This will benefit the Venezuelans as well as the host countries themselves. The world is watching how Latin America responds to this crisis, and this is their opportunity to demonstrate that progressive, human-rights focused immigration policies are more sustainable than isolationist policies favored by the global north.

5. Acknowledgements

The author would like to thank Dr. Daniel Beers for his continuous support and assistance throughout all stages of the writing process of this paper, as well as James Madison University for the funding to attend NCUR 2019.

6. Notes

1 United Nations High Commissioner of Refugees, “Venezuela Situation,” May 2018, 1.

2 Luisa Feline Freier and Nicolas Parent, “A South American Migration Crisis: Venezuelan Outflows Test Neighbors’ Hospitality,” Migration Policy Institute (July 18, 2018), <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>

3 Ibid.

-
- 4 David James Cantor, Luisa Feline Freier and Jean-Pierre Gauci, “Introduction: A paradigm shift in Latin American immigration and asylum law and policy?” in *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America* (Brookings Institute Press, 2015), 4.
- 5 Nicolas Parent, “Falling short of protection: Peru’s new migration scheme for Venezuelans,” *Forced Migration Review* 56 (October 2017): 41.
- 6 Ibid.
- 7 Human Rights Watch, “The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis,” September 3, 2018, <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>
- 8 Colloquium on the International Protection of Refugees in Central America, Mexico and Panama, “Cartagena Declaration,” November 1984, 36.
- 9 Freier and Parent, “A South American Migration Crisis,” 2018.
- 10 Marissa Esthimer, “Protecting the Forcibly Displaced: Latin America’s Evolving Refugee and Asylum Framework,” Migration Policy Institute (January 14, 2016), <https://www.migrationpolicy.org/article/protecting-forcibly-displaced-latin-america%E2%80%99s-evolving-refugee-and-asylum-framework>
- 11 Feline Freier, “How Latin America is Responding to the Venezuelan Exodus,” Migration Policy Institute (December 5, 2018).
- 12 Esthimer, “Protecting the Forcibly Displaced,” 2016.
- 13 Danielle Renwick, “Venezuela in Crisis,” Council on Foreign Relations, March 23, 2018, <https://www.cfr.org/backgrounder/venezuela-crisis>
- 14 Office of the United Nations High Commissioner for Human Rights (OHCHR), “Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight,” United Nations (June 2018) 3.
- 15 R. Evan Ellis, “The Collapse of Venezuela and Its Impact on the Region,” *Military Review* (July-August 2017): 23, <http://www.addisonlibrary.org/sites/default/files/The%20Collapse%20of%20Venezuela.pdf>
- 16 Renwick, “Venezuela in Crisis, 2018.
- 17 OHCHR, “Human Rights Violations in the Bolivarian Republic of Venezuela,” 2018.
- 18 Renwick, “Venezuela in Crisis, 2018.
- 19 OHCHR, “Human Rights Violations in the Bolivarian Republic of Venezuela,” 2018.
- 20 Ibid.
- 21 Ibid.
- 22 Inter-American Commission on Human Rights, “Democratic institutions, the rule of law and human rights in Venezuela,” Organization of American States (December 31, 2017) 231.
- 23 Andrew Selee, Jessica Bolter, Betilde Muñoz-Pogossian, and Miryam Hazán, “Creativity Amid Crisis: Legal Pathways for Venezuelan Migrants in Latin America,” Migration Policy Institute (January 2019), <https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america>
- 24 UNHCR, “Venezuela Situation,” 2018.
- 25 Colloquium on the International Protection of Refugees, “Cartagena Declaration,” 1984.
- 26 Marta Martinez, “Temporary Residency Permits a Lifeline for Venezuelans in Peru,” *UNHCR*, October 12, 2018, <https://www.unhcr.org/en-us/news/latest/2018/10/5bc0e3af4/temporary-residency-permits-lifeline-venezuelans-peru.html>
- 27 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 28 Geoff Ramsey and Gimena Sánchez-Garzoli, “Responding to an Exodus: Venezuela’s Migration and Refugee Crisis as Seen From the Colombian and Brazilian Borders,” *Washington Office on Latin America* (July 2018), <https://www.wola.org/wp-content/uploads/2018/07/Final-VZ-Migration-Report-Final.pdf>
- 29 Inter-American Commission on Human Rights, “Resolution 2/18: Forced Migration of Venezuelans,” Organization of American States (March 2018).
- 30 UNHCR, “Venezuela Situation,” 2018.
- 31 Parent, “Falling Short of Protection,” *FMR*, 2017.
- 32 Reuters, “Hundreds of Venezuelan Migrants Enter Peru Despite Passport Rule,” August 25, 2018, <https://www.reuters.com/article/us-venezuela-migration-peru/hundreds-of-venezuelan-migrants-enter-peru-despite-passport-rule-idUSKCN1LA0RR>
- 33 Human Rights Watch, “The Venezuelan Exodus,” 2018.
- 34 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 35 UNHCR, “Venezuela Situation,” 2018.
- 36 Freier, “How Latin America is Responding to the Venezuelan Exodus,” Migration Policy Institute, 2018.

-
- 37 Marco Aquino, “Thousands of Venezuelans Head to Peru to Beat Residency Deadline,” *US News and World Reports*, October 30, 2018, <https://www.usnews.com/news/world/articles/2018-10-30/thousands-of-venezuelans-head-to-peru-to-beat-residency-deadline>
- 38 Ibid.
- 39 IACHR, “Democratic Institutions,” Organization of American States, 2017.
- 40 Freier, “Latin America Responding to Exodus,” Migration Policy Institute, 2018.
- 41 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 42 IACHR, “Democratic Institutions,” Organization of American States, 2017.
- 43 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 44 Ibid.
- 45 Jessica Bolter, “In Latin America, Spike in Migrant Arrivals Prompts Flurry of Responses,” Migration Policy Institute (December 7, 2017), <https://www.migrationpolicy.org/article/top-10-2017-issue-10-latin-america-spike-migrant-arrivals-prompts-flurry-responses>
- 46 Cindy Huang and Kate Gough, “The Venezuelan Migrant Crisis: Forging a Model for Regional Response,” Center for Global Development (August 6, 2018), <https://www.cgdev.org/publication/venezuelan-migrant-crisis-forging-model-regional-response>
- 47 UNHCR, “Venezuela Situation,” 2018.
- 48 Ellis, “Collapse of Venezuela,” *Military Review*, 2017.
- 49 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 50 Dayra Carvajal, “As Colombia Emerges from Decades of War, Migration Challenges Mount,” Migration Policy Institute (April 13, 2017), <https://www.migrationpolicy.org/article/colombia-emerges-decades-war-migration-challenges-mount>
- 51 Center for Migration Studies, “Venezuela in Crisis: The Plight of Venezuelan Refugees,” August 14, 2018, <http://cmsny.org/venezuela-in-crisis/>
- 52 Ramsey and Sánchez-Garzoli, “Responding to an Exodus,” Washington Office on Latin America, 2018.
- 53 Bolter, “Spike in Migrant Arrivals,” Migration Policy Institute, 2017.
- 54 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019.
- 55 “Se Amplio Plazo Para Que los Venezolanos Registrados en el RAMV Saquen su PEP,” Migracion, Ministerio de Relaciones Exteriores, April 4, 2018, <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/diciembre-2018/9039-se-amplia-plazo-para-que-los-venezolanos-registrados-en-el-ramv-saquen-su-pep?highlight=WyJwZXAiXO==>
- 56 Ibid.
- 57 Selee et al., “Creativity Amid Crisis,” Migration Policy Institute, 2019
- 58 Ibid.
- 59 “Se Amplio Plazo,” Ministerio de Relaciones Exteriores, 2018.
- 60 Human Rights Watch, “The Venezuelan Exodus,” 2018.
- 61 Human Rights Watch, “The Venezuelan Exodus,” 2018.
- 62 Ramsey and Sánchez-Garzoli, “Responding to an Exodus,” Washington Office on Latin America, 2018.
- 63 Huang and Gough, “The Venezuelan Migrant Crisis,” Center for Global Development, 2018.
- 64 Miguel Pachioni and Victoria Huguency, “Venezuelan Asylum-Seekers Strengthen Brazilian Workforce,” UNHCR (November 16, 2018), <https://www.unhcr.org/en-us/news/stories/2018/11/5beeb664/venezuelan-asylum-seekers-strengthen-brazils-workforce.html>
- 65 Helisane Mahlke, Nicolas Parent, and Lilian Yamamoto, “How Latin America is Responding to Venezuelan Refugees,” *News Deeply*, November 28, 2017, <https://www.newsdeeply.com/refugees/community/2017/11/28/how-latin-america-is-responding-to-venezuelan-refugees>
- 66 Ramsey and Sánchez-Garzoli, “Responding to an Exodus,” Washington Office on Latin America, 2018.
- 67 Benjamin N. Gedan, “Venezuelan Migration: Is the Western Hemisphere Prepared for a Refugee Crisis?” *SAIS Review of International Affairs* 37, no. 2 (Summer-Fall 2017): <https://doi.org/10.1353/sais.2017.0027>
- 68 Ramsey and Sánchez-Garzoli, “Responding to an Exodus,” Washington Office on Latin America, 2018.
- 69 Moises Rendon, Sarah Baumunk, and Michael A. Matera, “The Venezuelan Refugee Crisis: The View from Brazil,” Center for Strategic and International Studies (May 18, 2018), <https://www.csis.org/>
- 70 Ramsey and Sánchez-Garzoli, “Responding to an Exodus,” Washington Office on Latin America, 2018.
- 71 Human Rights Watch, “The Venezuelan Exodus,” 2018.
- 72 Elizabeth Gonzalez, “Brazil Election: Where Jair Bolsonaro and Fernando Haddad Stand on Foreign Policy,” Americas Society/Council on the Americas (October 18, 2018), <https://www.as-coa.org/articles/brazil-election-where-jair-bolsonaro-and-fernando-haddad-stand-foreign-policy>

73 Ramsey and Sánchez-Garzoli, "Responding to an Exodus," Washington Office on Latin America, 2018.

74 Eduardo Soares, "Brazil: New Immigration Law Enacted," Library of Congress (June 8, 2017), <http://www.loc.gov/law/foreign-news/article/brazil-new-immigration-law-enacted/>

75 Center for Migration Studies, "Venezuela in Crisis," 2018.

76 Gonzalez, "Brazil Election," Americas Society/Council on the Americas, 2018.

7. Bibliography

1. Aquino, Marco. "Thousands of Venezuelans Head to Peru to Beat Residency Deadline." *US News and World Reports* (Lima, Peru), October 30, 2018. <https://www.usnews.com/news/world/articles/2018-10-30/thousands-of-venezuelans-head-to-peru-to-beat-residency-deadline>.

3. Bolter, Jessica. *In Latin America, Spike in Migrant Arrivals Prompts Flurry of Responses*. December 7, 2017. <https://www.migrationpolicy.org/article/top-10-2017-issue-10-latin-america-spike-migrant-arrivals-prompts-flurry-responses>.

4. Cantor, David James, Luisa Feline Freier, and Jean-Pierre Gauci. "Introduction: A paradigm shift in Latin American Immigration and Asylum Law and Policy?" Introduction to *A Liberal Tide? Immigration and Asylum Law and Policy in Latin America*, 1-10. London, UK: Institute of Latin American Studies, 2015.

5. Carvajal, Dayra. *As Colombia Emerges from Decades of War, Migration Challenges Mount*. April 13, 2017. <https://www.migrationpolicy.org/article/colombia-emerges-decades-war-migration-challenges-mount>.

6. Ellis, R. Evan. *The Collapse of Venezuela and Its Impact on the Region*. August 2017. <http://www.addisonlibrary.org/sites/default/files/The%20Collapse%20of%20Venezuela.pdf>.

7. Esthimer, Mariss. *Protecting the Forcibly Displaced: Latin America's Evolving Refugee and Asylum Framework*. January 14, 2016. <https://www.migrationpolicy.org/article/protecting-forcibly-displaced-latin-america%E2%80%99s-evolving-refugee-and-asylum-framework>.

8. Freier, Feline, Francisco Carrión Mena, Frieda Roxana Del Águila Tuesta, Felipe Muñoz, and Andrew Selee. "How Latin America is responding to the Venezuelan exodus." Speech, Migration Policy Institute, December 5, 2018.

9. Freier, Feline, and Nicolas Parent. *A South American Migration Crisis: Venezuelan Outflows Test Neighbors' Hospitality*. July 18, 2018. <https://www.migrationpolicy.org/article/south-american-migration-crisis-venezuelan-outflows-test-neighbors-hospitality>.

10. Gedan, Benjamin N. "Venezuelan Migration: Is the Western Hemisphere Prepared for a Refugee Crisis?" *SAIS Review of International Affairs* 37, no. 2 (Summer/Fall 2017): 57-64. <https://doi.org/10.1353/sais.2017.0027>.

11. Gonzalez, Elizabeth. *Brazil Election: Where Jair Bolsonaro and Fernando Haddad Stand on Foreign Policy*. October 18, 2018. <https://www.as-coa.org/articles/brazil-election-where-jair-bolsonaro-and-fernando-haddad-stand-foreign-policy>.

12. Huang, Cindy, and Kate Gough. *The Venezuelan Migrant Crisis: Forging a Model for Regional Response*. August 6, 2018. <https://www.cgdev.org/publication/venezuelan-migrant-crisis-forging-model-regional-response>.

13. Human Rights Watch. *The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis*. September 3, 2018. <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

14. "Hundreds of Venezuelan Migrants Enter Peru Despite Passport Rule." *Reuters*, August 25, 2018. <https://www.reuters.com/article/us-venezuela-migration-peru/hundreds-of-venezuelan-migrants-enter-peru-despite-passport-rule-idUSKCN1LA0RR>.

15. Inter-American Commission on Human Rights. *Democratic Institutions, the Rule of Law and Human Rights in Venezuela*. December 31, 2017. <http://www.oas.org/en/iachr/reports/pdfs/Venezuela2018-en.pdf>.

16. *Resolution 2/18: Forced Migration of Venezuelans*. March 2, 2018. <https://www.oas.org/en/iachr/decisions/pdf/Resolution-2-18-en.pdf>.

17. Lodoño, Ernesto. "'Their Country Is Being Invaded': Exodus of Venezuelans Overwhelms Northern Brazil." *New York Times* (Pacaraima, Brazil), April 28, 2018. <https://www.nytimes.com/2018/04/28/world/americas/venezuela-brazil-migrants.html>.

18. Mahlke, Helisane, Nicolas Parent, and Lilian Yamamoto. "How Latin America Is Responding to Venezuelan Refugees." *News Deeply*, November 28, 2018. <https://www.newsdeeply.com/refugees/community/2017/11/28/how-latin-america-is-responding-to-venezuelan-refugees>.

-
19. Martinez, Marta. *Temporary Residency Permits a Lifeline for Venezuelans in Peru*. October 12, 2018. <https://www.unhcr.org/en-us/news/latest/2018/10/5bc0e3af4/temporary-residency-permits-lifeline-venezuelans-peru.html>.
 20. Migracion, Ministerio de Relaciones Exteriores. "Se Amplio Plazo Para Que los Venezolanos Registrados en el RAMV Saquen su PEP." Last modified April 12, 2018. <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/diciembre-2018/9039-se-amplia-plazo-para-que-los-venezolanos-registrados-en-el-ramv-saquen-su-pep?highlight=WyJwZXAiXQ==>.
 21. Office of the United Nations High Commissioner for Human Rights. *Human Rights Violations in the Bolivarian Republic of Venezuela: A Downward Spiral with No End in Sight*. June 2018. https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf.
 22. Pachioni, Miguel, and Victoria Huguency. *Venezuelan Asylum-Seekers Strengthen Brazil's Workforce*. November 16, 2018. <https://www.unhcr.org/en-us/news/stories/2018/11/5beeb664/venezuelan-asylum-seekers-strengthen-brazils-workforce.html>.
 23. Parent, Nicolas. "Falling short of protection: Peru's new migration scheme for Venezuelans." *Forced Migration Review* 56 (October 2017): 40-41. <https://www.fmreview.org/latinamerica-caribbean/parent>.
 24. Ramsey, Geoff, and Gimena Sánchez-Garzoli. *Responding to an Exodus: Venezuela's Migration and Refugee Crisis as Seen From the Colombian and Brazilian Borders*. July 2018. <https://www.wola.org/wp-content/uploads/2018/07/Final-VZ-Migration-Report-Final.pdf>.
 25. Rendon, Moises, Sarah Baumunk, and Michael A. Matera. *The Venezuelan Refugee Crisis: The View from Brazil*. May 18, 2018. <https://www.csis.org/analysis/venezuelan-refugee-crisis-view-brazil>.
 26. Renwick, Danielle. *Venezuela in Crisis*. Accessed March 23, 2018. <https://www.cfr.org/background/venezuela-crisis>.
 27. Selee, Andrew, Jessica Bolter, Betilde Muñoz-Pogossian, and Miryam Hazán. *Creativity amid Crisis: Legal Pathways for Venezuelan Migrants in Latin America*. January 2019. <https://www.migrationpolicy.org/research/legal-pathways-venezuelan-migrants-latin-america>.
 28. Soares, Eduardo. "Brazil: New Immigration Law Enacted." Library of Congress. Last modified June 8, 2017. <http://www.loc.gov/law/foreign-news/article/brazil-new-immigration-law-enacted/>.
 29. United Nations High Commissioner of Refugees. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*. <https://www.unhcr.org/en-us/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>.
 30. "Venezuela Situation." News release. May 2018. <https://data2.unhcr.org/en/documents/download/64100>.