

Creativity amid Crisis

Legal Pathways for Venezuelan Migrants in Latin America

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Executive Summary

More than 3 million Venezuelans are living outside of their country, most having left in the past three years, making this one of the largest and fastest migration and refugee flows anywhere in the world. Latin American countries have received the vast majority of these migrants. And though few countries in the region have immigration systems built to manage movement on this scale, most have tried to maintain an open door to those arriving from Venezuela and to create legal pathways so that they can integrate into local communities and economies. Some countries have used existing visa categories, migration agreements, or asylum and refugee programs to ensure that the arriving Venezuelans have regular legal status, while others have implemented new temporary programs to regularize those in the country without legal documentation. These approaches have helped ensure that many Venezuelan migrants in Latin America have some sort of legal status. Yet some of these measures have significant shortcomings in terms of their coverage, permanence, or the access to public services that they allow. And while the region has largely adopted a definition of asylum that could justify offering protections to most Venezuelan migrants, only Mexico has put it into practice, with other countries opting for other ways to regularize Venezuelan migrants.

With no end in sight to the economic and political crisis that has spurred this movement, and projections that as many as 5.4 million Venezuelans may be living abroad by the end of 2019, governments in Latin America now face the challenge of transitioning from ad hoc to long-term planning for this population. Going forward, they will need to ensure that Venezuelan migrants and refugees are able to maintain regular legal status and that new arrivals can integrate successfully into local societies. With careful planning and international support, this could prove an important opportunity to update and strengthen government processes and public services in ways that benefit entire communities—newcomers and long-term residents alike.

I. Introduction

At least 3 million Venezuelans—and perhaps many more—were living abroad at the end of 2018.¹ The majority have left during the past three years, fleeing a rapidly collaps-

ing economy, with consumer prices increasing more than 1.3 million percent in 2018,² severe food and medical shortages, and political strife. This explosive combination of circumstances has created one of the world’s largest and fastest migration and refugee flows in recent memory.³ Around 80 percent of the Venezuelans who have left their country have

settled elsewhere in Latin America, a region that has never before seen such an extensive internal flow of refugees and migrants. Within Latin America, the vast majority of Venezuelan migrants have arrived in eight countries: Colombia, Peru, Ecuador, Argentina, Chile, Brazil, Panama, and Mexico (see Figure 1).⁴

Figure 1. Population of Venezuelans in Top Receiving Countries, Late 2018



Sources: Migration Colombia, “Más de Un Millón Cien Mil Venezolanos Estarían Radicados en Colombia” (press release, December 19, 2018), <http://migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/diciembre-2018/9348-mas-de-un-millon-cien-mil-venezolanos-estarian-radicados-en-colombia>; Ecuador Ministry of Foreign Relations and Human Mobility, “Ecuador invita a 28 países a la ‘Reunión de cooperación internacional para la respuesta a las personas venezolanas en situación de movilidad humana’” (news release, November 29, 2018), www.cancilleria.gob.ec/ecuador-invita-a-28-paises-a-la-reunion-de-cooperacion-internacional-para-la-respuesta-a-las-personas-venezolanas-en-situacion-de-movilidad-humana/; *El Comercio*, “Venezolanos en Perú: Estas Son las Cifras Actualizadas de la Migración,” *El Comercio*, December 18, 2018, <https://elcomercio.pe/peru/venezolanos-peru-cifras-actualizadas-migracion-noticia-588691>; Jill Langlois, “São Paulo Helps Refugees Find Their Feet in Brazil,” United Nations High Commissioner for Refugees (UNHCR), December 17, 2018, www.unhcr.org/news/stories/2018/12/5c174e494/sao-paulo-helps-refugees-find-feet-brazil.html; Regional Interagency Coordination Platform, “Latin America and the Caribbean: Stocks of Venezuelan Population in the Region” (fact sheet, UNHCR, October 31, 2018), <https://data2.unhcr.org/es/documents/download/66700>.

In a region where national legal frameworks are generally open to migration, the response by Latin American governments has largely been both generous and pragmatic. Most have opted to create pathways for Venezuelans to enter, obtain legal status, and remain there, at least on an interim basis. This is both a demonstration of regional solidarity with a vulnerable population fleeing difficult and deteriorating conditions in its homeland, and a practical calculation that granting legal status to these new arrivals will generate better outcomes for the host societies in the long run.

All of the Latin American countries receiving Venezuelan migrants and refugees are facing significant short- to medium-term costs, including those associated with processing their entry and scaling up public services to meet increased demand. Yet most have made the wise decision to bet on the future benefits that these new arrivals could bring to their economies and societies, rather than trying to resist their entry or push the new arrivals into the underground economy. After all, migration from Venezuela represents an opportunity for many countries in the region to gain access to relatively qualified human capital; overcome demographic imbalances associated with aging populations and diminishing fertility rates; sustain social security systems as Venezuelan residents become contributors; and generate overall economic growth.

Research suggests that measures that regularize the status of migrants, integrate them into the labor market, and provide them access to basic public services are important tools for ensuring that migration leads to long-term positive outcomes for host societies. Granting migrants legal status can facilitate their entry into the formal economy, making them less likely to displace local workers as employers have fewer incentives to hire them as a source of labor cheaper than the native workforce. Of course, in many Latin American countries a high percentage of the broader population works in the informal sector as well—for example, more than 50 percent of urban workers in Colombia as of 2017, and 70 percent of all workers in Peru as of 2013⁵—so moving workers into the formal economy remains a long-term challenge for both migrants and the native born.

Access to legal status also allows migrants to set down roots, earn higher wages, become more self-sufficient, and contribute to the host country, including by boosting the national GDP.⁶ Similarly, access to education not only helps migrants develop their own capacities, it also aids the formation of cohesive communities⁷ and ensures a well-educated population in the future. Taking steps to avoid the creation of a large unauthorized population also benefits national security by giving governments more information about the immigrants residing within their borders.⁸ And finally, ensuring that newcomers have access to health care can mitigate public-health risks and prevent reliance on additional public services as a result of more severe illness or disability.⁹

The scale and creativity of the regional response to this sudden arrival of tens and, in many countries, hundreds of thousands of Venezuelan migrants is quite noteworthy. Some countries have used existing visa categories to provide them legal status, while others, such as Brazil, Colombia, and Peru, have created special regularization programs to grant status to those who have entered through irregular channels. Past regional agreements have allowed Venezuelans to enter some countries with only their national identity card. Meanwhile, other countries have sought flexible arrangements to allow Venezuelan migrants to enter with alternate forms of identification, especially as it has become harder for Venezuelans to obtain or renew passports before leaving.

These actions have been both timely and in some cases innovative, but there is now an urgent need for countries in the region to begin to look beyond the immediate humanitarian crisis and plan for the long run. It is becoming increasingly clear that few of these migrants and refugees will be able to return to Venezuela any time soon, and the temporary measures in place will not be enough to address what is almost certain to be a long-term challenge. Policymakers thus need to find legal pathways for Venezuelan immigrants to remain on a more extended basis and ways of integrating them fully into host societies. Furthermore, the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration

(IOM) have projected that by the end of 2019, 5.4 million Venezuelans may be residing abroad if current dynamics and conditions in the country do not change.¹⁰ The flows in 2019 will likely be characterized in part by family reunification, with more vulnerable family members—children, women, and the elderly—moving to join young men who left first. For this reason, a regional approach to the permanent regularization of Venezuelan migrants will be necessary to successfully manage these flows and avoid the pitfalls of irregularity.

II. Entry Document Requirements: A Commitment to Mobility Tested

In recent decades, Latin American countries have loosened entry and visa requirements for nationals of other countries in the region to encourage freedom of movement.¹¹ Only one

of the principal recipients of Venezuelan migrants—Panama—requires them to have a visa to enter, a recent development. Venezuelans can legally enter Argentina, Brazil, and Ecuador with only their national identity document, if they do not have a passport, and once there, they have access to a pathway to permanent residency if they meet other requirements.¹² Most other Latin American countries allow access with only a passport and without the need for a specific visa.

However, as more Venezuelans have fled their country, this embrace of free movement is being tested. While many countries in the region are taking innovative steps to regularize the Venezuelans who have already entered, some have implemented new entry requirements and/or raised or refused to lower entry fees, effectively limiting the number of future Venezuelan arrivals (see Table 1). Panama was the first country to take such a step, requiring Venezuelans to have visas to enter starting in October 2017.¹³ Some countries that once allowed passport-free entry now are demanding passports of Venezuelans who wish to enter, a requirement that has

Table 1. Entry Requirements for Venezuelans in Top Receiving Countries, as of December 2018

	Visa Required?	Passport Required?
Colombia	No	Yes
Peru	No	Yes
Ecuador	No	No
Argentina	No	No
Chile	No	Yes
Brazil	No	No
Panama	Yes	Yes
Mexico	No	Yes

Sources: *El Comercio*, “Venezolanos Sí Deberán Presentar Pasaporte para Ingresar a Perú,” *El Comercio*, October 17, 2018, <https://elcomercio.pe/peru/venezolanos-deberan-portar-pasaporte-ingresar-peru-noticia-568274>; Ecuadorian National Assembly, *Ley Orgánica de Movilidad Humana*, Suplemento – Registro Oficial N° 938 (February 6, 2017): 16, www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf; Argentine National Migration Administration, “Ingreso y Egreso al País,” accessed December 5, 2018, www.migraciones.gov.ar/accesible/indexA.php?tramitesindex; *La Tercera*, “Este Lunes Comienza a Regir Exigencia de Visa para Venezolanos y Haitianos,” *La Tercera*, April 16, 2018, www.latercera.com/negocios/noticia/este-lunes-comienza-regir-exigencia-visa-venezolanos-haitianos/134816/#; Chilean Department of Foreigners and Migration, “Preguntas Frecuentes,” accessed December 5, 2018, www.extranjeria.gob.cl/preguntas-frecuentes/; Panamanian Tourism Authority, “Requisitos de Entrada a Panamá,” accessed December 6, 2018, www.atp.gob.pa/requisitos-de-entrada-panama; Embassy of Mexico in Venezuela, “Visas,” updated December 4, 2018, <https://embamex.sre.gob.mx/venezuela/index.php/servicios-consulares/18-documentacion-consular/para-extranjeros/20-visas-para-extranjeros>.

become more onerous as Venezuelan passports have become more difficult to obtain and renew due to cost, bureaucratic slowdowns, and, sometimes, political retaliation by the Venezuelan government against its detractors.¹⁴

While passports are often more secure than other identity documents, and security is paramount in the midst of a migration surge, those arguments must be weighed against the fact that requiring passports may simply drive migration underground or redirect flows to other recipient countries, creating a collective action problem. In other words, when one country tightens its entry requirements, flows to other countries may increase, leading their governments to also impose more strict rules for entry. Barriers to entry also tend to empower migrant smugglers and human traffickers, who provide alternate means to get into countries outside of legal channels.

In August 2018, first Ecuador and then, in quick succession, Peru attempted to implement a requirement that Venezuelans show passports in order to enter, rather than allowing them to enter with national identity cards. Both countries exempted minors accompanied by their parents or guardians, and Peru also exempted pregnant women and people over 70 years of age. The governments of both countries justified these measures by explaining that the identity cards can easily be falsified and that the admission of migrants whose identities are unknown puts the security of the receiving countries at risk.¹⁵

Peru's government reported that following the imposition of the passport requirement, average daily entries of Venezuelans decreased by more than half: from 3,500 to 1,300 between August 25, when the measure went into effect, and the first week of September 2018.¹⁶ In both countries, however, judges temporarily blocked the requirement. In Ecuador, a judge found it contradicted the country's *Human Mobility Law*, and in Peru, the judge found it violated Venezuelans' freedom of movement.¹⁷ The Ecuadoran government subsequently began requiring that Venezuelans present any type of valid government-issued identification, such as a passport

or an identity card.¹⁸ In Peru, on the other hand, the passport requirement has since been reinstated. However, Peru's asylum system offers an informal alternative: Venezuelans who arrive without passports may simply visit the Foreign Ministry office at the main border crossing and start the process of applying for asylum, which allows them to enter without a passport. This has become a creative way around the passport requirement, which might otherwise drive many migrants to cross illegally between checkpoints.

Venezuelans can still enter Chile as tourists without obtaining a visa, as long as they present a passport. However, an April 2018 policy prohibits tourists of any nationality from adjusting to a temporary legal status for workers, effectively preventing Venezuelans who have entered via this route from accessing employment authorization and pathways to permanent residency, as had been common in the past.¹⁹ In order to stay in the country for more than the 90 days permitted as tourists, and to secure the opportunity to apply for permanent residence, Venezuelans can apply for Chile's Democratic Responsibility Visa from within Venezuela, with a passport.²⁰ These stipulations, as well as the cost and the requirement that applicants have the Venezuelan government certify their lack of criminal history, prevent many from getting this visa. There are many other categories of temporary visas that migrants of any nationality can apply for, but these also have a range of requirements, such as having familial ties to a Chilean resident or having a professional degree, that many Venezuelan migrants may not meet.²¹ The Chilean legislature is working on a new migration law that will likely make changes to the categories of visa available.

Finally, Colombia requires that Venezuelans have passports to enter, though the government has made an effort to facilitate circular and transit migration for some who do not. The Border Mobility Card (*Tarjeta de Movilidad Fronteriza*, or TMF) allows Venezuelans who live near the Venezuela-Colombia border to make brief trips into the border regions of Colombia, with applicants required to furnish a national identity card and proof of residence in Venezuela, but not

a passport.²² Giving people the opportunity to apply for these cards with manageable requirements can facilitate the legal crossing of people who may otherwise cross the porous border illegally, relying on smugglers or traffickers who often target more vulnerable migrants.

Between July 2017, when the first cards were issued, and February 2018, when the government stopped issuing them, 1.6 million Venezuelans received TMFs, which are valid for two years.²³ The Colombian migration authority announced in November 2018 that it would start issuing the cards again.²⁴ While some migrants may use the cards to remain for longer periods of time in Colombia, many are able to continue living in Venezuela and rely on them to make trips across the border to purchase food or receive medical treatment. But even when these migrants do not become residents, the additional pressure on service providers often overwhelms cities on the Colombian side of the border.

To further regularize migration flows that otherwise could become the domain of smugglers and traffickers, Colombia on December 27, 2018, began offering 15-day transit permits to migrants passing through Colombia on their way to another country, without requiring them to present passports.²⁵

To coordinate national responses to Venezuelan migration, particularly in terms of entry document requirements, 13 governments met in Quito, Ecuador, in September 2018. At the conclusion of the summit, 11 governments issued a joint declaration that expressed their commitment to keeping entry as open as possible to Venezuelans fleeing their homeland by taking steps such as accepting expired travel documents, though the ultimate form of these measures was left up to each government.²⁶

Overall, while the countries receiving the most Venezuelan migrants have tended toward tightening their entry requirements, some have found ways to ensure that those unable to meet the standard requirements can nonetheless be admitted without resorting to illegal entry.

III. Legal Residence for Venezuelans: A Work in Progress

Receiving countries have mostly reacted quickly and creatively to the sudden, large-scale movement of Venezuelan migrants. In addition to adjusting entry requirements, many have revised the options available to Venezuelans seeking to establish residence, at least temporarily, in another country. Some countries have created alternative forms of protection or launched regularization programs, while in others, Venezuelans have been able to access existing visas.

A. New Legal Permits

In 2017, as the number of Venezuelans entering other Latin American countries increased, three governments—Brazil, Colombia, and Peru—came up with new ways to prevent large numbers of Venezuelan migrants from falling into long-term unauthorized status (see Table 2). While Chile has also offered a temporary residence visa tailored to Venezuelans, onerous application requirements may increase rather than decrease irregular migration.

The Colombian government started issuing the Special Stay Permit (Permiso Especial de Permanencia, or PEP) in August 2017 to Venezuelan migrants who had entered with passports before July 28 of that year.²⁷ Most would have entered as tourists, a status that only lasts 90 days. The PEP, which is free, provides two years of work authorization and permission to stay in the country. It also allows recipients to access Colombia's health system beyond emergency treatment, which is the only health benefit available to unauthorized immigrants.²⁸ The Colombian government later issued the PEP to two additional populations of Venezuelan migrants: those who entered with passports before February 2, 2018, and those who entered irregularly but registered with the government in Spring 2018.²⁹ However, by December 2018, only

272,000 of the 442,000 Venezuelans in irregular status who had registered with the government had applied for the PEP.³⁰ Colombia will make PEP available to a third additional population, the migration authority announced in December 2018: Venezuelans who entered the country legally and with passports by December 17, 2018.³¹ The government estimates this new round of PEP could benefit more than 300,000 people.³² In total, more than 453,000 Venezuelans had been issued PEP as of December 2018—about 40 percent of the total Venezuelan population in the country, according to government estimates.³³ To prevent future Venezuelan arrivals from falling into irregular status, the government may consider continuing to issue new rounds of PEP ad hoc.

The Peruvian government created a similar Temporary Stay Permit (Permiso Temporal de Permanencia, or PTP) in 2017 to provide one year of legal status and work authorization to Venezuelans who entered the country legally before April 2017.³⁴ The government has since expanded the group eligible for this permit several times, with the most recent extension allowing any Venezuelan who entered before October 31, 2018, to apply.³⁵ By the end of December 2018—the deadline to begin the application process—175,000 Venezuelans had been issued a PTP, while 320,000 applications were being processed, together representing about three-quarters of the estimated Venezuelan population in Peru.³⁶

Peru has taken several important steps to make Venezuelans' integration via the PTP as smooth as possible. First, applicants can provide a copy of either their passport or identity card as proof of identity. Second, they can have INTERPOL certify their lack of criminal record—an involved process but one that can at least be completed from inside Peru, unlike some visa processes in other countries that require obtaining a police document certifying this from Venezuelan authorities.³⁷ Although the PTP lasts for a shorter period than Colombia's PEP (one year versus two years), holders of PTP have a direct path to permanent legal status: they can apply to become residents upon its expiration.³⁸ A May

2018 administrative measure also allows Venezuelans waiting for PTP to get work permits while their applications are being processed.³⁹ And while the PTP is not free—it costs about 42 soles (slightly more than USD 12)—starting in August 2017, in exceptional circumstances, the migration authority has allowed applicants to defer payment for up to 12 months.⁴⁰ On the other hand, PTP holders in Peru have more limited access to public benefits than PEP holders in Colombia, as they cannot use the health-care system except under very limited circumstances.

In Brazil, Venezuelan migrants can use a passport or national identity card to apply for a two-year temporary residence permit, introduced in March 2017.⁴¹ In March 2018, the government announced that Venezuelans with two-year temporary residence permits could apply for permanent residency, as long as they do so three months before their temporary permits expire, prove they have a means of subsistence, and do not have criminal convictions.⁴² In the first four months during which the temporary permit was available, only 300 people applied, but the government has since waived the fee and seen applications rise. As of December 2018, 23,000 permits had been issued.⁴³

Finally, as mentioned in the previous section, Chile created a visa specifically for Venezuelans in April 2018, though it requires a valid passport, costs USD 30, and must be requested from within Venezuela. The Chilean government issued 16,000 Democratic Responsibility Visas in the first seven months that it was available—18 percent of the more than 90,000 applications that Venezuelans had submitted by mid-November 2018.⁴⁴ Almost half were still pending, while the rest were either in the process of being granted or had been closed. Because of its onerous requirements, this visa is likely to offer legal status to a smaller universe of Venezuelans than the previous visa regime, in which those who entered Chile as tourists and found a job could adjust to temporary residence. Thus, instead of preventing Venezuelan migrants from falling into unauthorized status, this policy shift could drive some to resort to irregular migration.

Table 2. Special Legal Pathways for Venezuelans, as of Late 2018*

Country	Requires Legal Entry?	Requires Passport?	Requires Certification of Clean Criminal History from Venezuela?	Cost	Pathway to Permanent Residency?	Number of Visa Recipients / Status Holders
Colombia, Special Stay Permit (PEP): for Venezuelans who arrived at an official entry point before Dec. 17, 2018 and for those who entered irregularly and registered with the RAMV between Apr. 6 and Jun. 8, 2018	Yes, unless registered with the RAMV	Yes, unless registered with the RAMV	No	Free	Unclear	453,000
Peru, Temporary Stay Permit (PTP): for Venezuelans who entered Peru prior to Oct. 31, 2018	Yes	No**	No, certification comes from INTERPOL	USD 12	Yes	175,000
Brazil, Temporary Residence Permit	No	No	No	Free	Yes	23,000
Chile, Democratic Responsibility Visa: for Venezuelans who apply from Venezuela	Yes	Yes	Yes	USD 30	Yes	16,000

INTERPOL = International Criminal Police Organization; RAMV = Administrative Registry of Venezuelan Migrants.

* Statistics on visa recipients for Colombia, Peru, and Brazil are as of December 2018. Statistics for Chile are as of October 2018.

** While the PTP itself does not require a passport, passports were a condition of legal entry from August 25, 2018, to October 5, 2018, and have again been required from October 15, 2018, on. Since PTP requires a legal entry, this is effectively a passport requirement for the population who arrived in these time periods. See *El Comercio*, “Venezolanos sí deberán presentar pasaporte para ingresar a Perú,” *El Comercio*, October 17, 2018, <https://elcomercio.pe/peru/venezolanos-deberan-portar-pasaporte-ingresar-peru-noticia-568274>.

Sources: Migration Colombia, “Reporte Migratorio de Venezolanos en Colombia” (unpublished fact sheet, December 3, 2018); Peruvian National Migration Superintendence, “Más de 495 mil personas venezolanas realizaron gestiones para acogerse al PTP” (press release, January 2, 2019), www.migraciones.gob.pe/?p=11837; M.J. Navarrete and H. Basoalto, “La Mitad de Las Visas Solicitadas por Venezolanos No Han Sido Procesadas,” *La Tercera*, December 11, 2018, www.latercera.com/nacional/noticia/la-mitad-las-visas-solicitadas-venezolanos-no-procesadas/441117/; Response for Venezuelans, *Regional Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela, January-December 2019* (Geneva: Response for Venezuelans, 2018), 27, https://s3.amazonaws.com/unhcrsharedmedia/2018/RMRP_Venezuela_2019_OnlineVersion.pdf.

B. Regularization Programs

Some countries have implemented regularization programs rather than (or in addition to) creating a special legal permit for unauthorized Venezuelan immigrants. These programs are an important and generous measure to prevent irregularity. Typically, though, they only cover a certain subset of the migrant population, either those who arrived before a specific date or those who register within a given time period. But because the flow of Venezuelans is ongoing, and irregular entries may become more common as some countries increase their entry requirements and the Venezuelan government makes it more difficult to get passports, governments in the region may need to consider broader efforts if they are to continue preventing irregularity.

Colombia embarked on a campaign to register unauthorized Venezuelan migrants from April to June 2018 in the Administrative Registry of Venezuelan Migrants (Registro Administrativo de Migrantes Venezolanos, or RAMV). In August, the national migration authority announced that the more than 440,000 Venezuelans who had registered would be able to apply for the PEP, and 272,000 had done so as of December 2018.⁴⁵ The Colombian government, concerned about creating an incentive for massive additional flows and spurring new incidences of xenophobia, did not announce this benefit until after the RAMV was completed. Reports indicate, however, that the lack of early communication about the benefits of registering may have deterred participation, with some migrants reportedly fearing their information would be used instead to fine or deport them.⁴⁶

While narrowing the legal pathways available to future Venezuelan arrivals, Chile also embarked on a program to regularize all unauthorized immigrants who had entered prior to April 9, 2018, by giving them one-year temporary visas. Migrants could apply to regularize their status with or without identification documents, paying 90 pesos (USD 0.13) at the end of the process. While a certification from migrants' countries of origin showing they lack a criminal history is also required, the deadline to submit it is not until July 2019—a generous timeline set

in recognition of the delays Venezuelans face in obtaining this certification from their government. Those who entered Chile irregularly had 30 days from April 23, 2018, to register, while those who had overstayed a visa had 90 days.⁴⁷

Panama also announced an expansion of its ongoing regularization process in April 2018, making eligible all unauthorized immigrants who had lived in the country for at least one year. The requirements are much stricter: registrants must have a passport with an entry stamp, or if they do not have a passport, they need to present a certification from their consulate stating that they do not have one. All registrants also have to present a sworn statement from a Panamanian national or permanent resident who will take responsibility for them.⁴⁸ For Venezuelans, regularization costs USD 1,022.⁴⁹ By the end of October 2018, 37,000 Venezuelans had regularized through this process.⁵⁰

C. Existing Visas

Argentina is one of two countries to offer a temporary visa and, after two years in the country, permanent residency to Venezuelans through the Mercosur trade bloc. Uruguay, which is estimated to host fewer than 10,000 Venezuelan migrants, also offers temporary and permanent Mercosur visas to Venezuelans.⁵¹ In Argentina, the initial visa can be obtained with just an identity card, though applicants must also provide proof of a clean criminal record in recent countries of residence and pay at least 3,000 pesos (USD 79.50).⁵² Of 130,000 Venezuelans residing in Argentina, only 8,600 had obtained permanent residence through this channel as of June 2018; a further 65,400 had qualified for a temporary residence permit.⁵³ Some who might otherwise qualify for permanent residence have not been able to apply because they have been unable to obtain the necessary Argentine national identity document given to residents due to the wait to receive certification of a clean criminal record from the Venezuelan government and the backlog of these identification requests in Argentina.

Ecuador in 2017 began offering a temporary residence visa for nationals of Union of South American Nations (UNASUR) Member States, including Venezuela.⁵⁴ The visa allows recipients to work and live in Ecuador for two years and to adjust to permanent residency. However, it is expensive, costing USD 250 for the application and the visa itself, and it requires a valid passport.⁵⁵ Nevertheless, as of November 2018, UNASUR visas made up about 90 percent of the 100,000 visas that Ecuador had issued to Venezuelan migrants, 250,000 of whom are believed to live in the country.⁵⁶

Ecuador has also offered a special visa for Venezuelans since 2011 through an agreement between the governments of the two countries. The visa offers temporary residence for a year, with the option to renew once, as well as work authorization. As with the UNASUR visa, Ecuador requires applicants to have a valid passport, and with a price tag of USD 450, it also costs more than the UNASUR visa.⁵⁷

Finally, Venezuelans have been able to access several types of employment visas in Mexico, including temporary and permanent residence permits. In the first nine months of 2018, Venezuelans were issued more temporary and permanent residence cards than immigrants of any other nationality. During the same period, they also received the second most humanitarian visas, after Hondurans.⁵⁸

IV. Asylum Systems Overburdened, Not Functioning as Intended

While Latin American countries have successfully worked to channel Venezuelan migrants into their legal immigration systems, they have been less successful in dealing with claims for humanitarian protection through their asylum systems. Because most countries in the region had previously received relatively few applications for humanitarian protection, most have asylum systems that are too underdeveloped

and understaffed to handle a surge of Venezuelan asylum seekers.⁵⁹

Ironically, for countries with so little capacity to process asylum claims, Latin America also has one of the broadest definitions of asylum in the world (and indeed, the limited use of their asylum systems until recently may have helped facilitate the broad definition). The 1984 Cartagena Declaration, signed originally by ten Latin American countries and later by more, expanded the definition of who may be considered a refugee beyond the one established in the 1951 Refugee Convention, which covers persons fleeing persecution on the basis of race, religion, nationality, political opinion, or membership in a particular social group.⁶⁰ The more extensive Cartagena definition includes those who have left their countries “because their lives, safety, or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances which have seriously disturbed public order.”⁶¹ However, while many of those fleeing Venezuela could meet these criteria, and while 16 Latin American and Caribbean countries have incorporated this definition into their laws, only Mexico has applied it in adjudications of Venezuelans’ asylum claims.⁶²

Peru has received the most asylum applications from Venezuelans—more than 33,000 in 2017 and 113,000 in 2018, through mid-November—but the vast majority of these applications have not been adjudicated.⁶³ As of November 2018, only 500 Venezuelans had been granted asylum since the crisis began.⁶⁴ This sharp increase in asylum applications is likely due in part to the August 2018 decision to start requiring passports to enter the country, as Venezuelans who have arrived without passports since then have been funneled through the asylum system. Instead of adjudicating these applications, Peruvian officials report simply renewing the work permits issued as part of the initial registration for asylum. However, UNHCR notes that many employers do not accept these work permits, suggesting this approach may have a more limited impact on Venezuelans’ integration than intended.⁶⁵

While Colombia has received the most Venezuelan migrants, it has also received some of the lowest numbers of asylum applications—1,600 in 2017 and the first six months of 2018 combined.⁶⁶ Those who do apply receive a Permit to Remain (*Salvoconducto de Permanencia*) that protects holders from deportation, but does not allow them to work, while their applications are pending—a wait that can last two years.⁶⁷ Because of this, even Venezuelans with legitimate asylum claims may opt for the PEP or other visa options rather than pursuing asylum.

The Venezuelan population in Brazil is less than one-tenth the size of the one in Colombia, but Brazilian authorities had already received 56,000 asylum applications by December 2018—35 times more than were filed in Colombia.⁶⁸ The Brazilian asylum system, like many in the region, is extremely backlogged: as of March 2018, there were 86,000 applications from all nationalities pending, with only 14 officials to adjudicate them.⁶⁹ Applicants for asylum do, however, receive access to the health and education systems and a work permit while their cases are pending, although the wait for these interim documents can be long as well. As in Peru, this has led many newcomers to apply for asylum as a way to gain access to services and legal employment.⁷⁰

In order to combat the asylum backlog, Brazil's immigration and refugee agencies on December 14, 2018, introduced a new pathway to regular status that could remove a portion of applicants from the queue. Those able to prove they had a pending asylum application, a work permit, and an employment contract or job in the formal labor market, all before November 21, 2017, can apply for a two-year temporary residence visa.⁷¹ Applying for this status will automatically withdraw the migrant's application for asylum.

Ecuador received 9,000 asylum applications from Venezuelans in the first ten months of 2018.⁷² Applicants receive documentation of their status as asylum seekers, which also serves as a work permit. However, many employers are unfamiliar with this documentation and prefer not to hire asylum seekers, stunting the effect of this policy, as in Peru.⁷³

Of the top receiving countries in the region, Mexico has granted asylum to the highest number of Venezuelan applicants, likely because it has applied the Cartagena definition of a refugee and because it has a more robust asylum system. In 2017, more than half of the 4,000 Venezuelans who submitted asylum applications were granted refugee status, and only 90 were denied—the majority of the rest were pending at the end of the year.⁷⁴ In the first nine months of 2018, more than 4,000 Venezuelans submitted asylum applications, and 700 have been approved so far.⁷⁵ Mexico has taken important steps in considering Venezuelans for asylum under Cartagena, and in fully adjudicating asylum cases. However, those granted refugee status represent less than 10 percent of the almost 40,000 Venezuelans in Mexico, and those with pending applications do not have permission to work, which can stall their integration.⁷

V. Shifting from Temporary to Permanent Measures

According to UN estimates, about 60 percent of Venezuelans living outside their country were in irregular statuses as of November 2018.⁷⁷ Though asylum is largely inaccessible, many Venezuelans have found protection under temporary statuses. As the Venezuelan crisis and large-scale emigration from the country continue unabated, governments must consider how to manage the statuses of thousands of migrants who will seemingly remain displaced for the foreseeable future. With an eye to the benefits of integrating this population, this should include the creation of pathways for Venezuelans—both those in regular and those in irregular statuses—to become permanent residents.

In Colombia, for example, the PEP has been indispensable in providing the first step toward integration for these migrants, but in mid-2019, when the first round of two-year permits will begin to expire, more than 68,000 Venezuelans could face an uncertain future. There is no clear path for many migrants with PEP to stay in Colombia: other temporary visas, such as work or

student visas, require proof of legal entry, which more than half of PEP holders do not have.⁷⁸ The larger population of unauthorized migrants registered in the RAMV lacks required documentation as well: only 7 percent had passports, though 74 percent had identity cards.⁷⁹ There is also the question of whether time on PEP will count toward the five years of temporary residence a migrant needs to become eligible to adjust to permanent residence. More flexible documentary requirements could help prevent widespread irregularity.

In Brazil, one of the main challenges, in addition to regularizing Venezuelan migrants' status, is spreading their service needs out geographically. The Venezuelan migrant population is largely concentrated in the poor, isolated state of Roraima in the north of Brazil. As migration into Roraima has continued, the state government has attempted to go against the federal government and close the border to Venezuelans, and there have been xenophobic incidents in local communities.⁸⁰ The federal government and international humanitarian organizations have stepped in by creating an "interiorization" program, which helps relocate Venezuelan migrants from Roraima to other areas with greater labor needs. As of December 2018, more than 3,000 Venezuelans had been voluntarily relocated within Brazil, but that is a small fraction of the Venezuelan population in Roraima, where 25,000 live in the state capital city alone.⁸¹

In Peru, a primary challenge will be figuring out how to fully regularize the hundreds of thousands of Venezuelans with pending asylum applications. Ecuador faces a need to create less costly pathways to legal status. And all countries in the region will need to figure out how to deal with unauthorized Venezuelan migrants who have not yet received even temporary protection. In doing so, policymakers will have to assess whether implementing stricter documentary requirements for entry is leading to an increase in the unauthorized population.

The collaborative approach that the region has been taking will be essential for the crafting of a comprehensive response to Venezuelan migration. At a November 2018 convening, again in

Quito, Ecuador, eight countries signed on to a Plan of Action that lays out steps the countries will take to facilitate authorized migration of Venezuelans in the coming months.⁸² Several of these commitments stand out. The countries agreed to put in place measures that allow Venezuelans to regularize their migration status and to study the possibility of reducing the costs of certain visas, according to their respective laws.⁸³ Although this condition allows governments that do not wish to follow through with these commitments to sidestep them, it is crucial that the region is recognizing and stating the importance of these steps.

In addition to harmonizing and coordinating policies, as much as their legal frameworks allow, governments in the region will also need to weigh how to facilitate access to public services and labor markets—measures that will help Venezuelan migrants integrate into and contribute to their new countries.⁸⁴ In many receiving countries, a significant portion of Venezuelan migrants is highly skilled. And in some, a majority likely has college or technical degrees.⁸⁵ But receiving countries will need to create or streamline processes for recognizing credits and degrees from Venezuelan schools in order to open up education and labor systems to educated and skilled migrants. And, of course, it is equally important to enable lower-skilled migrants to access services and legal status to prevent them from falling into the informal labor market or from being subject to labor exploitation, particularly as the flows have increasingly consisted of migrants with less education and training.

If well planned, this could be an opportunity for governments to invest in measures that benefit not only Venezuelans, but the community at large. They could, for example, take this as a chance to modernize the processes involved in accessing services and to formalize the labor market. They have, in short, the opportunity to not just react to a crisis, but to use the crisis to help solve long-term problems, especially considering the amount of resources flowing into receiving countries through international organizations and donors.

VI. Great Creativity in Responses but Real Challenges Ahead

Despite these existing and future challenges, there is no question that Latin American countries have shown immense creativity in responding to one of the fastest and most extensive migration flows in the contemporary world. Indeed, there is much that countries in Europe, North America, and Asia could learn from how Latin American governments have tried to ensure that the influx of Venezuelan migrants across the region may benefit receiving societies. These governments have bet on the long-term gains of providing legal status to many new arrivals, even though it produces significant short-term strains on public finances and services.

The crisis has also served to help some countries address immigration laws that were outdated and modernize migration procedures and agencies. In both Peru and Colombia, for example, government leaders have taken the crisis as an opportunity to modernize and digitize outdated systems, and to begin to adapt laws for not only current but also future needs.⁸⁶

It remains to be seen whether the Venezuelan crisis catalyzes change in other policy areas as well. From education and health care to labor

markets and small business regulation, systems and services in many countries are strained by the arrival of so many Venezuelans in such a short period. Although there has not been a coordinated, systematic backlash against the influx of migrants, such as explicitly anti-immigration national political parties or campaigns, some countries have taken steps to limit Venezuelan arrivals, and some local governments and resident populations have expressed frustration at the increased strain on resources.⁸⁷ In order to avoid a more widespread and engrained sense of xenophobia, proactive measures should aim to improve public services not just for newcomers but for the native born as well.

Responding not just to the needs of Venezuelan migrants and refugees but to the communities where they settle as a whole will require significant support from governments outside the region—especially those in North America and Europe—and from international organizations such as the Inter-American Development Bank, World Bank, UNHCR, and IOM. Latin American governments are taking crucial first steps toward ensuring that Venezuelans are legally present in their new communities. But addressing the broader needs of these communities—those of both new arrivals and long-time residents—will require out-of-the-box thinking and fresh resources. If successful, this could be a moment in which Latin American countries take a leap forward, to the benefit of all.

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