

# **PUBLIC POLICIES ON MIGRATION AND CIVIL SOCIETY IN LATIN AMERICA**

The Cases of Ecuador, Uruguay and Venezuela



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**General Coordinator and Editor**

Leonir Mario Chiarello CS

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The Scalabrini International Migration Network (SIMN) is a non-profit organization founded in 2007 to promote the dignity and rights of migrants, refugees, seafarers, itinerants and all people on the move internationally. This publication is made up of three studies around the definition and implementation of public policies and the role of civil society in three countries in South America: Ecuador, Uruguay and Venezuela.

The views expressed in this book are those of the authors, and do not necessarily reflect the views of the Scalabrini International Migration Network (SIMN).

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## **CHAPTER III**

# **PUBLIC POLICIES ON MIGRATION AND THE PARTICIPATION OF CIVIL SOCIETY IN VENEZUELA**

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**Acronyms**

**ACS:** American Community Survey

**CAN:** Andean Community of Nations

**CDDHH:** Center for Human Rights

**CEFI:** Center for Border Studies and Integration

**CELADE:** Latin American and Caribbean Demographic Center

**CEV:** Venezuelan Episcopal Conference

**CODENA:** Council of Defense of the Nation

**CONARE:** National Commission for Refugees

**CONICIT:** National Council of Science and Technology

**COPRISE:** Presidential Commission for Selective Immigration

**CORDIPLAN:** Office of the Presidency of the Republic for Coordination and Planning

**CSM:** South American Migration Conference

**DANE:** National Administrative Department of Statistics

**DIEX:** Identification and Immigration Department

**ECLAC:** Economic Commission for Latin America and the Caribbean

**ENCOVI:** National Survey of Living Conditions

**FUNDAYACUCHO:** Mariscal de Ayacucho Scholarship Foundation

**IAN:** National Agrarian Institute

**IIES:** Institute of Economic and Social Research

**IMILA:** Investigation of International Migration in the Americas

**INE:** National Institute of Statistics

**IOM:** International Organization for Migration

**ITIC:** Technical Institute for Immigration and Colonization

**JRS:** Jesuit Refugee Service

**LORRAA:** Organic Law on Asylum and Asylum Refugees and Refugees

**LOTTT:** Organic Labor Law, Workers and Workers

**MERCOSUR:** Common Market of the South

**OCEI:** Central Bureau of Statistics and Informatics

**OAS:** Organization of American States

**OECD:** Organization for Economic Cooperation and Development

**ONIDEX:** National Office of Identification and Immigration

**OSUMI:** South American Observatory on Migrations

**PAHO:** Pan American Health Organization

**PEA:** Economically Active Population

**PDVSA:** Petroleum of Venezuela (*Petróleos de Venezuela Sociedad Anónima*)

**PROVEA:** Venezuelan Education-Action Program on Human Rights

**PSDHM:** South American Human Development Plan for Migrations

**SAIME:** Administrative Service of Identification, Migration and Immigration

**SELA:** Latin American and Caribbean Economic System

**SICREMI:** Continuous Reporting System on International Migration

**TMF:** Border Mobility Card

**UCAB:** Andrés Bello Catholic University

**UCAT:** Catholic University of Tachira

**UCV:** Central University of Venezuela

**ULA:** University of the Andes

**UNASUR:** Union of South American Nations

**UNFPA:** United Nations Population Fund

**UNHCR:** United Nations High Commissioner for Refugees

**USB:** Simón Bolívar University

## Introduction

The Venezuelan migratory experience is part of the context of demographic, socio-economic and political changes that the country has experienced over the last seventy years. During this time, Venezuela transitioned from being a net receiver of immigrants to registering a growing population of emigrants abroad. The timeframe of the two migratory flows from Southern Europe and Latin America, in the 1950s and 1970s respectively, was short. However, their scale affected Venezuelan society, and its economic, demographic and socio-cultural structures. As we will discuss in the first part of this study, where we offer a general analysis of the Venezuelan migratory dynamics, the migratory movements that arrived in the country and their labor force contributed to the development of large public investment projects undertaken in those periods of economic expansion. This migratory pattern changes after the 1980s, in a context of political, institutional and socio-economic transformations, accompanied by a climate of instability and confrontation, highlighting since then the increasing emigration of Venezuelans, particularly composed of an important proportion of university professionals, many with postgraduate degrees, and in whose training host countries have not had to invest.

During the last five years, the Bolivarian Republic of Venezuela has been submerged in a deep economic crisis that has led to the general impoverishment of vast sectors of its population, causing a migration crisis whose dimensions have begun to have an impact in many countries in Latin America and the Caribbean. For many Venezuelan citizens, crossing the border is the only option to meet basic needs and ensure immediate survival for themselves and their families. This new phase of emigration from Venezuela has been characterized by considerable changes in the social composition of emigrants and in their destination countries.

The fundamental purpose of this research is to identify the public policies that the Venezuelan State has adopted to manage migratory processes. In its early years, the country had to manage a significant influx of immigrants from abroad; yet, in more recent times, it is necessary to focus on the departure of Venezuelan emigrants. In addition, it seeks to highlight the role played by civil society organizations involved in migration issues and their relationship with State institutions. In this regard, the second part of the study presents a brief analysis of the evolution of public policies on migration, reviewing the national legal framework and its linkages to international conventions, as well as binational and regional agreements that Venezuela has subscribed to together with other governments. In addition, we map out key institutions that have responsibilities related to migration processes by specifying their function.



The third part of the study analyzes the participation of civil society in the formulation of public policies on migration. It begins by establishing the change that has taken place in the relationship between the State and civil society organizations in the country, a process that has not escaped the influence of the political polarization that prevails in Venezuela. Next, we mention the different organizations working to ensure that migrants' fundamental rights are guaranteed, according to their mission and the activities they carry out in favor of generating knowledge about migration dynamics and addressing the needs of migrants.

In the last part of the research, the analysis is devoted to a reflection on the resources that should be availed to encourage broad citizen participation in the construction of public policies on migration. This begins with acknowledging the difficulties in producing and accessing public information on international migration in Venezuela and, therefore, we suggest a series of actions through which civil society can make notable contributions to resolve the existing shortcomings that, by all accounts, limit knowledge of migration processes and the basis for the formulation and monitoring of policies.

Another area in which there exists ample ground for citizen participation is in sensitization and awareness-raising about the positive impact of migrations and the rights of migrants, for which we must consider both foreigners who decided to settle in Venezuela and the Venezuelans who have chosen to settle in a different country. Civil society's participation in the formulation, implementation and monitoring of public policies, in general, is undoubtedly relevant, and this applies to the area of migration. Consequently, this part will also indicate ways in which civil society organizations can contribute to achieving greater progress.

Finally, in Venezuela another area that requires great attention considering the climate of conflict and polarization concerns the construction of spaces for political dialogue to improve communication channels and respect between government and civil society. To this aim, mediation by international organizations would be very important.

**PART ONE****GENERAL ANALYSIS OF MIGRATION DYNAMICS IN VENEZUELA**Anitza Freitez<sup>1</sup>

The contemporary history of migration in Venezuela accounts for a country that, during certain well-defined periods, was attractive to foreign populations. Both in the 1950s and in the 1970s, the country went through phases of economic expansion associated with high income from oil revenues, which allowed for the development of important investment projects. In this context, the government welcomed migratory flows from countries in Southern Europe and, later, from Latin American countries. In considering both migratory flows, we can begin to understand the magnitude of the migratory phenomenon, the stock of immigrants and their characteristics, thanks to traditional statistical sources (population censuses, household surveys, and entry and exit registries) and the basic information they provide with regularity.

During the 1980s and 1990s, Venezuela took an important turn in its migration patterns. The country was submerged in a severe crisis in all orders, which not only restricted migratory movements from abroad, but, additionally, led to the return of foreigners and the emigration of Venezuelans, especially skilled people who reacted in light of this new context of economic recession, which was accompanied by a deep social unraveling and institutional deterioration. In its economic, social or political memory, Venezuelan society did not have the experience of international emigration that implies abandoning one's place of origin for a prolonged period of time.

Over the course of the 2000s, the country recovered somewhat, particularly in the period between 2004 and 2009, due to an economic boom linked to the sustained increase in fiscal income experienced thanks to the rise in oil prices. In this context, there was a notable boost in public spending, whose results in infrastructure works did not match the magnitude of the resources mobilized. Likewise, social spending was increased, which translated into expanded access to health and education

<sup>1</sup> Anitza Freitez has earned a Doctorate degree in Demography from the Catholic University of Louvain, Belgium; Master Degree in Social Studies of Population from the Latin American Center of Demography; Graduated in Geography from the Central University of Venezuela; Director of Institute for Economic and Social Investigations of the Catholic University Andres Bello (IIES-UCAB); Associate Professor of the UCAB; Coordinator of the Venezuelan Observatory on Migration and the National Survey on Living Conditions (ENCOVI) Project.

services, the implementation of monetary transfer programs, and the expansion of government employment, all of which contributed to the temporary improvement of certain wellbeing indices. These changes did not motivate the entry of migratory flows as in the past and they were not enough to reduce the risks of emigration, since the climate of coexistence in the country had been altered by the political conflict and the problems related to the lack of security in a broader sense.

So far in this decade, the deepest crisis in Venezuela's republican history has unfolded. Political instability and economic contraction have deepened, accompanied by a strong inflationary process that has completely eroded the population's purchasing power, enormous levels of scarcity of basic and all kinds of products, deficiencies in all public services and an intense process of deinstitutionalization. This context has been the framework for the severe migratory crisis that the country is experiencing, to the extent that a large contingent of people from all social strata have been forced to look beyond national borders for opportunities to meet their needs basic and those of their families.

The analysis we present below on the migration dynamics of Venezuela uses the population and housing census as the basic source of national information to understand the stock of international immigrants residing in the country, the changes in its composition according to the year of arrival and their demographic and socio-economics characteristics. Based on the statistics derived from the registration of movements, arrivals and departures from the country, it was possible to analyze the net migratory balance of foreigners and Venezuelans during the period from 1948 to 1995. After this date, the Administrative Service of Identification, Migration and Aliens (SAIME)<sup>2</sup> stopped publishing such statistics.<sup>3</sup>

Giving the restrictions on access to immigration information, since 2017 it was

<sup>2</sup> Formerly known as the National Office of Identification and Immigration (ONIDEX, in Spanish).

<sup>3</sup> The reasons used to justify restrictions on access to information that for decades was of a public nature are not known, particularly now that there is a modern, automated platform that facilitates their recovery and processing. It should also be noted that the National Institute of Statistics (INE)'s household survey is another source that was used for the study of international migration and since 2004 it has been disqualified for these purposes.

decided to include in the National Survey on Living Conditions (ENCOVI)<sup>4</sup> a module to investigate the members of the households surveyed who left the country in the course of the five years prior to the date of the interview, making this source a reference on recent emigration from Venezuela.

On the other hand, the statistical sources in the countries that constitute the main destinations of Venezuelan emigration provide the information that has allowed accounting, even with some limitations, the magnitude of this flow and its revealing growing trend.

It should be noted that the deepening of the Venezuelan migration crisis has meant an opportunity to digitize and modernize obsolete statistical systems and generate relevant information in a more agile way. Likewise, from the Regional Interagency Coordination Platform for Refugees and Migrants of Venezuela, efforts are made to systematize the data reported by governments, whose availability allows us to have better bases to respond to the protection, stability and integration needs of migrants and Venezuelan refugees.<sup>5</sup>

## **1. Demographic Dynamics in a Context of Socio-Economic and Political Change**

From the middle of the last century to the present, the Venezuelan population has registered major demographic transformations that have determined the variations in its growth rate and size. Between 1950 and 2011, the population was multiplied 5.4 times, from 5 to 27.2 million inhabitants. Over the course of the period between 1950 and 1961, the annual average population growth rate registered its highest historical level: four for every 100 inhabitants. This rapid increase was due to the high fertility rates, medium mortality levels and, to a lesser and declining extent, the contingents of immigrants who entered the country during the 1950s. Just as Venezuela was marked by intense population growth, it has subsequently stood out due to its rapid decline in population, a fact associated with important changes in fertility related to shifts in family formation and expansion patterns. Since the 1960s, the country's average

<sup>4</sup> With the deepening of the crisis in all areas of national life, public access to most official sources of information has been prevented. To this end, since 2014 an alliance has been formed between the Catholic Universities, Andrés Bello, Simón Bolívar and Central de Venezuela, in order to carry out a National Survey on Living Conditions (ENCOVI), to gather information that allow to know the social situation of the Venezuelan population and measure some effects of the economic crisis on welfare levels. Detailed information on the ENCOVI Project can be found on the portal. <http://encovi.ucab.edu.ve>

<sup>5</sup> The Regional Interagency Coordination Platform was created in April 2018 at the request of the Secretary General of the United Nations to UNHCR and IOM, to direct and coordinate the response to refugees and migrants from Venezuela. Available at: <https://r4v.info/en/situations/platform>

annual population growth rate fell steadily to reach 1.7 percent in the period between 2001 and 2011.

As Venezuela entered the second half of the 20th century, it was still a predominantly rural country, whose territory was spatially poorly articulated because of its underdeveloped road network. Almost half of its economically active population was engaged in agricultural work and access to formal education was limited. Since the 1950s, the modernization process begun in the two previous decades has been deepened, thanks to the abundant availability of income from the exploitation of oil. In this way, a new model of spatial organization has been conGraphd, characterized by an intense urbanization process. In fifty years, the urban population multiplied almost eight times and currently almost nine of every 10 inhabitants reside in cities. In addition, more than 70 percent of said population is located in the main cities (50,000 or more inhabitants). This high and mostly urban population growth boosted demand considerably for basic goods and services, including food, education, health, housing, and employment. This posed enormous challenges for the institutions responsible for economic and social planning, which were only able to respond in part to a multiplicity of demands.

In terms of its components, the demographic transformation begins with a rapid decline in mortality. The generations that were born at the beginning of the 1950s had a life expectancy of only 55 years on average. Improvements in sanitation, the establishment of a network of health services, the concentration of the population in cities, the expansion of access to education, as well as the increase in family income, among other factors, led to a greater control of morbidity and mortality due to infectious or contagious and deficiency diseases, which was reflected in the increase in life expectancy at birth, to such an extent that today's Venezuelans will live almost 20 years longer than their grandparents, considering that for the five years between 2005 and 2010 this indicator has been estimated at 70.9 and 76.8 years for men and women, respectively (Freitez, 2003, 2010).

By the 1960s, changes in reproductive patterns were beginning to occur, and in the course of half a century, Venezuelan women no longer had, on average, 4.6 children. The total fertility rate fell from 6.8 to 2.2 children per woman between 1961 and 2011. The speed of this fertility transition has been a response to the modernizing forces that made it possible for women to access education, as well as their participation in economic, political and social activity, factors that, in turn, have benefited their greater autonomy.

All regions and socio-economic groups in Venezuela have experienced these demographic changes, although not at the same time or at the same pace. The most

disadvantaged have generally maintained a certain predisposition to the risks associated with higher fertility and mortality levels. Although territorial disparities in fertility have narrowed, socio-economic inequities persist to the point that the average number of children among women in the poorest quintile is practically double that of the richest quintile (Freitez, 2003; UNFPA, 2006). Adolescent fertility has not fallen in step with total fertility and currently the incidence of early motherhood is similar what it was in the 1980s (Freitez, 2009). Regarding mortality, there are still notable differences when segmenting the population by territorial or socio-economic criteria. When analyzing by gender, we see that male mortality has worsened, especially for young men, along with an increase in mortality rates due to violence (Freitez, Romero and Di Brienza, 2010).

The spatial organization transformations that Venezuela experienced during the second half of the 20th century were accompanied by important internal and international migratory movements. During the period between 1950 and 1990, the occupation of the territory was conditioned by the process of import substitution industrialization, which situated manufacturing activity near large consumer markets, sources of qualified labor, ports that allowed the entry of imported inputs and economies of scale, among other factors. In this sense, the federal entities of the so-called center-north-coastal axis (Capital District-Vargas, Miranda, Aragua and Carabobo) and, to a lesser extent, Bolívar state, were favored by this model of industrialization, since they represented the largest urban centers. It was there that these federal entities concentrated much of the industrial labor activity and, thus, these areas benefited from the State's investment policy (Freitez, 1988, Quintero and Ramos, 2011). As of 1990, the country had exhausted the import substitution industrialization model, in a context of political instability and economic recession brought on by a fall of oil revenues. This led to the implementation of an open economic model that would allow the oil industry to expand with the participation of international capital. The impact of this model was immediately expressed in internal migration towards states such as Monagas and Anzoátegui, which were then boosted by investments in the oil sector and their triggering effects (García, 2011, Quintero, 2013).

At the end of the 20th century, Venezuela approved a new constitutional text that entailed a series of changes in the public power structure and expanded the charter of rights that were guaranteed (Lacruz, 2006). The new political forces in power, led at the time by President Hugo Chávez, have conceived a new project for the country based on what has come to be known as socialism of the 21st century. This model "... was based on the expansion (...) of the role of the State in the economy as regulator and as entrepreneur; in the destruction of the private sector's productive capacities and in the application of an economic policy based on an intricate system

of price and exchange controls, which generated marked macroeconomic imbalances that produced a picture of potential hyperinflation and sustained deterioration of the standard of living Venezuelans that can be seen today” (Guerra, 2017: 13).

Chavez’s proposal did not benefit from consensus in Venezuelan society and this has been expressed in prolonged social conflict and political antagonism, with some extreme manifestations such as the coup d’état in April 2002, which resulted in the temporary separation of the President of the Republic from his position, and the oil strike of December 2002, which lasted 62 days (Castillo y Reguant, 2017). In 2004, the country was asked to vote in a recall referendum on President Chávez’s mandate. The referendum’s results, favoring the continuity of his government, allowed the country to achieve a certain level of stability until he was re-elected in 2006 for a second term in office. In 2007, the President of the Republic proposed a constitutional reform that was rejected by referendum. That same year, the Economic and Social Development Plan of the Nation 2007-2013 was published, intended for President Chávez’s second term in government, which contained some aspects of the rejected proposal for constitutional reform. The plan was approved through the constitutional path made possible through an Enabling Law, through which a set of 26 decree-laws were authorized. This plan was presented as the first Socialist Plan and introduces the main guidelines that point to the development of a *Socialist Productive Model* “where the State is consecrated as the central axis within the economic dynamic” (Oliveros, 2019: 14).

In 2012, President Chávez ran again for re-election, thanks to the 2009 constitutional amendment, and although the election results favored him, he died a few months after starting this new mandate. Venezuela was recording what was believed to be one of the worst economic growth cycles, when Hugo Chavez came to the Presidency, which lasted until 2004, when, the huge increases in oil prices,<sup>6</sup> allowing a turn and increase in government spending capacity.

During the period between 2003 and 2008, real GDP increased 1.62 times. This period, characterized by the abundance of resources in the hands of the State, was unfavorable in terms of the control of inflation. Its high levels meant an overvaluation of the currency, brought on by the adopted exchange policy (Balza, 2010a, 2009). In terms of per capita consumption, there was also a considerable increase in the order of 51 percent (Oliveros, 2019: 15).

<sup>6</sup> Oliveros reports that the average price of the Venezuelan oil basket rose annually from 10.6 to 88.6 dollars per barrel (\$ / bl) between 1998 and 2008 to still climb to 101.7 in the 2011-2013 period (Oliveros, 2019).



In this context of economic growth, rates of labor informality and open unemployment were reduced due to a large supply of government jobs and an increase in the inactive population, which reduced pressures on labor demand, although employment became more precarious (Zúñiga, 2011). The levels of circumstantial poverty fell and there was less social inequality, a fact linked to the increase in remunerations in the public sector and to the benefits of economic transfers to households through social missions (programs) implemented since 2003 as a strategy for inclusion (Lacruz, 2006; D'Elia and Quiroz, 2010; Alvarado, 2004).

Due to his weakened health, President Chávez appointed Nicolás Maduro as the candidate to succeed him to give continuity to his revolutionary project. Before the call for new presidential elections, Maduro was elected President of the Republic for the period from 2013 to 2019. This launched another stage of political instability and of losses for democratic institutions, now in a context of deep economic crisis. The prolonged boom in oil prices between 1999 and 2015 allowed the country to receive revenues of over 866 billion dollars. This astronomical sum was “the basis on which the project of socialism of the 20th century was based, and which allowed for the financing of both private consumption and the nationalization of the economy” (Guerra, 2017: 15). However, given the impossibility of financing the growing public expenditure with the country's revenues at the time, the fiscal deficit deepened, and levels of external indebtedness increased, amount that quintupled between 2006 and 2015 (Oliveros, 2019).

The lower availability of foreign currency,<sup>7</sup> due to the decrease in oil prices, meant a decrease in imports, which resulted in a greater shortage (between 70 and 80 percent), since national production has also contracted following the process of nationalization and confiscations of companies. All of this ultimately led to a decline in levels of consumption, at the same time that a context of high inflation predominated.

Between 1999 and 2015, accumulated inflation was calculated at 10,630 percent, equivalent to a year-on-year rate of 31.7 percent, for the period between 2015 and 2017 it has exceeded three digits. (Guerra, 2017: 15, Vera, 2017: 428-430). At the end of 2018 it was estimated an inflation in the order of 1.700 percent (Zambrano, Marotta y Sosa, 2018).

After having appeared in the Latin American region as one of the countries with

<sup>7</sup> Due to the country had to honor debt payment commitments but also for the decrease in oil prices and the reduction of its production, which fell from 3,254 to 1,100 million barrels per day (mb / d) in the period 2008- 2018 (Zambrano, Marotta and Sosa, 2018: 19).



the highest levels of GDP, Venezuela experienced in the 2014-2018 period a huge contraction in the level of economic activity in the order of 63 percent (Zambrano and Sosa, 2018). To this fact is added severe shortage of basic products, and hyperinflation, as well as a considerable decline in the population's purchasing power. All this contributed to revert the achievements that had been made on overcoming poverty.

The five editions of the National Survey of Living Conditions (ENCOVI) between 2014 and 2018 showed that income poverty made its first jump of 25 percentage points between 2014 and 2015, when the percentage of households living in poverty varied from 48 to 73 percent, to 82 percent later in 2016, 87 percent in 2017 and 91 percent in 2018 (España, 2017: 19; Freitez, 2019). These numbers mean that only in those five years, almost 43 percent of Venezuelan households went from being not poor to living in poverty, as the income they receive is not enough to satisfy basic needs, and in 67 percent of cases, it does not cover basic food needs. On this particular aspect, the ENCOVI project has made it possible to monitor the deterioration in the eating patterns of Venezuelan households finding, without detailing, a notable increase in households where a reduction in the number of meals a day is combined with a low-quality diet, which does not cover the necessary intake of calories and nutrients (Landaeta et al., 2017).<sup>8</sup>

Food and nutritional deficiencies have increased the risks of morbidity and mortality, especially in sectors of greater social vulnerability, boosted by a context in which the health system has collapsed.<sup>9</sup> The number of cases of diseases related to nutritional deficiencies has increased as well as the lethality of diseases that require a strengthened immune system to deal with them. Consequently, there has been an increase in mortality levels and a loss of 3.5 years in life expectancy, which has no references in Latin America (Correa, 2018; Freitez, 2019).

ENCOVI have also shown the accumulation of losses of educational coverage of the

<sup>8</sup> The critical food situation is somewhat recognized by the national government, as its main social protection program is focused on this matter and it is essentially reduced to the subsidized sale of some food stuffs through the Local Supply and Production Committees (CLAP). The results of the 2017 ENCOVI showed the program's partial inability to address the problems of access to food due to issues in the targeting of beneficiaries and the periodicity in the distribution of the food. Other problems are related to the quality of the products and the selection of items that do not cover the caloric and nutritional requirements of families.

<sup>9</sup> Due to deficiencies in the provision of any service due to insufficient medication and medical-surgical supplies, the shortage of medical and paramedical personnel and the lack of maintenance in health care facilities, among other difficulties (Correa, 2017, González and Rincón, 2017).

population between 3 and 24 years, going from 78 to 70 percent between 2014 and 2018. Young people aged 18 to 24 are the first to stop studying, as is clearly shown in the variation of attendance rates from 47 to 31 percent. Among the population of children and adolescents in school (3 to 17 years old) in 2018, only the half live their educational daily life, while the other 50 percent (just under 3 million students) class attendance is quite random because often they must overcome some obstacle such as lack of food at home or at school, failures in the supply of water or electricity, transportation problems, protests, among other factors). It is not possible to achieve satisfactory school performance if there is hunger or fatigue because the poorest families do not have the resources to provide adequate food for their children. In this context, the Venezuelan State is incurring a double violation of rights, to the extent that there are no guarantees on the right to food and on the exercise of the right to study (Freitez, 2019; Freitez, 2017a).

To complete the description of the Venezuelan context, we must mention the process of deinstitutionalization there, particularly since 2015, when legislative elections were held and their results were largely disadvantageous to the political forces of the ruling party, who lost the parliamentary majority. Faced with this scenario, the outgoing board of the National Assembly decided to renew the composition of the Supreme Court of Justice (TSJ) without complying with the requirements of law for the appointment of new magistrates, whose affinity to the ruling party is public knowledge. The new TSJ prevented the realization of a referendum revoking the mandate of President Maduro, so that these and other measures broke the foundations of the Venezuelan democratic system and the rule of law, generating a climate of legal insecurity that makes recovery the economic recovery unviable, if the country is not re-institutionalized.

This stylized presentation of the economic, social, political and institutional changes offers not only a frame of reference to contextualize Venezuela's transition from a country of immigration to one of emigration, but also helps recognize the scope of the crisis that this country is experiencing on all fronts, which, particularly in recent years, has caused a significant emigration outflow, as we will see in the sections that follow.

## **2. Immigration**

As mentioned, Venezuela has received international immigrants during well-defined periods when the pre-eminence of certain economic, social and political factors made the country an attractive place for contingents of people who, for various reasons, had to leave their countries of origin. This section briefly describes the

general characteristics of international immigration in the different periods identified, highlighting changes in their numerical significance, the composition of migratory flows and their social and occupational profile.

### **2.1. General Characteristics of Immigration Before 1950**

Before the registration of the first migratory flow of the 1950s, important legislative, institutional and organizational efforts were made in the country to promote international immigration, considering that this would be a key factor for national progress. In this sense, the Immigration Law promulgated in 1936 was important, which reclaimed the racist thinking that was present in the selective character of migratory policies of the time in many Latin American countries (Pellegrino, 2011: 123). However, these initiatives did not translate into significant migratory flows, due to two main reasons. On the one hand, there was much suspicion regarding the selectivity of immigration and, in that sense, measures were taken to prevent people from entering the country who were not of the white race or who could disturb the peace and public order, as they could bring the anarchist and communist ideas that had been shaking up the European continent (Berglund and Hernández, 1985: 43). On the other hand, the economic, health, environmental, educational and general living conditions in the country were precarious and unattractive for the population coming from abroad (Pellegrino, 1989a, Rey, 2011).

From the 1940s onwards, when Venezuela begins to move through a process of economic and social transformation, the issue of immigration is reconsidered, this time from another perspective. In this period, there were huge labor requirements that could not be met internally—for construction projects, industrial development, trade, health and education improvements, and others; it was necessary to resort to foreigners trained to meet those demands. According to the 1941 census, the population in Venezuela was not even 4 million. This changing environment and growth in investment made the country more attractive for immigrants.

In Europe, on the other hand, there were large-scale movements of populations, primarily to the American continent. Massive emigrations first occurred from Spain, as a result of the Civil War (1936-1939), but Venezuela capitalized very little on that flow of Spaniards; many of them were intellectuals and professionals who settled in Mexico, where they had an important influence on cultural life and education (Pellegrino, 1989a: 174). Subsequently, there was mass emigration from Europe in the post-Second World War period.

## 2.2. General Characteristics of Immigration Between 1950 and 1970

The depressive situation caused by the Second World War increased the migrant population from European countries in Latin America. Venezuela capitalized on a part of these flows between 1948 and 1959, a period in the country received its first significant migratory flow. Many of the international immigrants who entered as refugees or who were part of immigration initiatives looked for ways to settle in Caracas or other major cities, which benefited from public investment programs and attracted significant flows of migrants from the rural zones who had been expelled by the crisis in the agricultural sector.

This first migratory flow of the 1950s was mainly composed of people from Southern European (Spanish, Italian and Portuguese). From 1948 to 1959, the net migration balance based on entries and exits by the foreign population in Venezuela is largely positive, surpassing 400,000, with greater representation from Spain and Italy (Table 1 and Graph 1).

**Table 1**

**Venezuela. Net Migration Balances for Various Periods by Selected Nationalities. 1948-1995.**

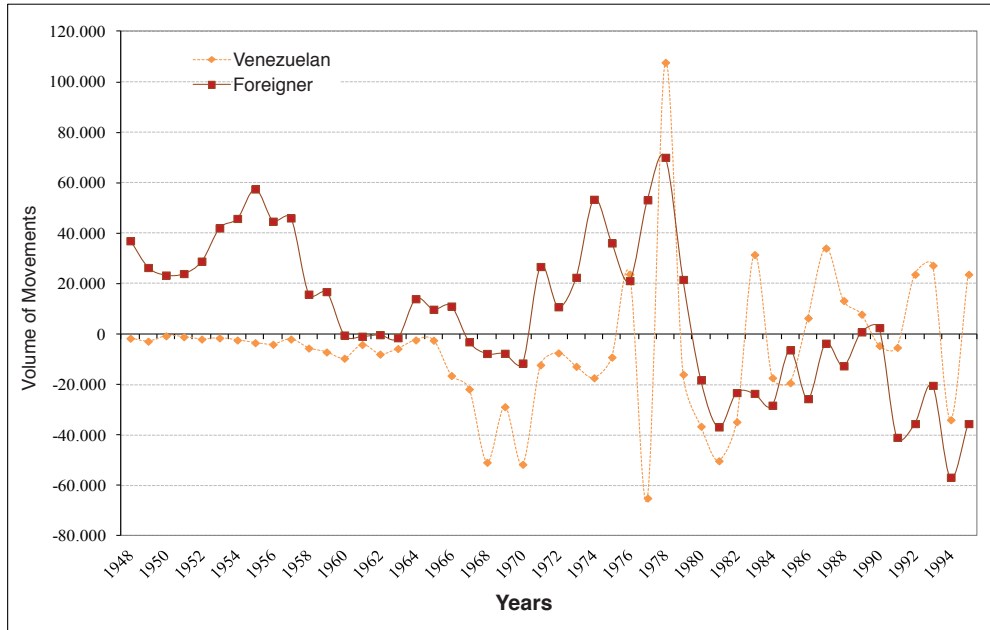
Years	Total	Venezuelan	Foreign	Nationality			
				Colombian	Spanish	Italian	Portuguese
1948-1959	374.810	-34.009	408.819	38.574	131.995	81.808	29.599
1960-1970	-199.179	-201.549	2.370	55.288	-1.561	-27.281	22.644
1971-1990	277.359	-20.425	297.784	72.266	3.876	4.743	37.598
1981-1990	-191.769	-32.922	-156.269	-63.641	-9.425	-26.127	-11.983
1991-1995	-153.413	35.502	-188.915	-16.972	-13.003	-15.181	-15.193

**Source:** Central Office of Statistics and Information (OCEI). Statistical Yearbook of Venezuela. Identification and Immigration Office (DIEI). Registration of entrances and exits. Several years.

The magnitude of these movements acquires greater significance when consider that the population censuses of 1950 and 1961 accounted, respectively, for 5 and 7.5 million inhabitants in Venezuela. During the inter-census period, the population born abroad registered in Venezuela increased 2.6 times, varying from approximately 209,000 to 542,000 people, so that the foreign-born population's proportion of the total population rose to just above 7 percent. Within this contingent of immigrants, Europeans accounted for 68 percent, with Spaniards being the largest migratory current, followed by the Italians and the Portuguese. The population from Spain thus came to surpass the Colombian migratory current, which had historically been superior.

Graph 1

## Venezuela. Net Migration Balances by Nationality. 1948-1995.



**Source:** Central Bureau of Statistics and Information (OCEI). Statistical Yearbook of Venezuela. Identification and Immigration Office (DIEX). Registration of entrances and exits. Several years.

The 1950 census revealed that those born abroad represented 4 percent of the national population, but, within the total economically active population (EAP), immigrants amounted to 12 percent.

Immigrants mostly partook in activities related to the growth of the modern sectors of the economy, although their agricultural participation was still considerable, composed of Colombians in the border states and Europeans in the central zone. They contributed to the introduction of modern tools, such as tractors, in agricultural work. Spaniards, mainly Canarians, and the Portuguese had a great influence on the development of horticulture around Caracas (Pellegrino, 1989a: 193).

The impact of those born abroad within the EAP of the Federal District was enormous (22 percent), particularly in construction, industry, services and commercial activities. According to Pineda, quoted by Rey, “during the decade between 1948 and 1958, 50 percent of construction in Caracas was carried out by Italian contractors and labor” (Rey, 2011: 191). Immigrants represented 70 percent of bakery owners and 44 percent of the workers, with significant population working in factories for footwear, textiles, garment making, carpentry, ironworks, printing, among other manufacturing activities.

The democratic government that assumed power in 1958 faced a climate of political instability and a severe economic crisis with high unemployment, inherited from a military regime that had implemented erratic economic and social policies and an unsustainable infrastructure construction plan (Torrealba et al, 1983: 380, Pellegrino, 1989a). Given the established ties between immigration and dictatorship, measures were taken to suspend European immigration, at least temporarily, except in cases of family reunification (Pellegrino, 1987: 88, Rey, 2011: 131, Berglund and Hernández, 1985: 37). Given these circumstances, which coincide with the improvement of conditions in Europe, the flows of European immigrants stopped and return movements began. The magnitude of the net migration balances of the population of Spanish and Italian nationality do not reflect the true extent of these return flows, since part of that population left the country with a Venezuelan passport.

Despite the negative balances recorded in the 1960s, the 1971 census showed a slight increase in the stock of international immigrants, a fact linked to the increase in the population originating in Latin American countries, mainly Colombia (Berglund and Hernández, 1985: 59). Although it is worth noting that the border with Colombia was also affected by temporary closures and, consequently, a large part of this migration occurred irregularly. For the decade between 1963 and 1973, “DANE [Colombia’s National Administrative Department of Statistics] estimated that more than 441,800 Colombians resided in Venezuela, of which only 70,000 had entered the country through regular channels” (Sassen-Koob, 1979: 458). Of the Southern European countries, only Portugal registered an increase of its nationals residing in Venezuela.

### **2.3. General Characteristics of Immigration Between 1970 and 1990**

The second significant migration flow to Venezuela occurred in the course of the 1970s, when the rise in world oil prices caused significant increases in national income, allowing the State to undertake major projects related to the development of basic industries and important infrastructure projects, which demanded skilled labor. In addition to the image created by Venezuela abroad as a receiving country, other factors contributed to immigration, such as the strength of the currency, which allowed for the saving and sending of family remittances, and the political stability that made the Venezuelan democratic regime an exception in a region where *de facto* regimes predominated. We recognize the country’s receptivity to political asylum seekers, facilitating the conditions for their entry and settlement (Pellegrino, 1989a: 259-260).

In this context, the country once again became a pole of attraction, so that during that decade the population born abroad almost doubled, reaching 7.4 percent of the national population according to the census of 1981. This time immigrants of Latin American

origin predominated. In that period, Argentina, Uruguay, and Chile were subjected to dictatorial regimes and underwent strong economic recessions, which led to significant emigration flows, some of which was oriented toward Venezuela (Pellegrino, 1989a: 26).

Colombia faced economic and political problems, which manifested in an agricultural crisis, high unemployment rates and the political exodus caused by multiple armed conflicts. The stock of Colombians in Venezuela tripled, reaching almost half of the population born abroad living in the country at that time (Bidegain and Freitez, 1989). There were also markedly more Ecuadorans and Peruvians in Venezuela in those years (Rengifo, 2004: 113). With respect to the Southern European countries, in this second wave of migration only Portuguese immigration is relevant, which even surpassed the number of Italian immigrants.

In this scenario, there was also a significant flow of irregular migrants, who were concentrated in the service sector and performed the lower-skilled occupations that had been progressively abandoned by the native labor force. This is the case of the Dominican and Colombian women employed as domestic workers (Urrea, 1987: 57). These less qualified workers' strategy was to migrate without family responsibilities, working as many hours and saving as much money as possible in the hopes of accumulating capital and contributing to the family economy in their place of origin (Torrealba, 1987: 138).

According to Pellegrino, immigration to Venezuela during the 1970s was characterized by heterogeneous flows until then mostly unknown in population movements among Latin American countries. In addition to the traditional Colombian flows to the rural areas, factory workers, artisans and a considerable group of professionals and technicians settled in areas of industrial development. With regard to the latter, the author notes that Venezuela became the main recipient of these flows, in a context of an increase in skilled migration among countries in the region (Pellegrino, 1989b: 87). Plans for the recruitment of skilled workers helped the country meet some of the needs at a time of very rapid economic growth. An example of this was the hiring of high-level technicians in the Guayana region, both in the public and private sectors. At the end of this period of industrial expansion, about 20 percent of those employed in the manufacturing sector had been born outside of the country. Argentines, Chileans, Uruguayans and Peruvians were strongly represented in professional jobs, significantly more, proportionately, than in the case of Europeans admitted in the 1950s. However, the Colombians had the greatest presence of professionals within the foreign-born stock residing in Venezuela. The most represented professionals were engineers and architects. One out of every three engineers registered in 1981 was an immigrant. Teachers and researchers with different specializations in higher education constituted another relatively large group, which benefited from the



country's situation at the time in terms of the expansion of the educational system and the emergence of new universities (Pellegrino, 1989b: 87).

**Table 2**

**Venezuela. Distribution of the Foreign-Born Population by Country of Birth.  
1961-1981 Censuses.**

Country of birth	Census population			Relative distribution (%)		
	1961	1971	1981	1961	1971	1981
Total population	7.523.999	10.721.522	14.516.735	100,0	100,0	100,0
Population born abroad	541.563	596.455	1.074.629	7,2	5,6	7,4
Distribution in relation to the population born abroad						
<i>America</i>	152.647	240.039	667.519	28,2	40,2	62,1
Argentina	3.131	3.971	11.541	0,6	0,7	1,1
Bolivia	841	1.452	2.301	0,2	0,2	0,2
Brazil	1.384	2.405	4.059	0,3	0,4	0,4
Colombia	102.314	180.144	508.166	18,9	30,2	47,3
Cuba	7.953	10.415	13.144	1,5	1,7	1,2
Chile	2.051	3.093	25.200	0,4	0,5	2,3
Ecuador	2.932	5.239	21.522	0,5	0,9	2,0
United States	13.271	11.277	13.234	2,5	1,9	1,2
Guyana	482	-	1.657	0,1	-	0,2
Peru	1.583	2.183	21.116	0,3	0,4	2,0
Dominican Republic	1470	1801	17719	0,3	0,3	1,6
Other countries	15.235	18.059	27.890	2,8	3,0	2,6
<i>Asia</i>	17.523	23.464	35.386	3,2	3,9	3,3
China	2.367	2.704	5.334	0,4	0,5	0,5
Lebanon	4.950	5.359	7.537	0,9	0,9	0,7
Syria	5.986	9.132	-	1,1	1,5	-
Other	4.220	6.269	22.515	0,8	1,1	2,1
<i>Africa-Oceania</i>	2.000	2.849	4.564	0,4	0,5	0,4
<i>Europa</i>	369.298	329.850	349.117	68,2	55,3	32,5
Spain	166.660	149.747	144.505	30,8	25,1	13,4
Italy	121.733	88.249	80.002	22,5	14,8	7,4
Portugal	41.973	60.430	93.029	7,8	10,1	8,7
Other country	38.932	31.424	31.581	7,2	5,3	2,9
<i>Undeclared countries</i>	95	253	18.043	0,0	0,0	1,7

**Sources:** OCEI. Tenth Population and Housing Census. General characteristics. Volume II. Caracas, 1974; OCEI. Eleventh General Population and Housing Census 1981, National Total. Caracas, 1985.



From the 1980s onwards, the Venezuelan economy experienced a series of changes tied to the reduction of oil revenues due falling oil prices in the international markets. This resulted in “a reduction of the expenditure destined by the State to reproductive investment, to readjustments of the budget of public expenditure, to the paralysis or resizing of ongoing development projects” (Torrealba, 1987: 128). Another factor that contributed to the country’s economic deterioration was the high public and private external indebtedness and the increasing sums allocated to servicing this debt, compromising the investment capacity and state spending. Consequently, difficult situations arose due to capital flight, the reduction of international reserves, currency devaluation, and the intervention of banking entities (Torrealba, 1987: 129-130). In order to correct these economic imbalances, the government applied adjustment programs yet these failed to contain the progressive deterioration of the population’s welfare conditions and the significant increase in poverty rates. The worsening of this crisis process was noted, with greater intensity, in the social unrest that occurred in February 1989 (the “Caracazo”) and in two military coup attempts in February and November of 1992.

In this scenario of recession, poverty, and political instability, there were return movements, particularly from people of European origins, as are well reflected in the migratory balance numbers from the register of entries and exits (Berglund, 2004: 45). Between 1981 and 1995 the migratory balance of individuals of Spanish, Italian and Portuguese nationality were negative. In the absence of new flows, these aging populations have been decreasing numerically due to the effect of mortality and the return to their countries of origin.

## **2.4. General Characteristics of Immigration from 1990 to the Present**

The 1990 census revealed that the stock of immigrants had been reduced slightly but the number still exceeded one million people (1,023,259), although their representation relative to the native population fell to 5.7 percent (Table 3). By that date, despite the fact that the factors that had attracted international immigration had been eroded in Venezuela, the entry of new immigrants was not deterred, especially of Colombians (Villa and Martínez, 2002). The economic crisis on the Venezuelan side had serious implications for trade relations with Colombia and for employment generated around binational trade, especially in border areas. Consequently, the labor situation in the neighboring country limited the alternatives of Colombian immigrants to reintegrate into their country of origin and this may partially explain why the return flows have not been greater (Torrealba, 1987: 139 -140).

Table 3

**Venezuela. Distribution of the Population Born Abroad by Country of Birth.  
1981-2011 Censuses.**

Country of birth	Census population			Relative distribution (%)		
	1990	2001	2011	1990	2001	2011
Total population	18.105.265	23.054.210	27.227.930	100,0	100,0	100,0
Population born abroad	1.023.259	1.014.317	1.156.581	5,7	4,4	4,2
Distribution in relation to the population born abroad						
America	686.716	762.939	868.487	67,1	75,2	75,1
Argentina	9.045	8.592	7.736	0,9	0,8	0,7
Bolivia	2.121	1.810	2.653	0,2	0,2	0,2
Brazil	4.123	4.753	5.389	0,4	0,5	0,5
Colombia	529.924	608.691	721.791	51,8	60,0	62,4
Cuba	10.100	9.795	20.991	1,0	1,0	1,8
Chile	20.820	15.530	12.037	2,0	1,5	1,0
Ecuador	23.464	28.625	25.012	2,3	2,8	2,2
United States	11.102	10.028	7.775	1,1	1,0	0,7
Guyana	4.389	6.612	5.084	0,4	-	0,4
Peru	28.267	35.823	32.144	2,8	3,5	2,8
Dominican Republic	17436	13.899	11.399	1,7	1,4	1,0
Other countries	47.127	38.649	16.526	4,6	3,8	1,4
Asia	32.492	32.273	36.745	3,2	3,2	3,2
China	6.160	9.854	15.456	0,6	1,0	1,3
Lebanon	7.250	6.631	6.485	0,7	0,7	0,6
Syria	-	13.194	12.108	-	1,3	1,0
Other	19.082	2.594	2.696	1,9	0,3	0,2
Africa-Oceania	3.357	14.559	1.869	0,3	1,4	0,2
Europe	255.899	193.180	124.002	25,0	19,0	10,7
Spain	104.037	76.048	46.463	10,2	7,5	4,0
Italy	61.800	49.258	30.840	6,0	4,9	2,7
Portugal	68.277	53.401	37.326	6,7	5,3	3,2
Other countries	21.785	14.473	9.373	2,1	1,4	0,8
Undeclared countries	44.795	11.366	125.475	4,4	1,1	10,8

**Sources:** OCEI. The 1990 Census in Venezuela. Caracas, 1993; INE. Thirteenth Population and Housing Census 2001, Basic tabulations; INE. Fourteenth Population and Housing Census 2011, [www.ine.gob.ve](http://www.ine.gob.ve)

Venezuela entered the 2000s with just over one million international immigrants residing in its territory, a number that represents 4.4 percent of the total population

(Table 3). This presence of immigrants led Venezuela to continue to be among the countries with the highest percentage of immigrants in Latin America, along with Argentina, Costa Rica and, more recently, Chile (ECLAC, 2006a: 72, OAS, 2012). In the 2001 census, the presence of citizens from other countries had begun to decrease in absolute and relative terms, with the exception of Colombia, Peru, Ecuador, Guyana and Brazil (Table 3). Three out of every five foreigners registered in Venezuela were of Colombian origin, constituting, by far, the most important migratory flow. The increase in the original population of the three Andean countries is related to the adversities they endured in the economic, social and political spheres, particularly in Colombia, due to the intensification of the armed conflict during this time (Cárdenas and Mejía, 2006: 6). This fact contributed to the forced migration of Colombians who fled from the groups in conflict on the Venezuelan border and led to the mobilization of international humanitarian aid agencies and non-governmental organizations monitoring the conflict (Álvarez, 2004: 198).

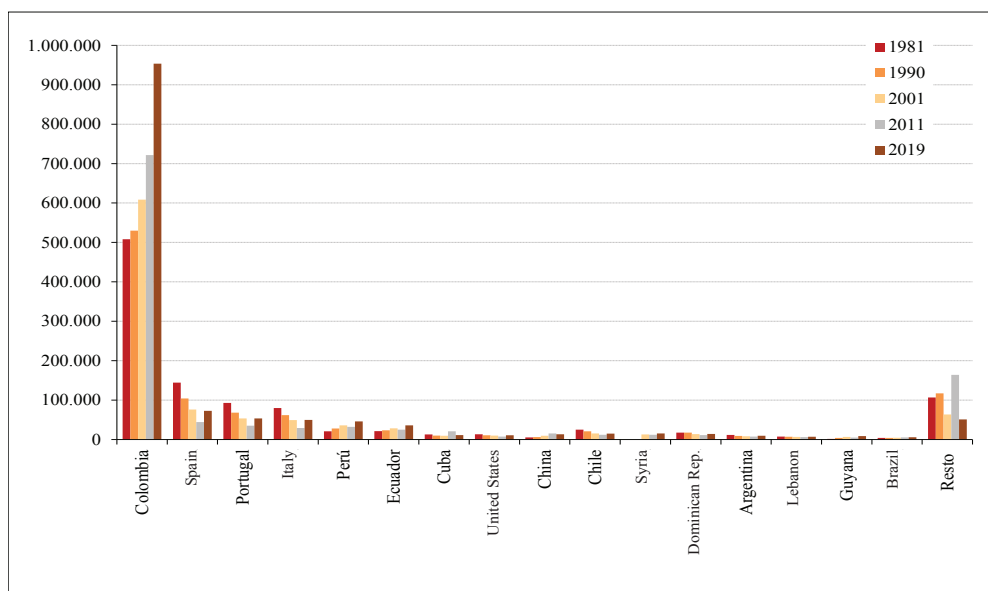
Although some socio-economic indicators showed favorable changes between 2003 and 2008, due to the economic growth that took place thanks to a new increase in oil prices worldwide, there is no clear evidence that Venezuela recovered its place as a country that attracted international migration as it was known to be in the past. The most recent census has shown that in 2011, the stock of international immigrants counted in Venezuela amounts to 1,156,581, a number that represents an increase of almost 141,000 people compared to the previous census. It is not easy to adequately establish which migratory flows contributed to this variation, due to the high rate of registered individuals who did not declare their country of birth.<sup>10</sup> Despite this, it can be seen that Colombians increased even more in Venezuela, now reaching 62 percent of those born abroad. Populations of Cuban, Chinese and Brazilian nationals in Venezuela grew in the period between 2001 and 2011. The most significant variation was registered by the Cuban migratory flow, whose volume doubled. Chinese immigration increased by 43 percent and Brazilian immigration by 13 percent. These countries, especially the first two, expanded trade relations with Venezuela. Other migratory flows have decreased their presence in Venezuela, as is the case with immigration from Argentina and Chile and of Southern European countries (Spain, Italy and Portugal). The latter have been reduced numerically by the effect of the return processes and also by mortality, because they represent aging populations.

<sup>10</sup> According to the results of the 2011 census, more than 10 percent of the population born abroad did not declare the country of birth (<http://www.redatam.ine.gob.ve/Censo2011/index.html>). The non-response rate is much higher than recorded in previous censuses.

Reflecting this upward trend in the foreign-born population, according to the last registration exercise carried out in Venezuela by the Population Division of the Department of Economic and Social Affairs of the United Nations (DESA)—by updating the estimates of the trends in the stock of international migrants according to countries of origin and destination to 2015—calculated that the number of international immigrants in Venezuela is around 1,404,000 people. This number, in comparison with what was shown by the 2011 census, is evidenced by an increase of almost 248,000 people, mainly Colombians. According to these United Nations estimates, by 2010 it was expected that the stock of Colombians in Venezuela would reach 919,000; by 2015, it would be around 973,000.

Despite the severity of the economic and social crisis unleashed in Venezuela, particularly during the last five years, the United Nations Population Division estimates that by 2019 the stock of immigrants was barely reduced to 1,375,690, fact that could be explained in part to a combination of reasons that do not favor an immediate return of migratory currents with certain antiquity in the country, in older ages, limited financial capacity and weakly articulated with the places of origin. Reasons that apply especially to the Colombian migratory current, which, by far, is the most numerous. Although the stock of immigrants in Venezuela has decreased, their participation in the total population seems to have rebounded to 4.8 percent in view that the volume of the population of the country has been reduced as indicated by the latest update of the population projections prepared by the United Nations (United Nations, 2019a, 2019b).

Forty percent of the immigrants arrived in the country before 1980, so that this fraction represents the survivors of the two migratory flows that Venezuela received during the 1950s and 1970s. When distinguishing migrants by country of origin, the numbers reveal that more than 80 percent of the population from Spain, Italy and Portugal had migrated before 1980 (Graph 3). Among the Chileans still residing in Venezuela, most arrived during the 1970s. This is not true among Argentines—a significant number entered during the 1990s and even during the last inter-census period. Among Colombians, almost a third arrived in the country between 2000 and 2011 as a result of the intensification of the armed conflict. Another third of this great migratory trend has long been established in the country if one takes into account arrivals before 1980, and the last third arrived between 1980 and 1999. Much of the Syrian and Lebanese population was also established in Venezuelan society for a long time, considering that almost half entered the country before 1980, although a quarter of those from both countries arrived in the last decade. The largest influx of Cuban and Chinese immigrants has been recorded in the past decade.

**Graph 2****Venezuela. Foreign-Born Population by Country of Birth. Years: 1981-2019.**

**Sources:** 1981-2011: Tables 2 and 3; 2019: United Nations, Department of Economic and Social Affairs (2019). Trends in International Migrant Stock: Migrants by Destination and Origin (database, POP / DB / MIG / Stock / Rev.2019).

## 2.5. Socio-Demographic and Occupational Profile of Immigrants

The gender balance within the immigrant population conceals the diversity of situations in migratory flows. On the one hand, there is the older immigration, mainly from overseas countries, which are still predominantly male, despite aging and differential mortality. Among those from Italy, Spain and Portugal, males prevailed widely since their arrival in Venezuela, although their prominence is decreasing due to the greater longevity of women in these aged populations.

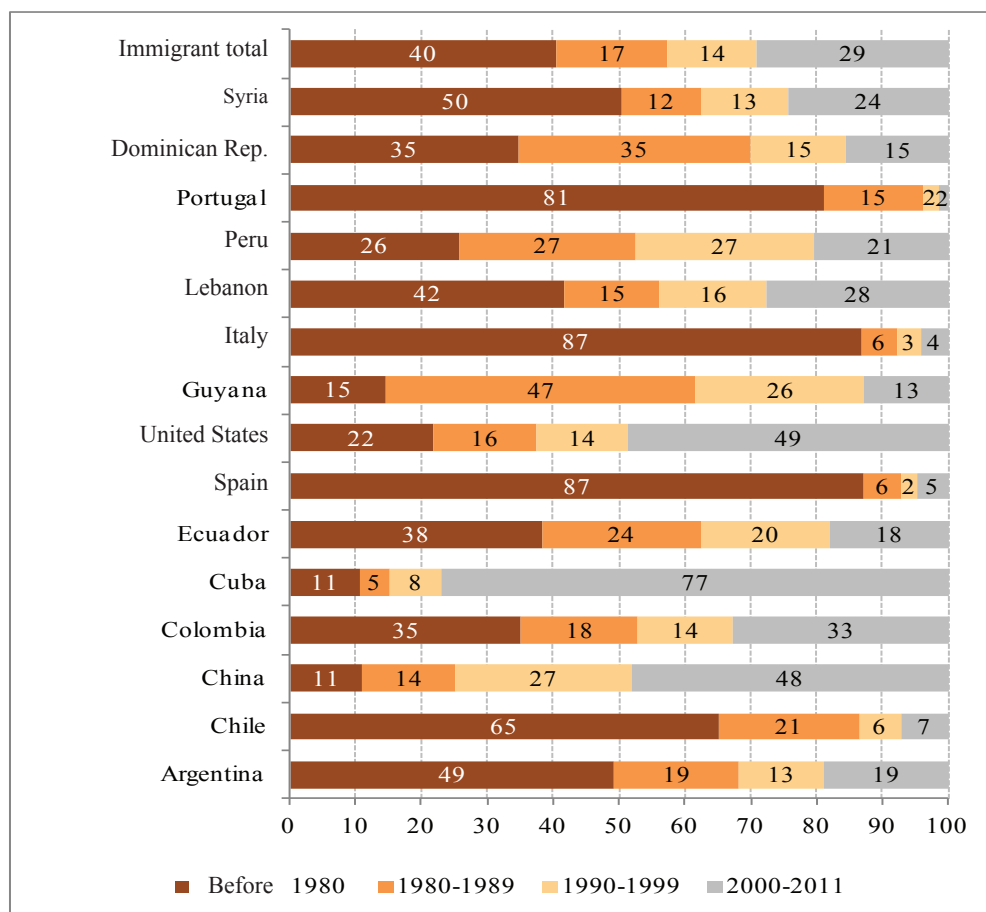
Syrians and Lebanese constitute the immigrant groups with the highest male prevalence, and this is a growing trend. Increased numbers of Cubans and Chinese in recent times resulted, largely, in a greater influx of men, particularly among the latter.

When it comes to short-distance migration, the greater proportion of females is more pronounced, as is the case in Colombian, Dominican, Guyanese and even Ecuadorian migration. Among immigrants from Argentina, Chile and Peru, the gender balance is broadly favorable to men, a fact that was not so pronounced at the time of greatest influx of this migration. The increase in the masculinity ratio probably reflects a greater

propensity of women to return and, in the Argentine case, a recent, predominantly male migration (Graph 4).

**Graph 3**

**Venezuela. Distribution of the Foreign-Born Population by year of Arrival<sup>1/</sup>.  
2011 Census.**



**Sources:** INE. Fourteenth Population and Housing Census 2011.

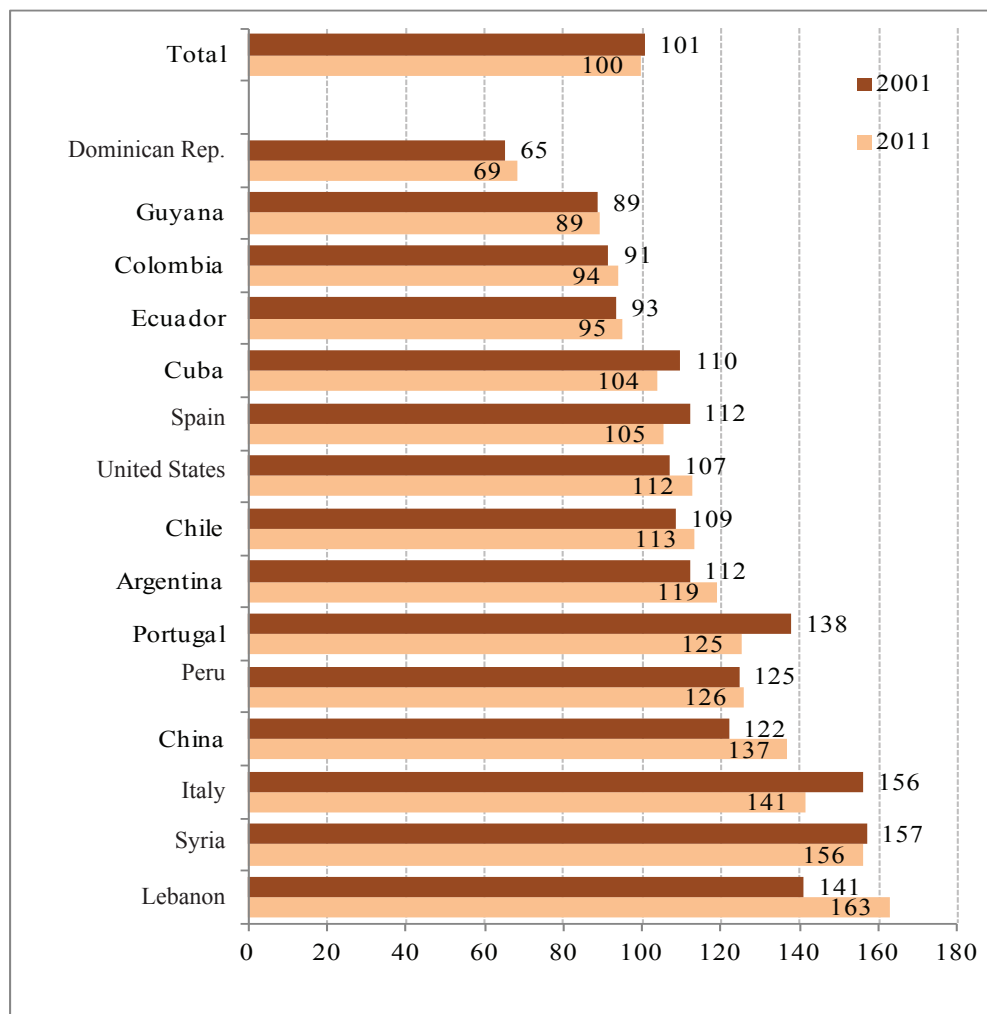
<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.

The arrival of new migrants during the last inter-census period has not contained the aging of the overall immigrant population. Currently, one of every four international immigrants is age 60 or older, a proportion that was estimated only 10 years ago as one in five. The population at full working age (20 to 59 years old) today represents 65 percent, 8 percentage points less than the share reported by the 2001 census. Immigrants from Spain and Italy are the oldest: more than 70 percent of them are

older adults. Among the Portuguese, the number of elderly immigrants is lower, although equally marked. Half of this population is already 60 or older.

**Graph 4**

**Venezuela. Variation in the Ratio of Masculinity of the Population Born Abroad<sup>1/</sup>.  
2001 and 2011 Censuses.**



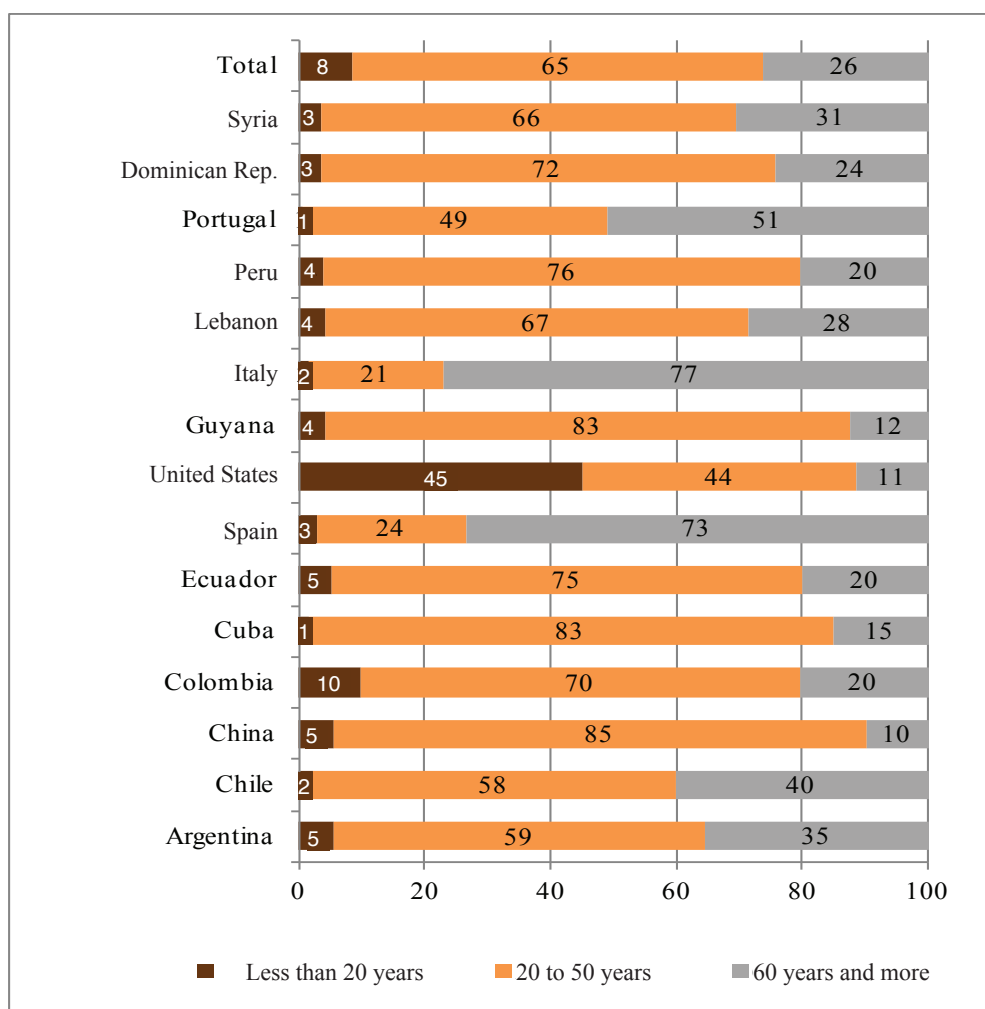
**Sources:** INE. XIII Population and Housing Census 2001, Basic tabulations; INE. XIV Population and Housing Census 2011; INE. XIV General Population and Housing Census 2011.

<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.

More than 80 percent of recent migrants from China and Cuba is between 20 and 59 years old. Migratory flows from the Andean countries (Colombia, Ecuador and Peru) and the Dominican Republic show a remarkable concentration of active-age population, between 72 and 76 percent. Argentine and Chilean immigrants, like the Lebanese and Syrian, are also aging, although it is far from the level of those from European countries (Graph 5).

**Graph 5**

**Venezuela. Distribution of the Foreign-Born Population by Age Groups<sup>1/</sup>.  
2011 Census.**



**Source:** INE. Fourteenth General Population and Housing Census 2011.

<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.



Venezuela, according to the 2000 censuses round, is among the Latin American countries with the lowest educational profile of immigrants, judging by the restricted percentage of the population born abroad that has completed at least secondary education (CELADE/ECLAC, 2006). This average value is heavily influenced by the limited education of Colombian immigrants residing in the country: only one out of every four Colombian immigrants received 10 or more years of schooling. The decrease in their educational capital is probably due to the combined effect of the low level of schooling of Colombians admitted in this inter-census period, displacements caused by the armed conflict, and the return migration of Colombians with more education due to the crisis in Venezuela (Graph 6).

In general, it is worth noting that between 2001 and 2011 the average number of years of schooling decreased in almost all migrant groups that remained in the country, a fact that accounts for the selectivity of return migration. Those with less educational capital surely have fewer resources to finance their return to their country of origin and fewer opportunities for reintegration into the labor force after having been away from their own country for some time.

On the other hand, Venezuela is also among the Latin American countries with the lowest percentage of professionals, technicians and the like (PTA, in Spanish) within the immigrant workforce (13 percent). As mentioned above, Colombian immigration has influenced this result, since when differentiating according to the main migratory flows we observe that the proportion of PTA is quite high among those from the United States (56 percent), Cuba (40 percent), Argentina (39 percent), Chile (36 percent), Spain (23 percent) and Peru (23 percent), while not exceeding 10 percent among Colombians, Ecuadorians, Dominicans, Guyanese, Portuguese, Chinese, Syrian and Lebanese (Graph 7).<sup>11</sup>

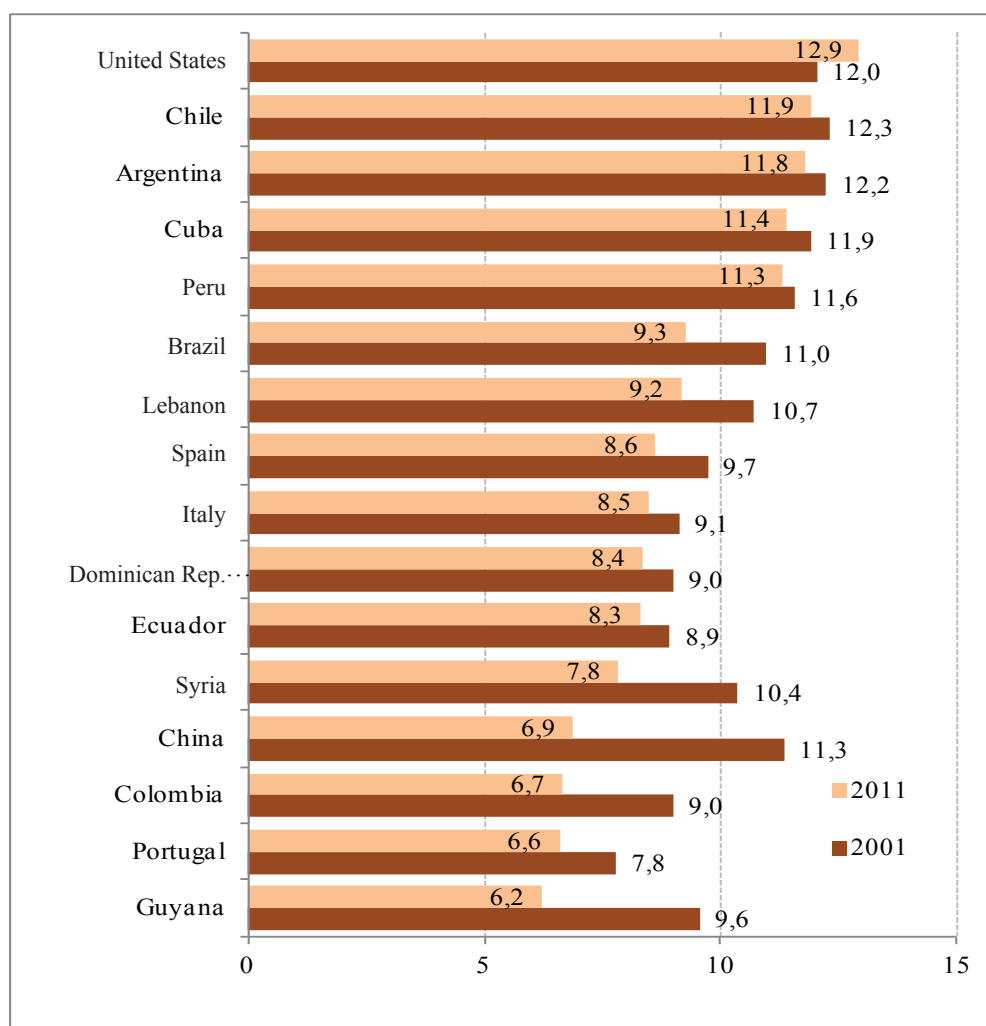
A significant fraction of active immigrants is registered as directors and managers (22 percent), but again there are differences among the various migratory flows. Migrants from Asia have a huge representation of directors and managers, given their high levels of dedication to commercial activities, and they are often managers of their own establishments. Thus, about 70 percent of active Lebanese and Syrians immigrants are part of that occupational group and 55 percent in the case of the Chinese. It should be noted that Portuguese immigrants have an occupational profile similar to that of

<sup>11</sup> As of the date of this work, the 2011 census information on economic characteristics is not yet available. Therefore, it was not possible to identify changes in the composition of the workforce of the international immigrant population during the intercensal period between 2001 and 2011.

Asians in terms of their insertion in commercial activity and a high representation (49 percent) in this group of directors and managers. Among Spaniards and Argentines there is also a notable proportion of those employed as managers, about a third. However, in these cases the workers are more spread among different branches of activity and less often are they in charge of their own establishments.

**Graph 6**

**Venezuela. Average Years of Schooling of the Foreign-Born Population by Country of Origin<sup>1/</sup>. 2001 and 2011 Censuses.**

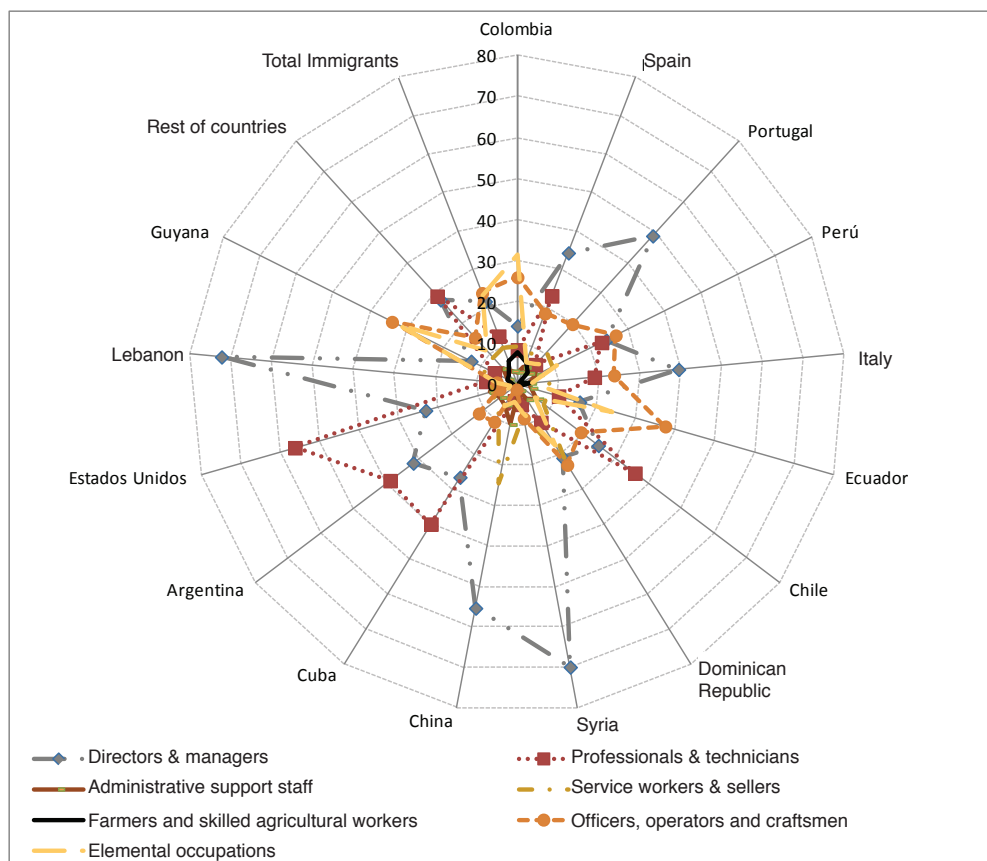


**Source:** INE. Fourteenth General Population and Housing Census 2011.

<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.

**Graph 7**

**Venezuela. Percentage Distribution of Active Immigrants by Occupation Groups According to Selected Countries<sup>1/</sup>. 2001 Census.**



**Source:** INE. Thirteenth General Population and Housing Census 2001.

<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.

A quarter of the immigrant workforce (23 percent) is concentrated in elementary occupations, in which Colombian workers have the highest representation, followed by Ecuadorians, Dominicans, Guyanese and Peruvians. An equivalent proportion (24 percent) work as laborers and artisans; those from the Andean countries, Colombia, Ecuador and Peru, who have a more notable participation in such occupations.

A third of the immigrant workforce has found jobs in commerce, restaurants, and hotels, although in these activities the Chinese (94 percent), Syrian (82 percent), Lebanese (77 percent) and Portuguese (61 percent) workers have had the greatest representation. Eighteen percent of the immigrant workforce is in social and personal

services, and 14 percent are part of the manufacturing sector.

In agricultural activities, immigrant participation is also greater in comparison to that of nationals (12 percent) and this is basically due to the incorporation of Colombian workers. Almost 9 percent of this workforce from abroad is engaged in construction activities, although among Italians, Ecuadorians and Colombians, participation is higher.

Similarly, only six percent of immigrants are employed in the banking and financial sector. However, that proportion is placed in the range of 15 to 20 percent among those from the United States, Argentina, Chile and Cuba. In the same way, although less than one percent of immigrants work in mining and extraction, that representation amounts to 10 percent among those born in the United States and close to four percent among Argentines and Guyanese.

Approximately half of employed immigrants work as salaried employees, a level lower than native-born, who constitute 66 percent. On the other hand, among foreign-born, the proportion working as employers is higher than among nationals (14 percent versus six percent). Taking into account country of origin, the numbers reveal that the highest salaried employment rates, higher than the immigrant average, are among those from the United States (73 percent), Cuba (61 percent), Chile (58 percent), Argentina (57 percent) and Peru (52 percent). Among immigrants from Lebanon and Syria, these rates are rather moderate and, contrarily, there is a large concentration of assets in the category of employers. An important number of immigrants who create sources of employment is detected among immigrants from the three Asian and Southern European countries, and there is also a significant fraction of working immigrants who are self-employed (28 percent). With the exception of the Chinese, among the other migratory flows this category of self-employed workers represents between one fifth and one third of the total active population.

Finally, eight percent of immigrants are concentrated in domestic service, with Colombians, Dominicans, Ecuadorians and Guyanese being the most represented.

As noted above, the Venezuelan government has raised an informational fence that makes it difficult to monitor socio-demographic dynamics. For the purposes of the analysis of the migratory process, it would be necessary to wait for a new population census to determine to what extent the profile of the original population of other countries that still reside in Venezuela has been modified.

### 3. Emigration

Until the beginning of the 1980s, the emigration of Venezuelans was a little-known phenomenon. According to Guardia (2007) "... emigration was a phenomenon that occurred very sporadically, because Venezuelans considered that their future standard of living was not at risk" (Guardia, 2007: 190). At other times of crisis in the 1980s and 90s, opportunities still existed and there was not as much uncertainty about future living standards as there is today, which has had an inevitable impact on the population's mobility. There were small emigration flows related to a generational deferral of return (Venezuelans descended from migratory flows that entered in the fifties), but it must also be said that the Venezuelan population has not escaped the influences of globalization, which have stimulated the mobility of workers, especially those who are highly qualified.

This perception has changed in this context, in which Venezuela is facing the most severe economic, political, and social crisis in its history, becoming a country of emigration, as we will see below. In this time, the mobility risks of the Venezuelan population have intensified and have mainstreamed across the social spectrum, imposing the need to seek options to ensure daily survival, and one of them is displacement across borders (Freitez, 2017b). These displacements could even be considered forced migration with the right to protection, if Castles' conceptualization is accepted, which considers under that category individuals displaced by development projects (Castles, 2003).<sup>12</sup> In the Venezuelan case, the failure of a national development model has hindered the survival of important sectors of the population, who must leave their communities in search of alternatives to guarantee sustenance. Applying this sort of human rights perspective could support their claims (Freitez, 2019a).

But how many Venezuelans come and go across the border to meet basic needs? How many come and go after staying for the time allowed while doing some work that provides them income to bring back? How many have crossed the border to stay somewhere, either in a regular or irregular situation? Have we identified them? Quantifying the

<sup>12</sup> According to S. Castles (2003), forced migration includes movements of people who have been forced to flee their homes and seek refuge elsewhere, recognizing in this regard the following categories: i) refugees: people residing outside their country, and who cannot return because of fear of persecution (race, religion, nationality, political opinion); ii) asylum seekers: people who cross international borders in search of protection, but whose merits to obtain refugee status have not yet been decided; iii) trafficking in persons: a form of forced migration that originates in the trafficking and smuggling of people across international borders; iv) displaced persons: people fleeing for reasons not recognized by the international refugee regime (execution of projects such as dams, airports, roads and urban housing, environmental displacements and natural or man-made disasters).

population that moves across the Venezuelan border and its characteristics is not an easy task because sources of information are limited. In this section, we will try to present information provided by organizations that traditionally prepare estimates and collect and systematize international migration statistics from official sources published by the primary destination countries of Venezuelan emigrants. Then, we will try to take stock of its dimension and main socio-demographic characteristics and their evolution over time.<sup>13</sup> Likewise, we reference studies in which an effort has been made to gather information that brings us closer to better understanding some aspects of this process.

### **3.1. Transition from a Country of Immigration to one of Emigration**

Data provided by the Research Program on International Migration in the Americas (IMILA), put forth by ECLAC's Population Division (CELADE) on the population of Venezuelans in Latin America, show that in the 1980s censuses round there were no more than 45,000 Venezuelan emigrants, a number that rose to 207,000 in the 2000 round (ECLAC, 2006b: 16).

On the other hand, United Nations estimates (2015) show that the stock of Venezuelans abroad increased 2.2 times, varying from 185,000 to 416,000 in the period between 1990 and 2005. A decade later, according to this same source, the stock of Venezuela's population residing outside its borders will be in the order of 606,000. In the first decade of the 21st century, particularly in the period from 2005 to 2010, although certain economic indicators reported favorable results, concerns regarding the future did not dissipate. The lack of confidence and security continued to prevail in a considerable sector of the population and the emigration trend continued when the country entered yet another phase of economic recession (Graph 8).

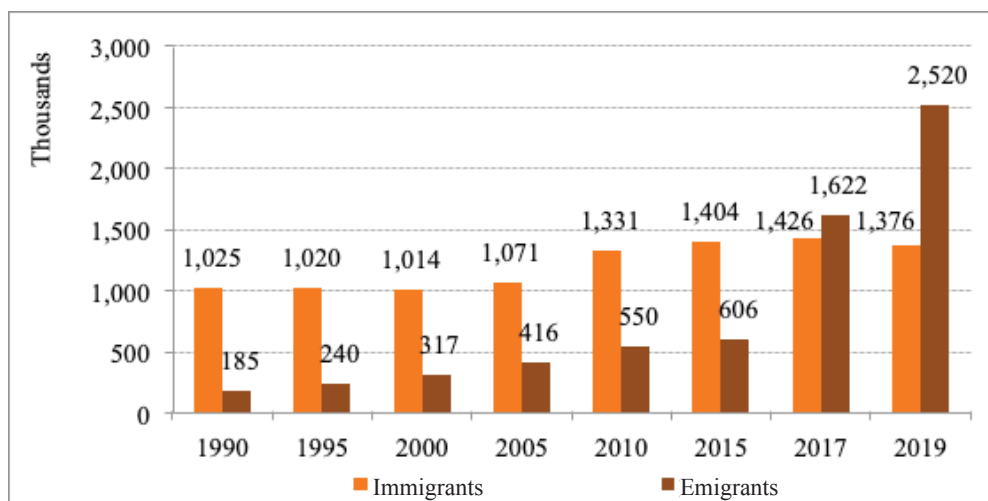
The economic, social and political crisis experienced by Venezuelan society entered its most severe phase after 2015, when the national government lost the parliamentary majority and perceived a threat to its hegemonic exercise of power. In this context, social and political conflict resurfaced and the economic measures aimed at preserving the productive model sustained for more than fifteen years were radicalized, despite its negative implications reflected in a profound decrease in quality of life. This

<sup>13</sup> With the purpose of having comparable information over time and between countries, the United Nations and other international organizations have made significant efforts so that countries adopt recommendations that favor the standardization of statistics on stocks and flows. Yet, a variety of migratory movements of a circular, pendular or other nature remain excluded, which have become more visible as the exchange relationships intensify in an increasingly globalized world (Santo Tomas, Summers and Clemens, 2009).

adversity has forced many Venezuelans to migrate to other countries, not as a choice to seek opportunities for personal and professional development that are currently denied in Venezuela, but as an alternative to resolve overwhelming issues of survival. It is understandable that, according to United Nations estimates, in just two years (2015-2017) the number of Venezuelans living abroad increased 4.2 times, and that the number of emigrants will far exceed that of immigrants (Graph 8).

**Graph 8**

**Venezuela. Volume of Immigrants and Emigrants. Years: 1990-2019.**



**Sources:** 1990-2015: United Nations database, POP / DB / MIG / Stock / Rev.2015.

2017: United Nations. International Migrant Report 2017. Highlights.

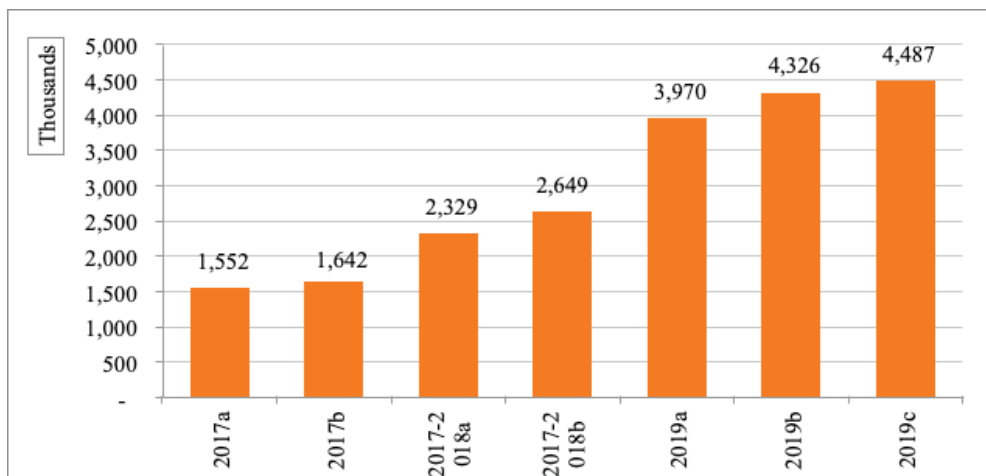
2019: United Nations. DESA. Population Division. International Migrants Stock 2019 (database, POP/DB/MIG/Stock/Rev.2019).

Estimates of the stock of international migrants prepared by the United Nations DESA have difficulties in properly capturing a migration process as intense and dynamic as the Venezuelan. That is why since 2017 the United Nations Agency for Migration (IOM) has made significant efforts to monitor the movements of Venezuelan migrants, timely access to migration statistics generated in the main countries of destination, and even conduct Monitoring Surveys of Flows that aim to obtain information on the needs of the population in movement (IOM, 2018). In that order, IOM has published almost a quarterly, a newsletter that offers statistics on the variations in the stock of Venezuelans in the receiving countries, although there is a great discrepancy between the two sources. Graph 9 shows the numbers reported by IOM about recent trends

in the stock of Venezuelans in the world, observing that in October 2019 it rose to almost 4.5 million. That huge number was reached because in the 2017-2019 period alone, almost 3 million people would have left the country.

**Graph 9**

**Venezuela. Recent Trend in the Stock of Emigrants. Years: 2017-2019.**



**Source:** IOM Migration trends in the Americas. Bolivarian Republic of Venezuela. Migration reports of several dates: February 2018 (2017a); April 2018 (2017b); July 2018 (2017-2018a); September 2018 (2017-2018b); May 2019 (2019a); July 2019 (2019b); October 2019 (2019c)

<https://robuenosaires.iom.int/tendencia-y-datos-relevantes>

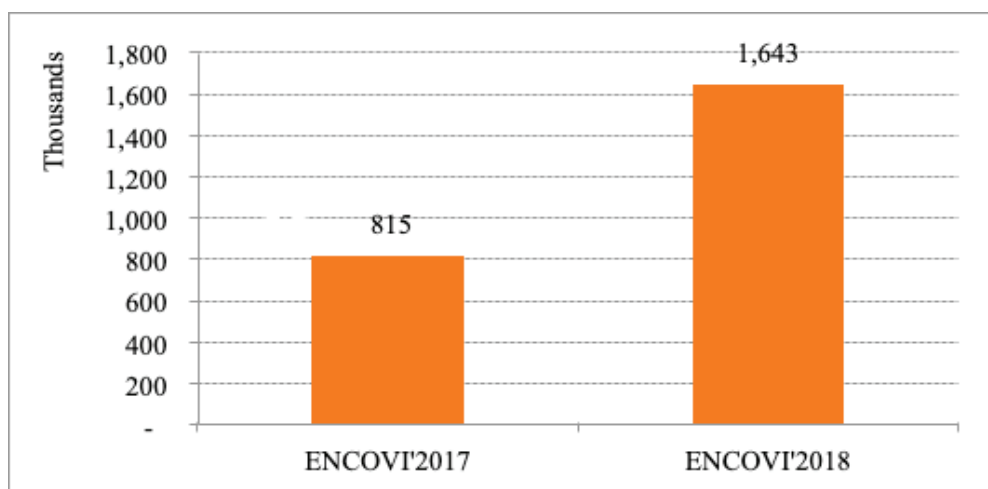
In light of the importance that the emigration phenomenon has acquired, the last two editions of the ENCOVI included a section detailing the number of households that reported having some family member who emigrated abroad during the five years prior to the interview. The results obtained in 2017 and 2018 have revealed that the volume of recent emigrants to other countries varied from 815,000 to 1,643,000 (Graph 10).

This way of quantifying the emigrated population through information reported in the home has some limitations. One is the lack of response when the whole household has migrated. Therefore, it is understood that the volume of recent emigrants accounted for through the ENCOVI has some degree of underestimation.



**Graph 10**

**Venezuela. Distribution of Individuals Who Emigrated in the Period Between 2017 and 2018.**



**Source:** National Survey of Living Conditions 2018, UCAB-USB-UCV.

### 3.2. Destination Countries of Emigrants

In the recent period, the geography of Venezuelan emigration changed substantially, as it became massive and its social composition diversified. Before the influx of migrants from Venezuela had escalated to the levels known today, the United States was the main receiving country, seconded by Spain, Italy and Portugal. These three countries have in common that their nationals were welcomed during the post-war migratory wave that Venezuela received. Germany, Great Britain, France, The Netherlands, and Switzerland have also received a migratory influx of Venezuelans, although statistically less numerous. Now it is the countries of Latin America, primarily, who welcome this enormous flow of people who have left Venezuela fleeing the crisis.

#### 3.2.1. Colombia Stands as the First Recipient Country for Venezuelan Emigrants

Colombia did not capitalize the low-intensity Venezuelan emigration, registered during the first three decades of this century (Table 4), because this country still faced serious security problems related to the internal war, which also had had an impact on opportunities for economic development.

As the neighboring country started to build a process of coexistence and peace, and showed some improvement in its macroeconomic indicators, many people from across the social spectrum began to cross the borders of Venezuela to flee the crisis,

seeking in Colombia opportunities to work and address the deprivations of all kinds.

Various sources have provided evidence of this process. The Labor Observatory of the Universidad del Rosario (LaboUR), for example, analyzed the characteristics of people who had migrated from Venezuela in the last 6 years (2011-2016), based on the Great Integrated Household Survey (GEIH) conducted by DANE in 2016, reported that of a total of 348,312 Venezuelans accounted by this source, about 47 percent arrived in Colombia between 2015 and 2016 when the crisis situation in Venezuela intensified (Guataquí y colegas, 2017). For its part, the 2017 ENCOVI estimated that almost 239,000 Venezuelans had emigrated to Colombia in the five years prior to the date of the study (2012-2017), and according to this source the greatest influx was registered in the most recent years. About 87 percent left the country between 2016 and 2017.

From 2017, the Colombian migratory authority has had to make a more agile follow-up of the influx of people entering from Venezuela. For this purpose, it has spread several reports, where it clearly differentiates between four categories of movements that it calls: regular, pendular, transitory, and, irregular (Migration Colombia, Ministry of Foreign Affairs, 2017; 2018; 2019). Almost a year after having closed the border, both governments worked on its reopening by implementing the Border Mobility Card (TMF) as a tool that would allow them to identify those who frequently moved across the border area. Migration Colombia defines pendular migration, like the one carried out with the TMF by the enabled checkpoints and is characterized by the continuous entry and exit of travelers throughout the day, including a single person with several migratory movements during the course of the day.

Until its suspension in February 2018, the Migration Colombia systems registered 1,624,915 Venezuelan citizens as TMF users (International Organization for Migration, OIM, 2018), mainly from the states of Tachira, Zulia, Carabobo, Lara and Barinas. The average daily entries of Venezuelan citizens to Colombia using the TMF during 2017 was 37,000 records; while, on the way out, the average was close to 35,000 daily records. These numbers show an increase in the daily flow of entries and exits reported in 2016 of almost 36,000 and 34,000, respectively (Migration Colombia, Ministry of Foreign Affairs, 2017). The main reasons cited by Venezuelan citizens using the TMF for entering the country during the period 2017-2019 were: food purchases, family visits, tourism in the border area, unpaid activities, agricultural and industrial work, medicine purchases and to receive medical attention. The Colombian government resumed the use of TMF for entry through checkpoints in the border area and, in October 2019, there was a record of 4.3 million approved TMFs (Migration Colombia. Ministry of Foreign Affairs, 2017; 2019).

Table 4

**Venezuela. Distribution of the Emigrant Population According to the Main Destination Countries. Years: 1990-2019.**

Country of destination	Years							
	1990	1995	2000	2005	2010	2015	2017	2019
United States	42.119	73.081	107.031	138.645	171.960	197.171	290.224	351.144
Spain	32.469	38.704	61.587	108.707	147.826	151.594	208.333	323.575
Italy	9.773	9.261	8.748	28.803	48.962	48.970	49.831	53.007
Portugal	14.959	18.220	22.222	23.744	21.323	23.404	24.603	24.584
Canada	3.339	5.582	7.958	12.434	17.656	19.732	18.608	20.775
Colombia	33.123	35.162	37.200	37.137	43.511	46.614	600.000	1.447.171
Chile	2.349	3.148	4.044	3.279	2.514	4.134	119.051	371.163
Argentina	1.981	2.290	2.600	1.918	1.236	1.240	57.127	145.000
Ecuador	2.549	3.120	3.691	4.357	6.120	8.901	39.519	330.414
Panama	487	715	989	4.592	8.415	9.883	36.365	94.596
Brazil	1.220	1.694	2.167	2.524	2.844	3.425	35.000	212.441
Mexico	1.460	2.194	3.024	6.526	10.786	15.959	32.582	46.072
Peru	2.316	2.021	2.362	2.763	2.995	3.237	26.239	860.871
Dominican Rep.								
Haiti, Aruba	17.889	20.765	23.639	18.380	12.979	14.014		
Germany, France,								
Great Britain,	8.731	11.844	15.066	23.321	30.137	33.138		
Netherlands,							84.627	206.047
Switzerland								
Australia	606	915	1.170	1.600	3.360	4.895		
Rest of countries	9.912	10.863	13.825	13.190	17.796	20.033		
Stock total	185.282	239.579	317.323	415.540	550.420	606.344	1.622.109	4.486.869

**Sources:** 1990-2015: United Nations database, POP / DB / MIG / Stock / Rev. 2015

2017: United Nations (2017). International Migrant Report 2017. Highlights;

2019: IOM. National migration trends in South America. Bolivarian Republic of Venezuela.

This type of pendular movement that occurs in the border areas between the two countries has been distinguished from what is understood as regular migration, which is recorded only when entering the country, in this case Colombia, with a passport through an immigration control post, as per the provisions of current immigration

regulations.<sup>14</sup> The information on movements between Colombia and Venezuela reported by the Direction of Migration Colombia reveals a volume of Venezuelan entries that is higher than the number of departures from Colombia, so that the migratory balance has is positive in an order of magnitude that between 2012 and 2015 fluctuated between 12,000 and 16,000 (Table 5). This behavior was maintained even during 2015, despite the border closing decreed by the Venezuelan government.

**Table 5**

**Colombia. Entries and Departures of Colombians and Venezuelans from Venezuela. Years: 2012-2019.**

Years	Colombians			Venezuelans		
	Entries	Exits	Balances	Entries	Exits	Balances
2012	400.009	475.007	-74.998	251.475	238.084	13.391
2013	560.748	606.851	-46.103	261.343	248.921	12.422
2014	497.958	522.562	-24.604	291.539	274.739	16.800
2015	374.462	371.521	2.941	329.478	314.666	14.812
2016	113.370	109.593	3.777	378.965	311.252	67.7113
2017	179.652	174.332	5.320	796.012	652.586	143.426
2018	47.238	46.738	500	374.058	297.307	76.751
2019*	83.208	83.263	-55	240.309	241.598	-1.289

**Sources:** DANE. Yearbook of International Travel of Travelers 2015. Ministry of Foreign Affairs. Migration Colombia. Radiography of Venezuelans in Colombia. Years: 2017, 2018 y 2019.

\* Incomplete information. On Colombians until November 2019: <https://migravenezuela.com/web/articulo/cuantos-venezolanos-hay-en-colombia/1158>;

On Venezuelans until march 2019 ([www.migracioncolombia.gov.co/](http://www.migracioncolombia.gov.co/)).

During 2016, this number rose to 378,000 income and, although departures decreased, it was in 2017 when the Venezuelan crisis caused an unprecedented mobilization towards Colombia, when the volume of entries and departures doubled, registering an increase of 112 percent in the migratory balance. Regarding the flow of Venezuelans, only partial data have been found, indicating the entry of more than 780,000 people with passports between January and August 2019, as it has been disseminated through the Situational Report prepared by the Interagency Group on Mixed Migratory Flows

<sup>14</sup> In 2015, Colombia's Migration Directorate had five crossing points for the control of traffic between the two countries, located in: Paraguachón - La Guajira; Simón Bolívar International Bridge - North of Santander; José Antonio Páez Bridge - Arauca; Puerto Carreño - Vichada; and, Puerto Inírida - Guainía.

(GIFMM, 2019). It is not reported how many Venezuelans have left regularly during that period.

According to Migration Colombia, it was estimated that a little more than 153,000 Venezuelan citizens are still in the country in an irregular situation, due to the expiration of their temporary residence permit. For this reason, through Resolution No. 5797/2017, the issuance of a Special Residence Permit (PEP) was approved in July 2017, which regularizes Venezuelans' migratory situation and even allows them to work in Colombia. According to information available through Migration Colombia, over 68,000 Venezuelans benefited from the PEP. But according to Migration Colombia's director, this difference cannot be attributed completely to the fact that people are staying irregularly, since they may be enjoying the extension of their temporary permit to stay for an additional ninety days (Migration Colombia. Ministry of Foreign Affairs, 2017). In February 2018, a second phase of implementation of the PEP was enabled for Venezuelan citizens who had entered the Colombian territory through an official Immigration Control Post before February 2. At the end of 2019, the Situational Report of the GIFMM reports about the presence of almost 642,000 Venezuelans in Colombia in a regular situation, of which 89 percent were beneficiaries of the PEP (GIFMM, 2019).

As seen in Table 5, in the migration flow between Venezuela and Colombia, both people with Venezuelan passports and Colombian citizens participate, but also a part of them are dual citizens. To this end, a joint study of the IOM and the Ministry of Foreign Affairs of Colombia highlighted that about 40 percent of people who enter the border area are dual citizens, while 30 percent are Colombian and another 30 percent Venezuelan (Migration Colombia, Ministry of Foreign Affairs, 2017). Maintaining nationality as the defining criterion for migration, the distribution indicates that of people entering Colombia from the Venezuelan border, seven out of every ten are Colombian citizens and a similar proportion corresponds to Venezuelan citizens.

Migration Colombia conceives transit migration as used by those migrants who enter Colombia as a step toward a third country, but also admits that those foreigners who do not intend to settle in the country may remain in that category for a certain period and then return to their place of origin or go to other destinations. The Colombian immigration authority has informed the public that there is a marked trend among Venezuelan migrants to use Colombia as a place of transit to third countries. More than 60 percent of Venezuelan citizens who left Colombia went to: Ecuador, Peru, Chile, United States, Panama, Mexico, Spain, Argentina, Brazil and Costa Rica (Migration Colombia. Ministry of Foreign Affairs, 2017). This situation is corroborated by the results presented in the *Report on Venezuelan Human Mobility: Realities and*

*perspectives of those who emigrate*, which reported that of the sample of Venezuelans surveyed who entered Colombia in a regularized manner and expressed their intention to migrate from Venezuela, only 38 percent had planned to stay in Colombia. The other most preferred destinations were Peru (37 percent), Ecuador (13 percent) and Chile (7 percent). The other countries selected, with a much lower frequency, were Argentina, Mexico, the United States, Spain, and others (5 percent) (Bermúdez, Mazuera, Albornoz and Morffe, 2018).<sup>15</sup>

In recent years, the displacements of Venezuelans by land have become more important, the Andean Corridor being the most dynamic. It starts at the Simón Bolívar Bridge on the Colombian-Venezuelan border and continues to Ecuador through the Rumichaca Bridge, where 228,000 Venezuelans entered in 2017, 800,000 in 2018 and almost 400,000 until August 2019. Likewise, a good part of that contingent ended entering Peru through the control point of Huaquillas-Tumbes, more than 155,000 in 2017 and 695,000 in 2018 (IOM, 2019).

### **3.2.2. The United States Loses Preponderance as the Primary Destination**

Since the 1980s, the United States has been one of the main destinations for Venezuelan emigrants. According to IMILA, 33,000 Venezuelans resided there at the time of the 1980 census. That number rose to 42,000 in 1990 and, according to the 2000 census, the number of Venezuelans registered in the United States increased more than two-fold, placing them in the order of 107,000 (ECLAC, 2006b: 16). This growing trend has been confirmed by the American Community Survey (ACS), according to which the volume of the population born in Venezuela residing in the United States, for the period from 2005 to 2007,<sup>16</sup> is estimated to be in the order of 158,000 and for 2012 at 194,000 on average.<sup>17</sup> This last number would indicate an increase of almost 82

<sup>15</sup> The *Report on Venezuelan Human Mobility: Realities and perspectives of those who emigrate* offers the results of an investigation carried out by Bermúdez, Mazuera, Albornoz and Morffe (2018) based on a survey conducted between April and May 2018, whose target population comprised the Venezuelans who had crossed the border between San Antonio del Táchira (municipality of Bolívar) and Ureña (Pedro María Ureña municipality) of Táchira state (Venezuela) towards the registry of migratory control in the Migration Colombia office located in La Parada, Villa del Rosario municipality, North Santander (Colombia) (Bermúdez, Mazuera, Albornoz and Morffe, 2018).

<sup>16</sup> U.S. Census Bureau. Data Set: 2005-2007 American Community Survey 3-Year Estimates. United States S0201. Selected Population Profile in the United States. Country of Birth: Venezuela. <http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml>.

<sup>17</sup> U.S. Census Bureau, 2012 American Community Survey. Table: ACS\_12\_1YR\_B05006.xls. <http://factfinder2.census.gov/>. Accessed: June 16, 2014.

percent compared to the 107,000 reported by the 2000 census in that country.<sup>18</sup> Within Latin America, Venezuela is, along with Brazil and Honduras, among the countries with the highest growth rates in the stock of immigrants residing in the United States between 2000 and 2005 (Medina and Posso, 2009).

The ACS has continued to report a growth in the Venezuelan migratory flow in the United States during the years 2013 to 2017, as can be seen in Graph 11, which illustrates an annual variation of 9 percent between 2013 and 2014 and of 18 percent in the 2014-2015 period, when the estimated stock of Venezuelans was just over 255,000. For the year 2016, the ACS captured the presence of 290,000 Venezuelans, a number that represented an increase of 14 percent over 2015. The lesser growth of Venezuelan emigrants arriving in the country is probably due to the tightening of US immigration regulations and, on the other hand, the opening up of other destinations in Latin America. In 2017, the presence of Venezuelans in the United States increased even more, rising to just over 351,000.

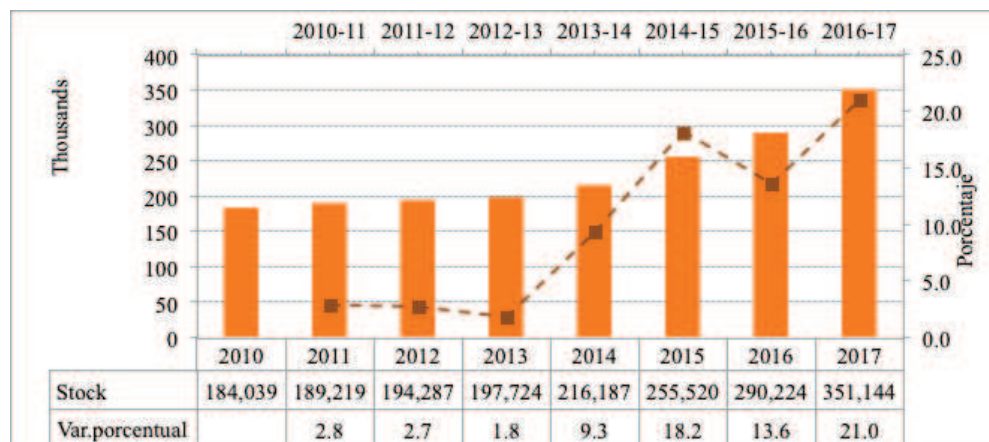
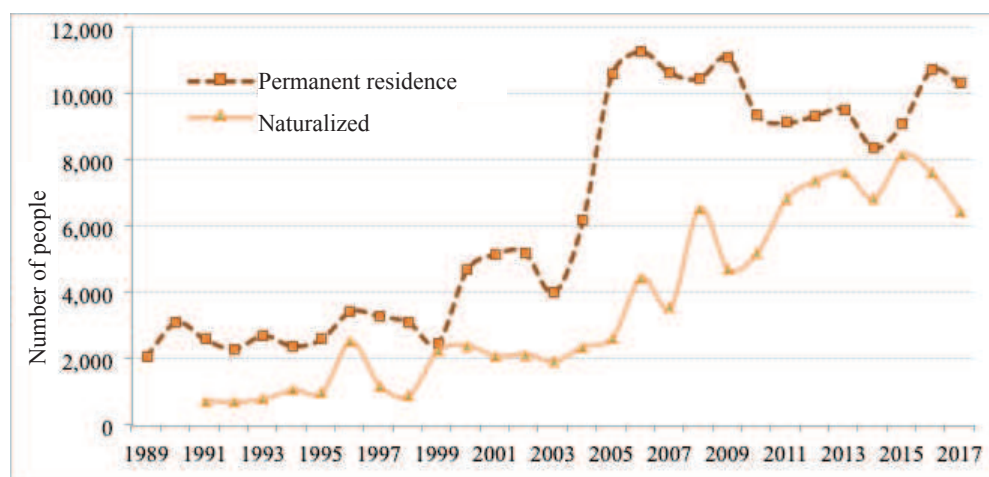
It is worth noting that the ACS reported an increase between 2014 and 2016 of 74,000 Venezuelans residing in the United States, while the 2017 ENCOVI reported that 77,000 Venezuelans had emigrated there in the five years prior to the interview, mainly during 2016 and 2017. Some coincidence is observed between both sources.

Administrative records show that between 1989 and 2017 about 186,000 Venezuelans obtained permission to reside permanently in the United States, but only 70 percent of those admissions occurred between 2005 and 2017.

From the above we can deduce that during the previous twelve years, on average, about 9,800 Venezuelans have been admitted annually as immigrants, a number that contrasts with the average of 2,800 Venezuelans who attained that status annually between 1989 and 1998 and even with the average of 4,600 registered between 1999 and 2004. A similar trend is reflected in relation to Venezuelan citizens obtaining American nationality. Between 1991 and 2017, more than 100,000 Venezuelans were naturalized in the US, of which almost 72,000 obtained that nationality in the 2005-2017 period at an average of close to 6,000 per year (Graph 12).

<sup>18</sup> The information from the World Bank coincides in that it reveals this growing evolution of Venezuelan emigration to the United States, by reporting in 2005 that 130,000 Venezuelan born individuals were residing there, a number that rose to almost 172,000 in 2010. These estimates are derived from the update of the database created in collaboration with the University of Sussex, which incorporates the most recent data from 71 destination countries, as specified in the Migration and Remittances Factbook 2011. <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTDECPROSPECTS/0,,contentMDK:22803131~pagePK:64165401~piPK:64165026~theSitePK:476883,00.html>. Accessed on June 16, 2014.



**Graph 11****Venezuela. Stock of Venezuelan Emigrants in the United States. Years: 2010-2017.****Source:** U.S. Census Bureau, American Community Survey. Annual estimates 2010-2017.**Graph 12****Venezuelans in the United States Who Obtained Permanent Residence and Citizenship. Years: 1989-2017.****Source:** Yearbook of Immigration Statistics. Department Homeland Security. Available at: <http://www.dhs.gov/immigration-statistics/yearbook/2016/table 10.shtm>



### 3.2.3. Spain: Destination of Choice for Venezuelan Emigrants in Europe

Until 2015, Spain had been the second most preferred destination for Venezuelan emigrants until 2015 after the United States, a fact that was due to cultural affinities and established ties through earlier Spanish immigration to Venezuela. As noted above, after that date, when the Venezuelan migration influx became massive, Latin American countries became the main recipients.

According to the Spanish census of 1991, 42,000 people born in Venezuela were residing in the country; in 2001, the number rose to 67,000 (ECLAC, 2006a: 131). The results of censuses report higher stocks of Venezuelans in Spain than the estimates prepared by the United Nations Population Division, as can be seen in Table 4.

This increase in Venezuelan migration to Spain, even in the years in which the country faced a severe economic crisis and high unemployment rates (Panadés, 2011: 63) can also be verified using municipal registers of inhabitants. This source illustrates the remarkable growth of the Venezuelan presence in Spain, as illustrated in Graph 13. During the 2000-2005 period, the stock of Venezuelans practically doubled and almost doubled again between 2005 and 2017. This period underscores the growth that occurred until 2009. Then, there is some stagnation until 2014, probably because the economic crisis in the Iberian country restricted settlement opportunities for new contingents of migrants. However, the intensification of the Venezuelan crisis after 2015 once again constituted a powerful incentive to consider Spain as a migratory option, particularly during the exodus of 2018, when increased to 274,000 the number of 208,000 Venezuelans who decided to establish residence in that country.

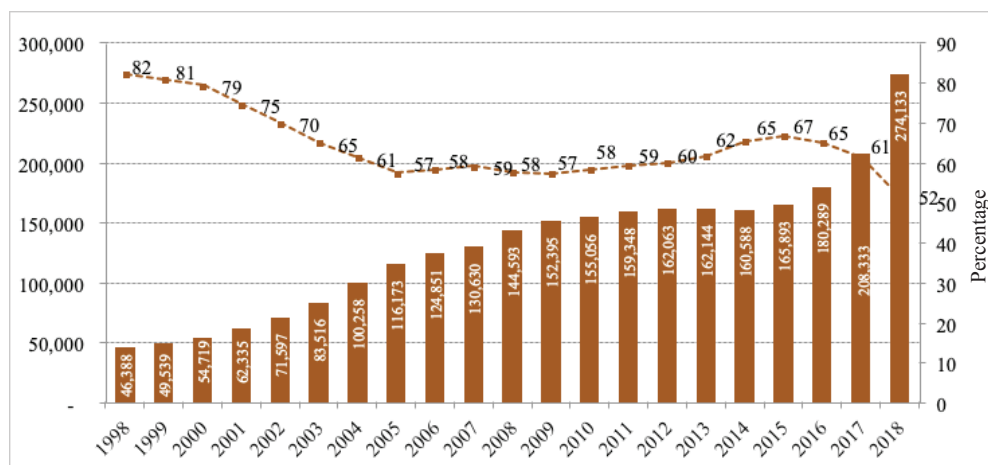
Venezuelan immigration in Spain is widely associated with the recognition of Spanish citizenship. Just over 70 percent of Venezuelans counted in the 2001 census had Spanish nationality (Martínez, 2003), a much higher proportion than that recorded by other Latin American countries. According to statistics from Spain's INE, compiled by Panadés, on average 29 percent of Latin American migrants have Spanish nationality, while this number rises to 49 percent when considering Cuban citizens and to 39 percent if considering Argentines (Panadés, 2011: 61).

Starting in 2003, the regulations that facilitated the recognition of Spanish nationality to descendants of former Spanish migrants in Latin America came into force (Domingo, 2004). The flow of Venezuelans to Spain has probably been reinforced by these measures, which may have incentivized some people to recover the citizenship of their immigrant ancestors. In this sense, we speak of a generationally deferred return modality (ECLAC, 2006a: 130). Over the course of the 2000s, the

preponderance of Venezuelans who did not carry a Spanish passport declined, as there was an influx of people with no family ties of migration with Spain. However, between 2010 and 2015, where the annual variation of the stock was discrete, the percentage of Venezuelans with a Spanish passport increases again, probably because a certain number of Venezuelans already meet the requirements established for the adoption of Spanish citizenship. A sign of the roots that are established after so long without prospects of return to the country of origin. On this aspect, it should be noted that in the Venezuelan immigration escalation of 2018, the participation of citizens who did not carry the Spanish passport was very notable (Graph 13).

**Graph 13**

**Stock of Population Born in Venezuela Residing in Spain and Percentage of Venezuelans with Spanish Nationality. Years: 1998-2018.**



**Source:** Compilation based on the Municipal Register. Spanish National Statistics Institute.

[www.ine.es](http://www.ine.es).

### 3.2.4. Latin American Countries Welcome the Most Recent Venezuelan Emigration

United Nations estimates through 2015 showed that 21 percent of Venezuelans residing abroad was shared between Portugal, Italy, France, Germany, Great Britain, Switzerland, Canada, and Australia. As for Italy and Portugal, the reasons may be the same as those explained above in relation to Spain. At the beginning of the 2000s, Venezuelans were the second largest Latin American group living in Portugal after Brazilians (ECLAC, 2006a: 149). In 2017, about 25,000 people from Venezuela resided in Portugal and almost 50,000 in Italy (Table 4). Canada also welcomed

Venezuelan emigrants, with their numbers doubling in the period between 2000 and 2010. The most recent estimate reports that almost 19,000 Venezuelans have settled there. A less numerous representations, but that had a growing evolution until the 2000s, has been recorded in Great Britain, Germany, France, The Netherlands and Switzerland where, combined, more than 33,000 Venezuelans reside. Although Australia and Venezuela have no geographical proximity or cultural affinity, it emerged as another destination for Venezuelan emigrants, whose presence in that country tripled from 2005 to 2015.

Yet, the most recent migratory outflow from Venezuela has been received fundamentally by Latin American countries. After Colombia, and just as suddenly, Peru became the second country receiving Venezuelan migrants. The numbers provided in Table 4 are revealing of the growth registered by the Venezuelan migratory flow in that country, when it is observed that in 2015 the number of 3,200 was barely exceeded and in 2017, just over 26 thousand were already accounted for. Only two years later the presence of Venezuelans in Peruvian territory is estimated above 860,000 (Table 4). According to the monitoring carried out by IOM and UNHCR, it was reported that only in 2017 more than 155,000 entered Peru through the Huaquillas-Tumbes immigration control on the border with Ecuador. In 2018, that flow grew to 695,000. Results of the surveys applied in said border post revealed that the majority of Venezuelans who entered (77 percent) wanted to settle in Peru, while a smaller fraction declared they wanted to reach Chile (23 percent) (IOM, July 2019).

The Peruvian authorities reacted to this unprecedented phenomenon by approving, in January 2017, a decree for the granting of the Temporary Permit of Permanence (PTP) for people of Venezuelan nationality who had entered the country before February of that year (IOM, February 2018 ), later that period was extended to December 31, 2018, but then changed again by cutting it to October 31 (IOM, July 2019). At the beginning of July 2019, about 382,000 PTPs had been granted and about 20,000 were being processed. Additionally, it was reported that around 43,000 Venezuelans had the Special Migratory Quality, a category that is obtained when the PTP expires, as well as more than 12,000 with another immigration quality (IOM, 2019a). As of mid-June of the same year, the Peruvian government applied a humanitarian visa as a requirement for entry to Venezuelan citizens, a measure that caused a sharp decrease in entries to Peru through the immigration office at the Huaquillas-Tumbes border (IOM , 2019a).

Chile is the third recipient of Venezuelan migrants, with a sudden evolution as described for the Peruvian case but reaching a lower intensity, as estimated in 2019 that in that country about 371,000 citizens from Venezuela have been settled, when

the stock reported in 2015 was barely limited to just over 4,000 (Table 4). During the 2015-2017 period, the Chilean government granted more than 120,000 residence permits between permanent stays and temporary visas, and between 2016 and 2017 it received more than 108,000 visa applications for the first time with entry as a tourist (IOM, 2018a). Faced with this migratory pressure, since June 24 of 2019, the Chilean government established as a requirement of entry a consular tourist visa (*Visto Consular de Turismo VCT*) for a maximum period of 90 days. With this measure, the government also managed to reduce land entries through checkpoints. However, it remains to know the effects of this type of measure on irregular entries, by the so-called “green roads.”

Likewise, Ecuador has been another of the countries in the region impacted by the Venezuelan migration crisis, registering a drastic growth for only five years, with Venezuelan citizens having multiplied 37 times (Table 4). The entry and permanence of Venezuelans in Ecuador was first regulated by the Ecuador-Venezuela Migration Statute (2011) which made it possible to obtain a temporary residence permit demonstrating economic solvency. Likewise, through the UNASUR Visa (2017), which gave the right to nationals of UNASUR members to access a temporary residence of 2 years (IOM, 2018). In 2018, just over 43,000 visas were granted to Venezuelan citizens and during the first half of 2019 almost 14,000 had been granted. In July 2019, the Ecuadorian government applied an amnesty to Venezuelans regularly admitted before July 25, or to those who had exceeded their time for that date (IOM, 2019b).

In the case of Brazil, it is worth noting that, traditionally, mobility across the border with Venezuela had not been as intense and in no way comparable to the levels of activity developed on the Colombian-Venezuelan border. However, this dynamic has been changing since 2015 to date, observing that the stock of Venezuelans varied from 3,000 to 212,000 in just one five-year period (Table 4). The growing entry of Venezuelans to Brazil has occurred primarily through the state of Roraima, in whose main cities, the presence of migrants, especially the population of the Warao ethnic group, has become strongly visible (IOM, 2018a; Simoes, Cavalcanti and de Oliveira: 5, 2018).

IOM referred in its reports that Brazil's National Immigration Council approved a

Normative Resolution CNIg No. 126, dated March 2, 2017,<sup>19</sup> through which 8,470 temporary residence permits were granted to Venezuelans between March and December 2017, of which 4,220 submitted their applications in the state of Roraima. At the end of August 2019, 97.200 active residencies of Venezuelan citizens had been registered (IOM, 2019b).

In addition, is worth nothing that, the Government of Brazil created a Crisis Working Group comprised of IOM, UNHCR, UNFPA and other United Nations agencies with the purpose of providing technical assistance. Additionally, activities (training, hostel management, regularization, etc.) are developed in a coordinated manner with UNHCR, UNFPA, the Federal Police, and civil society organizations.

Other countries that have experienced this remarkable influx of Venezuelan migrants are Argentina and Panama, although without reaching the scale of the aforementioned countries, Mexico can even be added, although this case the presence of Venezuelans is of an even smaller magnitude (Table 4).

This enormous mobilization of Venezuelan citizens, who have been forced to leave the country because their survival and that of their families was at risk, has caused an unprecedented migration crisis in the Latin American region, where most of the countries identified and others still not mentioned as the Dominican Republic, Trinidad and Tobago and the Netherlands Antilles in the Caribbean, or Costa Rica in Central America, or Uruguay, Paraguay and, Bolivia, in South America, have accused the positive and negative effects of this phenomenon, as can be seen from some data on the profile of Venezuelan migrants, which are considered in the following section.

### **3.3. Socio-Demographic Profile of Emigrants**

#### **3.3.1. Changes in Gender Balance**

The composition of Venezuelan migration in the world has been characterized by the preeminence of the female component, as is well seen from the migration statistics reported by the United Nations, which reveal that between 1990 and 2015, on average,

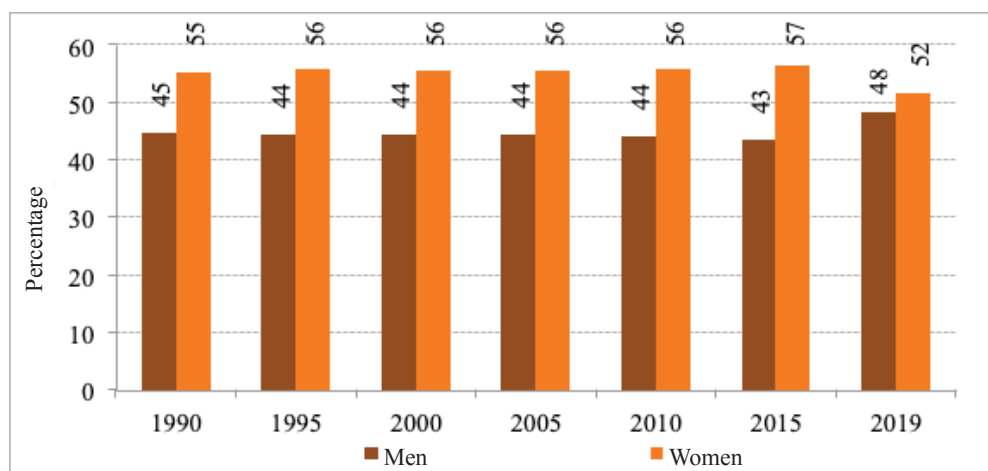
<sup>19</sup> In accordance with Normative Resolution No. 126, temporary residence is granted for two years to foreigners from bordering countries for which the MERCOSUR Residency Agreement is not yet in force. Therefore, Venezuelan nationals may apply for this permit. At the end of July 2017, through a legal action, people with insufficient economic resources were exempted from paying the immigration fee (IOM, 2018: 5). That resolution No.126 was replaced by the Interministerial Port No. 9 of March 2018, which “makes it possible to obtain temporary residence for 2 years to citizens of neighboring countries that are not part of the MERCOSUR Residence Agreement, with the possibility of conversion in permanent residence and tax exemption for those who cannot pay them” (IOM, 2019a).

56 percent of the migrants were women, a fraction that represents a masculinity ratio of almost 80 men for every 100 women (Graph 14). This coincides with the results reported by IMILA, based on the 2000 census round, in endorsing that the presence of Venezuelans residing in Latin American countries was clearly dominated by women: on average, for every 100 women there were 89 men. This gender imbalance was clearly superior to that reflected in the 1990 censuses (ECLAC, 2006a: 340, 344).

At that time, it was verified that, in comparison with their male counterparts, Venezuelan women with a higher educational capital more frequently sought in other countries the opportunities for personal and professional development that began to be restricted in their places of origin. It should be noted that, for some time, in Venezuela gender inequities in education have become unfavorable to men, observing a university enrollment with a greater presence of women, who also achieve higher completion rates at that level.

**Graph 14**

**Venezuela. Percentage Distribution of the Stock of Venezuelan Emigrants by Gender. Selected years: 1990-2019.**



**Source:** Own elaboration based on data from UN-DESA. International Migrant Report 2015 (ST / ESA / SER.A / 404); UN-DESA. Population Division (2019). International Migrant Stock 2019 (database, POP / DB / MIG / Stock / Rev.2019).

This greater presence of women has been reported by the American Community Survey (ACS) regarding the presence of Venezuelans in the United States and according to the Municipal Population Register in Spain (Freitez, 2011). The trend towards greater feminization of emigration from Venezuela to the United States and

Europe was also confirmed in the Third Report of the Continuous Reporting System on International Migration in the Americas (SICREMI) (OAS, 2012).

The stock of children born in Venezuela, registered in the United States in the year 2000, showed a predominance of girls, judging by a masculinity ratio of 92 men per 100 women.<sup>20</sup> More recent information from the ACS 2007-2009, revealed the continuity of this trend, estimating that there are 89 Venezuelan men living in the country for every 100 Venezuelan women.<sup>21</sup> Likewise, statistics from the Municipal Register of Inhabitants in Spain systematically reveal a wide prevalence of women among those from Venezuela living in the country from 1998 to 2017, expressed by a masculinity ratio that has varied from 89 to 85 men for every 100 women in the period indicated.<sup>22</sup>

Nevertheless, some more recent evidence reveals that Venezuelan emigration in recent years has a changing composition towards a predominance of males. It is possible that the deepening of the economic crisis facing Venezuela has led to more men making the decision to leave the country in search of some opportunity to generate income to help the sluggish family economies, as has been reflected in the increase in the masculinity ratio among recent emigrants from 103 to 109 men per 100 women, reported by ENCOVI 2017 and 2018.

The results from a study by Bermúdez, Mazuera, Albornoz and Morffe (2018) report an even higher masculinity ratio, in the order of 127 men for every 100 women. The information offered in the IOM bulletins, based on the statistics on visas granted in the main recipient countries and on the results of the Displacement Tracking Matrix (DTM), also allows to confirm the predominance of the male component in this recent phase of the Venezuelan migration process (IOM, 2018a; 2019a; 2019b)

In the near future, we will need to verify if the preponderance of men will be balanced by family reunification processes, which would offer greater stability to the Venezuelan emigrants in different destinations.

<sup>20</sup> U.S. Census Bureau, Census 2000 Special Tabulations (STP-159). Table FBP-1. Profile of Selected Demographic and Social Characteristics: 2000. People Born in Venezuela1. <http://factfinder.census.gov>

<sup>21</sup> U.S. Census Bureau. Data Set: 2007-2009 American Community Survey 3-Year Estimates. S0201: Selected Population Profile in the United States. Country of Birth: Venezuela. [http://factfinder.census.gov/servlet/IPCharIterationServlet?\\_lang=en&\\_ts=316688333269](http://factfinder.census.gov/servlet/IPCharIterationServlet?_lang=en&_ts=316688333269)

<sup>22</sup> National Institute of Statistics. Website: [www.ine.es](http://www.ine.es) (Accessed on June 11, 2014).



### 3.3.2. Predominantly Young Emigration

In terms of the age composition of Venezuelan emigrants, according to the 2015 SICREMI report, the population is largely made up of young adults from 25 to 44 years old (54 percent). ENCOVI 2017 has revealed that 59 percent of recent migrants reported by their homes of origin and 61 percent according to ENCOVI 2018 are in this age bracket.

The worsening of the economic crisis in Venezuela after 2017 could be prompting even younger people to cross borders in search of opportunities to meet basic needs and help their families. Indeed, ENCOVI'2018 shows that 27 percent of recent migrants were 15 to 24 years old. Likewise, in the study by Bermúdez and others (2018), it was found that 74 percent of immigrant people surveyed were between 20 and 39 years old (Bermúdez, Mazuera, Alborno and Morffe, 2018). The OBMigra report cited by IOM (2018) shows that the flow of Venezuelan citizens to Brazil is made up of a young population mostly, as 72 percent are between 20 and 39 years old (IOM, 2018: 5).

### 3.3.3. Variations in the Educational and Occupational Profile

Since signs emerged of a flow of Venezuelans migrating abroad, their education level has attracted attention. The economic boom of the 1970s was used by Venezuela to attract skilled immigration, but at the same time investments were made in training Venezuelan professionals and technicians. However, within a few years and due to the emergence of the crisis that paralyzed many public investment projects and considerably reduced the labor market, there was a surplus of these specialized professionals. Thus, in the 1980s a portion of that workforce, which found no opportunities for professional development commensurate with their training achieved, chose to emigrate to another country.

According to Malavé (1991), the largest flow of those skilled Venezuelan professionals went to the United States, since many of them studied in that country, having benefited from scholarship programs such as the Grand Marshal of Ayacucho (Malavé, 1991). To this effect, the results of the 2000 US Census revealed that 43 percent of Venezuelans registered as having completed university education or higher,<sup>23</sup> thus occupying the first position among immigrants from Latin American and Caribbean countries and greatly exceeding the proportion of US nationals who had completed that level of educational (24.5 percent) (ECLAC, 2006a: 117). This source also revealed that

<sup>23</sup> U.S. Census Bureau, Census 2000 Special Tabulations (STP-159). <http://factfinder.census.gov>



63 percent of the population aged 16 and over was in the labor force and, of that population, 41 percent worked as professionals and managers (ECLAC, 2006a: 119).<sup>24</sup> The information published by the Latin American and Caribbean Economic System (SELA), based on the ACS of 2005-2007, has also confirmed that the percentage of Venezuelan immigrants aged 25 and over in the United States with doctorate degrees (14 percent) had remained above the average of the native population of that country (9 percent) and of the Latin American population residing there (11 percent) (SELA, 2009). Another reference related to the emigration of skilled Venezuelans to the United States is provided by De la Vega's study (2003), which is based on statistics from the National Science Foundation (NSF). It states that, in the United States at the end of the 1990s, there were 9,000 Venezuelan professionals working in science and technology. Almost all of those had American nationality and close to 3,000 had permanent visas (De la Vega, 2003).

According to a SELA study (2009), between 1990 and 2007 Latin America and the Caribbean (LAC) expanded its share of the total of skilled immigrants in the OECD countries from 16 to 19 percent, which represented an increase in absolute numbers from 1.9 to 4.9 million people. Among the LAC countries and particularly of the Andean region, Venezuela stands out as a variation of the stock of skilled immigrants in the order of 216 percent was recorded during the indicated period. We have also learned that 54 percent of those born in LAC and residing in the United States (2005-2007), completed vocational training studies in the US. In the case of Venezuelan immigrants, that proportion is reduced to 37 percent (SELA, 2009).

Venezuela, up to then, was not among the countries with the highest emigration rates, but it did stand out among the top 30 with the highest selectivity rates (60 percent), measured as the ratio of skilled emigrants to the total stock of emigrants (Docquier and Marfouk, 2006). In another study, which analyzed the relationship between the educational level of South American immigrants in the United States and the qualifications required for the work they perform, it was found that migrants from Venezuela, Argentina, Bolivia, Chile and Uruguay, are those that most frequently work in occupations that increasingly require the use of analytical and cognitive skills, such as engineering, mathematics, economics, and finance (Medina and Posso, 2009: 19).

At the beginning of the 2000s, the average percentage of Venezuelans living in OECD countries who had completed university education was estimated at 37 percent, a

<sup>24</sup> Value higher than the 33 percent reported in the 1990 census according to the references offered by Pellegrino, 2002b: 86-88.

value that tripled the average for Latin America. The level of skilled Venezuelan emigrants was even higher in countries such as Australia, the United Kingdom, France, the United States and Canada. In the latter country, the 2001 census revealed that 54 percent of Venezuelan immigrants aged 15 or older had a university education, occupying the first position among Latin American migratory flows (ECLAC, 2006a: 144). Likewise, the 2001 Spanish census revealed that 28 percent of Venezuelans registered there had higher levels of education, a characteristic that differentiated them from immigrants from Andean and Caribbean countries (Domingo, 2004: 12; Panadés, 2011: 55; Castillo and Reguent, 2017). The Active Population Survey (EPA), conducted by Spain's INE (Martínez, 2011), reported a notable increase from 19 to 37 percent in the proportion of Venezuelan immigrants with a university education between 1999 and 2009, and in the case of Venezuelan women from 29 to 42 percent. Venezuelan immigrants, after Mexicans and Cubans, thus were among the highest positions in indicators on Latin American migratory flows with the highest representation in Spain (Martínez, 2011: 39).

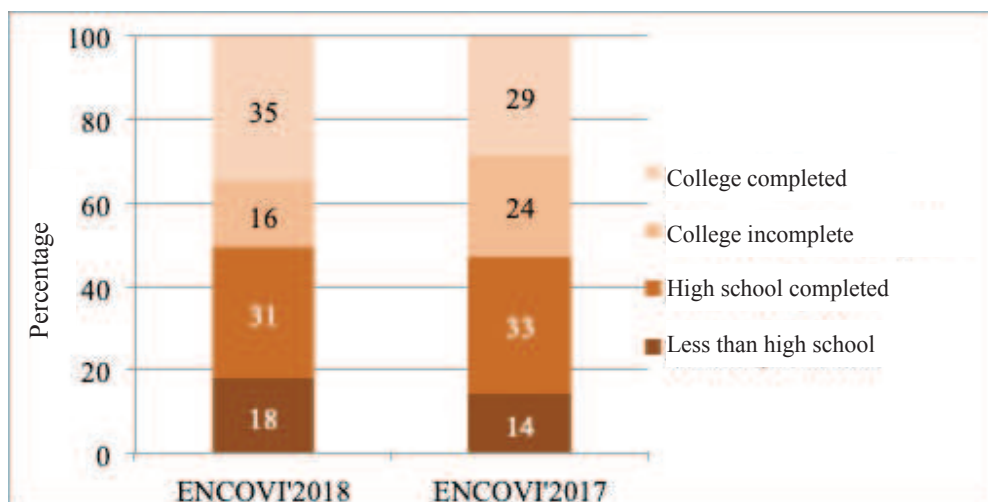
Leading up to the 2011-2013 period, there are still reports of Venezuelan emigrants' high skills levels, as indicated in SICREMI's 2015 report, which showed that of all Venezuelan immigrant workers in countries of the European Union, 52 percent had obtained a tertiary education and 61 percent had in the case of the United States.<sup>25</sup> These rates were higher than the average for Latin America and the Caribbean, at 34 percent and 58 percent, respectively (OAS, 2015: 45-47).

The Venezuelan crisis, worsened since 2013, has broadened the social spectrum of emigrants, reflected in the educational profile of the population that left the country in the last years, as reported by the 2017 and 2018 ENCOVI. According to that source, the fraction of migrants whose educational capital is lower than full secondary school and about a third are high school graduates has risen to 18 percent. The other half has reached university education, highlighting that the migration of Venezuelans carrying third-level educational credentials is still appreciable (35 percent) (Graph 15). Those results are confirmed in the report OBMigra cited by IOM (2018 regarding the flow of Venezuelans to Brazil, where it is shown that they have a higher level of education: 78 percent completed a high-school education and, of these, 32 percent reported university and post-graduate education (IOM, 2018: 5).

<sup>25</sup> SICREMI's 2015 report defines tertiary education not only as university education, but also refers to high-level technical or professional education, which may be shorter than a university degree but considered to be university-level (OAS, 2015: 44).

Graph 15

**Venezuela - Distribution of Recent Emigrants Reported in Their own Household, by Educational Level.**



**Source:** Compilation based on the 2017 and 2018 ENCOVI. UCAB-UCV-USB.

With regard to the occupational profile of Venezuelan emigrants in the United States and Spain, an estimated 88 and 68 percent of men and women, respectively, engage in economic activities. This level of activity is similar to the average for other Latin American emigrants, in the case of men, and is slightly higher for women. According to Martínez's study, based on the Spanish EPA, economically active Venezuelan immigrants there were largely managers, professionals and technicians (36 percent) and skilled workers (21 percent). In the case of women, the proportion of managers, professionals and technicians is even higher, approaching 41 percent. Men and women were increasingly involved in service occupations between 2001 and 2009 (Martínez, 2011: 51-54).<sup>26</sup>

The rate of part-time work is increasing in countries receiving Latin American emigrants, in some cases responding to explicit public policies aimed at promoting work-life balance. Yet, in the case of women emigrants from Venezuela the prevalence of part-time work is much lower than that registered by those from most other South American countries, with the exception of Paraguay (OAS, 2012: 36).

We would like to make special mention of the skilled Venezuelans who worked in

<sup>26</sup> Information from the Spanish EPA presented by Martínez (2011) in tables I.9 and I.11.

the oil sector and were dismissed from the state oil company (PDVSA) after the strike between 2002 and 2003 after having their right to work in Venezuela revoked on President Chávez's orders. Some of that population moved to Colombia and has contributed to the country's rapid oil boom, whose development was also due to the effects of the democratic security policy and the sector's opening to foreign investment (Martínez, 2015: 64-65; Henao, 2013: 36-40).

The loss of skilled labor recorded by Venezuela due to emigration has led to a decline in the scientific and professional community, particularly in certain specialized areas such as health sciences. In that regard, OECD statistics provide some evidence on the increase in the number of Venezuelan doctors and health professionals from Venezuela that reside in its member countries. Around the year 2000, there were 1,710 doctors, 1,264 nursing professionals, 150 dentists and 62 pharmacists. The main countries that have received these professionals are the United States, first, followed by Spain and Portugal (Dumont and Zurn, 2007). In the case of Spain, the Medical Colleges Organization (OMC) has indicated that between 2004 and 2007 more than 1,200 Venezuelan doctors had formalized their collegiate enrollment in that country, a procedure that implies that they already have a homologated degree and are working in Spanish territory.<sup>27</sup>

The migration of health personnel, while not a novel phenomenon in some developing countries, is a relatively recent concern, because it compromises the functioning of health systems and the provision of services. A study by the Pan American Health Organization (PAHO) on skilled migration in health for the specific case of the Andean sub-region, which includes Venezuela, sought to understand how these countries are facing this problem. It found that, in general, the lack of information does not allow us to properly establish the magnitude and characteristics of these flows. This is due to the fact that the issue of skilled migration in the health sector is not prioritized in the public policy agenda (PAHO, 2013).

In Venezuela, during the last fifteen years, on rare occasions have high government officials admitted that there is a migratory flow of Venezuelans to other countries. It assumes this position to avoid admitting that the political and economic model that has been implemented in the country generates emigration. In that sense, Muñoz (2016) believes that, from the perspective of the government, "Venezuelans organized

<sup>27</sup> OMC. Press release. *Venezuelan doctors compelled to emigrate (Los médicos venezolanos abocados a la emigración)*. Noticias CGCOM. [http://www.cgcom/noticias/2008/02/08\\_02\\_08venezuela](http://www.cgcom/noticias/2008/02/08_02_08venezuela) (Accessed on November 27, 2008).

politically abroad can be a risk to the system, so they ignore their existence and reject the idea that emigration continues to increase, either for political or economic reasons” (Muñoz, 2016: 355). However, on July 3, 2014, the President of Venezuela, Nicolás Maduro, in his radio program *En Contacto con Maduro*, publicly acknowledged the problem of emigration of health professionals by stating that “...there are problems as you know with the specialized medical staff, because a lot of Venezuelan medical personnel trained here are being taken out of the country [sic]. They pay them I do not know how many thousands of dollars and they take them to Spain and they take them to Europe. It’s what they call the brain drain, the flight of specialized personnel. So, well, we are in a special postgraduate training plan of medical specialties that we must maintain, accelerate...”<sup>28</sup> Unfortunately, in his pronouncement, President Maduro does not objectively recognize the internal factors driving the departure of the professionals in question, which is linked to the severe problems with the health system, which certainly have to do with the decrease in remunerations, besides the lack of supplies and equipment, the poor state of the facilities, the lack of personal security, among other aspects.

#### 4. Refuge

Venezuela did not sign the 1933 Convention on Asylum of Montevideo. However, in the Constitution of 1947, political asylum was recognized, and this served as a basis to grant it to those who requested it after the “Bogotazo” (Ortiz-Ortiz, 2002). It also allowed for the granting of this status to people from Chile, Uruguay and Argentina who were persecuted by the dictatorial governments established in the course of the 1970s (Bidegain, 1984).

Venezuela also did not subscribe to the United Nations Convention on the Status of Refugees of 1951. Yet, in 1986 it ratified the New York Protocol on the 1967 Refugee Statute, whereby States party to the statute commit to apply the universal refugee definition enshrined in Article 1 “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, as well as the rest of the fundamental provisions thereof that enshrine minimum international standards for protection of people fleeing their countries for such reasons...” (Rincón, 2005). With the entry into force of the 1999 Constitution, the right to refuge and asylum is expressly enshrined in Article 69. With this decision,

<sup>28</sup> Excerpt from the July 3, 2014 video of the radio program *En Contacto con Maduro* (In Contact with Maduro). Available at: [https://www.youtube.com/watch?v=oEx8\\_NvEbs](https://www.youtube.com/watch?v=oEx8_NvEbs)

the legislation in this matter sought to regulate the two institutions separately.<sup>29</sup>

Having gone through this merely regulatory journey since the late 1990s, the Venezuelan State faced the need to apply and adjust the contents provided for in international instruments on protection, mainly as the armed conflict in Colombia escalated and the influx of people who were forced to cross the international border to seek refuge in Venezuela grew. Experts believe the State was not prepared to effectively guarantee the right to asylum given that, even after ratifying the 1967 Protocol on the Refugee Statute, there was no institutional or procedural platform to grant refugee status in Venezuela. In such circumstances, the National Government initially ignored the refugee status of Colombians and classified them as being “displaced in transit,” a term not recognized in international law on the subject that served to justify the deportations carried out in 1999 (Nava, 2003; Rincón, 2005; Álvarez, 2009). As we will see below, Venezuela tried to overcome these drawbacks, first with the approval of an organic law and its respective regulations, in accordance with international conventions for the protection of human rights and the rights of refugees and, later, with the formal establishment of the administrative body with the powers to review and process refugee applications (Nava, 2003).

According to the information reported by the United Nations High Commissioner for Refugees (UNHCR), the number of refugees in Venezuela in 2008 amounted to 1,161 people, but the number of people in refugee-like situations was estimated in the order of 200,000. Moreover, asylum applications amounted to 14,372, meaning that only a small fraction of those who required protection had formally requested it before the competent institutions (UNHCR, 2008: 14). In turn, the Jesuit Refugee Service (JRS) reported that the low rate of formal requests was mainly due to three reasons: i) ignorance of the law and procedures; ii) fear of being located by an agent of persecution; and, iii) excessive difficulty in moving to reception centers for refuge applications.<sup>30</sup> These reasons coincided with those indicated by UNHCR (2008) in a study in which it found that of the households with individuals in need of international protection not registered, 92 percent had not approached the refugee aid institutions, 74 percent were unaware of the existence of the Organic Law on Refugees Asylees (LORRAA) and 60 percent had not applied for refugee status due

<sup>29</sup> It is also important to note that Article 23 of the 1999 Constitution establishes that “international treaties, conventions or agreements on human rights ratified by Venezuela have constitutional status and enjoy self-enforcement in the domestic order” (Rincón, 2005; Nava, 2003).

<sup>30</sup> Accessed online at: <http://www.sjrvenezuela.org.ve/informes/informe-de-contexto-en-la-zona-fronteriza-colombo-venezolana-2009.html>

to a lack of knowledge (UNHCR, 2008: 57).

According to this UNHCR study (2008), some characteristics of the population in need of international refugee protection in Venezuela are known. Ninety-five percent of those individuals were originally from Colombia, 44 percent were under 18 years old, 53 percent were between 18 to 59 years old and, of the total, 48 percent were women.

The states of Apure, Amazonas, Táchira and Zulia, bordering Colombia, which extend into the third part of the Venezuelan territory, were the main receiving places of refugees (Álvarez, 2009). Although almost half of that population was assisted by UNHCR, it was mainly located in rural or dispersed areas of Táchira and Zulia, the two states where activity at the border is the most dynamic (UNHCR, 2008: 20). This population also faced difficult working conditions linked to “the lack of documentation, which throws them into an informal and/or underground market where economic activities are less productive and, in many cases, under humiliating conditions of labor rights” (UNHCR, 2008: 63).

UNHCR statistics for 2013 accounted for 204,340 as the number of refugees in need of international protection in Venezuela (Table 6). At that time, the National Commission for Refugees (CONARE) registered 1,391 people whose refugee applications were approved; 5,971 were denied (CONARE c.p. PROVEA, 2013: 311).<sup>31</sup> Ninety-nine percent of the requests received by CONARE were from Colombians. Seventy-three percent of cases were processed through the reception centers in Maracaibo (35 percent) and San Cristóbal (38 percent). The Guadualito office received 18 percent and the office in Caracas the remaining 10 percent. The report also stated that, in 2013, about 1,000 cases denied in previous years were reviewed for the purpose of amending any error that may have occurred (CONARE c.p. PROVEA, 2013: 312).

Although practically no Colombians were seeking refuge in Venezuela anymore, in mid-July 2013, JRS reported new cases of Colombians displaced to Venezuelan territory, a fact that was certified by the President of CONARE in a meeting held with humanitarian organizations in the state of Zulia. Within the La Guacamaya sector of the municipality of Semprún in Zulia state, about 300 people arrived who were assisted through the Civil Protection Office, the Ombudsman’s Office, the Government of Zulia, the Mayor’s Office of Semprún and UNHCR (Zapata, 2013).

In recent years CONARE and UNHCR have worked together on a management

<sup>31</sup> This information was released by CONARE in its 2013 Management Report, and disseminated by the Venezuelan Program of Education-Action on Human Rights (PROVEA) in its 2013 Annual Report.



plan to periodically review progress and challenges to improve the protection of refugees in Venezuela (PROVEA, 2013: 312). According to the *World at War Report* published by UNHCR in 2015, 173,600 refugees and people in refugee-like situations were identified, a number that shows a notable reduction compared to the estimated volume since 2007. It is worth mentioning that a joint outreach campaign by UNHCR and CONARE contributed to the recording of this variation (UNHCR, 2015). The deepening of the Venezuelan crisis and, on the other hand, the progress in the peace process in Colombia has led to a considerable decrease in the presence of refugees and people in a situation similar to that of refugees in Venezuela between 2016 and 2018, limited to 67,000 in the last year (UNHCR, 2018; 2019).

**Table 6**  
**Venezuela. Refugee Population. Years: 1990-2018.**

Year	Volume	Year*	Volume
1990	1.750	2005	358
1991	1.720	2006	660
1992	1.990	2007	200.843
1993	2.221	2008	201.094
1994	2.177	2009	201.244
1995	1.613	2010	201.467
1996	1.596	2011	201.941
1997	301	2012	203.563
1998	158	2013	204.259
1999	188	2014	173.519
2000	132	2015	173.673
2001	59	2016	171.920
2002	58	2017	122.677
2003	58	2018	67.156
2004			

**Source:** Compilation based on the UNHCR database: [http://popstats.unhcr.org/en/persons\\_of\\_concern](http://popstats.unhcr.org/en/persons_of_concern)

Retrieved on 12-13-2019.

(\*) 2007-2018: The refugee population also includes those in refugee-like situations.

As for the departure of Venezuelans seeking political asylum or refugee status, there was a small number, mainly prominent political leaders who opposed the country's dictatorial regimes during the first quarter of the 20th century, under the mandate of



Juan Vicente Gómez, and during the fifties under the presidency of Pérez Jiménez. For the first time, Venezuelans began to make an increasing number of asylum or refuge requests during a stage of democratic institutionalization, namely during the presidency of Hugo Chávez. On this occasion, requests for asylum or refuge were not made solely by political leaders, but also by people who expressed their dissatisfaction with the government regime, through mechanisms recognized by the legal framework that governs Venezuelan society. As a result of the 2002 oil strike, the government made massive layoffs of personnel working in the state oil company PDVSA (almost 20,000 workers). Many of the qualified professionals who were on that list of laid off workers were unable to work in any other state company or in those contracted with the public sector. Another list that has been used to make it impossible for a certain group of citizens to opt for jobs or social benefits was placed on the Internet, since the beginning of 2004, by a deputy of the National Assembly, which included the personal data of the signatories that requested the recall referendum against President Chávez (Freitez, 2011). The use of said list for the aforementioned purposes was allowed by the President himself on April 16, 2005, when he “acknowledged that he was being denied the right to work by those who had signed, so he asked that the list be buried, adding that it had already fulfilled its purpose” (Iranzo and Richter, 2006: 20).

UNHCR records have also reflected the increase in the Venezuelan population that has requested protection in other countries and has been granted refugee status or is still in a refugee-like situation. Starting in 2004, after the worsening of the political crisis during 2002 and 2003, the number of Venezuelans who have emigrated to other countries and who are in the aforementioned status multiplied considerably. Between 2003 and 2004 the number of refugees doubled, from 598 to 1,256, and between 2004 and 2009 it increased five-fold, totaling 6,221 Venezuelan refugees. Between 2009 and 2013, 2,174 more cases were added, and records show there are 1,153 Venezuelan refugee claimants awaiting refugee status determination decisions.

The United States has hosted a significant number of this population in need of protection. According to OECD statistics, from 2000 to 2011 there was a record of 8,184 Venezuelans who applied for asylum there, while 2,449 applied in Canada and 308 in Spain.<sup>32</sup>

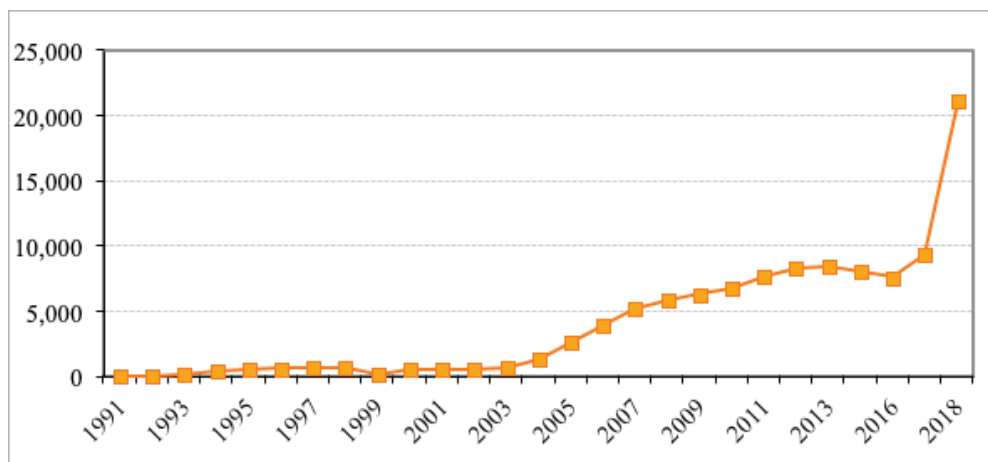
During 2014, UNHCR recognized 8,009 Venezuelans as refugees or living in refugee-

<sup>32</sup> <http://stats.oecd.org/Index.aspx> (Accessed on June 27, 2014).

like situations (Graph 16) and the number of pending applicants was 4,820. In 2016, the numbers for refugees was 7,537, but the number of pending asylum seekers increased considerably. At the end of that year, there were an estimated 45,088 cases in that condition. The 2017 report reveals the worsening of the Venezuelan crisis. It was reported that, based on numbers provided by host governments, more than 166,000 new asylum applications were submitted between 2015 and the beginning of 2018, appearing in this ranking as the fourth nationality after Afghanistan, Syria and Iraq. UNHCR has extended its protection and assistance services, based on humanitarian reasons, to an unprecedented 346,000 Venezuelan nationals in 2018 (UNHCR, 2018: 74). This magnitude reveals, in the opinion of UNHCR, that:

*“... more than 500,000 Venezuelans had accessed alternative legal forms to remain in a country under national or regional frameworks, such as Argentina, Brazil, Chile, Colombia, Ecuador, Peru and Uruguay. However, most are in an irregular situation. Without access to a clear legal status, they are more exposed to violence, exploitation, sexual abuse, trafficking in persons and discrimination. Although States’ responses have been generous, host communities that have received Venezuelan nationals are also under increasing pressure as they attempt to provide assistance and services to those who arrived” (UNHCR, 2018: 46).*

Since 2018, the situation of Venezuela in all orders has become even more critical, being categorized as a “humanitarian crisis” to the extent that its origin has responded to the total collapse of state and economic structures, that have led to contexts of extreme and widespread poverty where daily survival is compromised. In that context, large population groups were forced to cross borders and seek opportunities in other countries to meet essential needs. UNHCR records corroborate the intensity of this strong mobility of Venezuelans in search of international protection by reporting that, at the end of 2018, the number of refugees rose to more than 21,000 (Graph 16) and the number of asylum seekers climbed to more of 464,000, which means that of every 5 new asylum seekers in the world, one is Venezuelan. Peru is the first country to receive such requests (227,000) followed by the United States and Brazil, each one registered 81,000 requests of this nature by citizens of Venezuela (UNHCR, 2019). Another indicator of the severity of the Venezuelan migration crisis is given by the sum of 2,600,000 people who fled Venezuela and demand protection (UNHCR, 2019).

**Graph 16****Venezuelan Refugees or Those in Refugee-Like Situations. Years: 1991-2018.**

**Sources:** UNHCR. [www.unhcr.org/statistics/populationdatabase](http://www.unhcr.org/statistics/populationdatabase)

## 5. Irregular Migration

Accounting for immigrants in an irregular situation has always been a difficult task to perform, since that population is not identifiable through any of the data or registration sources. Although in this last time the country has not received a large migratory influx, it is presumed that the population in an irregular situation has increased, due the meager diligence of the Administrative Service of Identification, Migration and Aliens (SAIME)<sup>33</sup> in processing the thousands of applications that were received for a long time.<sup>34</sup> For this reason, an initiative to regularize and naturalize foreigners was launched in 2004.

Evaluating this experience is difficult because there are no reports documenting the procedures followed and the results obtained. The information available comes from statements to the press supplied by SAIME officials (formerly ONIDEX). During the period of validity of this process, "...798,314 foreign citizens were registered, who

<sup>33</sup> In 2005, a modernization project was approved for the National Office for Identification and Foreigners (ONIDEX), which resulted in the creation in 2009 of a new institution called SAIME. For more details see: <http://www.saime.gob.ve/historia/>

<sup>34</sup> In statements to Venezuela National Radio on September 5, 2005, the Mission Identity's Coordinator indicated that at the beginning of 2004, 40,000 nationalization application files were archived at ONIDEX. Available at: <http://www.rnv.gob.ve/noticias/index.php?act=ST&f=2&t=22997>.

submitted their documents, either for naturalization or regularization.” Of this total, 357,891 received naturalization letters;<sup>35</sup> the authorities have reviewed the files of another 200,485, while 127,897 were able to regularize their situation in Venezuela.<sup>36</sup>

Beyond these numbers, there is no knowledge of the characteristics of this population that partook in the regularization process, unlike the General Registration of Foreigners of 1980, which allowed for the identification of country of origin, date of arrival to Venezuela, and place of residence, as well as the population’s socio-demographic and economic characteristics.

In April 2012, the Ministry of Popular Power for Internal Affairs and Justice issued naturalization letters to 9,241 citizens whose names and file numbers were published in the Extraordinary Official Gazette No. 6,073. With regard to this act, it is worth noting that information is not offered to detail the composition of this contingent of new Venezuelans. Although the Regulation for the Regularization and Naturalization of Foreigners (2004) establishes in Article 15 that those who are granted their respective naturalization letter, with prior approval of the competent authority, will be registered in a Nationalized Registry to be created, yet this source of information will also not be public knowledge.

The opacity that exists in Venezuela in terms of migratory information favors ignorance and, often, the manipulation of different spokespersons on this matter. Throughout 2015, on repeated occasions, social media, both in Colombia and in Venezuela, wrote about the deportations of Colombian citizens in Venezuela who apparently were in an irregular situation. In this regard, attention has been drawn to the failure to abide by the administrative procedure that must be followed, a fact that may have meant, in certain cases, the violation of the rights of those deported, such as the superior right of the child and the right to family unity, among others (Pérez, 2015).<sup>37</sup>

In response to the information circulating, the Government of Venezuela, through the

<sup>35</sup> On SAIME’s website, there are three lists of the newly naturalized within this regularization process, published in the following Official Gazettes: No. 5819 - Resolution 327 of 08/28/2006 (22,772 people); No. 5819 - Resolution 330 of 08/28/2006 (2,271 people); No. 5853 of 10/22/2007 (6,487 people). [http://www.saime.gob.ve/gacetitas/general\\_gacetitas.php](http://www.saime.gob.ve/gacetitas/general_gacetitas.php)

<sup>36</sup> Declarations made by Mission Identity’s Coordinator to Venezuela National Radio. <http://www.rnv.gob.ve/noticias/index.php?act=ST&f=2&t=22997>

<sup>37</sup> Some stories about these deportations are gathered in a journalistic work signed by C. Pérez for *SIC Magazine*.

Ministry of Popular Power for Foreign Affairs, issued an official statement in which it expressed its rejection and, furthermore, stated that “... between 2012 to 2014, the number of Colombian citizens who settled in our country without complying with the immigration procedures of the law was 494,597 people, distributed annually as follows: 160,984 (2012), 189,001 (2013) and 144,612 (2014). It prefigures the source of a humanitarian crisis that has generated an unprecedented exodus in the history of our countries.”<sup>38</sup>

The Venezuelan Foreign Ministry issued a statement acknowledging that during the last three years about 500,000 Colombians entered the country without complying with the “immigration procedures of law,” which qualifies as “an unprecedented exodus”. Regrettably, the public has no access to official statistical sources that allow us to corroborate the veracity of the information provided.<sup>39</sup>

## 6. Remittances

According to the typology of countries receiving remittances prepared by ECLAC (2006), Venezuela was placed in the category of countries with very low remittances, together with Argentina, Bolivia, Costa Rica, Chile, Panama, Paraguay, and Uruguay (ECLAC, 2006a: 181). In fact, the statistical series for the period between 2000 and 2015 shows that revenue from remittances has practically remained below 200 million dollars (Graph 17). From 2004 to 2015 the volume of remittances sent by Venezuelan emigrants was not only low, it also declined by almost 40 percent.

When studying the trends in revenue received through remittances during the period in question, the following aspects should be taken into account: a significant fraction of the migrants who left the country were skilled individuals, whose households probably depend less on remittances; the effects of the international economic crisis on the levels of unemployment and the reduction of migrants’ incomes; and, the very

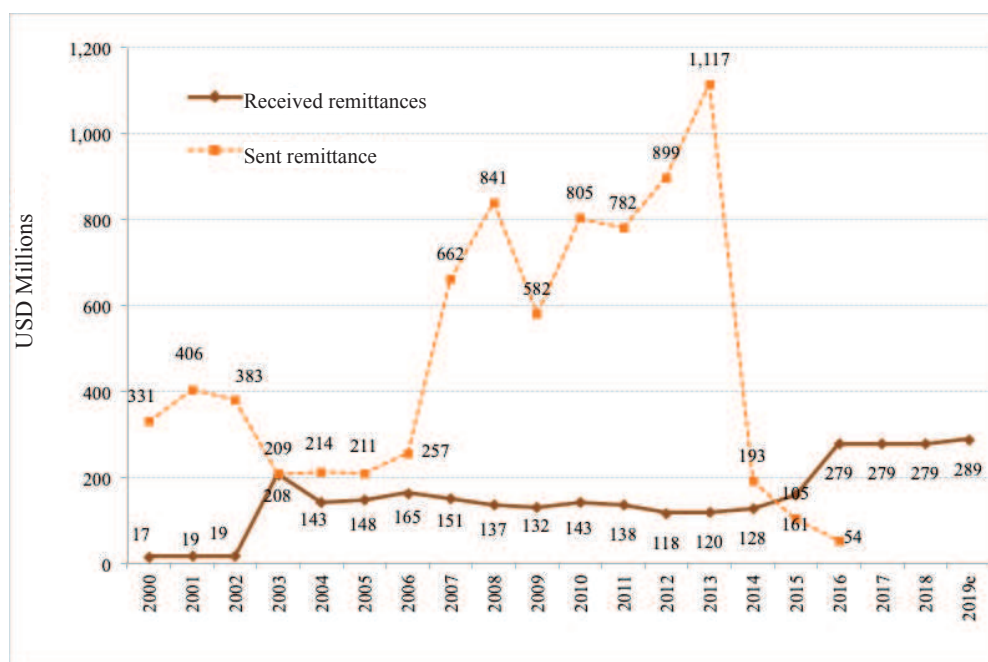
<sup>38</sup> *Venezuela rejects manipulation about immigration issues with Colombia*. Communiqué from the Ministry of the Popular Power for Foreign Affairs of the Bolivarian Republic of Venezuela, of May 14, 2015. Available at: [http://www.mre.gov.ve/index.php?option=com\\_content&view=article&id=41847:2015-05-14-03-30-59&catid=3:comunicados&Itemid=108](http://www.mre.gov.ve/index.php?option=com_content&view=article&id=41847:2015-05-14-03-30-59&catid=3:comunicados&Itemid=108)

<sup>39</sup> The same statement specifies that “More than 5.6 million Colombian citizens live in our country who access without discrimination or immigration distinction for programs and social missions in health, food, education and housing, which form the fundamental human rights of our people.” Here, the Ministry of Foreign Affairs refers to a number on the Colombian population that is considerably different from the 722,000 originating in the neighboring country registered in the 2011 census according to the information reported by the National Institute of Statistics on its website, [www.ine.gov.ve](http://www.ine.gov.ve).

high fees charged in Venezuela for these operations. Regarding the latter, experts in the field have pointed out that the costs of currency transfers tend to be high in countries that have exchange controls and a great divergence between the official and parallel exchange rates (Solimano, 2003). Munzele and Ratha (2005), when analyzing the components of the cost of transfers sent by emigrants to their countries of origin, highlighted the case of Venezuela where, at the beginning of 2004, the foreign exchange commission was about 40 percent. As a result, “non-resident Venezuelans have no incentive to send remittances or are sending them through informal channels” (Munzele and Ratha, 2005: xxxvii). In these circumstances, the remittance of money tends to intensify through informal mechanisms, having estimated, for example, that 70 percent of remittances sent from Spain to Venezuela do not use formal means, such as companies that send remittances or the banking system (Moré, 2009).

**Graph 17**

**Venezuela. Volume of Remittances Received and Sent (USD Millions).  
Years: 2000-2019.**



**Source:** World Bank. Annual Remittances Data (updated as of April 2018). Available at: [www.worldbank.org/migration](http://www.worldbank.org/migration) and [www.knomad.org](http://www.knomad.org). Accessed on June 15, 2018.

The main countries from which remittances are sent correspond to the main destinations of Venezuelan emigration: the United States and Spain. Both countries

are precisely those that showed in the 2000s the largest increase in Venezuelans and from where almost two thirds of remittances would derive. The other remittance-sending countries, but to a lesser extent than the US and Spain, are Colombia, Portugal, the Dominican Republic and Ecuador.

According to World Bank estimates, the amount of transfers sent from Venezuela is still more significant than the volume of remittances received, because the stock of international immigrants is still significant, but the effects of the exchange control system must be re-considered.

Between 2003 and 2018 the governments of Hugo Chávez and Nicolás Maduro tried eight exchange schemes that failed to prevent capital outflows, becoming a tool of political control and a source of corruption, given the enormous exchange differential. In the period between 2003 and 2013, the regulations placed on the foreign currency administration regime established a system of quotas to access the controlled exchange rate to make transfers to students, pensioners, and family members abroad. Given the wide differential between the official exchange rate and the value of the dollar in the informal market, the use of these quotas was very favorable even as a mechanism to save abroad. This may explain, in part, the increase in remittances sent from Venezuela between 2006 and 2013. The main destination is Colombia, a fact that alludes to the significance of the Colombian population residing in Venezuela. Almost half of the transfers sent from Venezuela were directed towards that border country. The next largest recipient is Spain, with 25 percent of the total amount of remittances (Graph 17).

The intensification of emigration after 2015 has surely contributed to the rebound recorded through remittance revenues. In this regard, the national government has sought to raise foreign currency for this purpose, reactivating exchange houses' operations and using a more flexible exchange rate such as the DICOM dollar. However, there is still no incentive to send remittances through formal channels given the exchange differential with respect to the official rate. Likewise, it is estimated that between 2016 and 2017, the volume of outgoing remittances fell by half, a fact that is understood in light of the restrictions on access to foreign currency according to the latest exchange schemes adopted by the national government.



**PART TWO****PUBLIC POLICIES AND PROGRAMS ON MIGRATION IN VENEZUELA**Anitza Freitez<sup>40</sup>Genny Zúñiga<sup>41</sup>

Public policies on migration are, in general, a series of measures, actions and laws carried out by State institutions, both to ensure respect for the fundamental rights of foreigners living in a country, and to regulate the entry, exit and stay of the national or foreign population within its territory. The migration policies adopted in Venezuela throughout much of its history would correspond to those that Mármora (2004) calls “programmatic policies,” which were inscribed in the prevailing thinking about the role that the immigrant population could play in national development and the country’s settlement process. Consequently, and especially until the 1950s, migration policies were characterized by their relative openness.

During the 1960s, migratory policies established restrictions for new migratory inflows, except for cases of family reunification. Over the course of the 1970s, international migration was boosted once again but this time policies were aimed at attracting skilled immigrants. From these approaches, notable efforts were made in the formulation of legal and regulatory instruments accompanied by the creation of new institutional mechanisms, although responses did not always materialize at the pace that the country has required.

In recent years, Venezuela has ceased to be an attractive place for international immigration and, on the contrary, has tended to increase the migratory outflow of Venezuelans. Faced with the first signs of this shift in migration dynamics, it formulated

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<sup>41</sup> Genny Zúñiga is Specialist in Social Sciences Data Analysis from the School of Statistics of the Central University of Venezuela; Graduated in Sociology from the Catholic University of Venezuela (UCV); Former Director of Investigation of the Institute for Economic and Social Investigations of the Catholic University Andres Bello (IIES-UCAB).



some activities that sought mainly to maintain the link with Venezuelans abroad, considering that it concerned a skilled emigrant population. On the other hand, over the course of the 2000s, migration policy initiatives were mainly focused on updating the legislative framework, with the prevailing concern being Venezuela's focus as a receiving country. The emigration phenomenon has thus become practically invisible in State action and little attention has been paid to the development of policies aimed at the Venezuelan population abroad (Muñoz, 2016: 337), despite the massive flow of nationals who have crossed its borders during the last five years.

This part of the study is structured as follows: first, we present a brief analysis of the evolution of migration policies in Venezuela. Then, we analyze the normative framework governing migration processes in the country, the connection with international legal frameworks, and the institutional platform on which rests the responsibility of guaranteeing the fundamental rights of migrants, including those of immigrants arriving in the country and nationals who have chosen to settle elsewhere.

## **1. The Evolution of Public Policies on Migration**

Before the registration of the first significant migratory flow to Venezuela, which occurred in the 1950s, the country had already tried to promote international immigration as a key contributor to national progress, since its population was considered relatively small. In that sense, some legislative, institutional and organizational efforts sought to attract international immigrants, which were expressed in the approval of the 1936 Immigration and Settlement Act and the 1937 Foreigners Act. In addition, the Technical Institute of Immigration and Colonization (ITIC) was created in 1938 and was in charge of the implementation of the colonization policy. In 1941, the General Regulation of Colonies was promulgated in order to regulate the creation and operation of agricultural colonies. In 1942, the Law on Activities of Foreigners in the Territory of Venezuela was approved, and in 1947, the National Immigration Commission was founded. The ITIC was later replaced by the National Agrarian Institute (IAN) in 1949, which focuses more on agrarian activity than on the idea of promoting immigration. Along with the creation of the latter institutions, the racist content that had long been adopted in the country's legal framework was seen as limiting immigration and there was a proposal to discard it all together (Berglund and Hernández, 1985: 34-35, Pellegrino, 1989a, Torrealba and Oropeza, 1988, Torrealba et al., 1983; Freitez et al, 1992).

The period of the first important migratory flow into the country is recognized as the moment of greatest splendor in Venezuela's migratory history, during which European immigration did not cease. The intensity of this process was facilitated by the

adoption of an open-door immigration policy, which reduced the procedures and entry requirements and, progressively, set aside the targeted immigration plans the country had bet on for several decades with meager results. In this context, the Colonia de Turén was perhaps the most successful of all (Pellegrino, 1989a: 218). Immigrants of varying occupations were wanted in order to participate in the modernization project that had been undertaken (Torrealba et al, 1983: 378-379). Despite the country's high population growth in the 1950s, there was little understanding of its implications. The debate insisted on the need for immigration to contribute to population expansion through the arrival of entire families (Freitez, 1993: 83), whose arrival would also prevent the flight of foreign currency through remittances. However, migration policy at the time was focused on the recruitment of workers for State development projects and, therefore, immigration during this period mainly consisted of men.

The economic expansion of the 1970s allowed the Venezuelan State to undertake projects of a greater magnitude, particularly related to the development of basic industries and important infrastructure works. This demanded skilled labor that could not be satisfied through the national supply. To this end, from 1976 on, new entities were created for immigration management, with the establishment of the National Council of Human Resources, attached to the Office of the Presidency of the Republic for Coordination and Planning (CORDIPLAN).<sup>42</sup> During the first government of Carlos Andrés Pérez, the responsibility for formulating and implementing a Selective Immigration Policy was assigned to CORDIPLAN. The policy was expected to curb the indiscriminate entry of unskilled immigrants and guide the national executive branch on skilled labor requirements with the support of the Human Resources Program (Torrealba and Oropeza, 1988: 114).

Beginning in 1980, this program was transformed into the Office of Selective Immigration, with the Ministry of Labor as the supervisory body. In the same period, a new Regulation on the Admission and Residence of Foreigners in the Country was approved, and the General Registration of Foreigners was created with the purpose of investigating irregular immigration, which public opinion perceived as excessive. During Pérez's second mandate, the Selective Immigration Policy resulted in a Selective Immigration Program that, in turn, led to the creation of a Presidential Commission (COPRISE) responsible for developing the Program.

On the other hand, Venezuela approved the Andean Instrument for Labor Migration in 1977, which was intended to regulate migratory movements between countries in

<sup>42</sup> Equivalent to the Ministry of Planning at present.

the Andean region. At the beginning of the 1990s, migration policies in the Andean countries were criticized for being out of touch with reality after a review, due to the limited response capacity of State institutions in light of migratory dynamics. In Venezuela, as in other Andean countries, migration programs and policies were monitored and only deemed adequate following adjustments made in response to situations that demanded them (Torrealba, 1991: 88).

A new Constitution came into force in 1999, which gave rise to important advances in terms of guarantees and rights. Under this new legal framework, progress has been made in updating immigration legislation, such as by repealing the legal acts of the first half of the 20th century, which were not in harmony with the current Venezuelan and international context. In 2004, the government approved a new Migration Act and the Nationality and Citizenship Law. Through these laws, Venezuela confirmed its commitment to comply with the international acts it signed and ratified, and to the unification and integration processes it is a part of.

The National Government has signed all the resolutions and agreements related to migratory policies and good practices resulting from conferences and special meetings at the international and regional level (Hemispheric Conference on Migration Policies, South American Conferences on Migrations, MERCOSUR, UNASUR, among others). By signing these agreements, the Government of Venezuela, in general, has recognized the multi-causality of migration: its social, economic and structural causes, and the indispensable need to understand it in a comprehensive manner. However, the measures adopted in recent times have focused mainly on the administration and management of immigration, under the view that the country continues to behave as a pole of attraction. In fact, in presenting the motives behind the Immigration and Migration Act of 2004, the review of the existing legal framework and the discussion and proposal of a new legal instrument is explicitly justified by considering that Venezuela, despite its instability, maintained an increase in foreigners in search of better living conditions, a situation that cannot be substantiated by the available official statistics.<sup>43</sup> The emigration phenomenon, on the other hand, does not officially receive the same recognition.

In this sense, the national government has acted to guarantee the fundamental rights of immigrants residing in the country through the adoption of different measures, among which the following stand out: the execution of a Regularization Process of residency

<sup>43</sup> For more details on this issue, see the proposed law with comments made on its articles. Available at: [http://www.derechos.org.ve/pw/wp-content/uploads/ley\\_migraci%C3%B3n.pdf](http://www.derechos.org.ve/pw/wp-content/uploads/ley_migraci%C3%B3n.pdf)

status in 2004; the initiative in 2012 to implement a Foreigners Registry, as established by the Aliens and Migration Act of 2004, although it apparently did not pass the pilot test and there is no further information on the SAIME portal ([www.saime.gob.ve](http://www.saime.gob.ve)); the approval of the Law on Refugees and Asylees in 2001, as well as the creation of the National Commission for Refugees; and, the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2014). Despite the adoption of these measures, and others that will be detailed later, the various public entities with responsibilities in migratory matters have had difficulties in adopting and enforcing said measures, because there are gaps in their coordination with one another. A coordinating entity such as the National Migration Council, provided for in the Immigration and Migration Act of 2004, might be useful, and would make it possible to coordinate initiatives among public agencies and with civil society organizations that work to promote and guarantee migrant rights. However, this Council has not been set up to date.

With regard to Venezuelan emigrants, whose profile reveals a skilled population, there are no references to return programs as have been carried out in other countries, but there are some precedents such as the Return to the Fatherland Program (1997) of the Mariscal Scholarship Foundation of Ayacucho (FUNDAYACUCHO) and the National Council of Science and Technology (CONICIT). The goal of this program was to engage Venezuelans living abroad through work opportunities for a specific period of time. This program did not have the expected impact, due to failures in its implementation, and was interrupted until its revival in 2008 for a different purpose. It was mainly focused on the FUNDAYACUCHO scholarship holders in three cities (Berlin, Madrid and Paris), with whom they organized sensitization workshops to reflect on different topics, such as socialist ethics, the scholarship recipients' role in the Venezuelan socialist process, and the links between Venezuelan emigrants and the country's development plans (Ministry of Popular Power for Communication and Information, 2008, Moreno, 2008).

Another such program was Venezuelan Talent, implemented in the mid-1990s by the TALVEN Foundation. The TALVEN Foundation is a non-governmental organization which counted on the support of UNESCO until 1999. Subsequently, the program received backing from the Academy of Physical, Mathematical and Natural Sciences, the National Academy of Medicine and five other National Academies (Freitez and Osorio, 2007, Freitez, 2011).

Having registered a large influx of migrants from Venezuela during 2017 and the first half of 2018, the national government formulated the *Vuelta a la Patria* Plan with the aim of offering support to migrants who voluntarily express their desire to return to the country. The program is essentially aimed at Venezuelan citizens who are in a precarious economic

situation, which makes it impossible for them to assume the financing of the return trip by their own means.<sup>44</sup> To access this benefit, the interested party must register in the Plan Registration System by providing updated information about their situation abroad and providing copies or proof of the documents required in the registry. According to the numbers reported until October 2019, under this plan, 15,856 Venezuelans had been repatriated mainly from Brazil (7,285), followed by Peru (3,491) and Ecuador (3,242) and the rest of Colombia, Dominican Republic, Argentina and Chile (Ministry of Popular Power for Foreign Affairs, 2019).

At the beginning of 2018, the National Assembly worked on the implementation of the International Registry Project of Venezuelans Abroad (RIVE in spanish),<sup>45</sup> a digital tool developed by the Family, Women and Youth Commission of the Venezuelan parliament, in order to gather information to size and characterize the migratory process to contribute to support the design of public policies in this area and ensure the guarantees to the rights of those who have migrated. To date there is no information on the development of this initiative.<sup>46</sup>

## **2. The National Legal Framework and its Relationship with International Legal Frameworks**

This section offers a general review of the legal platform that supports migration at both the national and international levels. We begin by identifying the most relevant aspects of the general legal framework under which the rest of the laws and regulations on this

44 The official position regarding the attention it should provide to citizens who have migrated is ambiguous. On the one hand, the constitutional mandate that obliges to protect citizens in vulnerable situations is recognized and, on the other hand, it expresses that the Venezuelan State is not obliged to do so. This ambiguity is expressed in the portal of the Consulate General of Venezuela in the Canary Islands of the Kingdom of Spain where it is said that “The Plan Back to the Homeland” is a social program of support and encouragement for the return to those who for various reasons have voluntarily abandoned the country. The Venezuelan State is not obliged to do so but develops this social program in response to a real need, and compliance with the constitutional mandate that obliges all citizens in vulnerable situations to be protected. It is a human rights protection program of migrant Venezuelans. Available at: <http://consuladodevenezuela.es/contenido.php?idNot=10264> (accessed 12-20-2019).

45 Registro Internacional de Venezolanos en el Exterior (RIVE). The RIVE was available on the portal [www.rive.an.gob.ve](http://www.rive.an.gob.ve), but is currently deactivated.

46 The NGO Espacio Público, in its report entitled “The State does not timely and adequately report on the Venezuelan immigration situation,” refers to the requests for information made to the National Assembly throughout 2019 on the status of the operation of the RIVE, the which were not answered (Espacio Público, 2019).

topic are governed: the 1999 Constitution. Subsequently, we provide an overview of the main immigration standards that regulate the entry and residence of foreigners in Venezuela, the granting of nationality and citizenship, as well as the protection of the right to refuge and asylum and other regulatory acts related to migrants' rights framed within the agreements and treaties signed by the country.

Furthermore, we provide a succinct description of the institutional framework, identifying the main institutions that work on migration issues, their responsibilities, the forms of inter-institutional coordination, as well as other governmental entities that not only look after the rights of migrants, but also of those who are disadvantaged and require special protection, as is the case with refugees.

## **2.1. National Normative Framework Governing the Migration Process: Principles of the 1999 Constitution**

The Constitution of the Bolivarian Republic of Venezuela was approved in 1999 and explicitly establishes before the law the equality of all persons; this also applies to persons who were not born in the Venezuelan territory. Article 21 states that "Discrimination will not be allowed, whether based on race, sex, creed, social status or those that, in general, have as their objective or result in nullifying or undermining the recognition of, enjoyment or exercise in conditions of equality, the rights, and freedoms of every person." Likewise, said article establishes the obligation to guarantee the necessary legal and administrative conditions so that equality before the law is real and effective, to adopt measures in favor of persons or groups that may be discriminated against, marginalized or in vulnerable situations, and to sanction the abuses or mistreatments that are committed against them.

The constitutional text also considers the premises for obtaining nationality. Specifically, Article 32 gives an account of the extension of the right to nationality, not only exclusively to those born in the national territory but also to those who were born in a foreign territory to Venezuelan parents by birth or naturalization, under the assumption that it is also a personal decision to opt for said nationality.<sup>47</sup> Article 33 specifies the circumstances under

<sup>47</sup> Article 32 reads as follows: "Are Venezuelans by birth: 1. Any person who was born within the territory of the Republic. 2. Any person who was born in a foreign territory, and is the child of a father and mother who are both Venezuelans by birth. 3. Any person who was born in a foreign territory, and is the child of a father or a mother, who is Venezuelan by birth, provided they have established residence within the territory of the Republic or declared their intention to obtain the Venezuelan nationality. 4. Any person who was born in a foreign territory, and is the child of a father or a mother who is Venezuelan by naturalization, provided that prior to reaching the age of 18, they establish their residence within the territory of the Republic, and before reaching the age of 25 declare their intention to obtain the Venezuelan nationality."

which foreigners have the right to nationality.<sup>48</sup>

The 1999 Constitution establishes some differences with respect to the constitutional framework of 1961 it replaced, insofar as the spectrum of citizens enjoying preferences for obtaining nationality was broadened, including those originating from other European countries (the Constitution of 1961 only specified Spain) and Caribbean countries. The constitutional text itself specifies what benefits are afforded to these citizens.

Although these details aim to expand the possibility of naturalization through marriage, obtaining citizenship is not immediate as it was under the 1961 Constitution. In the new framework, it establishes the need for a marriage to have lasted at least five years. In the same line, a minimum requirement of uninterrupted residence is specified when dealing with minors. However, unlike in the 1961 Constitution, whether or not foreign minors adopted by Venezuelans residing in the Republic also have the possibility of acquiring nationality by declaring their will to obtain it before the age of 25 is not specified.

An important variation in terms of the extent of rights to nationality was introduced in the current Constitution through Article 34: “Venezuelan nationality is not lost when opting for or acquiring another nationality.” This change is part of the generalized trend in contemporary constitutional legal systems that allows an individual to have two nationalities, which enable him to establish legal ties with two different States (Ferrer, 2009).<sup>49</sup> The idea behind this legal norm, from a human rights perspective, is to guarantee the original nationality of the people who are forced to leave their countries of origin due to persecution for different reasons or their adverse living conditions. In the specific case of Venezuela, this constitutional principle offers the descendants of the migratory waves of the 1950s and 1970s an important opportunity

<sup>48</sup> Article 33 reads as follows: “Are considered Venezuelans by naturalization: 1. Foreign nationals who obtain a naturalization letter. In order to do so, they must have at least ten years of uninterrupted residence immediately preceding the application date. The period of residence shall be reduced to five years in the case of foreign nationals whose original nationality is that of Spain, Portugal, Italy, or a Latin American or Caribbean country. 2. Foreign nationals who marry a Venezuelan, upon declaring their wish to adopt the Venezuelan nationality, which may be done at least five years after the date of marriage. 3. Minors of foreign nationality, on the date of the naturalization of one of his/her parent who exercises parental authority, provided that such minor declares his or her intention of adopting the Venezuelan nationality before reaching the age of 21, and has resided in Venezuela without interruption throughout the five-year period preceding such declaration.”

<sup>49</sup> It allows citizens the right to own property without paying taxes as foreigners, to work legally, to access subsidies and services from governments and States, as well as to acquire fiscal responsibilities, for example, or other obligations.



to obtain their parents' or grandparents' nationality, by offering not only the possibility of becoming citizens of a State additional to that of residence, but also of facilitating the option of migrating to those countries in search of better living conditions.

These constitutional principles determine the different national regulations related to migration, which we review below.

## **2.2. Venezuelan Migratory Regulations**

A general look at the country's national regulations on migration allows us to explain what the law stipulates, first on the criteria to establish citizenship, then on the parameters for admission, entry, residence, registration, information control, exit and re-entry of foreigners in the national territory, as well as the rights of migrants enshrined in other legal acts.

### *- The Nationality and Citizenship Act of 2004*

The Nationality and Citizenship Act of 2004—presented in July 2004 in Official Gazette No. 37,971—repealed the Citizenship Act of 1955. With this Law, new norms were established on the acquisition, resignation and recovery of Venezuelan nationality, as well as its revocation and nullification. In addition, it is the act through which constitutional principles concerning the exercise of citizenship and the grounds that may lead to its suspension are developed. For such purposes, the law establishes the conceptual aspects and the main criteria and conditions for obtaining nationality,<sup>50</sup> to which rights and duties that must be fulfilled are attached. In Article 6, the constitutional provision ratified states: “Venezuelan nationality is not lost when acquiring another nationality, unless it is waived expressly to the competent Venezuelan authority,” and Article 7 establishes the mandatory use of the Venezuelan nationality to enter and leave the country, as well as the duty to identify as Venezuelan in the face of “civil and political acts.”

The Law establishes, moreover, that the certificate of Venezuelan nationality will be granted by the competent authority. The identity certificate is currently processed by SAIME, an affiliate of the Ministry of Popular Power for Interior Relations, Justice and Peace. Through this organization, the Government began an identity card

<sup>50</sup> In this new Law the concepts that govern the fundamental principles of regulation are defined: 1) Nationality: legal and political link that unites the person with the State; 2) Citizenship: the legal status obtained through the Venezuelan nationality, which allows the enjoyment and exercise of the political rights and duties provided for in the Constitution of the Bolivarian Republic of Venezuela and in the laws; 3) Foreigner: any person who is not a national of the Bolivarian Republic of Venezuela.



initiative in 2004, within the framework of Mission Identity,<sup>51</sup> whose main objective was to provide identity documents expeditiously to the population that, for various reasons, did not carry any. It is understood that in this process naturalized foreigners also benefited from the rapid renewal of their identity documents, although there are no statistics in this regard.

*- Regulation for the Regularization and Naturalization of Foreigners in National Territory*

This regulation—approved by Decree No. 2823 and published in the Official Gazette No. 37,871 on February 3, 2004—establishes the parameters for the regularization and naturalization of foreigners within the Republic’s territory that meet the requirements, as well as of those who are in an “irregular” condition.

Regarding rights, said regulation is explicit in view of the fact that its guiding principles are based on “the obligation of the State to defend and guarantee human rights, dignity, fair and equitable treatment, gratuity, a timely and adequate response, honesty, transparency, impartiality and good faith, to implement an effective procedure that addresses the requests made by foreigners” who are in the national territory. This regulation also specifies that the governing body is the Ministry of Popular Power for Internal Relations, Justice and Peace, through SAIME.<sup>52</sup> In addition to these institutions, the regulation specifies that the Ministries of Education, Culture and Sport, Labor, Defense, Foreign Affairs, Communication and Information and the National Institute of Statistics must assist in the implementation of the regulation.

The Ministry, through its executing agency (SAIME), has the power to “simplify or eliminate administrative procedures in the processes of regularization for the admission and permanence of foreigners with irregular status and in the process of naturalization, in accordance with the principles and norms established by the Law that regulates the matter.” In general, it seems that changes in the legal provisions have brought greater benefits to the population as their rights have been expanded the facilitation of the procedures to acquire Venezuelan nationality.

<sup>51</sup> “Mission Identity” is part of the set of social programs that were launched during President Chávez’s first term, “aimed to expeditiously provide an identity document to the excluded population and thus guarantee their right to vote” in the Recall Referendum that was held in 2004 (<http://pasaporte.saime.gob.ve/?q=node/18>).

<sup>52</sup> Formerly National Office of Identification and Foreigners (ONIDEX).

*- 2004 Law of Migrants and Foreigners*

Migratory matters are specifically governed by the Law of Migrants and Foreigners of 2004,<sup>53</sup> published in the Official Gazette No. 37,944 in May 2004. This norm establishes that the bodies responsible for migration matters are the Ministries “with competencies in the areas of foreign affairs, defense and work.” Article 3 defines foreigners as “any person who is not a national of the Bolivarian Republic of Venezuela” and Article 6 categorizes them as follows: 1) Non-migrant: those who enter and remain for less than 90 days with no intention of establishing residency in the country; 2) Temporary migrants: those who enter with the intention of remaining until they conclude the activities for which they decided to come to the country; and, 3) Permanent migrants: those who are authorized to remain indefinitely in the country. The law clarifies that in the case of those who enter the territory as refugees or asylum seekers, their condition will be governed by the specific law that regulates this matter.

On the other hand, Article 13 provides that foreigners enjoy the same rights and duties as nationals, in line with the provisions of the Constitution of the Republic. Article 15 specifies that foreigners “have the right to effective judicial protection in all acts that concern them or they are involved in,” respecting all guarantees provided in the constitution.

The law clarifies the requirements regarding the admission, entry, and exit of people to the country. In this regard, the law makes explicit that the foreigner must have a valid passport in addition to the appropriate visa. Those who represent a religious cult and who enter the country for related activities, must obtain an authorization from the appropriate national executive body. Meanwhile, those who enter through an employment contract must obtain work authorization before the labor authority and through its contracting party in Venezuela. Article 17 identifies the conditions under which exceptions apply, such as for professionals who enter to work for a period not exceeding 90 days; activities covered by cooperation and technical assistance agreements; or, members of scientific commissions authorized by the State. The following persons cannot be admitted into the national territory: foreigners wanted by foreign police or judicial authorities, who have been expelled and are prohibited from entering the country, who have committed crimes or violations of human rights or international humanitarian law, who have ties to the trafficking of narcotics or those suffering from infectious diseases or who otherwise

<sup>53</sup> This Law repeals several old legal provisions: the Foreigners Act of 1937, the Law on Foreigners’ Activities in the Venezuelan Territory of 1942, and the Immigration and Settlement Act of 1966.

might compromise public health.

Article 21 of this Law establishes the creation of a national registry of foreigners in which all immigrants who enter the country must register. Eight years after the approval of the Migration Law, an attempt was made to implement said registry in a pilot and for some time it was available on SAIME's website, but without much clarity regarding how to proceed with registration. Likewise, Article 28 of the Law contemplates the constitution of the National Migration Commission as an advisory body of the national executive in the fulfillment of the established functions, an aspect to which we will return later.

This law establishes the regulatory framework for the entry and stay of non-nationals, which this regulation defines as foreign, and for the operation of these management and control entities. The Law does not contemplate the other side of the coin of the migratory act—the emigration of nationals—and in this respect, it does not include any section (or chapter) referring to the Registry of Venezuelans Residing Abroad and the protection of their rights.

*- Procedural Rules for the Issuance of Visas*

The Procedural Rules for the Issuance of Visas were published in Official Gazette No. 5,427 of January 2000, prior to the entry into force of the Foreigners and Migration Law (2004) and until now seems to be the norm that governs this process.<sup>54</sup> This Law regulates the types of immigrants entering into the country based on income, categorized in Article 1 as: a) Tourist; b) Simple passerby, classified as: transient businessperson, investor, entrepreneur/industrialist, Venezuelan relative, domestic worker, student, cleric, family member, re-entry, laborer and rentier; or, c) Transit traveler. Likewise, it specifies in Article 40 that when the investor, relative, rentier, domestic worker, cleric or laborer has stayed at least one year in the country without interruption and applies to the Ministry of the Interior and Justice for resident status, the Ministry will grant it, requiring it to be renewed every five years. This provision allows those who enter the country to extend their stay and does not specify if said residence occurs in conditions diverging from the initial ones and for which the visa was granted, thus making it a regulation that offers a certain laxity regarding the

<sup>54</sup> This rule repeals Joint Resolution No. 072 of the Ministry of Internal Affairs together with No. 067 of the Ministry of Foreign Affairs, of April 1989, on the Procedural Rules for the Issuance of Visas. It also repeals Joint Resolution No. 498 of the Ministry of Internal Affairs and No. 186 of the Ministry of Foreign Affairs of October 1997 on Rules for the Issuance of Transient Laborer Visas to Foreign Press Correspondents.

residence of foreigners in the Venezuelan territory.

- *Organic Law of Civil Registry*

The Organic Law of Civil Registry published in Official Gazette No. 39,264 of September 2009<sup>55</sup> aims “to regulate the competence, training, organization, operation, centralization of information, supervision and control of the Civil Registry.” Article 16 of this law makes explicit the creation of a National Civil Registry System under the responsibility of the Ministry of People’s Power of Interior Relations and Justice, Foreign Affairs, Health, Indigenous Peoples and Communities, with the governing body of the system being the National Electoral Council.

Among the migratory events that must be registered in said registry are the following: information related to 1) the acquisition, selection, resignation, and loss of nationality; 2) residence; and 3) temporary and permanent migrant status, as well as the loss and revocation of said status.

With regard to obtaining nationality through naturalization, Article 132 establishes the right to have the act registered in the Civil Registry. Both the voluntary declaration of accepting Venezuelan nationality (Article 134) and the decision to renounce it (Article 136) must be done in the offices of the Civil Registry, or the diplomatic or consular authority if abroad.

When it comes to the marriages of Venezuelans carried out abroad, Article 115 of this law also provides for its declaration before the diplomatic or consular delegation of the country where the union has occurred, in order for it to also be incorporated into the Civil Registry. In the case of foreigners married abroad and resident in the country, they also have the obligation (Article 116) to present a legalized copy of the marriage certificate (translated by a public interpreter if necessary) to the Civil Registry within 15 days, counted from the moment residence was established in the country.

- *Organic Law on Refugees and Asylum Seekers*

In 2001, Venezuela approved the Organic Law on Refugees and Asylum Seekers (LORRAA), with the fundamental purpose of recognizing and guaranteeing the right to asylum and refuge. In Article 4, this legal act defines a refugee as:

<sup>55</sup> With the entry into force of this law, a series of articles of the following legal instruments were repealed: the Civil Code, the Code of Civil Procedure, the Organic Law of Municipal Public Power, the Organic Law for the Protection of Children and Adolescents, the Public Registry and Notarial Law and the Nationality and Citizenship Law.

*“Any person to whom the competent authority recognizes such condition, by virtue of having entered the national territory due to well-founded fears of persecution for reasons of race, sex, religion, nationality, belonging to a certain social group or political opinion, and who finds himself outside the country of nationality and cannot or does not want to benefit from the protection of that country; or who, lacking nationality, cannot or does not want to return to the country where he previously had his habitual residence.”*

Article 38 defines the status of asylum as when the State considers that the person is persecuted because of their beliefs, opinions or political affiliation, “for acts that may be considered political crimes, or for common crimes committed for political ends.” Another aspect of this law is the principle of “*non-refoulement*” established in Article 7: any person requesting refugee status cannot be rejected or forced to return to the territory where their physical integrity, freedom, and even life can be at risk. Therefore, the law establishes that the return must be voluntary.

This law contemplates the creation of the National Refugee Commission, with the objective of guiding and coordinating the necessary actions for providing protection, assistance and legal support to asylum seekers and those already with refugee status. Such legal regulations are in accordance with the provisions of Article 69 of the National Constitution, which recognizes and guarantees the right to asylum and refuge. The LORRAA sought to guarantee the human rights of the people in this situation and respond to the plight of the displaced Colombians in the border areas, many of them undocumented and in need of protection.<sup>56</sup>

#### *- Other Instruments Regulating Conditions for Foreigners*

The Constitution of the Bolivarian Republic of Venezuela generally considers aspects related to issues of territory, borders and migration when Article 156 states that it is the responsibility of the National Public Power to manage border policy and the sovereignty of the territory, as well as legislation on immigration and settlement. From this constitutional mandate, other regulatory frameworks in the country, although they regulate issues other than migration, consider it as part of the rights that must be preserved for the inhabitants of the territory. Thus, for example, the Organic Law on Labor and Workers (LOTTT) states in Article 3 that the provisions contained in the law will govern both nationals and foreigners, so that they are also protected by its legal framework.

<sup>56</sup> For more details, see the “Declaration and Plan of Action of Mexico to Strengthen the International Protection of Refugees in Latin America.” Available at: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/3016>

When it comes to immigrants entering the country to exercise some economic activity, Article 27 of the LOTTT specifies that 90 percent or more of the workers in an organization must be Venezuelans, leaving only 10 percent of positions available for non-nationals. Likewise, it is established in Article 29 that foreign personnel must be given priority in hiring when they have children born in the national territory, or are married to nationals, having established their domicile in the country, and having resided more than five continuous years. Remuneration is also regulated by this legal framework for foreigners; they must not “exceed twenty percent of the total remuneration paid to the rest of the workers.” These measures established in the LOTTT aim to protect national labor against foreign labor, establishing parameters both for contracting and for the remuneration of foreigners in the national territory.

As for the possibility of exercising a public office, either by appointment or by popular election, the Constitution also specifies the limits imposed on foreigners in this regard. Article 41 states that only Venezuelans by birth and without another nationality may hold the Presidency of the Republic, the Vice Presidency of the Executive and the National Assembly, the Magistracy of the Supreme Court of Justice, the Presidency of the National Electoral Council, the Office of the Attorney General, the Comptroller’s Office, the Prosecutor’s Office and the Ombudsman’s Office. On the other hand, naturalized Venezuelans may be Congress people, Ministers (not related to the security of the Nation), Governors, and Mayors, provided they have uninterrupted residence in the country for more than fifteen years.

Another very important right for foreigners is the right to vote. Article 64 of the Constitution provides that they can elect representatives to state, municipal and parochial positions, as long as they have resided in the country for ten or more years. However, they do not have the possibility to vote when it comes to presidential elections. These constitutional mandates are included in the articles of the Organic Law on Electoral Processes of 2009.

### *Return Migration Law*

The National Assembly, whose majority of parliamentarians belong to political organizations not identified with the ruling party, also worked on the formulation of the “Return Migration Law” Project, whose objective is to regulate and encourage the voluntary return of Venezuelans who left the country voluntarily or forced. This Law was passed on December 12, 2018, but the same, given the institutional crisis that Venezuela has been experiencing since 2015, has had the same fate as the rest of the laws passed by Parliament, which have not been finally endorsed by the President of the Republic to be executed, given that, as stated before, the TSJ has disabled the National Assembly in its functions by considering it in contempt.

## 2.3. Relevant International Acts

There is an international legal framework based on the protection of human rights that considers migratory matters, among many aspects, to which the Venezuelan State is associated. The following table lists treaties, conventions, agreements, declarations, protocols and principles in chronological order according to their date of occurrence.<sup>57</sup>

Year	Instrument	Date Ratified by Venezuela*
2004	Declaration and Plan of Action of Mexico. Refugees	-
2002	Quito Declaration on Migration, Democracy, Development and Human Rights International Refugee Law	-
2001	Declaration and Program of Action of the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance	-
2000	Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	2002
2000	Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and child pornography	2002
2000	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the Convention against Transnational Organized Crime	2005
1999	Convention No. 182 on the Worst Forms of Child Labor	2004
1998	Guiding Principles on Internal Displacement of the United Nations Commission on Human Rights	-
1995	Copenhagen Declaration and Program of Action	
1994	Declaration and Program of Action of the Conference on Population and Development	
1994	San José Declaration on Refugees and Displaced Persons. International Refugee Law	-
1990	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	2014
1985	Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which They Live	-
1984	Cartagena Declaration on Refugees	-
1979	Convention on the Elimination of All Forms of Discrimination Against Women	1982
1967	United Nations Declaration on Territorial Asylum	-
1966	Protocol on the Refugee Statute	1986
1951	Convention on the Status of Refugees	-
1975	Convention No. 143 on Migrant Workers	1983
1962	Convention No. 118 on the Equality of Treatment (Social Security)	1981
1961	Final Act of the United Nations Conference on the Elimination or Reduction of Future Statelessness	-
1954	Final Act of Plenipotentiaries on the Status of Refugees and Stateless Persons	-
1952	Convention No. 102 on Social Security (Minimum Standards)	1981
1950	Statute of the Office of the United Nations High Commissioner for Refugees	-
1949	Convention No. 97 on Migration for Employment	1983

\* Only in the case of conventions and treaties to which the date of ratification applies.

<sup>57</sup> The ratification date only applies in cases in which the type of legal act warrants it.



The international acts related to human rights and the rights of migrant workers in which Venezuela has participated in some way reflect a spirit based on the protection of and respect for human dignity, ensuring that differences among individuals are not the cause for violation of their rights. In particular, migrant workers are a key element in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and we highlight its recent ratification by Venezuela in May 2014. The objective of the Convention is to establish measures that prevent irregular migration, providing a legal framework that aims to protect migrant workers' working conditions, particularly those who may be victims of human trafficking networks.<sup>58</sup>

In accordance with constitutional principles, other national laws and regulations, and accession to a significant number of signed agreements and treaties, the country is framed in a broader perspective of recognition and promotion of human rights in general and those of workers and migrants in particular.

## **2.4. Regional and Bilateral Agreements**

The adaptation of national legislative instruments is not enough to guarantee the regulation of migration processes, hence the importance of taking advantage of spaces for regional integration as well as bilateral negotiations between countries, in order to address the problems related to international migration and work to strengthen the regulatory frameworks and institutional mechanisms that contribute to governance in this area. In this section, we reference the commitments to migration issues acquired by Venezuela in regional and bilateral agreements.

### *- Regional Agreements*

The Andean Community of Nations (CAN), formed in 1996, is the longest-standing regional agreement signed by Venezuela. Its origins date back to the creation of the Andean Pact in 1969 with the signing of the Cartagena Agreement, which Venezuela joined in 1973. Within the framework of this integration project, different agreements were approved in specific areas, one of them being the Simón Rodríguez Convention on socio-economic integration, human resource planning, and mobility and protection of the migrant labor force. In order to achieve these goals, the Andean Labor Migration Instrument was sanctioned (Decision 116), establishing the creation of Labor Migration Offices dependent on the Ministries of Labor for operation and enforcement. This regulation, considered a state-of-the-art attempt to regulate labor migration, faced many difficulties in its application, as it failed to become a real

<sup>58</sup> For more details, see: <http://www.ohchr.org/EN/HRBodies/CMW/Pages/CMWIndex.aspx>



community authority over national legislations (Torales, González and Pérez, 2003).

In 2006, President Hugo Chávez announced Venezuela's departure from the CAN, which became fully effective in 2011. Since then, the National Government's interests have been focused on other areas of regional integration, among them: the Southern Common Market (MERCOSUR) and the Union of South American Nations (UNASUR). The former seeks as its main objective the free circulation of goods and services together with the adoption of a common commercial policy, and regarding the migratory field, the free movement of persons between member countries with a view to strengthening the integration process.

In this sense, the States associated to the block<sup>59</sup> signed an agreement on the recognition of the personal identification documents of each country as valid documents for the transit of nationals among the different member states. When dealing with foreigners residing in a State associated with the block, people may circulate with documents defined by the recipient country, provided they do not require a visa to enter that country given their nationality of origin.

Since the beginning of the 1990s, MERCOSUR has been working on an agenda of migration agreements including attention to problems related to the smuggling of migrants, human trafficking, child trafficking, rules of access and residence, migrants in irregular situations, the protection of refugees, the free movement of labor and the promotion of workers' rights and social security, among others.

In 2012, Venezuela joined MERCOSUR as a full member, and then, participated in the Specialized Forum on Migration (FEM), where discussions on migratory policies to be applied through integration mechanisms take place (Bolivarian Republic of Venezuela, 2017: 36). If before this date the country had made some efforts to adapt its migratory policies to the current needs, it still needed to adjust its normative and institutional framework in order to be in tune with the agreements in force among the member countries of this regional bloc. Venezuela was obliged to extend, before 2016, the benefits of the Residency Agreement to the rest of the founding MERCOSUR countries and its associates, which in addition to Bolivia and Chile, include Colombia, Ecuador and Peru. In this sense, the Venezuelan government has recently reported—in the *National Report on the Advancement in the Implementation of the Montevideo Consensus on Population and Development*—the addition of the following regulations to the legal system: i) Decree No. 46/00 Installation of Privileged channels of entry

<sup>59</sup> Brazil, Paraguay, Uruguay, Bolivia, Chile, Colombia, Ecuador, Peru as well as Venezuela.

into airports for MERCOSUR citizens; ii) Decree No. 47/00 Installation of Privileged Entry Channels in airports for MERCOSUR citizens of the Republic of Bolivia and the Republic of Chile; iii) Decree No. 12/91 Facilitation for citizens of MERCOSUR; iv) Decree No. 112/94 Common characteristics to which identification documents for circulation among the States Parties should be upheld; v) Decree N° 59/96 Creation of Query Center for Personal Documents of MERCOSUR Consultation Centers for Personal Documentation (C.C.D.P.); vi) Decree No. 74/96 Entry / Exit Card (TES); and, vii) Decree No. 40/98 Common characteristics to which passports should be upheld (Bolivarian Republic of Venezuela, 2017: 36).

Despite the progress reported, the country showed delays in its commitment to formally fulfill this agreement by extending its benefits to citizens of all MERCOSUR countries, even though Venezuelans were benefiting from temporary 2-year residence permits and permanent permits. However, in 2014, the Colombian government decided to suspend the issuance of MERCOSUR visas for Venezuelans after the government of Nicolás Maduro decided to reduce residence permits for Colombian citizens (Muñoz, 2016: 359-360).

Since 2017, Venezuela has been suspended from MERCOSUR for “breaking the democratic order.”

UNASUR is another relevant association to which the country belongs. Created in 2008, UNASUR has the fundamental objective to promote regional integration, specifically in the areas of education, health, infrastructure, security, democracy, energy and environment. Member States, along with Venezuela, are: Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Guyana, Paraguay, Peru, Suriname, and Uruguay.

UNASUR has proposed promoting the consolidation of a South American identity through the recognition of the rights of nationals from countries other than their own and members of the Union of Nations.<sup>60</sup> Based on this principle, the group decided to promote the construction of a South American citizenship in November 2012. To this end, the South American Citizenship Working Group (GTCS) was created, and the government of Venezuela reports it participated in debates on resolutions for “procedural simplification, recognition of travel documents (passports) among all States Parties,” pointing to “the possibility of implementing a common UNASUR passport and developing an Information Platform for South American Citizens (PICSUR), an online tool that avails consular and migratory information of interest

<sup>60</sup> Available at: <http://www.unasur.org/uploads/b7/38/b738ebb857a7720d048c0b32a39b5f32/Decision-14-Creacion-Consejo-Seguridad-Ciudadana-Lima-30-noviembre.pdf>

to South American citizens” (Bolivarian Republic of Venezuela, 2017: 36).

Currently, UNASUR has decided to maintain a low profile in view of the reshuffling of political leadership in the region, after the death of President Chávez in Venezuela and the participation of new heads of state who hold a different political-ideological orientation than that which previously prevailed within the organization.

Another space for regional integration which Venezuela belongs to is the Community of Latin American and Caribbean States (CELAC). In this regard, the approval of the Action Plan by CELAC and the European Union (EU) stands out, including a chapter on migration issues that has as its main objectives to (Bolivarian Republic of Venezuela, 2017: 36):

- i. “intensify bi-regional cooperation by identifying common challenges and opportunities that require common solutions;
- ii. create a more solid documentary base on migration between both regions, in order to better understand the reality;
- iii. address positive synergies between population and development;
- iv. take full advantage of the effects of migration and human mobility on development;
- v. address regular and irregular migration and other related issues, such as the illegal trafficking of migrants and human trafficking;
- vi. promote full respect for the human rights of all migrants, including unaccompanied minors.”

#### *- Bilateral Agreements*

Bilateral agreements on migration issues are mechanisms that usually adjust to the needs and specificities of the States involved, defined in accordance with other bilateral ties. Within the framework of bilateral relations with bordering countries, it is worth mentioning the signing of an Agreement between the Venezuela and Brazil on Linked Border Localities, published in the Official Gazette No. 39,558 of 2010. Its objective is to establish a special border regime for the entry and exit “of goods for personal use and consumption, as well as the border transportation of passengers in the referred locations by their residents,” as stated in the Agreement’s first article. The localities for the application of this special regime are Santa Elena de Uairén, Bolívar state, Venezuela, and the town of Pacaraima, Roraima state, Brazil. It specifies

that the regime will be applied to residents of said localities that carry the Border Neighborhood Identification Card, authorizing the entry and exit of subsistence merchandise free of import and export taxes for personal and family consumption, including: food, cleaning and grooming products and cosmetics, clothing and accessories, footwear, books, school supplies, magazines and newspapers.

Another agreement celebrated in that same year was the creation of Binational Centers for Assistance to Migrant Women along the Brazil-Venezuela Border, whose objective is to establish a framework for cooperation that contributes to mutual collaboration to form a bilateral network of attention to migrant women in situations of violence. The entities involved are the Ministry of Popular Power for Women and Gender Equality in Venezuela and the Special Secretariat for Policies for Women in Brazil. In MinMujer's International Relations Office report,<sup>61</sup> there is a set of activities promoted by both countries in the framework of the agreement until 2013, which include the Binational Border Committee's creation of Women's Houses.

Along the Colombian-Venezuelan border, the migratory movement has historically been more active, a fact that motivated the signing of agreements that attempt to regularize the transit of residents of both countries and their residence, such as the Treaty of Tonchalá of 1959. The purpose is to eliminate difficulties of transit and residence and strengthen bonds of friendship between the two countries. The agreement includes, among other activities, conducting a census of their respective nationals who are domiciled in the other country and to document them adequately in order to grant them residence, with the purpose of regularizing their situation. Additionally, the treaty establishes the granting of special work permits in the border area for agricultural or industrial workers. This treaty emphasizes the regulation of labor migration.

Similarly, the creation of a Border Integration Zone (ZIF) was agreed between the Venezuelan state of Táchira and Colombia's North Santander Department. This agreement is in force, as reported by the Ministry of Foreign Affairs of Colombia on its website.<sup>62</sup> However, with Venezuela's departure from the Andean Community of Nations (CAN), it may have been left without a legal basis, considering that it came out of Decision 501 of this regional group.

<sup>61</sup> See: [http://www.mercosurmujeres.org/userfiles/file/files/rmaam\\_2012\\_2/IIRMAAM\\_ANEXO14\\_INFORME\\_ME\\_BRASIL\\_VENEZUELA.pdf](http://www.mercosurmujeres.org/userfiles/file/files/rmaam_2012_2/IIRMAAM_ANEXO14_INFORME_ME_BRASIL_VENEZUELA.pdf)

<sup>62</sup> See: <http://apw.cancilleria.gov.co/tratados/SitePages/BuscadorTratados.aspx?TemaId=33&Tipo=B>

In 2012, the Venezuela-Peru Declaration was signed to facilitate the regularization of Peruvians in Venezuela, through which residence is granted to those who request it. The norms to facilitate the regularization of Peruvian citizens in Venezuela were published in the Official Gazette No. 40,157 of 2013. Citizens of Peruvian nationality who apply for the norm are those who are non-permanent migrants and registered in the Registry of Citizens' Regularization of Other Nationalities that SAIME oversees.

On the other hand, an Ecuador-Venezuela Migratory Statute was also defined in 2010,<sup>63</sup> establishing that nationals of one country can enter the other without a visa for a period of 90 days, extendable for the same period of time. Likewise, nationals of both countries can request temporary residence, regardless of the migratory category with which they entered the country. In April 2011, SAIME began the process of regularizing Ecuadorian citizens residing in Venezuela in accordance with the agreement signed between the Governments of Venezuela and Ecuador in the framework of the VIII Presidential Meeting held in 2010.<sup>64</sup>

In terms of social security, the Venezuelan Government has signed agreements with different countries, such as Spain,<sup>65</sup> Portugal,<sup>66</sup> Italy,<sup>67</sup> Chile<sup>68</sup> and Uruguay.<sup>69</sup> Those who can benefit from these agreements must be workers who provide or have provided services in one or both countries party to the agreement, as well as those who derive rights from the previous ones, that is, they have the right to survivor benefits. The agreements stipulate, among other aspects, the temporary transfer of workers and, perhaps most importantly, the payment of pensions abroad without deductions, an advantage that many of the citizens who entered Venezuela during the migratory flux

<sup>63</sup> Migratory Statute between the Republic of Ecuador and the Bolivarian Republic of Venezuela (2010). In Official Gazette No. 39,529. Legislative Power of Venezuela.

<sup>64</sup> Consulted in: [www.elmundo.com.ve/noticias/histórico/inicia-proceso-de-regularizacion-de-ecuatorianos-e.aspx](http://www.elmundo.com.ve/noticias/histórico/inicia-proceso-de-regularizacion-de-ecuatorianos-e.aspx)

<sup>65</sup> Social Security Agreement between Spain and Venezuela: <http://www.judicatura.com/legislacion/1363.pdf>

<sup>66</sup> The Ibero-American Multilateral Social Security Agreement of Quito.

<sup>67</sup> Approved in May 1990.

<sup>68</sup> Bilateral Agreement on Social Security Chile: <http://www.eumed.net/oe-ess/lit/convenio%20chile%20venezuela%20en%20Seguridad%20Social.pdf>

<sup>69</sup> Available at: <http://www.eumed.net/oe-vess/conv/36276.pdf>

of the 1950s have benefited from.

Within the framework of its cooperation relations, the People's Republic of China and Venezuela signed an agreement in 2005 for the Facilitation of Visa Procedures for Citizens Covered by Cooperation Agreements, to the benefit of the executives and technicians of the companies that participate in the economic agreements between both countries. In the Official Gazette No. 38,151 of 2005, it is decreed that the State will grant a valid transit business visa for one year, which will allow for multiple entries and renewal for one more year.

Regarding the Comprehensive Cooperation Agreement between Venezuela and Cuba, it is worth noting that, although it does not enshrine aspects related to migration, since it is a cooperation in health, sports, energy, oil, information technology, housing, food, and agriculture, it has relevance in the migratory sphere, especially considering that in both countries there has been an important exchange of health and sports professionals who enter the country to "work" but are not considered proper labor migrants since their work activities are governed by the rules of the agreement and not by the corresponding national legislation.

## **2.5. South American Conference on Migration: South American Plan for the Human Development of Migration**

The South American Conference on Migration (CSM), although it is a non-binding regional mechanism, promotes dialogue and agreements on migration by recognizing the importance of migratory movements in the region. The Conference began in 1999, within the framework of the South American Meeting on Migration, Integration and Development, in which all South American countries participated, except Guyana and Suriname. The first edition of the Conference was held in 2000 and it is held annually in a South American country.

During the tenth edition of the Conference the South American Plan for Human Development for Migration was approved, which identifies the concept of human development as the center of regional migration policies, recognizing people's freedom to choose where they want to live in seeking better quality of life, and defining concrete action programs that allow for the human development of migration.<sup>70</sup>

<sup>70</sup> More details at: <https://www.iom.int/files/live/sites/iom/files/What-We-Do/docs/Plan-Sudamericano-de-Desarrollo-Humano-de-las-Migraciones-PSDHM-2010.pdf>

### 3. Institutional Framework

At the national level, the Executive Branch is responsible for and manages migration issues through different ministries, agencies and institutions. In order to highlight the functions of these institutions, we consider below those that formulate policies on migration and those that implement legislation.

#### 3.1. The Duties of the Main Institutions of the Executive Branch Working on Migration Issues

*- Presidency of the Republic and Attached Institutions (National Institute of Statistics)*

The institution with responsibilities in migratory matters, specifically in the generation of statistical information that accounts for the role of the phenomenon, is the National Institute of Statistics (INE).<sup>71</sup> The INE is the steward of public statistical activity in the country. It also oversees the National Statistical System and produces official statistics that allow for the planning and design of policies. Article 14 of the Law of the Public Function of Statistics enshrines the user's right to State-produced statistical information of public interest. These aspects of the law are evidenced by virtue of the difficulty that exists in analyzing the migratory phenomenon in view of the scarcity of information on the subject.

*- Ministry of People's Power for Internal Affairs, Justice and Peace (Administrative Service of Identification, Migration and Immigration)*

Among the competencies of the Ministry of Internal Affairs, Justice and Peace is the identification of the inhabitants in the national territory. The Administrative Service of Identification, Migration and Foreigners (SAIME), its executing agency for migration matters, depends on this ministry, as it is responsible for exercising constitutional and legal powers to identify all citizens and control the admission, stay and departure of foreigners from the national territory.

The Immigration Directorate is responsible, among many other functions, for coordinating activities related to the granting of visas and applications for admission from foreign citizens to the country, as well as coordinating the preparation of the Foreigners' Census with the Directorate of Migration and Borders. The Directorate of

<sup>71</sup> In 2010, under Presidential Decree 7,502 published in the Official Gazette No. 39,451, INE is ascribed to the Ministry of Popular Power of the Office of the President. INE remained in said ministry until June 2014, when this institution changed its affiliation again, this time to the Ministry of Popular Power for Planning, under Presidential Decree No. 1,077, published in the Official Gazette No. 40,443.



Migration is responsible for monitoring and controlling the migratory movement of Venezuelans and foreigners through ports, airports, and land border zones, in addition to coordinating migration activities at the national level and keeping the migratory registry updated. This Directorate is in charge of the Registry of Citizens of Other Nationalities and of issuing documentation related to special permits to work in the border areas, for those who work in agricultural (agricultural or livestock card) or industrial activities (industrial card).<sup>72</sup> The information gathered to date about this registry is that it is in the first stages of implementation.

*- Ministry of People's Power for Foreign Affairs*

Article 5 of the 2004 Migration Law establishes the Ministry of Foreign Affairs as one of the ministries responsible for migratory matters. The Office of Multilateral Affairs has the power to coordinate the country's position with regional integration and cooperation agencies, participating and defending the Nation in different international bodies, such as MERCOSUR, UNASUR and the CAN. This office also oversees the actions of the National Commission for Refugees.

The Border Office is responsible for evaluating and participating in the negotiation and adoption of international, bilateral and multilateral agreements, conventions and treaties dealing with border issues, among others. This Office must also contribute to the promotion and defense of the country's interests in border issues in order to adequately manage resources and the socioeconomic development of these areas.

The Consular Relations Office protects the rights and interests of the country and of Venezuelans abroad, and participates in the development of migration regulations, as well as issuing passports and travel documents to Venezuelans and visas or travel documents to people who wish to travel to the country.

*- Ministry of Popular Power for Defense*

Article 327 of the Constitution of the Republic establishes the obligations of the Ministry of Popular Power for Defense to attend to border areas as priority areas for national security. Likewise, Article 5 of the 2004 Migration Law identifies the Ministry as one of the bodies responsible for the implementation of the Law. This institution has a fundamental role in the nation's security to the extent that it must control the elements that may attack it, such as activities related to drug trafficking, guerrillas, and in the case

<sup>72</sup> For more details about the documentation requested for the issuance of this document see: <http://www.saime.gob.ve/servicios/carnet-agropecuario-carnet-industrial-fronterizo/>



that concerns the migratory sphere, irregular immigration. To this end, organizations such as the National Defense Council (CODENA) and the General Secretariat of CODENA (SECODENA) were created. The delimitation and protection of border security zones is highlighted among its responsibilities related to migration.

*- Ministry of the Popular Power for Labor and Social Security*

The Ministry of People's Power for Labor and Social Security is responsible for labor migration through the Labor Migration Directorate. This Directorate grants work authorizations in order to issue visas to persons with temporary labor migrant status. The International Relations Office is the Ministry's link to the International Labor Organization, as established in Article 15 of the Decree on the Organization and Functioning of the Central Public Administration, specifically regarding relations with international labor organizations. It also established relationships with organizations representing international workers and employers.<sup>73</sup>

### **3.2. Forms of Inter-Institutional Coordination**

In view of the multidimensionality and complexity of migratory dynamics, which deserve the attention of diverse institutions, coordinated efforts between entities are required and these are generally provided in policy acts. In the Venezuelan case, as we will see below, these numbers are established both in the Migration Law and in the Organic Law on Refugees and Asylum Seekers.

*- National Migration Commission*

As stated previously, Article 28 of the Migration Law of 2004 establishes the creation of the National Migration Commission, which would be overseen by the Ministry with migratory responsibilities, as is the case for representatives of the Ministries of Foreign Affairs, Defense, Education, Fishing, Agriculture, Livestock, Production, Trade and Labor. Among its responsibilities are the review of legal norms related to immigration policy and the study of methodologies for implementing the Migration Law and its regulations. There is no information that shows that the Commission has been set up to date.

<sup>73</sup> It is striking that information about this institution is obtained indirectly, that is, through SAIME, for example. "The Memory and Account of the Ministry of Labor" does not report on the existence of the mentioned Directorates, but informs on the mechanisms and supervision of migrant workers, explaining some achievements related to the processing of applications for labor authorizations for foreign workers' entry into the national territory.

*- National Commission for Refugees*

The National Commission for Refugees was created in 2003, in compliance with Article 12 of the Organic Law on Refugees and Asylum Seekers. This Commission is made up of representatives of the Ministry of Popular Power for Foreign Affairs, which presides over it, of the Ministry of People's Power for Internal Affairs and Justice, and of the Ministry of Popular Power for Defense, all with voting rights. The Public Prosecutor's Office, the Ombudsman's Office, the National Assembly, and the United Nations High Commissioner for Refugees (UNHCR) are also a part of Commission although they lack the right to vote on matters discussed.

This entity is responsible for guiding and coordinating the necessary actions to provide protection, assistance and legal support to asylum seekers. The Commission also has the power to decide on refugee status, as well as to decide on measures to expel refugees. The Commission has Regional Technical Secretariats, located in Caracas and in the states bordering Colombia –Apure, Táchira and Zulia– where requests for the recognition of refugee status can be filed.

**3.3. Other Governmental Entities***- National Assembly*

The Permanent Committees of the National Assembly are under the Legislative Branch. Article 38 of the Internal Regulation and Debate of the National Assembly defines the creation of permanent commissions that work on topics of national interest. These commissions must, among other tasks, conduct research in preparation for topics to be discussed and thus propose projects for debate, for matters within their purview. Article 39 defines the capacities of the permanent committees' various topics. There are commissions with capacities related to migratory matters: 1) The Permanent Commission of Domestic Policy is responsible for matters related to the civil registry; 2) The Permanent Commission for Foreign Policy, Sovereignty and Integration deals with all matters related to the country's integration processes with other States or international organizations and other entities of public international law. This Commission also handles treaties, agreements or other international cooperation instruments; and, 3) The Permanent Defense and Security Commission is responsible for the study of the nation's defense and security issues, considering aspects related to its borders and territorial organization.

*- Ombudsman's Office*

The main function of the Ombudsman's Office is the dissemination of information

and training in human rights, including those pertaining to migrants in vulnerable situations. Through its regional offices, the Office works closely with communities, especially those along the border, and belongs to the *Binational Border Committee* to combat violence against women.

This institution has a close relationship with international rights-defending organizations such as UNHCR, with which it has established cooperation mechanisms for the protection of refugees. In this sense, the Ombudsman's Office issues recommendations to other institutions or organizations. For example, it asked the National Commission for Refugees to extend the days it would register refugee status applications in remote communities along the Venezuelan border. It tasked the Ministry of Popular Power for Internal Affairs, Justice and Peace and SAIME with facilitating the issuance and renewal of identity cards for refugees in border states. Likewise, the Ministry of Popular Power for Social Protection was tasked with helping refugees achieve economic integration. The Ministry of Popular Power for Education was asked to reduce practices that hinder refugees or vulnerable migrants' access to the education system. Governorships and mayoral offices in border areas were asked to formulate specific policies directed to refugees.

#### **4. International Organizations' Programs on Immigration, Emigration and Refuge**

The various agencies of the United Nations System in Venezuela, in accordance with their mandate, develop different projects and activities related to migration; but the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), by their nature, are the most active two international organizations.

UNHCR<sup>74</sup> is an organ of the United Nations System, dating from 1951, under the General Assembly and the Economic and Social Council. The role of UNHCR, in accordance with its Statute, is to:

“... provide international protection, under the auspices of the United Nations, to refugees who meet the conditions set forth in the present Statute, and to seek permanent solutions to the refugee problem, assisting governments and, subject to the approval of the governments concerned, to private organizations, to facilitate the voluntary repatriation of such

<sup>74</sup> The United Nations High Commissioner for Refugees. (UNHCR). Website: <http://www.acnur.org/t3/donde-trabaja/america/venezuela/>.

refugees or their assimilation into new national communities.”<sup>75</sup>

UNHCR has carried out support work for people living in refugee-like situations in the Venezuela since 1991, through conducting awareness campaigns in schools and universities and providing assistance and advice to people who are living in the country in refugee-like situations. The goal is to provide them with legal protection for their establishment in Venezuela and from a personal level, to satisfy basic needs, including by the issuance of microcredit loans, bringing education and health services to communities and, in general, seeking to optimize the conditions for refugee settlement in Venezuela.

UNHCR in Venezuela has also promoted assistance and humanitarian aid programs to refugees or asylum seekers, providing psychosocial support and legal guidance throughout the entire application process, from the beginning to the use of legal remedies against decisions to deny refugee status. In this regard, they work with the support of Caritas Venezuela and the Hebrew Organization for Refugee Immigrant Aid (HIAS).

In light of the complex socio-economic and political situation that has prevailed in Venezuela in recent years, UNHCR has worked with governments and other partners in the region to establish a coordinated and comprehensive response in order to provide assistance and services to the Venezuelan population who has left the country. UNHCR has thus intensified its presence in border areas, is working to strengthen the asylum and registration systems throughout the region and is part of protection approaches that have made it possible to understand this population’s humanitarian needs (UNHCR, 2017: 46).

IOM<sup>76</sup> is an international public law organization, created in 1951 and headquartered in Geneva, whose fundamental objective is the protection of migrants, refugees, and displaced persons. According to Article 1 of its Constitution, IOM represents a support for other entities, since it has been established that “it will cooperate closely with international organizations, governmental and non-governmental, that deal with migration, refugees and human resources to, among other aspects, facilitate the

<sup>75</sup> Statute of the Office of the United Nations High Commissioner for Refugees. Adopted by the General Assembly in its resolution 428 (V), of December 14, 1950. Consulted in <http://www.acnur.org/biblioteca/pdf/0004.pdf?view=1>

<sup>76</sup> International Organization of Migration. Website: <http://www.iom.int/cms/es/sites/iom/home.html>.

coordination of international activities in the matter.”<sup>77</sup>

IOM started its activities in Caracas in 1956 and thereafter it has provided support and assistance services to the migrant population. Through agreements with the Venezuelan State, IOM offers assistance to the migrant population that is in Venezuela, in cooperation with the Ministries of the Republic. With the Ministry of Popular Power for Foreign Affairs in particular, IOM has collaborated to strengthen the capacities of the institutions responsible for establishing migration policies. With the Ministry of the Popular Power for Labor and Social Security, it has also led programs to allow for migrants’ participation in the labor market. It has also provided support to the Ministry of the Popular Power for Internal Affairs, Justice and Peace, through SAIME, to obtain identity documents for migrants, and through the Office for the Prevention of Crime, it assists with possible cases of human trafficking and smuggling. Likewise, IOM has cooperated with the Ministry of Education, supporting financial and welfare assistance programs.

IOM not only has agreements with the many internal Ministries, but also with the embassies of various countries, such as Canada, the United States, Sweden, Norway, France, The Netherlands, Argentina, Ecuador and Peru, with which it develops programs to optimize the support and attention provided to the migrant population that is in the Venezuelan territory, specifically with regard to requests for the resettlement and return of nationals.

IOM has also fulfilled social functions, specifically in Táchira state, bordering Colombia, where it has supported humanitarian aid projects by providing resources to satisfy migrant citizens’ basic needs, such as for: housing, food, care and personal hygiene, provisions for the care of children, and the suitability of education centers.

Additionally, it should be noted that IOM promotes initiatives aimed at the strengthening of countries’ technical capacity such as through the improvement of information systems on international migration and the development of analytical capabilities, which allow for the availability of up-to-date assessments on which public migration policies can be based. In this regard, IOM has promoted the implementation of the Migration Profiles Repository, a tool that offers useful information for understanding migration dynamics, the regulatory and institutional framework and the current

<sup>77</sup> Constitution of the International Organization for Migration. November 21, 2003. Accessed at [http://www.iom.int/files/live/sites/iom/files/About-IOM/docs/iom\\_constitution\\_sp.pdf](http://www.iom.int/files/live/sites/iom/files/About-IOM/docs/iom_constitution_sp.pdf)

migration policies of a particular country.<sup>78</sup> Regarding the South American region, the countries' migration profiles are intended to contribute to informed discussions for the formulation of policies and management of migration at the South American Migration Conference (Texidó and Gurrieri, 2012: 8). Ideally, this initiative would have a space in Venezuela and the support of the National Government, which until now has been reticent to offer migration statistics.

Currently, IOM conducts a training program on the basic concepts related to public policies for migration administration, with the purpose of strengthening the technical capacities of officials who deal with the migration issue in-country. This training includes topics related to international migration policies, the history of migration, and integration programs for migrants that include promoting migrants' return to their countries of origin.

IOM also joined the Inter-Agency Support Group of the United Nations and, within the framework of the Emergency Assistance Program for Colombians in Search of International Protection in the Borders of Ecuador, Panama and Venezuela with Colombia, provides emergency assistance to indigenous communities by supplying drinking water and sanitation services, ensuring food security, nutrition, shelter, health, education, in addition to the promotion of productive economic initiatives.

Due to the increase in the emigration of Venezuelan citizens to countries in the region, addressing the need for information on the profile of Venezuelan migrants and migration route dynamics is imperative. To this end, IOM has implemented the Displacement Tracking Matrix (DTM), which constitutes a "system to follow and monitor the displacement and mobility of populations" (IOM, 2018: 6). The DTM began as a pilot in 2016 in a joint project with Colombia Migration in three Colombian municipalities along the border with Venezuela: Arauca, Cúcuta and Villa del Rosario. In 2017, the matrix was extended to nine municipalities, including the city of Bogotá. This tool has also been applied in Peru, at the entry and exit points for Venezuelan migrants along the border with Ecuador and Chile.

In 2019, UNHCR and IOM worked together on the formulation and coordination of the Regional Response Plan for Refugees and Migrants (RMRP), which constitutes a coordinated action roadmap agreed by 95 organizations in 16 countries with the objective of responding to the urgent humanitarian needs of refugees and migrants from Venezuela, ensuring their social and economic inclusion in the communities that receive them and

<sup>78</sup> Texidó and Gurrieri, in *Panorama Migratorio de América del Sur 2012*, mention Venezuela in the list of countries where the migration profile has been made (Texidó and Gurrieri, 2012: 8), although the document is not available in the respective portal.

calling the attention of the donor community, including international financial institutions and development actors in order to increase your support (RMRP, 2019).

On the other hand, the collaboration with the Economic Commission for Latin America and the Caribbean (ECLAC), one of the five regional commissions of the United Nations, is worth noting. Part of its mandate is to contribute to strengthening policies and strategies for the protection of migrants adopted by countries in the region. ECLAC's cooperation in studies and migration policies is part of a proactive regional perspective on the opportunities for development that migration processes offer, paying special attention to the fundamental goal of protecting the rights of migrants as well as maintaining equality as the top aspiration for comprehensive development. This work is carried out with the support of the Latin American and Caribbean Demographic Center (CELADE), of ECLAC's Population Division, through country-level technical assistance programs to improve data collection about international migration through population censuses, and their exhaustive use to guide public policies in this area. In this sense, CELADE has developed the Research Program on International Migration in the Americas (IMILA), which has supported the development of a database using the different censuses conducted on the foreign-born population registered in various Latin American countries, as well as the United States and Canada. This information has provided an estimate of the stock of Venezuelan migrants in the various countries in the Americas and their demographic and socio-economic characteristics.

Victims of human trafficking constitute another highly vulnerable population. In coordination with international organizations, the country promotes campaigns in which information is disseminated through mass media, and it has defined an Action Plan to Prevent, Suppress and Penalize the Crime of Illegal Trade and Trafficking of Persons and to Comprehensively Assist Victims. The purpose of this plan is to protect the victims of these crimes and to strengthen immigration controls for preventive purposes.

The General Secretariat of the Organization of American States (OAS), through the Executive Secretariat for Comprehensive Development and the Department of Education and Culture (DEC), leads a multilateral analytical project on early childhood education that involves migrant families in indigenous, rural and border communities of five Member States including Venezuela.

It is worth mentioning that the OAS carries out a Continuous Reporting System on International Migration in the Americas (SICREMI, its acronym in Spanish) and in a joint effort with the Organization for Economic Cooperation and Development (OECD) makes periodic reports available to help broadcast the international migration policy debate.



The International Red Cross has also provided in-country support on migration, working with displaced people from the states bordering Colombia who do not want to request refugee status because they wish to return to their country. This organization has served indigenous populations that do not speak Spanish, providing medical care and psychosocial support, with the support of UNHCR and UNDP.

## **In Conclusion**

This brief analysis on the formulation and implementation of public migration policies in Venezuela shows that these policies have been inconsistent with reality. This inconsistency first surfaced when policies were intended to promote international migration in order to colonize sparsely populated territories, without having the basic infrastructure necessary for the settlement of migratory flows and, later, when selective immigration was promoted to meet the skilled labor requirements imposed by development projects. In both cases, the response capacity of state institutions was slow and, consequently, the adjustments arrived late. The regulatory framework formulated between the 1930s and 1940s, despite its eventual invalidity in the 1970s and beyond, had not been updated until after the approval of the 1999 Constitution.

This practice has not differed significantly in recent years. Venezuela relies on a 2004 Migration Law, whose regulations are unknown, in which the phenomenon of Venezuelan emigration is not contemplated and where some planned activities have not been completed more than a decade after the law came into force, such as the creation of a National Migration Council and the creation of a National Migrant Registry.

Updates made to the legal framework, beyond the requirements imposed by the Constitution of 1999, have also been a response to the international agreements signed by Venezuela regarding the guarantees of fundamental rights and social protection for migrants. Further updates require a more determined commitment from public institutions in charge of migration issues and an inter-institutional coordination entity, such as the National Migration Council outlined in the Migration Law of 2004. This Council would have a very important role in monitoring public migration policies and ensuring that institutions comply with the mandate enshrined by laws in this area.

Given the migratory crisis Venezuela has experienced, it has become evident that the country's existing regulatory and institutional framework insufficiently addresses the problem. The State has lost the capacity to guarantee "the right of Venezuelan citizens not to migrate" and it has been clearly stated that the response in terms of public policy to emigration is to ignore this ongoing phenomenon.



### **PART THREE**

#### **CIVIL SOCIETY PARTICIPATION IN PUBLIC POLICIES AND PROGRAMS REGARDING MIGRATION**

Anitza Freitez<sup>79</sup>

Beatriz Borges<sup>80</sup>

The leading role in the field of international migration continues to be played by governments. However, there is a growing number of actors involved in the discussion and formulation of political responses on migration, including the private sector, local authorities, migrant associations and civil society organizations. When referring to civil society, it is worth noting that these category groups are very heterogeneous organizations. Some of these organizations tied to migration, particularly religious organizations, surfaced in Latin America in the post-war period, in a context of intensified migratory flows from Europe. More recently, since the 1990s, as Magliano correctly describes, “civil society organizations dedicated to dealing with migration, which include both the Church and human rights associations, migrant organizations and even academic networks, have multiplied,” and there is a greater recognition of the importance of their participation in the political discussion in search of migratory governance (Magliano, 2011).

In the case of Venezuela, in recent times the way in which the State—and particularly the national government—has approached immigration has varied and is related to civil society organizations. As we will see in the first section of this part of the study, the relatively recent transformations that the country has undergone at the political level have had an impact on civil society’s actions and its links with State institutions, a fact that has not escaped civil society organizations focused on migration issues.

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In this field, as will be alluded to in the second section, there is a wide spectrum of entities linked to the world of international, ecclesial, academic, social and welfare organizations, among others, which have made important contributions. However, in recent years they have been weakened by the creation of a parallel civil society, as has happened with much of Venezuela's institutional environment in order to adapt to the implementation of a new political project.

### **1. The Relationship Between the State, Civil Society and Migration**

Venezuela, culturally and historically speaking, has identified as a society that is open, receptive, respectful, and tolerant of migratory influxes of diverse origins. As described in the preceding sections, during the second half of the 20th century, in the 1950s and 1970s, the country recorded two important migratory flows of people seeking to improve their quality of life by settling in Venezuelan territory. They left traces in different areas of national life—economically, socially, and culturally. Centered on this important presence of foreign nationals, various organizations have been established in Venezuela tied to the issue of migration, although the relationship between civil society and the State is still a work in progress. In spite of this, we recognize the presence of organizations and institutions that have provided support to immigrants and their rights, and have had an impact on governmental institutions.

In the Venezuelan historical context, and taking into account the considerable number of immigrants that still reside in the country, it is important to evaluate the trajectory, actions, resources and impact that civil society has on migratory processes and on the attention afforded to migrants. As we will see, there are still many spaces where it is necessary for the State and civil society organizations to work together to avoid the violation of human rights of both the immigrant population in Venezuela and of Venezuelan emigrants.

Unfortunately, in the last fifteen years the link between civil society and the State has been marked by political polarization, which has affected the work of civil society organizations as much as their relationship with the State. The organizations working on migration have not escaped this process. There is a prevailing climate of social and political conflict that has affected civil society's actions and the dynamics of its relations with the State. On the one hand, it is common for civil society organizations to not be given due relevance, while on certain occasions they are assigned powers that correspond to the State, replacing it or complementing it in some respects. This last practice has led, in some way, to the development of an alternative civil society, based on the formulation of Popular Power, which was contemplated within the new model the country is trying to implement.

Speaking more specifically about the recognition of Popular Power, we see that an initiative of citizen inclusion began with the approval of the 1999 Constitution, emphasizing active participation through the promotion and creation of popular organizations. Thus, in order to comply with the objective of citizen inclusion, Article 70 of the Constitution provides:

“They are means of participation and spotlighting the people in the exercise of their sovereignty (...) in the social and economic, the entities of citizen services, self-management, co-management, cooperatives in all their forms, including those of a financial nature, savings banks, community enterprise and other forms of association guided by the values of mutual cooperation and solidarity (...).”<sup>81</sup>

From this point of view, the Law of Communal Councils was approved in 2009, constituting the regulatory framework for citizen organization in search of common benefits. The Communal Councils are conceived as platforms for citizen participation, promoted and recognized by the State and representing a way of exercising Popular Power. In Article 2 the Law defines them as:

“Entities for the participation, coordination and integration among citizens and various community organizations, social and popular movements, which allow the organized people to exercise community government and direct management of public policies and projects aimed at responding to needs, potentialities and the aspirations of communities in the construction of the new model of a socialist society of equality, equity and social justice.”<sup>82</sup>

From this perspective, it should be noted that ecclesiastical organizations, research centers, non-governmental organizations, grassroots social organizations and entities established by migrants have been formed in Venezuela, and have developed actions and advocacy in the area of migration policies. The scenario, in terms of the possibilities of joint work between the State and civil society, depends largely on the degree of openness to the participation of said entities in the dialogue on migration policies. The involvement of civil society in the development of public policies is part of a mode of operation that has been known as governance, which alludes to the

<sup>81</sup> Constitution of the Bolivarian Republic of Venezuela. Published in Extraordinary Official Gazette No. 5,453 of the Bolivarian Republic of Venezuela, on March 24, 2000. Article 70.

<sup>82</sup> Organic Law of Communal Councils. Published in the Official Gazette No. 39,335, on December 28, 2009.

possibility of linking the State and society in the management of public objectives.

In Venezuela, this form of State-society exchange, which seeks to ensure political control and social support as an alternative to coercion to seek democratic governance, has been marked in recent years, in a first stage, by the proposal of the 1999 Constitution. Subsequently, it has been aimed at the development of a state policy focused on the creation and promotion of Popular Power organizations. In short, this has brought on the genesis of a parallel civil society that is, to a large extent, both politically and economically dependent on the State. Given this dynamic, the government tends to recognize these new organizations as civil society, called Popular Power organizations according to the vision of the socialist state. They cannot serve as elements of control but, in practice, they tend to function as entities promoting government activity.

Another derivative of this dynamic is that organizations that naturally belong to civil society, such as churches, political parties and civil organizations, among others, are not only not recognized in an open dialogue and without biases that allow for the construction of public objectives by the State; they also become targets of discrediting and severe criticism by the Government when they tend to act as a comptroller of state activity or disagree with the State's policies and actions. Similarly, there is a general practice among State representatives to characterize universally accepted actions as subversive or criminal, such as access to international financing. This has had a deep impact on the development of these organizations.

As we will see throughout the enumeration of existing organizations on migration issues in Venezuela, this State policy has affected the existence and work of civil society organizations and, therefore, their development. This is not only a quantitative issue; it has limited the sustainability and development of social organizations, as well as their ability to actually influence public policies on migration.

The country has an important group of organizations related to the issue of migration, many of which work directly with migrants and refugees and address the issue from a perspective of assistance. At present, few organizations carry out research whose results have a real and decisive impact on public policies on migration in Venezuela.

The Venezuelan panorama shows us that the migratory reality—as well as relations between the State and civil society—is obscured from the national public agenda as a priority or important area. Secondly, it generates a civil society in need of strengthening for its subsistence, work, and consequent advocacy. Thirdly, state policy only recognizes institutions belonging to Popular Power organizations and,

moreover, tends to call out, question and, in many cases, criminalize the actions of what would otherwise traditionally be considered civil society.

## **2. Linking Civil Society Organizations to the Phenomenon of Migration**

The ability of migrants to influence decision-making at all levels of government and exert pressure for the responses to their demands has been a function of their power to gather and articulate their interests and demand recognition of their existence through different organizations. Migrants in Venezuela have typically convened through brotherhoods, federations, centers, and clubs. In general, there are communities of this type that were established prior to the 1950s.

Likewise, some civil society organizations have had different approaches. However, there were few who addressed the problems of migrants in Venezuela without a significant impact in the field of public migration policies. In recent years, with the exodus of population in this context of humanitarian crisis, social organizations have turned to the attention of people who move to border areas where they remain temporarily before embarking on their migratory trajectory.

They have also been oriented to the accompaniment of disintegrated families because of the migration of some of their members. In this crisis scenario, there has been some strengthening of these social organizations, which have made greater efforts of internal and international articulation to work in a network, share financial resources from international aid and expand communication and advocacy activities.

This work is of great value because it is contributing in a more coordinated way to the attention of the needs of migrants and “those left behind,” especially when the dialogue channels are not yet opened to really be able to build a political agenda of the State Venezuelan in immigration matters.

The development of technology and the need for communication have led to the creation of means of contact that allow for information acquisition and problem-solving expeditiously and effectively. The creation of web pages and accounts on social media such as Facebook and Twitter by some social organizations have provided virtual spaces for immigrants settling in Venezuela and the nationals who emigrate to provide mutual support.

Below are the main civil society organizations —ecclesial and ecumenical organizations, non-governmental, academic, associative or other organizations— that operate within or outside of Venezuela. Their aim is to develop activities to generate information about the situation of migrant populations, provide assistance and advice

on migration issues and offer protection to those in vulnerable conditions.

## **2.1. Ecclesial and Ecumenical Organizations**

Ecclesial organizations have addressed the migration issue from a humanitarian perspective and with respect for the dignity of migrants. The Venezuelan Conference of Catholic Bishops (CEV) has assumed this commitment through its pastoral work aimed at the comprehensive attention to the needs of migrants and asylum seekers, providing legal advice, humanitarian and psychological assistance as well as support for economic entrepreneurship. In this regard, it is worth mentioning the Office of Human Mobility and Refugee Care. Created in 1984 and promoted by the Congregation of the Missionaries of San Carlos, Scalabrinians, the Office was established at the request of the CEV in the Department of Human Mobility, which was supported by the community of the Scalabrinian Missionaries for many years. In its beginnings, the Department assisted Chilean, Argentine and Uruguayan migrants seeking political refuge in Venezuela (CELAM, 2011-12).

Recently, the CEV, through the Human Mobility Pastoral Project, has redefined its work and collaborative programs with the Latin American Episcopal Council (CELAM), the Scalabrinian Missionaries and the Jesuit Refugee Service among others, promoting gathering spaces and participation with the purpose of reinforcing the dialogue and cooperation among churches in the migrants' origin and destination countries in order to provide adequate humanitarian assistance and legal and pastoral support. In that regard, it is worth mentioning the meetings and congresses held at the regional and continental levels as well as the plans for Pastoral Group on Human Mobility 2007-2011<sup>83</sup> and 2012-2015.<sup>84</sup>

### **2.1.1. Congregation of the Missionaries of San Carlos, Scalabrinians**

The Congregation of the Missionaries of San Carlos, Scalabrinians, founded in 1887 in Piacenza, Italy by Bishop Juan Bautista Scalabrini, is specialized in accompanying migrants, refugees, seafarers and displaced people throughout the world. It was established in Venezuela on October 2, 1958, to attend to the needs of Italian migrants in that city. Two years later, on October 4, 1960, the first Madonna di Pompei Chapel was opened. It was later transformed into the headquarters of the Italian Catholic Mission and of the Our Lady of Pompei School, which have been

<sup>83</sup> Available at: [http://www.celam.org/detalle\\_depto.php?id=Mjc=](http://www.celam.org/detalle_depto.php?id=Mjc=). Accessed on May 20, 2015.

<sup>84</sup> Available at: [http://www.celam.org/detalle\\_depto.php?id=MTA1](http://www.celam.org/detalle_depto.php?id=MTA1). Accessed on May 20, 2015.

operating in the city since 1963 to present day in Caracas.

Since 1960, the Scalabrinian Missionaries of the Caracas Mission have made sporadic visits to Maracay, assisting the Italian migrants of that city. In September that year a mission was organized in Maracay and, on November 26, the Scalabrinians started the second Catholic Mission in Venezuela. Later on, in order to respond to the needs of promoting education among local and migrant children, the Juan XXIII School was built on May 15, 1963. Earlier that year, on January 23, 1963, the Scalabrinians began the pastoral work of assisting Italian migrants in Barquisimeto, with the creation of the San Pedro Apostol territorial parish, which was declared the national parish of the Italian community as well. In view of the need for a school for Italian children of the parish, the San Pedro School was built and inaugurated on October 5, 1963.

In 1969, Fraternal Christian Aid was created with the cooperation of the Legion of Mary. Its main objectives were to provide medical, legal and economic assistance, as well as information and employment services. Currently, this entity continues its work, after the opening of a medical office in 1990, focused on dentistry, pediatrics, gynecology, and internal medicine, complete with laboratory services and echosonography.

In 1971, the Scalabrinians founded the magazine *Incontri*, directed to the Italians in Venezuela. The magazine, which was initially published exclusively in Italian, is now a bilingual publication (Spanish-Italian) and aims to reach Venezuelans and immigrants of different nationalities in Venezuela.

Through frequent contact with the Italian colony in the state of Carabobo, the Scalabrinian Fathers were convinced about the need to settle in Valencia to provide assistance and spiritual support.

On March 23, 1975, the Scalabrinians founded the Italian Catholic Mission in Valencia. From there, the Scalabrinians established a regular religious service for the Italians of the Colonia Turén, San Felipe and distant regions, including the Canaima del Angel Falls and Puerto Cabello camps. In 1977, the Scalabrinians started offering spiritual support to Portuguese and Brazilian immigrant communities.

In 1975, a house was established to care for elderly people in need or abandoned in the hills of Bello Monte and in the mid-1980s, to expand this service, Villa Pompei was built in San Antonio de los Altos.

In 1977, the Scalabrinians founded the Migratory Studies and Pastoral Center (CEPAM) in Caracas, whose objectives have been to:



- » Investigate and promote interest in the information and study of the migration phenomenon and to disseminate them through their publications,
- » Serve as a center for bibliographic documentation and referencing, through its specialized library on migration,
- » Develop information sharing and public awareness programs on the evolution of the reality of global migration and of Venezuela through the annual publication of *International Migrations in the Americas* and the bimonthly magazine *Acontecer Migratorio* (Migratory Happenings),

Currently, the magazine *Acontecer Migratorio* continues to be published monthly electronically, with a migratory and demographic dossier of news from the Venezuelan press at the regional and global levels and various articles on human mobility and Scalabrinian activities. The magazine reaches universities, specialized centers and civil society organizations worldwide.

In 1980, the Scalabrinian Missionaries began to manage the St. Thomas More Personal Parish to provide pastoral care to English-speaking people residing in Venezuela. The Parish was officially constituted in Caracas in 1963. Currently, the number of people who participate in the Parish's activities has diminished considerably due to the country's socio-political situation, which has driven away companies and entities from English-speaking countries.

In 1984, the Venezuelan Episcopal Conference asked the leadership of the Scalabrinian Congregation to begin to oversee the Human Mobility Department of the Episcopal Conference. The Scalabrinians have worked in that position from 1984 until the first decade of the 21st century.

At present, the Scalabrinian missionaries are still in Caracas with the Italian Catholic Mission and the Our Lady of Pompei School. In Valencia, the Scalabrinians are still present through the San Antonio parish and the Scalabrini Center, created by the Scalabrinian Lay Movement, through which migrants are provided comprehensive social assistance when they arrive in the city.

More recently, due to the political and economic crisis facing the country, the pastoral and social work has been intensified in marginal neighborhoods of Valencia, including a food security program for Venezuelan children and poor immigrants. The Scalabrinian Missionaries have also expanded their programs of reception, protection, integral human promotion in the destination countries of Venezuelan emigrants, especially in Latin America, in addition to advocacy and coordination activities with



other civil social organizations and governmental organizations to provide assistance, humanitarian services and protection.

### **2.1.2. Caritas Venezuela**

Caritas Venezuela<sup>85</sup> is a non-profit and non-governmental institution founded in 1958 in the Archdiocese of Caracas. It was extended, four years later, to all ecclesiastical jurisdictions in the country. In 1966, it reached full legal consolidation when the Venezuelan Conference of Catholic Bishops (CEV) approved the statutes of the association and put its administration and technical management in the hands of lay people with clear social concerns. Caritas Venezuela, as the executive branch of the Church's social work, supports the work areas established by the CEV, including the Pastoral Group on Human Mobility serving migrants and refugees in the country.

Caritas Venezuela, aware of the problems refugees face in Venezuela, has developed an arduous work of cooperation to strengthen and protect the rights of refugees, in partnership with national and international organizations such as IOM, the Norwegian Refugee Council (NRC), the International Committee for the Development of Peoples (CISP), Catholic Refugee Services (CRS-USA) and Caritas Italy among others. In 2004, Caritas Venezuela signed an agreement with UNHCR to work jointly on strategies aimed at:

- » Strengthening the legal and institutional protection framework in Venezuela and its implementation, in order to guarantee refugees and asylum seekers the necessary assistance for their proper settlement in the country;
- » Carrying out awareness campaigns in the different institutions and in society in general, in order to raise awareness about the situation of refugees and asylum seekers;
- » Providing support to the communities that host refugees through the Protection, Community Support and Integration (PACI) projects;
- » Collaborating with national and international institutions and organizations working to assist and protect refugees;
- » Strengthening emergency preparedness in the face of possible massive flows of Colombian citizens in border areas.

<sup>85</sup> Caritas Venezuela. Website: <http://caritasvenezuela.org.ve/wp/>

Caritas Venezuela assists refugees in its service centers in Caracas (Capital District), Guasdalito (Apure State), San Cristóbal (Táchira State), Maracaibo, and Machiques (Zulia State).

Taking into account the massive and forced migration process generated from 2017, *Caritas de Venezuela* has considered accompanying through its assistance programs thousands of families divided by the emigration of some of its members to other countries. According to the investigations of Caritas of Venezuela in 8 dioceses, on average 55 percent of the households interviewed reported that some member had emigrated, having as main cause the search for better economic opportunities (43 percent), followed by insecurity (3 percent) (Caritas de Venezuela, 2019).

### 2.1.3. Jesuit Refugee Service

The Jesuit Refugee Service (JRS)<sup>86</sup> is a non-governmental organization established in 1980 on the initiative of the Society of Jesus. It currently works in more than fifty countries in defense of refugees' human rights. In 2001, JRS's headquarters was created in Venezuela, with the purpose of protecting those who have been forced to flee their origin countries and seek protection in Venezuela.

JRS has worked for the benefit and protection of refugees in Venezuela through the provision of legal advice and support to persons in refugee-like situations, conducting campaigns that seek to sensitize society and promote public policies to develop and protect refugees' and asylum seekers' human rights, in addition to providing social and humanitarian assistance through psychological counseling services, microloans, and facilitating access to health and education centers—all through joint work with IOM, UNHCR, and Caritas Venezuela.

In recent years, the JRS Venezuela has oriented a good part of its work to provide attention to the Venezuelan population that travels to the border areas with the intention of migrating or that effectively crosses the borders. During this time of intensification and diversification of the social composition of migratory flows, the number of people seeking to leave the country multiplied to find better economic opportunities and to meet food and health needs. In this regard, the JRS has expanded its advocacy activities and has strengthened ties with other social organizations to work together to provide humanitarian assistance services. The JRS Venezuela has an Informative Bulletin published weekly under the responsibility of the Coordination of Incidence and Communication, through which it disseminates diverse information

<sup>86</sup> Jesuit Refugee Service (JRS). Website: <http://www.sjrvenezuela.org.ve/>

about the migratory phenomenon.

#### **2.1.4. The Congregation of Our Lady of Charity of the Good Shepherd**

The Congregation of Our Lady of Charity of the Good Shepherd<sup>87</sup> was constituted in Colombia in 2003, through the registration of the Buen Pastor Foundation in the Chamber of Commerce of Medellín, but with the purpose of working together in Colombia and Venezuela and it, therefore, currently works with its various offices in both countries. In terms of migration, through the Pastoral Group of Human Mobility, the Congregation caters mainly to women, children and adolescents who are at risk of and are forced migrants because they are either victims of sexual abuse, smuggling or human trafficking or of forced displacement. Under the principles of promoting evangelization, the Congregation provides psychological and spiritual counseling to these people in vulnerable situations, as well as guidance on how to seek protection from the appropriate institutions.

### **2.2. Non-Governmental Organizations**

There are not many non-governmental organizations that deal with migration issues in Venezuela and those working in the field tend to concentrate their attention on refugees or asylum-seekers due to the focus on the Colombians forcibly displaced to Venezuela as the armed conflict in their home country escalated.

#### **2.2.1. International Committee for the Development of Peoples**

The International Committee for the Development of Peoples (Comitato Internazionale per Sviluppo del Popoli (CISP)<sup>88</sup> is a non-governmental organization founded in 1982 in Italy. In Venezuela, this organization began its work in 1999, in order to serve the refugee population, asylum seekers and low-income communities from Colombia. Therefore, it focuses its actions on the Colombian-Venezuelan border. Currently, the Committee works to promote refugees' human rights through sensitization campaigns in communities and institutions, and by promoting awareness raising activities in schools and social organizations to shed light on the situation of refugees and the rights and duties they have in accordance with Venezuela's regulatory framework.

The Committee also offers financial assistance through the delivery of microcredit, offers advice and vocational training and provides humanitarian aid in order to optimize

<sup>87</sup> Congregation of Our Lady of Charity of the Good Shephard. Website: <http://www.hermanasbuenpastor.org>

<sup>88</sup> International Committee for the Development of Peoples. Website: <http://www.sviluppodeipopoli.org>

the quality of life of refugees. Likewise, the Committee provides psychosocial support to individuals and groups with a view to helping people affected by the experiences that led to their current state of vulnerability and to promote their integration into the host community.

### **2.2.2. The Hebrew Organization for Refugee Immigrant Aid**

The Hebrew Organization for Refugee Immigrant Aid (HIAS)<sup>89</sup> is a non-profit association founded in 1881 for the protection of Jewish migrants in the United States. Over time, this entity has expanded throughout the world and works in Latin America in Argentina, Ecuador, Panama and Venezuela. HIAS has assisted Colombian refugees in Venezuela since 2007. Its assistance program is based on three important axes: a) from the legal point of view, refugees and asylum seekers are given the necessary legal advice to obtain refugee status and respect for their rights as refugees, access to the appropriate health, education and housing system, in addition to obtaining identity documents and the employment and social benefits underpinning them; b) from the psychosocial point of view, they are provided with the help they need through therapies that facilitate their integration into a new way of life; and, c) they are given support in employment matters, through technical training programs with partner organizations and through the provision of student scholarships.

HIAS also builds the capacity of other organizations that assist migrants and refugees, including various public institutions and non-governmental organizations.

### **2.2.3. Amnesty International**

Amnesty International is a movement made up of international networks, organizations and volunteers aimed at “carrying out research and taking action to prevent and put an end to serious abuses against civil, political, social, cultural and economic rights.”<sup>90</sup> In Venezuela, currently, Amnesty International has more than 70,000 members and has developed campaigns such as “Enough bullets,” “Control Arms,” “Safe Schools for Girls,” and “Enhancing Police Professionalism” to contribute to the promotion, development, and respect of human rights in Venezuela.

Despite the fact that the protection of migrants is not the organization’s primary purpose, Amnesty International has been active in defending the human rights

<sup>89</sup> Hebrew Organization for Refugee Immigrant Aid (HIAS). Website: <http://hiasla.org/category/venezuela/>

<sup>90</sup> Amnesty International. Website: <http://amnistia.me/>. Accessed on July 25, 2014.

of those who, because of their status as foreigners, may be more vulnerable than nationals. In that sense and in support of its own mission, Amnesty International provides assistance to migrants by contacting authorities as appropriate, taking the necessary steps to avoid the violation of their rights, or seeking compensation for any harm caused. An example of the above is evident in the case of deportations, in which Amnesty International is in direct contact with the individual and advises and assists them before the relevant authorities to guarantee due process and avoid deportation, seeking to prevent acts of torture or the violation of the migrant's rights.

#### **2.2.4. Venezuelan Human Mobility Working Group**

The Center for Justice and International Law (CEJIL), considering the intensity and complexity of the phenomenon of Venezuelan human mobility, during 2018 articulated and coordinated a platform made up of dozens of social organizations that work, at regional or national level, in activities of attention, monitoring and advocacy and accompaniment of the migrant and refugee population in the region.

In this way, the *Venezuelan Human Mobility Working Group* was formed,<sup>91</sup> which has succeeded in “articulating an important regional effort for the promotion and defense of the human rights of the migrant and refugee population from Venezuela” (Human Mobility Group Venezuela, 2018). Through this platform it has been possible to bring the voices of migrants closer together and detect conditions of vulnerability, risks and human rights violations they faced, in order to find solutions and a better articulation of the responses offered by civil society, international organizations and also by state institutions of recipient countries.

The Venezuelan Human Mobility Group has made an important effort reflected in a Declaration issued on September 19, 2018, calling for international solidarity to all States, international organizations, civil society and donors. On the other hand, on November 16, 2018, a Civil Society Action Plan was released, which is a roadmap with proposals and recommendations to assist migrants and refugees from Venezuela in a coordinated manner and with a focus on human rights.

### **2.3. Research Centers**

Venezuela has not had an academic center or research institute dedicated exclusively to the study of migration processes. However, in some universities the approach to

<sup>91</sup> *Venezuelan Human Mobility Working Group*. Available at: <http://www.movhuve.org/> consulted on 12/25/ 2019.

migration issues has had special consideration, either by individuals from disciplines such as History, Geography, Sociology, Economics or Anthropology, or from research centers in the area of socio-economic, border studies, or human rights.

In the first case, the contributions made by scholars from the Central University of Venezuela, the University Center West Lisandro Alvarado, the University of Zulia and the Simón Bolívar University stand out.

In the second case, we highlight the work carried out by the Center for Border and Integration Studies of the Universidad de Los Andes-Táchira State (CEFI-ULA), as well as the prolific activities of the Institute of Economic and Social Research of the Andrés Bello Catholic University (IIES-UCAB),<sup>92</sup> which has developed important studies in the area of demography and a line of research specifically related to internal and international migration issues since its creation in 1955.

From its establishment to date, researchers who have passed through the IIES-UCAB have undertaken several projects that have contributed to documenting migratory processes in Venezuela from the 20th century to the present. Many of these studies were made based on the exhaustive use of traditional sources of information, such as population censuses, household and migration surveys, but also on information derived from administrative records. The findings and knowledge serves as study material to guide discussions on migratory issues included in the public policy debate agenda at certain moments, through participation in seminars, technical fora, and advisory councils such as in the Ministries of Planning, of Internal Affairs, of Foreign Affairs, and the National Institute of Statistics.

Currently, this line of research on international migration has been reestablished due to the interest that Venezuelan emigration has fomented, but spaces for the discussion and exchange of ideas with government bodies have been substantially reduced. The IIES-UCAB has offered a Program in Demographic Analysis for Development since 2010, which seeks to support professional training in the theoretical, instrumental, and political management of migration issues as well as to promote their analysis. To this aim, an Expansion Course on International Migration and Public Migratory Policies is offered to students and professionals of the social sciences who have an interest in deepening their knowledge of the theoretical-conceptual, methodological and policy aspects of migration matters. In view of the high profile that the phenomenon of Venezuelan emigration has acquired, IIES-UCAB is formally linking itself with relevant academic

<sup>92</sup> Institute of Economic and Social Research of the Andrés Bello Catholic University. Website: <http://w2.ucab.edu.ve/instituto-de-investigaciones-economicas-y-sociales.html>

networks such as the Ibero-American Observatory on Human Mobility, Migration and Development (OBIMID)<sup>93</sup> of the Comillas Pontifical University, and the Migration and Mobility Thematic Network (MIGRARE) promoted by the Autonomous University of the State of Mexico.<sup>94</sup> Recently, the IIES-UCAB has put into operation the Venezuelan Migration Observatory (VMO),<sup>95</sup> an initiative that seeks to disseminate information systematically and permanently on migration dynamics in Venezuela, in addition to promoting spaces for discussion on the causes and consequences of this phenomenon, as well as on public policy responses in this matter.

In the UCAB, the Human Rights Center (CDH-UCAB),<sup>96</sup> created in 1999, also carries out research and advisory activities on human rights, engaging with the work of migrants and refugees. The CDH-UCAB seeks to promote the principles governing the scope of protection and guarantees in the field of human rights, as well as the promotion of knowledge of legal regulations and respect for migrants and refugees. The proposed objectives are met through forums, publications, seminars, courses, internships and cooperation agreements and other activities. Thanks to the work promoted by the CDH-UCAB, the UCAB's Legal Clinic Program was created,<sup>97</sup> where social work on migrants and refugees is currently being developed, providing them with legal advice services to help them acquire refugee status and understand their rights in Venezuela. Likewise, they work with the migrant population, through special operations in different sectors of Caracas, by providing guidance and relevant information that will help trouble-shoot issues related to documentation and settling in Venezuela as well as referring them to agencies and ministries they should visit depending on their needs, and advising them about how to regularize any required documents.

<sup>93</sup> Ibero-American Observatory on Human Mobility, Migrations and Development (OBIMID). Website: <http://www.comillas.edu/es/obimid>

<sup>94</sup> MIGRARE Migrations and Mobility Thematic Network. Website: [www.migrare.org.mx](http://www.migrare.org.mx)

<sup>95</sup> Venezuelan Migration Observatory (VMO). Available at: <https://www.observatoriovenezolanodemigracion.org/>

<sup>96</sup> Center for Human Rights of the Andrés Bello Catholic University (CDH-UCAB). Website: <http://w2.ucab.edu.ve/cddhh.html>

<sup>97</sup> Legal Clinic of the Andrés Bello Catholic University. Website: [http://w2.ucab.edu.ve/Clinica\\_Juridica.html](http://w2.ucab.edu.ve/Clinica_Juridica.html)



## 2.4. Immigrant Associations

The establishment of a remarkable community of people from different countries is manifest in the founding of associations that have facilitated their settlement, provided some kind of social assistance, developed social activities and promoted the culture of the places of origin.

Among the first immigrant associations founded in Venezuela are those of Spanish origin. In fact, the Catalan Center (1945)<sup>98</sup> and the Basque Center of Caracas (1949)<sup>99</sup> brought together many immigrants who came to Venezuela from Catalonia and the Basque Country, respectively, because of the Spanish Civil War and the political and cultural repression established by the Franco regime. Later, in 1960, the Galician Brotherhood<sup>100</sup> was created as a non-profit civil association, with the purpose of providing assistance to the large Galician community that was settling in Venezuela. Currently, this association brings together Galicians and their descendants, as well as citizens of other nationalities who are admitted as partners. The Brotherhood maintains its welfare focus, promoting care services and programs and protection, while developing sports and recreational activities and promoting Spanish cultural heritage.

The Canary Venezuelan Home<sup>101</sup> is another civil association constituted with the purpose of creating, organizing and maintaining leisure centers for its members, in which it develops and disseminates the values, dances and typical games of the Canary Islands, through the planning of sports, cultural and recreational activities and workshops. In this way, the Home has aimed to contribute to forging humanitarian values for the welfare of the community and for a better integration of nations. There are approximately forty additional Canarian associations in Venezuela and a National Federation of Canary Centers uniting them all.

The Asturian Center of Caracas is a civil association established in 1970 that responds to the aforementioned purposes, mainly those related to the recreation of its members. The association promotes recreational, sports and cultural activities, through its folkloric, theater and choir groups, as well as the sports classes it offers to both the Asturian community and those linked to the community. The association counts on the support

<sup>98</sup> Catalan Center. Website: <http://centrecatala.com/>

<sup>99</sup> Basque Center of Caracas. Website: <http://www.kromasys.com/cvc/index.html>

<sup>100</sup> Galician Brotherhood. Website: <http://www.lahermandadgallega.org/>

<sup>101</sup> Venezuelan Canary Home. Website: <http://www.hogarcanario.net.ve/>

of the Asturian Foundation Center of Caracas, constituted to carry out humanitarian projects and make donations, promote medical services, and assist in the acquisition of medicines and care by Spanish residents in Venezuela who may require such help.

The massive influx of Italian immigrants at the same time led to the establishment of the Italian Venezuelan Center in 1964,<sup>102</sup> as a non-profit civil association that provides assistance and social, cultural and sports activities to facilitate the integration and settlement of Italians into Venezuelan society. The Italian community in Venezuela has created numerous associations whose fundamental role is the preservation and dissemination of Italian culture. To contribute to the growth of these associations, the Federation of Italo-Venezuelan Associations (FAIV) was created in 1983, with the mission of uniting and integrating the Italo-Venezuelan civil associations, clubs and other non-profit organizations to offer social, sports and cultural exchange and establish communication channels with Italian authorities in Venezuela and with the representatives of the country's government agencies, with the aim of assessing and protecting the Italian community established in Venezuela.<sup>103</sup>

The contact information of a large number of the Italian associations in Venezuela are also made widely available through a website, the Italy-Venezuela Portal.<sup>104</sup> This portal is a tool for communicating and sharing information related to the Italian community in Venezuela. It also offers data of interest to Venezuelans looking to embark on a future in Italy and a directory of information on the diverse business, health, and governmental sites of both nations, as well as tourist destinations.

Similarly, the Portuguese immigrant community in Venezuela promoted the founding of the Portuguese Center in the city of Caracas,<sup>105</sup> a non-profit civil association, essentially of a social, charitable, cultural and sporting nature, which provides medical and legal assistance and training, and promotes activities that intensify Luso-Venezuelan cultural exchange. The Lusitanian community from the Island of Madeira, particularly based in the city of Valencia, Carabobo state, founded the

<sup>102</sup> Italian Venezuelan Center. Website: <http://www.civ.com.ve/>

<sup>103</sup> Federation of Italo-Venezuelan Associations. Sites on the Internet: [http://archive-ve.com/ve/f/faiv.com.ve/2014-07-20\\_4318883/](http://archive-ve.com/ve/f/faiv.com.ve/2014-07-20_4318883/), <https://es-la.facebook.com/pages/Federaci%C3%B3n-de-las-Asociaciones-Italo-Venezolanas/203175849692997>

<sup>104</sup> In <http://venezuela.portalitalia.net>

<sup>105</sup> Portuguese Center of Caracas. Website: <http://www.centroportugues.com>

Madeiran Social Center,<sup>106</sup> to contribute to the preservation of that Portuguese region's culture by recreating gatherings and traditional festivals, but also taking into account expressions of Venezuelan culture. More recently, since 2010, a new association has emerged in the State of Vargas, the Luso Venezuelan Center,<sup>107</sup> which encourages closer relations between the Portuguese and Venezuelan communities.

Although the Colombian migratory flow is by far the most significant in sheer numbers, its representative associations have not had the same growth and stable trajectory achieved by European immigrant communities in Venezuela. This may be due to its geographical proximity and historical, cultural, and linguistic affinity, which facilitate the settlement and integration of this population, making the need to create this type of network less pressing. Another factor could be the socio-economic profile of the immigrants themselves.

The Colombian government, understanding that it must look after its nationals who reside beyond its borders, leads the Colombia Unites Us Program, through which it seeks to establish contacts with Colombian associations abroad.<sup>108</sup> Their website provides a directory of Colombian associations in Venezuela with information on their objectives and their main activities. Most of these organizations do not have a website and many of them are not even formally constituted. In general, Colombian associations in Venezuela provide social assistance to people who face extreme needs and to those who struggle to regularize their migratory status. In order to support these associations, in 2009 the National Federation of United Colombia Associations (FEDECOL)<sup>109</sup> was created, which currently brings together a score of associations serving Colombian immigrants residing in Venezuela. The Federation's purpose is to provide legal advice to Colombians in Venezuela and promote the development of cultural, sports and gastronomic activities linked to the Colombian community.

For its part, the Colombian Association in Venezuela<sup>110</sup> is a non-profit organization

<sup>106</sup> Madeiran Social Center. Website: <http://www.csmadeirense.com>

<sup>107</sup> Venezuelan Luso Center. Website: <http://centrolusovenezolano.es>

<sup>108</sup> Colombia Unites Us Program at: <http://www.redescolumbia.org/ejes/plancomunidad/asociaciones/directorio>

<sup>109</sup> National Federation of United Colombia Associations (FEDECOL) at: <https://www.facebook.com/pages/Fedecol/165976750118237?sk=info>

<sup>110</sup> In <http://colombianosenvenezuelaunasolabandera.blogspot.com/>

that works to defend the rights of Colombian migrants in Venezuela. Through its website, this association informs about news stories and current events regarding the Colombian-Venezuelan situation. In addition, the association provides advice to Colombian migrants who want to regularize their status in Venezuela. The website also provides direct access to the legal instruments that regulate migration, allowing visitors to learn about the required procedures in order to reside legally in Venezuela.

The Colombian Association in Venezuela has been more active in recent years. In August 2011, it introduced the Draft Bill for Active Social Inclusion of Migrant Communities in the Bolivarian Republic of Venezuela in the National Assembly, through the One Flag Colombian Movement in Venezuela and with the support of migrant representatives from Peru, Ecuador and from Asian countries. The Draft Bill proposes the creation of a Vice Ministry of Social Protection for Migrants, which would be responsible for governing policies in this matter, and of an Office of Integral Social Attention to Migrant Communities. Likewise, the Draft Bill proposes the creation of a Migrant Committee within the Communal Councils since a “census” conducted by this association found that 92 percent of Colombians living in Venezuela do not participate in their community’s activities.<sup>111</sup> The Movement would like to join the Patriotic Pole,<sup>112</sup> which brings together the political parties and movements that are ideologically aligned with the pro-government political project.

The arrival of migrants from Uruguay in the 1970s prompted the creation in 1984 of the Venezuelan Uruguayan Center,<sup>113</sup> a non-profit civil association that serves as a meeting space for Uruguayan immigrants and their descendants, a place where they can share and maintain their traditions. Currently, its focus is cultural and recreational, and it also provides advice to those who need support in proceedings with their embassy or any other corresponding agency.

<sup>111</sup> Statement made by Juan Carlos Tanus, representative of the Colombian Association in Venezuela, in a press release entitled “Colombians push for a law that includes migrants” (*Colombianos impulsan una ley que incluya a migrantes*), signed by Reyes Theis, *El Universal*, August 5, 2011. <http://www.eluniversal.com/2011/08/05/colombianos-impulsan-una-ley-que-incluya-a-migrantes> (accessed on June 23, 2014).

<sup>112</sup> Association of Colombians in Venezuela will begin a census, published on June 8, 2011 at <http://colarebo.wordpress.com/2011/06/08/lara-asociacion-de-colombianos-en-venezuela-iniciara-censo/> (accessed on June 23, 2014).

<sup>113</sup> Venezuelan Uruguayan Center. Website: <http://www.cuv.com.ve>

The Syrian-Venezuelan Arab Center,<sup>114</sup> a non-profit civil association, a formal legal entity with its own patrimony, was founded in 1977 with the fundamental objective of promoting social, cultural and sports activities to engender a greater affinity between people born in the Syrian Arab Republic and their descendants, Venezuelan supporters who join as partners and the community in general. The Syrian-Venezuelan Arab Center provides support to the Arab immigrants from the moment they arrive in Venezuela by providing immigration advisory services, specifically for documentation; social assistance to those who need it, from funds raised through lunches and fairs; lodging for migrants who do not have access to a dwelling; and, job opportunities in the Syrian Arab Center itself or with partner businesses.

The Syrian-Venezuelan Chamber of Commerce and Industry Council (CCCISV)<sup>115</sup> is a non-profit civil organization that seeks to bring together various companies and individuals, with a focus on Syrians living in Venezuela and Venezuelans of Syrian origin, to develop commercial activities. The CCCISV is formed by an Immigrant Advisory Council, constituted in Syria but with representation in Venezuela. This Council works directly with Syrian immigrants in Venezuela, fostering their culture and encouraging their traditions. In addition, the Council is an entity to which Syrian immigrants can present concerns and have greater contact and communication with fellow compatriots.

The Mexican Community in Venezuela (COMEVEN)<sup>116</sup> is a non-profit civil association that was recently formally incorporated (2013) although it worked informally since 2004 with the basic aim of bringing together the Mexican community in Venezuela to provide services that help to promote the community's social, cultural and economic integration. This association's main activities are of a recreational nature, namely through its events related to Mexico's emblematic festivals.

The Ecuadorian House of Caracas, created in September 2010, is the headquarters of the National Secretariat for Migrants (SENAMI) and aims to provide comprehensive care and publicize services and programs to Ecuadorian migrants living in Venezuela. This entity seeks to bring to the attention of the Ecuadorian State its plans and programs "for migrants in vulnerable situations, promoting the exercise of their citizen rights, respecting the Venezuelan legal framework and contributing to the strengthening of

<sup>114</sup> Syrian-Venezuelan Arab Center. Website: <http://www.clubsiriocaracas.com>

<sup>115</sup> Syrian-Venezuelan Chamber of Commerce and Industry Council (CCCISV). Website: <http://cccisv.com>

<sup>116</sup> Mexican Community in Venezuela. Website: <http://comeven.org>

their national identity and intercultural coexistence. They can enjoy legal assistance, learn about different programs and participate in socio-cultural workshops.”<sup>117</sup>

The organization Peruvians in Venezuela<sup>118</sup> is a virtual platform that has served as a mechanism for Peruvians to obtain information on living in Venezuela, especially regarding the requirements to perform various procedures at the Peruvian Embassy and Consulate. Likewise, this organization broadcasts the activities and events organized by the Peruvian community in Venezuela and promotes culture and tourism in Peru. In short, it serves as a means of communication, advertising and a space to share information and contacts for Peruvians living in Venezuela. With technological advances, and considering that nowadays people look for information and contacts using social media, what started with the creation of a webpage is today mostly promoted through Facebook.

Likewise, Cubans in Venezuela<sup>119</sup> is a social network created in 2010 on Facebook, meeting the communication and contact needs of the growing influx of Cubans arriving in Venezuela due to the cooperation agreement established between the two countries.

In 2007, a new organization was created that brings together foreigners of diverse origins whose purpose is different from that of previously established associations: the Bolivarian Association of Foreigners in Venezuela (ABEV). The ABEV is a non-profit association established with the purpose of “... addressing the needs of the foreign population residing in Venezuela. The defense, respect and commitment to the country; to cooperate in the development of Venezuela and to make Latin American integration more of a reality with the ideology of the Liberator Simón Bolívar.”<sup>120</sup> Although its objectives state that ABEV is open to all foreign communities in Venezuela, it is exclusive due to its explicit interest in promoting Latin American integration and, particularly, “so that the Colombian and Venezuelan people may strengthen relations...” According to the activities publicized on its Facebook page, the ABEV serves as a platform for the Colombian Nationalist Party’s activities in Venezuela aimed at Colombian migrants, in cooperation with the United Socialist Party of Venezuela (PSUV).

<sup>117</sup> In [www.aporrea.org/actualidad/n165543.html](http://www.aporrea.org/actualidad/n165543.html).

<sup>118</sup> In <http://www.peruanosenvenezuela.com.ve>; <https://www.facebook.com/pages/Peruanos-en-Venezuela/154728734565990?fref=ts>

<sup>119</sup> In <https://www.facebook.com/pages/Cubanos-En-Venezuela/128145287238339?sk=info>

<sup>120</sup> Bolivarian Association of Foreigners in Venezuela. Management: [https://www.facebook.com/ASOCIACIONBOLIVARIANA/info?tab=page\\_info](https://www.facebook.com/ASOCIACIONBOLIVARIANA/info?tab=page_info)

## 2.5. Emigrant Associations

The growing emigration of Venezuelans abroad is reflected in the cropping up of a greater number of associations in the main destination countries. The majority of these associations seek the rapprochement of Venezuelans through meeting spaces where they can share and promote traditions as well as seek support in the adaptation and settlement process. In some cases, these entities are used to send aid to Venezuela.

The Association of Venezuelans in the Argentine Republic (ASOVEN)<sup>121</sup> is a non-profit civil association headquartered and created by Venezuelans and Argentines in Argentina in 1983. The organization is run by Argentines who once lived in Venezuela and now work as volunteers together with Venezuelans who have emigrated to the Argentine Republic. They promote and organize activities with an eye to sharing and preservation of Venezuelan customs. ASOVEN offers Venezuelans living in Argentina a place to relax and interact with other Venezuelan emigrants. It also organizes cultural events and activities, and provides information on administrative proceedings, in order to address any questions that may arise as foreigners, and provides support for any projects they wish to undertake. ASOVEN currently interacts through Facebook and has more than 1,000 followers. Through its social networks, ASOVEN provides information on events the organization organizes and helps clear up any doubts that may arise regarding administrative proceedings and the procedures of different Argentine organizations.

The Swiss Venezuelan Association,<sup>122</sup> created in 1997 with the aim of strengthening relations between Venezuela and Switzerland, fosters cultural, social and educational activities that allow for Venezuelans residing in Switzerland to meet and for the promotion of Venezuelan culture. It also offers information to facilitate the steps leading to obtaining permanent residence in Switzerland.

The Venezuelan Suncoast Association,<sup>123</sup> formally constituted in 1999 in the United States in Florida, works to strengthen Venezuelan culture and provide aid in situations that call for solidarity. To this end, the organization provided significant assistance to the victims of the landslide tragedy that occurred in Vargas in 1999, and has assisted Venezuelans living in Miami in reaching voting places during elections, among other

<sup>121</sup> In <https://www.facebook.com/AsociaciondeVenezolanosenlaRepublicaArgentina>

<sup>122</sup> Swiss-Venezuelan Association. Website: <http://www.venezuela.ch/es/contactos.html>

<sup>123</sup> Venezuelan Suncoast Association. Website: <http://www.venezuelansuncoast.org>



activities. It organizes cultural and sports events, which are a mechanism for raising funds used to finance the organization's activities.

Amitiés Québec-Venezuela is a non-profit civil association, defined as apolitical and non-religious with an altruistic purpose, founded in 2000 by a group of Venezuelans based in Montreal and Quebec with ties to Venezuela. The main objective of the association is to foster relations between the communities of Quebec and Venezuela, although it came about due to a lack of an organized structure in Quebec to help Venezuela after the landslide in Vargas in 1999, which caused the death of thousands of people, left hundreds of thousands homeless and made several communities literally disappear from the map. As a result of this observation, a group of Venezuelans and Quebecers created an association to fill that void.

The Venezuela Canadian Association of Calgary<sup>124</sup> is a non-profit association created in the year 2000 by Venezuelan residents in Calgary, Canada. The association was established as a way to promote Venezuelan culture and traditions in Canada, with the objective of facilitating migrants' adaptation to life in Canada. This association organizes art and sporting events to fundraise and finance charitable donations. In addition, the association has a scholarship program (VCAC Academic Excellence Scholarship) aimed at young Venezuelans who demonstrate good academic or sports performance, and who are involved in social work initiatives and volunteer work, through a cooperation agreement with Braeside Fabricator and the company BBA. Through its website, the association also provides information on the necessary requirements and important procedures for immigrants in Canada (how to obtain a driver's license, open bank accounts, apply for credit, and enroll in school or look for work, among others).

The Venezuela House<sup>125</sup> is a non-profit organization founded in 2004 in the Delaware Valley in the United States, with the purpose of promoting Venezuelan culture and traditions through cultural, artistic, and educational programming and social activities with musical performances, dance and workshops for children. As part of its community programs, Venezuela House hosts fundraising events for its services and makes donations at special times during the year.

Venezuelans in Ecuador is an "organization constituted by Venezuelan residents in Ecuador with the purpose of facilitating, guiding and promoting adaptation to the legal, employment, professional, health, educational, social, psychological and recreational

<sup>124</sup> Venezuelan Canadian Association of Calgary. Website: <http://www.venezolanosencalgary.com>

<sup>125</sup> Venezuela House. Website: <http://www.casadevenezuela.net>

framework that allows for the inclusion of immigrants originating from Venezuela in Ecuador in favor of the integration of both countries.”<sup>126</sup> This organization aims to promote solidarity towards Venezuelans, with respect for ideological diversity and human values as well as the international recognition of the home countries.

Venezuelans in La Coruña<sup>127</sup> is a virtual platform that promotes the strengthening of relations between Venezuelans residing in La Coruña, Spain. The online platform acts as an interactive space where users exchange information of interest to resolve issues that Venezuelans might encounter when living in La Coruña. There is also a directory of classified ads where users can advertise their own businesses, offer services or seek employment, and contribute contacts of other companies or individuals that might facilitate employment opportunities for Venezuelans. As in other portals, help with legal procedures is offered, along with guidance on administrative requirements and other details (application for Spanish nationality, procedures for studies, marriage, permanent residence in Spain and legal work, among others).

The Catalan-Venezuelan Association (ASOCAVEN)<sup>128</sup> is an association constituted in 1991 in the city of Barcelona (Spain) by a group of returned Catalans and emigrants with the fundamental purpose of promoting and strengthening relations between Catalonia and Venezuela. Due to the growth in the number of Venezuelans residing in the autonomous community, ASOCAVEN makes greater efforts to help those who need more support in adapting to their new environment. ASOCAVEN seeks, through cultural, social and sports activities, to strengthen relations between both regions.

The Venezuelan Association in Valencia (Venenva)<sup>129</sup> is a non-profit organization created with the purpose of providing support during the integration process to Venezuelans living in the Valencian community. The Association provide information that Venezuelan immigrants must know in Spain, foster relations with other similar groups as well as with the Valencian authorities and carries out its work as part of a network of local institutions. The Venezuelan Association in Valencia expresses its commitment “to the integration of people who have had to leave their countries seeking new life alternatives for themselves and their families.”

<sup>126</sup> In [www.venezolanosenecuador.org](http://www.venezolanosenecuador.org)

<sup>127</sup> In <http://www.vencor.org>

<sup>128</sup> Catalan-Venezuelan Association. Website: <http://asocaven.org>

<sup>129</sup> Venezuelan Association in Valencia. Website: <http://www.venezolanosenvalencia.org/>

The Association of Venezuelans in Colombia (Asovenezolanos)<sup>130</sup> was recently established due to the growth of the Venezuelan community in Colombia. Asovenezolanos is a non-profit organization with the objective of convening and integrating Venezuelans residing in Colombia, in order to contribute to the betterment of their quality of life and create spaces for the promotion of folklore, music, and culinary culture, and transmit them to new generations.

### **In Conclusion**

In summary, it is worth noting that civil society organizations in Venezuela have not escaped the influence of a context marked by a climate of political and social polarization and conflict, as well as the genesis of a parallel civil society linked to the new model the country is trying to implement based on the conception of Popular Power. In this context, traditional civil society organizations have less financial support and a weaker relationship with state institutions, especially with the national government, given its low tolerance of any criticism.

With regard to civil society's advocacy tied to migration issues and public policies, it can be concluded that their impact is low, due to the aforementioned conditions, but also because this matter has no preponderance within the public agenda. This is reflected in the delays in approval of some laws or their respective regulations, as well as in the budgetary insufficiencies and in the issues in establishing an institutional framework for the implementation of said laws and regulations. Even under these conditions, and despite the growing restrictions in access to public statistics, research centers continue to make efforts to generate knowledge about migration processes and make it available to those responsible for formulating public policies on migration.

For their part, national and international organizations that maintain assistance programs for migrants in vulnerable conditions work with great difficulty and many of them have focused particularly on the care of refugees. Thanks to their engagement, we have some knowledge about the state institutions' shortcomings in fulfilling their obligations to guaranteeing the rights of refugees or those under similar conditions.

The social associations of foreign communities established in the country mostly date from the two periods in which there were the largest influxes of international immigrants. These associations, in general, have common goals, such as to promote

<sup>130</sup> Venezuelan Association of Colombia. Website: <http://www.venezolanosenvalencia.org/>

the culture of their communities of origin, to promote exchange with the host community, and to provide assistance to migrants who require it. Only certain recently established associations of Colombians in Venezuela have transcended these purely social objectives and have come closer to political practice by joining with political organizations in Colombia and Venezuela.

Finally, regarding Venezuelan emigrant associations, it is worth mentioning that they do not enjoy governmental recognition and there is no initiative from the public sector aimed at creating a registry of Venezuelan communities abroad, not just to understand the significance of this population but also to tend to their needs and guarantee their social protection. This is because the national government has decided to ignore Venezuelan emigration as a real and significant phenomenon for the country and, consequently, they remain practically excluded from public policies in this matter

## PART FOUR

### PROPOSALS FOR CITIZEN PARTICIPATION TO DEFINE AND IMPLEMENT PUBLIC POLICIES ON MIGRATIONS

Anitza Freitez<sup>131</sup>

In the transition from a country of immigration to one of emigration, problems persist in Venezuela. These are linked to the influx of immigrants received in the past and to the recent increase in the emigration of Venezuelans to other destinations. On the one hand, immigrants still have trouble in learning the rules and procedures related to their stay in the country so that they can meet the established requirements in a transparent manner. Nonetheless, we appreciate the benefits of the regularization process carried out in the mid-2000s. Colombians, who constitute the most significant migratory group, face more irregularities and are in conditions of greater vulnerability due to their socio-economic profile and the lack of strong associations to convene and empower these citizens to defend their rights. The problems refugees face in Venezuela mainly affect Colombian refugees; whose care needs are monitored by civil society organizations in collaboration with international organizations as much as possible. In this regard, in recent times, efforts have been made to adapt the legal and institutional framework to address refugee requests and provide assistance. However, the responsible authorities' response has been slow, and budgetary forecasts cannot sufficiently ensure the proper functioning of the responsible public agencies.

Under these conditions, the role of civil society organizations as interlocutors in the protection of migrant rights—seeking ways for them to access basic services, and even in the identification of migrants with special needs, either because they are in an irregular situation, have been victims of trafficking, or meet the requirements to obtain refugee status—is very important.

As highlighted previously, Venezuelan society is facing a severe crisis in all areas of national life, encouraging certain sectors of the population to seek opportunities for

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personal development beyond the country's borders. However, the national government does not recognize this emigration process and migrants abroad face difficulties in exercising some of their rights, particularly in the political sphere. There is evidence that the Venezuelan government has erected barriers to discourage participation in the electoral process, including through the closure of some consular offices as well as delays in the issuance of documents and updating of data in the electoral registry.

Communities of Venezuelan residing abroad are beginning to form associations to assist in and facilitate their settlement in new destinations. However, these associations are still quite weak. They must come together and work in collaboration with civil society organizations in Venezuela to strengthen their demands before government authorities and call for recognition. Despite the changing migration dynamics in the years following 2010, this issue is not among the national government's public agenda priorities. This has an effect on the delays in updating the Migration Act and in the approval of pending regulations for the implementation of the legal framework. Moreover, there are commitments the national government has made with regard to integration and international cooperation in migration and human rights matters, although these are never disclosed, and the implementation of these commitments is often postponed when faced with other pressing matters. Muñoz (2016) points out that we must:

“Demand (...) the formulation of migratory policies that contemplate the different processes of international migration, regardless of whether the recognition of a migratory pattern or related problem affects particularized political interests, and for this it is important for academics, NGOs, international organizations, churches, the media and organized civil society, including migrant groups, to increase participation in documenting and denouncing abuses, to demand concrete actions and to influence the creation of policies with a broad, inclusive vision based on respect for human rights” (Muñoz, 2016: 363).

Given the current national situation, important tasks must be carried out prior to the formulation of public policies. These require more active citizen participation in the search for instruments and mechanisms for dialogue with State institutions. The aim is to contribute to the ultimate goal of all public policies: to guarantee the fundamental rights of all people, including those that have come to settle in Venezuela and those Venezuelans who have decided to look for opportunities abroad.

From this perspective, in this part of the study we propose some ideas that can serve as the basis for formulating proposals and action plans that contemplate citizen participation with four specific objectives: a) to generate information on

the migratory phenomenon; b) to sensitize Venezuelan society about its positive effects and about respect for the human rights of migrants; c) to promote spaces for dialogue where they can collaborate in the design, implementation, and monitoring of public migration policies that include immigration, emigration and refuge; and, d) to strengthen relations between civil society organizations, government entities, and international organizations.

### **1. Proposals for Citizen Participation in the Production of Objective, Timely, Reliable and Relevant Information on the Migration Phenomenon**

In Venezuela, there has been a sharp deterioration in the process by which public information is produced, accompanied by greater restrictions in access to the same. This situation is difficult to understand in light of the resources that have been assigned to state institutions to modernize their technological platforms and automate processes of information generation, which should result in the timely and transparent production of public information. Similarly, it is difficult to understand official institutions' zeal about the processes for producing public statistics. This resolve has resulted in reduced spaces, once offered by some organizations, for the participation of specialized users in technical discussions on theoretical-conceptual and methodological aspects of the generation of information on various issues (committees and sub-committees of statistical, technical or advisory councils). In organizations where these spaces have been maintained, they are no longer open, and they exclude non-governmental organizations and academic institutions critical of public management.

The gaps in access to public information for all Venezuelans have been denounced on various occasions by different civil society organizations with great concern. This situation not only affects migratory information in an important way but also extends to different spheres of the State's public purview. As human rights organizations have expressed: "Restrictions on access to public information are presented mainly at a practical and judicial level, which makes the due transparency of the information handled by government agencies impossible".<sup>132</sup> According to complaints made systematically by civil society organizations, there are different types of shortcomings. On a practical level, the following have been identified: 1) a lack of answers to requests for information; 2) a lack of information available through government websites; and

<sup>132</sup> Access to public information in Venezuela on October 26, 2011. [www.provea.org.ve](http://www.provea.org.ve)



3) restrictions on access to official sources of information.<sup>133</sup>

This panorama does not get public information to citizens, not only so that they know Venezuela's reality on issues in which civil society has the potential to perform the important roles of comptroller, overseers, and participants in public affairs, but also as a fundamental way to preserve and exercise other constitutional rights such as the right to health, education, and housing, among others.

The lack of public information is particularly serious in the migratory field, making it impossible to evaluate the situation of migrants in Venezuela with a focus on human rights, leaving this task in the hands of non-governmental organizations. Despite these organizations' best efforts, they are unable to compile complete and detailed data on the current situation. Thus, immigration in Venezuela and the emigration of Venezuelans is made invisible and remains unknown to the population.

The difficulties mentioned persist despite the fact that as part of the Declaration of Caracas, issued by the Fourth South American Conference on Migration (CSM), the national government signed the Proposal for a Program for the Consolidation and Strengthening of the South American Observatory on Migration (OSUMI). The proposal recognizes that OSUMI is a tool that can help in migration governance and can also be useful for civil society organizations working on migration issues (South American Conference on Migration, 2007). The availability of adequate and timely information is explicitly recognized as benefiting both organizations that work in the protection and defense of the rights of migrants as well as migrant associations themselves.

As documented in previous chapters, during 2018 and 2019 there was a huge exodus of Venezuelan citizens whose dimension and characterization has been known, to some extent, thanks to the sources of information of the main recipient countries and the efforts of International Organizations. On the current immigration situation, but also on other issues, the Venezuelan State has decided to ignore that access to public information is a fundamental right, and this is reported in detail by the NGO *Espacio Público* in its report entitled "The State does not inform timely and adequately on the Venezuelan immigration situation," which gathers evidence of the lack of response to communications sent to State institutions with competence in this matter (Espacio Público, 2019).

Based on these issues, it is important that organized civil society consider promoting

<sup>133</sup> Access to public information in Venezuela on October 26, 2011. <http://www.derechos.org.ve/2011/10/26/en-resumen-el-acceso-a-la-informacion-publica-en-venezuela/>

the following measures:

- » restoring the dialogue with the State, through the reestablishment of spaces that allow for the open participation of organizations with technical and professional capacities to discuss improving the production of and access to migratory information;
- » promoting participation in these spaces, in the form of technical roundtables, in which a work agenda is developed that includes the following topics, among others: an inventory of resources for migratory information in the country; the specification of an assessment between data recorded, information produced, and the information that is ultimately disclosed; the identification of migratory information needs that are not met by existing sources; a record of the difficulties faced by the institutions responsible for producing migration data; and, a formulation of the set of actions that could be undertaken to solve problems that restrict the preparation of migration statistics;
- » restoring public access to migratory statistics prepared from the registration of migratory movements under SAIME's responsibility, whose disclosure was suspended in 1995, and the reactivation of the National Institute of Statistics' household survey program for the investigation of international migration, which was interrupted in 2004;
- » producing information on the emigration of Venezuelans, so that the phenomenon does not remain invisible in national statistics and, therefore, outside the spectrum of public migration policies and legal instruments;
- » promoting cooperation activities with governmental institutions to develop the technical capacities of the personnel responsible for the collection, storage, analysis, and dissemination of migratory data, a fact that will contribute to optimizing the human, technical and budgetary resources of the State to attend to the challenges that Venezuela faces in relation to migration;
- » training of social, economic, and political actors who are involved in migration policy and both generate and conduct deep analyses of migratory information in Venezuela;
- » developing communication strategies that facilitate the periodic and accurate dissemination of migration statistics; and,
- » monitoring compliance with the agreements signed by Venezuela on the

generation of migratory information as part of the South American Migration Conference and in other international forums in this field, including MERCOSUR.

## **2. Proposals for Citizen Participation to Engender Greater Awareness in Society as a Whole About the Positive Impact of Migration and the Human Rights of Migrants**

During the 1950s and 1970s, when Venezuela experienced significant migratory influxes, and although Venezuelan society in general was receptive to immigration, there were those who linked certain immigrant groups with the dictatorial government of the 1950s or those who assumed that migrants were the reason for the lack of employment or the deficiencies in public services, leading to episodes of rejection. This negative image of immigration was reinforced through the media, which greatly exaggerated the magnitude of the foreign-born population living in Venezuela. The idea of a massive presence of foreigners in Venezuela, especially Colombians, remained in the collective imagination. The official spokesperson could not easily refute this image given the poor handling of statistical references. Subsequently, even with information revealing a lesser migratory influx, this image is continually amplified and used as a political tool to justify the inefficiencies in the provision of certain basic services.

According to the official discourse, there is a massive influx of international immigrants at this time, although this is not fully supported by the available public statistics. The foreign-born population increased by 141,000 during the last decade, according to census data, with most coming from Colombia and many coming to seek refuge. On the other hand, it is evident that the average Colombian migrant in this country has a low socio-economic profile and seems to participate little in associations. This fact highlights the need to support migrants or migrant communities so that they may, organically, demand that their needs be addressed.

In Venezuelan society, the negative perception of migrants is less common and there is greater consensus on the contributions that immigrants have made in certain economic areas, as well as in the enrichment of the country's cultural heritage. In order to generate awareness in the population and to recognize the positive impact of migration on national development, it is necessary to promote tolerance and establish full respect for migrants. These actions should be based on the dissemination and recognition of international legal instruments aimed at protecting migrants' human rights. The migration phenomenon should be approached using a comprehensive perspective and should take into account, for example, the situation of migrant women

in their places of origin, transit, and destination, as well as the impact of migration on women and families. Likewise, it should set out to understand the problems migrants face in economic, social and cultural terms and must seek to address them from a human rights perspective.

In Venezuela, a more harmonious immigration legislation exists today than at the beginning of the 2000s. Nonetheless, after more than a decade, some of the normative instruments merit an update and the implementation of the Migration Act must be deepened along with the approval of its respective regulations and the constitution of the National Migration Commission as an inter-institutional coordination entity. There are now modern services available for the issuance of identity documents and, since 2012, there has been an attempt to implement a foreign population registry. However, there is no transparent information on how many foreigners have been registered and, of these, how many are in an irregular situation and how many would not have the right to renew their legal stay in Venezuela.

Producing information on the rights of migrants and their families and making it publicly available is one of the strategic objectives of the South American Plan for the Human Development of Migration (PSDHM), since it is understood that any migration policy proposal should be centered on migrants and their rights. For this reason, dissemination must be carried out using all possible means and spaces. In addition, efforts should be made to train different social actors linked to migration management so that they can properly handle the regulatory framework in this area and avoid actions that violate migrants' fundamental rights. Civil society organizations working in the human rights field could provide extensive support for this purpose.

Empowering migrants to stand up for their human rights, from a comprehensive perspective, is fundamental for these citizens to also benefit from the forms of organization of the Popular Power that the Socialist Model has proposed in the Venezuelan case and not only from the labor standpoint that States normally focus on.

Beyond that, it is necessary to propose the creation, development and implementation of a national human rights program that puts on the agenda and makes visible the reality of the migrant population in Venezuela. It should also seek to give special attention to the health, education, housing and employment issues that migrants face.

With regard to the emigration of Venezuelans, the current situation requires that efforts be made to moderate the discourse and the negative characterizations about this phenomenon and its actors. The National Government has the obligation to use appropriate mechanisms to measure exactly how much of its population has

settled outside of Venezuela and under what circumstances; to associate with these Venezuelan communities abroad and promote activities that contribute to preserving their ties with the country; and, to design strategies to promote professional exchanges and participation in research projects of national interest, among other measures that benefit the country through the contributions of its emigrants.

These recommendations coincide with the good practices espoused by some Latin American countries that register the emigration of their nationals and are in line with the approaches espoused by international organizations.

### **3. Proposals for Spaces for Citizen Participation in the Design, Definition, Implementation and Monitoring of Public Policies on Migration, Including Immigration, Refuge, and Emigration**

It is true that Venezuela has specialized migration legislation and has recently signed on to international commitments in the field of human rights, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.<sup>134</sup> Yet, among the first proposals that should be incorporated into civil society's agenda and its dialogue with state agencies are the revision of the legislation in force and the formulation of reform proposals necessary to achieve better services and a comprehensive treatment of the migration phenomenon. In addition, proposals should target the development of the regulations that aim to implement the legislation currently in place and that in many cases are not implemented because of a lack of regulatory bodies. There is a legislative delay of more than a decade in relation to the approval of such regulations. As for the proposed reform of the Migration Act of 2004, for example, the emigration of Venezuelans should be incorporated into the country's migration policies.

The gathering of associations and organizations around federations, for instance, constitutes an important mechanism, and can also contribute to civil society organizations having a greater impact on public migration policies. The purpose of these groups is to consolidate efforts and exchange opinions and proposals that can result in enhanced advocacy with State agencies.

Another responsibility of civil society organizations, which depends on an open and cordial dialogue and interaction with the State, is the ability to monitor, control and observe how public authorities and consulates function. This is very important work,

<sup>134</sup> International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158, of December 18, 1990.

in which grassroots organizations such as those focused on brokerage can play a preponderant role and in which there is still much work to be developed.

Finally, any development of migrant associations must be accompanied by an improvement in their capacity to organize, as well as in the power to generate resources that allow them to increase human capital, which in turn allows them to have a more prominent advocacy role in decision-making around public policies.

#### **4. Proposals for Inter-Institutional Strengthening Among Civil Society Organizations, Government Agencies, and International Organizations**

As is well known, decisions made by the government regarding both its population and in the area of migration specifically are based on the development of well-defined public policies that serve as general guidelines for action and response to current or potential problems. Consequently, in order for the Government to fulfill its functions efficiently, it is vital that during the process of formulating migration policies it counts on the capacity to coordinate with civil society organizations, government bodies and international organizations.

There are different models of entities for inter-institutional coordination in the development, definition, and implementation of migration policies, which must have the capacity to foresee, identify and define problems faced by migrant populations in order to develop and implement effective and successful policies. That is why one of the necessary and currently unexplored proposals in Venezuela is the creation of alliances between civil society and local governments to influence migration policy from the municipality, generating direct and close responses to meet the migrant population's most urgent needs.

Likewise, this linkage in the creation and management of public migration policies implies the possibility of consolidating transnational strategic alliances as well as greater integration among stakeholders, both regionally and internationally, on the issue of migration. In this way, concrete objectives can be defined based on this population's most sensitive realities.

In any case, the linkage that must take place in the different aforementioned instances must understand and overcome the challenge of political polarization and seek to establish synergies and complementary relations amongst stakeholders. This is the only way to increase the impact of the work by and for the migrant population as well as the comprehensive response to migration.

Both in the Global Forum on Migration and Development and in the South American

Conference on Migration, the need to call on civil society to join the debate and to formulate proposals for action to address the problems of migrants has been expressed. Thus, civil society organizations in Venezuela should value the opening of these and other similar spaces to promote channels for dialogue with government agencies and should monitor the agreements that are signed in such forums. In this regard, the Venezuelan government is in arrears on the implementation of the South American Plan for Human Development of Migration (PSDHM), signed by the government at the X CSM held in Bolivia in 2010, which included a Program for the Participation of Civil Society and other Social Actors with the objective of:

*“Establishing a permanent relationship model with Civil Society, social movements and other social actors, through which joint actions can be developed and positions agreed upon in relation to the principles and strategic guidelines of the PSDHM, in order to strengthen the establishment of participation channels for social movements to be part of the process of formulating and developing migration policies” (South American Conference on Migration, 2010).<sup>135</sup>*

To achieve this objective, the PSDHM suggested governments prepare a work plan to define projects and identify actions, especially those aimed at the dissemination of information and sensitization of persons on the human rights of migrants and their families. Although the PSDHM established deadlines by which regional governments should have carried out these actions together with civil society, ten years have passed since the plan was signed, calling for jointly building a work plan, without any advancement in the Venezuelan case.

Within the CSM, the importance of promoting the participation of representatives of civil society and social movements, particularly of migrant associations, in the process of the Conference was also made explicit. In this regard, it was agreed that in the Inter-sessional meetings representatives of these organizations would be invited to formulate their proposals and be considered in work plans (South American Conference on Migrations, 2010). Civil society organizations from different countries working on migration issues have benefited from the opening of this space, as reflected in the Declaration of Lima during the XIV CSM (2014). In the Declaration, shortcomings in the formulation and execution of migration policies

<sup>135</sup> The full text of the Declaration of Civil Society Organizations of Bolivia before the XI South American Migration Conference is available at: <http://csm-osumi.org/Archivos/ConfCSM/Declaraci%C3%B3n%20de%20Organizaciones%20de%20Sociedad%20Civil.pdf>



that are required today in countries in the region were indicated in clear statements. In addition, different ways for civil society organizations and government agencies in the region to collaborate were brought forth. Among other proposals, the need for a coordinated effort among LAC countries was cited, aimed at the inclusion of migration in the Post-2015 Development Agenda promoted by the United Nations.<sup>136</sup>

At the time of signing the Declaration of Lima, the countries were far from imagining that in a short time the Latin American region would be shaken by an unprecedented migration crisis, generated by the forced migration of people who have fled Venezuela in search of opportunities to guarantee their survival. Even if some countries have expressed their solidarity with Venezuelan migrants, the majority of institutional responses to this migration flow were not adequate to the extension of Venezuelan migration crisis. In that regard, a group of NGOs expressed in a Joint Declaration, made on October 24, 2019,<sup>137</sup> the need to request measures to increase assistance, protection and durable solutions. Likewise, countries are urged to avoid unilateral responses and, on the contrary, to work on coordinated responses.

Countries in the region that have welcomed strong contingents of Venezuelan citizens face great challenges. Among them, properly govern this migration process, provide answers that guarantee the exercise of fundamental human rights of migrants and work on the formulation of programs that allow this migration crisis to be transformed into opportunities to strengthen the development policies and programs in Venezuela.

<sup>136</sup> The full text of the Declaration of Civil Society Organizations before the XIV South American Migration Conference is available at: <http://csm-osumi.org/Archivos/ConfCSM/Declaracion-OSC-XIV-CSM-Lima-2014-Version-Final.pdf>

<sup>137</sup> The full text of the Joint Declaration of Non-Governmental Organizations of October 24, 2019 is available at: <https://www.icvanetwork.org/resources/ensuring-solidarity-displaced-venezuelans-ngo-statement-and-list-ngos-endorsements> (consulted on 20-12-2019).

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