



# An Uneven Welcome

Latin American and Caribbean Responses to Venezuelan  
and Nicaraguan Migration

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February 2020

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## Executive Summary

Latin American and Caribbean countries have in recent years become recipients of large-scale mass forced displacement, with two ongoing crises driving much of this movement. About 3.9 million Venezuelans have moved to other Latin American and Caribbean countries over the past few years, the vast majority in 2018 and 2019, as Venezuela's economy imploded and internal political tensions worsened. At the same time, between 80,000 and 100,000 Nicaraguans have fled to Costa Rica since April 2018, when the Nicaraguan government began repressing political protests in that country.

Countries in the region have generally tried to accommodate these recent arrivals, with most providing basic education and emergency health care, as well as legal status for many. But as these flows continue—shaped both by the depth of the Venezuelan and Nicaraguan crises and by the porous nature of borders in the region—governments are beginning to erect barriers to entry and to struggle with the challenges of integrating large numbers of new arrivals into local communities.

This report, based on fieldwork and in-depth research on immigration and immigrant integration policies in 11 countries in the region<sup>1</sup>—Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guyana, Mexico, Peru, Trinidad and Tobago, and Uruguay—yields several conclusions about the changing policy context in the region:

- ▶ **Most countries in the region have had relatively low entry requirements, especially for Venezuelans, but this is beginning to change.** Several countries, including Chile, Ecuador, Peru, and Trinidad and Tobago, have started requiring visas, which are difficult for most Venezuelans fleeing their country to obtain, and Ecuador and Peru have implemented new passport requirements. These requirements do not appear to be slowing migration but have redirected many migrants from legal to illegal routes, often empowering smugglers and traffickers in the process. Efforts to harmonize entry requirements among countries in the region have largely failed so far but remain an important aspiration.
- ▶ **Several countries have undertaken mass regularization campaigns to provide Venezuelans legal status.** These include Colombia, Ecuador, Peru, and, to a much smaller degree, Trinidad and Tobago. Brazil has also offered temporary residency to any Venezuelan who requests it, and Argentina and Uruguay have provided Venezuelan migrants easy access to Mercosur residency visas, even though Venezuela has been suspended from the bloc. Other countries, such as Costa Rica, Chile, and now Colombia, have experimented with providing legal status based on employment.

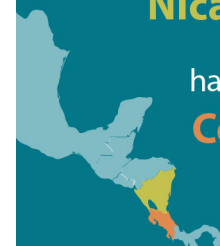
**4.8 M Venezuelans**  
have emigrated

of whom,  
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moved to other  
Latin American  
and Caribbean  
countries



**80,000-100,000**  
**Nicaraguans**

have moved to  
**Costa Rica**  
since  
April 2018



<sup>1</sup> These countries were selected for inclusion in this study because Costa Rica hosts almost all recent Nicaraguan emigrants, and the 11 countries together have received more than 95 percent of Venezuelan migrants who have stayed in Latin America and the Caribbean.

- ▶ **Asylum systems in the region are overwhelmed and rarely an effective way for forced migrants to obtain permanent legal status, though the application process in some countries may provide temporary status.** Mexico, Brazil, and, to a lesser extent, Costa Rica—all countries with more developed protection systems—have granted asylum to significant numbers of those fleeing Venezuela and Nicaragua, though they are facing staggering application backlogs. At the end of 2019, Brazil began granting refugee status on a *prima facie* basis to Venezuelan applicants. In Brazil, Costa Rica, and Peru, applicants for asylum receive temporary work permits, which provide legal status while cases are pending, even if these may take months or years to be adjudicated; as a result, asylum systems in these countries often become alternate routes to temporary legal status, whether or not cases are decided in a timely fashion. In fact, absent other legal pathways, filing an application for asylum status has become the de facto way that most Nicaraguans get legal status in Costa Rica.
- ▶ **Public education systems are generally open to newcomers but facing widespread capacity challenges.** Most countries in the region, except Trinidad and Tobago, make elementary and secondary education available to recent migrants, no matter their legal status. However, registration requirements and school overcrowding present barriers for some migrant families seeking to enroll their children, which means that many of these children spend months (or more) out of school.
- ▶ **All countries offer migrants access to emergency health care, but the types and extent of services beyond that vary.** Often, it is unclear exactly which services are available to newcomers, creating an uneven provision of services at a local level. Access to longer-term health care also varies by country and by legal status. Some countries, such as Colombia and Costa Rica, are making creative efforts to encourage recent arrivals to sign up for their national health-care systems.
- ▶ **Recent migrants from Nicaragua and Venezuela have high labor force participation rates, but most are in the informal economy.** In most host countries, these migrants are more likely than the native born to have a professional or technical education, but they face high barriers to getting their educational credentials recognized. As a result, many are unable to secure work that matches their skills. Most also struggle to access credit, which makes entrepreneurship, at least in the formal economy, difficult. These barriers undermine some of the potential economic gains to receiving countries from these migration flows.

Overall, Latin American and Caribbean countries have shown openness and even creativity in accommodating large-scale forced migration flows in a short period of time. This is particularly notable, given that most countries in the region had little recent experience receiving significant immigration. But what was once an open door to newcomers is becoming a more uneven welcome, as countries grapple with strains on already overtaxed public services, ranging from schools to hospitals, and continue to search for ways to effectively integrate new arrivals into local labor markets.

*Overall, Latin American and Caribbean countries have shown openness and even creativity in accommodating large-scale forced migration flows in a short period of time.*



New strategies are needed to help host countries successfully meet these challenges. These strategies will largely have to come from host countries themselves, given the diversity of ways migration pressures are affecting education, health-care, and other systems. Ensuring that recent arrivals have legal status may be the most important single measure to guarantee their long-term integration and avoid unfair labor market competition. Coordinated strategies between national and local governments to invest in schools and health-care facilities in communities with significant numbers of recent immigrants are essential to avoiding zero-sum competition between native-born and immigrant residents. And efforts to recognize the education and skills of immigrants can help ensure that host communities are able to benefit from their talents.

The international community has a critical supporting role to play as well in helping Latin American and Caribbean countries adjust to these record levels of forced migration. Outside funding can help sustain efforts to regularize migrants and address expanding needs for services and infrastructure, as well as support the design and implementation of well-thought-out strategies for social integration. There are many signs of significant policy innovation by countries in the region, but these countries will need global support to be successful over time, given the scope, scale, and speed of these flows.

## 1 Introduction

In a region that has long been one of emigration, sudden mass movements of people fleeing crises in Venezuela and Nicaragua have tested the capacity of other Latin American and Caribbean countries over the past five years. Venezuelans have been migrating to these countries in large numbers since 2015, as political tensions have spiked and their country's economy has collapsed. By December 2019, at least 4.8 million Venezuelans were living outside their country, 3.9 million of them in other Latin American and Caribbean countries, and about three-quarters of whom migrated in 2018 and 2019 alone.<sup>2</sup> Colombia hosts the largest number of Venezuelan migrants, with more than 1.6 million, but few countries in the region have been untouched by this flow; other large concentrations of Venezuelan migrants are in Peru, Ecuador, Chile, Brazil, and Argentina (see Figure 1).<sup>3</sup> This movement of Venezuelans constitutes one of the largest forced migration flows anywhere in the world, not far behind that of Syrians in overall numbers.<sup>4</sup>

*This movement of Venezuelans constitutes one of the largest forced migration flows anywhere in the world, not far behind that of Syrians in overall numbers.*

2 Coordination Platform for Refugees and Migrants from Venezuelan (R4V), "Response for Venezuelans," accessed January 10, 2020; United Nations High Commissioner for Refugees (UNHCR), "Venezuela Situation" (situation update, November 2017). The latter document states that as of November 2017, "over one million Venezuelans have left their country, according to host Government figures," which when compared to more recent data mean that about 3.8 million Venezuelans left in 2018 and 2019.

3 R4V, "Response for Venezuelans."

4 This report uses the term "forced migration" because while many of those leaving Venezuela (and Nicaragua) meet a nationally or internationally recognized definition of a refugee, "forced migration" more readily captures the reality that many people leave for a mixture of reasons tied to political persecution, economic survival, and the generalized collapse of state services. Other sources have called this "survival migration" or "necessary flight." See Alexander Betts, *Survival Migration: Failed Government and the Crisis of Displacement* (Ithaca, NY: Cornell University Press, 2013); Alexander Aleinikoff and Leah Zamore, *The Arc of Protection: Reforming the International Refugee Regime* (Palo Alto, CA: Stanford University Press, 2019).

Nicaragua too has seen a rapid outflow of its citizens, most since a government crackdown on the mass protests that began in April 2018, as well as due to persistent political conflicts and a rapidly worsening economy. While the Venezuelan exodus dwarfs recent Nicaraguan emigration in size, Nicaraguans are even more highly concentrated—almost all are in neighboring Costa Rica. Between 80,000 and 100,000 Nicaraguans have migrated there since April 2018, with almost 50,000 of them requesting asylum between then and October 2019.<sup>5</sup> Recently arrived Nicaraguans now make up around 2 percent of Costa Rica’s population,<sup>6</sup> much as recent Venezuelan migrants account for close to 3 percent of Colombia’s.<sup>7</sup>

FIGURE 1

**Venezuelan Migrant Population in Case-Study Countries, December 2019**

Source: Coordination Platform for Refugees and Migrants from Venezuelan (R4V), “Response for Venezuelans,” accessed January 10, 2020.

- 5 According to official statistics provided to the authors by the Costa Rican Ministry of Governance, there were slightly less than 50,000 applications for asylum from Nicaraguan nationals between April 2018 and October 2019.
- 6 There have been several previous periods of migration from Nicaragua to Costa Rica, and as of 2018, roughly between 7 percent and 9 percent of Costa Rica’s population was born in Nicaragua, with migration since 2018 constituting roughly 2 percent alone. See *El País Costa Rica*, “Costa Rica Confirma Alza Significativa de Inmigración por Crisis de Nicaragua,” *El País Costa Rica*, July 19, 2018.
- 7 Colombia’s population was 49.6 million in 2018, according to the World Bank, so 1.6 Venezuelans represent slightly more than 3 percent of the country’s population. See World Bank, “Population, Total – Colombia,” accessed January 17, 2020.

While the flow of Nicaraguans fleeing their country appears to have slowed slightly during 2019,<sup>8</sup> Venezuelans seem likely to continue to emigrate in large numbers for the foreseeable future. And absent significant changes to the political and economic conditions driving them to leave, nationals of both countries are unlikely to return home in the near term.<sup>9</sup> What seemed at first to be short-term migration crises have thus become more enduring phenomena, raising questions not only about how neighboring countries will continue to manage new arrivals but also about the integration measures they may employ to support both migrants and the communities in which they are settling.

This report examines how 11 countries in Latin America and the Caribbean—Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Guyana, Mexico, Peru, Trinidad and Tobago, and Uruguay—have responded to these two mass migration flows. Costa Rica is the single largest recipient of Nicaraguans, and the 11 countries together have received more than 95 percent of Venezuelan migrants who have stayed in the Latin American and Caribbean region. This study analyzes the ways in which governments have sought to provide legal status to migrants from Venezuela and Nicaragua, and the degree to which these migrants are being integrated into education and health-care systems and labor markets.

This analysis is informed by extensive field work in the region and interviews with more than 100 key informants, including government officials, representatives of nongovernmental organizations (NGOs), migrant-led groups, and international organizations.<sup>10</sup> Since the Venezuelan migration flow is much larger and more widely distributed across the region than that from Nicaragua, the report contains more data and analysis on the regional response to Venezuelan migration; however, it includes responses to both flows as much as possible.

Most countries have, at least until recently, maintained a relatively open-door policy toward migrants leaving Venezuela and Nicaragua, although some have begun to impose more stringent visa requirements. Perhaps most importantly, many governments have gone out of their way to provide pathways for migrants from Venezuela and Nicaragua to remain legally in their countries. A few governments have used existing visa categories to legalize the status of arriving migrants or, more rarely, their asylum systems, but several others have created entirely new legal categories to allow these migrants to remain lawfully in the country and work.

Most governments have also made significant efforts to allow recent immigrants to access public services, although policies and the real degree of access vary across and even within countries. Most Latin American and Caribbean countries allow migrants arriving from Venezuela and Nicaragua to access elementary and secondary education and emergency health care, though bureaucratic hurdles can make doing so difficult

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8 There are no hard data on this since many Nicaraguans cross the border on irregular routes to avoid detection by Nicaraguan authorities, but both public authorities in Costa Rica and researchers interviewed for this report believe that the flow has slowed somewhat.

9 For example, in one poll conducted in July 2019, 44 percent of Venezuelans surveyed said they wanted to leave the country, and 56 percent planned to emigrate by the end of the year. Of respondents with relatives already abroad, 30 percent stated that they believed their family members would not return, and a slightly higher percentage said they thought they would return only if things change in Venezuela. Consultores21, *Diáspora: Servicio de análisis de entorno* (N.p.: Consultores21, 2019).

10 Researchers affiliated with the Migration Policy Institute (MPI), including the authors, conducted both documentary research and field work for 10 of these countries and documentary research and phone interviews in one other (Guyana).



in practice. Access to higher education and non-emergency health care is far more restricted in some, but not in all, of these countries.

While most recently arrived Venezuelans and Nicaraguans have found employment in their host countries, they often face significant obstacles to full labor market integration, and most work in the informal economy. One of the largest hurdles in almost all countries has been the absence of effective pathways for highly educated newcomers to have their professional credentials recognized. This has left many Venezuelan and Nicaraguan doctors, nurses, engineers, and teachers unable to practice the professions for which they have been trained—a loss both for them and for their host countries.

The ability of immigrants to secure a clear legal status, access education and health care, and integrate effectively into the labor market are all critical to their future prospects. These elements of integration are equally important for host societies as they help ensure these countries see the best possible outcomes from immigration by boosting labor productivity and reducing gaps between immigrants and the native born.<sup>11</sup> Overall, most countries in the region have made major strides on these issues, but they all face significant challenges in terms of both institutional design and capacity for implementation.

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Given the scale and speed of Venezuelan and Nicaraguan migration, international cooperation will have to play an important supporting role in helping national governments craft the right responses to these challenges. So far, global efforts to respond to these two crises—both the immediate needs of recent arrivals and the longer-term investment needs of schools, hospitals, housing, and other critical infrastructure and services—have fallen far short of expectations and of the needs on the ground.<sup>12</sup>

This report's recommendations, therefore, include actions that Latin American and Caribbean governments and NGOs can take to ensure that migrants have access to legal status, employment, and public services, as well as ways international actors can support these efforts effectively.

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11 See, for example, Michael Clemens, Cindy Huang, and Jimmy Graham, "The Economic and Fiscal Effects of Granting Refugees Formal Labor Market Access" (working paper 496, Center for Global Development, Washington, DC, October 2018); Maria De Paola and Giorgio Brunello, "Education as a Tool for the Economic Integration of Migrants" (discussion paper no. 9836, Institute for the Study of Labor, Bonn, March 2016); Holger Bonin, "The Potential Economic Benefits of Education of Migrants in the EU" (Analytical Report No. 31, European Expert Network on Economics of Education, Luxembourg, March 2017); European Union Agency for Fundamental Rights, *Cost of Exclusion from Healthcare: The Case of Migrants in an Irregular Situation* (Luxembourg: Publications Office of the European Union, 2015); Kayvan Bozorgmehr and Oliver Razum, "Effect of Restricting Access to Health Care on Health Expenditures among Asylum-Seekers and Refugees: A Quasi-Experimental Study in Germany, 1994–2013," *PLoS ONE* 10, no. 7 (2015).

12 As of December 2019, 52 percent of the joint UNHCR/International Organization for Migration (IOM) campaign was funded. See R4V, "Funding Update" (fact sheet, December 31, 2019).

## 2 Providing Legal Status

Until recently, most Latin American and Caribbean countries have kept their entry requirements low for Venezuelans and, in the case of Costa Rica, for Nicaraguans, so that they can enter legally, and several have devised new ways to grant legal status to arriving migrants. Argentina and Uruguay have used Mercosur mobility agreements to allow Venezuelans to access temporary (and sometimes permanent) residency visas. Other countries, including Colombia, Brazil, Ecuador, Peru, and, in a far more limited way, Trinidad and Tobago, have created special regularization programs for Venezuelan migrants. Meanwhile, another handful of countries, including Brazil, Costa Rica, Mexico, and Peru, have used their asylum systems to provide some sort of temporary status to recent arrivals, though only Mexico and Brazil have approved notable numbers of asylum applications; Mexico approved more than 8,000 from 2017 through 2019, and Brazil approved more than 21,000 in 2019 alone.<sup>13</sup>

There are signs, however, that this general openness to Venezuelan and Nicaraguan migrants may be receding. In 2019, several countries approved new visa or passport requirements that make legal entry more difficult. And as migration continues, few countries seem willing to conduct new mass regularization campaigns, although several are pursuing smaller, more targeted programs.



As a result of this mix of measures, a little less than half of all Venezuelan migrants in the region had some form of legal status as of late 2019,<sup>14</sup> as did perhaps half or slightly more of Nicaraguans in Costa Rica.<sup>15</sup> This section first considers how countries are managing their legal entry requirements and then the pathways they are using to offer legal status, including traditional visa programs, special regularization efforts, and asylum policies. The decisions governments are making in these policy areas will have important implications for immigrants' labor market and social integration for years to come.

### A. A Shift toward Stricter Entry Requirements

When Venezuelan migration began to surge in 2015, Venezuelans could enter ten of the 11 case-study countries without obtaining a visa before traveling (Guyana was the only exception); they could also enter half without a passport due to regional agreements. This ease of movement was largely a result of efforts over the preceding two decades to enhance regional integration, including through mobility agreements among various subregional groupings (e.g., the Southern Common Market [Mercosur], Andean Community [CAN], Caribbean Community [CARICOM], and the Union of South American Nations [UNASUR]) as well

13 Mexican Refugee Commission (COMAR), "Cierre Diciembre 2019" (fact sheet, January 2020); Brazilian Ministry of Justice and Public Security, "Refúgio em Números e Publicações—Tabela com decisões sobre pedidos de reconhecimento da condição de refugiado - ACNUR (1993-1997) e Conare (1998 a outubro de 2019)," accessed November 11, 2019; UNHCR, "UNHCR Welcomes Brazil's Decision to Recognize Thousands of Venezuelans as Refugees" (press release, December 5, 2019).

14 R4V, "Response for Venezuelans."

15 Assuming that there are 80,000–100,000 recent Nicaraguan migrants in Costa Rica and 50,000 have applied for asylum, at least half or more have some form of legal status. It should be noted that Costa Rica has a large population of Nicaraguan-born residents who arrived before 2018 and who mostly have legal residency or citizenship.

as bilateral agreements between neighboring countries.<sup>16</sup> It also reflected the countries' commitment to keeping their borders as open as possible to fleeing Venezuelans and Nicaraguans, including by allowing them to enter without a passport or visa—often with only a national identity document. Since it is expensive and difficult for many Venezuelans and Nicaraguans to obtain a passport, especially when fleeing political reprisal, these measures were instrumental to facilitating the legal passage of many.<sup>17</sup>

However, since then, four out of 11 case-study countries have imposed requirements that Venezuelans obtain visas in advance of their arrival at ports of entry (Chile, Ecuador, Peru, and Trinidad and Tobago; see Table 1). Two countries (Ecuador and Peru) have started to require passports for entry, in addition to the six countries that already did so. Likely because Nicaraguans are overwhelmingly fleeing to Costa Rica, a similarly widespread imposition of new requirements has not occurred for them.

Ironically, these changes have taken place despite pledges by most receiving countries in Latin America and the Caribbean as part of the Quito Process, a nonbinding regional cooperation forum, to keep their borders as open as possible to those fleeing Venezuela.<sup>18</sup> This trend reflects mounting pressure within many of these countries to control inflows, which in some has outmatched the government's commitments to regional solidarity. In the major receiving countries, host communities are increasingly concerned that immigration will hurt them economically and reduce their access to social services, and many have expressed a desire for stricter border enforcement.<sup>19</sup> Governments, however, have often tied entry restrictions on Venezuelans to concerns for citizen security.<sup>20</sup>

16 On the history of regional agreements, see Diego Acosta, *The National Versus the Foreigner: 200 Years of Migration and Citizenship Law* (New York: Cambridge University Press, 2018).

17 For a discussion of this issue for Nicaraguans in Costa Rica, see Elvira Cuadra Lira and Roberto Samcam Ruiz, *De la Represión al Exilio: Nicaragüenses en Costa Rica* (San Jose, Costa Rica: Fundación Arias para la Paz y el Progreso Humano, 2019), 14.

18 In September 2018, 11 countries signed a joint declaration in which, among other things, they agreed to accept expired travel documents from Venezuelans as a form of identification, as long as their domestic laws allowed it. See Governments of Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay, "Declaración de Quito sobre Movilidad Humana de Ciudadanos Venezolanos en la Región," September 4, 2018. Meetings of the Quito Process group have continued every few months since then.

19 For example, about 70 percent of people in Colombia, Ecuador, and Peru, surveyed between February and July 2019, stated that they favored stricter border enforcement; 70 percent believed that immigration led to lower salaries and poorer working conditions; and 80 percent of Colombians and 70 percent of Ecuadorans and Peruvians believed migrants were causing social services to collapse. See Pablo Andrés Rivero, *Yes but Not Here: Perceptions of Xenophobia and Discrimination towards Venezuelan Migrants in Colombia, Ecuador and Peru* (Oxford: Oxfam International, 2019), 3, 8-9. A separate survey found that 62 percent of Colombians disagreed with the government allowing Venezuelan migrants to stay. See *El Espectador*, "El rechazo a los venezolanos que muestra la encuesta de Invamer," *El Espectador*, December 5, 2019. A November–December 2018 survey found that 76 percent of Peruvians believed Venezuelans were taking jobs from Peruvians and 74 percent believed Venezuelan migration would hurt the economy. See Public Opinion Institute of the Pontifical Catholic University of Peru, "Creencias y actitudes hacia los inmigrantes venezolanos en el Perú" (bulletin no. 157, Pontifical Catholic University of Peru, Lima, February 2019).

20 Peruvian President Martín Vizcarra, in his announcement of additional visa requirements for Venezuelans, stated: "Tenemos que tomar las acciones para mejorar y garantizar la seguridad de los ciudadanos en el Perú, es por eso que estamos tomando esta medida." ("We have to take these actions to improve and guarantee the security of Peruvian citizens, and it is for that reason that we are taking this measure.") See France24, "Perú solicitará pasaporte y visa humanitaria a venezolanos," France24, June 7, 2019.

**TABLE 1**  
**Entry Requirements for Venezuelans in Case-Study Countries, 2015 versus 2019**

	Visa Required in Advance for Entry?		Passport Required for Entry?		Accepts Expired Passports from Venezuelans for Entry? (December 2019)
	End of 2015	December 2019	End of 2015	December 2019	
<b>Argentina</b>	No	No	No	No	Yes, national identity documents or passports that expired within the past two years
<b>Brazil</b>	No	No	No	No	Yes, passports that expired up to five years prior
<b>Chile</b>	No	Yes	Yes	Yes	Yes, passports issued in 2013 or later that have expired, until April 18, 2021
<b>Colombia</b>	No	No	Yes	Yes	Yes, passports that expired up to two years prior
<b>Costa Rica</b>	No	No	Yes	Yes	No, but will accept passports within a day of expiring
<b>Ecuador</b>	No	Yes	No	Yes	No
<b>Guyana</b>	Yes	No*	Yes	No*	No*
<b>Mexico</b>	No	No	Yes	Yes	No
<b>Peru</b>	No	Yes	No	Yes	Yes, passports that expired before August 28, 2018 accepted until August 28, 2023, and passports that expired August 28, 2018 or later accepted for up to five years after their expiration date
<b>Trinidad and Tobago</b>	No	Yes	Yes	Yes	No
<b>Uruguay</b>	No	No	No	No	No

\* In theory, Venezuelans need a visa and a (valid) passport to enter Guyana, but in practice, this is not enforced.

Sources: Argentine National Migration Administration, "Disposición 520/2019," *Boletín Oficial de la República Argentina*, no. 34,046 (January 31, 2019): 47–48; Voz de América, "Brasil acepta pasaportes venezolanos vencidos," *Voz de América*, August 5, 2019; Chilean Ministry of the Interior and Public Security, "Chile aceptará pasaportes y cédulas vencidas de venezolanos" (press release, April 22, 2019); Colombian Ministry of Foreign Relations, "Resolución Número 0872" (resolution, March 5, 2019); Costa Rican General Administration of Migration and Foreigners, "Resolución N° AJ-060-04-2019-JM," *La Gaceta: Diario Oficial*, no. 109 (June 12, 2019): 5–7; *El Tiempo Latino*, "Gobierno de Perú acepta pasaportes venezolanos vencidos," *El Tiempo Latino*, March 2, 2019.

Of the countries in the broader region that now require Venezuelans to obtain visas before they arrive, Panama led the pack, instituting its requirement in 2017. In 2018, Chile followed, eliminating its policy of allowing tourists to transition to work visas once inside the country and creating a "Democratic Responsibility Visa" for Venezuelans, which would-be migrants were directed to obtain at the Chilean consulate in Venezuela. While this step reduced Venezuelans' options for obtaining regular status once they had entered Chile, some still entered legally as tourists, though the requirements to obtain a tourist visa can be difficult to meet as well.<sup>21</sup>

<sup>21</sup> For an analysis of the changes in Chilean requirements and their impact, see the volume by Nicolas Rojas and José Tomás Vicuña, *Migración en Chile: Evidencia y mitos de una nueva realidad* (Santiago: Universidad Alberto Hurtado, 2019).

In June and July 2019, four countries announced and implemented new entry visa requirements in quick succession: Peru announced on June 6 that Venezuelans would need visas to enter starting June 15;<sup>22</sup> Trinidad and Tobago started requiring visas from Venezuelans on June 17;<sup>23</sup> Chile eliminated the option for Venezuelans to enter as tourists without visas on June 22;<sup>24</sup> and Ecuador announced on July 25 that it would require Venezuelans to hold visas to enter starting August 26 (see Table 2).<sup>25</sup>

TABLE 2

**Visa Requirements for Venezuelans Introduced between Mid-2017 and the End of 2019, by Country**

Country	Effective Date	Visas Used by Venezuelans	Application Locations	Requirements	Cost
Panama	October 1, 2017	Multiple-entry visa	Caracas, Venezuela	- Copies of two forms of identification, including passport - Hotel reservation and travel itinerary - Proof of economic solvency (at least USD 500)	USD 50
Peru	June 15, 2019	Humanitarian visa	Caracas and Puerto Ordaz, Venezuela; Bogotá, Medellín, and Leticia, Colombia; and Cuenca, Guayaquil, Quito, Machala, and Loja, Ecuador	- Passport - Apostilled criminal record from Venezuela - Copy of national identity document - For minors, travel document permitting exit from Venezuela or other country	Free
Trinidad and Tobago	June 17, 2019	Tourist / business visa	Caracas, Venezuela	- Passport - Copy of national identity document - Letter from employer - Bank statements - Copy of flight and hotel reservations - Copy of birth certificate, for minors under 17	Unclear
Chile	June 22, 2019	Tourist visa, Democratic Responsibility Visa	Chilean consulate in any country	Tourist visa - Passport - Proof of economic solvency	USD 50
				Democratic Responsibility Visa - Passport - Apostilled criminal record from Venezuela - Travel document from country in which the application is submitted	USD 30
Ecuador	August 26, 2019	Humanitarian visa	Caracas, Venezuela; Bogotá, Colombia; and Lima, Peru	- Passport - Apostilled criminal record from Venezuela	USD 50

Sources: Panamanian Ministry of Public Security, "Decreto Ejecutivo No. 473," *Gaceta Oficial* no. 28349-B (August 23, 2017): 4–5; *El Nacional*, "Estos son los requisitos para solicitar la visa panameña," *El Nacional*, August 23, 2017; Government of Peru, "Obtener visa para ingresar al Perú," updated November 15, 2019; Sampson Nanton, "Visas for Venezuelans," *Trinidad and Tobago Guardian*, June 14, 2019; Chilean Ministry of Foreign Relations, Consular Services, "Preguntas frecuentes sobre Visto Consular de Turismo para ciudadanos venezolanos," accessed November 11, 2019; Chilean Ministry of Foreign Relations, Consular Services, "Visa de Responsabilidad Democrática," accessed November 11, 2019; Ecuadoran Ministry of Foreign Affairs and Human Mobility, "Video tutorial para obtener la visa de Residencia por razones humanitarias (ciudadanos venezolanos)" (YouTube video, August 22, 2019); Greiv Alvarado, "Visas for Venezuelans Stopped," *Newsday*, October 8, 2019.

22 Peruvian Ministry of Foreign Relations, "Aplicación de Visa a Nacionales Venezolanos" (press release, June 6, 2019).

23 Sampson Nanton, "Visas for Venezuelans," *Trinidad and Tobago Guardian*, June 14, 2019.

24 Chilean Ministry of Foreign Relations, Consular Services, "Preguntas Frecuentes sobre Visto Consular de Turismo para Ciudadanos Venezolanos," accessed November 3, 2019.

25 President of Ecuador, "Decreto No. 826" (decree, July 25, 2019).



Colombia, the country that has received the most Venezuelan migrants, has thus far held off on implementing a similar visa requirement. And while it does require a passport (valid or recently expired), Venezuelans who live in the border region also have the option of applying for a Border Mobility Card (Tarjeta de Movilidad Fronteriza, or TMF), which only requires them to furnish a national identity document.

Still, the rise of restrictions elsewhere—especially in Peru, Chile, and Ecuador, which sit along the most common migration route for Venezuelans—brings into stark relief how much countries have shifted away from a regional, open-door approach and towards unilaterally imposing entry requirements, as a response to internal pressures.

### Effects of New Visa Requirements in Chile, Ecuador, and Peru

These new visa and passport requirements, governments claim, are necessary to ensure safe, orderly, and regular migration.<sup>26</sup> However, there is evidence to suggest that such policies may do the opposite, making people fleeing dire conditions more likely to turn to dangerous and irregular migration channels in the absence of better options. In recent years, Venezuelan passports have been both expensive and in short supply, and although the government has recently stepped up its issuance of these documents, the wait to receive one is still long and the price continues to rise.<sup>27</sup> And while Chile, Ecuador, and Peru all allow Venezuelans to apply for the required entry visas while in a transit country (a recognition that many could not wait in Venezuela), migrants who lack a place to stay or a way to earn money in the meantime may find it difficult to wait in a third country for a consulate to issue them a visa before moving on to their destination.

After Chile prohibited Venezuelans from entering as tourists without visas, hundreds gathered in the Peruvian city of Tacna, just north of the Chilean border, to wait for their applications to be processed at the Chilean consulate there. In July 2019, about a month after the requirement was implemented, 45 percent of migrants waiting in Tacna had been there for more than 16 days.<sup>28</sup> Three months into the requirement, 79 percent had been waiting for more than 30 days—many essentially stranded with no support network in the area.<sup>29</sup> In August, Chile decided to close processing of the tourist visas in Tacna, though some people continued to wait for appointments that had previously been scheduled or because they lacked accurate information.

Following the implementation of visa requirements in the three Andean countries of Chile, Ecuador, and Peru, regular migration, with required documentation, decreased. Legal entries of Venezuelans into Peru

26 This logic can be seen, for example, in a 2019 press release from the Peruvian Ministry of Foreign Relations, which reads, “Frente a la grave crisis política y humanitaria que vive la hermana República Bolivariana de Venezuela, y con miras a contar con una migración ordenada, regular y segura de sus nacionales, las autoridades peruanas de control migratorio, en cumplimiento de la normativa vigente, solo admitirán el ingreso de titulares de pasaporte que cuenten con una visa válida.” (“In the face of the serious political and humanitarian crisis that our sister Bolivian Republic of Venezuela is experiencing, and with an eye toward ensuring an orderly, regular, and secure migration of her nationals, the Peruvian immigration enforcement authorities, in accord with the regulations in force, will only admit the entry of passport holders who have a valid visa.”) See Peruvian Ministry of Foreign Relations, “Aplicación de visa a nacionales venezolanos” (press release, June 6, 2019).

27 Mariana Sofía García, “Saime aumenta por tercer mes consecutivo el costo del pasaporte y lo lleva a Bs. 10.798.913,” *Cronica.Uno*, January 8, 2020.

28 IOM, “Encuesta Situacional Tacna: 16 al 20 de julio” (fact sheet, June 2019).

29 IOM, “Encuesta Situacional Tacna: 18 de setiembre” (fact sheet, September 2019).

decreased from 88,000 in June 2019 to 19,000 in July, a 79 percent drop in the space of one month.<sup>30</sup> Even more dramatically, daily entries by Venezuelans into Ecuador through regular channels dropped from 1,500–2,000 just before the visa requirement went into effect to 40–60 immediately afterwards.<sup>31</sup> And while 24,000 Venezuelans entered Chile as tourists (without visas) in June 2019, only 1,000 did so in August, after the implementation of the visa requirement, a 95 percent decrease.<sup>32</sup>

But while these stricter entry requirements created the perception of greater control, they may have had the opposite effect, as reports indicate an increase in irregular migration. Peruvian migration authorities in the northern border city of Tumbes noted that hundreds of migrants had crossed illegally into the country from Ecuador in one week in September 2019.<sup>33</sup> In the same month, Peruvian media reported that a group of 1,500 migrants had chosen to cross illegally into Chile because they had not received Chilean visas after months of waiting.<sup>34</sup> Moreover, from January through October 2019, almost 2,900 Venezuelans were intercepted crossing into Chile through irregular channels, a massive increase from the 101 caught in all of 2018, before the entry visa requirement was put into effect.<sup>35</sup>

There are, however, some exceptions to these visa requirements for Venezuelans. Peru exempts all children, pregnant women, people over age 60, those with medical issues, and those with nuclear family members in Peru, as long as those family members entered legally and have regular status.<sup>36</sup> It appears that tens of thousands of Venezuelans have been allowed to enter Peru through these exemptions since the requirements went into place in June 2019.<sup>37</sup> Chile also takes family reunification and certain vulnerabilities into account: migrants whose spouse or minor children have regular status in Chile, or who have a humanitarian case for entry, do not need to have a passport or visa to enter the country. Consular officers were instructed in August 2019 to issue such migrants entry permits,<sup>38</sup> but it is unclear whether these permits are being granted as intended.

Meanwhile, migrants who do not qualify for these exemptions—or who are trying to enter Ecuador, which offers no exceptions to its visa requirement and through which most Venezuelans must pass to reach Peru and Chile—are increasingly likely to turn to irregular channels to cross the countries' porous borders. Peru has begun to step up enforcement at its northern border, conducting operations to remove Venezuelan

30 Alicia Rojas Sanchez, "Migración venezolana al Perú se redujo en más del 90% en julio," *El Comercio*, August 14, 2019.

31 *La Verdad*, "Ministros de Ecuador discrepan sobre permiso a venezolanos," *La Verdad*, September 13, 2019.

32 Matías Vega, "Bajan cifras de inmigración de venezolanos tras implementación de visa consular," *Bio Bio Chile*, August 12, 2019.

33 Ralph Zapata, "Las rutas ilegales de la migración: aumenta el ingreso irregular de extranjeros a Perú," *El Comercio*, September 21, 2019.

34 *Diario Correo*, "Ingresaron 1,500 venezolanos de manera irregular a Chile," *Diario Correo*, September 17, 2019.

35 Anella Guzmán Roncal, *El cambio de categoría migratoria en Chile y experiencia en otras legislaciones* (Santiago: Servicio Jesuita a Migrantes, 2019), 7.

36 Author interview with senior Peruvian migration official, Washington, DC, September 23, 2019. In order for officials to verify that migrants' family members in Peru have regular status, a migrant must provide a picture of their relative's Temporary Stay Permit (Permiso Temporal de Permanencia, PTP) or identity document. The migration authority can then look that person up in its Migratory Information Registry database. Author interview with international organization official based in Peru, August 2019.

37 Based on author conversations with several senior Peruvian migration officials in September and October 2019. Generally speaking, there appears to be a decision to impose greater controls but also to facilitate exemptions as widely as possible. This has generally worked smoothly, though there are reports of incidents where those who qualify for exemptions have not had them granted, such as the case of someone who was told he needed to be reviewed by a Peruvian doctor before entering Peru. See Feline Freier, "Los costos de una política migratoria populista, por Feline Freier," *El Comercio*, August 28, 2019.

38 Chilean Foreign Relations Ministry, "Imparte Instrucciones Para El Otorgamiento DE Salvoconductos a Nacionales Venezolanos," *Diario Oficial de la República de Chile*, no. 42,433 (August 20, 2019).

migrants who enter irregularly.<sup>39</sup> Yet it, like Chile and Ecuador, has limited capacity to intercept irregular border crossers.

As legal movement through the region has become more difficult, some actors have sought to capitalize on demand for alternatives. Smugglers are eager to take advantage of desperate migrants who see no way to reach their destination legally.

And criminal groups have sought to establish control over clandestine channels, putting migrants—particularly vulnerable groups such as women and children—at a heightened risk of exploitation.<sup>40</sup>

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*Smugglers are eager to take advantage of desperate migrants who see no way to reach their destination legally.*

### Limited Progress toward Regional Harmonization of Entry Requirements

When regional response to Venezuelan migration started to emerge in 2018, countries participating in the Quito Process attempted to strike a delicate balance between recognizing the sovereignty of each country to choose its response, while also encouraging collective, harmonized action. The result was a range of commitments with escape clauses; for example, countries agreed to regularize Venezuelan migrants—according to national legislation and the “possibilities of each state.”<sup>41</sup> However, such commitments were symbolically important: it appeared that all of the top receiving countries agreed that responsibility sharing was the way through the crisis. If one country were to break from the spirit of Quito and close itself off, the collective response could break down. Several years on, these loose commitments for the most part have not prevented countries from acting on their own to make legal entry more difficult, even though, by international standards, the stricter requirements might still be considered low bars to entry. But an extraordinary situation of forced migration calls for extraordinary flexibility.

One example of flexibility is that most governments in the region have tried to comply with the commitment to accept expired Venezuelan travel documents—a pledge that emerged out of the first Quito Process meeting. As of late 2019, five of the 11 case-study countries accepted expired Venezuelan passports as proof of identity for entry (see Table 1).<sup>42</sup> While this is an important example of countries working to harmonize their responses to Venezuelan mass migration, the policies governing the acceptance of expired travel documents have been decided on a country-by-country basis and thus vary across the region. This creates a confusing patchwork of requirements for migrants to navigate.

39 *Andina*, “Cerca de 1,000 venezolanos que ingresaron clandestinamente al Perú fueron expulsados,” *Andina*, September 26, 2019.

40 For example, when Venezuela closed its border with Colombia, criminal groups took advantage of the demand for a way to enter. See Venezuela Investigation Unit, “Las trochas’ entre Venezuela y Colombia se consolidan como enclaves de grupos criminales,” InSight Crime, March 19, 2019. At the Colombia-Ecuador border, guides charge Venezuelan migrants hundreds of dollars for their services leading them through illegal entry pathways known as *trochas*. See Julián Vivas, “Las 3 peligrosas trochas que usan los migrantes para llegar a Ecuador,” *El Tiempo*, September 1, 2019.

41 Governments of Argentina, Chile, Colombia, Costa Rica, Ecuador, Paraguay, Peru, and Uruguay, “Plan de Acción de Quito” (regional agreement, Quito, Ecuador, 2018).

42 Three other countries in the hemisphere outside of the 11 case-study countries—the United States, Canada, and Paraguay—have also agreed to accept expired Venezuelan passports. See *El Nacional*, “Paraguay aceptará como válidos pasaportes vencidos de venezolanos,” *El Nacional*, March 1, 2019; U.S. Department of State, “The United States Supports Extension of Validity for Venezuelan Passports” (press release, June 7, 2019); Government of Canada, “Canada Recognizes the Extension of Validity of Venezuelan Passports” (press release, August 19, 2019).

## Guyana and Costa Rica Enforce Entry Requirements but with Discretion

Other countries have not changed their immigration laws or regulations, but rather have allowed personnel to apply them more flexibly to certain migrants. For example, although Venezuelans are required to present passports and visas in order to enter Guyana, the government has instructed officers at ports of entry to also allow Venezuelans to enter after presenting an identity document or, if they do not have one, after the officer records their names.<sup>43</sup> Similarly, the Costa Rican government instructed its consulates to expedite the issuance of visas to Nicaraguans following the April 2018 onset of the political crisis, and it has largely continued to do so, making legal movement easier for those fleeing the country.<sup>44</sup>

Such flexibility recognizes the limited ability of these immigration systems to quickly and comprehensively respond to mass forced migration. While more developed systems may have flexibility built into them specifically for unexpected humanitarian circumstances, ad hoc and informal responses, as in Guyana, allow forced migrants to move through regular channels rather than pushing them towards irregular pathways.

## B. Varying Approaches to Regularization

Facilitating the safe and orderly entry of Venezuelan and Nicaraguan migrants is only the first step in allowing them to access a regular immigration status. Most host countries in Latin America and the Caribbean, prior to the surge in Venezuelan migration, did not have the infrastructure to offer status to humanitarian migrants, even if their laws contained options for this, and most had asylum systems that were relatively underdeveloped. To deal with Venezuelan migration, several countries have either turned to existing pathways to grant regular immigration status or created ad hoc, temporary alternatives.<sup>45</sup>

*Most host countries in Latin America and the Caribbean, prior to the surge in Venezuelan migration, did not have the infrastructure to offer status to humanitarian migrants.*

Since most countries in the region, except Argentina and Uruguay (as described below), did not have established visa pathways for Venezuelans, some have designed special permits to regularize their status. With these permits, Colombia and Peru alone have regularized more than 1 million migrants who otherwise would be stuck in legal limbo, and Brazil has provided regular status to almost all

Venezuelans who have arrived in the country without a visa.<sup>46</sup> Ecuador also began a regularization program in October 2019, and Trinidad and Tobago implemented a smaller-scale program in May and June 2019. Finally, some countries have designed programs that target a certain population. Costa Rica, for example, launched a work-based regularization program in November 2019 for agricultural workers, most of whom

43 Author interview with international organization official based in Guyana, July 2019.

44 Cuadra Lira and Samcam Ruiz, *De la Represión al Exilio*, 11.

45 See Andrew Selee, Jessica Bolter, Betilde Muñoz-Pogossian, and Miryam Hazán, *Creativity amid Crisis: Legal Pathways for Venezuelan Migrants in Latin America* (Washington, DC: MPI, 2019).

46 IOM, "Migrant and Refugee Venezuelan Crisis: IOM Regional Response Overview" (issue brief, IOM, Geneva, July 2019); Peruvian National Migration Superintendence, "Venezolanos que no culminen trámite de PTP en 60 días caerán en irregularidad migratoria" (press release, September 13, 2019).

are Nicaraguan, while Colombia created a program for those employed in the formal sector and is poised to create one for those enrolled in school.<sup>47</sup>

These regularization programs offer varying degrees of permanence and differ in their coverage (see Table 3). With the exception of those in Brazil and Peru, few permits offer holders a pathway to permanent residence. There is thus an urgent need in most countries to think ahead and address longer-term questions—for example, what options migrants will have as their legal status expires—as it becomes increasingly evident that most Venezuelan and Nicaraguan migrants will not be able to return soon to their countries of origin.

**TABLE 3**  
**Venezuelans with Special Regular Statuses as a Share of Total Venezuelan Population, Select Countries, Mid- to Late 2019**

Country	Type of Status/Permit	Number of Venezuelans with This Regular Status	Share with This Status of All Venezuelans in the Country
<b>Colombia</b>	Special Stay Permit (Permiso Especial de Permanencia, PEP)	598,000	37%
<b>Peru</b>	Temporary Stay Permit (Permiso Temporal de Permanencia, PTP)	420,000	49%
<b>Ecuador</b>	Exceptional Visa for Humanitarian Reasons	15,000	4%
<b>Brazil</b>	Temporary Residence Permit	97,000	43%
<b>Trinidad and Tobago</b>	Six-Month Work Permit Exemption	17,000	79%

Notes: Ecuador's special regularization process is ongoing through March 2020. There are strong reasons to suspect that the Venezuelan population in Trinidad and Tobago may be far larger than reported and the percent regularized thus much smaller; these calculations are based on the official figures provided by governments and international institutions.

Sources: Migration Colombia, "Venezolanos en Colombia, corte a 31 de octubre de 2019" (fact sheet, December 24, 2019); Peruvian National Migration Superintendence, "Actualidad Migratoria" (brief, National Migration Superintendence, Lima, October 2019); *El Universo*, "Al menos 15 % de población venezolana en Ecuador estaría en condición irregular," *El Universo*, January 21, 2020; R4V, "Brazil Situation Report – September 2019" (issue brief, R4V, n.p., September 2019); IOM, "Migrant and Refugee Venezuelan Crisis" (issue brief, IOM, Geneva, July 2019).

## Colombia Acts Creatively, but the Long Term Remains Uncertain

In some ways, Colombia's response has been one of the most innovative of those involving mass regularization programs created to provide legal status to Venezuelans. Colombia began issuing a Special Stay Permit (Permiso Especial de Permanencia, or PEP) in August 2017 to Venezuelans who had entered legally. The first round of PEP covered any Venezuelan who had entered Colombia with a passport before July 28, 2017.<sup>48</sup>

As Venezuelan migration continued, the Colombian government implemented six more rounds of PEP, of which three have been large enough in scale to grant protections to thousands of migrants (and one

<sup>47</sup> El Pitazo, "Estas son las claves del permiso de trabajo a venezolanos que prepara Colombia," El Pitazo, November 21, 2019.

<sup>48</sup> Migration Colombia, "Comunicado de Prensa No 41: Cancillería y Migración Colombia Anuncian Resolución para Regularizar Venezolanos en Colombia" (press release, July 28, 2017).



is ongoing). One of these three rounds covered Venezuelans who had entered the country irregularly as long as they had subsequently registered with the government between April and June 2018; the two subsequent rounds applied only to Venezuelans who had their passports stamped upon entry in a specific time frame.<sup>49</sup> The ongoing round, which began January 23, 2020, allows Venezuelans who entered Colombia legally and were present as of November 29, 2019 to apply for PEP through April 23, 2020.<sup>50</sup> The two smaller-scale rounds of PEP consisted of one round for former members of the Venezuelan military who entered Colombia by May 13, 2019<sup>51</sup> and one for Venezuelans who have had their asylum applications denied.<sup>52</sup>

One particularly creative aspect of Colombia's response was how it put together its Administrative Registry of Venezuelan Migrants (Registro Administrativo de Migrantes Venezolanos, or RAMV). Migration authorities asked all irregular Venezuelan migrants to register between April and June 2018, in the process gathering information about the size and characteristics of this population. At the end of July 2018, the government announced that those who had registered would be eligible for the special round of PEP described above.<sup>53</sup> Not only was the government able to regularize more than 280,000 migrants through this round, it was also able to gather data on a total of 442,000 irregular migrants.<sup>54</sup>

Venezuelans who entered the country illegally after June 8, 2018, however, had almost no access to regularization processes until the Colombian government implemented the Special Stay Permit for the Promotion of Formalization (Permiso Especial de Permanencia para el Fomento de la Formalización, PEPFF) on January 28, 2020.<sup>55</sup> The PEPFF allows Venezuelans who are 18 or older and have an offer of formal employment to receive a temporary work permit for the length of their contract. The official directing Colombia's response to Venezuelan migration has stated that the government plans to announce another version of PEP as well for Venezuelans enrolled in schools.<sup>56</sup>

One major shortcoming of the PEP, of course, is that it is a temporary status, lasting two years (or less, in the case of PEPFF), with no possibility of transition to a permanent visa. Those with PEP cannot count their time in Colombia with this permit toward the five years of residence required to adjust to a permanent residence status. Instead, they must first obtain a different temporary residence visa and then accrue five years under that status. At the same time, it has become increasingly evident that most Venezuelan migrants are likely to

49 For more on the Special Stay Permit (Permiso Especial de Permanencia, or PEP), see Selee, Bolter, Muñoz-Pogossian, and Hazán, *Creativity amid Crisis*.

50 Colombian Foreign Relations Ministry, "Resolución Número 0240 de 2020" (resolution, January 23, 2020).

51 Colombian Foreign Relations Ministry, "Resolución Número 2540 de 2019" (resolution, May 21, 2019). 792 former members of the Venezuelan military were issued PEP through this round in 2019. See Migration Colombia, "Permiso Especial de Permanencia – PEP," accessed January 24, 2020.

52 Colombian Foreign Affairs Ministry, "Resolución Número 3548 de 2019" (resolution, July 3, 2019). Five Venezuelans were issued PEP in 2019 after having asylum applications denied. See Migration Colombia, "Permiso Especial de Permanencia – PEP"

53 President of Colombia, "Por el cual se adoptan medidas para garantizar el acceso de las personas inscritas en el Registro Administrativo de Migrantes Venezolanos a la oferta institucional y se dictan otras medidas sobre el retorno de colombianos," *Decreto No. 1288* (July 25, 2018).

54 Migration Colombia, "Así ha sido la evolución de la crisis migratoria venezolana -corte agosto 31 de 2019" (infographic, Migration Colombia, Bogotá, October 24, 2019). The gap between the number of Venezuelans registered and the number regularized likely owes in large part to the highly transitory nature of the population, as well as lack of information and some degree of distrust of government.

55 Colombian Labor Ministry, "Decreto Número 117 de 2020" (decree, January 28, 2020).

56 Presentation by Felipe Muñoz, Advisor to the President of Colombia for the Colombian-Venezuelan Border, at the event "The Colombian Response to the Venezuelan Migration Crisis: A Dialogue with Colombia's Migration Czar," MPI, Washington, DC, September 27, 2019.

stay in Colombia for a long period of time, if not permanently. Indeed, the Colombian government estimates that 70 percent of Venezuelan migrants will stay for at least the next two to three years, which is likely a conservative estimate.<sup>57</sup> And while the government has made PEP renewals available, the options for most Venezuelans to gain regular status in Colombia are all temporary at this point.

It is worth noting that Colombia is experiencing another, simultaneous migration-related challenge: the return of more than 500,000 Colombian nationals who were living in Venezuela, many of them for decades, after the onset of political turmoil and economic collapse there starting in 2014. While these Colombians do not require any citizenship documents to re-establish themselves in the country, the government has dedicated resources to helping them obtain other essential paperwork, including health-care enrollment and the national identity document.<sup>58</sup>

### Peru Offers Permanence but Closes Pathways for New Migrants

Peru launched its regularization program before Colombia's and, in many ways, it was even more generous—including, notably, allowing participants to transition to a long-term residence status after a year. But the program is now closed, and there is no sign that the government is considering another regularization program in the short to medium term.

Venezuelans could apply for Peru's Temporary Stay Permit (Permiso Temporal de Permanencia, or PTP) from February 2, 2017 through December 31, 2018. It offered one year of temporary residency to Venezuelans who entered the country before November 1, 2018. Unlike Colombia, Peru's government made this permit available to future migrants; that is, the cutoff date for entry had not already passed when the program was announced. This allowed Venezuelans elsewhere to take this option into account when deciding where to migrate, which is likely one of the reasons Peru hosts the second-highest number of Venezuelans, fewer only than Colombia.

However, at least 350,000 Venezuelan migrants have settled in Peru since the November 2018 cutoff.<sup>59</sup> There is no clear pathway for these newer arrivals to regularize their status. And it seems unlikely that there will be future rounds of PTP, given government concerns that such a mass regularization could generate a xenophobic backlash among native-born Peruvians.<sup>60</sup> Throughout 2019, xenophobia toward Venezuelans has been on the rise in Peru, spurred on in part by media reports labeling them criminals, and in some places this has manifested in attacks against Venezuelan migrants.<sup>61</sup>

57 Presentation by Felipe Muñoz.

58 The information on assistance to returnees comes from interviews with Colombian government officials and NGO representatives, March 2019. The estimate of 500,000 Colombian nationals returning to Colombia since 2014 is from Migration Colombia, as described in *El Nacional*, "Más de 500.000 colombianos retornaron a Colombia con la migración venezolana," *El Nacional*, September 12, 2019.

59 Authors' calculation based on data from R4V, "America Latina y el Caribe, Refugiados y Migrantes Venezolanos en la región" (fact sheet, September 2019); United Nations Office for the Coordination of Humanitarian Affairs, "Latin America and the Caribbean: Stocks of Venezuelan Population in the Region" (fact sheet, October 2019).

60 Author interview with senior Peruvian migration official, Washington, DC, September 23, 2019.

61 Caracas Chronicles, "The Making of a Public Enemy: Venezuelans in Peru," Caracas Chronicles, September 30, 2019; Christine Armario, "Mounting Venezuela Exodus Sparks Fears of Rising Xenophobia," Associated Press, October 17, 2019.

Still, those who were able to get PTP do have a pathway to long-term residence. Thirty days before their PTP expires they can apply for Special Migrant Residency Status, which they can renew indefinitely.<sup>62</sup> By March 2019, 30,000 Venezuelans had adjusted to this status.<sup>63</sup> There is also an expedited path to long-term residence for migrants in particularly vulnerable situations (e.g., victims of trafficking and those who have chronic diseases). After being evaluated and approved by specially trained migration officials, applicants are able to get a residency card. As of September 2019, 60,000 Venezuelans had obtained residency this way.<sup>64</sup>

Peru has thus created pathways to permanence for 420,000 Venezuelans through PTP. However, few options, even for temporary status, exist for those who were unable to obtain that permit. In this way, Peru and Columbia have taken opposite approaches: While Peru has offered a permanent solution for a fixed population of early arrivals, Colombia has not created pathways to permanence but continues to develop ways to regularize arriving migrants.

### Ecuador Establishes Its First Special Regularization Scheme for Some Venezuelans

After years of resisting the idea of creating a special regularization program for Venezuelan migrants, Ecuador's government in September 2019 began registering Venezuelans in the country in a process that will allow a portion of them to gain regular immigration status. The registration process will also offer authorities a sense of the number of Venezuelan migrants in the country and of characteristics such as legal status, socioeconomic standing, and labor and education profiles.<sup>65</sup> By mid-January 2020, 183,000 Venezuelans had registered.<sup>66</sup> From October 26, 2019 through March 31, 2020, Venezuelans who entered the country through regular channels before July 26, 2019, and who can afford the USD 50 fee, can obtain a two-year humanitarian visa. By mid-January 2020, about 15,000 Venezuelans had been granted these visas.<sup>67</sup> While migrants who entered the country illegally are not eligible to regularize through this process, government officials have indicated that they might consider regularizing this population in the future.<sup>68</sup>

*The registration process will also offer authorities a sense of the number of Venezuelan migrants in the country.*

Prior to this registration and regularization process, obtaining regular status in Ecuador was relatively difficult, particularly when compared with the opportunities to do so in Colombia and Peru. The most affordable visa available to Venezuelans, the

UNASUR visa, cost USD 250. Despite the cost and the requirement to furnish a valid passport, around 66,000 Venezuelans were able to receive a UNASUR visa by May 2019.<sup>69</sup>

62 Directive from Eduardo Sevilla Echeverría, Peruvian National Migration Superintendence, *Lineamientos para la Obtención de la Calidad Migratoria Especial Residente para Personas de Nacionalidad Venezolana con Permiso Temporal de Permanencia*, January 30, 2018; Peruvian National Migration Superintendence, "Comunicado N° 002-2018: Personas de origen venezolano que recibieron el PTP a inicio del año 2017 pueden tramitar la Calidad Migratoria Especial Residente" (press release, January 31, 2018).

63 Author interview with senior Peruvian migration official, Lima, March 18, 2019.

64 Author interview with senior Peruvian migration official, Washington, DC, September 23, 2019.

65 Author interview with representative of the National Assembly of Ecuador, Quito, September 18, 2019.

66 *El Universo*, "Al menos 15 % de población venezolana en Ecuador estaría en condición irregular," *El Universo*, January 21, 2020.

67 *El Universo*, "Al menos 15 % de población venezolana."

68 Based on authors' background interviews with Ecuadoran Assembly members and government officials in different ministries, September–October 2019.

69 Roger Vélez and Daniel Romero, "200,000 migrantes de Venezuela, sin visa para estadia en el Ecuador," *El Comercio*, June 20, 2019.

## Brazil Maintains Its Openness to Venezuelan Migrants

Brazil is the outlier among the countries in the region that have offered special immigration pathways for Venezuelans in that it has continued to offer the same special temporary residence option since 2017.<sup>70</sup> Instead of limiting that to migrants who entered legally before a particular date, the Brazilian government has made its permit available to any Venezuelan who enters as long as they have some type of identity document.

Furthermore, in March 2018, the government began allowing Venezuelans with this special form of temporary residence to apply for permanent residence status three months before their temporary permit is set to expire.<sup>71</sup> This opportunity, in practice, is available only to Venezuelan migrants who have found a job in the formal market because permanent residence applicants must prove they have a legal source of income.<sup>72</sup> Nonetheless, Venezuelans who cannot offer such proof are apparently permitted to renew their temporary residence permits indefinitely.

Even though Brazil has been able to continue offering temporary residence permits to Venezuelans, other receiving countries will have to evaluate whether this approach is right for them. For one thing, Brazil is receiving fewer Venezuelan migrants than other major receiving countries, such as Colombia, even though it too borders Venezuela. Still, other receiving countries could learn from the consistency and long-term focus of Brazil's efforts as they plan their future strategies.

## Trinidad and Tobago Undertakes Regularization Offering Minimal Benefits

While Trinidad and Tobago has fairly restrictive immigration and immigrant integration policies, it has also had to deal with the reality that it is only seven miles off the coast of Venezuela—a short boat ride. In recent years, illegal entries by Venezuelans have increased.<sup>73</sup> A route to legal residence was available to few of these arrivals, and the country does not have an asylum system.

In April 2019, the government announced that it would run a two-week registration process from May 31 through June 14, 2019, for Venezuelan migrants in irregular status.<sup>74</sup> Successful applicants would receive six-month work permits that could be renewed once, at the discretion of the immigration office. More than 16,500 Venezuelans registered in this process.<sup>75</sup> However, there is no reliable figure for the overall number of Venezuelans living in Trinidad and Tobago, so it is difficult to know how comprehensive or narrow this process was in registering Venezuelans living in the country.<sup>76</sup>

70 Brazilian National Immigration Council, "Resolução Normativa No. 126, de 2 de Março de 2017," *Diário Oficial da União* no. 43 (March 3, 2017): 88.

71 Brazilian Ministry of Justice, "Portaria Interministerial No. 9, de 14 de Março de 2018," *Diário Oficial da União* no. 51 (March 15, 2018): 57.

72 Author interview with Juliana Miranda Rocha, Coordinator, Jesuit Service for Migrants and Refugees, Belo Horizonte, October 21, 2019.

73 Kristian de Silva, "Coast Guard Deny 2 Boatloads of Venezuelans T&T Entry," *Trinidad and Tobago Guardian*, May 2, 2019.

74 Government of Trinidad and Tobago, "FAQ: Venezuelan Migrant Registration Process," accessed November 11, 2019.

75 Kejan Haynes, "16,523 Venezuelans Registered in Exercise; No, They Can't Vote," TV6, June 26, 2019.

76 IOM and UNHCR reduced their estimate from 40,000 to 21,000 Venezuelans living in Trinidad and Tobago following the census, as the government put out its first estimate of Venezuelans in the country, but other reliable sources confidentially suggested to the authors that there may be as many as 60,000 or 80,000 Venezuelans in the country. The lack of accurate information makes it impossible to even hazard an educated guess on the real number.

While Trinidad and Tobago's decision to undertake a registration process was commendable, particularly for a small island that has little experience with mass immigration, its long-term impact is likely to be limited. Permit holders have no pathway to permanent residency, and there is no indication that the government is considering extending them beyond one year. The short duration of the permit, combined with many Venezuelan migrants' distrust of the country's government—particularly after a 2018 incident in which it deported 82 Venezuelans recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR)—also reportedly made some migrants unwilling to register and give their information to the government.<sup>77</sup> And while registration offered work authorization, its other benefits were limited; children whose parents regularized were still barred from enrolling in school, just as they were when their parents were irregular immigrants. Thus, while the registration process was an important step forward, its long-term significance remains unclear.

### Argentina and Uruguay Provide Easy Pathways to Residency

Venezuelans, for the most part, are not covered by the mobility agreements established by regional blocs such as Mercosur and CARICOM. Argentina and Uruguay are the critical exceptions to this rule. Both governments make Mercosur visas available to Venezuelans, as they do to nationals of other South American countries, even though Venezuela was suspended from the pact in 2016.<sup>78</sup>

In Argentina, Venezuelan migrants can obtain a two-year temporary residence visa under Mercosur's mobility agreement, as long as they provide either a national identity document or passport, documentation of their legal entry into the country, certificates showing a clean criminal record in

*Both governments make Mercosur visas available to Venezuelans ... even though Venezuela was suspended from the pact in 2016.*

Argentina and anywhere else they have resided for more than one year in the last three years, and proof of residence in Argentina.<sup>79</sup> As more migrants have arrived in Argentina, however, the wait time for a visa has grown, reaching three months as of July 2019.<sup>80</sup>

In Uruguay, Venezuelans can obtain a permanent residence visa under the Mercosur mobility agreement. To do so, they must provide either a national identity document or passport, proof of a clean criminal record in countries where they resided for more than six months in the past five years, and a vaccination certificate.<sup>81</sup> While this process is relatively easy in most cases, children are barred from obtaining residency in Uruguay if they do not have the approval of both parents.<sup>82</sup> This requirement was initially implemented with the goal of preventing a parent from kidnapping his or her children and fleeing to Uruguay, but it has created difficulties for single parents and in cases where entire families have left Venezuela but the parents have

77 Author interviews with Venezuelan migrants in Trinidad and Tobago, June 2019.

78 BBC News, "Mercosur Suspends Venezuela over Trade and Human Rights," BBC News, December 2, 2016; Mercosur, "Suspensión de Venezuela en el MERCOSUR," updated August 5, 2017.

79 Argentinian National Migration Administration, "Obtener una residencia temporaria por nacionalidad," accessed November 12, 2019.

80 R4V, "Southern Cone Situation Report July 2019" (fact sheet, July 2019).

81 Uruguayan Foreign Ministry, "Residencia Permanente en Uruguay para Nacionales de Estados Partes y Asociados del Mercosur y Extranjeros Familiares de Uruguayos," updated September 17, 2019.

82 Author interview with Diego Cabrita, secretary of Uruguayan civil-society organization, October 16, 2019.



moved to different countries. It is thus a significant barrier to the integration of some Venezuelan migrants, albeit a relatively small share.

While Argentina and Uruguay stand out for the general ease with which Venezuelans can obtain legal residency, it is worth noting that both countries have received smaller numbers of Venezuelans than other countries of a similar size (145,000 in Argentina and 14,000 in Uruguay as of late 2019); these migrants also tend to be far better educated than those arriving in countries closer to Venezuela.<sup>83</sup> Moreover, both countries have long histories of immigration that may have better prepared them to adapt to this more recent inflow. The use of the Mercosur visa may be a pathway that other South American countries could consider, though, given that most have agreed to the Mercosur mobility agreement of which this visa is part.<sup>84</sup>

### Costa Rica's Agricultural Regularization Unlikely to Benefit Most New Arrivals

Costa Rica has largely maintained open doors for Nicaraguans and Venezuelans, but it has few channels other than the asylum system to offer them legal status. One exception is a mass regularization program for agricultural workers announced on September 27, 2019, which would mainly benefit Nicaraguan migrants.<sup>85</sup> Under this program, migrants who entered the country between January 1, 2016 and May 31, 2019 and who are engaged in farm work are eligible for a temporary visa that can be renewed for two-year periods.

However, many recent migrants are professionals and students, so while this regularization is likely to benefit some (mostly Nicaraguans) who are employed in agriculture, it will leave most out.<sup>86</sup> And even for migrants who are working in the agricultural sector, there are several practical barriers to accessing the program. The regularization process costs USD 60, and each renewal costs USD 90.<sup>87</sup> It also includes several documentary requirements that could be hard to meet for people who suddenly fled Nicaragua and who may not want to alert the government to their location, such as a certificate proving a clean criminal record, a birth certificate, and proof of identity.<sup>88</sup>

83 In Argentina, as of late 2018, 70 percent of Venezuelan migrants surveyed in the IOM's nonrepresentative Displacement Tracking Matrix (DTM) had obtained either university or postgraduate degrees. In Uruguay, 60 percent had either university or postgraduate degrees, also according to an IOM DTM survey. Among the countries in which IOM conducted surveys, these two had the highest percentage of migrants with these types of advanced degrees. The degree-holding share in the other countries where this information was gathered (Brazil, Chile, Colombia, Ecuador, Guyana, and Peru) ranged from 14 percent in one region of Guyana to 52 percent in Chile, as of late 2018. See IOM, "Sudamerica — Informe De Migración Regional 3: Argentina, Brasil, Chile y Uruguay (Agosto — Noviembre 2018)" (issue brief, IOM Regional Office, Buenos Aires, February 18, 2019); IOM, "Displacement Tracking Matrix: Guyana" (issue brief, IOM, Georgetown, Guyana, May 2019).

84 Mercosur, "Residir," accessed November 11, 2019.

85 Costa Rican Second Vice President, Minister of Agriculture and Livestock, and Minister of Government and Police, "Creación de Categoría Especial Bajo Régimen de Excepción para la Regularización Migratoria de Personas Extranjeras que Laboren en el Sector Agropecuario," *La Gaceta: Diario Oficial*, no. 187 (October 3, 2019): 4–16.

86 Cuadra Lira and Samcam Ruiz, *De la Represión al Exilio*, 11. This survey was nonrepresentative and largely concentrated in San Jose, the capital, so likely skewed toward respondents who were students or professionals, but that does appear to be the profile of the majority, though not all, recent Nicaraguan migrants.

87 Costa Rican Second Vice President, Minister of Agriculture and Livestock, and Minister of Government and Police, "Creación de Categoría Especial," 14–15.

88 Costa Rican Second Vice President, Minister of Agriculture and Livestock, and Minister of Government and Police, "Creación de Categoría Especial."

Overall, this regularization effort is an important step for a country that previously had not created any special regularization measures to address the arrival of large numbers of migrants. However, between its narrow scope and application requirements, this program's impact will likely be limited, stopping short of addressing the situation of most recently arrived Venezuelan and Nicaraguan migrants.

### Pressures Discouraging Governments from Undertaking Mass Regularization

National governments are often hesitant to undertake mass regularization programs, both because of concerns that these could act as a pull factor, attracting further migration, and because they may arouse anti-immigrant sentiment among the public.

There is some evidence that announcements of the creation (or closing) of regularization programs have generated short-term surges in Venezuelan migration. In the six weeks between when Trinidad and Tobago announced its registration program and the beginning of the program, entries by Venezuelans increased.<sup>89</sup> Similarly, in the weeks before October 31, 2018, the cutoff date for migrants to have entered Peru in order to be eligible for PTP, average daily entries increased to 2,000, compared to 1,300 in August of that year, and on the final day, more than 6,700 Venezuelans entered the country.<sup>90</sup>

*Such programs may have some effect on these flows, but their long-term benefits to both migrants and host countries are considerable.*

Yet at the same time, there is no indication that Venezuelans will stop fleeing their country anytime soon, and many will continue to settle in neighboring countries—whether or not they offer a regularization

program. Such programs may have some effect on these flows, but their long-term benefits to both migrants and host countries are considerable. They give a government more information about immigrants living within their borders and bring them into the bounds of the country's legal system,<sup>91</sup> while also helping to mitigate the marginalization of a growing migrant population and their descendants. In short, in situations of mass forced migration, regularization efforts generally act as an alternative to irregular migration rather than an incentive to migrate.

A regional approach to regularization, in which a group of countries enacts regularization programs at the same time and for the same groups of migrants, could reduce the chances of large numbers of migrants changing course to make a beeline for one country implementing such a program. This, in turn, might also alleviate political backlash within these countries. A regional approach with no set end date—similar, for example, to Brazil's temporary residence permit for Venezuelans—could also lessen the sense of urgency that can lead to a surge in migration.

89 Shaliza Hassanali, "PM: We Have to Limit Exposure to Migrants," *Trinidad and Tobago Guardian*, May 23, 2019.

90 *El Comercio*, "Venezolanos en Perú: más de 6.700 entraron ayer al vencerse el plazo para acogerse al PTP," *El Comercio*, November 1, 2019.

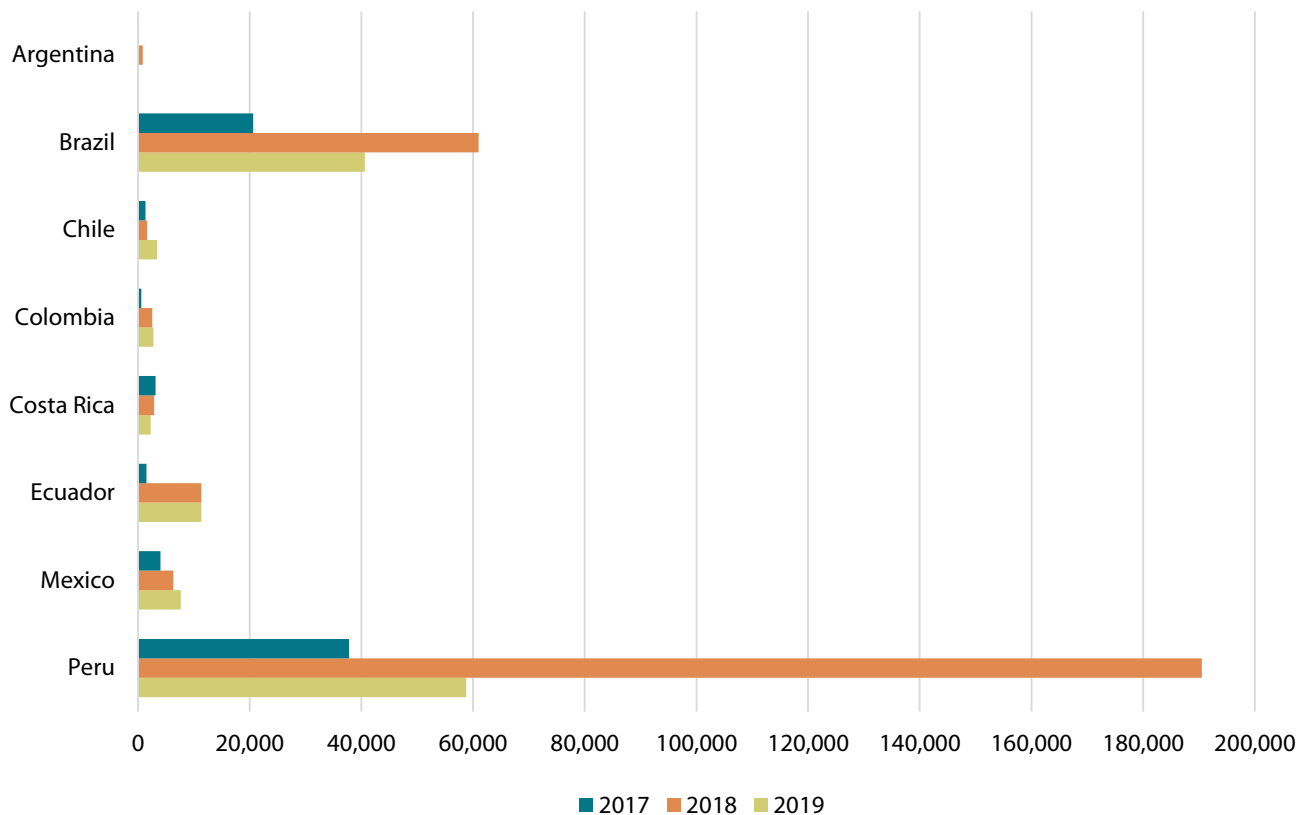
91 Marc R. Rosenblum, *Immigrant Legalization in the United States and European Union: Policy Goals and Program Design* (Washington, DC: MPI, 2010), 2.

### C. Asylum Systems as Alternate Legal Channels

Access to asylum systems, another means of establishing legal status, varies across Latin American and Caribbean countries. A substantial number of Nicaraguans—49,000 as of October 31, 2019<sup>92</sup>—have sought asylum in Costa Rica since the beginning of 2018, with tens of thousands more waiting for their appointments to file a claim. Hundreds of thousands of Venezuelans have also sought asylum in several receiving countries, mainly Peru and Brazil (see Figure 2).

FIGURE 2

#### Asylum Applications Filed by Venezuelans in Case-Study Countries, 2017–19



Notes: 2019 data for Peru go through March, for Colombia they go through April, for Ecuador through August, for Brazil through October 9, and for Costa Rica through October. The data for Chile include January through March 2019 as well as June 2019. 2019 data for Mexico span the whole calendar year. Data for 2019 are not available for Argentina. Guyana and Trinidad and Tobago are excluded because they do not have asylum systems.

Sources: United Nations High Commissioner for Refugees (UNHCR), *Global Trends: Forced Displacement in 2018* (Geneva: UNHCR, 2019); Brazilian Ministry of Justice and Public Security, “Refúgio em Números e Publicações—Solicitações de reconhecimento da condição de refugiado ativas (ou seja, aguardando decisões do Conare) em 09 de outubro de 2019,” accessed January 15, 2020; Mixed Migration Centre (MMC), *Waning Welcome: The Growing Challenges Facing Mixed Migration Flows from Venezuela* (N.p.: MMC, 2019); Mexican Refugee Commission (COMAR), “Cierre Diciembre 2019” (fact sheet, January 7, 2020); Argentinian National Commission for Refugees, *Estadísticas Período 2014-2018* (Buenos Aires: Argentinian National Commission for Refugees, 2019); “Solicitudes de Refugio” dataset available from the Chilean Foreign Ministry, “Estadísticas Migratorias,” accessed November 11, 2019; Servicio Jesuita a Migrantes, *Informe sobre la situación de personas Venezolanas en la frontera norte de Chile* (Santiago: Servicio Jesuita a Migrantes, 2019); Costa Rica Ministry of the Interior, Department of Migration and Foreigners, “Personas solicitantes de refugio en el 2019 por mes y país de origen” (data table, November 2019).

92 Based on data provided to the authors by the Costa Rican Directorate of Migration and Foreigners through the Ministry of the Interior, October 17, 2019.

But even though both Nicaraguan and Venezuelan migration can easily be classified as forced migration, in which many are fleeing direct persecution and others the indirect effects of political conflict and partial state collapse, asylum systems have proved unequal to the task of addressing these flows, as they have in other parts of the world. These systems, which were set up to deal with smaller caseloads, become overloaded when mass forced migration leads application numbers to quickly climb.

Moreover, the narrow definitions of persecution established under the 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees do not adequately account for the mix of reasons that may cause people to leave a country in crisis such as Venezuela or Nicaragua. These agreements specifically cover persons fleeing persecution on the basis of race, religion, nationality, political opinion, or membership in a particular social group.<sup>93</sup> Under the 1984 Cartagena Declaration, a number of Latin American and Caribbean countries have adopted a more expansive definition of refugees that also includes those fleeing generalized violence and the breakdown of public order.<sup>94</sup> However, no countries other than Mexico and Brazil have invoked this definition when reviewing the asylum applications of Venezuelans and Nicaraguans in recent years.

Still, even just applying for asylum has allowed some Nicaraguan and Venezuelan migrants to gain regular immigration status for long periods of time while their applications are being processed. In many countries, such as Costa Rica, asylum applicants can eventually get work permits, although these permits are often delayed by several months.<sup>95</sup> But overall, other pathways to legal status, described in previous sections, have become the dominant means of managing these forced migration flows.

### Where Is Applying for Asylum Worth the Effort?

The distribution of asylum claims filed by Venezuelans and Nicaraguans has been distinctly uneven among countries in Latin America and the Caribbean, varying based on the accessibility of their asylum systems and the benefits of submitting an application.

#### *Countries with Relatively Open Asylum Systems*

Brazil, Costa Rica, and Peru (until mid-2019) have all relied on their asylum systems to offer at least temporary protections to arriving Venezuelans and Nicaraguans.

Venezuelan migrants who cross into Brazil by land have the opportunity to apply for either a temporary residence permit or asylum. In the two northern border cities that receive most arriving Venezuelans, Boa Vista and Pacaraima, the Brazilian government has set up two “triage posts,” where migrants can schedule an appointment to submit an application for one of these two statuses, thus facilitating entry into the asylum

93 UN General Assembly, “Convention Relating to the Status of Refugees,” July 28, 1951.

94 Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama, “Cartagena Declaration on Refugees,” November 22, 1984.

95 Inter-American Commission on Human Rights, *Migración forzada de personas Nicaragüenses a Costa Rica* (San José: Inter-American Commission on Human Rights, 2019).

system.<sup>96</sup> Upon applying, asylum seekers receive a provisional identification document that allows them to work.<sup>97</sup> As of the end of November 2019, about 135,000 Venezuelans had applied for asylum in Brazil.<sup>98</sup>

Similarly, through June 2019, Venezuelans who arrived at Peru's northern border without sufficient documentation to enter through other legal channels were simply directed to apply for asylum at a Foreign Affairs Ministry building at the border.<sup>99</sup> Peru received 287,000 asylum applications from Venezuelans between January 2017 and April 2019.<sup>100</sup> In both Brazil and Peru, asylum applicants are authorized to work. However, Peru changed its asylum processes in June 2019, and began requiring Venezuelans who seek asylum after arriving at the border to undergo a pre-application interview to evaluate whether they have an asylum claim based on one of the five grounds outlined in the 1951 Refugee Convention. If the interviewer, who is from Peru's Refugee Commission, determines that the claim is not valid, the migrant is placed in police custody and returned to Ecuador. This change has drastically reduced the number of people applying for asylum at the border.<sup>101</sup>

Costa Rica, despite its low approval rate of asylum claims, has tolerated the increase in applications—and the resulting long and bureaucratic process that allows asylum seekers to remain in the country for years. Costa Rica has seen a dramatic spike in asylum applications since April 2018, when the Nicaraguan protests and subsequent government repression began, reaching about 2,500 per month in the months following.<sup>102</sup> Previously, Costa Rica received about 100 asylum applications per year.<sup>103</sup> And while the country's refugee commission has historically only approved around 7 percent of applications, cases take about three years to resolve, and there is an extensive appeals process available to those who are denied, which can take up to another two years.<sup>104</sup> At that point, an asylum seeker who wants to remain in Costa Rica may be able to obtain residence through a traditional visa category, such as visas for spouses of Costa Ricans. In addition, Costa Rica rarely deports migrants who have their asylum claims denied, meaning that the country's asylum system essentially serves as a system of temporary protection for most applicants.

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*The country's asylum system essentially serves as a system of temporary protection for most applicants.*

### *Countries with Less Accessible Asylum Systems*

Other countries hosting comparable numbers of Venezuelan migrants (no country is hosting a comparable number of Nicaraguans) have received far fewer asylum applications than Brazil and Peru. Nevertheless, even the number they are receiving has overwhelmed their asylum systems.

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96 Author interview with Juliana Miranda Rocha.

97 Author interview with Juliana Miranda Rocha.

98 R4V, "Plataforma de Coordinación para Refugiados y Migrantes de Venezuela," accessed January 15, 2020.

99 Author interview with international organization official based in Peru, July 23, 2019.

100 Mixed Migration Centre (MMC), *Waning Welcome: The Growing Challenges Facing Mixed Migration Flows from Venezuela* (N.p.: MMC, 2019).

101 Author interview with international organization official based in Peru, July 23, 2019.

102 Presentation by Harold Villegas Román, President of the Commission on Restricted Visas and Refuge, at the event "Latin American Responses to the Venezuelan and Nicaraguan Migration Crises," MPI, October 29, 2019.

103 Presentation by Harold Villegas Román.

104 Presentation by Harold Villegas Román.



In Colombia, the relatively smaller number of asylum applications may be due to the fact that it is not clear whether asylum seekers are permitted to work. Until January 2019, the documentation that asylum seekers received when they submitted an application had a note on it indicating that it was not valid as work authorization. In January, that note was removed.<sup>105</sup> However, neither before nor after that point did any law or regulation specify whether asylum seekers are eligible for work authorization. The legal infrastructure to deal with large-scale humanitarian flows and the needs of the people arriving simply did not exist in Colombia before the Venezuelan crisis. While the Colombian government was still issuing the PEP, building out this infrastructure was less of an imperative because migrants had another way to regularize their status and gain work authorization. But as Colombia went more than a year without announcing a new round of PEP, asylum applications began to increase, and policymakers are considering how to offer these people access to the labor market.<sup>106</sup>

*This new process has allowed authorities to process cases in the backlog while ensuring that new applicants are documented.*

Even countries with a history of providing humanitarian protection, such as Ecuador, have found themselves overwhelmed.<sup>107</sup> Between 2017 and 2018, the number of people requesting asylum in Ecuador jumped from 7,000 to 17,000, the biggest unexpected increase since at least 2005.<sup>108</sup> (In 2009, Ecuador undertook an effort to vastly

expand Colombians' access to the asylum system, resulting in an increase—which was expected—from 13,000 applications in 2008 to 37,000 in 2009.<sup>109</sup>) The 2018 increase in applications came almost entirely from Venezuelans, who filed a total of 11,400 petitions in 2018, compared with 1,500 in 2017.<sup>110</sup>

Ecuador's solution to its increasing caseload was to implement a contingency plan, starting in January 2018.<sup>111</sup> Asylum seekers are now given an initial screening interview to determine whether they will be admitted into the asylum process, typically receiving a decision the same day. If denied, they can appeal or apply for a different type of visa. If they are admitted, they receive a humanitarian visa, which serves as work authorization while they wait for the more in-depth asylum eligibility interview. This new process has allowed authorities to process cases in the backlog while ensuring that new applicants are documented and that they are not submitting unfounded or fraudulent cases. However, critics of the contingency plan point out that decisions on admissibility made in a day likely lack nuance, leaving some applicants with legitimate claims to fall through the cracks.<sup>112</sup>

105 Government of Colombia, "Estrategia de generación de ingresos para la población migrante proveniente de Venezuela y las comunidades de acogida" (working document, September 2019), 31.

106 Between 2015 and 2018, almost 2,500 Venezuelans submitted asylum applications in Colombia. From January through mid-May 2019, about 2,800 did. See Government of Colombia, *Estrategia de generación de ingresos*, 31; R4V, "Plataforma de Coordinación para Refugiados y Migrantes de Venezuela."

107 Ecuador has recognized the most refugees of any country in Latin America, totaling 68,200 as of August 2019, 97 percent of whom were from Colombia. See Ecuadoran Foreign and Human Mobility Ministry, "Sobre refugio, datos actualizados," accessed November 11, 2019; Ecuadoran Foreign and Human Mobility Ministry, "Histórico de Refugiados Por País de Origen," updated September 2, 2019.

108 Ecuadoran Foreign and Human Mobility Ministry, "Dirección de Protección Internacional," updated September 2, 2019.

109 Juan Camilo Molina Bolívar, "El registro ampliado: implicaciones solidarias y oportunidades del refugio en Ecuador," Flacso Ecuador, May 2010.

110 Author interview with senior Ecuadoran immigration official, Quito, September 18, 2019.

111 Author interview with senior Ecuadoran immigration official, Quito, September 18, 2019.

112 Author interview with member of Ecuadoran NGO, Quito, September 18, 2019.

## Who Qualifies for Asylum Where?

Whether these asylum seekers will ultimately be granted asylum is another important question, and one whose answer varies across countries and between Nicaraguans and Venezuelans. Many Nicaraguans are fleeing circumstances that fit the most common definition of refugees, as outlined in the 1951 Refugee Convention. According to an April 2019 survey of Nicaraguans in Costa Rica who migrated after the protests started in Nicaragua a year earlier, 87 percent indicated they had migrated due to persecution and harassment, death threats, fear, or belonging to a particular civic or political group.<sup>113</sup> Only 13 percent said they migrated for economic reasons.

On the other hand, in a March 2019 survey of Venezuelans in Colombia, only 2 percent of respondents cited direct threats to themselves or their family as one of the reasons they fled.<sup>114</sup> Far more often, they described food scarcity and a general lack of resources in Venezuela as among their reasons for migrating (72 percent and 62 percent, respectively). In some contexts, migration on these grounds could be considered purely economic, and receiving countries would not be expected to offer humanitarian protection. But the Venezuelan context is complicated. Countries in the region have had to grapple with a question that is challenging migration management systems worldwide: Do those fleeing a failing or failed state that cannot provide for their basic human rights (food, shelter, medical care) merit international protection, even if they are not the target of individualized persecution?<sup>115</sup>

Countries in the region answered this question—at least in theory—25 years ago. In signing the Cartagena Declaration of 1984, many Latin American and Caribbean nations accepted the broader definition of refugees as including migrants who have fled “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.”<sup>116</sup> The declaration is nonbinding, but 15 countries have incorporated this definition into their laws.<sup>117</sup>

Scholars and UNHCR have argued that conditions in Venezuela constitute human rights violations and disturbances of the public order, and that receiving countries that have incorporated the Cartagena definition into their national laws should recognize most, if not all, Venezuelans as refugees.<sup>118</sup> However, countries in the region have largely avoided doing so, likely due to a range of concerns, including asylum system capacity and infrastructure, the possibility of spurring additional Venezuelan migration to any country that makes this move on its own, and the reaction of Venezuelan President Nicolás Maduro, whose government maintains that Venezuelans are economic migrants searching for better jobs.<sup>119</sup>

113 Cuadra Lira and Samcam Ruiz, *De la Represión al Exilio*, 12.

114 *Semana*, “Los migrantes venezolanos tienen la palabra,” *Semana*, March 9, 2019.

115 See Alexander Betts, *Survival Migration*.

116 Colloquium on the International Protection of Refugees in Central America, Mexico, and Panama, “Cartagena Declaration on Refugees.”

117 These countries are Argentina, Belize, Bolivia, Brazil, Chile, Colombia, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, and Uruguay. See Feline Freier and Nicolas Parent, “The Regional Response to Venezuelan Exodus,” *Current History* 118, no. 805 (February 2019): 56.

118 Feline Freier, “Why Latin America Should Recognize Venezuelans as Refugees,” *News Deeply*, September 28, 2018; UNHCR, “ACNUR: la mayoría de las personas que huyen de Venezuela necesitan protección como refugiadas” (press release, May 21, 2019).

119 Deutsche Welle, “Venezuelan Government: ‘Thousands’ of Migrants Want to Come Back,” *Deutsche Welle*, August 30, 2018.

At the time of writing, only Mexico and Brazil apply the Cartagena refugee definition when reviewing applications filed by Venezuelans. This has led to an asylum approval rate of 99 percent for Venezuelans in Mexico as of the end of 2019.<sup>120</sup> However, because Mexico is receiving fewer Venezuelans than the primary receiving countries in South America, even with this near-universal approval rate, only 8,500 Venezuelans were granted asylum from January 2017 through December 2019.<sup>121</sup>

Brazil started applying the broader definition of asylum to Venezuelans more recently, in June 2019, while still requiring them to undergo individual status determination interviews.<sup>122</sup> In December, the government started granting refugee status on a *prima facie* basis to Venezuelan applicants.<sup>123</sup> Between June and December 2019, more than 26,000 Venezuelans were granted asylum, compared with 5 in all of 2018, and 42 in the first six months of 2019.<sup>124</sup> Asylum has thus become a true path to regular status for a large segment of Venezuelans in Brazil.

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*Only Mexico and Brazil apply the Cartagena refugee definition when reviewing applications filed by Venezuelans.*

### 3 Education

While regularization is an important step in integrating immigrants, it is equally important that they have access to basic public services, including education and health care. In theory, all case-study countries in this report, except one, provide universal access to education, regardless of a child's immigration status. Most countries have implemented laws codifying the right to primary and secondary education.<sup>125</sup> Brazil, Chile, and Colombia do not have laws enshrining this right, but in all three countries, the national education

120 COMAR, "Cierre Diciembre 2019."

121 COMAR, "Cierre Diciembre 2019."

122 UNHCR, "ACNUR felicita a Brasil por reconocer la condición de refugiado a las personas venezolanas con base en la Declaración de Cartagena" (press release, July 29, 2019); Interview with Juliana Miranda Rocha.

123 A *prima facie* approach to protection involves the recognition of certain migrants—in this case, Venezuelans—as refugees without individual status determination. UNHCR, "UNHCR Welcomes Brazil's Decision."

124 Brazilian Ministry of Justice and Public Security, "Refúgio em Números e Publicações—Tabela com decisões sobre pedidos de reconhecimento da condição de refugiado - ACNUR (1993-1997) e Conare (1998 a novembro de 2019)"; UNHCR, "UNHCR Welcomes Brazil's Decision."

125 Argentina's 2003 *Migration Law* provides the right to education to all migrants, regardless of legal status. See Government of Argentina, *Ley de Migraciones*, Ley No. 25.871 (December 17, 2003). Costa Rica's 2009 *Migration Law* confirms that all children living in Costa Rica have the right to access education. See Organization for Economic Cooperation and Development (OECD) and La Fundación de la Universidad de Costa Rica para la Investigación (FUNDEVI), *Interrelations between Public Policies, Migration and Development in Costa Rica* (Paris: OECD Publishing, 2017), 119. Ecuador's *Organic Law of Intercultural Education* states that education is a fundamental human right. See Government of Ecuador, *Ley Orgánica de Educación Intercultural*, *Official Register No. 417* (March 31, 2011). Mexico's 2014 *Education Law* made education available to all children regardless of immigration status and lowered the requirements for registering for school to make it accessible to those arriving from abroad. See Government of Mexico, *Ley General de Educación*, last reformed January 19, 2018. Peru's constitution establishes education as a right, and its *Migration Law* states that migrants have the same right to education as nationals. See Government of Peru, *Ley y Reglamento de Migraciones*, Legislative Decree No. 1350, Supreme Decree 007-2017-IN (March 2017), Art. 9. Uruguay's 2008 migration law provides migrants the same rights to education as nationals, regardless of status. See Uruguayan Directorate of Education, *Guía para el ingreso de migrantes al sistema educativo* (Montevideo: Uruguayan Directorate of Education, 2018).



## Trinidad and Tobago

Most of the several thousand Venezuelan children there cannot enroll in school because regular immigration status is required



ministry has issued administrative policies that provide for universal access to education.<sup>126</sup> Guyana's constitution provides for equal access to education for everyone in the country, but this right has not been codified in law.<sup>127</sup> Trinidad and Tobago is the one country that requires a child to have a regular immigration status to enroll in school, which means that most Venezuelan migrant children in the country are not enrolled in school.<sup>128</sup>

Beyond the legal framework, getting immigrant children into classrooms entails addressing a number of practical challenges. Most countries in the region, with the possible exceptions of Costa Rica, Chile, and Argentina, had little experience prior to the Venezuelan crisis with trying to integrate foreign-born students into their education systems. They have had to grapple with the questions of how to enroll students who lack the documents schools usually require, how to place children in the right grades when they lack school records, and how to respond to differing levels of academic knowledge among children of a similar age.

While all of the case-study countries have been affected in this arena, Colombia has by far the most Venezuelan students in its schools (see Figure 3). However, in Colombia, the Venezuelan migrant population is more spread across the country than in some other receiving countries. The capital city, Bogotá, is home to 20 percent of the Venezuelan population, followed by the border regions of Norte de Santander and La Guajira, with 11 percent and 10 percent, respectively.<sup>129</sup> The coastal region of Atlántico also hosts 10 percent of the Venezuelan population.<sup>130</sup> In Peru, on the other hand, which has the second most Venezuelan students, 85 percent of the Venezuelan migrant population and 70 percent of Venezuelan school children are concentrated in the capital city of Lima,<sup>131</sup> meaning the city's already overcrowded schools must rapidly adapt to accommodate this influx of new students.

126 A 2012 resolution issued by the Brazilian Ministry of Education guarantees access to education to immigrant children. See Brazilian Ministry of Education, *Resolução Nº 3* (May 16, 2012). Chile's Ministry of Education issued instructions in 2005 that all children should be enrolled in school regardless of immigration status. See Chilean Ministry of Education, *Ordinario Nº 07/1008 (1531)* (September 8, 2005). Colombia's constitution guarantees a universal right to education, and since 2015, the Ministry of Education has issued a series of memos instructing schools to admit all children regardless of nationality, immigration status, or documentation, the most recent in April 2018. See Joint Circular No. 16 from Helga Hernández Reyes, Interim Vice Minister of Preschool, Basic, and Middle Education, and Christian Kruger Sarmiento, Director of Special Administrative Migration Unit, to governors, mayors, secretaries of education, deans, and teaching directors of certified territorial entities, and regional directors of Migration Colombia, *Instructivo para la Atención de Niños, Niñas y Adolescentes Procedentes de Venezuela en los Establecimientos Educativos de Colombianos* (April 10, 2018).

127 Government of Guyana, *Initial Report Submitted by Guyana under Article 73 of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (New York: United Nations, 2018), 14.

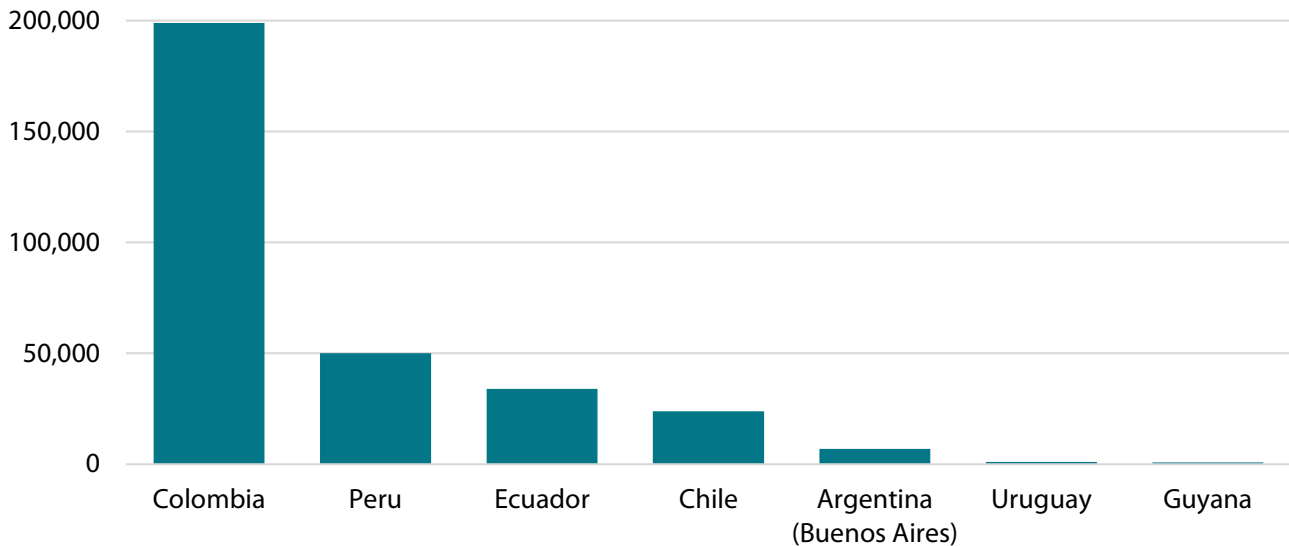
128 Of the Venezuelan children interviewed for IOM's DTM in 2018, 75 percent did not have access to formal education. See IOM, *Monitoring Venezuelan Citizens Presence: Trinidad and Tobago—Round 1* (Port of Spain: IOM, 2018).

129 Migration Colombia, "Venezolanos en Colombia, corte a 31 de octubre de 2019" (fact sheet, December 24, 2019).

130 Migration Colombia, "Venezolanos en Colombia, corte a 31 de octubre de 2019."

131 Author interview with senior Peruvian migration official, Washington, DC, September 23, 2019.

FIGURE 3

**Venezuelan Students Enrolled in Public Schools in Selected Receiving Countries, Mid-2019**

Notes: Data for Argentina are only available for Buenos Aires. Statistics from Uruguay are as of March 2019. Statistics from Buenos Aires, Argentina, are as of July 2019. Statistics from Chile, Colombia, Ecuador, and Guyana are as of August 2019. Statistics from Peru are as of September 2019. Data were not available from the other case-study countries.

Sources: *El Nacional*, "Aumentan inscripciones de niños venezolanos en colegios de Buenos Aires," *El Nacional*, July 10, 2019; presentation by Felipe Muñoz, Advisor to the President of Colombia for the Colombian-Venezuelan Border, at the event "The Colombian Response to the Venezuelan Migration Crisis: A Dialogue with Colombia's Migration Czar," Migration Policy Institute, Washington, DC, September 27, 2019; Cooperativa.cl, "Matrículas en la educación pública consolidan aumento y crecen en más de 11 mil respecto a 2018," Cooperativa.cl, August 16, 2019; Mariela Rosero, "En Ecuador hay 88 320 niños y adolescentes venezolanos pero 54 000 no van a clases," *El Comercio*, December 4, 2019; author interview with senior Peruvian Education Ministry official, Washington, DC, October 4, 2019; Carlos Tapia, "Récord de estudiantes extranjeros en el sistema público," *El País*, March 17, 2019; Guyana Ministry of the Presidency, "Teachers to Be Trained in English as a Second Language" (press release, August 20, 2019).

## A. Common Challenges to Accessing Education

The increased number of Venezuelan children arriving in countries across the region and seeking to enroll in schools has brought significant challenges for both schools and migrant families. Many schools have registration requirements that were not designed with foreign-born students (and especially forced migrants) in mind, and some school officials may be unaware that certain documents are *not* required to enroll. Grade-level placement tests may also assume a level of country-specific knowledge that migrants lack. And in many countries, schools were already over capacity before thousands of migrant students arrived.

While many Nicaraguan students are entering Costa Rican schools as well, Costa Rica's history as a country of immigration has prepared it better for this influx. In fact, it already had laws in place that took into account the circumstances of migrant students. For example, Costa Rica's *Refugee Regulations* specify that refugees and asylum seekers have the right not to request official documents from their home-country governments. And in August 2018, the Minister of Public Education issued a directive outlining existing

legislation on the enrollment of migrants in Costa Rican schools, including the provision exempting them from obtaining official documents, as well as further actions that educators should take to integrate migrant students.<sup>132</sup>

## Documentary Requirements

Schools in some Latin American and Caribbean countries either require families seeking to enroll a child to present documentation of the child's grade level or make enrollment significantly harder without it. Of course, evaluating a student's prior knowledge and educational experience is an important part of placing them in the correct grade level, and education policymakers need to think creatively about how to balance that with the need to ensure that Venezuelan students are enrolled.

There have been some efforts to bring more flexibility into enrollment processes, but ease of access still varies. Schools in Peru require children to provide apostilled copies of their school records in order to enroll.<sup>133</sup> In the past, the only way to obtain an apostille—a stamp of authenticity provided by the government that issued the document—was to request it in person from the Venezuelan Ministry of Foreign Affairs. As of June 2019, however, the Venezuelan government began allowing its citizens to request and receive apostilles electronically, making it easier for Venezuelans living abroad to meet this requirement.<sup>134</sup>

But even if migrants can now get an apostille remotely, they may not have traveled with their certificates of past studies, making the ease of attaining an apostille irrelevant. In Peru, officially, students should not be allowed to enroll if they cannot provide this documentation. In practice, it depends on the discretion of individual school directors, some of whom allow students who do not meet the documentary requirement to enroll.<sup>135</sup> Finally, students must take an enrollment test, which is likewise designed by a school's director, and thus these tests vary in difficulty—and in cost—from school to school.<sup>136</sup>

In Colombia, it is preferred that students provide an apostilled certificate of past studies, but if they do not have one, they can take an exam to determine their grade level. The exams are given at certain schools designated by a region's education secretary, and they cover math, language, and social sciences, but not history.<sup>137</sup> Ecuador has a similar system, but its placement exam does include questions about national history and geography, which may be difficult for newly arrived children to answer.<sup>138</sup> Placement exams help determine students' abilities and appropriate grade level, but standardizing these tools remains a pending task in many countries.

132 See Costa Rican Ministry of Public Education, "Directriz N° DM- 45-08-2018-MEP" (August 22, 2018).

133 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

134 Stefany Arias, "Nuevo Sistema de Legalización y Apostilla Electrónica evita corrupción e irregularidades en los trámites," Venezuelan Ministry of Popular Power for Foreign Relations, June 14, 2019.

135 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

136 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019; Cécile Blouin, *Estudio sobre el perfil socio económico de la población venezolana y sus comunidades de acogida: una mirada hacia la inclusión* (Lima: Instituto de Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú y Fundación Panamericana para el Desarrollo, 2019), 60.

137 Joint Circular No. 16 from Helga Hernández Reyes, Interim Vice Minister of Preschool, Basic, and Middle Education, and Christian Kruger Sarmiento, Director of Special Administrative Migration Unit; author interview with Colombian Education Ministry officials, Bogota, March 21, 2019.

138 Author interview with member of Ecuadoran NGO, Quito, September 18, 2019.



Overall, many countries are fairly flexible about which documents they accept from children seeking to enroll in school. However, Uruguay has a unique requirement for school enrollment, similar to one of its requirements for foreign-born children seeking residency: both of a child's parents must give their permission for enrollment, and if one of the parents is not present, an apostilled statement of approval from the absent parent must be presented before the child is permitted to enroll.<sup>139</sup> In rare cases, children are barred from attending school because both of their parents have not provided their approval.

## Capacity Limits

Long before the recent surge in forced migration, many communities in Latin America and the Caribbean were struggling with school overcrowding. In recent years, vacancies for new students have become even scarcer. According to a survey conducted by the Norwegian Refugee Council in Brazil, Colombia, Ecuador, and Panama in the second half of 2018, 35 percent of school-age Venezuelan children were not enrolled, and of that group, the reason given for 55 percent of them was that there was no space in schools.<sup>140</sup> This issue has been particularly salient in Lima, Peru. By March 2019, one government official said that demand for vacancies was so high that among children with siblings already enrolled (who are prioritized for enrollment in the same schools as their siblings), school officials were counting how many blocks away from the school each one lived in order to further prioritize within this group.<sup>141</sup>

But officials in Peru have also worked hard to combat such obstacles. The Education Ministry expanded the second shift of the school day, held in the afternoon, in 112 schools in Lima to make space for more students.<sup>142</sup> At first, this reform was intended to take place solely in schools with high concentrations of Venezuelans, but facing an outcry from Peruvians similarly affected by school capacity shortages, officials adjusted the plan to cover schools across the city.<sup>143</sup> The Education Ministry also launched the campaign "Lima learns, not a child without studying" in April 2019, an attempt to boost school enrollment for the 2019 academic year among out-of-school children and adults who had not completed basic education.<sup>144</sup> As part of this campaign, 94 schools added 10,000 additional slots.<sup>145</sup> Importantly, Venezuelan migrants were not targeted explicitly in this campaign. Instead, the Peruvian Education Ministry took the increase in Venezuelan migration as an opportunity to re-examine and improve its enrollment practices for all students.

There are some early signs that these efforts may be paying off: in January 2019, a UNHCR survey found that 69 percent of Venezuelan children surveyed were not attending school; later that year, in its November 2019 survey, 51 percent of those surveyed were out of school.<sup>146</sup> However, the share of those who reported

139 Author interview with Diego Cabrita.

140 Note that the surveys carried out in Brazil, Colombia, and Ecuador took place in border regions, where overcrowding tends to be more severe. See Norwegian Refugee Council, *Identificación de necesidades de protección de la población venezolana en el territorio colombiano y otros países de acogida* (Oslo: Norwegian Refugee Council, 2019), 25–26.

141 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

142 World Bank, *Una oportunidad para todos: Los migrantes y refugiados venezolanos y el desarrollo del Perú* (Washington, DC: World Bank, 2019), 26.

143 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

144 Peruvian Education Ministry, "Lima aprende, ni un niño sin estudiar" - Registro de niñas, niños y adolescentes fuera de la escuela," accessed November 11, 2019.

145 Blouin, *Estudio sobre el perfil socio económico de la población venezolana y sus comunidades de acogida*, 32.

146 Note that most of the initiatives to expand education access have taken place in Lima, but both surveys included respondents from several Peruvian cities. See UNHCR, "Monitoreo de Protección January 2019" (presentation, February 15, 2019); UNHCR, "Monitoreo de Protección de las Américas" (fact sheet, November 2019).

not attending school because of a lack of space increased from 3 percent to 22 percent between these two surveys, becoming the most common reason given for being out of school. By comparison, in January, the mostly commonly cited reason was that the child had only recently arrived. While the surveys are not directly comparable, they indicate that there is still much work to be done to expand access to education as the migrant population settles and starts to focus on long-term needs such as education.

In Brazil, a similar shortage of vacancies is the main obstacle for migrants trying to enroll their children in school, as documented in the three cities of Pacaraima and Boa Vista in Roraima State and Manaus in Amazonas State.<sup>147</sup> Attempts to ensure that migrant students can enroll in schools, such as allowing for enrollment later in the school year than would typically be permitted or reducing enrollment requirements, have sometimes led to further problems, such as overcrowding.<sup>148</sup> Two schools in Pacaraima, for example, were serving 200 and 300 more students each than they were designed for as of July 2019.

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*It will be important to design solutions that improve conditions not only for migrants but for members of host communities as well.*

As the Peruvian experience illustrates, when considering how to address the systematic issues that migrant crises illuminate or exacerbate, it will be important to design solutions that improve conditions not only for migrants but for members of host communities as well.

## Language Barriers

Overcoming language barriers is a common struggle for many immigrants around the world. In this sense, integration is somewhat easier for most Venezuelan and Nicaraguan migrants and their host communities as, in most places, they speak the same language. However, in the few case-study countries where Spanish is not the dominant language—Brazil (Portuguese) and Guyana and Trinidad and Tobago (English)—these barriers are significant.

In Brazil, the language barrier can complicate enrollment, depending on the state. Some states require students to have their school records translated into Portuguese to enroll, while others are more lenient.<sup>149</sup> Once students enroll, language barriers can hinder learning. Some schools in migrant-dense areas have begun exploring ways to address this. In the Brazilian city of Manaus, some teachers and school staff have received Spanish-language training, and in the city of Pacaraima, schools have developed Portuguese language classes focused on the needs of Venezuelan students.<sup>150</sup>

Students in Guyana who do not speak English face similar barriers. In August 2019, the Guyanese Ministry of Education and UNHCR started providing English as a Second Language training to 19 teachers, most from

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147 UNHCR, “Situation Overview: Profiles of Venezuelan Persons of Concern in Manaus, Amazona State” (issue brief, July 2019); UNHCR, “Situation Overview: Profiles of Venezuelan Persons of Concern in Pacaraima, Roraima State” (issue brief, July 2019); UNHCR, “Situation Overview: Profiles of Venezuelan Persons of Concern in Boa Vista, Roraima State” (issue brief, July 2019).

148 UNHCR, “Situation Overview: Pacaraima, Roraima State.”

149 Author interview with Juliana Miranda Rocha.

150 UNHCR, “Situation Overview: Manaus, Amazona State”; UNHCR, “Situation Overview: Pacaraima, Roraima State.”

the region with the largest Venezuelan migrant population.<sup>151</sup> Previously, there was no strategy in place for helping newcomer students and educators to overcome this language barrier.<sup>152</sup>

### Spotty Dissemination of Information

Disseminating information about school policies, both among government officials and communities, has surfaced as an obstacle in many Latin American and Caribbean countries, particularly as lower-level government officials interact with a population that they have limited previous experience with—immigrants. This is especially the case when governments institute reforms specific to this population. In Peru, for example, when Venezuelan parents approach school directors about enrolling their children, many directors reportedly tell them to ask the Education Ministry—the regulations have changed so much and so often that directors themselves do not know how to go about the enrollment process.<sup>153</sup> Parents then receive an information sheet from the ministry, which they take back to the school director, closing the loop on an inefficient process.

*As newcomers to the country, immigrant families often have more limited knowledge of the enrollment process.*

In Ecuador, children without transcripts must take a placement exam to enroll in school. Sometimes, however, officials will simply tell their families that they cannot enroll without documents.<sup>154</sup> Or they may tell them that the child needs to take an exam but do not offer additional information.<sup>155</sup> And although parents

do not need to provide their own identification documents to enroll a child in school, officials reportedly sometimes demand they do so.<sup>156</sup> Because, as newcomers to the country, immigrant families often have more limited knowledge of the enrollment process, this lack of information on the part of school officials (whether or not augmented by discriminatory practices) can serve as a significant barrier to entry.

Similarly, in Colombia, the enrollment process is not well understood by many recent immigrants. Even though schools have been directed to enroll students who lack identification documents and/or apostilled school records, 44 percent of Venezuelan migrants surveyed by the Norwegian Refugee Council in the border regions of Norte de Santander and La Guajira between July and November 2018 said that they needed to get documentation in order to enroll in school.<sup>157</sup> As of March 2019, Colombian Education Ministry officials described raising awareness among immigrant communities about the enrollment process as one of their top needs.<sup>158</sup>

151 Guyana Ministry of the Presidency, “Teachers to Be Trained in English as a Second Language” (press release, August 20, 2019).

152 Government of Guyana, *Initial Report Submitted by Guyana*, 14.

153 Author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

154 Author interview with member of Ecuadoran NGO, Quito, September 18, 2019; R4V, “Ecuador: Reporte operacional – Agosto 2019,” accessed November 20, 2019.

155 Author interview with member of Ecuadoran NGO, Quito, September 18, 2019.

156 Author interview with director of Ecuadoran NGO, Quito, September 18, 2019.

157 Norwegian Refugee Council, *Identificación de necesidades de protección*, 26.

158 Author interview with Colombian Education Ministry officials, Bogota, March 21, 2019.

## B. *Innovations in Facilitating Education Access*

In the face of these challenges, several countries (or actors within them) have devised innovative ways to ensure that immigrant children have access to education.

### **Unique Identification Numbers Expand Access in Chile and Colombia**

Chile and Colombia have both started issuing unique identification numbers to children who lack identity documentation or immigration status when they enroll. Chile reformed its system of issuing identification numbers in January 2017 in response to challenges it faced with its prior system. Under the previous system, foreign-born students who did not have either Chilean identity cards or identity documents provided to immigrants were issued an identification number when they enrolled, but that number was internal to the school they were attending, not unique across the country.<sup>159</sup> This ultimately prevented these immigrant students from accessing benefits afforded to other students, such as being able to take the national university selection test or having their studies certified. In response, the Education Ministry created a new system, called the Provisional School Identifier (Identificador Provisorio Escolar, or IPE), which grants students a number that is unique across the country. This has greatly expanded the access that students lacking regular immigration status have to the full benefits of the country's education system.<sup>160</sup>

Colombia established a similar system in 2018, creating unique identification numbers for school-age children in irregular immigration statuses. Holding an Identity Number Established by the Secretary (Número de Identificación Establecido por la Secretaría, or NES) allows such children, who otherwise would not have a valid Colombian form of identification, to enroll in school.<sup>161</sup> The only requirement to receive a NES is for the child's parents to swear they are in the process of trying to regularize the child's status, as children cannot graduate from high school (eleventh grade) if they are in irregular status.<sup>162</sup> Of course, the reality is that many will not be able to regularize by that point due to the limited regularization options for those who entered illegally. So, while the NES system does facilitate irregular migrant children's inclusion in schools, issues relating to their ability to take full advantage of the education system remain.

### **Flexible Documentary Requirements Lower Barriers to Entry**

Several countries, while requesting that students and parents provide identification documents to enroll, have recognized that this is not possible for all immigrant families and implemented creative alternatives. In Costa Rica, for example, the preferred document for enrollment and grade placement is a certificate of past studies; if that is not available, authorities consider the child's age, along with a placement exam, when determining their grade level. However, if no proof of age, such as a birth certificate, is available, the parent or guardian can sign a sworn declaration of the child's age.<sup>163</sup>

159 María Paz Fernández, "Mapa del estudiantado extranjero en el sistema escolar chileno (2015-2017)" (working paper no. 12, Centro de Estudios Mineduc, Chilean Ministry of Education, Santiago, April 2018), 15–16.

160 Chilean Ministry of Education, *Order N° 02/000894* (November 7, 2016); Fernández, "Mapa del estudiantado extranjero," 16.

161 Migration Colombia, *Circular Conjunta N° 16*.

162 Author interview with Colombian Education Ministry officials, Bogota, March 20, 2019.

163 Joselyne Ugarte Q., "¿Qué tienen que hacer los alumnos migrantes o refugiados para ingresar al sistema público en Costa Rica?" *La Nación*, August 24, 2018.

Peru has a similar process. If the child does not have identity documents, their parent or guardian can sign a sworn declaration of their name and age in order for them to enroll in school.<sup>164</sup> The parent or guardian must also promise to provide documentation within 45 days of the start of the school year. In practice, most parents are not able to comply with the latter requirement, but children are permitted to remain in school.

Uruguay takes a slightly different approach. Children can provisionally enroll in school for one year without documentation.<sup>165</sup> In order to certify their completion of a grade level, students must during that first year provide an identity document and a certified transcript of past studies, but on a case-by-case basis, the Education Ministry can override that requirement.

## Online Education

Organizations in Trinidad and Tobago have come up with unique solutions in the face of a particularly challenging situation. The country's immigration law prohibits schools from admitting anyone who is not a citizen or resident, unless they possess a student's permit issued by the head of the immigration office.<sup>166</sup> Under the law, student's permits are only to be issued if there is adequate space at the school for the foreign-born student, and if the student does not displace a national. The vast majority of Venezuelan migrants in Trinidad and Tobago are not residents, and the immigration office is not issuing student's permits to them,<sup>167</sup> meaning that most of the several thousand Venezuelan children in the country cannot enroll in school.<sup>168</sup>

In response, Living Water Community, a Catholic lay organization and UNHCR's partner organization in the country, has taken steps to provide educational alternatives for Venezuelan children. In September 2019,

*These programs mark a gigantic leap forward for a population in Trinidad and Tobago that previously had zero access to education.*

a coalition of international organizations (UNHCR and the UN Children's Fund, UNICEF) and local NGOs (Living Water Community and TTV Solidarity Network) launched an online high school program, which is complemented by some in-person support, for Venezuelan migrants age 15 and over.<sup>169</sup> Students who complete the program earn a high school diploma

certified by Venezuela's Ministry of Education.<sup>170</sup> The program is free, but in order to enroll, students must prove Venezuelan nationality by providing a birth certificate, identity document, and certified transcript,<sup>171</sup> meaning that a portion of otherwise eligible youth, because of their lack of documentation, will run into the same obstacles that Venezuelan children do in other countries when trying to enroll in school.

There is an online option for younger students as well, which does not have any documentary requirements for enrollment. This program, for children ages 5 through 17, follows Trinidad and Tobago's education

164 Government of Peru, *Resolución Ministerial N° 665 – 2018 – MINEDU* (December 4, 2018); author interview with Peruvian Education Ministry official, Lima, March 19, 2019.

165 Uruguayan Directorate of Education, *Guía para el ingreso de migrantes al sistema educativo*.

166 Laws of Trinidad and Tobago, *Immigration Act*, Act 41 of 1969, Chapter 18:01 (1969).

167 Laura Ann Phillips, "Trinidadians Step up to Aid Venezuelan Migrants When Government Steps Back," *Crux*, August 5, 2019.

168 IOM, "Monitoring Venezuelan Citizens' Presence: Trinidad and Tobago" (fact sheet, IOM, Port of Spain, Trinidad and Tobago, 2018).

169 Dawere, "Bachillerato Online," accessed November 11, 2019.

170 Equal Place, "Education for Asylum-Seekers, Refugees, and Other Eligible Children in Need," accessed November 11, 2019.

171 Equal Place, "Education for Asylum-Seekers, Refugees, and Other Eligible Children in Need."

curriculum and results in a certification from the Caribbean Examinations Council. This program is offered in English only, though it does offer support for students whose first language is not English.<sup>172</sup>

While there are still some obstacles that may hinder Venezuelan children's access to these online educational options, as well as strong barriers to the national education system, these programs mark a gigantic leap forward for a population in Trinidad and Tobago that previously had zero access to education. By the end of October 2019, 888 children were enrolled in one of the two online platforms.<sup>173</sup>

## 4 Health Care

Like education, access to health care is an aspect of integration that not only supports the wellbeing and future prospects of individual immigrants but that is also in the host community's interest; in this case, access to health care can help prevent new public health risks. Questions around Venezuelan migrants' access to health care in receiving countries are particularly urgent, considering the lack of a functioning health-care system in their home country. Venezuela's health-care system has collapsed, to the point that some hospitals lack basic medical supplies such as gloves, syringes, and disinfectant.<sup>174</sup> People with chronic diseases have been particularly hard hit: nationwide shortages of antiretrovirals, for example, had pushed 10 percent of all Venezuelans diagnosed with HIV to leave the country by January 2019.<sup>175</sup>

One of the areas where Latin American and Caribbean countries and the international community have been successful in providing a comprehensive response is vaccinations—to the extent that some migrants were receiving the same vaccine multiple times throughout the course of their journeys. In an impressive, and now relatively rare, demonstration of regional

cooperation, 11 countries in October 2019 announced that they would participate in an effort to reduce vaccine duplications while ensuring that all Venezuelan migrants were vaccinated. They will do this by issuing Unique Vaccination Cards (Tarjetas Unicas de Vacunación, or TUVs) that record the vaccinations migrants have received and that will be interoperable among participating countries.<sup>176</sup>

However, health needs go well beyond vaccination. IOM's nonrepresentative surveys, conducted between mid-2018 and mid-2019, indicate that in the handful of receiving countries for which data are available, between 5 and 15 percent of the Venezuelans interviewed were suffering from chronic diseases or health conditions (see Figure 4).

**11 countries** have agreed to use **Unique Vaccination Cards** to cooperatively reduce vaccine duplication and ensure all Venezuelan migrants are vaccinated



172 Equal Place, "Education for Asylum-Seekers, Refugees, and Other Eligible Children in Need."

173 UN Children's Fund (UNICEF), "Migration Flows in Latin America and the Caribbean" (Situation Report no. 8, UNICEF, New York, September–October 2019), 16.

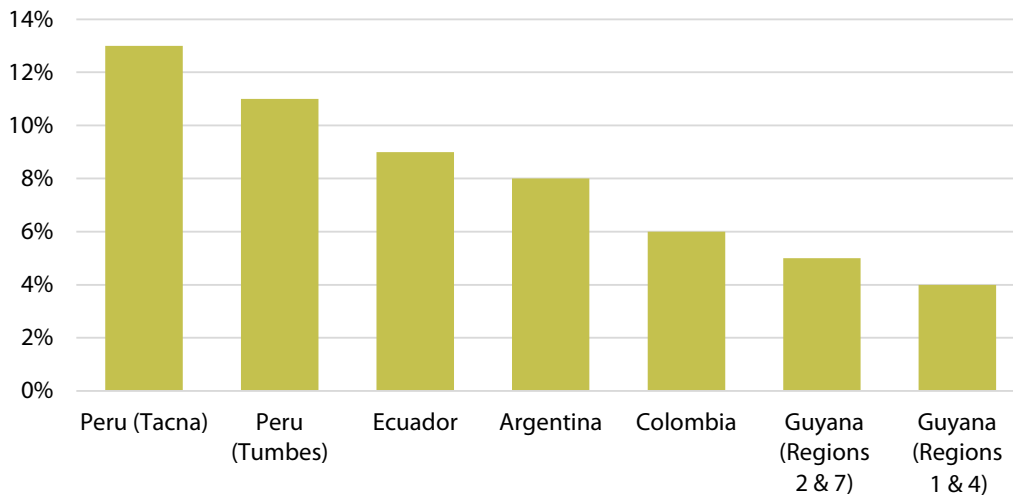
174 Anastasia Moloney, "As Venezuela's Healthcare Collapses, Pregnant Women, Girls Bear Brunt of Crisis," Reuters, July 8, 2019.

175 EFE, "Cerca del 10 % de los venezolanos con VIH han abandonado el país, según la ONU," EFE, January 26, 2019.

176 Colombian Ministry of Health and Social Protection, "Las Américas ya cuentan con Tarjeta Unificada de Vacunación" (press release, October 15, 2019).



FIGURE 4

**Share of Venezuelan Migrants with Chronic Health Condition, between Mid-2018 and Mid-2019**

Notes: Data from Regions 1 and 4 of Guyana are as of August–September 2018. Data from Regions 2 and 7 of Guyana are as of November–December 2018. Data from Argentina and Colombia are as of December 2018. Data from Ecuador and both Peruvian cities are as of July 2019. Data were not available for the other case-study countries.

Sources: IOM, *Encuesta de Monitoreo de Población Venezolana – Argentina – Ronda 3* (Buenos Aires: IOM, 2018); IOM and UN Central Emergency Response Fund (CERF), “Resultados DTM Fase IV. Implementado en zonas de frontera con Venezuela y ciudades intermedias” (fact sheet, May 17, 2019); IOM, *Monitoreo de flujo de Población Venezolana – Ecuador – Junio 2019* (Quito: IOM, 2019); IOM, *Displacement Tracking Matrix (DTM): Guyana – Round 1* (Georgetown: IOM, 2019); IOM, *DTM: Guyana – May 2019* (Georgetown: IOM, 2019); IOM, *Monitoreo de flujo de Población Venezolana en el Perú – DTM Reporte 6* (Lima: IOM, 2019).

The types and level of health care migrants have access to varies, particularly between countries that provide universal health care and those that require insurance. And though migrants can access emergency health care—at least in theory—in all case-study countries, there are also differences in how countries define “emergency” care.

### A. *Migrants’ Access to Care within Universal Systems*

Argentina, Ecuador, Guyana, and Trinidad and Tobago have health-care systems that aim to guarantee care to anyone who needs it, but universal access is not always a reality on the ground. Despite the legislation and regulations that make these systems universal, they are often under-resourced and overwhelmed, limiting their ability to offer care.

Argentina’s health-care system is divided into three levels: public (for those who have no form of health insurance), social security funded, and private. Migrants are predominantly attended to through the public system, which offers a network of primary-care centers in communities throughout the country.<sup>177</sup> While an innovative approach in theory, even before Venezuelan migrants started to arrive in large numbers, the system was suffering from a lack of resources and personnel. When a universal system does not have the resources to truly cover everyone, IOM observers have noted that members of the host community may view it as a scarce resource upon which migrants are encroaching.<sup>178</sup>

<sup>177</sup> IOM, *Estudio sobre acceso a servicios sociales de las personas migrantes en la República Argentina* (Buenos Aires: IOM, 2019), 31.

<sup>178</sup> IOM, *Estudio sobre acceso a servicios sociales*, 33.

Guyana's health-care system similarly struggles with resources and yet aims to guarantee universal coverage. Unlike in many other receiving countries, where Venezuelan migrants are concentrated in cities, those in Guyana are mainly moving to rural areas near the border with Venezuela—areas where residents have long struggled to access adequate care.<sup>179</sup>

In some contexts, there is also a disconnect between national policy and the local level, where health-care providers may not fully implement the universality of the system. In Argentina, migrants may access all types of health care using an identity document from their country of origin. But staff at health-care centers often turn people with such documentation away, saying they must provide an Argentinian identity document.<sup>180</sup> Likewise, although health-care providers in Ecuador by law may not turn someone away due to their immigration status,<sup>181</sup> organizations that work with migrants in the country say there are many instances of this happening, even in emergency situations.<sup>182</sup>

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*Despite the limitations of universal health-care systems, whether due to capacity or implementation issues, they do offer migrants more opportunities to access care.*

But despite the limitations of universal health-care systems, whether due to capacity or implementation issues, they do offer migrants more opportunities to access care than other systems. The laws establishing them also provide a legal basis for migrants and organizations working with them to push for improved access.

## **B. Migrants' Access to Care within Public Insurance Systems**

Other countries, including Colombia, Peru, and Costa Rica, do not have universal health-care systems but do have public insurance options, with some limited access for migrants.

### **Colombia**

Colombia's health-care system is likely the most generous of the three countries. It consists of a public health-care tier, available without cost to everyone in the country regardless of immigration status, as well as a private system that can be accessed through public insurance.

The public health-care system includes vaccinations, prenatal care, emergency care, and so-called collective interventions. These are specific public health interventions that vary by region (*departamento*) and municipality, depending on what the biggest health risks in each are.<sup>183</sup> The definition of emergency care is also expansive, though resource limitations prevent its full implementation. Court rulings from 2018 and 2019 established that emergency care should aim to fully resolve a patient's health issue, and should

179 Author interview with international organization official based in Guyana, July 2019.

180 IOM, *Estudio sobre acceso a servicios sociales*.

181 Ecuadoran National Assembly, *Ley Orgánica de la Movilidad Humana*, Oficio No. T.7166-SGJ-17-0100 (January 31, 2017), Art. 52.

182 Author interview with member of Ecuadoran NGO, Quito, September 18, 2019; author interview with director of Ecuadoran NGO, Quito, September 18, 2019.

183 Author interview with senior Colombian Health Ministry official, Bogota, March 20, 2019; Colombian Ministry of Health and Social Protection, "Resolución 518 de 2015," *Diario Oficial* no. 49,436 (February 25, 2015).

protect them from circumstances that make their living conditions intolerable and undesirable.<sup>184</sup> To access additional health services beyond what is offered for free, people in Colombia can join the public health insurance system, buy private insurance, or pay for health care out of pocket. The public insurance system, with both contributive and subsidized options, is the most affordable. Irregular migrants cannot join it, but PEP holders, immigrants with regular status, and asylum seekers can, as can Colombians returning from Venezuela after living there for years.

In fact, since 2015, Colombians and their families returning from Venezuela have had an express pathway to the subsidized regime, one that allows them bypass the more extensive process that all Colombians and other immigrants with regular status, including PEP holders, must go through.<sup>185</sup> The standard process for these other populations involves evaluation through the Identification System for Potential Beneficiaries

*Venezuelan immigrants with PEP can access both the contributive and subsidized versions of the public insurance system, depending on their income levels.*

of Social Programs (Sistema de Identificación de Potenciales Beneficiarios de Programas Sociales, or SISBEN). If the SISBEN survey determines that someone is in one of the lowest two poverty levels, they and their family can join the subsidized system. Returning Colombians, though, of whom there are at least 500,000,<sup>186</sup> simply register at their local town hall and sign a statement declaring they are returned

Colombians. This express pathway is in recognition of the difficult conditions Colombian citizens have faced in Venezuela (most after originally being forced to flee Colombia due to the decades-long armed conflict).

Venezuelan immigrants with PEP can access both the contributive and subsidized versions of the public insurance system, depending on their income levels.<sup>187</sup> However, as with other health-care offerings, the accessibility of the subsidized regime comes down to resources. The SISBEN evaluation is done at the local level, and some mayors have been hesitant to give the survey to PEP holders because of concerns that there might not be enough resources to cover all who qualify.<sup>188</sup> As of the beginning of September 2019, only 27 percent of PEP holders had joined one of the two public insurance systems.<sup>189</sup> And because the Colombian health-care system is locally administered, although it depends on federal funds, the national government cannot instruct localities to allocate resources in a certain way.

International organizations, in collaboration with the Colombian Health Ministry, have filled in some of the gaps for irregular migrants. A bevy of organizations, including UN agencies, Doctors without Borders, Red Cross International, and the Adventist Development and Relief Agency, have formed teams of doctors that

184 *Principio de universalidad del servicio de salud— Cobertura para los residentes en todo el territorio nacional*, Sentencia T-210/18 (Colombian Constitutional Court, 2018); Dejusticia, “Corte Constitucional decide a favor de migrante venezolano con cáncer de piel,” Dejusticia, June 7, 2019.

185 Author interview with senior Colombian Health Ministry official; Health and Social Protection Ministry, “Decreto Número 1768 de 2015” (decree, September 4, 2015).

186 El Nacional, “Más de 500.000 colombianos retornaron a Colombia.”

187 Author interview with senior Colombian Health Ministry official.

188 Author interview with senior Colombian Health Ministry official.

189 Colombian Ministry of Health and Social Protection, “Población venezolana en Colombia” (unpublished fact sheet, August 31, 2019).

are associated with public hospitals, where they provide primary care to irregular migrants, thus expanding the capacity for care.<sup>190</sup>

## Peru

In Peru, access to health care is more limited for Venezuelan migrants. According to a 2018 survey, 92 percent of Venezuelans in the country lacked health insurance.<sup>191</sup> Only those with identity documents issued by the Peruvian government to people with regular immigration status (carnets de extranjería) can access the Comprehensive Health System (Sistema Integral de Salud, or SIS)—Peru’s public health insurance, which has both contributive and subsidized plans. This means that in addition to irregular migrants, those with PTP cannot access SIS as they do not receive carnets de extranjería.<sup>192</sup> There is no political will to change the regulations to allow PTP holders to enroll because the SIS had begun to collapse even prior to the Venezuelan crisis, to the extent that the subsidized regime cannot serve all Peruvians who qualify.<sup>193</sup>

Still, the government has come up with several innovative solutions to extend care to those in need. Some particularly vulnerable migrants can access care regardless of their status. Although people typically have to go through a socioeconomic evaluation similar to the one conducted by the SISBEN in Colombia in order to access the subsidized regime, all pregnant women and children under age 5 can receive free health care through SIS without such an evaluation.<sup>194</sup> There are also exceptions for migrants with chronic diseases and trafficking victims. They can be evaluated by a special division of the migration office and get a carnet de extranjería designated for vulnerable populations, which allows them to access SIS.

While access to SIS is an important opportunity to receive affordable health care, the system needs to function well for both migrants and native-born Peruvians. Ideally, the influx of Venezuelan migrants would serve as a catalyst for the government to think creatively about how to solve existing problems—mainly its severe debt to hospitals—as well as emerging ones, thereby benefiting both migrants and the native population.

## Costa Rica

Costa Rica’s system of public and private insurance is meant to provide universal coverage, but not necessarily to migrants. Immigrants with regular status can access the social security system, which provides health insurance through formal employment, but irregular migrants (who do not have work authorization) cannot. Private (“voluntary”) insurance is available to anyone, but it is expensive to purchase for those living on the minimum wage, and many migrants earn even less.<sup>195</sup>

190 Author interview with senior Colombian Health Ministry official.

191 National Institute for Statistics and Information (INEI) of Peru, *Condiciones de vida de la población venezolana que reside en Perú* (Lima: INEI, 2019), 72.

192 Author interview with senior Comprehensive Health System (SIS) official, Lima, March 19, 2019.

193 Author interview with senior SIS official.

194 Author interview with senior SIS official.

195 About half of Nicaraguans who arrived between April 2018 and March 2019 were earning less than the minimum wage, according to a survey carried out between April and June 2019. See IOM, *Estudio preliminar de flujos Migratorios mixtos nicaragüenses: abril 2018-junio 2019* (San José, Costa Rica: IOM, 2019), 73.

Though irregular migrants cannot join the social security system, they do have access to prenatal care and, as in all other case-study countries, emergency care. Importantly, there are broad exceptions for children up to age 18. Children who are 5 years old or younger fall into an insurance category that does not take immigration status into account, and so can access health care. And children ages 6 through 18 can access health care through the student insurance category, which does not ask for their immigration status.

Costa Rica's social security agency signed an agreement with UNHCR in December 2019 to insure 6,000 refugees and asylum seekers using UNHCR funding for one year, beginning January 2020.<sup>196</sup> This agreement is an important step forward in covering the most vulnerable migrants, though thousands more will remain uninsured.

## 5 Labor Market Access

While in the health and education spheres, the question is often whether migrants can access these systems at all, when it comes to the labor market, the majority of employable Venezuelan adults in countries across the region, with some exceptions, are already working. For example, the national statistics agencies of Peru in 2018 and Colombia in 2019 concluded that 92 percent and 80 percent, respectively, of working-age Venezuelans were employed.<sup>197</sup> The question, instead, is what kind of employment migrants are able to access.

Latin American labor markets are characterized by a relatively high degree of informal employment. Even among native-born workers, more than 40 percent find work informally, as shown in Figure 5. The level of informal employment among migrants in most receiving countries in the region is even higher, in part because of their need to attain certain official documentation to work formally.<sup>198</sup> Colombia's PEPFF (described in Section 2.B.) aims to combat the likelihood of Venezuelan migrants ending up in the informal sector by legalizing those who have formal job offers, an approach other countries may wish to consider. Such efforts should include strong measures to prevent labor exploitation.

**92%**

of working-age Venezuelans  
in Peru were employed

**80%**

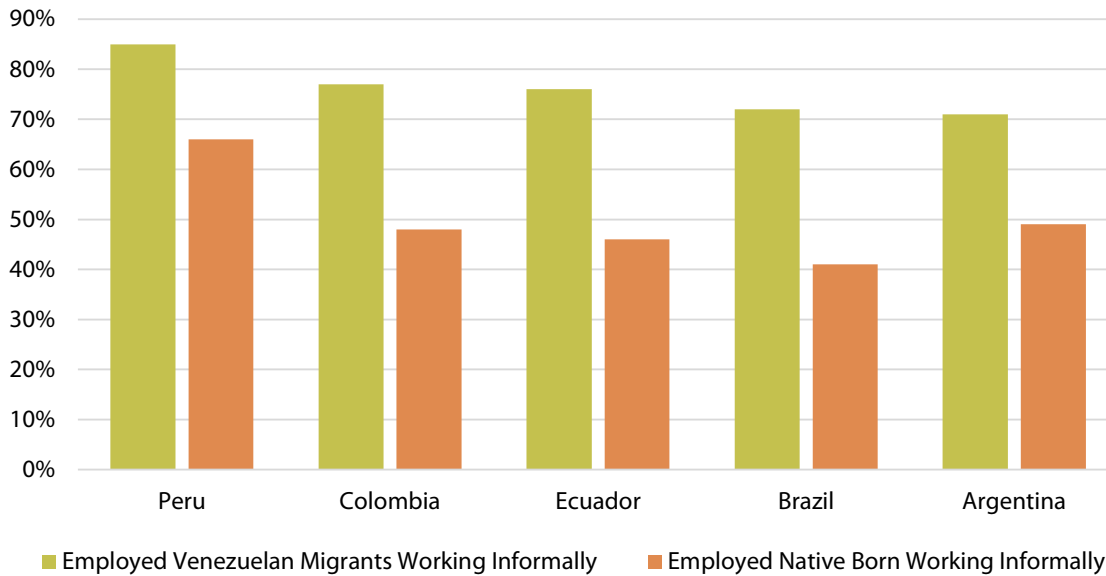
were employed in Colombia

<sup>196</sup> Author interview with Costa Rican Social Security and Labor Ministry officials, August 2019. On agreement, see UNHCR, "6.000 solicitantes de la condición de refugiado serán inscritos en el sistema de salud pública en Costa Rica" (press release, December 16, 2019).

<sup>197</sup> INEI, *Condiciones de vida de la población venezolana que reside en Perú*, 95; Colombian National Administrative Department of Statistics, "La tasa de desempleo de las personas que migraron de Venezuela fue 19,2% en los últimos doce meses" (press release, September 17, 2019).

<sup>198</sup> On the tendency of migrants to work informally, see, for example, Varun Aggarwal, Federica La China, and Lucia Vaculova, *Irregular Migration, Refugees and Informal Labour Markets in the EU: The Rise of European Sweatshops?* (Brussels: European Institute for Asian Studies, 2016); Mariano Bosh and Lidia Farré, "Immigration and the Informal Labor Market" (discussion paper no. 7843, Institute for the Study of Labor, Bonn, 2013).

FIGURE 5

**Share of Employed Venezuelan and Native-Born Workers in Informal Employment, Selected Countries, 2018–19**

Note: Data from Ecuador come from surveys done in four cities—Quito, Guayaquil, Manta, and Cuenca. Data on native-born informal employment in Colombia, Peru, Ecuador, and Argentina are for 2018; all other data are from 2019.

Sources: IOM, *Monitoreo de flujo de la población venezolana – Ecuador – Ronda 3* (Quito: IOM, 2019), 8; Luz Adriana Flórez, ed., *Reportes del Mercado Laboral, N° 9* (Bogota: Grupo de Análisis del Mercado Laboral de la Subgerencia de Política Monetaria e Información Económica, Banco de la República, 2019), 14; Paula Urien, “Datos oficiales. Cuántos venezolanos tienen trabajo en la Argentina,” *La Nación*, October 2, 2019; IOM and UN CERF, *Flow Monitoring of Venezuelan Migration in Peru – DTM – Round 3* (Lima: IOM and UN CERF, 2019), 7; IOM, *DTM – Monitoreo de flujo de población venezolana – Brasil – Ronda 4* (Brasilia: IOM, 2019); Diana Serrano and Evelyn Tapia, “El mercado laboral en Ecuador registra más informalidad,” *El Comercio*, January 17, 2019; *El Tiempo*, “Informalidad de trabajadores no cede y es de 48,2 %, según Dane,” *El Tiempo*, February 12, 2019; Nicolás Castillo, “INE: informalidad laboral en el Perú creció a mayor ritmo que el empleo formal,” *El Comercio*, February 16, 2019; Vitor Abdala, “Informalidad no Mercado de trabalho atinge recorde,” *Agencia Brasil*, September 27, 2019; Martín Dinatela, “Encuesta de la UCA: se agravó la situación laboral en Argentina y el 49,3% de los trabajadores tiene empleo informal,” *Infobae*, June 24, 2019.

The prevalence of informal work raises an important question: If most migrants find employment informally in Latin American countries, is it necessary for them to have access to work authorization and credential recognition? As will be discussed in this section, these measures are still important, particularly for some high-skilled and highly regulated sectors. And as one member of an international organization in Peru noted, while credential validation is not necessary in order to get a job in the country, given the abundance of informal work, the lack of validation contributes to underemployment and the precariousness of employment<sup>199</sup> and dims the prospects of future advancement, which may be the most crucial aspects of legal status.

*The lack of validation contributes to underemployment and the precariousness of employment and dims the prospects of future advancement.*

<sup>199</sup> Author interview with member of a Peruvian NGO, Lima, March 19, 2019.



For receiving societies, migration can hold potential economic benefits, especially in conjunction with regularization and integration efforts.<sup>200</sup> In September 2019, Chile's central bank lowered interest rates for the second time that year, explicitly because of growth in the labor force that was the result of the influx of Venezuelan migrants.<sup>201</sup> Researchers with BBVA Bank in Peru found that Venezuelan immigrants contributed to GDP growth in the country in 2018 and 2019.<sup>202</sup> And Colombia's GDP expanded at a higher rate in the third quarter of 2019 than in either of the two prior years, which some analysts have attributed to the growing migrant population.<sup>203</sup> And the International Monetary Fund estimated in November 2019 that Venezuelan migration could raise host countries' GDPs between 0.1 and 0.3 percent by 2030.<sup>204</sup>

However, migration can also have some short-term costs, particularly in developing countries.<sup>205</sup> Studies from the region suggest that these short-term costs may include increased informality among workers overall and increased salary competition within the informal sector. The Labor Market Analysis Group at Colombia's national bank found, considering recent Venezuelan migration, that a 1 percent increase in the rate of migration correlated with a 0.21 percent increase in the unemployment rate and a 0.18 percent increase in the rate of informal employment.<sup>206</sup> A 1 percent increase in the immigrant population in Colombia, another study found, reduces salaries in the informal sector by 1.7 percent on average.<sup>207</sup> These studies indicate that, at least in Colombia, there may be slight tightening effects on the informal labor market from Venezuelan mass migration, though the conclusions of these studies cannot be generalized to other receiving countries.

Thus, while migration can result in long-term economic growth, it is important not to neglect the short-term concerns of both host and migrant populations, especially in societies where work is precarious and formal-sector jobs are difficult for everyone to access.

## A. *Work Authorization Does Not Always Ensure Access to the Labor Market*

Most regular migrants with either temporary or permanent residency can obtain documents that authorize them to be formally employed. This does not include migrants who only have permission to transit a country or be in the country as tourists. There is more country-to-country variation in the opportunities for asylum seekers. In Trinidad and Tobago, refugees recognized by UNHCR are not issued work permits

200 OECD and International Labor Organization, *How Immigrants Contribute to Developing Countries' Economies* (Paris: OECD Publishing, 2018).

201 Álvaro Fontana, "La crisis migratoria en Venezuela, un desafío para América Latina," Infobae, September 13, 2019.

202 BBVA Research, "Inmigración venezolana a Perú: características e impactos macroeconómicos" (issue brief, BBVA Research, Lima, October 10, 2019).

203 Colombian National Administrative Department of Statistics, "En el tercer trimestre del año 2019 la economía colombiana creció 3,3%" (press release, November 14, 2019); Andrea Jaramillo and Oscar Medina, "Venezuela Diaspora Boosts Colombian Growth to Fastest Since 2015," Bloomberg, November 14, 2019.

204 Emilio Fernandez Corugedo and Jaime Guajardo, "For Venezuela's Neighbors, Mass Migration Brings Economic Costs and Benefits," International Monetary Fund, November 21, 2019.

205 See, for example, Uri Dadush and Mona Niebuhr, "The Economic Impact of Forced Migration" (research paper, OCP Policy Center, Rabat, Morocco, 2016).

206 Luz Adriana Flórez, ed., *Reportes del Mercado Laboral, No 9* (Bogotá: Grupo de Análisis del Mercado Laboral de la Subgerencia de Política Monetaria e Información Económica, Banco de la República, 2019), 14.

207 Colombian Bank of the Republic, *Informe sobre inflación* (Bogotá: Bank of the Republic, 2019), 31-33.

because the government does not have an asylum system or recognize UNHCR-designated refugees. In Colombia, documents issued to people who seek asylum do not authorize them to work and, as noted in Section 2.C., it is unclear whether they are able to receive work authorization. In Mexico, asylum seekers do not receive a work permit, but some receive monthly stipends from UNHCR.<sup>208</sup> In Costa Rica, asylum seekers receive work authorization after their applications have been pending for 90 days.<sup>209</sup> In all the other case-study countries, asylum seekers are supposed to be able to receive work authorization almost immediately after they submit their asylum applications.

Nonetheless, in many countries migrants, even those with work authorization, face barriers to accessing the labor market, particularly the formal sector.

### Employers May Not Recognize New Documents

Even if migrants are able to obtain work authorization, employers may not trust or understand how to handle this documentation. This is especially the case when such documents or statuses have only recently been created, as in the cases of PEP and PTP, or when they are not familiar to most employers, such as documentation for asylum seekers. As of March 2019, only 4 percent of PEP holders in Colombia had a formal-sector job, even though 84 percent were between the ages of 18 and 70.<sup>210</sup> Similarly, although 414,000 people had been issued PTPs in Peru by October 2019, only 45,000 Venezuelans (either with PTP or other residence statuses) were formally employed in the country.<sup>211</sup> In Argentina, work permits for asylum seekers are valid for 90-day intervals, and many employers do not want to hire someone whose status seems so precarious, even though asylum seekers are typically able to consistently renew these permits. And in Brazil, employer knowledge of the documents held by asylum seekers and Venezuelan temporary residents varies: large companies that have human resources offices tend to be willing to accept them, while smaller businesses are generally unfamiliar with them and less likely to hire migrants who hold them, according to NGOs working in the field with Venezuelan migrants and refugees.<sup>212</sup>

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*Ecuador has created an app that migrants can upload their documentary information to, which they can then present to potential employers to verify their status.*

There have been some notable efforts to combat this kind of misinformation about and mistrust of different immigration and work authorization documents. For example, Ecuador has created an app that migrants can upload their documentary information to, which they can then present to potential employers to verify their status.<sup>213</sup> And in Peru, the government undertook an awareness-raising campaign to educate employers about the documents that allow PTP holders to work, though many employers are still unfamiliar

208 Author interviews with UNHCR staff and COMAR asylum officials, August 2019.

209 UNHCR Costa Rica, "¿Cómo solicitar la condición de refugio?" accessed November 11, 2019.

210 Author interview with international organization official based in Colombia, Bogotá, March 21, 2019.

211 Peruvian National Migration Superintendence, "MIGRACIONES y Ministerio de Trabajo firman convenio para interoperar información de trabajadores extranjeros" (press release, October 21, 2019).

212 Author interview with Juliana Miranda Rocha, October 2019.

213 Author interview with senior Ecuadoran immigration official, Quito, September 18, 2019.

with the documents that allow asylum seekers to work and instead expect them to provide the same documentation as PTP holders.<sup>214</sup>

As in the education and health spheres, many of the challenges with employers not recognizing or accepting new or previously uncommon documents are related to issues of information dissemination. Further work in this area will thus be needed in the coming years, as large numbers of Venezuelans appear likely to remain in neighboring countries—and their labor markets—for the foreseeable future.

### Some Laws Limit or Disincentivize Employment of Foreigners

While various actors and organizations can work to mitigate obstacles to formal employment based on lack of information through awareness-raising campaigns and employer outreach, other obstacles are entrenched in countries' legal frameworks. At least six case-study countries—Brazil, Chile, Costa Rica, Mexico, Peru, and Uruguay—have laws on the books that in some way limit the hiring of foreign workers. In Brazil and Uruguay, these laws are minimal, focused on particular professions or industries, such as engineers in Brazil and certain fishing jobs and the national airline in Uruguay.<sup>215</sup>

The laws in Chile, Costa Rica, Mexico, and Peru, however, are more restrictive toward immigrants and protective of native-born workers. In Chile, employers of more than 25 people must ensure that 85 percent of their employees are Chilean nationals, foreigners who have been Chilean residents for at least five years, or foreigners whose spouses or children are Chilean nationals.<sup>216</sup> In Costa Rica, immigrant workers cannot constitute more than 10 percent of a company's employees or earn more than 15 percent of the company's total salaries.<sup>217</sup> The limit on salary share essentially means that foreigners do not have the same opportunity to advance in a company's ranks as Costa Rican nationals.

All Mexican companies are prohibited from having a workforce that is more than 10 percent foreign, and technical and professional employers can employ foreign workers only temporarily and only if there is a shortage of Mexican workers qualified for the position.<sup>218</sup> Peru's laws go a little further. First, Peruvian law limits the share of foreign employees in a company to 20 percent, and prohibits foreigners from earning more than 30 percent of a company's total salaries, with some exceptions for immigrants with Peruvian spouses, parents, children, or siblings, as well as for permanent residents.<sup>219</sup> The law also subjects immigrant workers who do get hired to increased restrictions; immigrant employees who have been in the country for fewer than 183 days must pay an extra 30 percent of their salaries in taxes.<sup>220</sup>

These laws disincentivize migrants from seeking formal work and employers from hiring them. Still, in economies such as those in Latin America that are so dominated by informality, governments may feel

214 Author interview with member of a Peruvian NGO, Lima, March 19, 2019.

215 President of the Republic of Brazil, *Consolidação das leis do trabalho*, Decreto-Lei Nº 5.452 (May 1, 1943); President of the Republic of Brazil, *Institui a Lei de Migração*, Lei Nº 13.445 (May 24, 2017).

216 Chilean Directorate of Labor, *Código del Trabajo* (Santiago: Dirección del Trabajo, 2019), 27–28.

217 Spanish Ministry of Labor, Migration, and Social Security, "Requisitos para trabajar en Costa Rica," accessed November 12, 2019.

218 Mexican Congress, *Ley Federal del Trabajo*, last reformed December 6, 2015, 3.

219 José Carlos Reyes, "Límite a contratación de extranjeros en una empresa: ¿En qué casos no aplica?" *Gestión*, October 11, 2018.

220 National Customs and Tax Administration Superintendence of Peru (SUNAT), "01. Condición de domiciliado," accessed November 11, 2019; SUNAT, *Ley del impuesto a la renta*, Decreto Supremo N.º 179-2004-EF (2004).

a need to protect formal jobs for their own nationals. Any attempts at legislative reforms will have to be conscious of this dynamic.

## B. *Credential Recognition*

Many Venezuelan migrants have skills and education that could be assets to receiving countries, as shown in Figure 6. In general, Venezuelan professionals tended to migrate in the initial wave in 2015, and more recent emigrants tend to have less education. Even so, in many receiving countries in the region, the overall Venezuelan migrant population is more highly educated than the native-born population. In Chile, for example, slightly more than 20 percent of the overall working-age population had advanced degrees in 2018, whereas more than 50 percent of Venezuelan migrants in a nonrepresentative IOM survey there did.<sup>221</sup> Similarly, 31 percent of the working-age population in Peru had advanced degrees in 2018, while 39 percent of Venezuelan migrants surveyed by IOM in the country did.<sup>222</sup> More than half of Venezuelans in Argentina and Uruguay and more than one-quarter in Colombia also had advanced degrees in these nonrepresentative IOM surveys. Nicaraguans who have migrated to Costa Rica since April 2018 similarly tend to be highly educated; according to one survey, 53 percent had university degrees.<sup>223</sup>

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*In many receiving countries in the region, the overall Venezuelan migrant population is more highly educated than the native-born population.*

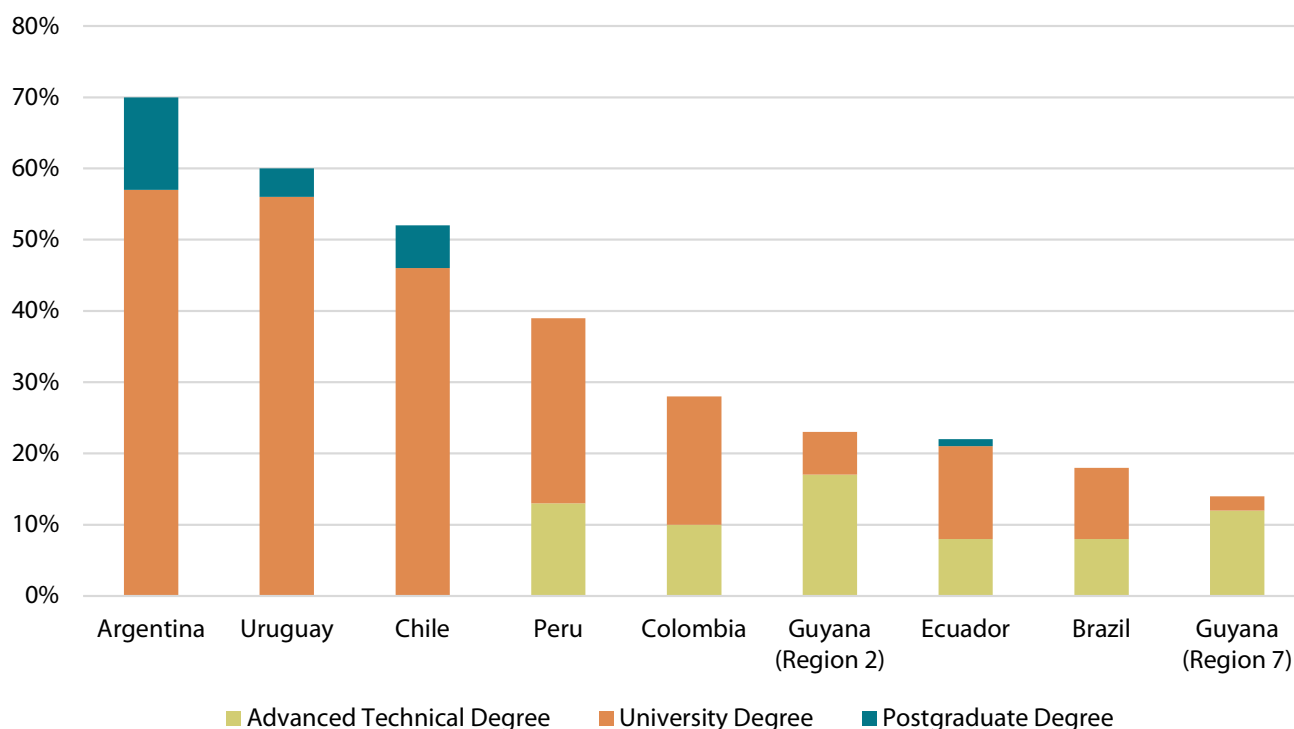
But despite these relatively high levels of education, if Venezuelans' credentials are not recognized by host-country employers and industry groups, these migrants will be unable to practice in the fields for which they have been trained. The resulting unemployment or underemployment is a loss for both host communities and the migrants themselves.

221 Daniel Sánchez Serra, "Panorama de la Educación: Indicadores de la OCDE 2018" (presentation, OECD, N.p., 2018); IOM, "Sudamerica — Informe De Migración Regional 3: Argentina, Brasil, Chile y Uruguay (Agosto — Noviembre 2018)" (issue brief, IOM, Buenos Aires, February 18, 2019).

222 Peruvian National Statistics and Information Institute, "Logro Educativo — Nivel de educación alcanzado por la población de 15 y más años de edad, según ámbito geográfico, 2008-2018," accessed January 20, 2020.

223 Cuadra Lira and Samcam Ruiz, *De la represión al exilio*, 10.

FIGURE 6

**Share of IOM-Surveyed Venezuelan Migrants with Advanced Degrees, Selected Countries, 2018–19\***

\* Statistics for Argentina, Chile, Colombia, Peru, and Uruguay are from late 2018; those for Guyana are from November and December 2018; those for Ecuador are from March 2019; and those for Brazil are from April 2019.

Sources: IOM, “Sudamerica — Informe De Migración Regional 3: Argentina, Brasil, Chile y Uruguay (Agosto — Noviembre 2018)” (issue brief, IOM, Buenos Aires, February 18, 2019); IOM, *DTM – Monitoreo de flujo de población venezolana – Brasil – Ronda 4* (Brasilia: IOM, 2019); IOM, *Análisis de las encuestas de monitoreo de flujos de nacionales venezolanos en sudamérica – Segundo semestre 2018* (Buenos Aires: IOM, 2019); IOM, *Monitoreo de flujo de la población venezolana – Ecuador – Ronda 4* (Quito: IOM, 2019); IOM, *DTM: Guyana – May 2019* (Georgetown: IOM, 2019).

## Challenges

Inefficient and costly processes for recognizing foreign credentials in many receiving countries are among the factors that can prevent migrants from fully applying their skills.

### Cost

While in Argentina, Ecuador, and Uruguay the process of having a degree earned abroad recognized is free,<sup>224</sup> degree recognition is a costly process in other countries and represents a labor market barrier for many high-skilled migrants. The process to get a foreign degree recognized in Peru costs USD 100; prior to 2019, it cost USD 200.<sup>225</sup> By comparison, even Venezuelan migrants in the age group making the highest average salaries as of 2018 (30- to 39-year-olds) were making only USD 344 per month (and those making

<sup>224</sup> Argentinian National Directorate of University Management and Inspection, “Convalidaciones de títulos universitarios extranjeros,” accessed November 12, 2019; Ecuadoran Ministry of Telecommunications and Information Society, “Reconocimiento general de títulos del extranjero,” updated October 31, 2019; Interview with Diego Cabrita.

<sup>225</sup> National University Education Superintendence of Peru (SUNEDU), “Sunedu reduce costo de reconocimiento de grados y títulos extranjeros” (press release, January 15, 2019).

the lowest average salaries were making USD 297 monthly).<sup>226</sup> In Colombia, the fee–salary gap is even wider: it costs USD 194 to validate an undergraduate degree and USD 227 for a postgraduate degree,<sup>227</sup> while almost 70 percent of Venezuelan migrants in Colombia were making between USD 52 and USD 154 per month as of 2018.<sup>228</sup>

This creates a vicious cycle in which immigrants with advanced degrees need to have them validated to raise their income, but without additional income, they cannot get their degrees validated. In Peru, the NGO Venezuelan Union has launched an effort to combat this challenge, implementing an agreement with four universities to offer avenues for Venezuelans to validate their degrees by lowering costs and allowing them to pay after they have completed the process.<sup>229</sup>

### *Apostille Requirement*

Several countries require that foreign degrees be apostilled in order to be validated. This is the case in Costa Rica, Ecuador, and Peru. While this has been a challenging requirement to meet in the past, the Venezuelan government's June 2019 decision to begin issuing electronic apostilles will likely help to overcome this obstacle. Even before this change, Argentina had taken steps to address this obstacle. In February 2018, Argentina started treating Venezuelans as though there was a reciprocity accord for recognizing degrees between the two countries, even though there was not, meaning that Venezuelans did not need to have their degrees apostilled, and if they were lacking documentation of their academic credentials, they could take an exam to demonstrate their knowledge instead.<sup>230</sup>

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*In February 2018, Argentina started treating Venezuelans as though there was a reciprocity accord for recognizing degrees between the two countries.*

### *Wait Times and Inefficient Processes*

Some countries' degree recognition systems have been slow to adapt to the needs of Venezuelan professionals, often because they are outdated and not designed with large-scale migration in mind. In Chile, for example, the national university is the only institution authorized to validate and recognize foreign degrees from countries with which Chile does not have a reciprocity agreement, including Venezuela. The process is lengthy and requires multiple documents to be legalized (a process of authenticating signatures on the documents).<sup>231</sup> In Chile, the NGO El Paciente Inglés has advocated for more transparent and efficient processes for the recognition of foreign professional titles.<sup>232</sup>

More broadly, universities across the region tasked with processing degree recognition requests may not have the capacity to keep up with demand, particularly as migration continues.

226 INEI, *Condiciones de vida de la población venezolana que reside en Perú*, 112.

227 Author interview with international organization official based in Colombia, Bogotá, March 21, 2019.

228 GDA, *El Tiempo Colombia*, "Salario de venezolanos en Colombia es 34,9% más bajo que el de colombianos," *El Nacional*, June 17, 2019.

229 Selene Rosales, "ONG y 4 universidades peruanas acuerdan facilitar homologación de títulos venezolanos," *Gestión*, April 5, 2019.

230 IOM, *Integración laboral en el sector de salud de la población venezolana en la República Argentina* (Buenos Aires: IOM, 2019), 48–49; Argentinian Ministry of Education, *Resolución 230-E/2018* (February 7, 2018).

231 University of Chile, *Decreto Universitario Exento*, N°0030.203 (October 27, 2005).

232 Based on an author interview with Diego Jazanovich, Founder of El Paciente Inglés, May 2019.



### *Permission from Professional Schools*

Even when immigrant professionals succeed in having their credentials validated, those in some countries face a second hurdle. In Colombia, after immigrants have had their degrees recognized, professional schools control whether those in certain sectors receive final authorization to practice their professions. These professional schools, which have authority over about 60 different mostly middle-class professions, issue cards that allow immigrants who have completed the necessary education or training to practice these jobs.<sup>233</sup> Some schools reportedly have been denying these cards to Venezuelan migrants.<sup>234</sup>

In many countries of the region, professional associations also exercise considerable influence over who can enter a given profession, either through additional requirements (e.g., requiring them to join the association as prerequisite to working in the profession) or through influence on professional schools and education ministries that oversee credentialing processes. While not all professional associations are skeptical of those with credentials earned abroad, they sometimes serve as another barrier to updating credentialing systems or gaining access to employment.

### **Potential Solutions**

Solving the issues around degree validation and recognition requires creativity, in part because the processes are so complex. Several strategies have emerged across Latin America in recent years.

#### *Certification Programs*

In some countries, migrants can enroll in certificate programs that often provide a credential on a shorter timeline than it would take to get Venezuelan credentials validated or recognized. Municipalities in Peru offer such courses at Centers of Productive Technical Education (Centros de la Educación Técnica Productiva, or Cetpros), which are also popular among high school graduates who would rather work than enroll in university. Cetpros offer three- and four-month courses on productive work (for example, textile work) that end in a certification—a model that is convenient for people who already have most of the skills a course is teaching but need documentation of those skills to get a job.<sup>235</sup>

Colombia offers something similar through its National Training Service (Servicio Nacional de Aprendizaje, or SENA), but these courses are open only to Colombians and permanent residents of Colombia, and thus are not available to the vast majority of Venezuelan migrants, including those who have PEP.<sup>236</sup> Even though many Venezuelans with PEP will likely end up living permanently in Colombia, the legal framework that designates them as temporary migrants blocks their access to this type of integration opportunity. If more Venezuelan migrants were able to access SENA programs, these courses would likely serve a similar purpose to those in Peru's Cetpros. SENA offers intensive courses, which usually last a few days, through which participants can prove they have the professional skills needed for a technical job, such as being a cook, and at the end of the course they receive a certificate.

<sup>233</sup> Author interview with international organization official based in Colombia, Bogota, March 21, 2019.

<sup>234</sup> Author interview with international organization official based in Colombia.

<sup>235</sup> Author interview with member of a Peruvian NGO, March 19, 2019.

<sup>236</sup> Colombian National Learning Service (SENA), "Inscripción a programas de formación profesional," updated June 2, 2019.

These short courses resulting in certificates in Peru (and potentially Colombia) serve the important role of allowing migrants to avoid the credential recognition process and still receive documentation that demonstrates their abilities. However, these innovations are not panaceas, as they will not be adequate to enable immigrants with more advanced degrees to gain employment in fields that require advanced skills.

### *Decentralization*

Noting that delays in credential recognition often arise when the process is centralized in one institution, as in Chile, Uruguay has adopted a different approach. Prior to the increase in Venezuelan migration, Uruguay also had a centralized system. The responsibility to validate titles for all foreigners in the country was concentrated in the office of the dean of the national university, which resulted in a process that took several years to complete. As the number of immigrants coming to the country—particularly Venezuelans—increased, the intergovernmental National Committee on Migration pushed to decentralize the process in order to make it more efficient.<sup>237</sup> The government subsequently distributed responsibility for validation of titles across different university departments, reducing the wait time for titles to be approved to 90 days.<sup>238</sup>

### *Fast-Track Recognition*

Two countries have tried to fast-track credential recognition, at least for some professional degrees, using very different approaches. Ecuador divides foreign universities into three categories, depending on their level of prestige, and provides almost automatic recognition of degrees from universities in Category A (and an expedited process for those in Category B). These categories include some of the major universities in Venezuela, though not all. Applicants in Category C may still receive recognition but face a longer timeline.<sup>239</sup>

Argentina, meanwhile, has tried to fast-track recognition of credentials through public universities in each of its provinces, following an experiment originally developed in Jujuy province and later expanded nationally, with support from the national migration agency. There have been special efforts to coordinate between federal and provincial authorities, especially for candidates in fields that are in high demand, and recognition has gradually become easier across most of the country.<sup>240</sup>

## 6 Conclusion and Recommendations

The massive and sudden flow of Venezuelan migrants to almost every country in Latin America and the Caribbean, and of Nicaraguan migrants to Costa Rica, has forced receiving countries to re-examine their immigration and integration policies, or in some cases to develop them from scratch. Overall, these countries have tried to find pragmatic ways of accommodating recent arrivals, providing some form of legal status to many and at least basic

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*Overall, these countries have tried to find pragmatic ways of accommodating recent arrivals.*

<sup>237</sup> Author interview with Diego Cabrera.

<sup>238</sup> Author interview with Diego Cabrera.

<sup>239</sup> Author interviews with Foreign Ministry officials and one local government official in Ecuador, November 2018 and August 2019.

<sup>240</sup> Author interviews with provincial officials in Jujuy and Buenos Aires Province and with the federal Director of Migration, May 2019.

education and emergency health-care services to most, even those who lack legal status. Some have been more expansive in what they offer to recent Venezuelan and Nicaraguan arrivals than others, but almost all have tried to find ways to incorporate these immigrants into their societies and national institutions in some way. For many countries that have little prior experience with large-scale migration, this has meant building immigration systems and integration mechanisms almost overnight.

However, as it becomes clear that large numbers of Venezuelans and Nicaraguans are likely to remain in their host countries in the mid- to long term, and more are likely to arrive, the initially warm welcome has cooled somewhat. Some receiving countries are now making it more difficult for these migrants to enter and remain legally. In most cases, this has been done by imposing visa requirements that are difficult for them to meet. While these new requirements may create a perception of control among host-country communities concerned about the impact of large-scale arrivals, they may simply be shifting migration from regular to irregular channels rather than slowing it. Ironically, this risks undermining, rather than enhancing, government control over time, as countries may find themselves with growing populations of irregular migrants.

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*The underlying deficiencies in these systems may be unrelated to migration, but they have been made more visible by the additional stress of new arrivals.*

Beyond the questions of who is legally admitted and allowed to stay, recipient countries in the region are also grappling with how to address the labor market and social integration of recent immigrants. Overall, both Nicaraguan and Venezuelan migrants tend to be fairly well educated, which presents an opportunity for receiving countries—if they can effectively leverage the professional and technical

skills these migrants bring. But many countries still have laws that make it hard to employ immigrants, and highly educated migrants in most face significant barriers to having their professional and technical credentials recognized. At the same time, primary and secondary school systems in some countries have little experience working with immigrant students. Schools and educators have found themselves having to adapt quickly to screen, enroll, and appropriately support new arrivals who at times lack language skills or have gaps in their subject matter knowledge.

In most countries, both education and health-care systems, which were already overextended, have had trouble adapting to the arrival of large numbers of newcomers. The underlying deficiencies in these systems may be unrelated to migration, but they have been made more visible by the additional stress of new arrivals. The solutions to these challenges will need to focus not just on services for immigrants but on upgrading education and health care for everyone, a long-term pending challenge in most of the countries of the region.

## **A. Recommendations for Receiving Countries**

As this report demonstrates, each country is facing a slightly different set of circumstances and has chosen a different path for addressing recent migration flows from Venezuela and Nicaragua. As a result, there is no

one set of recommendations that can apply equally to all countries. However, recent experiences across the region suggest a few basic approaches that may be valuable for policymakers to consider.

- ▶ **Balancing security and flexibility when designing entry requirements.** Every country has the right to set its own requirements for entry. But when faced with a rapid, forced migration flow, and in a situation where borders are quite porous, strict entry requirements may create an illusion of control but actually diminish the ability of a government to know who is entering its territory and to address immigrant integration challenges over time. One option is to keep entry requirements low (and, ideally, to harmonize them with other nearby countries) so migrants have an incentive to use legal entry channels. Another option is to impose more stringent requirements but create exceptions that allow those with family or work ties to the host country, and those in particularly vulnerable situations, to enter more easily. However, frontline immigration officers will need clear guidelines and training, and appropriate supervision, to ensure uniform application of both the rules and their exceptions. Putting in place fair and secure entry requirements will remain an ongoing challenge as members of the public demand greater control but forced migration continues unabated, either through or around official ports of entry.
- ▶ **Exploring new ways to provide legal status, including through targeted regularization or employment-based programs.** There have been a number of creative efforts to provide legal status to recent immigrants arriving from Venezuela and Nicaragua. These range from Brazil's temporary status option for most arriving Venezuelans to the decision by Argentina and Uruguay to offer Venezuelans Mercosur temporary residency visas—a strategy other countries could emulate. Colombia, Peru, and potentially Ecuador stand out for their ambitious regularization programs for hundreds of thousands of irregular immigrants. Amid rising public anxieties over migration in some countries, it may become harder to implement such mass regularization programs or offer legal status to most who seek to enter. The approach followed by Costa Rica and Colombia in offering legal status to those who have employment may provide another alternative. Similarly, Peru has been trying to regularize students in the country's educational system—another strategy Colombia seems likely to adopt in the future—and one that may prove more politically viable in some countries. Yet, these approaches risk leaving out the vast majority of recent immigrants who do not attend school or work in the formal economy. Policymakers should be mindful that those without legal status are less likely to produce optimal labor market outcomes—for themselves and for the country overall. The details of implementation in each case will matter enormously, but there is room for iterative efforts that focus on specific different groups over time.
- ▶ **Strengthening asylum systems, while maintaining other, more nimble legal pathways.** In the face of mass forced migration, most Latin American countries have made the wise decision to bypass asylum in favor of more agile forms of granting legal status that do not require case-by-case adjudication. Others have used their asylum systems to grant temporary regular status to recent arrivals, without expecting their cases to quickly be resolved. However, many arriving Nicaraguans and Venezuelans are fleeing political persecution that would qualify them for asylum under international (or national) standards. Such migrants would benefit from functioning, efficient asylum systems, and the more secure status and additional supports they can offer. Given the strong humanitarian dimension of recent flows, countries could opt to strengthen their asylum systems but without

expecting them to serve as the principal path for recent arrivals to legalize their status—essentially, having robust legal pathways complemented by a strong but selectively used asylum system. The Mexican approach of offering complementary protection for those who do not meet strict asylum criteria but are clearly in danger of extreme harm if returned to their home countries is a model that others may want to emulate.

- ▶ **Improving access to education through flexible enrollment practices and ongoing support.** One of the most important decisions all of the case-study countries have made, with the exception of Trinidad and Tobago, has been to offer primary and secondary education to all students regardless of their legal status. In some cases, this was already in the constitution or enshrined in law, but others have more recently made the choice to do so. This helps avoid a generation of young people growing up without education and helps receiving countries take advantage of the potential human capital of the immigrant children who will likely grow up in their territory. In many places, however, strict registration requirements involving documents that are difficult for immigrant families to obtain can prevent some from enrolling their children in school. There is also an urgent need to work with schools on policies, procedures, and curricula to facilitate the integration of immigrant children, who may face challenges adapting to their new schools and need additional support to develop critical skills (e.g., language proficiency in non-Spanish-speaking countries, as well as history, culture, and other country-specific knowledge). In several countries, access to college, graduate education, and trade schools is also restricted for those who do not have adequate documentation, which risks wasting the human capital of immigrant youth who aspire to enter professional and technical careers, including in fields that are in demand in their new countries.
- ▶ **Overcoming health-care barriers through clear policies on access and financing.** Almost all countries in the region, at least in theory, offer emergency health care to immigrants regardless of legal status, but specific policies are often unclear and measures are not always implemented effectively at the local level, which means that migrants often have uneven access to health care in practice. In countries where local and regional governments pay part of health-care costs, financial burden sharing is also often unclear, leading local hospitals and clinics to be wary of assuming costs that may never get reimbursed. Creating clear policies and procedures defining both the services offered and what amount of costs will be covered and by whom are critical. In some countries, such as Costa Rica and Colombia, where residents need to enroll in the health-care system to be eligible for benefits, it is vital to find agile ways of ensuring that new immigrants can register and sometimes to find ways of covering the costs of their care.
- ▶ **Unlocking migrants' skills to boost labor market integration and local economies.** Most recent immigrants have found work, but many are working in the informal economy. While recognizing that the labor markets of many countries in the region are characterized by a high degree of informality, care should be taken to ensure that immigrants do have pathways to better paid and more stable employment in the formal economy and to avoid creating conditions where employers can pay immigrants less than the prevailing wage, to the detriment of both newcomer and native-born workers. There is no more important determinant for long-term positive labor market outcomes than ensuring legal status, which helps immigrant workers improve their wages over time and also helps avoid unfair wage competition between native-born and immigrant workers. Venezuelan

and Nicaraguan migrants tend to be fairly well educated, which means that there is a wealth of highly skilled human capital that could benefit receiving communities. To effectively leverage this potential, countries will need to create agile and transparent ways for immigrants to get professional and technical degrees earned in their home countries validated and recognized by employers. Argentina has done this through provincial universities, which has allowed the country to encourage professionals to leave the capital and settle in other provinces where their skills are in demand. Creating expedited credential recognition pathways for applicants willing to settle in an area of the country where their skills are most needed could also help fill labor market gaps.

- ▶ **Developing constructive narratives about immigration to highlight opportunities, while not ignoring its challenges.** There is no question that the sudden outflow of almost 5 million Venezuelans, mostly into neighboring countries in Latin America and the Caribbean, constitutes a migration crisis, and one that host-country publics are keenly aware of. The same is true for Costa Rica, which has taken in 80,000 to 100,000 Nicaraguans in less than two years. But this migration is also an opportunity for host countries, as illustrated by increased predictions by Chile's central bank about that country's future economic growth as Venezuelan immigration drives labor market expansion. Immigrants, when they have access to legal status, education, health care, financial services, and pathways to validate their studies, tend to become net contributors to innovation, entrepreneurship, and growth over time. Several governments, including Argentina, Colombia, and Uruguay, have gone out of their way to maintain their focus on these long-term opportunities, even while dealing with the challenges that the sudden arrival of so many people creates for already overburdened public services. Policymakers can help orient the public debate on migration by keeping an eye on the long-term benefits (and designing policies to help attain them), but they must also acknowledging the real strains involved in dealing with sudden, large-scale inflows.<sup>241</sup> As officials in many receiving countries have recognized, in order to avoid fanning the flames of xenophobia, it is important not to create situations in which immigrants receive special treatment or opportunities that are unavailable to the native born. Yet, fear of taking action that could be perceived as special treatment can cause governments to shy away from taking any action at all to facilitate migrants' integration. It will be important to find the balance between these two competing imperatives.
- ▶ **Building whole-of-government responses to complex issues.** Migration tends to be managed by migration agencies, but policies and programs needed for future immigrant integration often fall under the responsibility of other ministries, departments, and agencies that less frequently deal with migration issues, including many at the local and regional level. Building coordination among different parts of a national government and across different levels of government is thus critical to the success of immigration and integration policy efforts. Colombia has appointed a de facto migration czar to coordinate these efforts, while Peru and Costa Rica have built multisectoral commissions within their governments to do this.<sup>242</sup> Leadership from the presidency is essential. New policies and procedures need to be communicated clearly to all stakeholders, from policymakers to policy implementers. A decree aimed at facilitating school enrollment for immigrant children, for example, will be ineffective

<sup>241</sup> On this point, see Natalia Banulescu-Bogdan, *When Facts Don't Matter: How to Communicate More Effectively about Immigration's Costs and Benefits* (Washington, DC: MPI, 2018).

<sup>242</sup> These multisectoral commissions within government in Peru and Costa Rica have worked imperfectly, but they are a step in the right direction, according to author interviews with policymakers involved in these efforts.



if insufficient information about its implementation and enforcement is disseminated to on-the-ground government officials and school personnel. Governments also need to figure out how to build synergies with NGOs, which are often more in touch with the needs of both host communities and recent migrants, and can help coordinate responses effectively.

## **B. *Recommendations for the International Community***

International support will be critical in helping countries in the region adjust to their new role as recipients of large-scale forced migration flows. While migration from Venezuela and Nicaragua holds the potential to enhance economic growth in the long term, it is also creating real and tangible short-term costs for already overburdened schools, hospitals, and infrastructure. International support can help countries of the region overcome these challenges and reap immigration's benefits.

- ▶ **Moving from emergency responses to long-term development and integration.** While there is still a critical need for emergency services for recently arrived migrants from Venezuela and Nicaragua, as crises in these countries stretch on, it is also important to plan for the long term. The most important question in the future will be how to support inclusive development that can help host communities and immigrants build connections and improve their livelihoods together. Enhancing access to and quality of schools, health-care facilities, housing, and urban infrastructure in areas where migrants settle is vital. This is the key to successful integration and also an opportunity to turn a migration crisis into a net benefit for host societies. While there is some need for temporary shelter and emergency medical services that international actors could help meet, the greatest needs for support have to do with building local capacity for integration and service provision both to new arrivals and long-time residents.
- ▶ **Strengthening support for local responses.** While much of the aid allocated to crisis response flows to UN agencies, large international NGOs, and national governments, much of the response has to come from local and regional governments and from local NGOs, particularly as the focus turns to long-term integration challenges. Finding equitable and accountable ways to strengthen local government and civil-society responses remains a challenge. Unlike many countries elsewhere in the world that are receiving large numbers of forced migrants, Latin American and Caribbean countries have largely absorbed new arrivals into local communities, and they are active participants in local labor markets and public institutions (rather than depending on international aid or lodging in refugee camps). This different pattern of reception requires a different architecture that uses existing public and private institutions, especially at a local level, effectively. As the long-term work of integration continues, it will be important to empower local communities to be part of the response in order to create human connections among migrants and the native born and to encourage buy-in from host communities.
- ▶ **Financing immigrant integration and development initiatives.** The response from donor governments and international organizations, while generous, has been far less than what is needed. The Inter-American Development Bank and the World Bank have moved in a promising direction by offering a mix of traditional and conditional loans for development challenges tied to recent

immigration.<sup>243</sup> There are also creative opportunities to bring the private sector into integration and development efforts, through special bond offerings and investment funds targeted at migrant and refugee integration.<sup>244</sup>

- ▶ **Encouraging regional responses to migration.** While migration and integration has a strong local dimension, there is also a need for coherent regional responses from Latin American and Caribbean governments. This is especially the case around entry requirements, legal status, and data tracking and sharing. The international community can play a major role in supporting regional thinking and agreement around these issues.
- ▶ **Investing in data collection and information sharing.** There is very little consistent data collection across countries on new arrivals from Venezuela and Nicaragua that would allow policymakers and the international community to design appropriate, responsive policies. Finding ways of gathering appropriate demographic and geographic data on migration flows and the needs of migrants and host communities remains a critical challenge within almost all countries and across the region.

Overall, Latin American and Caribbean countries have shown remarkable resilience in the face of some of the largest forced migration flows anywhere in the world. Most migrants from Venezuela and Nicaragua have begun the process of integrating themselves into communities in neighboring countries, finding employment, accessing basic education and health care, and often obtaining legal documents. This is no small achievement given the size and scale of these flows and how little experience most countries in the region had until recently in dealing with large-scale immigration. But this is a marathon, not a sprint. Migration continues through the region, and many Venezuelans and Nicaraguans appear likely to remain in their host countries for years to come, if not permanently. These countries will need to continue to evolve their policies and institutional structures to adapt to this new reality, and they will need support from the international community to do so successfully.

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<sup>243</sup> See Inter-American Development Bank, “Migration Initiative” (presentation, Washington, DC, November 2019). The World Bank has pursued a similar effort with a mix of grants and loans.

<sup>244</sup> See Michael J. Camilleri and Fen Osler Hampson, *No Strangers at the Gate: Collective Responsibility and a Region’s Response to the Venezuelan Refugee and Migration Crisis* (Washington, DC: Inter-American Dialogue and Centre for International Governance Innovation, 2018).

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## Acknowledgments

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The authors thank everyone—more than 100 policymakers, local leaders, representatives of civil society and international organizations, researchers, journalists, and migrant leaders—who agreed to be interviewed for this report. Particular thanks are owed to Felipe Muñoz, Roxana del Águila, Feline Freier, Ana Macouzet, José Tomás Vicuña, Tomas Paez, Diana Gómez, Priya Kissoon, Juan Jiménez, Daniel Regalado, Giovanna Tipan, Harold Villegas, Carlos Torres, Luis Carlos Rodríguez, María Fernanda Cevallos, Luciana Gandini, Alberto Cortes, Francisco Quintana, Betilde Muñoz, Miryam Hazán, Antoni Estevadeordal, Joaquín Tres, Diego Beltrand, and Jeffrey Villaveces, as well as to all the participants in the October 29, 2019 Migration Policy Institute (MPI) roundtable who helped refine the recommendations in this study.

This study also benefited greatly from the research of colleagues Diego Chaves, Andrea Tanco, and Carly Greenfield, and the invaluable contributions of Lisa Dixon, Lauren Shaw, Michelle Mittelstadt, and Sara Staedicke. The authors also thank Anne Marie Moran, Stephanie Heredia, Priscilla Wolfe-Morales, and Laura Bluhner for their research contributions on Brazil and Colombia.

This report was made possible by support from the U.S. Department of Homeland Security's Science and Technology Directorate and the University of Houston's Borders, Trade, and Immigration (BTI) Institute. Special thanks go to David Chloe, Michelle Lillie, and Theopholis Gemelas of DHS and Kurt Berens at the University of Houston for their enduring support of and interest in this work. Research conducted on a separate MPI project on Latin American migration policy innovation, supported by the Open Society Foundations' International Migration Initiative (OSF-IMI), also helped inform this report.

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Design and Layout: Sara Staedicke, MPI  
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Suggested citation: Selee, Andrew and Jessica Bolter. 2020. *An Uneven Welcome: Latin American and Caribbean Responses to Venezuelan and Nicaraguan Migration*. Washington, DC: Migration Policy Institute.

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