

Receiving our “Venezuelan Brothers”: Understanding Responses to Displaced Venezuelans in Colombia and Brazil

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Presentation

Introduction

Over the last six years, more than 5.4 million Venezuelans have left the country and are now displaced, which makes them the second largest displaced population in the world, only after Syrians. Most of them (4.6 million) are hosted in neighbouring countries, such as Colombia (1.7 million), Peru (1 million), Chile (457,300), Ecuador (417,200), and Brazil (262,500) (UNHCR, 2021).

Latin America is often referred to as a particularly successful case in refugee protection. In 1984, the region developed the Cartagena Declaration on Refugees, widely known for having established a more comprehensive refugee definition in Latin America, capable of dealing with asylum-seekers arriving *en masse*. This definition goes beyond the one established with the 1951 Convention and its 1967 Protocol, also considering refugees those who:

have fled their country because their lives, security or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order (Cartagena Declaration on Refugees, 1984, *Title III*).

Although 15 countries have adopted this ‘expanded definition’ into their domestic laws, in practice, they are very selective when applying it (Reed-Hurtado, 2013). This is

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reflected in recent responses to displaced Venezuelans in the region. In fact, most countries have enacted restrictive policies, including restricting access to asylum. Hence, UNHCR has issued two guidance notes (2018 and 2019) calling on States in the region to provide displaced Venezuelans with access to asylum and apply the 1984 Cartagena Declaration.

Since the 1980s, the literature on forced migration studies has increasingly recognised that a plethora of factors influence countries' responses to mass refugee influxes (Jacobsen, 1996; Loescher, 1989; Milner, 2009). This may include domestic politics, bureaucratic factors, international assistance, and foreign policy, *inter alia*. Albeit the latter is particularly relevant for understanding responses in Colombia and Brazil (i.e. both governments have showed an intent of delegitimising the Maduro-led Venezuelan administration), responses in the country have been contrasting and a more comprehensive analysis may shine a light on other factors.

The study: Case selection and methodology

The impetus for this research comes from Freier et al. (2020, p.9), who argue that 'future research should seek to explain this implementation gap and the variance in the policy responses between countries in the region.'

Colombia and Brazil are neighbouring countries to Venezuela and, although to a dissimilar extent, have been impacted by the mass arrival of displaced Venezuelans on their territories. Despite historical ties and past diplomatic ventures, currently, policy elites in both States have conflictive relations with the Maduro-led government, often discrediting its leadership and framing their responses to this population, frequently referred to as their "Venezuelan brothers", as a rather altruistic act. Nevertheless, albeit having similar refugee laws, inspired in the 1984 Cartagena Declaration, responses have been contrasting.

Hence, this presentation seeks to understand *how have these countries responded to the arrival of displaced Venezuelans* and *which factors influenced their responses*.

In order to critically analyse the development and implementation of responses in both countries, the author employs *process tracing* as a methodology. Therefore, through the amalgamation of different primary (such as official reports, interview transcripts, and meeting minutes) and secondary sources (viz. scholarly articles and book chapters) the research identifies some of the intermediate steps in policy-making and implementation to better comprehend the sequence and values of variables which affected their responses and influenced variation amongst them (George & Bennet, 2005; Bennet & Checkel, 2014).

Although this methodology has been successful to understand the Brazilian case, the availability of sources relating to Colombian case is still scarce and research on this country is still ongoing. Hence, this presentation has larger focus on the Brazilian case.

Responses in Colombia

Currently, Venezuelans in Colombia can obtain two temporary stay permits: (1) a Border Mobility Card (TMF) or (2) an Especial Stay Permit (PEP). The first permit, aimed at pendular migrants, was introduced in 2016 and allows Venezuelans who live in bordering areas to transit in selected regions in Colombia for seven days. Venezuelans do not need to present a passport upon entry as long as they register for the TMF via the internet before travelling. On the other hand, the PEP was created to regularize the stay of Venezuelans already living in Colombia and is valid for two years. It allows Venezuelans to access basic public services, to work, and can be renewed. By the end of 2019, more than 4.8 million Venezuelans had TMF cards. Nonetheless, it is estimated that only 754,085

Venezuelans settled in the country had a regular status, in contrast to more than 1 million who were in an irregular situation.

Colombia is one of the few countries in the Americas where the principle of jus soli is not applicable for citizenship. In that, children of Venezuelans born on its territory could be considered stateless if their parents were incapable of coming back to Venezuela to register them. Notably, in 2019, the Colombian government decided to grant citizenship to all children born to Venezuelan parents in Colombia from 2015 to 2021. This is expected to affect over 30,000 children.

Although Colombia incorporated the 1984 Cartagena Declaration into its Refugee Act (2015) and Presidents Juan Manuel Santos (2010-2017) and Iván Duque (2018-) have consecutively denounced human rights violations in Venezuela, the country is not applying the Declaration's criteria during RSD procedures and the overall number of refugees and asylum-seekers remains inexpressive vis-à-vis the large number of displaced individuals in the country. By the end of 2019, the country received 11,000 asylum claims from Venezuelans and only approved 140 of them (R4V, 2021). In early 2021, the country announced it would grant all Venezuelans who were already on its territory a 10-year Protection Status. It also announced Venezuelans entering Colombia through regular channels in the following 2 years will be also able to benefit from this measure.

Responses in Brazil

In order to address the irregular situation of Venezuelans on its territory, in 2017, the Brazilian government decided to grant Mercosur residency rights to Venezuelan nationals. As stipulated by the block's 2002 residency agreement, Brazil started to distribute two-year residence permits that, after expired, can be converted to permanent

permits. At the end of 2020, more than 145,500 Venezuelans in Brazil held temporary or permanent residency permits.

While Brazil is the largest country in South America and ranks as the regions' largest economy, most Venezuelans enter the country via the northern state of Roraima (the least developed state in the country) and do not have resources for moving inward the territory on their own. Therefore, in 2018, Brazil's military established Operation Acolhida in Roraima, a large-scale humanitarian operation in partnership with international organisations and NGOs. In addition to providing displaced Venezuelans with financial assistance, increased access to health, and shelters, the Operation also allows Venezuelans to take part in a voluntary international relocation scheme, whereby they are assisted to move to more developed regions in the country.

Despite facilitating residency mechanisms for Venezuelans, Brazil avoided addressing their asylum claims for a while. Notwithstanding incorporating the 1984 Cartagena Declaration refugee definition in domestic law, historically, the country has only applied the Declaration's criteria in very specific cases. It was not until mid 2019 that Brazil officially recognised the situation in Venezuela as one of 'massive violations of human rights'. This was due a change in the composition the National Committee for Refugees (CONARE), the national bureaucracy responsible for refugee status determination (RSD) procedures. Together with the change in the country's presidency in 2019, new voting representatives from the Ministry of Foreign Affairs (institution which, in the past, represented a barrier for the application of the Cartagena refugee definition) inside CONARE were more comfortable with recognising circumstances of 'massive violations of human rights' in Venezuela.

Interpreting Responses and Discrepancies.

While, *a priori*, the contrasting number of displaced Venezuelans hosted in each country exposes the different burdens they face and is also believed to have influenced distinguished response outcomes, a critical analysis of other sources of variation sheds light on a wider range of factors and provide a more nuanced understanding of the situation.

Similarities

- (i) *The countries have 'porous' borders with Venezuela.* It is widely known that both Colombia and Brazil share 'porous' borders with Venezuela, which would make the implementation of *non-entrée* policies potentially ineffective.
- (ii) *The countries receive sizable international assistance, particularly from UNHCR.* This gives UNHCR increased leverage to influence responses in Colombia and Brazil.
- (iii) *The countries have deteriorated relations with the Maduro-led government.* Authorities in Colombia and Brazil have maintained very similar discourses vis-à-vis the autocratic style of President Nicolás Maduro and the plight of the Venezuelan people. Both countries use the displacement of Venezuelans as a political tool to delegitimise the government of Nicolás Maduro.

Key differences (relating to Colombia)

- (i) *The country is transitioning from a country of displacement to a major country of asylum.* Armed conflicts and violence in have internally displaced almost 8 million people in Colombia since 1985. Hence, in addition to dealing with displaced Venezuelans, Colombia also has to sustain a response to its own displaced nationals.

- (ii) *The country hosts almost 10x the number of Venezuelans Brazil does. This poses increased burdens over resources and infrastructure in Colombia, influencing the implementation of more restrictive asylum policies.*
- (iii) *The country is also dealing with return migration from Venezuela. Approximately 500,000 Colombian returnees who had been displaced and crossed the border with Venezuela are estimated to have returned, which increases the dynamic highlighted on the previous item.*

Key differences (relating to Brazil)

- (i) *Is less affected by this mass displacement. Resources and infrastructure in Brazil are less affected by the displacement of Venezuelans. Moreover, this population tends to be concentrated in the northern region of the country, not competing for jobs and resources in Brazil's major urban centres. This leads the country to be less likely to pursue restrictive policies.*
- (ii) *Is pursuing leadership in the international refugee regime and a rotating seat at the United Nations Security Council (2022-2023). Since the early 2010, Brazil has been pursuing leadership in regional and global fora relating to the refugee regime and, currently, in great part as a result of its response to displaced Venezuelans, Brazil was elected to preside UNHCR's Executive Committee (2020-2021). The country's leadership in the refugee regime and its 'exemplary' response to the displacement of Venezuelans corroborates with its bid for a rotating seat at the United Nations Security Council during the 2022-2023 term.*

Works cited

- Bennet, A., & Checkel, J. (2014). *Process Tracing: from metaphor to an analytic tool*. Cambridge: Cambridge University Press.
- Freier, L. F., Berganza, I., & Blouin, C. (2020). The Cartagena Refugee Definition and Venezuelan Displacement in Latin America. *International Migration*, pp. 1-20.
- George, A., & Bennet, A. (2005). *Case studies and theory development in the social sciences*. Cambridge: MIT Press.
- Jacobsen, K. (1996). Factors Influencing the Policy Responses of Host Government to Mass Refugee Influxes. *International Migration Review*, pp. 655-678.
- Loescher, G. (1989). Introduction . In G. Loscher, & L. Monahan, *Refugees and International Relations* (pp. 1-34). Oxford: Oxford University Press.
- Milner, J. (2009). *Refugees, the State and the Politics of Asylum in Africa*. London Borough of Camden: Palgrave Macmillan.
- Reed-Hurtado, M. (2013). *The Cartagena Declaration on Refugees and the Protection of People Fleeing Armed Conflict and Other Situations of Violence in Latin America*. Geneva: UNHCR.
- R4V. (2021, January). *RMRP 2021 for Refugees and Migrants from Venezuela* . Panama: UNHCR / IOM. Retrieved from R4V Coordination Platform for Refugees and Migrants from Venezuela: <https://r4v.info/en/situations/platform>
- UNHCR. (2021). *Venezuela Situation (Fact Sheet) - January 2021*. Panama: UNHCR.