Why Regional Solidarity Is Not Enough: The Need for a Sustainable Solution to the Venezuelan Refugee Exodus

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Abstract
The Venezuelan refugee crisis has impacted the majority of countries in Latin America. There have been attempts at having a unified and sustainable regional response, but the outcomes have been deficient. Further, the policies and strategies implemented thus far have focused on the short-term results. Accordingly, this paper will explore the regional responses that have been proposed and analyze the challenges of having a robust long-term response. Based on the shortcomings of the response, this paper will conclude with the recommendation of applying the Cartagena Declaration. It is crucial for current regional leaders to continue advocating for Venezuelan refugees' needs and rights, as well as call upon other states to do the same.

Keywords: Venezuela, Refugees crisis, Latin America, Regional Response
Introduction

The Venezuelan socioeconomic and political crisis has produced an exodus of 4.5 million refugees throughout the world.\(^1\) The number of emigrants is expected to keep rising and could potentially reach between 7.5 and 8.2 million by the end of 2020.\(^2\) This incredibly alarming humanitarian crisis has drawn international attention. International organizations such as the UN High Commissioner for Refugees (UNHCR), International Organization for Migration (IOM), and the Organization for American States (OAS), as well as individual countries have all been trying to grapple with this alarming issue. Nearly 80% of the displaced are migrating to other Latin American countries and therefore a consolidated and efficient regional response is necessary.\(^3\) Latin American host countries must deal with this issue in a way that prioritizes the human rights of the displaced Venezuelans and implements sustainable strategies for the regularization of said immigrants’ status.

This paper will address the regional responses that have been proposed to this date and analyze the challenges of having a robust and long-term response. While some coalitions formed by certain Latin American countries have emerged, responses have somewhat varied and have mostly been short-term policies. It is crucial for current regional leaders to continue advocating for Venezuelan refugees’ needs and rights, as well as call upon other states to do the same. The paper will conclude with the recommendation of applying the Cartagena Declaration in response to the Venezuelan migration in order to have a human rights-centered approach and regional character.

Background and Context

Venezuela’s economy in the 20th century was very stable compared to present-day.\(^4\) Blessed with the largest oil reserves in the world, Venezuela was booming not just economically with billions of dollars in revenue, but also socially, with little political unrest and high social cohesion. The country was known for taking in migrants from poorer neighboring countries and providing its inhabitants with social programmes and food subsidies.\(^5\) However, an economy based solely on oil is not sustainable. The price of oil fell in 2014, and along with it, government programmes and subsidies also collapsed.\(^6\) President Nicolás Maduro was unable to respond effectively to the high rates of inflation and shortages of goods. As a consequence, political

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2 OAS, Working Group to Address the Regional Crisis Caused by Venezuelan Migrant and Refugee Flows.
3 Ibid.
5 Al Jazeera. “Venezuela's Worst Economic Crisis: What Went Wrong?”
6 Ibid.
protests ensued and the Maduro administration responded with widespread repression. Today, Venezuela’s economy has completely crumbled, with an inflation rate of 481% and an unemployment rate of 17% (figures of 2017). Moreover, since the government is in control of goods and their market prices (i.e., food and medicine), those costs are incredibly high and inaccessible to the vast majority of the population. Thus, it is no surprise that millions of Venezuelans are fleeing the country.

As a result of the alarming political and public health situation within the country, Venezuelans have also been leaving the country in significant numbers. As of November 2019, 4.6 million people (12% of the country’s total population) had already left the country and according to a report by the Council on Foreign Relations, this number could reach 5.3 million by the end of the year. While migrants have fled mostly to four nearby countries (Colombia, Peru, Chile and Ecuador), the majority of Latin America has been impacted by the influx of Venezuelan refugees in one way or another. The regional response has, unfortunately, varied. As the UN reported, there are “some countries offering more protections to these refugees than others.”

Regional Response

While there has been a substantial international response from outside of Latin America, including several international agencies (UNHCR, Refugees International, etc.), this paper will focus specifically on Latin American responses. Given that the majority of refugees stay in the region, it is crucial that a more homogeneous regional strategy is adopted in order to reach better, more efficient outcomes. The Quito Process and Declaration, discussed below, has created a more unified response from the region. Nonetheless, more work must be done by the host countries to implement a coordinated action plan.

One of the main reasons why regional responses have varied is because of what the UN, and in general, international human rights law, considers a refugee to be. Based on the 1951 Refugee Convention, a refugee is “someone with a well-founded fear of persecution for reasons of race, religion, nationality, membership in a social group or political opinion.” While some fleeing Venezuelans do fit that category because of political repression, the majority of the migrants are not protected in that category. However, this serious humanitarian, economic, and political crisis

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8 Al Jazeera. “Venezuela’s Worst Economic Crisis: What Went Wrong?”
10 Ibid
11 Goldberg, Mark Leon. “Venezuela Is a Refugee Crisis.” UN Dispatch.
12 International Migration Organization, “Migration Trends in the Americas.”
14 UN General Assembly, Convention Relating to the Status of Refugees.
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has made the UNHCR call on the international community, especially Latin American countries, to recognize this “mixed flow of migrants and asylum-seekers” as refugees. The Cartagena Declaration of 1984, which most Latin American countries have signed, has a wider criteria. This Declaration defines refugees as people “who have fled their country because their lives, security 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.” Utilizing this definition could offer broader international protection for Venezuelan migrants.

In the following paragraphs, this paper will provide an overview of the responses of individual countries that have received the most Venezuelan migrants.

Colombia

Colombia has received the most Venezuelan refugees, at around 1.4 million. The country has provided several pathways for the migrants to access work permits, public services, and other forms of protection. In July 2017, Colombia implemented a Special Stay Permit (PEP) in order to regularize Venezuelan citizens’ status, which now covers almost 600,000 Venezuelans. Nevertheless, due to an increasing influx of refugees, the government has been struggling to keep up with demands.

Peru

Similar to Colombia, in January 2017 Peru established a Temporary Stay Permit (PTP) for Venezuelan refugees. As of mid-2019, almost 350,000 PTPs had been authorized (out of roughly 807,000 refugees accepted) with nearly 150,000 pending to be processed.

Despite this assistance, the Peruvian government has begun requesting Venezuelans to possess a Humanitarian Visa in order to enter the country. Considering that this visa can only be obtained in the two existing Peruvian consulates in Venezuela for “exceptional reasons,” it is difficult for Venezuelans to apply for the visa. The effects of this measure were significant for two reasons: (1) the decision caused a large rush of people toward the Peruvian border, so that they could enter the country before its implementation, and (2) there was a domino effect– other countries in the region began implementing similar restrictive immigration measures.

16 Regional Refugee Instruments & Related, Cartagena Declaration on Refugees.
17 International Migration Organization, “Migration Trends in the Americas.”
18 “Portal Operacional.” Situación Respuesta a Los Venezolanos, UNHCR.
19 International Migration Organization, “Migration Trends in the Americas.”
21 Ibid.
Chile

Hosting now 300,000 Venezuelans, Chile has been granting residence permits since 2015, as well as Temporary Visas in the following categories: “work contract”, “study”, or “temporary.” In 2018, the country instituted a Democratic Responsibility Visa, which, like in the case of Peru, asked Venezuelans to apply in Chilean consulates, making the process fairly stringent for refugees. This visa requires a valid passport, a background check on criminal records, and a birth certificate. For the majority of people, obtaining these administrative documents is incredibly difficult since they face the challenge of a government that does not want its citizens to leave, and furthermore, they may not have the financial resources to do so.

Ecuador

Ecuador has also been a major destination for Venezuelans in the region, hosting 330,000 refugees. The country has granted residency through “regular channels as well as migration agreements.” As was the case in Peru, the Ecuadorian government is now also requiring visas for Venezuelans to enter the country, called the Temporary Visa for Humanitarian Exception. The visa requirements are also quite strict, demanding that Venezuelans have a passport and certificate of criminal records, and ordering that the application is processed in Ecuadorian consulates in three Venezuelan cities. As expected, a staggering 11,000 refugees attempted to enter Ecuador during the weekend before the measure came into force.

Quito Process and Declaration

With the leadership of Ecuador, in September of 2018, eleven countries of the Latin American region (Argentina, Brazil, Ecuador, Costa Rica, Colombia, Chile, Mexico, Panama, Paraguay, Peru, and Uruguay) met in Ecuador’s Capital, Quito, to discuss best practices regarding the Venezuelan refugee crisis. This 2-day forum is incredibly important for several reasons, but especially because the event demonstrates that states recognise the existence of a regional issue that requires regional solutions.

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22 International Migration Organization, “Migration Trends in the Americas.”
24 OAS, Working Group to Address the Regional Crisis Caused by Venezuelan Migrant and Refugee Flows.
26 Ibid.
27 Ibid.
28 Ibid.
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The Quito Process was designed to address the issue specifically from a humanitarian angle rather than a political approach.\textsuperscript{30} The Process expected countries to assume “among others, the commitment to seek migratory pathways; combat human trafficking, discrimination and xenophobia; and develop access to procedures for the determination of refugees in favor of the Venezuelan people.”\textsuperscript{31} With several recommendations, the Quito Process provided an initial method for the participating countries to pledge their commitment to this collective guide in order to respond to Venezuelan displacement “in a way that promotes human rights, humanitarian principles, cooperation, security, and dignity for all.”\textsuperscript{32} The first meeting back in September 2018 produced the Quito Declaration which included guiding principles that unified responses.\textsuperscript{33}

The Quito Process has had five meetings to this date, with the most recent meeting in November 2019. The Declaration that emerged is viewed as more of a guide with recommendations rather than a strategy, thus, it is still necessary for the countries to develop a comprehensive action plan. The ongoing meetings have aimed to do just that, but it has proved to be harder than expected.\textsuperscript{34} What has happened, instead, has been the implementation of limited and temporary policies. However, this is unsurprising considering that the Quito Process only commenced once the refugee crisis had reached a point that was unmanageable, which is why only temporary measures continue to be administered.

Limitations of a Regional Response

While the majority of countries participating in the Quito Process have demonstrated adequate leadership, there are still significant limitations to creating a solid and coherent action plan. As is the case in many countries trying to cope with refugees and asylum seekers, many South American countries find it difficult to manage the huge influx of refugees into their countries due to limited resources.

Firstly, the administrative process of granting a visa or temporary protection status is quite a laborious task, especially when there are hundreds of thousands of applications. Several countries such as Colombia and Peru have had to establish new intake systems to adequately address the rising number of Venezuelans. Thus, in order for governments that have never hosted such a large number of immigrants to develop a sustainable asylum-seeking process, their

\textsuperscript{30}Ibid.  
\textsuperscript{31}Smilde, David, and Dimitris Pantoulas. “Venezuela Weekly: As Migration Surges, Regional Commitment Is Tested.” Venezuela Blog.  
\textsuperscript{33}“Declaration of Quito: On Human Mobility of Venezuelan Citizens in the Region,” Opened for signature September, 2018.  
\textsuperscript{34}Martinez-Gugerli, Kristen. “Region Seeks to Forge a Coordinated Solution to Venezuela’s Forced-Migration Crisis: V Quito Meeting.” Venezuela Blog.
institutional and administrative capacity must improve.\textsuperscript{35} With a more effective asylum system, refugees would be able to obtain a regularized legal status rather than a temporary pass in the receiving country.\textsuperscript{36} Therefore, this must be the first issue that Latin American states should tackle for Venezuelan refugees to have adequate legal protection. However, even if some domestic funds were allocated for this, there would still need to be some financial assistance provided by international organizations, such as the UNHCR.

Secondly, refugee-receiving countries may be constrained in their ability to provide resources such as shelter, food, medical care, education, and employment to a substantial number of people. The strain placed on these countries’ resources is visible in the health and education systems.\textsuperscript{37} Because of Venezuela’s food and medical supply shortage, many of the refugees are arriving to host countries malnourished with untreated illnesses or diseases.\textsuperscript{38} Additionally, many children and adolescents must be put in schools. As mentioned above, this hindrance could also be mitigated with financial assistance and/or humanitarian aid. The UNHCR developed a regional response plan in 2018 that intended to provide financial assistance to countries receiving the most Venezuelans, yet half of its budget remains unmet due to low support. Unfortunately, this lack of international support for the region, having to respond to the situation with their own resources.\textsuperscript{39}

Finally, and perhaps most importantly, host countries in the region have their own domestic concerns. For instance, Colombia (the country receiving the most Venezuelan refugees) is trying to address its own internally displaced persons due to its ongoing civil conflict.\textsuperscript{40} Meanwhile, the political situation in Chile has been escalating and Ecuador’s austerity measures are putting even more constraints on resources, both for Ecuadorians themselves and Venezuelan refugees.\textsuperscript{41} The list, unfortunately, goes on. Latin America has faced development as well as transitional justice issues and it is clear that domestic challenges are a barrier to a holistic regional response. Nonetheless, the actions taken thus far have been quite commendable and there has been a sense of solidarity and support emanating from Latin American countries. However, the coordination and response strategies must improve and, most urgently, the rights of Venezuelan refugees must not be dismissed.

\textsuperscript{35} Ibid.  
\textsuperscript{36} Ibid.  
\textsuperscript{37} Van Praag, Oriana. “Understanding the Venezuelan Refugee Crisis.” Wilson Center.  
\textsuperscript{38} OAS, Working Group to Address the Regional Crisis Caused by Venezuelan Migrant and Refugee Flows.  
\textsuperscript{39} Martínez-Gugerli, Kristen. “Region Seeks to Forge a Coordinated Solution to Venezuela’s Forced-Migration Crisis: V Quito Meeting.” Venezuela Blog.  
\textsuperscript{40} Miller, Sarah, and Daphne Panayotatos. “Quito III: What Regional Governments Must Do to Help Displaced Venezuelans.” Refugees International.  
\textsuperscript{41} Ibid.
A Call for Action

The most urgent change needed at this time is for receiving countries to categorize Venezuelan migrants as refugees based on the Cartagena Declaration definition. The impact of this would be monumental. A region-wide invocation of the Declaration would provide a unified framework that protects Venezuelan refugees and could set up programs that meet their needs.\(^{42}\) The Cartagena Declaration definition expands the 1951 Geneva Convention Relating to the Status of Refugees to include “generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order,” as factors to qualify a person as a refugee, which applies to fleeing Venezuelans.\(^{43}\) Whilst the Cartagena Declaration is not mentioned anywhere in the Quito Declaration,\(^{44}\) invoking the Cartagena Declaration would provide a framework and more structure for countries in the region to address the crisis in a homogeneous and sustainable way. Whereas the Cartagena Declaration is not a legally binding instrument, recognizing fleeing Venezuelans as refugees would pressure governments to implement adequate asylum processes and provide protections for refugees.

The only country in the region to have invoked the Cartagena Declaration to consider Venezuelan asylum applications has been Brazil.\(^{45}\) Although it was only applied to 174 applications as of July of 2019, the UNHCR commended the country for this great step towards the protection of Venezuelan refugees. In fact, the UNHCR has already urged other Latin American countries to do the same, arguing that the adoption of this definition could provide a more simplified procedure in determining whether asylum status is or is not granted to Venezuelan applicants and therefore streamline the analysis of each application. Indeed, the improvement of Brazil’s asylum application processing procedure, demonstrated by Brazil’s National Commission for Refugees (CONARE), reveals how adopting the Cartagena definition would be extremely beneficial for neighboring countries that are receiving a larger number of refugees.

Latin American countries must apply the Cartagena Declaration to fleeing Venezuelans, first and foremost, to conform with human rights values of human dignity. Other benefits of recognizing Venezuelans as refugees would include mitigating the issue of having an irregular status. While it is true that giving Venezuelans refugee status would significantly strain countries’ resources as refugee status entails a guarantee to permanent protection and access to services, but it is necessary to have a sustainable solution throughout the region. Moreover, this

\(^{42}\) Shenk, Jamie. “Call Them by Their Name-Fleeing Venezuelans Are Refugees, Not Migrants.” Geopolitical Monitor.


\(^{45}\) “ACNUR Felicita a Brasil Por Reconocer La Condición De Refugiado a Las Personas Venezolanas Con Base En La Declaración De Cartagena.” UNHCR.
comprehensive response could encourage more funds from refugee assistance organizations to flow into receiving countries to meet their administrative capacity needs.

This paper has looked at the regional response to Venezuela’s refugee exodus from its neighboring countries. Coping with a large number of refugees is, indeed, no easy task, but the regional response to this day has been inconsistent and restrictive. Thus, it is essential for the Latin American region to accept and apply the Cartagena Declaration definition of refugee to the Venezuelan migrants. This response would allow for a more sustainable solution that is unified throughout the receiving countries and, most importantly, respects human dignity.
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