

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

The Cases of Ecuador, Uruguay and Venezuela



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

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**General Coordinator and Editor**

Leonir Mario Chiarello CS

2020

Scalabrini International Migration Network (SIMN)

New York

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).

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

The Cases of Ecuador, Uruguay and Venezuela

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New York, January, 2020.





## Introduction

In the past decade, the Scalabrini International Migration Network (SIMN) and the Scalabrinian Migration Studies Centers in Buenos Aires, São Paulo, and New York have developed a series of studies on migration dynamics, public policies on migration, and the participation of civil society in the processes of defining and implementing such public policies.

The SIMN and the New York Center for Migration Studies (CMS) published an exploratory study on public policies on migration in the Americas in 2010.<sup>1</sup> In 2011, SIMN, the Center for Latin American Migration Studies in Buenos Aires (CEMLA), and the Center for Migration Studies in São Paulo (CEM) published a comprehensive analysis on migration dynamics, public policies regarding migration, and the participation of civil society in the definition, execution, and evaluation of policies and programs related to migration in the four largest Latin American countries: Argentina, Brazil, Colombia, and Mexico.<sup>2</sup> In 2013, SIMN and CEMLA published a study on migration dynamics, public policies on migration, and citizen participation for the definition and monitoring of migration policies in four other countries in South America: Bolivia, Chile, Paraguay, and Peru.<sup>3</sup> In 2014, the SIMN and the CMS published an analysis concerning international migration, the development of immigration legislation, and the participation of civil society in the creation of policies and programs on migration in the United States, from the pre-colonial era until its 113th Congress.<sup>4</sup>

In line with these investigations, this study offers an updated diagnosis of the main trends in migratory flows and the initiatives being carried out by political and social actors working in the field of migration in three countries that have not yet had been

<sup>1</sup> Mirkin, Barry (2010). *International Migration in the Western Hemisphere: an Exploratory Study*. Scalabrini International Migration Network (SIMN), New York. This volume was published in Spanish in 2011.

<sup>2</sup> Chiarello, Leonir Mario, Ed. (2011). *Las políticas públicas sobre migraciones y la sociedad civil en América Latina: los casos de Argentina, Brasil, Colombia y México*. Scalabrini International Migration Network (SIMN), New York. The English version of this volume was published in 2013.

<sup>3</sup> Chiarello, Leonir Mario, Ed. (2013). *Las políticas públicas sobre migraciones y la sociedad civil en América Latina: los casos de Bolivia, Chile, Paraguay y Perú*. Scalabrini International Migration Network (SIMN), New York. The English version of this volume was also published in 2013.

<sup>4</sup> Chiarello, Leonir Mario and Kerwin, Donald (2014). *International Migration, US Immigration Law and Civil Society: From the Pre-Colonial Era to the 113th Congress*. Scalabrini International Migration Network (SIMN).

considered in previous publications: Ecuador, Uruguay and Venezuela.

## **Migratory Dynamics**

The first chapter of the study on the three countries presents the unique characteristics of each country's migration dynamics, and includes an analysis of immigration, asylum, emigration and return for each country over time.

The study of the migratory reality in Ecuador presents extensive information on the country's migratory dynamics through various graphs, charts, and maps. After a very brief historical introduction, the chapter examines the country's migratory characteristics between 1980 and 2010, using census data, especially data from the last census conducted in 2010. This presentation highlights the strong migratory dynamics of the last thirty years, with Ecuador receiving immigrants mainly from neighboring countries, Colombia and Peru. On the other hand, the study reveals that, since the 1980s, Ecuador has become the main Latin American country to host refugees: 65,754 refugees from 70 countries between 1989 and 2019, most of them from Colombia and Venezuela. Yet, nothing compares to Ecuador's growth in emigration, which has been on the rise since the 1970s, reaching a real "boom" starting in 2001. The stock of Ecuadorian natives living abroad reached 1.1 million people in 2007; this is equivalent to 7.6 percent of the national population. Ecuadorian emigrants reside mostly in countries like Spain, the United States, and Italy. Despite the international financial crisis, Ecuadorian emigrants contribute a significant amount in remittances to the country, constituting its second-largest source of economic income. This section concludes by presenting the migratory dynamics between 2011 and 2019, in which new immigration by Haitians, Cubans, and Venezuelans figure prominently. In summary, the study reveals that Ecuador has exhibited an impressive migratory dynamic, having become a country of strong emigration and immigration as well as a transit country for other international migrations.

In the case of Uruguay, the study divides its migratory history into two major phases. The first, from independence to the mid-20th century, is characterized by immigration incentives, especially for Europeans, since despite the Uruguayan territory's small size, it was considered sparsely populated. The arrival of Spanish, Italian, and other European immigrants, together with cross-border flows from Argentina and Brazil, has been linked to a constant trend: that of very slow population growth and an early demographic transition with very low fertility rates. The second phase began with the economic and political crises in the 1960s, marked by strong emigration flows. In the 1980s, government incentives kicked off a process of gradual and progressive return of Uruguayan immigrants. Even when considering the arrival of new immigrant

flows, migration policies in Uruguay still remain focused on establishing links with nationals abroad and on initiatives and programs for their reintegration into the country.

An examination of the socio-demographic migratory situation in Venezuela shows a historical vision that unfolds into three phases of successive migratory flows: first, from 1950 to the early 1970s, policies incentivized European immigration and the arrival of Italian, Spanish, and Portuguese flows; second, from the 1970s to the 1990s, large investments in infrastructure and the establishment of an industrial zone, stimulated by the growth of the oil industry, incentivized skilled migration in addition to a growth in migration from across the border, wherein the flow of Colombian immigrants features prominently; and third, as of 1999, within the framework of the Bolivarian State's new constitution, there arose a need for asylum due to the armed conflict in Colombia, and later, as a consequence of the country's own worsening political polarization and its economic, political, and social crisis, a growing emigration movement.

In the case of Venezuela, we present the country's entire trajectory through various graphs and tables, including the characteristics of the main migratory flows. From this perspective, the study presents the impacts of the country's serious and prolonged crisis on the extraordinary and dramatic transition that Venezuelans are experiencing in their daily lives: that of going from living in a prosperous country, which once attracted immigrants, to a nation that expels its population, a country of mass emigration.

## **Public Policies and Programs on Migration**

The focus in the second part of the studies is on migration policies developed at different periods in the history of each country. Through an analysis of the evolution of their migration policies, we consider their respective legal and institutional frameworks as well as their relationships with international legal and institutional frameworks.

The chapter on Ecuador includes a brief historical overview of the country's first immigration laws and policies of the late 19th century until the 1970s. During this period, after an initial opening to immigration in the 19th century, Ecuador began to stand out for its national security and control policies in the 1930s, which reached their peak with the Migration and Alien Act of 1971. In this way, Ecuador positioned itself as a country in which immigrants were not welcome and whose guiding criterion for immigration policy was the control of foreigners' entry and stay in the country. The enduring focus on national security was only counteracted by the emergence of significant Ecuadorian emigration at the beginning of the 21st century and the promulgation of the Montecristi Constitution (2008), which was based on the principle

of “universal citizenship” and the right to migrate. This paradigm shift allowed for the emergence of a new institutional framework for migration governance in Ecuador. The policies and programs implemented since then, as well as the institutional framework established with the Organic Law of 2017, reflect this profound change. The study also describes the current institutional framework, with the inclusion of the State ministries that manage migration policies, as well as the programs developed along four main axes: immigration; human trafficking and smuggling; asylum; emigration and return. On the one hand, this study points to the contradictions and faults in the application of this set of public policies, as well as the permanent focus on the Ministry of Government. On the other hand, it underscores Ecuador’s innovation in migration governance of as a model that illustrates the viability of applying a human rights perspective to immigration policies.

The analysis of public policies on migration in Uruguay recognizes that, after the long period of incentivized immigration from the 1960s onwards, policies were conditioned, above all, by the growing emigration of Uruguayans. Following the phase of the economic and political crises also marked by an exceptional military regime (from 1975 to 1984), when thousands of Uruguayans left the country, the government began to draw up a migratory policy incentivizing their return. With the Frente Amplio (Broad Front) coming to power, this process of building migration policies gained greater importance and, in 2008, Migration Law 18.250 was approved. Based on the paradigm of respect for human rights, this law came to shape the legal and institutional framework that has since then determined immigration policies in Uruguay, including policies that serve returnees, Uruguayan emigrants, and immigrants. This institutional framework also created the conditions for the implementation of all of the international agreements on reception and the respect of migrants’ rights signed by the Uruguayan State, in particular those referring to MERCOSUR and UNASUR member states. This study presents all the signed agreements in addition to mentioning the organizations that make up the institutional framework. The Junta Nacional de Migración (National Migration Board) plays a particularly important role in coordinating government action and programs and coordinating with civil society organizations.

The analysis of Venezuela’s migration policies in this study presents the regulatory and institutional changes that have occurred in recent decades. In this regard, we recognize the change in perspective from policies of opening up and attracting migrant flows during the period of the country’s economic prosperity, to the crisis of migration policies brought on by the institutional crisis and the socio-economic decline in recent years, which have hampered the implementation of public migration

policies. However, the most serious aspect that the study highlights is the government's disregard and contempt for the lived realities of Venezuelan emigrants, who were forced to leave the country due to this crisis.

### **Civil Society Action in Public Policies and Proposals for Citizen Participation**

In the third section of each chapter on the countries analyzed, we consider the participation of civil society in the definition, implementation, and monitoring of public policies and programs on migration, including any advances and setbacks experienced in the application of migratory policies.

In relation to the participation of civil society organizations in Ecuador in the management of public migration policies, the study focuses on the last 20 years, highlighting how different types of migration flows have been a significant component of the country's policy agenda. From this perspective, we can see how this context has allowed for the emergence of a rich cadre of associations and civil society entities that have tackled the myriad migration issues throughout Ecuador. Before describing these organizations' actions, there is an analysis of the historical period inaugurated with the presidency of Rafael Correa. This analysis focuses on relations between the State, civil society, and migrant organizations, taking into account two phases: the first period, between 2008 and 2012, was characterized by a closer collaboration between political and social actors and a set of erratic government migration management measures; the second period, between 2013 and 2017, was marked by the diminishing importance of migration issues in the government's agenda. The organizations' performance has fluctuated according to these variations in the public management of migration.

The study considers different typologies when describing the plentiful activity of civil society organizations that have acted in Ecuador. The first typology refers to grassroots organizations, which work directly with migrant groups, including Ecuadorians abroad, returnees, refugees, victims of trafficking, migrant children, and immigrants who have established themselves in the territory or who are transiting through the country. The second typology refers to non-profit non-governmental organizations, many of which are both large and international, that have maintained programs for migrants in various parts of the country. The third typology refers to intermediation organizations, which "play a 'hinge' role between the State and civil society organizations," among which church organizations, particularly belonging to the Catholic Church, stand out, in addition to the various networks and coalitions that advocate for the defense of migrants' rights in the public arena. The last typology of organizations refers to university migration studies centers that, in collaboration with intermediation organizations, promote sensitization and awareness-raising about

migrants' lived reality and the defense of their rights.

In the case of Uruguay, there is a clear growth in the participation of civil society in the formulation and implementation of public policies on migration, especially from 2005 onwards. Starting at the end of the 20th century, migrant-supporting associations began to emerge, especially for Uruguayan returnees and emigrants. With public programs to connect with this emigrant population, collective efforts grew to formalize public policies on the part of the "advisory councils" formed by Uruguayan communities residing abroad. The study presents examples of legally recognized social organizations and those without legal status, in addition to those that are coordinated through social networks, Catholic and ecumenical-inspired organizations, as well as research centers tied to public universities and legal support groups, among others. The authors highlight how this growing coordination between public power and civil society entities is shaping a "new institutionality." The 2008 Migration Law was drafted with civil society's broad participation and, through the Advisory Council on Migration (CCAM), continues to enable dialogue and progress in meeting civil society's demands regarding migrants' rights.

In the case of Venezuela, the ideological nature of the government administration is inferred, and that of the organizations related to it. This current situation has made it difficult to define and implement public policies on migration. When dealing with programs in which the State and civil society must intervene by using their links to the migrant population, the study reveals how the ties have been strongly affected by the prevailing political and ideological polarization in Venezuela over the last 15 years. This dialogue is biased mainly due to the government's sponsorship of organizations that constitute what the authors call a "parallel civil society." In this environment, the most autonomous organizations linked to the churches, human rights organizations, and other civil society organizations are systematically discredited. Nonetheless, the study presents a list of various civil society institutions that continue to operate, including research centers and institutions for the defense of human rights and, above all, those belonging to the various immigrant communities. We also present the Venezuelan emigrant associations that have been established in the countries where they have settled.

### **Proposals for Spaces and Tools of Citizen Participation for the Establishment and Implementation of Public Policies on Migration**

After presenting the main migration dynamics, public policies on migration (including their legal and institutional frameworks), and civil society's participation in migration policies, the study concludes by presenting proposals for spaces and tools that promote citizen participation in defining and implementing public policies



on migration in each of the three countries.

As part of its recommendations and proposals to improve civil society participation in processes to define and implement public policies on migration in Ecuador, the study highlights the proposals for access to objective, timely, reliable, and pertinent information on migration. It also emphasizes the need to raise awareness within society as a whole about the positive impact of migration on the country's socio-economic and cultural development. It also emphasizes the need to respect the human rights of immigrants, refugees, migrants, and returnees. It recommends the creation of spaces for citizen participation that allow for the design, definition, implementation, and monitoring of public policies on migration, including for immigration, asylum, and emigration. Lastly, it recommends strategies for inter-institutional strengthening among civil society organizations, government agencies, and international organizations. These proposals are linked to the intense and diversified actions and collaboration of civil society organizations with government agencies to improve the management of public policies on migration in the country.

In the case of Uruguay, the study presents a series of proposals that seek to improve the exchange and coordination between the public power and civil society organizations for the purpose of formulating and implementing programs and initiatives that support and defend the rights of migrants in the country. In this sense, there is a need to create and strengthen spaces for citizen discussion, "where it is possible to propose policies that have the depth and flexibility that a heterogeneous situation demands." Among the main proposals were calls to strengthen channels for obtaining information on migration, academic research, raising public opinion, citizen participation and strengthening inter-institutional links between the government, civil society, and international organizations.

In the case of Venezuela, the study presents proposals to advance dialogue on and the implementation of public policies on migration. The main concern is understanding and dealing with the abrupt and traumatic transition the country is undergoing, from being a country that attracts immigrants to becoming a country of mass emigration. While difficulties still persist in regularizing the population of poor Colombians residing in Venezuela, the government's refusal to recognize the flows of Venezuelan emigrants, their difficulties in claiming their rights, and the closure of key structures such as consular headquarters, are far more serious. In addition, there is an urgent need for civil society organizations to participate in processes to formulate, prosecute, and implement migration policies, as well as in reporting of all forms of abuse. Now more than ever, there is a need for government structures to maintain an active dialogue with civil society organizations, both in Venezuela and in the countries receiving



Venezuelan migrants

## **Final Considerations**

In the last two decades, sensitivity toward migration has intensified in Ecuador, Uruguay and Venezuela. Yet, we recognize the differences between the existence of migration and the reality of the relationships between government policies and civil society's actions in the three countries.

In the case of Ecuador, the experience of the last 20 years has made it the focus of the intensification of global flows in Latin America (emigration, refuge, transit and immigration). It is also a unique setting to experiment with state policies guided by the concept of universal citizenship. Despite the flaws and shortcomings of the Ecuadorian government's practices and policies and of its often-turbulent relationship with civil society organizations, the intensity of citizen participation in the management of public policies on migration is undeniable. The combination of these experiences and the importance of recent migration history in Ecuador, as well as the continuity of the actions of the coalition of society organizations that continue to operate in the country, can be an important reference for other countries in Latin America.

Similarly, in the case of Uruguay, we recognize that the current institutional framework has facilitated collaboration and synergies between State agencies and civil society organizations focused on migration governance. The prolonged experience of emigration, as well as the new reality of globalization, has led Uruguay toward the progressive coordination of policies for the integration of returnees, linking with Uruguayans abroad and integrating immigrant groups present in the country.

In the case of Venezuela, the study refers to problems in obtaining reliable information due to the delay in its publication, the lack of transparency and access to sources, as well as the discrediting of research institutions. It also highlights "the deterioration in the process of producing public information." Public information must form the basis for solid and reliable dialogues to define public policies on migration between government agencies and civil society organizations, including migrant associations. All of the proposals made in the last chapter of the report on Venezuela demand that basis of reliability. Finally, this study contributes to knowledge of the general framework of migration policies in Venezuela, including in the most recent years. We cannot deny that reality is much more complex than any claim to be able to present a complete analysis. The situation continues to worsen and present new challenges for migration governance in Venezuela, for each of the Latin American countries that receive Venezuelan migrants, for the continent as a whole, and for other continents

as well. In this sense, examining Venezuelan emigration requires adopting a global perspective that goes beyond their treatment in one particular country. The unusual thing about this emigration is that, more than all of the others, it shows us the evidence of a globalized phenomenon that requires a generalized and coordinated response by all public and non-governmental actors.

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Director  
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## **CHAPTER I**

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

### **Coordinator**

Lelio Mármora

### **Investigation Team**

Laura Calvelo  
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**Acronyms**

**AAE:** Asylum Access Ecuador

**ASO QUITUS:** Association of Professional Migrants in Productive Return Quitus Generation

**BNF:** National Development Bank

**CAI:** Center for Adolescent Offenders

**CCNA:** Cantonal Councils for Children and Adolescents

**CCPD:** Cantonal Councils for the Protection of Rights

**CEIEME:** Special Interinstitutional Commission on Migration Statistics in Ecuador

**CERD:** Convention on the Elimination of Racial Discrimination

**CISMIL:** Millennium Centre for Social Research

**CMW:** International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

**CNII:** National Council for Intergenerational Equality

**CNNA:** National Council for Childhood and Adolescence

**CODENPE:** Development Council of the Nationalities and Peoples of Ecuador

**COIP:** Organic Integral Criminal Code

**CONADIS:** National Council for Disability Equality

**CONAMU:** National Women's Council

**CONFIE:** Consortium of Non-Governmental Organizations for the Ecuadorian Family and Children

**COREMH:** Ecuadorian Corporation of Human Mobility

**CORPAM:** National Migrant Protection Corporation

**CRS:** Catholic Relief Services

**DINAPEN:** National Directorate of Specialized Police for Children and Adolescents

**DPE:** Office of the Ombudsman Ecuador

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

**FE:** Esperanza Foundation

**FLACSO:** Latin American Social Sciences Institute

**FNJ:** Our Youth Foundation

**FUDELA:** Foundation of the Americas

**GAD:** Decentralized Autonomous Governments

**HRW:** Human Rights Watch

**IACHR:** Inter-American Commission on Human Rights

**IDB:** Inter-American Development Bank

**IMILA-CELADE:** International Migration in Latin America-Latin American and Caribbean Demographic Centre (Population Division of ECLAC)

**INEC:** National Institute of Statistics and Census of Ecuador

**IOM:** International Organization for Migration

**JRS:** Jesuit Refugee Service

**JUBASCA:** Juan Bautista Scalabrini Foundation

**MERCOSUR:** Southern Common Market

**MIES:** Ministry of Economic and Social Inclusion

**MJS:** Scalabrinian Youth Movement

**MMH:** Human Mobility Tables

**MRECI:** Ministry of Foreign Affairs, Trade and Integration (currently MREMH)

**MREMH:** Ministry of Foreign Affairs and Human Mobility

**NGO:** Non-governmental organization

**NNA:** Children and adolescents

**NRC:** Norwegian Refugee Council

**OAS:** Organization of American States

**ObservaLATrata:** Latin American Observatory on Trafficking and Smuggling

**OECD:** Organization for Economic Co-operation and Development

**PADH:** Andean Human Rights Program

**PLANEX:** National Foreign Policy Plan

**PRM:** Bureau of Population, Refugees, and Migration

**SENAMI:** National Migrant Secretariat

**SENPLADES:** National Secretariat for Planning and Development

**SICREMI:** Continuous Reporting System on International Migration in the Americas

**SIGE:** Integrated System for Education Management

**SIMA:** Information System on Andean Migrations

**SMEs:** Small and Medium Enterprises

**SOPEMI:** Continuous Reporting System on Migration

**SRC:** Social Rehabilitation Centers

**UASB:** Simón Bolívar Andean University

**UN:** United Nations

**UNASUR:** Union of South American Nations

**UNDP:** United Nations Development Program

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

**UNICEF:** United Nations Children's Fund

**UNORCAC:** Union of Indigenous Organizations of Cotacachi

**UNTREF:** National University of Tres de Febrero

**USFQ:** San Francisco University of Quito

**VOT:** Victims of trafficking



## Introduction

This chapter presents Ecuador's migratory reality and the actions taken by the State and civil society organizations to define and implement migration policies and programs.

In the first part of this study, after a very brief historical introduction, we present Ecuador's migratory situation from 1980 to the present day, highlighting the strong migration dynamics of the last 30 years, with Ecuador receiving immigrants primarily from its bordering countries, Colombia and Peru. In fact, our study reveals that Ecuador has become the main Latin American country to receive refugees since the 1980s. At the same time, our research points to the progressive growth in emigration, which has also been on the rise in Ecuador since the 1970s. We conclude by presenting the new immigration of Haitians, Cubans and Venezuelans, who have settled in the country in the last decade.

In the second part, we present the main migration policies and laws that have been implemented by the Ecuadorian government. In a brief historical account, we highlight Ecuador's initial opening to immigration in the 19th century as well as the first two decades of the 20th century, and its national security and immigration control policies, beginning in the 1930s, which culminated in the Migration and Foreigners Act of 1971. We conclude this historical journey with the presentation of the paradigm shift in migration policy in Ecuador: the promulgation of the Montecristi Constitution (2008). It has allowed for the emergence of a new institutional framework for human mobility governance centered on the human rights of people on the move and "universal citizenship" as established by the 2017 Organic Law.

In the third section, we present the different ways in which civil society organizations in Ecuador respond with regards to the management of public policies and migration programs. Our analysis of civil society organizations' actions and their relations with government agencies focuses on two main phases: the first period, between 2008 and 2012, when political and social actors collaborated more closely and a group of erratic government measures in migration management were taken; and the second period, between 2013 and 2017, was marked by the diminishing importance of migration within the government's agenda. Our research reveals that the actions of civil society organizations have differed according to these variations in the government's own migration management policies.

The fourth section presents a series of recommendations and proposals for civil society's participation in processes to define and implement migration-focused public policies in Ecuador.

## **PART ONE**

### **OVERVIEW OF INTERNATIONAL MIGRATION TRENDS IN ECUADOR**

Laura Calvelo<sup>1</sup>

Adriana Braz Montenegro<sup>2</sup>

#### **Introduction**

The following diagnosis of international migration trends in Ecuador, following a brief overview of the historical context of migration in the country, refers mainly to immigration and emigration in the period between 1980 and 2018. However, having obtained detailed data through the last Ecuadorian census conducted in 2010, we present a more detailed analysis of the country's migration trends for the first decade of the 21st century. Most of the basic information included was derived from the population censuses of both Ecuador and the main countries receiving Ecuadorians, as well as from other key statistical sources used for the study of international migration.

We present estimates of the foreign population in Ecuador (migration with respect to birthplace) that are based on the last four national population censuses that have been carried out in the country (1982, 1990, 2001, and 2010). We also reconstruct the stocks of Ecuadorians (born in Ecuador) residing abroad through the last four census rounds (1980, 1990, 2000, and 2010). At the same time, we also took into account previous studies on Ecuadorian migratory dynamics as well as administrative sources that provide important elements from which to make judgments and a broader interpretation of the migratory phenomena, particularly in the absence of census data or their limitations.

<sup>1</sup> This overview of migration trends in Ecuador has been prepared by Laura Calvelo and reviewed and updated by Adriana Braz Montenegro. Laura Calvelo is graduated of the University of Buenos Aires in Sociology; Specialist in Demography and Master in Social Demography from the National University of Luján (Argentina); Director of Population Policies and Statistics (Ministry of Internal Affairs of Argentina); Researcher and Professor on Population and Development, Demography and Methodology of Social Investigation; Member of the Association of Population Studies of Argentina (AEPA) and the Latin American Association of Population (ALAP); former Coordinator of the Program on Statistics of Migration of the National Institute of Statistics and Census (INDEC) of Argentina.

<sup>2</sup> Adriana Braz Montenegro has earned a Doctorate degree in International Studies from the FLACSO-Ecuador; Master in International Relations from FLACSO-Ecuador; Master in Conflicts Resolution and Sustainable Peace from the Catholic University of Louvain.

In recent years, various events have led to a new migration situation in Ecuador and have given rise to migration becoming a central issue in the national political agenda. In addition to registering changes in the native population's traditional emigration flows, giving it the status of sending country, Ecuador has also become a recipient of bordering immigrants, a country of refuge for unprotected and displaced populations of other nations, as well as a transit country to other destinations.

### **1. Historical Characteristics of International Migration in Ecuador**

Following the impact of the Spanish conquistadors' arrival on the native population, migratory flows in Ecuador remained moderate up until the second half of the 20th century. It should be noted that the country's African population first settled in the country during the 16th and 17th centuries but this was not a substantial population. In 1553, two slave ships from Panama bound for Peru were shipwrecked near the coast of Esmeraldas; its survivors later formed a society of freed slaves in that region. In addition, colonial authorities in Quito brought African slaves to be exploited in the cities of Ibarra, Guayaquil, Cuenca, and Quito, as well as in the mines of Popayán that now belong to Colombia. It is worth mentioning the slave population of the colonial district of Quito, which extended to southern Colombia, was approximately 12,000 (Jokisch, 2014; SICREMI, 2014).

The era of massive European immigration between the end of the 19th century and the beginning of the 20th century in Latin America left only a small number of Europeans in Ecuador, who were joined by a contingent of Lebanese, Syrians and Palestinians who, during the country's cacao boom at the end of the 19th century, settled and worked there, primarily as merchants and sellers. Later on, the descendants of this wave of immigration went on to make up the elite, who consolidated their economic and political power in the country (Jokisch, 2014; SICREMI, 2014). In addition, the presence of Peruvians in some cities such as Guayaquil was recorded in early censuses. A smaller number of Chinese and Japanese migrants also arrived in the country during this time, usually to work as miners, laborers and fishermen (SICREMI, 2011).

Before 1960, emigration of Ecuadorians was scant and concentrated in Venezuela and, from 1940, in the United States. According to the United States Department of Homeland Security, approximately 11,000 Ecuadorians received permanent residence in that country between 1930 and 1959 (Jokisch, 2014). However, the level of Ecuadorian emigration intensified from 1960 onwards. As a result, emigration has become a priority in Ecuador's public agenda. In the beginning, the emigration was marked by movements from rural communities and small cities in the southern

provinces of Azuay and Cañar de Cuenca, to the United States as the main destination. Between 1980 and 1995, a new wave of rural workers affected by the economic crisis and consequent insurmountable debt left for large American cities (New York, Chicago, Miami, Los Angeles). At the same time, contingents of the indigenous population left for cities in North and South America and Europe, strengthening the international emigration possibilities for the population in the south of the country (ECLAC, 2011).

During the 1970s, emigration was low but continuous. Migrants from various communities in the provinces of Azuay and Cañar (previously linked to the Panama hat trade) came in contact and collaborated with the clandestine migration networks that mobilized people through Central America and Mexico on their way to the United States. A small number of Ecuadorians migrated to Venezuela, when the economy was benefiting from the increase in oil prices during the 1970s.

In the 1980s, the price of oil fell and Ecuador entered a cycle of severe recession, inflation, and unemployment, which encouraged emigration. Until the end of the 1990s, this process was led by inhabitants of the southern Andean region, with a large number of rural artisans from Azuay and Cañar emigrating to the United States (SICREMI 2012). Men were employed in the service industry and women worked in the garment sector, restaurants, and as domestic workers, while the Kichwa-Otavalo peoples continued with their usual temporary migration as part of the handicraft trade.

Due to the military conflict with Peru in the 1990s, new emigration currents took Ecuadorians to Spain, starting a new cycle of Ecuadorian immigration in Europe. At the time, Spain had an agreement that allowed Ecuadorians to enter the country without a visa, as tourists, which made the country particularly attractive to emigrants. Workers to fill low-skilled jobs in Spain were also in high demand during this time. However, starting in 2003, Spain introduced visa requirements for Ecuadorians and, in the framework of the reforms to its Alien Act, has increasingly restricted the entry of foreigners. As a result, Ecuadorian emigration currents were partially redirected to Italy and Australia.

Finally, it should be noted that at the end of the 20th century and the beginning of the 21st century, Ecuador welcomed the largest number of refugees in all of Latin America, mostly Colombians (ECLAC, 2011). The nature of the internal conflict in Colombia after the adoption of Plan Colombia and its escalation until the breakdown of the peace dialogues in 2002, as we will see below, caused the population of the southern departments —Nariño, Putumayo, Caquetá, Gaviare, and Meta— to be displaced to Ecuador and other countries in the region.

## **2. International Immigration in Ecuador Between 1980 and 2010**

Historically, immigration has been a moderate phenomenon in Ecuador; however, immigration rates have rapidly increased in the course of the last decade. In the context of the country's changing migration profile, estimates of the magnitude of immigration and emigration became highly variable, although it is known that the largest immigration flows between 1980 and 2010 were of populations from neighboring Colombia and Peru.

At the beginning of the 21st century, a context marked by internal and external factors turned Ecuador into a country of immigrants. The pace of immigration flows into Ecuador has surged since 2001. Since then, the country has received a large number of international immigrants and, in particular, considerable flows of forced migrants. The dollarization of the economy encouraged the arrival of immigrants from countries in the region with high levels of poverty, especially Peruvians, who occupied the labor market segments left vacant by the Ecuadorian emigration to the United States, and Colombians, who constitute the bulk of the foreign population in the country.

The intensification of the internal conflict in Colombia, due to the implementation of Plan Colombia and the eventual breakdown of the peace dialogues in 2002, caused the population from Colombia's southern departments – Nariño, Putumayo, Caquetá, Gaviare, and Meta – to be displaced to Ecuador and other countries in the region. As of 2001, almost all of those granted asylum by the Ecuadorian state have been Colombian citizens. Coinciding with dynamics of the Colombian conflict and its effect on the migratory balance of Colombians in Ecuador, 2003 was marked by a notable increase in asylum requests. In turn, as of 2004, fewer applications were registered, reflecting the effects of Ecuador's restrictive measures aimed at hindering the entry of Colombian citizens. In 2007 and 2008, in line with complaints about new episodes of violent pressure placed on the civilian population and the forced recruitment of children as an additional motive for displacement, there was an increase in asylum applications yet again (ECLAC, 2011).

The United Nations High Commissioner for Refugees (UNHCR) estimated that approximately 130,000 Colombians seeking asylum due to the armed conflict in their country resided in Ecuador in 2009 (MRECI and UNHCR, 2009), while the Colombian Refugee Association in Ecuador estimates the presence at 250,000 Colombian citizens. It should be noted that this population includes refugees, asylum seekers, people who have been denied asylum, and those who may potentially seek asylum. In addition, the Colombian population also accounts for flows of indigenous peoples in border areas and temporary movements associated with informal trade

and common agricultural cycles in the southeastern Colombian and the northeastern Ecuadorian zone (ECLAC, 2011). However, the official number of recognized refugees in Ecuador as of February 2017 amounted to 60,524 people, 87.5 percent of whom were Colombian citizens (UNHCR, 2017).

According to a 2009 UNHCR study, most of the Colombian population in need of international protection resides in Pichincha, followed by populations in the provinces of Sucumbíos, Carchi, Esmeraldas, and Imbabura (MRECI and UNHCR, 2009). While the population with highest levels of education can be found in Guayas and Pichincha, where integration into formal and informal markets is predominant, the provinces along the northern border (Sucumbíos, Carchi, Esmeraldas and Imbabura) contain the highest concentration of Colombia's poorest population, employed primarily in the agricultural sector (ECLAC, 2011). Although there were no major differences in terms of access to basic services between the Colombian and Ecuadorian population in 2009, the Colombian population did encounter considerable difficulties in securing employment. It is estimated that about 22 percent of Colombian men were unemployed during this time. Those who were able to enter the labor market worked predominantly in the informal sector, received remuneration below the minimum wage, and did not have any social security protection (MRECI and UNHCR, 2009).

The discrepancies observed between the numbers reported in existing studies, which indicate a massive arrival of Colombian asylum seekers, and the numbers of international immigrants according to the population censuses, especially the 2010 census, suggest that the presence of foreign population is severely underreported in official data. This should be kept in mind when considering the numbers in question. Nonetheless, there is still value in using census estimates for this migratory analysis.

Meanwhile, Peruvians, who make up the second largest immigrant community and were attracted by the dollarization of the Ecuadorian economy in 2000, were approximately 60,000 to 120,000 in 2007 (ECLAC, 2011). This community has been concentrated in the provinces of Azuay, Loja and El Oro, in southern Ecuador and, more recently, in the center of the country, in the provinces of Guayas, Pichincha and Cotopaxi. The majority of this population is highly vulnerable as most remain undocumented and undertake precarious work in the informal sector such as in informal trade, construction, agriculture on banana plantations, mines or domestic work.

Other migrant groups recently attracted to Ecuador include US and Chinese citizens, who have settled in the country for economic reasons related to business or retirement, as well as Cuban and Venezuelan citizens, whose flows we will discuss later. Chinese immigrants acquired social visibility through their successful integration into the

garment sector, through family work. Cubans, considered in 2006 by the Immigration Directorate of the Ministry of Government as the nationality with the third highest number of residence permits (humanitarian or work visas), have become more visible in part due to their concentration in the urban areas of Quito and Guayaquil but also through certain practices by which they have appropriated public space, leading to an unjustified and xenophobic association to an increase in criminal behaviors and even allegations of marriage fraud (Correa, 2013).

However, taking into account the aforementioned difficulties in estimating the number of immigrants, the census numbers should be regarded as a base for estimates of the phenomenon and reflection on these processes, and show that the non-native population in Ecuador has not ceased to grow.<sup>3</sup> During the last 40 years, the foreign-born population as a share of the country's total population has increased slightly (from 0.9 to 1.3 percent) and increased from approximately 75,000 to 182,000 people between 1982 and 2010 (Table 1 and Graph 1). However, the increase in the foreign population in the last inter-census period (2001–2010) is noticeable: foreign-born inhabitants increased from 104,000 to 182,000, an increase of about 75 percent, with significant discrepancies according to country of birth (Table 4).

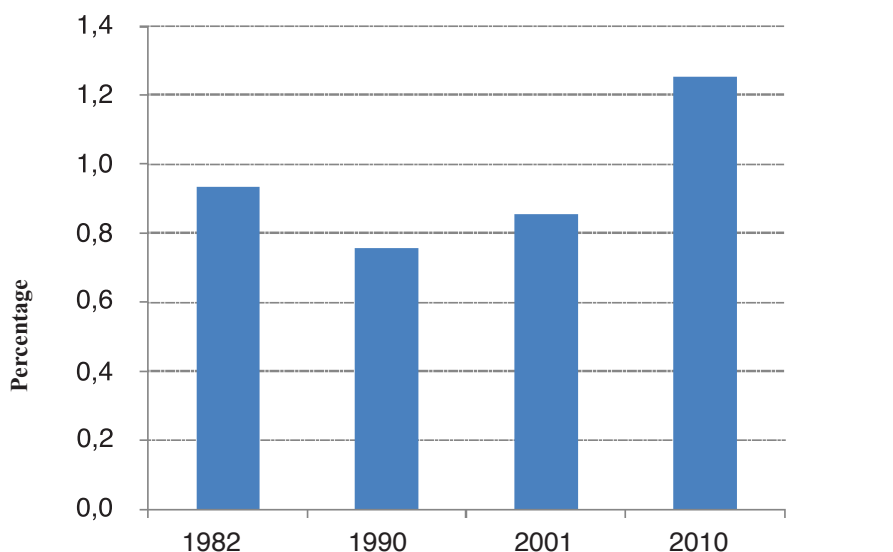
<sup>3</sup> For details on measurement and estimation of international migration in Latin American countries, see Calvelo, 2011.

**Table 1. Ecuador. Total Population, Born in Ecuador and Abroad.  
Years 1982, 1990, 2001 and 2010.**

	1982	1990	2001	2010
Total Population	8.060.712	9.648.189	12.156.608	14.483.499
Born in Ecuador	7.985.308	9.575.010	12.052.478	14.301.651
Born abroad	75.404	73.179	104.130	181.848

**Source:** Censos Nacionales de Población y Vivienda. Instituto Nacional de Estadística y Censos - INEC Ecuador

**Graph 1. Ecuador. Percentage of Foreigners Residing in Ecuador.  
Years 1982, 1990, 2001 and 2010.**



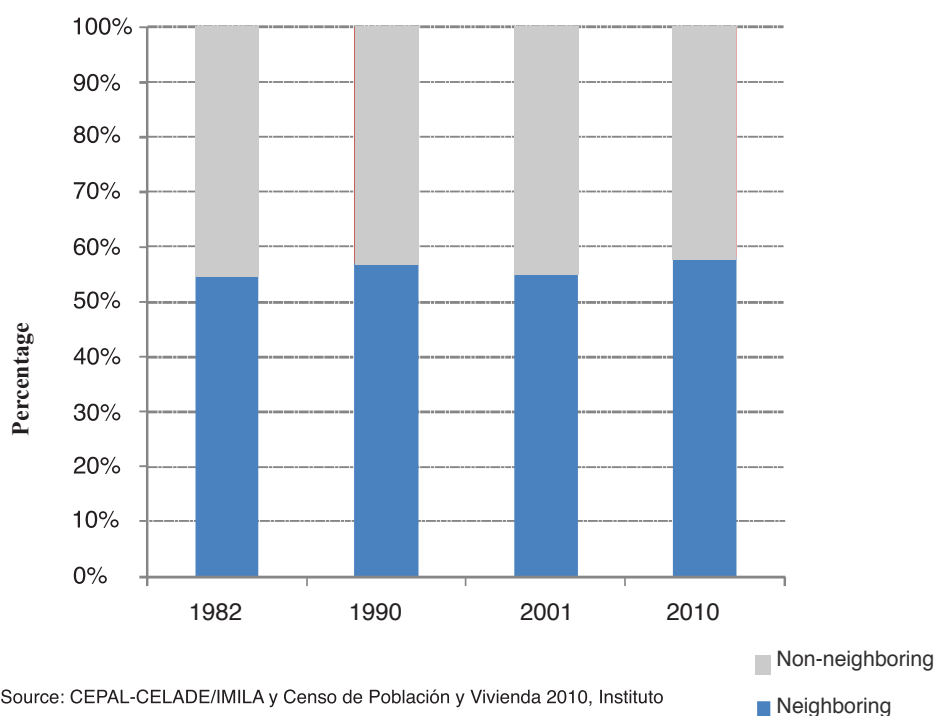
Source: CEPAL-CELADE/IMILA y Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

■ %Non-native

As indicated above, the make-up of the foreign population has been characterized by the presence of immigrants from Colombia and Peru, which from 1982–2010 constituted between 55 and 60 percent of the foreign population (Graph 2). However, we must note that the Colombian presence in Ecuador has been continuous and significantly greater than that of Peruvians: the Colombian share of the population has always hovered around 50 percent of the foreign population during the last four censuses, while Peruvians went from 2.5 percent of the foreign population in the early 1980s to almost 9 percent in 2010 (Table 3).



**Graph 2. Ecuador. Composition of the Non-Native Population of Immigrants  
(From Neighboring or Non-neighboring Countries).  
Years 1982, 1990, 2001 and 2010.**



By 2010, the most numerous communities corresponded to those born in Colombia, Peru, the US, Spain, and Cuba, in that order. The ten countries with the greatest presence in Ecuador also include Venezuela, Chile, Italy, China and Argentina. The foreign presence also includes populations from other Latin American nations (Bolivia, Brazil, Costa Rica, Haiti, Mexico, Guatemala, Honduras, El Salvador, Nicaragua, Panama, Paraguay, Uruguay), from Canada, as well as immigrants from distant regions (Japan) and other European countries (Germany, France, United Kingdom, Poland, Portugal and Russia). Table 2 shows the distribution of the foreign population by country of birth as recorded in the last four censuses, from 1982 to 2010, while Table 3 presents the same distribution in percentage.

Throughout the period 1980–2010, in addition to Colombians, and to a lesser extent Peruvians, the presence of immigrants from the US stands out, reflecting the return of Ecuadorians and their relatives, an incredibly intense phenomenon throughout this era. It also highlights the slowdown of Chilean immigration between 2001 and 2010.

**Table 2. Ecuador. Foreign Population by Country of Birth.  
Years 1982, 1990, 2001 and 2010.**

Country of birth	1982	1990	2001	2010
Total	75.404	73.179	104.130	181.848
Argentina	1.691	1.623	2.239	2.336
Bolivia	381	453	634	756
Brazil	726	994	1.101	1.273
Chile	5.747	5.112	4.702	4.339
Colombia	39.443	38.947	51.556	89.931
Costa Rica	280	332	389	493
Cuba	335	341	1.242	6.717
El Salvador	232	187	217	231
Guatemala	152	166	179	301
Haiti	22	23	40	495
Honduras	104	117	195	232
Mexico	494	668	937	1.217
Nicaragua	142	166	163	210
Panama	374	451	400	395
Paraguay	85	95	101	177
Peru	1.887	2.689	5.682	15.676
Dominican Rep.	102	88	147	350
Uruguay	458	427	398	487
Venezuela	1.654	2.511	3.691	4.720
Canada	-	912	971	900
United States	8.022	8.952	11.112	15.017
Germany	1.523	1.304	1.827	1.628
Spain	2.591	1.879	3.099	13.993
France	728	640	939	957
Italy	1.433	1.168	1.595	3.130
Poland	97	101	130	163
Portugal	175	135	152	127
United Kingdom*	504	377	895	903
Russia**	246	375	620	695
China	816	480	1.214	2.906
Japan	348	279	305	256
Rest of countries	4.612	1.187	7.258	10.837

**Source:** CEPAL-CELADE / IMILA y Censo de Población y vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

The foreign-born population in the 2010 Census corresponds to those born abroad who are habitual residents of Ecuador.

- Without information | \*Includes Scotland, Great Britain, England and Wales | \*\*Includes Soviet Union and / or Russia

**Table 3. Ecuador. Percentage of Foreign Population by Country of Birth.  
Years 1982, 1990, 2001 and 2010.**

Country of birth	1982	1990	2001	2010
Total	100,0	100,0	100,0	100,0
Colombia	52,3	53,2	49,5	49,5
Peru	2,5	3,7	5,5	8,6
United States	10,6	12,2	10,7	8,3
Spain	3,4	2,6	3,0	7,7
Cuba	0,4	0,5	1,2	3,7
Venezuela	2,2	3,4	3,5	2,6
Chile	7,6	7,0	4,5	2,4
Italy	1,9	1,6	1,5	1,7
China	1,1	0,7	1,2	1,6
Argentina	2,2	2,2	2,2	1,3
Germany	2,0	1,8	1,8	0,9
Brazil	1,0	1,4	1,1	0,7
Mexico	0,7	0,9	0,9	0,7
France	1,0	0,9	0,9	0,5
United Kingdom*	0,7	0,5	0,9	0,5
Canada	-	1,2	0,9	0,5
Bolivia	0,5	0,6	0,6	0,4
Russia**	0,3	0,5	0,6	0,4
Haiti	0,0	0,0	0,0	0,3
Costa Rica	0,4	0,5	0,4	0,3
Uruguay	0,6	0,6	0,4	0,3
Panama	0,5	0,6	0,4	0,2
Dominican Rep.	0,1	0,1	0,1	0,2
Guatemala	0,2	0,2	0,2	0,2
Japan	0,5	0,4	0,3	0,1
Honduras	0,1	0,2	0,2	0,1
El Salvador	0,3	0,3	0,2	0,1
Nicaragua	0,2	0,2	0,2	0,1
Paraguay	0,1	0,1	0,1	0,1
Poland	0,1	0,1	0,1	0,1
Portugal	0,2	0,2	0,1	0,1
Rest of countries	6,1	1,6	7,0	6,0

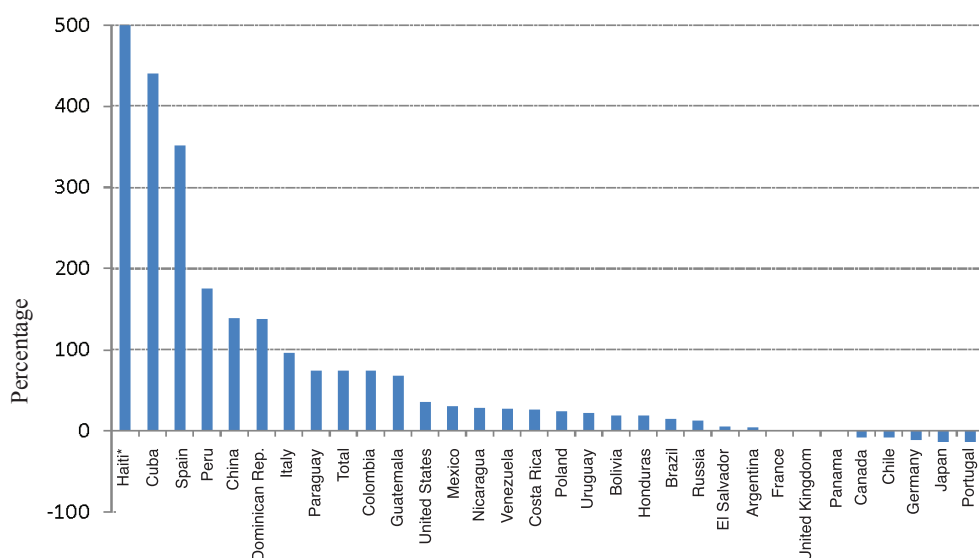
**Source:** CEPAL-CELADE / IMILA y Censo de Población y vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

The foreign-born population in the 2010 Census corresponds to those born abroad who are habitual residents of Ecuador.

- Without information | \*Includes Scotland, Great Britain, England and Wales | \*\*Includes Soviet Union and / or Russia

On the other hand, between 2001 and 2010 the census numbers reflect strong growth in the population born in Cuba, Spain, Peru, China, and the Dominican Republic (Table 4 and Graph 3). The Haitian population is the fastest-growing (it has increased tenfold), but let us not forget that the number of Haitians in 2001 was almost nil. In contrast, by 2001, a significant increase in the Cuban population had already been registered. The increase in the number of Spanish citizens (and to a lesser extent Italians) undoubtedly accompanies the return of Ecuadorians from European destinations since the 2008 crisis, a trend also evident in various destination country sources (such as the municipal register of Spain, for example). Populations born in Portugal, Japan, Germany, Chile and Canada fell in absolute terms between 2001 and 2010, reflecting the non-renewal of their flows.

**Graph 3. Ecuador. Percentage Increase of the Foreign Population  
Between 2001 and 2010, by Country of Birth.  
Years 1982, 1990, 2001 and 2010.**



Source: CEPAL-CELADE/IMILA y Censo de Población y Vivienda 2010,  
Instituto Nacional de Estadística y Censos - INEC Ecuador.

\* The population in Haiti is small and between 2001 and 2010 it doubled.

■ Increment % 2001-2010

**Table 4. Ecuador. Foreign Population by Country of Birth and  
Relative Increase 2001–2010 (%).**

Country of birth	2001	2010	Increment 2001-2010 (%)
Total	104.130	181.848	74,6
Colombia	51.556	89.931	74,4
Peru	5.682	15.676	175,9
United States	11.112	15.017	35,1
Spain	3.099	13.993	351,5
Cuba	1.242	6.717	440,8
Venezuela	3.691	4.720	27,9
Chile	4.702	4.339	-7,7
Italy	1.595	3.130	96,2
China	1.214	2.906	139,4
Argentina	2.239	2.336	4,3
Germany	1.827	1.628	-10,9
Brazil	1.101	1.273	15,6
Mexico	937	1.217	29,9
France	939	957	1,9
United Kingdom*	895	903	0,9
Canada	971	900	-7,3
Bolivia	634	756	19,2
Russia**	620	695	12,1
Haiti	40	495	1137,5
Costa Rica	389	493	26,7
Uruguay	398	487	22,4
Panama	400	395	-1,3
Dominican Rep.	147	350	138,1
Guatemala	179	301	68,2
Japan	305	256	-16,1
Honduras	195	232	19,0
El Salvador	217	231	6,5
Nicaragua	163	210	28,8
Paraguay	101	177	75,2
Poland	130	163	25,4
Portugal	152	127	-16,4
Rest of countries	7.258	10.837	49,3

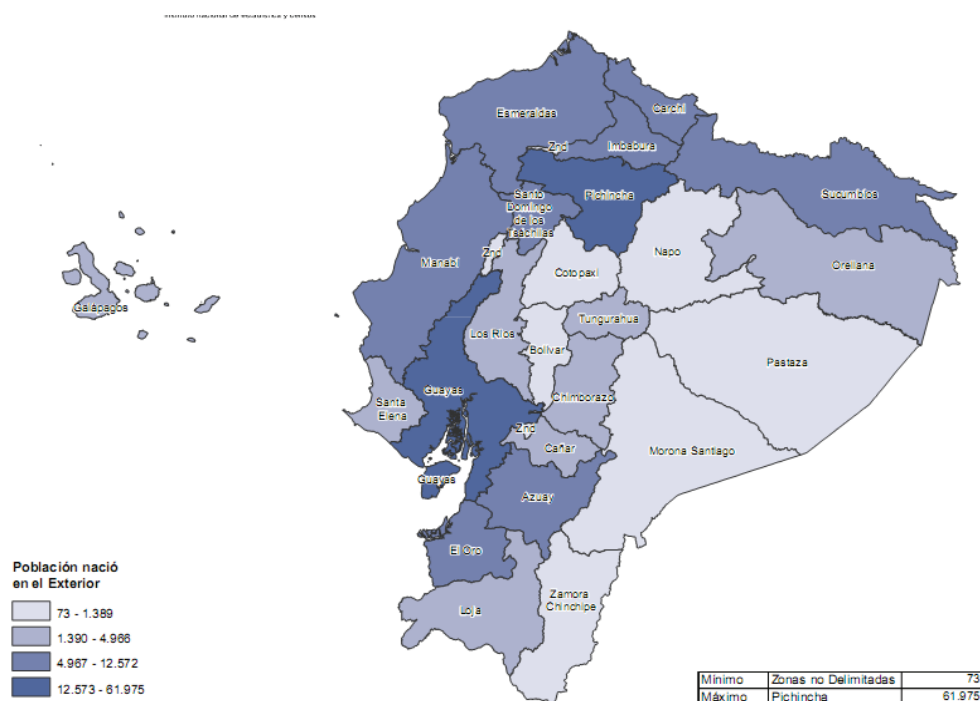
**Source:** CEPAL-CELADE / IMILA y Censo de Población y vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

The foreign-born population in the 2010 Census corresponds to those born abroad who are habitual residents of Ecuador.

- Without information | \*Includes Scotland, Great Britain, England and Wales | \*\*Includes Soviet Union and / or Russia

By 2010, the distribution of the foreign population in the Ecuadorian territory was concentrated in the provinces to the northwest and south of the territory, bordering Colombia and Peru (Map 1 and Graph 4). However, the majority of the foreign population was clustered in the provinces of Pichincha and Guayas, with some peculiarities: in addition to immigrants from Colombia and the United States, Pichincha also registered a high presence of Cuban immigrants, while Guayas had higher levels of immigration from China.<sup>4</sup>

**Map 1. Ecuador. Distribution of the Foreign Population by Province of Registration. Year 2010.**



**Source:** National Population and Housing Census 2010. National Institute of Statistics and Census of Ecuador - INEC Ecuador.

The largest migratory groups in 2010 in Ecuador had specific characteristics related to the causes of migration. The composition by sex (Graph 5) reveals a significant feminization of Colombian immigration (89 men per 100 women). The opposite is true among Peruvian immigrants, in which men prevail, and it is accentuated in the case of Cuban immigrants, with almost 170 men per 100 women.

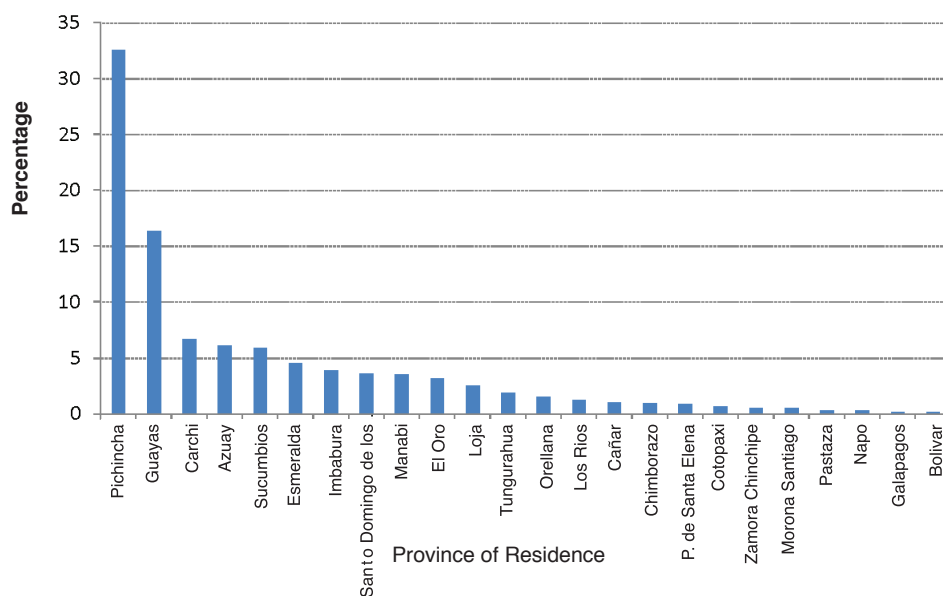
<sup>4</sup> Details by province can be found in the Statistical Annex, Ecuador table (Foreign resident population by country of birth and province of residence).

American, Spanish and Italian immigrants are in a different situation. We observed a very high presence of children in these groups (related to the return of Ecuadorian emigrants in recent years) which compensates for the composition by sex. Graph 6 shows the effect of age on immigrants by country of birth. We point out the presence of children, especially among Americans and Spaniards, and their absence in cases of extra-regional migration, such as among the Chinese and Cuban migrants. The Colombian and Peruvian migration, predominantly for labor, also presents low numbers of children.

The highest level of education reveals that, in the category of extra-regional immigration, the Chinese have the highest presence of people with no formal education (10 percent), while, when examining regional immigration, Colombians and Peruvians exhibit the highest incidence of limited formal education. The opposite is true for immigrants from Cuba, Argentina and Chile, which all have a significant population with higher education (between 50–60 percent), according to the data in Graph 7.

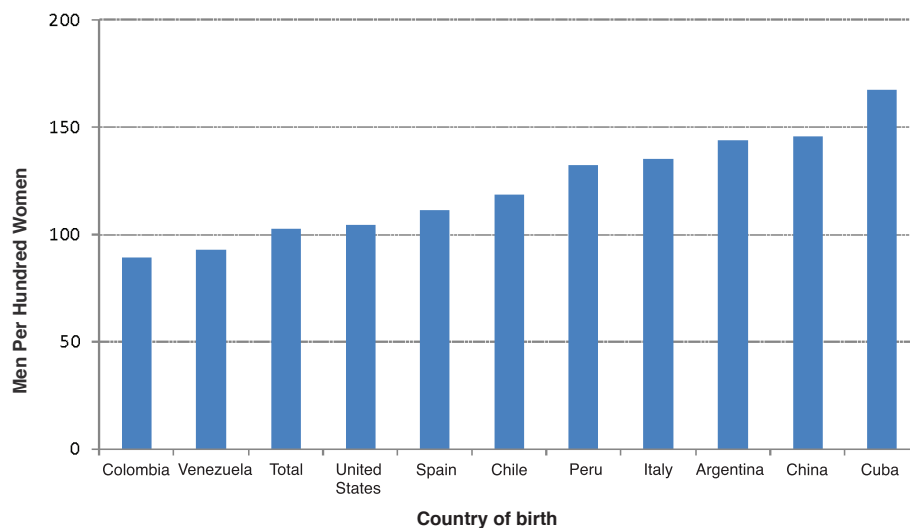
Colombian and Peruvian immigrants are far more represented in rural Ecuador (between 25–30 percent), as well as Spanish and American immigrants, although to a lesser extent (between 20–22 percent), as shown in Graph 8. Conversely, Chinese and Cuban immigrants have the highest levels of urban residence (approximately 95 percent in urban areas).

**Graph 4. Ecuador. Foreign Resident Population by Province of Residence. Year 2010.**



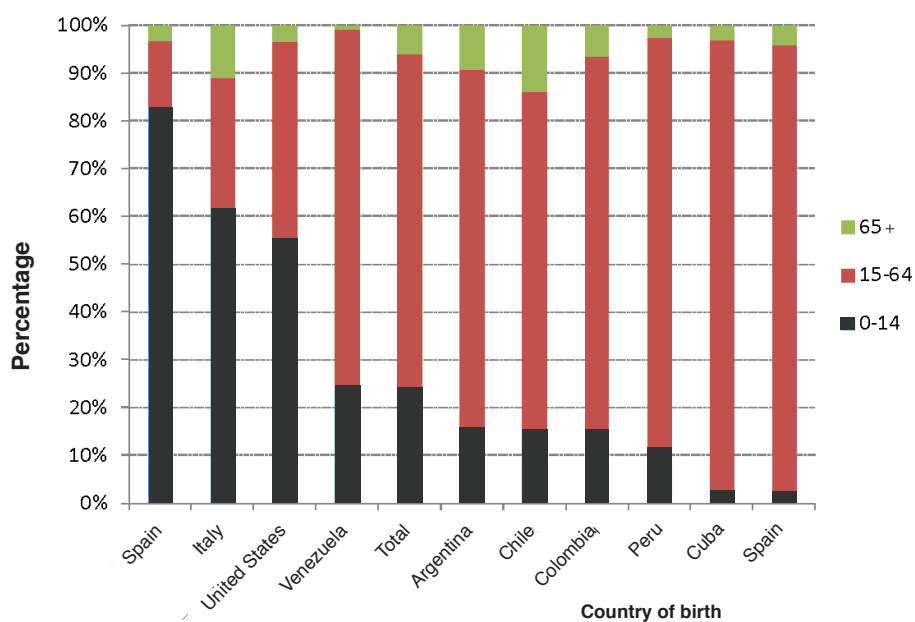
Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

**Graph 5. Ecuador. Gender Breakdown (Men per Hundred Women) of the Foreign Population (Among the Ten Largest Communities).Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

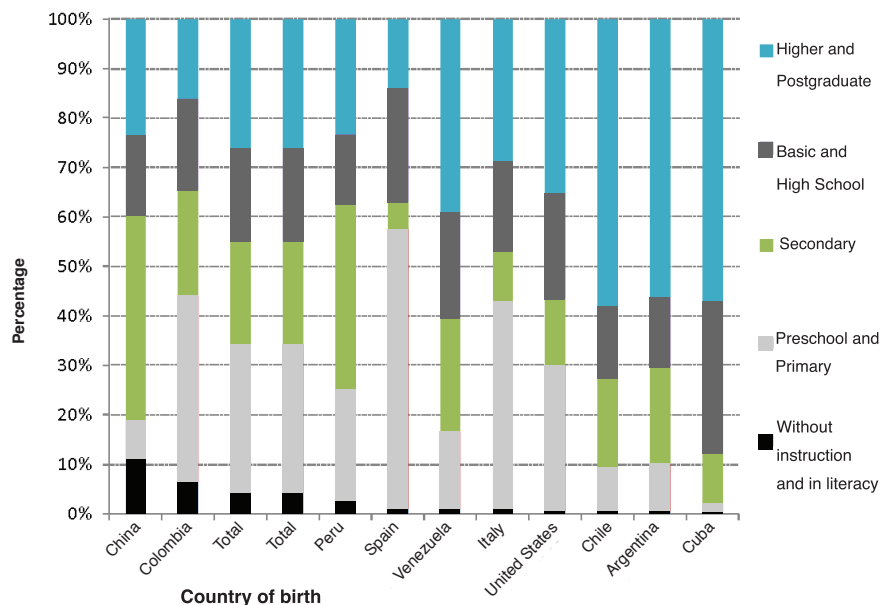
**Graph 6. Ecuador. Age Breakdown of the Foreign Population (Among the Ten Largest Communities). Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

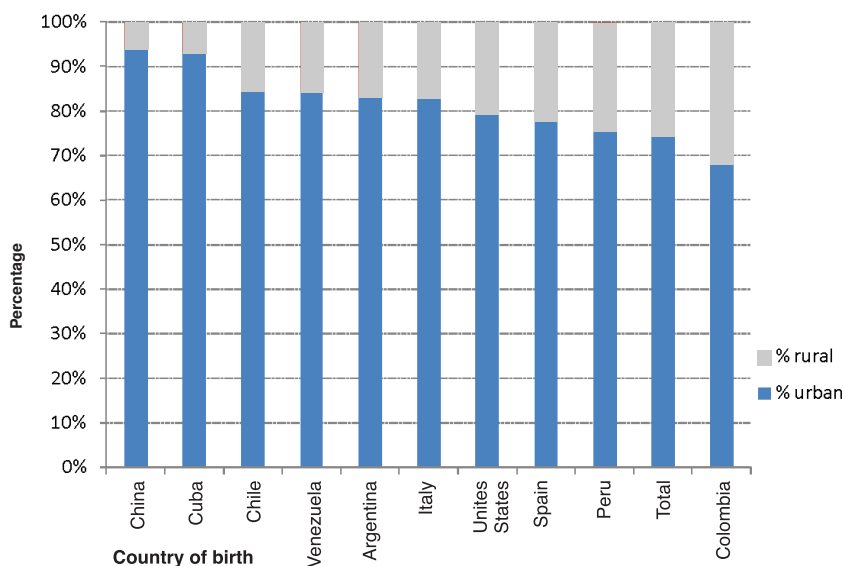


**Graph 7. Ecuador. Highest Level of Education of the Foreign Population  
(Among the Ten Largest Communities). Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

**Graph 8. Ecuador. Distribution of the Foreign Population by Urban or Rural Area (Among the Ten Largest Communities). Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

### **3. International Emigration from Ecuador Between 1980 and 2010**

As mentioned, Ecuador has had a strong emigration tradition since the 1950s and 1960s, when the first massive flows to the US, Canada and Venezuela were recorded. Subsequently, these flows were concentrated in the direction of the US during the 1980s. Since the 1990s, Spain, Italy and, to a lesser extent, other European countries became the new destinations for Ecuadorians. This period between 1999 and 2005 is considered one of “migratory boom” (IOM, 2012). Towards the end of the 1990s, Ecuador went through a serious economic and political crisis characterized by the fall of oil prices, a cycle of floods that adversely affected export crops, the dollarization of the economy and the deterioration of the social landscape, with an increase in unemployment and poverty. In this context, there was large-scale emigration to Spain, the United States and Italy and, to a lesser extent, to Germany, France, the United Kingdom, the Netherlands, Belgium, Switzerland, Canada, Chile and Venezuela (ECLAC, 2011).

Estimates of the magnitude of these emigration flows vary and together demonstrate an intense phenomenon. According to a study presented by the Special Interinstitutional Commission on Migration Statistics in Ecuador (CEIEME), the population of Ecuadorians abroad reached 1.6 million people by the end of 2007, equivalent to 11 percent of Ecuador’s total population and around 30 percent of its economically active population (ECLAC, 2011).

Since then, the 2010 census numbers for Ecuador and the primary destination countries for Ecuadorian emigrants and other secondary sources indicate that emigration flows to the United States have been consistent in the context of a notable slowdown over the past ten years. The 2008 crisis and the decrease in emigration to European countries (mainly Spain) in its wake can also be considered a key factor in this slowdown, given the shrinking of the labor market due to the economic and social crisis in the main destination countries. All indications are that establishing the Schengen visa for Ecuadorians traveling to Europe would have slowed their arrival (IOM, 2012).

The more recent emigration has surpassed rural geographic origins, as urban centers such as Quito and Guayaquil became the cities with the greatest levels of emigrants (75 and 25 percent, respectively). On the other hand, although the majority of migrants come from vulnerable households, they have diverse socioeconomic profiles: 60 percent live above the poverty line, 27 percent come from poor sectors, and 13 percent from areas of extreme poverty. In addition, the female element of these flows has increased, particularly among those from urban areas toward Spain.

Young people between 21 and 30 years old predominate, including the presence of children and adolescents. Lastly, most of the emigrant population have completed some or all of high school and exhibit a higher average level of education compared to the rest of the Ecuadorian population (ECLAC, 2011).

The stock of the Ecuadorian-born population residing abroad, based on information from population censuses of recipient countries at regional and extra regional levels, can be found below. Collecting this information was a laborious process because the data is not organized within a particular immigration information system, such as that of the International Migration in Latin America (IMILA) research program, or the Continuous Reporting System on Migration (SOPEMI) in the case of the Organization for Economic Co-operation and Development (OECD).

Table 5 and Graph 9 summarize the levels of total emigration from Ecuador, confirming the high emigration intensity in the period from 1982–2010, its growth toward the year 2000 and the persistence of its effect, even toward 2010, despite evidence of returns and deceleration of outgoing flows, as detailed below. The Ecuadorian population abroad increased from 140,000 to 230,000 from 1980 to 1990, and from almost 609,000 in 2000 to 1.1 million in 2010.

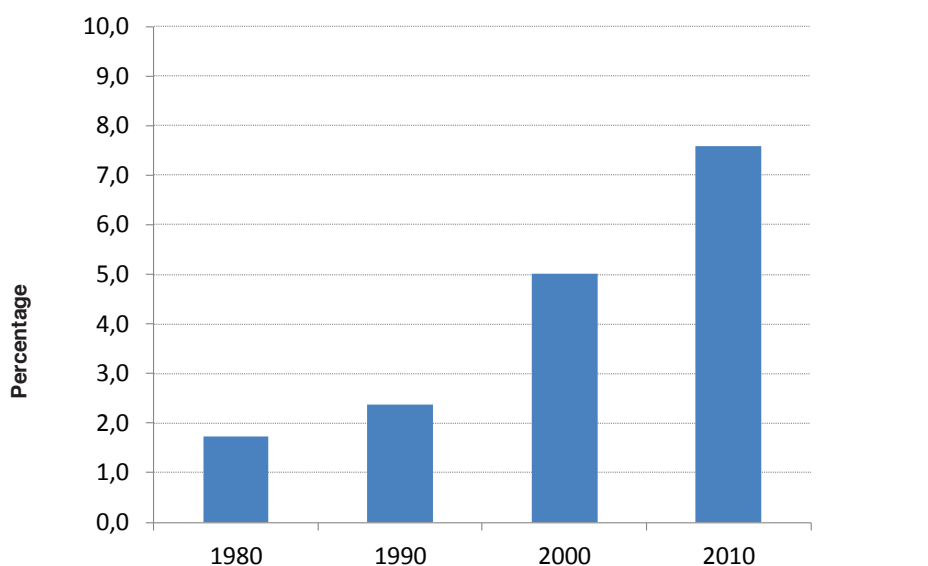
Ecuadorians abroad constituted approximately five percent of the country's total population in 2000, a number that by 2010 had increased to 7.6 percent. Table 6 presents the data available by country of residence. The United States Census Bureau, through its American Community Survey, reveals the presence of 428,000 Ecuadorians by 2010. Moreover, data from the Spain's Statistical Institute's 2011 Population Census indicate the presence of just over 412,000 Ecuadorian-born residents. The estimate of Ecuadorians in Italy, based on the data gathered by the OECD on immigrants in their member countries, is approximately 100,000 people. We have estimated the 1.1 million total number for 2010 using the rest of the evidence collected and analyzed, such as trends of Latin American immigrant stocks in other destination countries around the world for the same period.

**Table 5. Ecuador. Total Population, Population Born in Ecuador and Population Born abroad. Census Data 1980 and 2010.**

Year	1980	1990	2000	2010
Total Population	8.060.712	9.648.189	12.156.608	14.483.499
Native population in Ecuador	7.985.308	9.575.010	12.052.478	14.301.651
Native population abroad	140.000	230.000	608.931	1.100.000

**Source:** CEPAL-CELADE / IMILA. Censos de Población de Italia y España. Estados Unidos: U.S. Census Bureau, 2008-2012 American Community Survey. OCDE. Estimaciones propias. Censos Nacionales de Población y Vivienda. Instituto Nacional de Estadística y Censos - INEC Ecuador.

**Graph 9. Ecuador. Percentage of the Population Born Abroad. Census Data 1980 and 2010.**



Source: CEPAL-CELADE / IMILA. Censos de población de Italia y España. Estados Unidos: U.S. Census Bureau, 2008-2012 American Community Survey. Censos Nacionales de Población y Vivienda. Instituto Nacional de Estadística y Censos - INEC

■ % Natives abroad

**Table 6. Ecuador. Native Population by Foreign Country of Residence.  
Census Data 1980, 1990, 2000 and 2010.**

Country of birth	1980	1990	2000	2010
Total	140.000*	230.000*	608.931	1.100.000*
Argentina	771	975	2.054	4.820
Bolivia	183	243	652	...
Brazil	758	605	1.188	...
Chile	1.215	2.267	9.393	...
Colombia	...	9.040	...	...
Costa Rica	318	600*	955	1.040
Cuba	...	...	...	...
El Salvador	...	85	...	...
Guatemala	119	119	109	...
Haiti	...	...	...	...
Honduras	...	225	327	...
Mexico	...	861	1.190	...
Nicaragua	...	78	...	...
Panama	1.491	1.381	1.844	2.028
Paraguay	...	72	91	...
Peru	1.739	1.801	...	...
Dominican Rep.	...	...	314	...
Uruguay	199	235	...	...
Venezuela	21.522	23.370	28.606	...
Canada	5.800	10.250	11.445	...
United States	86.128	143.314	298.626	428.000
Spain	...	...	215.833	412.380
France	...	...	1.442	...
Italy	...	...	14.557	...
Poland	...	...	30	...
Portugal	...	...	224	...
United Kingdom	...	...	3.035	...
Japan	...	...	116	...
Rest of countries	...	...	16.900	...

**Source:** CEPAL-CELADE / IMILA. Censos de Población de Italia y España. Estados Unidos: U.S. Census Bureau, 2008-2012 American Community Survey. OCDE. Y estimaciones propias.

... Without data

\* Estimate

In the main destination countries—the United States, Spain and Italy—the availability of irregular, flexible and precarious work niches allowed the selective integration of women in domestic and care work, and men in construction, agriculture and the service industry. Different political contexts, such as the increasing restrictions in Europe on the entry of non-EU immigrants, brought about the diversification of Ecuadorian emigration destinations and, at the same time, a greater diversity of migrant profiles.

The information provided by the sources in the destination countries does not allow us to undertake further analysis, at least not until the results of the remaining Latin American population censuses (and the rest of the world's) are made publically available.

In order to better understand the emigration phenomenon, as a sending country, Ecuador has included in its last census a methodology to estimate former household members living abroad.<sup>5</sup> The methodology is based on a simple approach, which in general terms consists in directly identifying households with members who left to another country, and obtaining sociodemographic data about the emigrated members.<sup>6</sup> This approach is considerably simple to include in the census card and less complex to process and estimate than the well-known Somoza method, which offers an estimate of the volume of emigrants but has several limitations that must be taken into account when interpreting results (Calvelo, 2011).

In Ecuador's 2010 Population and Housing Census, the identification of households with members abroad was achieved through the question "From the last population and housing census, have you one or more people living in this household travelled to another country and not yet returned to stay indefinitely?" (November 2001).

Thus, the 2010 Population and Housing Census reveals that among the homes registered in the census, the number of household members abroad amounted to approximately 280,000. Taking into account that this question refers to members who left only during the last decade (2001-2010), it should be said that they represent approximately 25 percent of the total stock of Ecuadorians abroad, estimated to 2010 through sources of the countries of destination (Table 6), which is reasonable.

<sup>5</sup> It is worth noting that this approach to emigration expanded considerably in the 2000 round of the Latin American and the Caribbean censuses, when ten countries included the recruitment of household members living abroad, while in the 1990 round only three countries had used this approach (Calvelo, 2011).

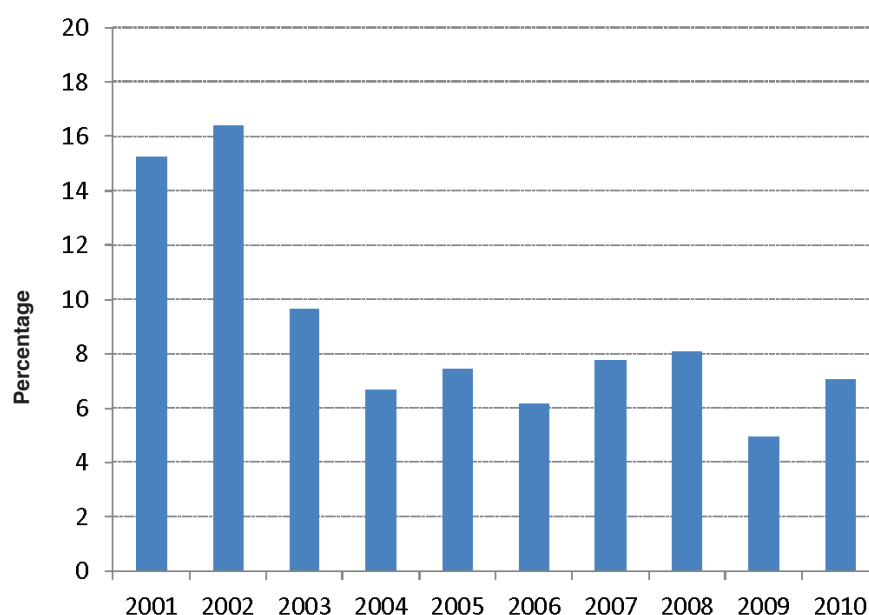
<sup>6</sup> Usually, the variables on ex-household members surveyed include: sex, age at departure, current age, destination country, country of current residence, year or period of departure, educational level and/or cause of departure.

The information presented below was derived using this methodology and it is worth remembering that it does not refer strictly to emigrants but to those 280,000 household members abroad declared by the homes registered in the census. Thus, it can be said that, for the most part, these household members left the country before 2003, during the most intense period of the economic crisis, while subsequent departures continued moderately (Graph 10).

Consistent with the trends reported in the sources of the destination countries, the main destinations of household members abroad have been Spain, the US, and Italy. Graph 11 includes data on a variety of other countries, many from Latin America (Chile, Colombia, Venezuela, Argentina, Mexico, Peru, and Brazil) and several European countries, where history indicates that the range of destinations for Ecuadorian emigrants diversified as Spanish immigration policies tightened, especially since 2004 and 2008.

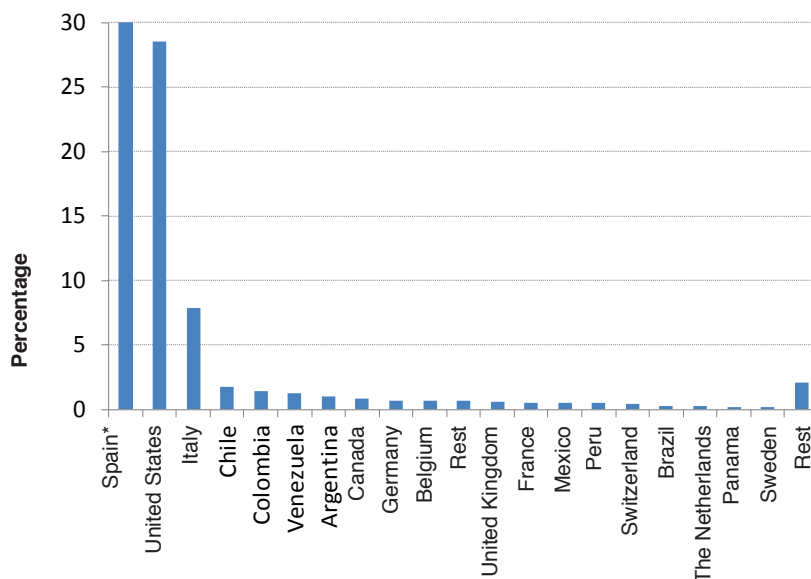
Of the members residing abroad who left from 2001–2010, up to 30 percent came from rural areas. Ecuadorians of rural origins tended to emigrate to the US and Colombia, and to a lesser extent to Cuba and Spain. Graph 12 shows no marked selectivity in the rural or urban origin of Ecuadorians abroad according to the countries of regional or extra-regional destination.

**Graph 10. Ecuador. Household Members Abroad, by Year of Departure. Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

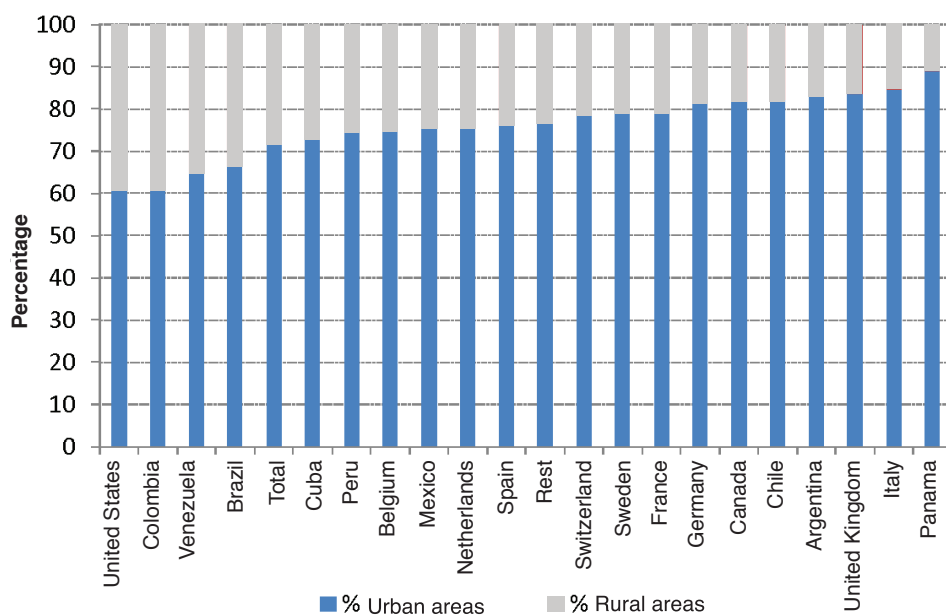
**Graph 11. Ecuador. Household Members Abroad, by Country of Residence. Year 2010.**



\* Spain reaches 45 percent.

Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

**Graph 12. Ecuador. Household Members Abroad, by Original Area of Residence in Ecuador (Urban or Rural) in Ecuador. Year 2010.**

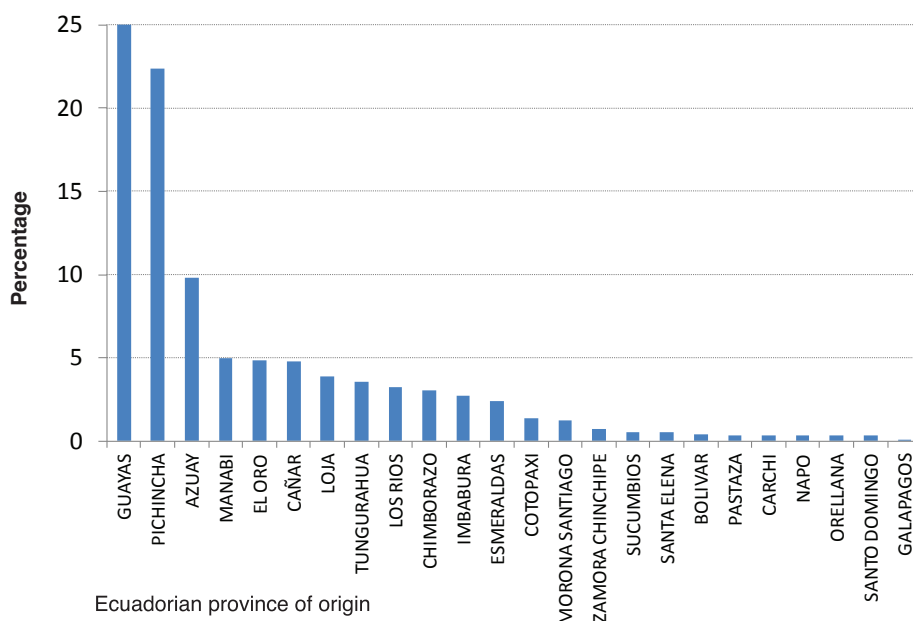


Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.



The distribution of emigrants' places of origin is a valuable contribution to the methods for estimating the number of household members abroad, a phenomenon scarcely reported by other sources and primarily by the destination countries. The data from Ecuador's 2010 Census indicates that the provinces with greater emigration rates from 2001–2010 were Guayas and Pichincha (between 20 and 25 percent of household members abroad). The province of Azuay accounts for 10 percent and then rates fall to less than 5 percent for the rest of Ecuador's provinces (Graph 13). However, we should clarify that the intensity of emigration declined in general terms in all the provinces with respect to the year 2000. Its highest concentration takes place in the southern region of the country from which young people of rural origin leave for the United States, with female migrants leaving in significant numbers (IOM, 2012).

**Graph 13. Ecuador. Household Members Abroad, by Province of Residence in Ecuador. Year 2010.**



Source: Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

Ecuadorians' emigration has had an impact on Ecuador by way of the significant volume of foreign currency flowing into the country through remittances. According to the Inter-American Development Bank (IDB), remittances from Ecuadorians living abroad reached USD 3.087 billion in 2007. Although the 2008 global crisis significantly reduced their volume, remittances still represented the largest contribution to Ecuador's GDP following oil exports (ECLAC, 2011). According

to the Central Bank of Ecuador, remittances amounted to USD 2.324 billion in 2010. After this point, the level of remittances fell due to the shrinking employment opportunities and subsequent loss of income by emigrants in Spain and the United States (SICREMI, 2012).

The evolution in level of remittances reflects both the slowdown in emigration in recent years and the impact of the financial crisis. From the peak reached in 2007 with more than 3 billion dollars, there was a decline until 2010, when remittance reached 2005 levels again.

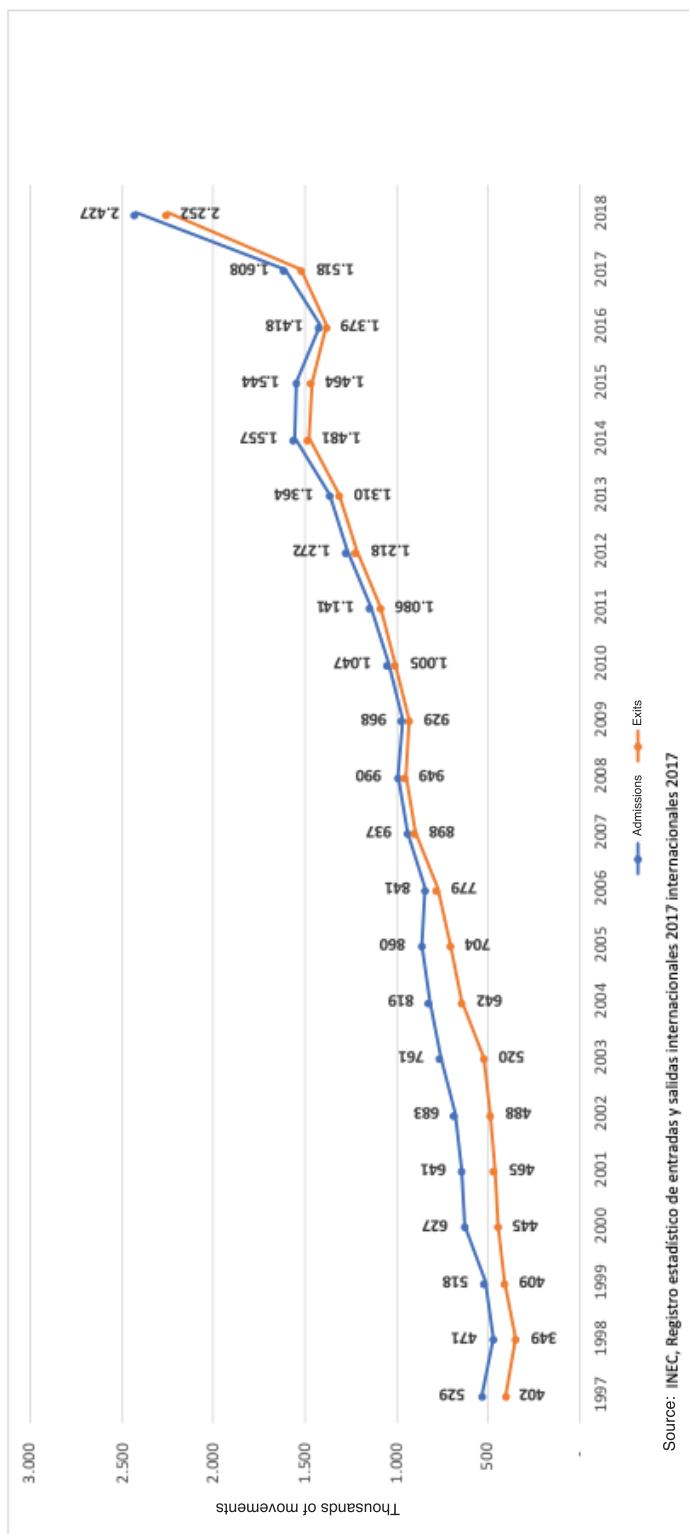
We expect, however, that remittance levels will continue to decrease with the deepening of the crisis in Spain. Nonetheless, remittances remain an important component of the country's external revenue and play an important role in social reproduction processes in Ecuador. Remittance trends also vary by country of origin. While remittances from Italy and Mexico have grown continuously in the last four years, the volume of money remitted from the United States of America dropped, and had a small recovery in 2001, while the decline is constant in remittances from Spain (IOM, 2012).

The slowdown in remittances also reflects the return of Ecuadorian emigrants following the 2008 crisis. The return of Latin Americans has not been regarded as massive in general, due to a rise in migration to third countries. In addition, the traditional emigration destinations have not experienced a full stop in immigration. According to the 2010 Population and Housing Census, a significant portion of Ecuador's population has returned, in the order of 60 thousand people in the last ten years, an amount that may increase in the coming years. Although this may not indicate the completion of the migration cycle, it alerts us to the fact that these returns must be taken into account in the country's international mobility framework's medium-term scenario. The return levels follow myriad circumstances — forced returns and deportations but also voluntary returns for personal reasons and not just economic, all of which will require the implementation of targeted policies (IOM, 2012).

#### **4. Current Immigration: 2011-2019**

Although the migratory balance of foreigners in Ecuador continues to be positive in recent years, it does not rival levels reached in the first decade of the 21st century (Graph 14). However, the profile of immigration to Ecuador has changed in this time. The migratory flows of Colombians and Peruvians into the country continue to be significant (Graph 15); these two nationalities account for more than 50 percent of the foreign population entering the country in the last six years. Yet, other nationalities' entry into Ecuador have experienced considerable growth (Graph 16 and 17). Among

**Graph 14. Number of Foreigner Admissions in Ecuador, in Thousands of Movements.  
Years 1997–2018.**



these are the flows of Cubans and especially Venezuelans during the last three years, as we will turn to later.

The data utilized for the analysis of the last eight years were not obtained from the census (as the last census was carried out in 2010), but rather from records of foreigners' income and exits from Ecuador. These are recorded in the National Institute of Statistics and Census of Ecuador (INEC) and data provided by the Ministry of Interior. Thus, we must take into account some of the data's limitations when interpreting the results. First, specific statistics that account for migration are hard to come by. Many records of income or exits of people within a country are maintained through unregistered routes, so there may be a considerable under-registration of migrants. Regarding INEC's data, records of arrivals into Ecuador are only available by country of origin while departures are recorded by country of destination,<sup>7</sup> which prevents establishing an accurate migratory balance by nationality, although we have included a general migratory balance number from recent years. On the other hand, the information provided by the Ministry of the Interior allows for observing arrivals and entries by nationality and, therefore, detailed migratory balances, but this data is only available for the years 2016–2018. Finally, it is worth noting that the two entities from which we derive the information presented do not necessarily maintain a common database. Therefore, the numbers should be used for reference, providing an overview of the country's migration.

Graphs 15 and 16, which show the percentage each nationality represents as part of the total population of foreigners who entered during the periods 2000–2010 and 2011–2016, evidence that the arrival of Colombians, Americans and Peruvians continues to be the most representative. However, the percentage of Colombians has increased in the last six years.

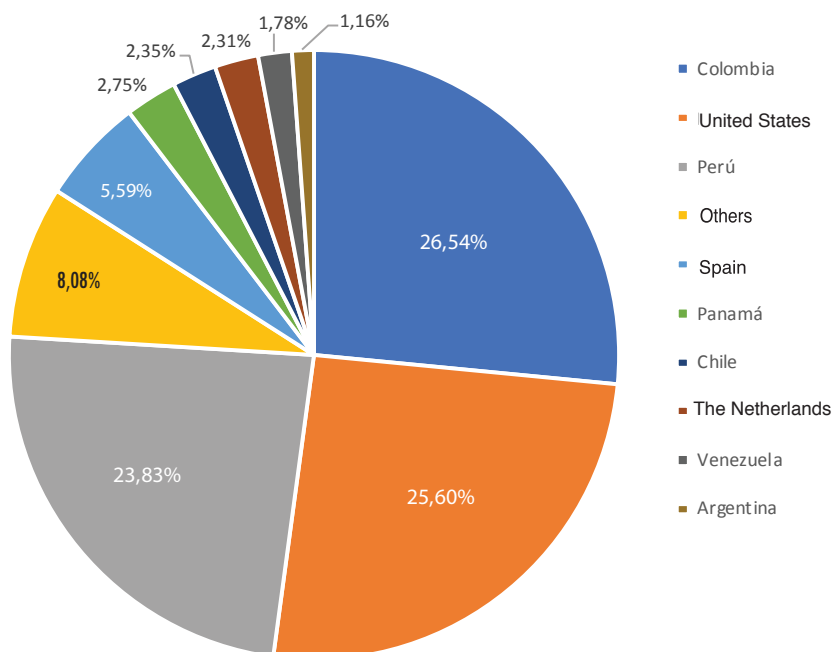
On the other hand, there is an increase in the share of Cubans and Venezuelans as of 2011. Venezuelans represented the ninth highest share of immigration into the country from 2000–2010, and went on to occupy the seventh largest group from 2011–2018. Likewise, Cubans, who in the 2000–2010 decade were not among the top ten countries with the largest number of immigrants, have ranked ninth during the last six years (Graph 15 and 16).

However, we can more clearly observe the growth in the flow of Cubans and Venezuelans to Ecuador through the number of yearly entries. The entry of Colombians,

<sup>7</sup> Ecuador is used as a transit country by some foreigners to reach other destinations.

Peruvians and Americans is high and has remained fairly stable over the last few years (Graph 17), with an increase in the entry of Colombians from 2017 onwards, possibly because the signing of the peace process in Colombia has not meant a reduction in the displacement of the population, but rather the resurgence of problems linked to insecurity that have led so many Colombian citizens to seek refuge outside of their country. On the other hand, there was a significant growth in the flows of Cubans since 2013 (Graphs 18 and 19), but it has begun to decline since 2016. According to data maintained by the Ministry of Interior for the years 2016–2018, there has been a considerable increase in the arrival of Venezuelans (Graph 20).

**Graph 15. Foreigner Admissions (%) in Ecuador by Nationality.  
Years 2000–2010.**



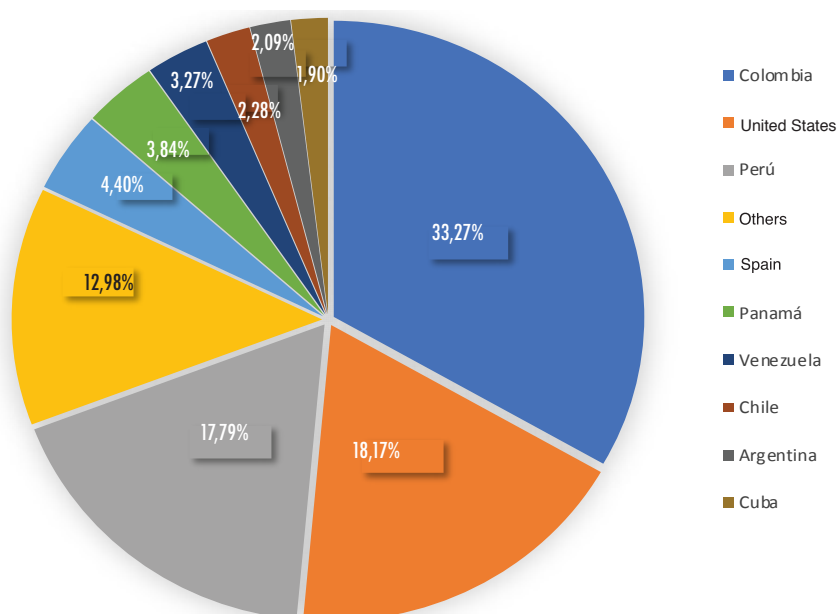
Source: Anuario de entradas y salidas internacionales 2016. Entradas de Extranjeros por país de procedencia, años 2000-2010. Instituto Nacional de Estadísticas y Censos-INEC Ecuador.

For the last 60 years, a small migratory flow of Cuban citizens has been registered in the country. However, this migration started growing in the 2000s due to the dollarization of Ecuador's economy. This flow increased more visibly later on, following the adoption of the Ecuadorian Constitution of 2008. The Constitution not only established the principle of universal citizenship but also a subsequent open-door policy enacted in the same year that allowed indiscriminate entry to foreign citizens

without a visa for up to 90 days. Although this policy began to be applied differently in 2010, with the imposition of entry limitations to citizens of certain countries, entry to Cuban citizens remained open. This decision ultimately made Ecuador a rather desirable destination for Cubans, considering that they encounter many limitations to enter other countries. However, the island's immigration policy historically has restricted citizens' stays abroad to a maximum of two years, after which they run the risk of losing their civil and political rights, as well as becoming *de facto* stateless. As a result, many Cuban citizens make periodic trips between Cuba and Ecuador to maintain their Cuban citizenship (Correa Álvarez, 2013; Flor Agreda, 2015).

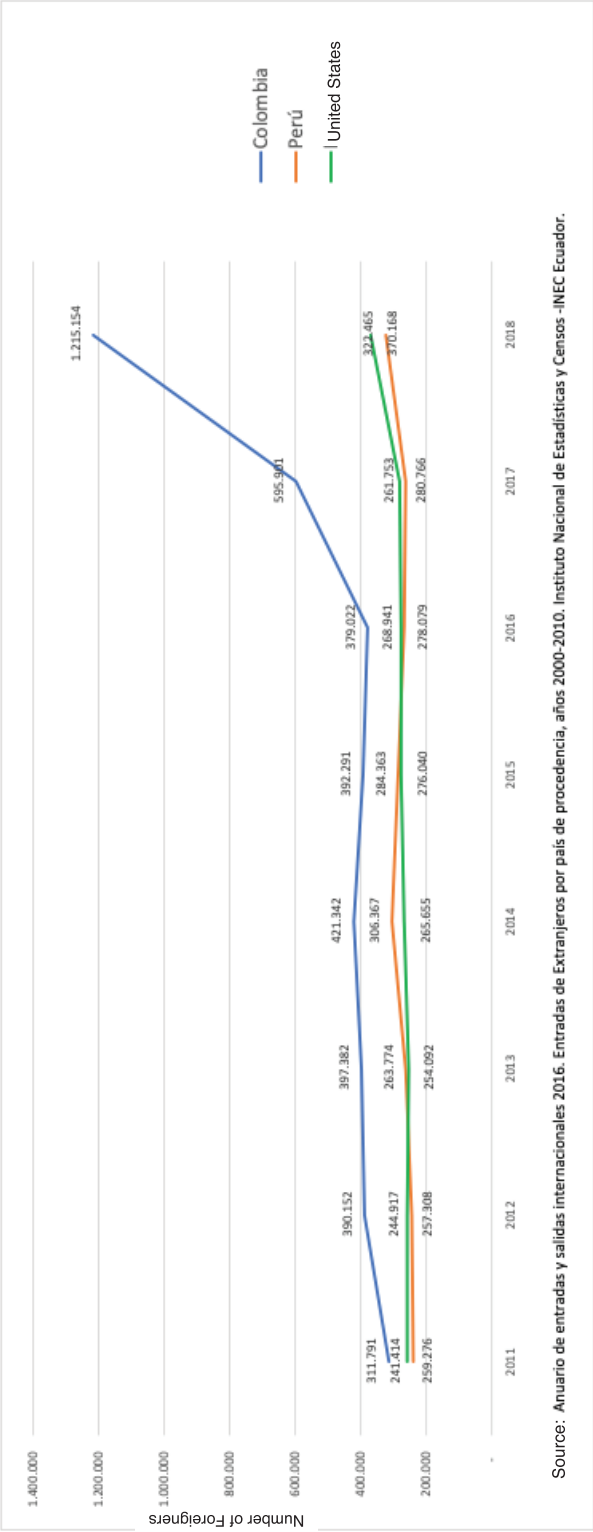
According to the data provided by the Ministry of Interior, the total number of Cuban citizens who entered Ecuador between January 2016 and January 2019 is 71,890. However, if we look at Graph 19, we see that this group's migratory balance was not significant, and 2016 even shows a negative migratory balance. It is possible that this entry pattern is due to the cyclical nature of this type of migration (Graph 19).

**Graph 16. Foreign Admissions (%) in Ecuador by Nationality. Years 2011–2018.**

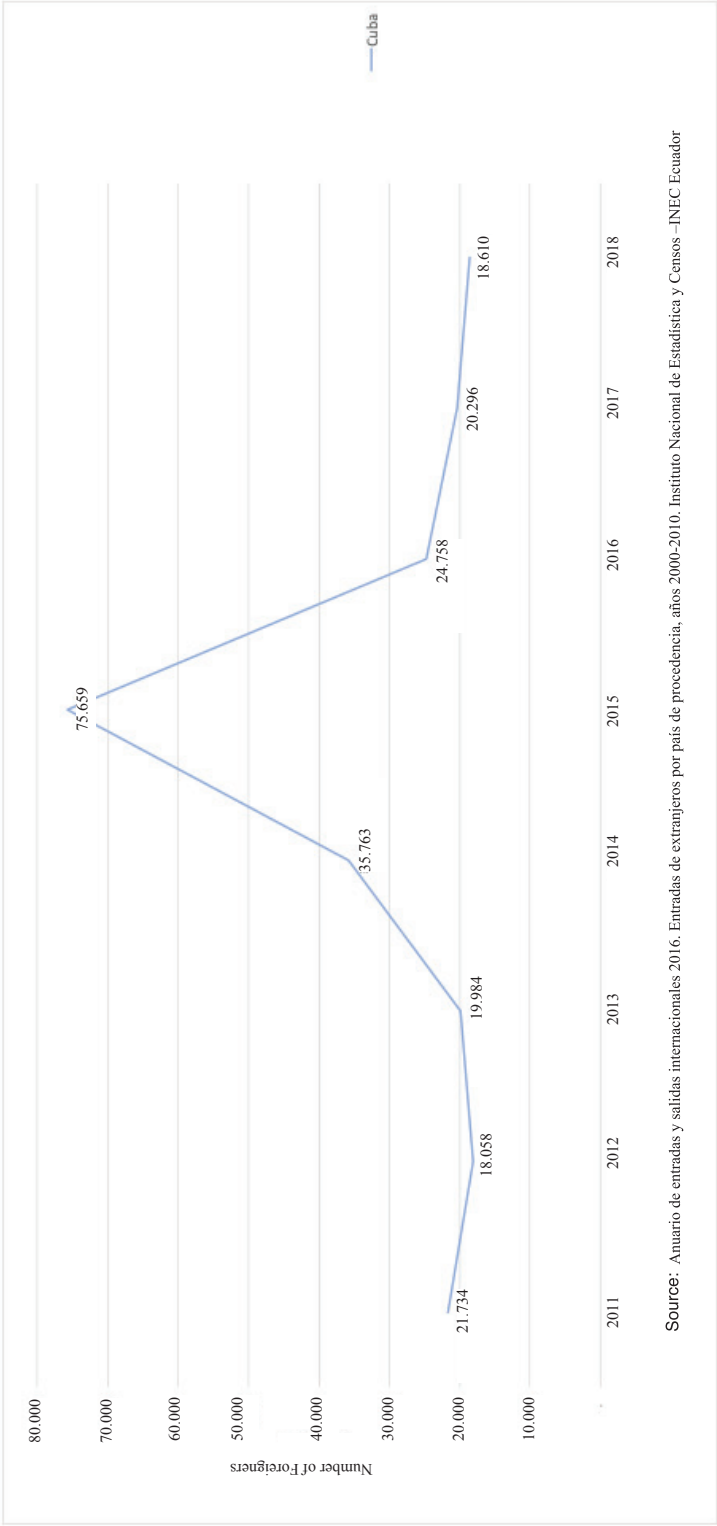


Source: Anuario de entradas y salidas internacionales 2018. Entradas de extranjeros por país de procedencia años 2011-2018. Instituto Nacional de Estadísticas y Censos-INEC Ecuador.

Graph 17. Number of Admissions of Colombians, Peruvians and Americans.  
Years 2011–2018.

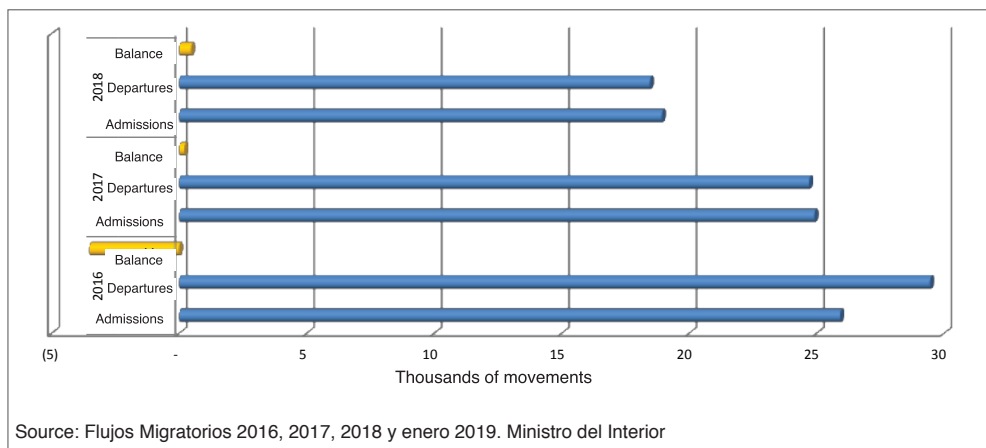


**Graph 18. Number of Admissions of Cubans.  
Years 2011–2018.**

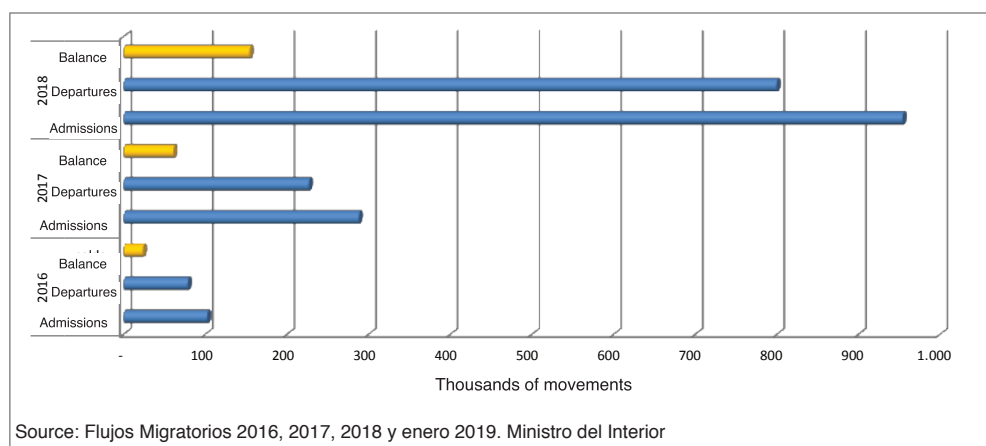




**Graph 19. Admissions, Departures, and Balance of Cuban Citizens.  
Years 2016–2018.**



**Graph 20. Admissions, Departures, and Balance of Venezuelan Citizens.  
Years 2016–2018.**



On the other hand, according to the 2010 census, the cities with the highest concentration of Cuban citizens were Quito and Guayaquil, which accounted for 75 percent and 12 percent of the total number of Cubans registered in Ecuador, respectively. This concentration, brought on by this migrant group's frequent practice of appropriating public spaces, has caused it to be one of the most visible groups and often those singled out in security discourses, causing a xenophobic and discriminatory reactions from the host community against Cuban migrants (Correa Álvarez, 2013).

According to data provided by the United Nations, an estimated 2.3 million Venezuelans left Venezuela between 2014 and 2017 (UN, 2018), which corresponds

to seven percent of Venezuela's population of approximately 32 million people. As of September 5, 2019, that number rose to more than four million. This population is fleeing the country's economic, political, humanitarian and human rights crises. It is estimated that until 2018, at least 220,000 Venezuelans entered Ecuador (UNHCRa, 2018), of which 83,400 obtained residence permits, mainly through the UNASUR visa, and another 7,100 have applied for asylum (HRW, 2018; UNHCRb, 2018). This number could be even higher considering that many Venezuelans left the country through unofficial border crossings.<sup>8</sup>

Data provided by Ecuador's Ministry of Interior reveals that the number of Venezuelans entering Ecuador has grown rapidly (Graph 20). In 2016, the Ministry of Interior registered the entry of 102,369 Venezuelans, but by 2018 the number of Venezuelan migrants that entered amounted to 954,217. This number represents 77 percent of citizens who entered the country, including Ecuadorian citizens. Although the migratory balances allow us to observe that most of those entering have other countries in the region as a final destination, such as Peru, Chile or Argentina, making Ecuador mainly a transit country, a considerable number of people chose to stay in the country. In 2018, the migratory balance of Venezuelans was 154,379 people.

Most Venezuelans entering Ecuador were registered at the International Bridge of Rumichaca border crossing, in the province of Carchi, and at the Binational Center for Border Assistance (CEBAF), in the province of Sucumbíos. It is worth noting that in September 2018, the daily average recorded of Venezuelans entering Ecuador was just over 2,000 people; however, in August of that same year up to 6,000 people were registered daily (UNHCRb, 2018).

The majority of the Venezuelans arriving in Ecuador are highly vulnerable. Many Venezuelans report having faced barriers to access health, education and work in their home country. They leave their country with scarce resources and, due to the political and institutional problems there, they lack the legal permits to regularize their stay in destination countries. This precarious situation hinders their ability to obtain basic services, food and housing, and many of them suffer labor and sexual exploitation or are victims of trafficking. As a result of their irregular situation, they are less likely to report abuses to competent authorities (UNHCRb, 2018; HRW, 2018).

The increase in the entry of Venezuelan immigrants to Ecuador led the Ecuadorian government to declare an emergency in the provinces of Carchi, Pichincha and El

<sup>8</sup> A UNHCR publication estimates that in 2018 the number amounted to 3 million Venezuelans (UNHCRa, 2018).

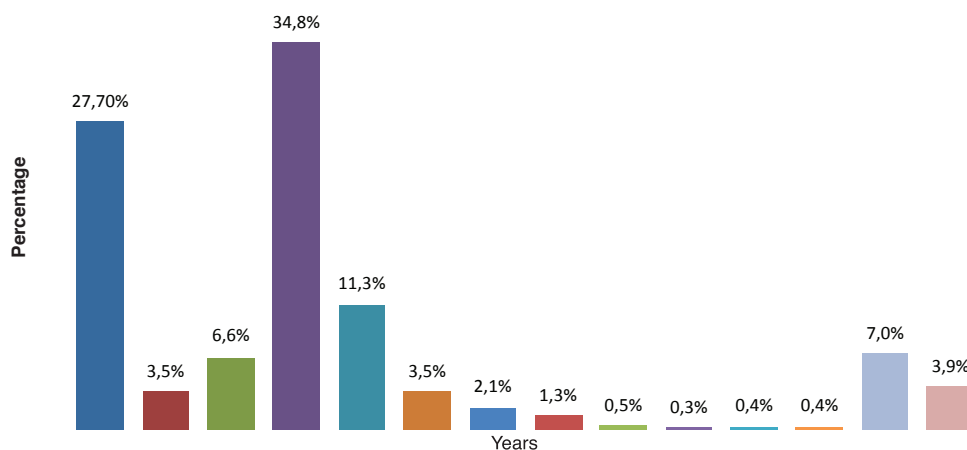
Oro in August 2018, to respond to the humanitarian needs of the population. The Ecuadorian government, together with international organizations, even provided means of transportation to Huaquillas, in southern Ecuador, for the Venezuelan population who wanted to continue their journey to Peru (UNHCRb, 2018).

However, a few days later, the Ecuadorian authorities announced that passports would be required to enter the country. Although this measure was withdrawn after a judge ruled against it, shortly thereafter the Ecuadorian government began requesting a certificate of validity for Venezuelan identity cards (HRW, 2018). This procedure further hindered the entry of Venezuelans, as they have had great difficulty in obtaining or renewing their passports, or any other document, in their country. Moreover, after an incident in which a Venezuelan murdered a pregnant woman in Ibarra, some sectors of the population began to violently evict Venezuelans from hotels and lodgings, demanding that they leave the city. At the end of January 2019, the government announced that it would require foreigners to present a criminal record. This new measure has led to an accumulation of foreigners on the Colombian side of the border that, according to on-site testimonies, amounts to 1,000 people.<sup>9</sup>

Regarding the issue of refuge, we must highlight that Ecuador has the largest number of recognized refugees in Latin American and the Caribbean. From 1989 to January 2019, the country has recognized 65,754 people from more than 70 countries (MREMH, 2019). According to data from the Ministry of Foreign Affairs and Human Mobility, there was an important contingent of concessions for refugee visas between 1989 and 2006 (Graph 21), which coincides with the increase in arrivals of Colombian citizens following the execution of Plan Colombia in 1999. Moreover, in 2009 there was another increase in refugee applications that coincided with the implementation of the Expanded Registry in Ecuador's northern border, where mobile brigades were established to expeditiously determine refugee status, based on the expanded definition of the Cartagena Declaration on Refugees. Another increase in refugee visas granted was observed in 2018 and part of 2019 due to the rise in refugee requests by Venezuelan citizens that year (Graph 21). According to UNHCR, 6,983 new refugee applications were lodged in 2018, compared to 1,500 in 2017 (UNHCRb, 2018).

<sup>9</sup> Immigration control was strengthened at the Rumichaca bridge (February 19, 2019). *El Comercio*. Available at: <https://www.elcomercio.com/actualidad/rumichaca-migracion-venezuela-certificado-judicial.html>. Last accessed: February 22, 2019.

**Graph 21. Percentage of Asylum Requests, Disaggregated by Year.  
Period of 1 January 1989 to 31 August 2019.**



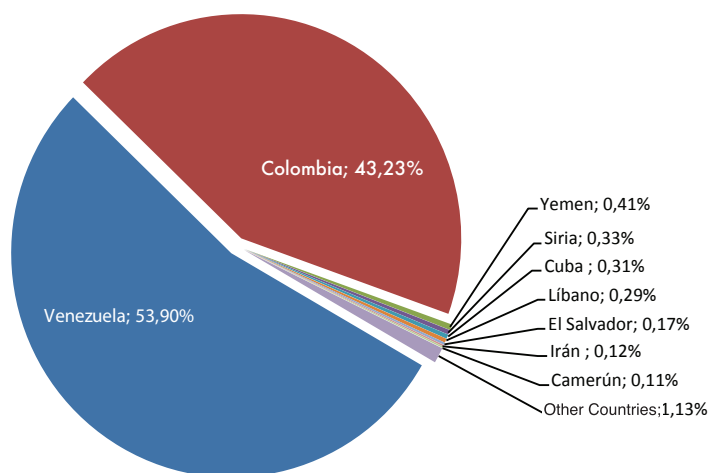
**Source:** Database of the Directorate for International Protection<sup>10</sup>

Most of the requests for refugee status from January 1989 to September 2019 were lodged by Venezuelan citizens (53.90 percent), followed by Colombian citizens (43.23 percent) (Graph 22). These two nationalities correspond to 97 percent of the asylum requests received by the Ecuadorian government. However, the largest number of citizens who have been recognized as refugees by the government (97.37 percent), between January 1989 and August 2019, have been from Colombia (Graph 23).

Finally, the data provided by the Ministry of Foreign Affairs and Human Mobility shows that 53 percent of the asylum requests in Ecuador have been accepted, while 26 percent have been denied. The rest, 21 percent, fall into one of the following categories: pending or withdrawn applications, family reunifications denied or accepted or misappropriated resources, among others.

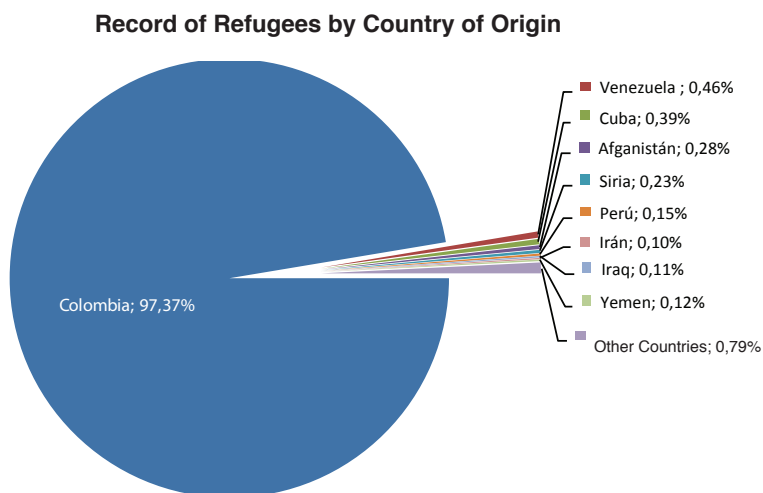
<sup>10</sup> Ministry of Foreign Affairs and Human Mobility. On asylum. Available at: <https://www.cancilleria.gob.ec/informacion-sobre-refugio/>

**Graph 22. Percentage of Asylum Seekers by Country of Origin.  
From 1989 to 2 September 2019.**



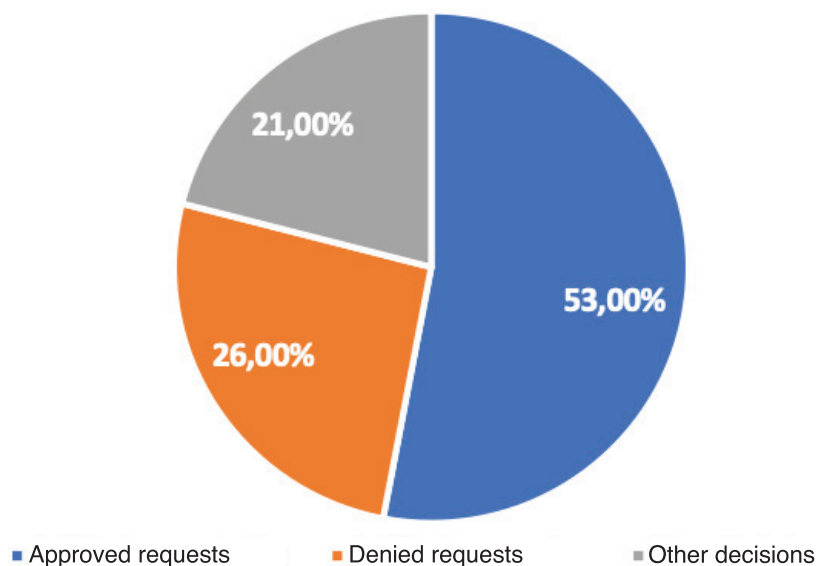
**Source:** Database of the Directorate for International Protection

**Graph 23. Percentage of Asylum Requests Granted by Country of Origin.  
From 1989 to 31 August 2019.**



**Source:** Database of the Directorate for International Protection

**Graph 24. Approved and Denied Asylum Requests.  
From 1989 to 2 September 2019.**



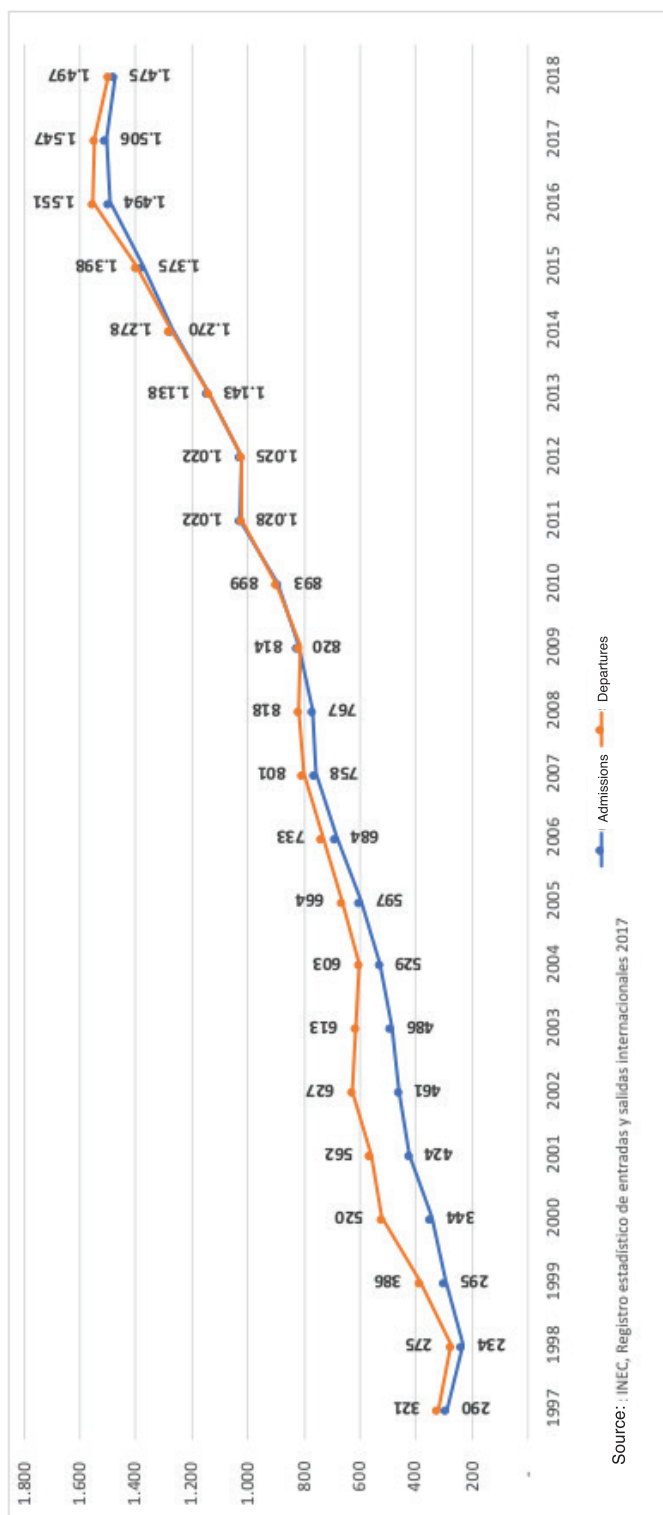
**Source:** Database of the Directorate for International Protection

### 5. Current Emigration: 2011–2019

The global financial crisis in 2008 had a strong impact on the migrant population. In destination countries preferred by Ecuadorian migrants such as the US, Spain and Italy, the crisis led to an increase in unemployment rates, which had a direct impact on their employability and income (Moncayo, 2011). In addition, the crisis resulted in the emergence of anti-immigration policies and an increase in xenophobia and discrimination toward immigrants (Villarreal, 2017). Although this situation resulted in a greater willingness of the migrant population to return to Ecuador, because as of 2008 the number of entries begins to increase as shown in Graph 25, this did not mean a massive flow of returns (Moncayo, 2011). For example, some Ecuadorians chose to migrate to other European destinations less affected by the recession, such as Belgium, England and Germany, or relocate to other traditional destinations of Ecuadorian migration (Villarreal, 2017). In fact, the migration balance was only slightly positive from 2011 to 2013, although there was an increase in 2010 in the number of exits (Graph 25).

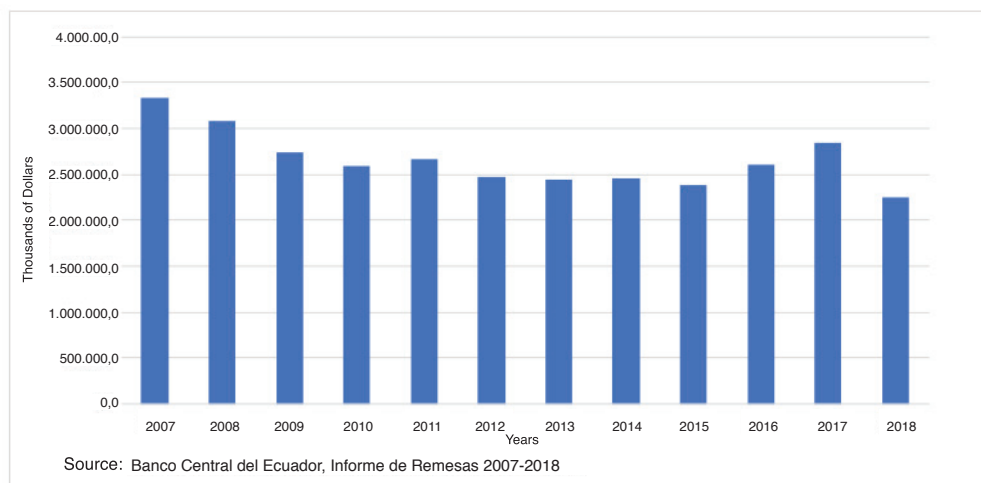
In relation to remittances, a decrease is evident in Graph 26, which coincides with the 2008 crisis. However, there was a rebound in remittances in 2007 attributed to factors

**Graph 25. Number of Ecuadorians Entering and Exiting the Country, in Thousands of Movements.  
Years 1997–2018.**



such as the economic recovery and the labor markets in US, Spain and Italy, and the application of an anti-immigration policy in the US, which heightened the fear of possible deportations of irregular immigrants, causing the increase in remittances (ECB, 2017).

**Graph 26. Remittances Received (USD Thousands). 2007–2018.**

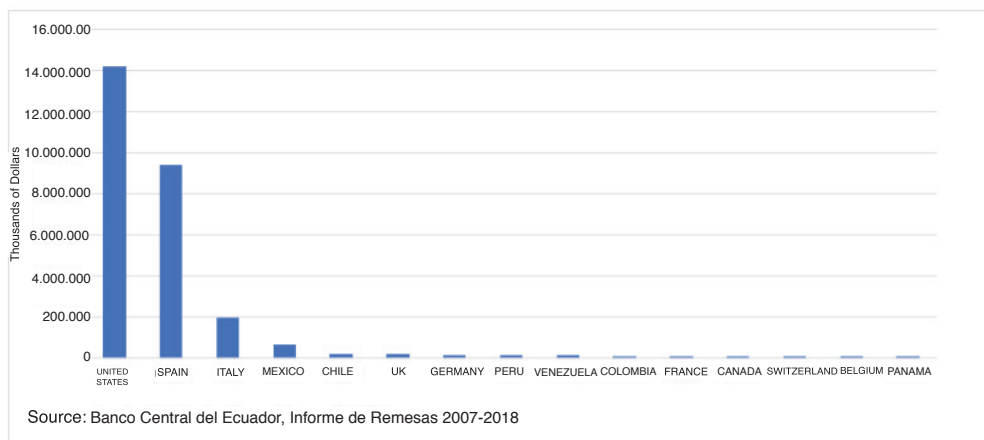


Remittances received during the period from 2007 to 2018 come primarily from countries that have received the greatest number of Ecuadorian emigrants historically (United States, Spain and Italy), but a 2017 study by the Central Bank of Ecuador reflects the presence of Ecuadorian migrants in countries in the region, such as Mexico, Peru, Colombia and Canada, who contributed 6.2 percent of the remittances entering the country. Other European countries, such as the United Kingdom, Germany, Switzerland, France and Belgium, which became destination countries for Ecuadorian migrants following the financial crisis, channeled 3 percent of the remittances received in 2017 (ECB, 2017).

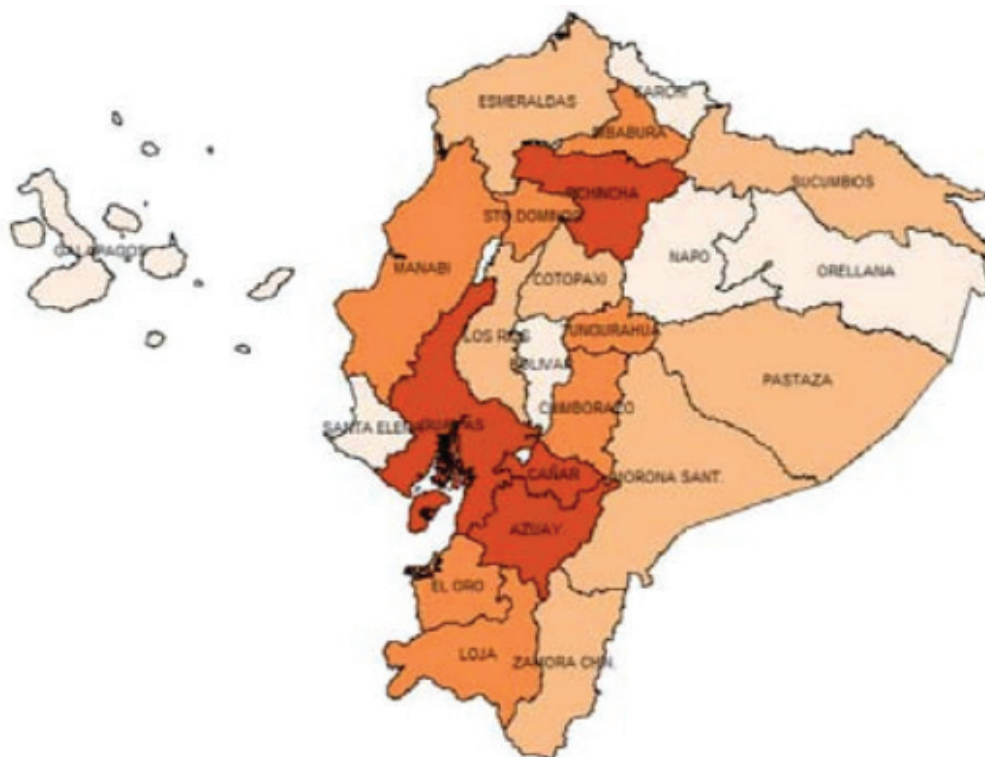
The provinces receiving the majority of remittances sent to Ecuador were Guayas, Azuay, Pichincha and Cañar, together accounting for 74 percent of remittances received. In contrast, the provinces of Sucumbíos, Napo, Carchi, Orellana, Bolívar and Galápagos were marginally represented, receiving 0.7 percent of the remittances sent (ECB, 2017).



**Graph 27. Remittances Received by Country of Origin. From 2007 to 2018.**



### Map 2. Provinces Where Remittances Have Been Received



**Source:** Central Bank of Ecuador (BCE, 2017)

## Conclusion

Historically, Ecuador has not experienced high levels of migration. However, starting in the 21st century, Ecuador saw significant and diverse international migratory flows. On the one hand, the economic crisis of 1999 caused a massive international outflow of Ecuadorians, particularly to the US and Spain. On the other hand, the 2008 global crisis and the intensity of its impacts negatively affected the length of stay of Ecuadorian emigrants abroad, deteriorating their living conditions and favoring their return. The tightening of migration policies in the US and in European countries has increased the difficulty of regularizing residential status and being granted family reunification, factors that at the same time have at once slowed the continuity of emigration processes and encouraged many emigrants to return to Ecuador.

Emigration to Europe, and Spain in particular, has slowed considerably. Evidence indicates that a relevant part of the current flows is composed of children under 18 and individuals over 60, as part of family reunification processes. The sharpening of the economic crisis in Spain and the enormous difficulties of the Spanish labor market in absorbing immigrant labor show a growth in returns. This interpretation should also consider the increase in deportations in the last decade alongside the tightening of admission policies in destination countries. However, this process was not massive because Ecuadorian migrants sought to settle in other destinations both in Europe and in the US.

At the same time, a rise in arrivals caused the foreign population to increase in Ecuador. This highlighted the growing presence of the refugee population, following the worsening of the armed conflict in Colombia that caused a massive exodus of its population to Ecuador. Throughout the decade from 2000 to 2010, migration grew in Ecuador, and although more countries of origin have been added to the list in recent years, these are primarily border flows of Peruvians and Colombians, which has historically characterized immigration to Ecuador. However, in the last decade, the sustained increase in the Venezuelan population has been the most significant aspect of migration in Ecuador. Their economic and social integration cannot be addressed without considering the specificities of forced migration and the inherent vulnerability of this population.

We have seen that in the last decade new migration flows have gained prominence in Ecuador, including Cubans, Haitians, and Chinese. While they are not quantitatively significant, they do present their own challenges due to these migrants' needs, the transit routes they seek to third countries (such as the US or other countries in the region), and the ways they enrich the country's cultural landscape.

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## Statistical Annex

### Ecuador. Map of the Administrative and Political Divisions by Province



**Source:** National Institute of Statistics and Census of Ecuador – INEC Ecuador Cartographic update, December 2011

Ecuador. Non-Native Population by Country of Birth. Years 1982, 1990, 2001 y 2010.				
Country of birth	1982	1990	2001	2010
Total	75.404	73.179	104.130	181.848
Argentina	1.691	1.623	2.239	2.336
Bolivia	381	453	634	756
Brazil	726	994	1.101	1.273
Chile	5.747	5.112	4.702	4.339
Colombia	39.443	38.947	51.556	89.931
Costa Rica	280	332	389	493
Cuba	335	341	1.242	6.717
El Salvador	232	187	217	231
Guatemala	152	166	179	301
Haiti	22	23	40	495
Honduras	104	117	195	232
Mexico	494	668	937	1.217
Nicaragua	142	166	163	210
Panama	374	451	400	395
Paraguay	85	95	101	177
Peru	1.887	2.689	5.682	15.676
Dominican Rep.	102	88	147	350
Uruguay	458	427	398	487
Venezuela	1.654	2.511	3.691	4.720
Canada	-	912	971	900
United States	8.022	8.952	11.112	15.017
Germany	1.523	1.304	1.827	1.628
Spain	2.591	1.879	3.099	13.993
France	728	640	939	957
Italy	1.433	1.168	1.595	3.130
Poland	97	101	130	163
Portugal	175	135	152	127
United Kingdom*	504	377	895	903
Russia**	246	375	620	695
China	816	480	1.214	2.906
Japan	348	279	305	256
Rest of countries	4.612	1.187	7.258	10.837

**Source:** CEPAL-CELADE / IMILA y Censo de Población y Vivienda 2010, Instituto Nacional de Estadística y Censos - INEC Ecuador.

The population born abroad in the 2010 Census corresponds to those born abroad who are habitual residents of Ecuador.

- Without information | \*Includes Scotland, Great Britain, England and Wales | \*\*Includes Soviet Union and / or Russia

Ecuador. Regular Residents Born Abroad by Country of Birth. Census 2010.

Country of birth	N	%	Country of birth	N	%
Total	181.848	100,0	Total	181.848	100,0
1 Colombia	89.931	49,5	29 Netherlands (Holland)	306	0,2
2 Peru	15.676	8,6	30 Guatemala	301	0,2
3 United States	15.017	8,3	31 Japan	256	0,1
4 Spain	13.993	7,7	32 Pakistan	253	0,1
5 Cuba	6.717	3,7	33 Honduras	232	0,1
6 Venezuela	4.720	2,6	34 El Salvador	231	0,1
7 Chile	4.339	2,4	35 Ukraine	228	0,1
8 Italy	3.130	1,7	36 Nicaragua	210	0,1
9 China People's Republic (Beijing)	2.906	1,6	37 Anguilla	196	0,1
10 Argentina	2.336	1,3	38 India	192	0,1
11 Germany	1.628	0,9	39 Israel	191	0,1
12 Brazil	1.273	0,7	40 Nigeria	182	0,1
13 Mexico	1.217	0,7	41 Paraguay	177	0,1
14 France	957	0,5	42 Bulgaria	171	0,1
15 United Kingdom (Scotland, Great Britain, England)	903	0,5	43 Korea, Democratic Republic (Rpd)	170	0,1
16 Canada	900	0,5	44 Austria	164	0,1
17 Bolivia	756	0,4	45 Poland	163	0,1
18 Taiwan, Province of China (Nationalist)	697	0,4	46 Puerto Rico	160	0,1
19 Russia, Federation of (Soviet Union)	695	0,4	47 Australia	159	0,1
20 Switzerland	556	0,3	48 Lebanon	158	0,1
21 Belgium	519	0,3	49 Romania	148	0,1
22 Haiti	495	0,3	50 Portugal	127	0,1
23 Costa Rica	493	0,3	51 Sweden	122	0,1
24 Uruguay	487	0,3	52 Germany, Democratic Republic	119	0,1
25 South Korea, Republic of	441	0,2	53 Iran, Islamic Republic of	100	0,1
26 Panama	395	0,2	Rest of countries	1.945	1,1
27 Other countries of America	390	0,2	Unspecified	3.270	1,8
28 Dominican Republic	350	0,2			

Ecuador. Usual Resident Foreign Population by Country of Birth and Province of Residence. Year 2010.													
Country of birth	Azuay	Bolivar	Cañar	Carchi	Cotopaxi	Chimborazo	El Oro	Esmeraldas	Guayas	Imbabura	Loja	Los Rios	Morona Santiago
<b>Total</b>	<b>11.241</b>	<b>330</b>	<b>2.033</b>	<b>12.267</b>	<b>1.257</b>	<b>1.789</b>	<b>5.772</b>	<b>8.342</b>	<b>29.831</b>	<b>7.065</b>	<b>4.640</b>	<b>2.350</b>	<b>6.448</b>
Colombia	1.862	101	234	11.655	502	350	1.008	7.100	10.270	5.160	401	1.171	2.245
Peru	3.582	34	507	29	104	91	2.369	112	3.018	150	1.674	158	311
United States	3.272	9	787	13	59	303	235	79	3.237	340	317	71	652
Spain	503	67	301	33	191	447	986	297	2.311	410	1.433	290	654
Cuba	132	3	11	8	31	41	41	61	787	54	27	42	147
Venezuela	137	4	13	12	45	112	56	38	1.287	62	21	80	1.011
Chile	200	3	7	6	32	25	60	35	1.549	83	41	39	144
Italy	88	16	23	7	92	49	310	106	955	52	70	86	181
China	47	15	23	13	51	27	128	35	1.181	86	30	144	104
Argentina	115	5	4	11	3	18	30	25	675	30	31	12	110
Germany	89	2	0	3	16	58	9	21	232	76	37	4	30
Brazil	49	8	6	9	6	12	23	21	306	14	9	18	55
Mexico	102	0	11	1	0	17	13	10	330	29	10	9	46
France	38	5	3	0	7	17	2	16	145	21	26	4	37
United Kingdom	55	2	1	0	6	32	13	1	77	19	85	2	20
Canada	175	1	13	13	2	22	19	6	125	37	39	3	57
Bolivia	17	7	5	9	3	10	17	20	119	10	19	18	21
Rest of countries	526	26	35	136	62	119	347	229	2.741	295	224	136	477
Unspecified	252	22	49	309	45	39	106	130	475	137	146	63	146

**Source:** Censo de Población y Vivienda 2010. Instituto Nacional de Estadística y Censos - INEC Ecuador.



Ecuador. Usual Resident Foreign Population by Country of Birth and Province of Residence. Year 2010.													
	Morona Santiago	Napo	Pastaza	Pichincha	Tungurahua	Zamora Chinchi	Galápagos	Sucumbios	Orellana	Santo Domingo de las Tsáchilas	Península de Santa Elena	Zonas no Delimitadas	Total
Total	919	691	724	59.355	3.492	921	397	10.781	2.848	6.644	1.648	63	181.848
Colombia	141	386	261	27.157	1.368	208	17	10.303	2.527	4.859	608	34	89.931
Peru	89	26	22	2.421	178	268	6	95	63	168	197	4	15.676
United States	323	40	142	4.292	449	28	70	14	10	120	151	4	15.017
Spain	214	65	117	3.872	477	330	13	74	50	777	70	11	13.993
Cuba	19	8	14	5.006	91	8	12	15	47	54	47	0	6.717
Venezuela	4	4	15	1.505	134	3	4	13	17	86	57	0	4.720
Chile	2	9	3	1.887	71	4	9	9	4	28	89	0	4.339
Italy	23	12	13	792	73	7	23	8	8	83	47	6	3.130
China	12	24	8	810	58	4	1	18	15	54	18	0	2.906
Argentina	7	2	5	1.150	34	4	6	4	8	12	35	0	2.336
Germany	3	20	9	894	54	3	26	2	3	17	20	0	1.628
Brazil	6	4	5	620	36	1	1	23	7	23	11	0	1.273
Mexico	6	0	23	555	25	1	8	0	3	8	9	1	1.217
France	4	7	8	541	20	1	30	1	7	5	12	0	957
United Kingdom	1	7	7	461	30	2	43	2	2	25	10	0	903
Canada	2	6	2	303	26	0	17	1	4	4	23	0	900
Bolivia	1	4	6	413	22	2	0	2	5	23	3	0	756
Rest of countries	47	55	57	5.772	233	28	100	97	37	215	182	3	12.179
Unspecified	14	12	7	904	113	19	11	98	31	83	59	0	3.270

**Source:** Censo de Población y Vivienda 2010. Instituto Nacional de Estadística y Censos - INEC Ecuador.

## FLUJOS MIGRATORIOS 2016 – 2017 – 2018 – 2019\*



N°	NACIONALIDAD	2016			2017			2018			2019 ene 28			TOTAL GENERAL		
		ARRIBO	SALIDA	SALDO	ARRIBO	SALIDA	SALDO	ARRIBO	SALIDA	SALDO	ARRIBO	SALIDA	SALDO	ARRIBO	SALIDA	SALDO
1	ECUADOR	1.491.376	1.543.573	-52.197	1.507.487	1.548.866	-41.379	1.449.662	1.454.629	-4.967	91.032	89.681	1.351	4.539.557	4.636.749	-97.192
2	COLOMBIA	318.126	307.274	10.852	334.345	317.263	17.082	320.378	302.262	18.116	37.957	39.713	-1.756	1.010.806	966.512	44.294
3	ESTADOS UNIDOS	267.544	266.747	797	247.778	247.341	437	377.109	386.358	-9.249	25.642	38.783	-13.141	918.073	939.229	-21.156
4	PERU	147.171	144.031	3.140	139.151	135.303	3.848	145.392	142.151	3.241	13.652	13.298	354	445.366	434.783	10.583
5	ESPAÑA	62.830	61.913	917	58.748	59.998	-1.250	113.784	128.760	-14.976	6.890	11.638	-4.748	242.252	262.309	-20.057
6	VENEZUELA	102.369	78.696	23.673	288.005	226.867	61.138	954.217	799.838	154.379	46.411	42.572	3.839	1.391.002	1.147.973	243.029
7	CUBA	25.929	29.453	-3.524	24.920	24.714	206	18.935	18.466	469	2.106	1.014	1.092	71.890	73.647	-1.757
8	BRASIL	19.098	19.103	-5	21.934	21.980	-46	22.280	22.104	176	2.434	2.453	-19	65.746	65.640	106
9	CANADA	29.823	29.839	-16	28.385	28.114	271	36.095	36.757	-662	3.668	3.754	-86	97.971	98.464	-493
10	ARGENTINA	44.448	45.436	-988	44.678	44.085	593	40.546	40.702	-156	4.307	3.482	825	133.979	133.705	274
11	CHILE	40.677	40.945	-268	44.540	44.234	306	46.418	46.063	355	4.497	3.860	637	136.132	135.102	1.030
12	CHINA	24.244	23.932	312	32.443	31.853	590	27.283	27.450	-167	1.544	2.442	-898	85.514	85.677	-163
13	FILIPINAS	21.496	21.505	-9	19.090	18.786	304	15.324	15.000	324	1.255	1.044	211	57.165	56.335	830
14	ALEMANIA	30.840	30.853	-13	33.492	33.187	305	35.847	35.950	-103	2.613	2.965	-352	102.792	102.955	-163
15	ITALIA	15.257	15.195	62	17.413	17.359	54	20.779	23.298	-2.519	1.599	1.963	-364	55.048	57.815	-2.767
16	MEXICO	26.892	26.822	70	27.552	27.344	208	29.853	29.901	-48	2.160	2.292	-132	86.457	86.359	98
17	HOLANDA	17.121	17.084	37	16.165	16.031	134	18.250	18.157	93	1.265	1.409	-144	52.801	52.681	120
18	FRANCIA	18.251	18.133	118	18.117	18.158	-41	18.377	18.432	-55	1.472	1.455	17	56.217	56.178	39
19	PANAMA	23.247	23.133	114	25.610	25.251	359	27.650	27.584	66	1.954	1.763	191	78.461	77.731	730
20	REINO UNIDO	28.985	28.962	23	26.096	25.899	197	28.676	28.966	-290	1.805	1.999	-194	85.562	85.826	-264
21	COREA DEL SUR	5.166	5.321	-155	5.607	5.607	0	5.270	5.343	-73	522	483	39	16.565	16.754	-189
22	OTROS	144.910	140.374	4.536	159.484	152.657	6.827	151.855	147.003	4.852	12.057	12.627	-570	468.206	457.661	10.545
TOTAL GENERAL		2.905.700	2.918.324	-12.624	3.121.040	3.070.897	50.143	3.908.980	3.755.174	148.806	266.842	280.690	-13.848	10.197.562	10.025.085	172.477

• Corte 28 de enero de 2019

**PART TWO****ANALYSIS OF MIGRATION MANAGEMENT IN ECUADOR  
THROUGH LEGISLATION AND INSTITUTIONAL PROGRAMS**Lelio Mármora<sup>11</sup>Adriana Braz Montenegro<sup>12</sup>**Introduction**

Ecuador is a country characterized by major changes in its migration trends and policies, being a receiving and sending country, and in recent times also a transit country — all important characteristics to help differentiate its migratory history. During the second half of the nineteenth and early twentieth centuries, like most Latin American countries, Ecuador also adopted policies to promote migration, especially from Europe and other countries in the region, with an eye to fostering economic, agricultural, industrial and urban growth. Nonetheless, certain groups of foreigners such as the Chinese or the Roma were denied entry and expelled. In line with this determination, the country passed its first regulations on migration through the Alien Act of 1886 and subsequently established foreigners' constitutional guarantees in the Constitution of 1897.

However, the vision of openness to migration began to change in the 1930s. The great international economic depression and the Second World War affected Ecuador's economy, as it did other countries in the region, which led the government to modify its immigration policy by shaping it around restrictive criteria of control and national security. A few decades later, between 1960 and 1980, Ecuador's first emigration outflows to other countries began, especially to the United States. In this context,

<sup>11</sup> This analysis of migration management in Ecuador has been prepared by Lelio Mármora and Adriana Braz Montenegro (FLACSO-Ecuador). Lelio Mármora is graduated of the University of Buenos Aires in Sociology; has earned a doctorate in Sociology from the University of Paris; director of the Master's Degree program in International Migration Policies, University of Buenos Aires (UBA); director of the specialization course in Policies and Management of International Migration at National University of Tres de Febrero; former director of the National Migration Directorate (DNM), Argentina; former representative for Argentina, Chile and Uruguay for the International Organization for Migration (IOM); former director of the National Institute of Statistics and Census (INDEC) of Argentina.

<sup>12</sup> Adriana Braz Montenegro has earned a Doctorate degree in International Studies from the FLACSO-Ecuador; Master in International Relations from FLACSO-Ecuador; Master in Conflicts Resolution and Sustainable Peace from the Catholic University of Louvain.

and under a de facto government, in 1971 Ecuador enacted the *Ley de Extranjería* (henceforth referred to in this study as the Alien Act, or as the Migration and Alien Act), which despite the return to democracy remained in force for several years and, on many occasions, were not in line with the migration policies that were subsequently established.

In the past decade, the Republic of Ecuador has aroused interest, regionally and internationally, due to the implementation of several human rights principles that aim to protect people on the move, as ratified in its new Political Constitution of 2008. These new principles are at odds with the vision of national security enshrined in the Alien Act, which remained in force at the time.

In this way, based on the principle of protecting migrants' rights embodied in the Magna Carta, Ecuador recognized the need to modify the normative instruments in force, which restricted the recognition of the rights of migrants. From this perspective, the Ecuadorian government promoted a new Human Mobility Law, considered innovative and inclusive of the human rights of migrants, which was passed on January 28, 2017. This new law developed the precepts established in the Montecristi Constitution on rights and obligations regarding the recognition, assistance and protection of people on the move, in order to improve their political, economic, social and cultural prospects.

This study aims to analyze the main public policies on migration matters implemented in Ecuador. To this end, we conduct a historical survey of the migration policies implemented in this country and an analysis of the institutional framework for dealing with migration. Then, we discuss the programs and agreements on immigration matters in which the Ecuadorian State has engaged. Finally, we examine the advances and setbacks that have taken place in the country in terms of asylum, trafficking in persons and illegal smuggling of immigrants, as well as the issue of emigration and return.

## **1. National Legal Framework: Evolution, International Agreements and Challenges**

This section, which analyzes Ecuador's immigration legislation, is divided into four parts: the first part considers the main developments in migration management in the country until 1971; the second part considers the period from 1971 to 2001, characterized by the lack of state interest in including migration issues in public policies, and by the adoption of the principle of national security as a guiding element in the approach to immigration; the third part analyzes the short period between 2001 and 2007, in which the state experienced an "awakening" with regard to migration,

pressed by the reality of the high levels of emigration that the country experienced due to the acute economic crisis of 1999, and the importance that remittances acquired in maintaining its recently dollarized economy.<sup>13</sup> Finally, the fourth part evaluates the period from 2007 to the present, in which the State has taken an active role in all processes related to human mobility as well as the government's political will between 2007 and 2017 surrounding the adoption of the new Human Mobility Law.

### **1.1. From Openness to Control: Evolution of Migration Policies Between 1886 and 1971**

At the end of the 19th century, in line with other South American countries, Ecuador adopted policies to open and promote immigration to promote economic, agricultural, industrial and urban growth. From this perspective, Ecuador decreed its first law on immigration matters on August 28, 1886, characterized by its opening to immigration from Europe, the US, Colombia, Peru, Venezuela and Chile. From this law, a decree was promulgated on November 25, 1887, in which nationals of these countries were recognized as citizens of the Republic. Conversely, the Presidential Decree of September 14, 1889 prohibited the entry of citizens from China, in addition to establishing that the Chinese already settled there would be expelled. This duality of the Ecuadorian migration policy of the early 20th century, open to certain nationalities but closed to others, was referred to by Ramirez as “segmented openness.”<sup>14</sup>

As a result of the great economic depression, which affected the world economy at the end of the 1930s, and with the aim of protecting the national workforce, Ecuador changed its policies to promote migration through restrictive policies based on national security and migration control. From this restrictive perspective, three immigration regulations were promulgated in the country: the Supreme Immigration Decree of 1938, the Legislative Immigration Decree of 1940, and the Legislative Immigration Decree of 1947. In the 1938 Decree, the Ministry of Police was granted control and jurisdiction over the management of immigration and immigration issues, granting the Ministry the power to decide on the permanence or the expulsion of those immigrants who were not considered beneficial to Ecuador. And in its first article, the

<sup>13</sup> Dollarization was imposed in Ecuador in early 2000 as a measure to curb the economic crisis and potential hyperinflation. In this sense, the remittances sent by Ecuadorian emigrants contributed greatly to dollarization, since they became, in those times, the second largest foreign exchange earnings to Ecuador after oil exports.

<sup>14</sup> Ramírez, Jacques (2013). *La política migratoria en Ecuador: ruptura, continuidades y tensiones*. Quito: IAEN.

1940 Decree provided for “the control of immigration, emigration and immigration,” leaving no doubt that the main objective was to establish a policy with a vision of national security that would only allow migration that “benefited” the country.<sup>15</sup>

In 1941, the so-called Immigration Doorbell was created by decree, which set forth the conditions for granting visas, including the collection of a fee and the fulfillment of certain sanitary and moral criteria, such as not having been expelled from their home country, not possessing communicable or mental illnesses, not engaging in prostitution, begging, or trafficking in persons or narcotics, among others.

With the new Constitutional framework elaborated in 1946 and in the context of World War II, the practice of excluding undesirable people from the country continued. For this reason, a decree established that foreigners were prohibited from intervening directly or indirectly in public activities or promoting teachings contrary to the morals, public order and good customs of Ecuadorian territory.<sup>16</sup>

In the 1950s and 1960s, three decrees related to migration were enacted: the Decrees of 1957 and 1958, and the Executive Decree of 1960. These focused on specific issues, such as the need to conduct a census of foreigners to learn where immigrants resided in order to develop a database within the Immigration and Foreigners Office. Likewise, a regulation was issued that created two new categories of foreigners: students and scientists. Migrants within these categories were granted certain prerogatives, once it was determined that these categories of migrants contributed to the country’s progress.

This migration security trend, embodied in the aforementioned laws, was reestablished in the 1971 act, this time in the context of military dictatorship in Ecuador and throughout the region, in which selective migration became a valid strategy to allow the entry of only those migrants who could contribute to economic, social and cultural development.<sup>17</sup>

## **1.2. “Ecuador for Ecuadorians”: 1971–2001**

The policy of migratory control and restriction was consolidated with the Migration and Alien Act No. 1899, promulgated on December 27, 1971. Although there is no document explicitly proclaiming the maxim “Ecuador for Ecuadorians,” paraphrasing

<sup>15</sup> Ibidem.

<sup>16</sup> Ibidem.

<sup>17</sup> Ibidem.

the famous “Monroe Doctrine” of the United States, it can be said that, due to the existing regulatory frameworks from 1971 to 2001, Ecuador positioned itself before the international community as an unwelcoming country toward immigrants, except under strict conditions difficult to comply with, and only when their presence was in accordance with national objectives.

On the other hand, the emigration of Ecuadorian citizens, which began in the 1950s and continued into the following decades, was considered a marginal phenomenon, due to its small number and focus on a single geographical sector of the country, the provinces of Cañar and Azuay, in the Austro region. They were headed for the US, mainly New York City.

The 1971 Migration and Alien Act focused exclusively on state security and national sovereignty. In that sense, the guiding criterion was the control of entry and permanence in the country. It is interesting to cite the Law’s preamble, which synthesizes the intention with which the norm was written, considering:

*That it is a generally accepted principle that every nation has power inherent in its sovereignty and essential to its own conservation to prevent the entry of foreigners into the territory of the State, or to admit them only in those cases and with the conditions it deems appropriate to establish;*

*That the National Civil Police must assume the surveillance and repression of immigration and clandestine radicalization of foreigners to protect the role of Ecuadorians in national production and ensure the maintenance of internal public order.<sup>18</sup>*

This preamble shows that the purpose of the Law was immigration control through surveillance and repression of clandestine immigration by the former Ministry of Government and Police (the entity that was responsible for the application of the Law and its Regulations).<sup>19</sup> Although the executive function later sought to correct formal aspects of the Law, through the Reform Law published in the Official Register No. 6 of August 18, 1998, and its subsequent codification published in the Official Register No. 563 of the 12 April 2005, the criminalization of irregular immigration remained within the text.

<sup>18</sup> Law No. 1899 of December 27, 1971. Available at: <https://www.oas.org/dil/Migrants/Ecuador/Ley%20N%C2%B01.899%20del%2027%20de%20diciembre%20de%201971.pdf>

<sup>19</sup> Issued by Supreme Decree No. 1900 of December 27, 1971. Available at: <https://www.oas.org/dil/Migrants/Ecuador/Decreto%20N%C2%BA%201900%20del%2027%20de%20diciembre%20de%201971.pdf>

The Migration and Alien Act, whose purpose was to establish the conditions under which a foreigner could stay regularly in the country, made a distinction between two types of migratory categories, immigrants (for the purpose of settling) and nonimmigrants (temporary visits without the intention to settle). In practical terms, it caused a fragmentation in immigration management, since the issuance of immigrant visas was delegated to the General Directorate of the Ministry of Government while non-immigrant visas were under the responsibility of the Ministry of Foreign Affairs, a division that remained in place for a long time.

One aspect of the 1971 Alien Act was the creation of a state body whose mandate was to coordinate migration policy: the Advisory Council on Migration Policy, made up of representatives of the Government Ministries of Foreign Affairs and Defense. The objectives of this interministerial body were linked not only to the supervision of state initiatives in relation to migration but also to the promotion of internal migration with clear objectives linked to national security, especially in border areas.<sup>20</sup>

Yet, statelessness did not receive a generous treatment in the 1971 Alien Act, since its Article 31 established the following:

*When the deportation order cannot be carried out because the person is stateless, due to the lack of identity documents or another justified cause, the acting Police Mayor will order the internment of the foreigner in a penitentiary establishment, in order to carry out the order of deportation within a maximum period of three years,<sup>21</sup> and once expired will bring about the regularization of the person's stay in the country.<sup>22</sup>*

<sup>20</sup> Art. 8 of the 1971 Alien Act. In its codification in 2004, the Council's composition was changed, excluding the representative of the Ministry of Defense and integrating the Director of Migration Affairs of the Ministry of Foreign Affairs. This was not only a symbolic change—decoupling national defense from migration management—but also an operational one, since the new Council member managed the Undersecretariat for Migration and Consular Affairs, created in 2003 in view of the increased relevance that migration had in the nation.

<sup>21</sup> Currently, this requirement is non-existent.

<sup>22</sup> However, the Codification to the Migration Law of 2005, states that preventive detention may be replaced by another precautionary measure issued by the competent authority. Codification text is available at: [https://www.urjc.es/ceib/espacios/migraciones/instrumentos/ecuador/documentos/Ley\\_de\\_migracion.pdf](https://www.urjc.es/ceib/espacios/migraciones/instrumentos/ecuador/documentos/Ley_de_migracion.pdf)



The Naturalization Law, promulgated in 1976,<sup>23</sup> maintained the predominance of state sovereignty over individual rights by requiring the renunciation of the previous nationality to obtain the Naturalization Charter (Arts. 5 and 6), except “in cases provided by law or in international agreements,” and, therefore placing the state’s will above that of the individual. However, this provision was repealed in the Ecuadorian Constitution of 1998; Article 10 provided for the non-renunciation of prior nationality as a requirement for naturalization.<sup>24</sup>

The principles established in the aforementioned Laws and Regulations were an expression of a perspective in which the State reaffirmed its sovereignty through the power to admit or not admit foreigners into its territory, placing requirements that could respond to a policy of restricting immigration in general, which did not yet consider the possibility of promoting human mobility within contexts of regional integration, such as with the “Andean Pact”, the base of the Andean Community of Nations, or more recently, MERCOSUR and associated countries; and, even less, to proclaim migration as a human right, as stated in Art. 40 of the Ecuadorian Constitution of 2008.<sup>25</sup>

Despite this, in this period Ecuador signed bilateral agreements with two countries in the region. In 1992, it signed the “Agreement between the Republic of Chile and the Republic of Ecuador on Undocumented Persons” in light of the increasing emigration of health professionals to Chile, which contemplated regularizing the situation of nationals residing there irregularly at the time of promulgation of the agreement.<sup>26</sup> In addition, in concomitance with the signing of the Peace Agreement with Peru, in 1998 the “Agreement between Peru and Ecuador on the Traffic of Persons, Vehicles, River and Maritime Vessels and Aircraft” was signed in 1998,<sup>27</sup> which facilitates cross-border transit given the new situation, in which the need and willingness

<sup>23</sup> Supreme Decree No. 276 of April 2, 1976. Available at: <https://www.registrocivil.gob.ec/wpcontent/uploads/2015/04/LEY%20DE%20NATURALIZACION.pdf>

<sup>24</sup> Constitution of 1998. Available at: [http://www.oas.org/juridico/spanish/mesicic2\\_ecu\\_anex15.pdf](http://www.oas.org/juridico/spanish/mesicic2_ecu_anex15.pdf)

<sup>25</sup> Ecuadorian Constitution of 2008. Available at: <http://biblioteca.espe.edu.ec/upload/2008.pdf>

<sup>26</sup> Alfonso, Adriana (2013). *La experiencia de los países sudamericanos en materia de regularización migratoria*. IOM. p. 155-158. Available at: [https://robuenosaires.iom.int/sites/default/files/publicaciones/Experiencia\\_pa%C3%ADses\\_suramericanos\\_regularizacion\\_migratoria.pdf](https://robuenosaires.iom.int/sites/default/files/publicaciones/Experiencia_pa%C3%ADses_suramericanos_regularizacion_migratoria.pdf)

<sup>27</sup> Agreement between Peru and Ecuador on the Traffic of Persons, Vehicles, River and Maritime Vessels and Aircraft. Available at: [https://www.migraciones.gob.pe/documentos/convenios\\_peru\\_ecuador\\_2.pdf](https://www.migraciones.gob.pe/documentos/convenios_peru_ecuador_2.pdf)

for integration was imperative for both nations. This agreement did not constitute a document that regulated migration, rather it facilitated the mobility of nationals of both countries, especially in the Border Integration Area (southern Ecuador and northern Peru).<sup>28</sup>

In addition, other decrees related to human mobility were promulgated during this period on specific issues, such as refugee protection, declared in Decree No. 3301 of May 6, 1992,<sup>29</sup> which in turn repealed Decree No. 3293 of September 30 of 1987, which was the first to contemplate the issue of refugee management in Ecuador. This decree created the Commission for the Determination of the Status of Refugees and designated the Ministry of Foreign Affairs as the institution in charge of the effective recognition of refugee status, after the decision of the Commission.<sup>30</sup> The most important change produced by Decree No. 3301 was the inclusion of the expanded refugee definition of the Cartagena Declaration (1984)<sup>31</sup> within the refugee definition accepted in Ecuador. However, the expanded definition of refugee was subsequently compromised by Decree No. 1182 of May 30, 2012,<sup>32</sup> which recognized as refugees only those who are under the classic definition of refugee (under the 1951 Refugee Convention), which was undoubtedly a step backwards in the Ecuadorian State's will to protect.

Despite the emphasis placed on national security in this stage, the State had the will to bring the issue of migrants and foreigners for consideration and debate, after the promulgation of the 1998 Constitution. During that year, and before the great crisis that caused the massive emigration of Ecuadorians abroad, the National Human Rights Plan of Ecuador was created, a document establishing state principles and objectives, aimed at fulfilling their citizens' human rights, taking into account their

<sup>28</sup> A similar agreement, the Esmeraldas Agreement, was signed between Ecuador and Colombia in 1991. Ramírez, Socorro (2005). "Las zonas de integración fronteriza de la Comunidad Andina. Comparación de sus Alcances". *Estudios Políticos*, 32: 135-169. Available at: <http://www.scielo.org.co/pdf/espo/n32/n32a06.pdf>

<sup>29</sup> Regulation for the application in Ecuador of the norms contained in the 1951 Geneva Convention on the Status of Refugees and its 1967 Protocol. Available at: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=library/pdf/0067>

<sup>30</sup> Available at: <http://www.acnur.org/t3/fileadmin/scripts/doc.php?file=biblioteca/pdf/0066>

<sup>31</sup> Cartagena Declaration on Refugees: <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2001/0008>

<sup>32</sup> The Plan was promulgated by Executive Decree No. 1527, published in Official Gazette No. 346 of June 24, 1998. Available at: <http://www.refworld.org/docid/46d6cbe02.html>

specific needs. In practice, it was no more than a declaration of principles and the establishment of public policy objectives, which could not be effectively fulfilled due in part to the advent of the economic crisis. However, the mention of foreigners and migrants as subjects of rights in Article 27 was relevant, which would:

*Establish concrete actions to protect the human rights of foreigners and foreigners resident in the country, with special attention to the rights of refugees and in application of international standards on the subject and establish policies for the protection of the civil rights of Ecuadorians and Ecuadorians abroad, while promoting legislation to regularize the situation of foreigners living permanently in national territory.*<sup>33</sup>

The document's relevance was not related to its achievements, which for the reasons mentioned above were never implemented, but for the fact of mentioning foreigners (immigrants, refugees, and emigrants) as subjects of rights, as opposed to the previous position of the State, which observed with suspicion all those who were not nationals.

Finally, because the emigration of nationals was not a relevant issue for the State during the period prior to 1999, the legislation also did not include provisions that encourage, regulate or prescribe exit from the country. Only the Law on Migration and Aliens included an article that indicated that in order to leave the national territory one must have an exit permit issued by the Ministry of Government, a document which, in addition to serving as an instrument of control, had an economic purpose: to support the management of the governmental entity. Since emigration had not been a relevant issue, the return of nationals was not part of the regulations or migratory actions in this period.

### **1.3. The Great Emigration and the “Awakening” of the Ecuadorian State: 2001–2007**

The advances in migration matters during the years 2001–2007 cannot be understood without referring to a social phenomenon that had the greatest impact on the country during the first decade of the 21st century, which was the emigration of Ecuadorians

<sup>33</sup> The Plan was promulgated by Executive Decree No. 1527, published in the Official Gazette No. 346 of June 24, 1998. Available at: <http://www.refworld.org/docid/46d6cbe02.html>

as a consequence of the economic crisis produced from the “bank holiday” of 1999,<sup>34</sup> and the consequent dollarization of the economy. This crisis ultimately led to the overthrow of President Jamil Mahuad and the attempt of a civic-military triumvirate that could not be legitimized,<sup>35</sup> which led to Vice President Alfredo Palacio occupying the country’s first magistracy. However, despite the fact that under Palacio the institutional political crisis was overcome, the country took longer to recover from the economic crisis, which led to the intensification of emigration flows to Spain, Italy, and the United States.

For this reason, the Executive, through the Ministry of Foreign Affairs, created the National Plan of Ecuadorian Migrants Abroad which, for the first time in the country’s history, established that “government actions regarding the migration phenomenon acquired a character of ‘State Policy,’”<sup>36</sup> a fact that tried to break with the way in which human mobility was understood in Ecuador in previous years. In addition, it proposed the following three axes of action, which include emigrants, their families and potential migrants:

*Axis 1: Establish the presence of the National State to guarantee the validity of the fundamental rights of Ecuadorian emigrants abroad, providing them with the alternative of fully organizing their residence abroad under regular conditions, both as regards what concerns their economic survival activity as what relates to their process of positive integration to the receiving environment.*

*Axis 2: The Government of Ecuador, in accordance with its social development plans, in collaboration with civil society and international technical cooperation agencies, will provide assistance for the preferential care of the families of Ecuadorians who emigrated abroad.*

*Axis 3: The Ecuadorian State will have among its objectives, to strengthen*

<sup>34</sup> The “bank holiday,” by which the Jamil Mahuad government closed all financial institutions in the country for five days with the aim of avoiding an imminent bank run due to economic instability and the successive bankruptcy of several banks in the system was the precursor of the so-called “savings freeze,” by which many people lost access to their money, which could only be returned gradually during the months and years that followed. This crisis generated a deterioration of the population’s living conditions. It saw emigration as an alternative for subsistence in the face of this national economic disaster.

<sup>35</sup> The civic-military triumvirate was made up of representatives of indigenous communities, civil society, and the Army.

<sup>36</sup> The axes of the Plan can be found in: Arizaga, Leonardo (2005). “La política del Estado Ecuatoriano hacia los emigrantes nacionales”, in *Emigración y Política Exterior del Ecuador*. Quito: Abya Yala. p. 41-43.

*its links with States receiving Ecuadorian emigrants, in order to develop coordinated and joint actions to design and implement programs in their favor.*<sup>37</sup>

The text of the plan reflects, in this way, the intended role that the State should have in relation to its emigrants, in order not only to protect their rights abroad but also to foster relations between the diaspora and the State. Although in its formulation, a commitment to migrants could be evidenced in its formulation, the fact that the plan did not have its own resources nor was it the law of the Republic prevented its implementation and effectiveness.<sup>38</sup> However, and due to the Government's urgent need to benefit from remittances to sustain the economy during the first years of dollarization, the State, through Executive Decree No. 2378-B, created the Program for Assistance, Savings and Investment Program for Ecuadorian Migrants and their Families. This program contemplated a series of initiatives that were aimed at capturing and effectively deploying the remittances sent by migrants. However, it could not be implemented, because the Board of Directors that had the responsibility for the implementation of the program was never formed.<sup>39</sup> Similarly, among the reasons that explain the failure of this government initiative, is the corruption of certain officials who led the different levels of national power. Although it was assigned an initial budget of five million dollars to meet its objectives, it was possible to verify, through an audit process, the existence of criminal responsibility of several officials of the Ministry of Foreign Affairs in relation to the management of funds allocated to this program.<sup>40</sup>

Subsequently, another of the State's initiatives, during the Presidency of Lucio Gutiérrez, was the creation of the National Migrant Protection Corporation (CORPAM) through the Executive Decree No. 256 of April 7, 2003, which was regulated by another Executive Decree, No. 660 of August 13, 2003.<sup>41</sup> Among its objectives was

<sup>37</sup> Ibidem, p. 41.

<sup>38</sup> Ibidem, p. 40

<sup>39</sup> Moncayo, María Isabel (2011). "El plan: 'Bienvenid@s a casa': Estudio sobre la experiencia del fondo 'El Cucayo'". Quito: FLACSO-Fundación Carolina, p. 20.

<sup>40</sup> Benavides Llerena, Gina (2007). *Informe sombra al Primer Informe del Estado Ecuatoriano sobre cumplimiento de la Convención Internacional para la Protección de los Derechos de todos los Trabajadores Migratorios y sus Familiares*. Quito. p. 12.

<sup>41</sup> Executive Decree No. 660 of August 13, 2003. Available at: <https://www.registrocivil.gob.ec/wpcontent/uploads/2015/04/DECRETO%20EJECUTIVO%20No.%20331.pdf>

the protection of emigrants abroad and their families in Ecuador, in addition to the commitment to promote efforts to regularize Ecuadorians in their new destination countries, promote local development in the areas of greatest emigration, and guide the use of remittances for productive development purposes.<sup>42</sup> However, its launch was criticized by several civil society organizations, since its creation responded to a circumstance linked to the need of the president to obtain the favor of the increasingly growing emigrant community, after having made several campaign promises that had no technical basis or participation of those involved in the migration phenomenon. It also doubled the objectives of the Assistance, Savings and Investment Program for Ecuadorian Migrants and their Families.<sup>43</sup> Due to the recurring criticism, and perhaps the intention of the State to influence the management of remittances, CORPAM was dissolved in the month of October of the same year.<sup>44</sup>

As mentioned previously, during these years the State began to gain interest in emigration through programs that, although not successful, became the forerunners to all of the initiatives that the Government promoted in favor of Ecuadorians abroad in later years. However, within the account of what happened in this period, we must analyze a fact that not only represented the recognition of the Ecuadorians' rights beyond being in the country. It also empowered the migrant community in relation to the State, which recognized in it an important role at social and political level: a way to access voting abroad. Although the right to vote of emigrants was recognized by the 1998 Constitution (Art. 27, which established that emigrants could elect the President and Vice President of the Republic), the vote from abroad did not take effect until 2002, through the Law for the Suffrage of Ecuadorians Abroad,<sup>45</sup> whereby emigrants could elect their highest authorities by voting in the Ecuadorian consulates closest to their place of residence. Access to the vote for emigrants had a significant influence during the electoral process after the date of its entry into force, given that during the 2006 election campaign, the candidates for the Presidency had to make proposals for this population and, in addition,

<sup>42</sup> Undoubtedly, the most "original" objective within the proposal was the creation of a migrant information system by the Executive, based on all the information that had to be systematized.

<sup>43</sup> "Cuestionan Decreto Ejecutivo". *La Hora*, Ecuador. April 13, 2003. Available at: <https://lahora.com.ec/noticia/1000155468/cuestionan-decreto-ejecutivo>

<sup>44</sup> Eguiguren Jiménez, María Mercedes (2009). *Sujeto migrante, crisis y tutela estatal: construcción de la migración y modos de intervención del Estado Ecuatoriano*. 2009. p. 60.

<sup>45</sup> Law 81, Official Register No. 672 of September 27, 2002. Available at: <https://reformaspoliticas.files.wordpress.com/2015/03/ecuadorleyelectoralreforma2002.pdf>

go to the places where Ecuadorian emigrants were most concentrated (Spain, United States, and Italy) in order to garner their votes.

After the failure of the aforementioned programs, and with increasing pressure from a diaspora that demanded the fair recognition of their rights by the State, the Ministry of Foreign Affairs prepared a document that raised its external policy objectives from a perspective focused on rights and not on national security, in order to articulate a true migration policy that responds to the context and the demands of national reality. It should be noted that this proposal was elaborated after taking into account the participation and demands of organizations linked to migrants and civil society. In this way, the National Plan for Foreign Policy 2006–2020 (PLANEX) became a proposal that aimed to guide the entire country's foreign policy, taking into account Ecuadorian emigrants and people on the move whose needs had not previously been addressed. PLANEX, therefore, was an advancement in relation to what was done previously, since it tried to propose the creation of a comprehensive foreign policy that did not depend on the particular situation or government. Instead, it articulated the needs and rights of migrants with the leadership of the State and the participation of the sectors involved in the issue, which could be interpreted as a step from the government (or an attempt) to governance as an objective of migration management.

PLANEX, published in 2006, had the following main foci: sovereignty, human rights, migrants, international economic relations, international operations, and security. On the issue of migration, PLANEX postulated four basic rights of migrants to be addressed in the government agenda: the right not to migrate, the right to free mobility, the right to social and labor justice, and the right to cultural identity,<sup>46</sup> all enshrined in the International Convention on the Protection of All Migrant Workers and their Families of 1990, which was ratified by Ecuador on November 23, 2002.<sup>47</sup>

Likewise, the Plan was a precursor document of Rafael Correa's immigration policy; although his government did not fully embrace the content proposed in the Plan (in all its axes), he was able to execute some of the actions and programs linked to human mobility, which undoubtedly marked a turnaround in immigration management. This meant a necessary leap from the enunciation or identification of problems, toward the implementation of programs and proposals that would provide solutions, which was

<sup>46</sup> De la Vega, Pablo (2006). *Emigración y política exterior*. In PLANEX 2006-2020, p. 134. Available at: [https://www.cancilleria.gob.ec/wp-content/uploads/2013/05/planex\\_2020.pdf](https://www.cancilleria.gob.ec/wp-content/uploads/2013/05/planex_2020.pdf)

<sup>47</sup> *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000143557>



not carried out fully in previous governments.

It should be noted that migration management between 2001 and 2007 responded more to short-term needs than to the articulation of a long-term policy that took into account the needs of the migrant population as a whole. Despite this, the State sought to get involved in migration management through bilateral agreements, especially with Spain, a country that during those years was the largest recipient in the world of Ecuadorian emigrants. Thus, it is essential to mention the “Agreement between the Kingdom of Spain and the Republic of Ecuador, regarding the regulation and management of migration flows,” signed in Madrid on May 29, 2001.<sup>48</sup> Through this agreement, Ecuador explicitly recognized the need to collaborate with its migrants through its actions, especially in order to achieve their regularization and access to rights in the recipient country. The agreement, however, was signed due to social pressure caused by the Tragedy of Lorca, in which 12 undocumented Ecuadorians died when the vehicle in which they were traveling was hit by a train while they were going to their workplace, at the beginning of January 2001. The accident not only caused commotion, but also brought up the issue of the growing irregularity of migrants in Spain and their consequent vulnerability in access to their rights. To try to remedy this situation, the Agreement—linked to labor migration—tried to regulate the arrival of Ecuadorians through the participation of the government of Ecuador, which would collaborate with Spanish authorities in the selection of workers at source, in accordance with the labor needs of Spanish employers. Despite this, the Agreement did not solve the situation of Ecuadorians already residing in Spain irregularly. To address this issue, a migration regularization process was carried out in 2005.<sup>49</sup>

In addition to the bilateral agreements, migration management was influenced by the integration process related to the consolidation of the Andean Community of Nations. Besides Decision 503,<sup>50</sup> the effective integration of migrants was propelled through instruments such as Decision 545 (Andean Labor Migration Instrument),

<sup>48</sup> The text of the Agreement can be found at: <https://www.boe.es/boe/dias/2001/07/10/pdfs/A24909-24912.pdf>

<sup>49</sup> More information on this phenomenon can be found through Colectivo Ioé. *La inmigración ecuatoriana en España: una visión a través de las fuentes estadísticas*. Available at: <https://www.colectivoioe.org/uploads/2ef88a1de02122aeceb978304c3185dda41bf99b.pdf>

<sup>50</sup> Issued in June 2001, it recognizes the national identity documents of each country as the only necessary requirement to enter each of the CAN countries as a tourist: Bolivia, Colombia, Ecuador and Peru. More information at: <http://www.sice.oas.org/Trade/Junac/decisiones/dec503s.asp>



which encourages the establishment of common standards to facilitate the mobility of dependent workers within the Andean space, as well as Decision 583 (Andean Social Security Instrument) and Decision 584 (Andean Instrument for Safety and Health at Work), among the most relevant.

Notwithstanding, it is worth noting that the nascent state programs were primarily intended for the emigrant population and their families, at the expense of other phenomena inherent in human mobility, such as immigration, asylum, human trafficking and the return of nationals.<sup>51</sup> With regard to trafficking in persons, in 2006 Ecuador implemented the National Plan to combat trafficking, sexual exploitation, labor and other means of exploitation of persons, in particular women, children and adolescents, in which axes of work, objectives and governmental agencies in charge of the development of projects were established and aimed at strengthening and expanding the protection of victims, and preventing these crimes.<sup>52</sup> In this sense, it is important to highlight the state's willingness to work on the issue. However, the disconnect between state agencies in charge of immigration management has prevented the effective implementation of all these initiatives. It has also been stressed that the Plan includes numerous problems (trafficking, exploitation, among others), which makes it difficult to focus on trafficking in persons alone.

The case of the refugees was a growing concern during those years due to the effects of the so-called Plan Colombia —promoted by the Colombian government with the aim of ending the armed conflict through the use of force— warlike actions intensified in certain regions. This caused the forced displacement of the Colombian population that, in the absence of guarantees of protection within its own territory, fled the country and sought refuge in bordering countries (Venezuela and Ecuador). The issue of refugee management will be discussed later, as state initiatives in this area were driven in conjunction with other actions that were proposed by the government from 2007 onwards, when significant changes were made in the Ecuadorian State's approach to human mobility.

During this period, the country also participated in regional consultative processes on migration that sought, in addition to generating and maintaining a dialogue between

<sup>51</sup> This policy to provide basic support for emigrants is, to a certain extent, understandable since the State somehow needed emigration and its remittances to support itself during the early years of the last decade.

<sup>52</sup> Document of the text available at: [http://www.flacsoandes.edu.ec/web/imagesFTP/9059.plan\\_nacional\\_trata.pdf](http://www.flacsoandes.edu.ec/web/imagesFTP/9059.plan_nacional_trata.pdf)

authorities and representatives of the countries of the region, the coordination of initiatives that would allow better mobility management linked to regional integration. Thus, the participation of Ecuador in the South American Conference on Migration (CSM), from 1999 to the present, has been one of the most relevant state actions, given that Quito was the headquarters of the III CSM in 2002 and the IX CSM in 2009.<sup>53</sup>

Finally, we reiterate that this period was characterized by the absence of an articulated, transversal and integral migration policy, which is partly due to the regulations' anachronism and the lack of a firm state will to place migration within the national agenda as a permanent issue, beyond the short-term initiatives that only focused on specific problems but without managing mobility and all its dynamics. A more coherent policy on the subject could have avoided or mitigated, to some extent, many of the problems that were later attempted to be solved with specific measures, but which were similarly isolated from all public policy.

#### **1.4. The “Universal Citizenship” Recognized by the New Constitution: Migration Policy from 2007 to the Present**

Significant changes were made during the term of Rafael Correa Delgado—who assumed Ecuador's presidency on January 15, 2007—at various levels of government management such that the advent of the so-called Citizen Revolution became an inflection point in Ecuador's national history. The debate and treatment of migration gained great prominence in the government agenda and its initiatives, both legislative and institutional, since they were analyzed both internally and internationally.

In his inaugural address, President Rafael Correa stated:

*Ecuadorian emigration is another harrowing consequence of the crisis. Undoubtedly, migration has been the greatest cost of the failure of the neoliberal model and the destruction of employment. In the political history of the Americas, one of the most aberrant practices was that of exile, which began with the mitimaes in forced relocations of communities that were separated from their original environment. Migration involves precisely this type of offense against humanity, uprooting and family separation. There are millions of exiles of poverty in our country, and, paradoxically, they are the ones whose toil has kept the economy alive by sending remittances, while the privileged dispatch the money abroad.*

<sup>53</sup> More information at: <http://csm-osumi.org/iii-conferencia-sudamericana-sobre-migraciones-quito-ecuador>

*The Ecuadorian banking industry alone has about two billion dollars of national savings deposited abroad, according to its particular vision of supposed prudence, a euphemism that disguises its lack of trust and commitment to the country. Let everyone be clear: this country is upheld by the poor. An aggravating factor in this situation is that millions of immigrants, despite their patriotic efforts to sustain the country's economy, do not even have political representation. This inadmissible situation will begin to be corrected by the next National Constituent Assembly, where there will be three assembly members from that Fifth Region of the country:<sup>54</sup> our migrant brothers. In the same way, migrants will be given permanent legislative representation, and the National Migrant Secretariat will be created, with the rank of ministry, to effectively ensure the well-being of our brothers abroad and their families in our Nation.<sup>55</sup>*

Several concrete actions were applied during the Correa government with the purpose of attending to migrants' rights and needs, to reassert them according to their importance for the support of the country during the time of crisis. However, the most significant change, both symbolically and legislatively, occurred through the drafting of the new Political Constitution in 2008 and the new Human Mobility Law of 2017. The Montecristi Constitution (so-called due to the locality in which it was prepared) is a milestone within the constitutional history of the country and is the only one in the world in which the "right to migrate" is promulgated, as well as other rights related to human mobility, conceived from the point of view of migrants as subjects.

The new Constitution has caused a paradigm shift, leaving behind concepts and practices linked to national security, by focusing on the rights of people in mobility. In this sense, the constitutional text does not use the terms 'migrant' or 'migration' but the extended term of 'human mobility,' which includes all people who arrive, leave, and return to the country. The constitutional text has 57 articles devoted entirely to developing the topic of human mobility, elevating its importance within the Magna Carta that introduces topics that had not been included before, or were not combined into a single regulatory body, such as Ecuadorians abroad, foreign people, asylum, displacement and return. From this perspective, the preamble of the constitutional

<sup>54</sup> The term, although it would refer to a fifth geographical area of the country where migrants would live, seems to emulate the so-called *Quinto Suyu*, an expression previously used in Peru to refer to its emigrants.

<sup>55</sup> President Rafael Correa Delgado's acceptance speech: <https://www.cronista.com/impresageneral/Discurso-de-posesionde-Rafael-Correa-como-presidente-de-Ecuador-20070115-0083.html>

text states that foreigners in the national territory have the same rights and duties as Ecuadorians (Art. 9); it prohibits their collective expulsion (Art. 14); and establishes a specific section intended for populations on the move (Arts. 40 to 42), which it considers a priority care group. It recognizes the right to migrate and not to be considered an illegal person because of immigration status. In addition, it carries out actions aimed at the Ecuadorian population abroad in terms of assistance, protection of rights, promotion of ties with Ecuador and facilitation of voluntary return and protection of transnational families (Art. 40). The Constitution guarantees the right to asylum and refuge, ensuring the principle of non-refoulement and non-penalty for entry or permanence of persons in need of international protection, in compliance with international instruments linked to the subject (Art. 41). It prohibits, moreover, any arbitrary displacement, and defends the rights of the population in a situation of vulnerability resulting from events of the same nature (Art. 42). The Constitution also recognizes the right to vote for foreigners who have resided regularly for at least five years in the national territory (Art. 63).<sup>56</sup> It also considers the non-return of foreigners whose lives, freedom, or security are threatened by reasons contained in the classic definition of a refugee (Art. 66), explaining that “the migratory processes must be singled out.”

The principles promoting a drastic change in human mobility governance policy are also present in Article 419 of the Constitution, which includes the principles of “*universal citizenship, free mobility and progressive end of foreigner status,*” while demanding respect for the rights of all migrants through the fulfillment of the obligations assumed in international agreements. In addition, Art. 423 proposes the creation of a “*Latin American and Caribbean citizenship, the free movement of people in the region, the implementation of actions that guarantee the rights of border populations and refugees, in addition to the common protection of migrants from the region in transit and destination countries.*”

One of the new Constitution’s guiding principles is to promote the consecration in the territory and in the world of universal citizenship and the free mobility of all the planet’s inhabitants as a transformative fact and guarantor of human rights. Despite this innovative regulatory body, Ecuador has coexisted for almost a decade with the dichotomy between the migration law of 1971 and the restrictive policies enacted therein, which did not match the new norms embodied in the Montecristi Constitution.

<sup>56</sup> It draws attention to the wording of the Article, which mentions “they have the right to vote as long as they have resided ‘legally’ in the country for at least five years” since it apparently contradicts Art. 40, and prohibiting from referring to people as “illegal” due to their immigration status.

However, after a long process of discussions in various spaces with civil society and the elaboration of different bills, a new Organic Law on Human Mobility was sanctioned on January 28, 2017, which develops the precepts established in the Montecristi Constitution on rights and obligations regarding the recognition, assistance, and protection of people on the move with the purpose of improving their political, economic, social, and cultural conditions as subjects of rights.

Nevertheless, this Law reflects a juxtaposition of approaches as a result of the long and difficult negotiation of its text among different actors. On the one hand, the Human Mobility Law sought to incorporate the different dynamics of the migratory phenomenon in the same normative body,<sup>57</sup> such as the protection of Ecuadorians abroad, refuge and asylum, statelessness, and human trafficking, some of which did not exist in a previous law. In a similar way, the Constitution featured the preeminence of principles such as universal citizenship, the prohibition of the criminalization of migrants and their equality before the law and non-discrimination. It is the first time that the law takes intra-regional migration into account, incorporating the concept of South American citizenship into an entire chapter.<sup>58</sup>

On the other hand, the Law has retained some sanctioning approaches on national security, which governed the previous legislation. In particular, the Law repeatedly resorts to pecuniary sanctions, prevents the correction of an irregular immigration status, and maintains deportation without procedures guaranteeing due process, where the immigration control authority is both judge and party. The governing and executing institutions have also not defined their migration policies, which necessarily means that this issue must be regulated through its regulations issued on August 10, 2017, so as to avoid institutional disconnect.

Another point that can be cited is a controversial division between asylum seekers and refugees, and the deadlines and requirements established by the Law for obtaining refugee status that conflict with the principles of international law.<sup>59</sup> In that sense, it is

<sup>57</sup> Human Mobility Law. Available at: <https://www.acnur.org/fileadmin/Documentos/BDL/2017/>

<sup>58</sup> Ramírez, Jacques (2017). “Lo crudo, lo cocido y lo quemado: Etnografía de la ley de movilidad humana de Ecuador”. In Ramírez, Jacques. *Migración, Estado y Políticas. Cambios y Continuidades en América del Sur*. La Paz (Bolivia): Vice-presidency of Bolivia.

<sup>59</sup> “Coalición por las Migraciones y el Refugio” (2017) Pronunciamiento frente a la aprobación de la Ley de Movilidad Humana en Ecuador. Available at: <https://serviciojesuitarefugiadosecuador.files.wordpress.com/2017/03/pronunciamiento-de-la-coalicic3b3n-sobre-la-ley-de-movilidad-humana-marzo-2017.pdf>

necessary to understand the Human Mobility Law as the result of a heterogeneous State and society where several visions of people in mobility coexist.<sup>60</sup> Notwithstanding, the Law constitutes a breakthrough on some issues related to migratory governance. Other issues must continue to be addressed.

## **2. Institutional Framework**

In accordance with the Regulations to the Organic Law of Human Mobility, of August 10, 2017, the stewardship of human mobility corresponds to the Ministry of Foreign Affairs and Human Mobility, through the Vice Ministry of Human Mobility. For its part, the Ministry of Government is the entity responsible for immigration control. However, there are other entities that also address different aspects related to human mobility. The main national entities that work on the subject are presented below.

### **2.1. Ministry of Foreign Affairs and Human Mobility**

As mentioned above, the National Migrant Secretariat was created in 2007,<sup>61</sup> and was transformed in June 2013 into the Vice Ministry of Human Mobility and incorporated by decree into the administrative structure of the Ministry of Foreign Affairs.<sup>62</sup> Thereafter, the Ministry changed its name from the Ministry of Foreign Affairs, Trade and Integration to the Ministry of Foreign Affairs and Human Mobility (MREMH). The decree also noted that the Ministry, through the Vice Ministry of Human Mobility, must act in coordination with the National Councils for Equality, in order to ensure the mainstreaming of public policies on human mobility issues, by virtue of what is established in the Constitution of the Republic.

The Ministry of Foreign Affairs and Human Mobility is the body governing human mobility issues in Ecuador and its main objectives are the following: i) guarantee the fulfillment of the rights of people on the move; ii) design public policies, plans and programs to guarantee the fulfillment of the rights of migrants, in coordination with other State institutions; iii) ensure compliance with due process in administrative deportation procedures; iv) exercise authority over the issuance of travel documents (passports), as well as grant visas and residencies, among others; v) provide assistance through diplomatic missions, consular offices and other official representations to the migrant Ecuadorian community, as well as coordinate assistance to Ecuadorians

<sup>60</sup> Ramírez, Jacques (2017), Ibidem.

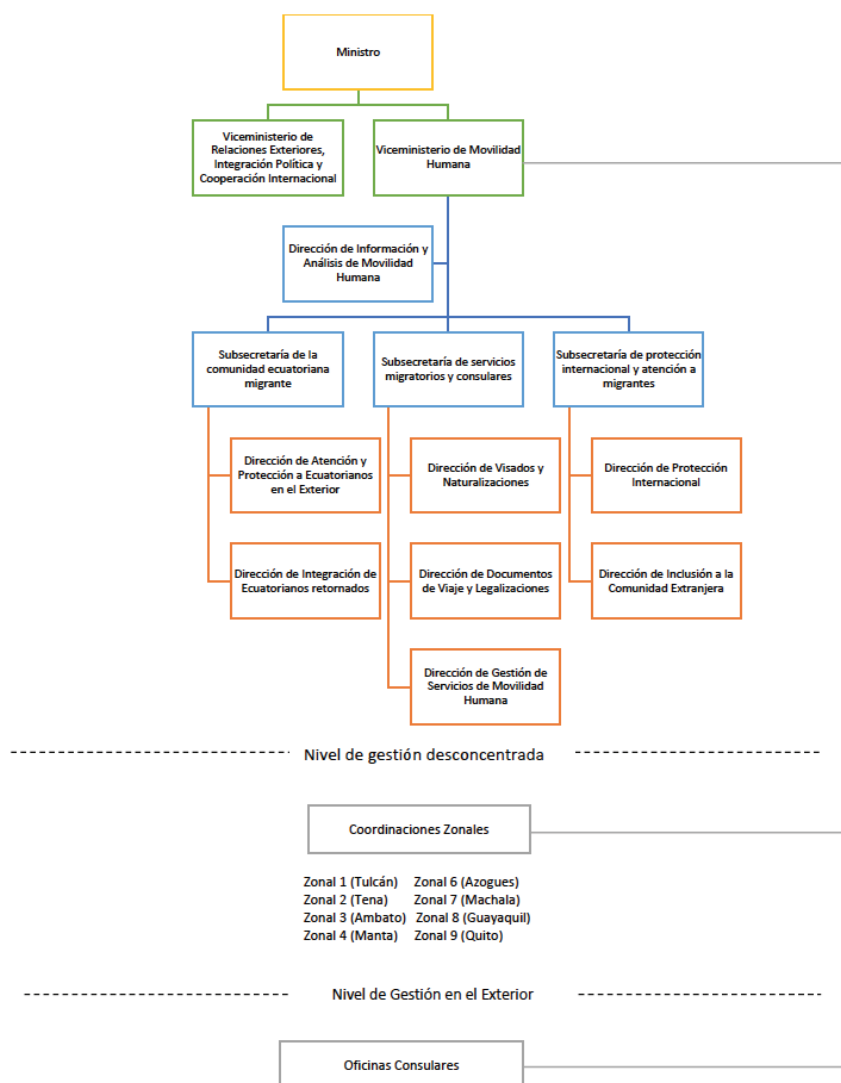
<sup>61</sup> Official Register No. 39 of March 12, 2007.

<sup>62</sup> Official Register No. of June 22 and 25, 2013.

abroad with these missions and offices; vi) grant Ecuadorian naturalization, with the exception of naturalization on merits; vii) recognize the condition of international protection (refuge), as well as its cancellation, renewal or cessation; viii) design programs for the prevention of risky migration and the inclusion of the foreign community in Ecuador; and, xix) ensure the rights of returnees in coordination with other State institutions.

As it follows the Statute for processes, the Ministry has an organizational structure that allows for decentralizing the mandate and facilitating processes related to the normative application of human mobility through a planning and management model that organizes and distributes the competencies. Within the Ministry there is a section specifically related to human mobility, carried out through the Vice Ministry of Human Mobility (Graph 1). This Vice Ministry has the mission of directing and evaluating the management of human mobility policy, in order to guarantee the defense, protection and promotion of rights and ensure compliance with obligations, as well as the recovery and strengthening of capacities, inclusion and diversity of migrants and their families in the country and abroad. This Vice Ministry comprises several subprocesses to carry out its mission (Graph 1).

**Graph 1. Organizational Structure of the Ministry of Foreign Affairs and Human Mobility, Including the Specific Departments and Actors Centered on Human Mobility Issues<sup>63</sup>**



**Source:** Ministry of Foreign Affairs and Human Mobility.

<sup>63</sup> Prepared based on the *Organic Statute for Processes of the Ministry of Foreign Affairs and Human Mobility*. Available at: <https://www.cancilleria.gob.ec/wp-content/uploads/2015/04/ESTATUTO-ORGANICO-POR-PROCESOS.pdf>, and the Functional Organizational Structure diagram provided by the Ministry of Foreign Affairs website. Available at: [https://www.cancilleria.gob.ec/wp-content/uploads/downloads/2019/02/Literal\\_a1-Organigrama\\_de\\_la\\_institucion-Enero-2019.pdf](https://www.cancilleria.gob.ec/wp-content/uploads/downloads/2019/02/Literal_a1-Organigrama_de_la_institucion-Enero-2019.pdf)



The following structures fall within these sub-processes of the Vice Ministry:<sup>64</sup>

- **The Directorate for Human Mobility Information and Analysis.** Its mission is to gather and analyze information on human mobility to inform public policies, guidelines and statistics. It is led by the Director of Information and Analysis of Human Mobility. This area contributes the following products: proposals for national public policies, research and studies on human mobility, periodic reports and updated human mobility databases.
- **The Undersecretariat of the Ecuadorian Migrant Community.** Its mission is to define, plan and coordinate human mobility policy to promote and protect the rights of Ecuadorian migrants abroad, in addition to capacity recovery and integration of the returned migrant community and their families in the country. The Undersecretary of the Ecuadorian Migrant Community is in charge of work in this area and under their responsibilities are all of those aimed at fulfilling its mission, for example: coordinate and articulate the participation of the Ecuadorian migrant community abroad, issue guidelines to ensure compliance with national and international legal norms related to the rights of said community, coordinate with and manage the competent entities for the protection of Ecuadorians abroad, and integrate returned migrants, among others.
  - » *Directorate for the Assistance and Protection of Ecuadorians Abroad.* The goal of this directorate is to direct, coordinate and manage the care and protection of Ecuadorians abroad and their families, in order to guarantee adequate access to the services provided by the Ecuadorian State. The Director of Assistance and Protection of Ecuadorians Abroad will oversee this Directorate. Their responsibilities are, among others, to elaborate proposals of policies and norms for the assistance and protection of Ecuadorians abroad and to develop procedures for the defense of cases in which the migrant Ecuadorian community's rights are violated. Among the inputs generated by this unit are: reports and plans related to the assistance and protection of Ecuadorians abroad; defense protocols for cases presented where rights of the migrant Ecuadorian community have been violated; in cases of repatriation of mortal remains of Ecuadorian migrants; the transfer of Ecuadorian citizens deprived of freedom; follow-up reports on cases of Ecuadorian citizens deprived of freedom who are transferred; the international

<sup>64</sup> A Human Mobility Management Coordinating body is included in the Statute for Processes of the Ministry, but it is not currently operational, which is why it is not included in this study and in the organizational structure presented.

restitution of children and adolescents; cases of separation and subsequent reintegration of children and adolescents; among others.

- » *Directorate for the Integration of Returned Ecuadorians.* Its mission is to direct, coordinate and advise returned Ecuadorians and their families for adequate economic and social inclusion in the national territory. The Director for the Integration of Returned Ecuadorians is responsible for: elaborating proposals of policies and norms for the integration of returned migrants; implementing plans and projects for this purpose; defining lines of work for the relationship of the Zonal Coordinating Bodies with the Decentralized Autonomous Governments for assistance to returned migrants. This unit provides proposals, reports and other documents aimed at helping returned migrants.
- » *Undersecretariat of Migration and Consular Services.* Its mission is to define, plan and coordinate the provision of services to people on the move in Ecuador and abroad. The Undersecretary of Migration and Consular Services is responsible for: supervising the development and management of consular offices; disseminating statistics of services provided in the aforementioned offices; proposing improvements in services to citizens on issues related to immigration and consular matters. Within the support units for the management of migratory and consular services are the following three directorates:
  - » *Directorate for Visas and Naturalization.* The goal of this unit is to direct, coordinate and manage the provision of migration services related to the immigration status and category of foreign citizens in Ecuador, as well as granting naturalizations and proof of Ecuadorian nationality at national and international level. The Director of Visas and Naturalizations is tasked with: developing norm and policy proposals for the management of visas, naturalizations and the recognition of Ecuadorian nationality; designing and implementing projects and developing protocols, processes and other necessary inputs, aimed at the aforementioned management. Among the products that emerge from this directorate are proposals, reports, plans, and protocols for visa management, naturalizations and recognition of Ecuadorian nationality.
  - » *Directorate for Travel Documents and Legalizations.* Its mission is to provide services related to the issuance of travel documents, legalizations and apostilles at the national and international levels. The Director of Travel Documents and Legalizations oversees its operations. Among their powers and responsibilities are: preparing proposals and establishing

guidelines and implementing plans and projects for the management of travel documents and legalizations. This work leads to the production of documents related to diplomatic asylum, refuge and statelessness, travel documents for people without identification documents or who travel from their country of origin and sending the identity verification documents of the person to the relevant authorities, among other matters related to the needs of this process.

- » *Directorate for Human Mobility Services.* Its main function is to direct and evaluate the management of the Ministry's service units, both nationally and internationally, in order to provide effective face-to-face and virtual services required by migrants. Its manager is the Director of Human Mobility Services Management whose duties include: coordinating evaluations and updating the management model of Ecuador's consular offices abroad and service units at the national level; supervising the implementation of guidelines by the units responsible for the Vice Ministry of Human Mobility for consular offices and zonal coordinating bodies; coordinating the development of technical criteria for opening or closing Ecuadorian consular offices abroad; analyzing the updating of Human Mobility service fees; proposing communication and assistance mechanisms about services in Ecuador and abroad; and other activities aimed at fulfilling its mission.

To ensure the proper development of these areas, the Undersecretariat of Migratory and Consular Services has the support of two service teams: the Internal Management of Service Targeting and the Internal Management of Virtual Services.

- » *Internal Management of Service Addressing.* This team is in charge of developing the models and evaluation reports for consular and zonal management, reports for openings, closing consular offices, designation or removal of Consuls of Ecuador abroad and technical reports to update the Human Mobility Services service fees.
- » *Internal Management of Virtual Services.* This area provides the following functions: monitoring and evaluation reports on virtual human mobility services, monitoring reports on requests for support made by Ecuadorian and foreign migrants, other briefings and reports on services for Ecuadorian migrants and foreigners.

- » *Undersecretariat of International Protection and Assistance to Immigrants*. Its mission is to define, plan and coordinate the policy of assistance, inclusion and integration of transient foreign citizens, temporary or permanent residents in Ecuador and people in need of international protection. The Undersecretary of International Protection and Attention to Immigrants directs this area and has the following duties and responsibilities: advise authorities on public policies related to the foreign population in Ecuador; direct policy aimed at assisting persons in need of international protection and foreign citizens, within the framework of internal regulations and international conventions relating to human mobility and other activities aimed at the inclusion and integration of the foreign community. The International Protection Management and the Management of Inclusion to the Foreign Community team act in this process.
- » *Directorate for International Protection*. Its mission is related to leading and managing Ecuador's international protection policy, developing processes for determining refugee status and statelessness under the supervision of the Director of International Protection, whose duties include: the development of policies on asylum and statelessness; supervision of the Commission's operations to determine the status of refugees and stateless persons in Ecuador; the development of assistance protocols within the refugee and stateless status determination process; the establishment of procedures to provide additional services to better support refugees and stateless persons. This area produces proposals for public policies on asylum and statelessness; reports on asylum procedures; and guidelines for determining refugee and stateless status.
- » *Directorate for the Inclusion of Foreign Community*. Its mission is to coordinate and manage policies and actions related to the integration of the foreign community in Ecuador. The person in charge of this process is the Director of Inclusion to the Foreign Community. Among the team's powers and duties are: the elaboration of policies, norms, plans and programs for inclusion to the foreign community; drawing up guidelines, protocols and assistance models for the integration and inclusion of foreign citizens in Ecuador; and the coordination of the voluntary return of foreign citizens to their countries of origin. The unit produces policies, reports, activities promoting the foreign community's social inclusion; reports related to the services provided to foreign citizens; and management reports on voluntary return to countries of origin; and the exequatur of Foreign Consuls.

The Ministry of Foreign Affairs and Human Mobility has decentralized its service provision (Graph 1). The Zonal Coordinating Bodies are responsible for this service, located in the following cantonal capitals: Zonal Coordination 1 in Tulcán, Zonal 2 in Tena, Zonal 3 in Ambato, Zonal 4 in Manta, Zonal 6 in Azogues, Zonal 7 in Machala, Zonal 8 in Guayaquil, and Zonal 9 in Quito. However, it should be noted that these Zonal Coordinating Bodies oversee the assistance of various other provinces in addition to the province where they are located.

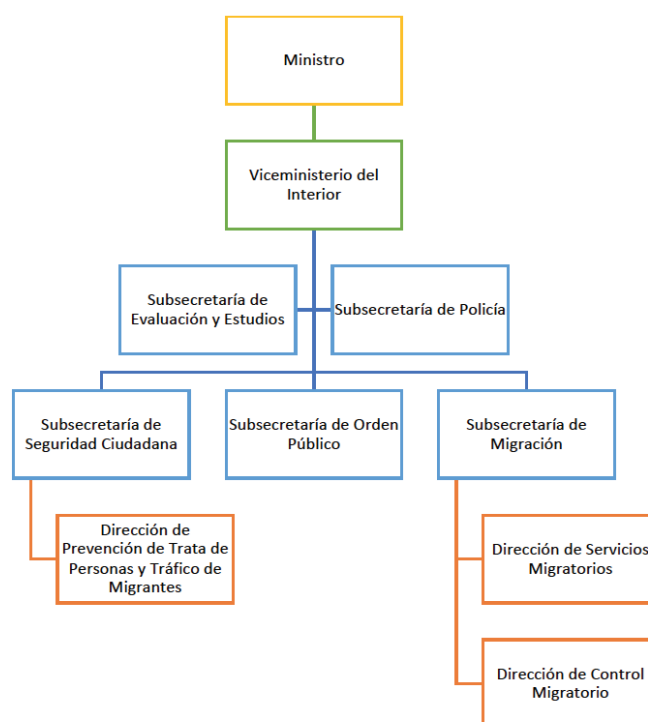
The Zonal Coordinating Bodies are responsible for: representing the Ministry of Foreign Affairs and Human Mobility in the area of its jurisdiction; coordinating and implementing the policies, strategies, norms and procedures established by the Ministry to grant migratory, consular, asylum, statelessness and assistance and protection to migrants in their area; providing care, protection and advice to the Ecuadorian migrant community; providing information on citizen services and answering questions and complaints, among others.

Similarly, the Consular Offices are part of the Ministry's management responsibilities abroad. They are in charge of protecting the rights and interests of the Ecuadorian State and its migrant population within its jurisdiction and providing consular services in an efficient and timely manner. Among its duties are to: represent and take measures for the representation of fellow citizens before the courts and authorities of the receiving State; provide care and protection to the Ecuadorian community abroad; provide support and protection to Ecuadorians abroad in vulnerable conditions; coordinate with national institutions and civil society in the countries of transit and destination of Ecuadorian migration; design protection strategies against serious threats or violations of the rights of Ecuadorian people or groups abroad; develop and run awareness campaigns and promote migrants' rights; inform the Ecuadorian migrant community about their rights in the destination or transit State, especially those related to voluntary return; issue travel documents; grant visas in accordance with current regulations; respond to requests for recognition of Ecuadorian nationality in its jurisdiction; recognize the signatures of foreign authorities on documents that have legal implications in the country; promote the active participation of the Ecuadorian migrant community in political and electoral life in both the destination country and Ecuador; register migrant organizations, associations, groups of friends, civic committees, non-profit organizations and other entities related to the participation of the Ecuadorian emigrant community, among others.

## 2.2. Ministry of Government (Formerly Ministry of Interior)<sup>65</sup>

The Ministry of Government is the institution responsible for the control of entry and exit of nationals and foreigners to the national territory in ports, airports and official border crossings, as well as their registration in the migration information system. In addition, it is the governing body in the area of human trafficking and migrant smuggling, for which it must coordinate its actions and policies with other entities at all levels of government. The Ministry has various Undersecretariats and Directorates to develop these lines of work (Graph 2).

**Graph 2. Organizational Structure of the Ministry of Government with a Focus on Human Mobility Issues<sup>66</sup>**



**Source:** Ministry of Government

<sup>65</sup> We should note that through Decree No. 718 of April 11, 2019, President Lenin Moreno merged the Ministry of Interior and the Secretariat for Policy Management to turn them into the Ministry of Government. Available at: <https://derechoecuador.com/registro-oficial/2019/05/registro-oficial-no483-miercoles-08-de-mayo-de-2019-suplemento>. Last accessed: September 4, 2019.

<sup>66</sup> Given the recent institutional changes, it is possible that the organizational chart of the current Ministry of Government has been modified.

The following areas of the Ministry of Government work on issues of human mobility:<sup>67</sup>

- *Undersecretariat of Migration.* Its mission is to direct, propose and carry out the management of human mobility policy in matters related to immigration service and control, headed by the Undersecretary of Migration, whose powers and duties are as follows: collaborate with the elaboration of the National Plan for Citizen Security within the scope of its competencies; propose public policies, plans, projects and other inputs in the area of services, control and immigration permanence; verify compliance with the commitments established in the bilateral or multilateral agreements and conventions on migration; analyze and propose solutions on issues related to migratory processes and phenomena, in addition to establishing strategies for the migration service. Within the Undersecretariat for Migration is the Directorate of Migration Services and the Directorate of Migration Control.
  - » *Directorate for Migratory Services.* It aims to provide quality migration services, ensuring orderly, regulated and safe migration through the analysis, verification, registration and processing of information in order to identify possible risk factors for the country's internal security. The Directorate is led by the Director of Migration Services. Its powers include: collaborating in the design and implementation of the National Plan for Citizen Security; coordinate and monitor the implementation of public policies and mechanisms in immigration services; develop projects and other inputs for migration services, in addition to participating in projects and actions related to immigration control. In order to carry out its activities, it has three internal management units: Service Management at Control Points, Migration Support Service Management and Migration Information Management Unit.
  - » *Directorate for Immigration Control.* Its mission is to promote the regularization of foreign citizens within the national territory. It is headed by the Director of Immigration Control. Among its responsibilities are: collaborate in the implementation and monitoring of the National Plan for Citizen Security; develop projects and other inputs to control immigration stay, deportations and rejection cases; coordinate, apply and monitor deportation and rejection processes that require an administrative procedure pursuant to the Human Mobility Law. For the

<sup>67</sup> Substitutive Statute to the Organic Statute of Organizational Management by Processes, Official Register Special Edition No. 112 of October 13, 2017.

proper functioning of this process, it has the support of two agencies: the agency for the Management of Immigration Permanence Control and for the Management of Deportations and Non-Admissions.

» *Undersecretariat of Citizen Security*. Its mission is to propose, arrange and control the implementation of policies, plans, programs and projects for peaceful social coexistence and crime prevention. The Undersecretary of Citizen Security is at the head; among their duties are to: propose, coordinate and monitor the implementation of public policies and mechanisms in the area of his competence; coordinate the implementation of surveillance mechanisms on gender violence, protection of rights and assistance for victims with the National Police; propose the approval of the National Plan against Human Trafficking and Migrant Trafficking; monitor inter-institutional coordination to develop public policies that contribute to the comprehensive protection of victims of human trafficking and migrant smuggling, among others. The Directorate for the Prevention of Human Trafficking and Migrant Smuggling is within the Undersecretariat.

» *Directorate for the Prevention of Human Trafficking and Migrant Smuggling*. Its mission is related to the development and implementation of policies, projects, and other actions aimed at the identification, prevention and monitoring of crimes of human trafficking and migrant smuggling, in coordination with the National Police. Its head is the Director of Prevention of Human Trafficking and Migrant Smuggling who is responsible for: developing public policies against trafficking in persons and migrant smuggling and for protection of victims; monitoring and evaluating public policies regarding human trafficking; creating and managing a registry of victims of trafficking and migrant smuggling; issuing guidelines for the prevention of trafficking and smuggling; coordinating the protection of victims of trafficking at the inter-institutional and multi-sectoral level, as well as coordinating the implementation of public policy on trafficking with the decentralized autonomous governments.

### **2.3. Inter-Institutional Committee**

The Interinstitutional Coordination Committee for the Prevention of Human Trafficking and Smuggling of Migrants and the Protection of their Victims aims to articulate the implementation, monitoring, control, follow-up and evaluation of public policies related to human trafficking and migrant smuggling, in accordance with Article 98 of the Regulations to the Organic Law of Human Mobility. Among the Committee's functions are: coordinating and promoting the implementation of public



policies on human trafficking and migrant smuggling; coordinating mechanisms for preventing human trafficking and the smuggling of migrants with the Autonomous Decentralized Governments and civil society organizations; coordinating the execution of bilateral or multilateral agreements on the subject.

The Committee is made up of the following public institutions: Ministry of Government, which chairs the Committee and has a casting vote; Ministry of Education; Ministry of Economic and Social Inclusion; Ministry of Justice, Human Rights and Worship; Ministry of Foreign Affairs and Human Mobility; Ministry of Public Health; Ministry of Tourism; National Secretary for Higher Education, Science, Technology and Innovation; National Secretariat of Communication; Judiciary Council; State Attorney General and Ombudsman Office.

The Committee can, through the Ministry of Government, rely on the participation of other State entities, as well as invite civil society organizations and international organizations who could be informative. Within the Committee, three technical working groups deal with: 1) prevention, 2) protection, and, 3) case investigation, in order to provide a comprehensive approach to the subject.

## **2.4. Ministry of Labor**

As of 2015, through the Organic Law for Labor Justice and Recognition of Work at Home, Article 560 of the Labor Code was repealed, which established that all foreigners who wanted to enter Ecuador with the purpose of developing activities with dependency, previously had to obtain a certificate issued by the National Director of Employment and Human Resources. For this reason, foreigners who want to work in Ecuador do not currently require work authorization, although they must register their employment contract, like nationals do, through the Integral Labor and Employment Administration System. In addition, all employers must keep a record of their foreign workers, which is verified by the Ministry of Labor through the Regional Directorates of Labor and Public Service by way of Labor Inspectors.

In the case of foreign citizens who wish to work in the public sector, the Human Talent Administrative Unit of the contracting public institution must request work authorization, which can also be processed online.

## **2.5. Ombudsman**

In line with the Ecuadorian Constitution, the Ombudsman's Office (DPE) is responsible for protecting and safeguarding the rights of the inhabitants of Ecuador, as well as defending the rights of Ecuadorians abroad. This establishes two areas of

action for this entity in terms of human mobility: one abroad and the other in Ecuador, the latter being carried out both nationally and at a decentralized level.

In relation to the activities of the DPE abroad, the Organic Law of Human Mobility establishes that the diplomatic missions and consular offices of the MREMH must coordinate with the Ombudsman's Office on the defense of the rights of Ecuadorian people abroad, as well as cooperative actions for the protection and promotion of their rights. For this reason, the Ombudsman's Office had various delegations in Mexico, the US, Spain and Italy, to serve Ecuadorians outside the country. Some of the activities developed by the Ombudsman through its delegations abroad were: carrying out informal procedures, providing legal advice and organizing visits to Ecuadorians deprived of freedom in coordination with the consular service. In addition, in the preventive field, it carried out awareness-raising and rights-promotion workshops and established links with migrant organizations and state entities in the country where they were located. However, the delegations closed in September 2018. Currently, after the issuance of the new Organic Law of the Ombudsman, and given that the new organic statute is still being constructed for divisions within this entity, it is not yet clear how the delegations will work, but their objective will be to provide more adequate, expedited and impactful assistance to Ecuadorians abroad.

At the national level, the Ombudsman's Office has the National Directorate for Priority Assistance and Freedoms, which has the power to hear cases related to possible violations of priority assistance groups, among which are people on the move. To do this, the Ombudsman's strategies involve defense investigations, due process monitoring, unofficial efforts, filing of jurisdictional guarantees, issuance of rights reports within jurisdictional actions,<sup>68</sup> as well as awareness-raising and advocacy on issues of human mobility. The Delegations that the Ombudsman has in each provincial head of the country also carry out these activities at the local level.

## **2.6. Constitutional Court**

As noted above, the 2008 Constitution's entry into force established an extensive catalog of rights. This eminently guaranteeing constitution required an entity in charge of interpreting and implementing its mandates. Thus, Article 429 established that the highest control, constitutional interpretation and administration body in this matter would be the Constitutional Court.

<sup>68</sup> DPE. (Protection of Rights) Tutela de Derechos. Available at: <https://www.dpe.gob.ec/tutela-de-derechos/>

Therefore, as of 2008, the year in which the Guarantees Court became a Constitutional Court, the Court began to issue judgments and opinions aimed at guaranteeing human rights.

In relation to human mobility issues, we analyze opinions such as the one that examined the constitutionality of the Immigration Statute between the Republic of Ecuador and the government of the Bolivarian Republic of Venezuela.<sup>69</sup> In its resolution, the Court indicated that “*the integral content of the Immigration Statute, object of constitutional control, is in accordance with the Constitution of the Republic of Ecuador, by protecting constitutionally recognized rights and by instrumentalizing and indicating parameters within which this international instrument is applied materially,*” which corresponds to the Constitution.

The Court opined and ruled on the constitutionality of the agreement signed by Ecuador with other countries, such as for the Memorandum of Understanding between the Republic of Ecuador and the Republic of Guatemala on Combating Migrant Smuggling and the Protection of Victims. This resolution indicates that the memorandum is in harmony with the Constitution.<sup>70</sup> The Court also found that the provisions contained in the Agreement are in harmony with the Constitution in opinion No. 001-15-DTI-CC,<sup>71</sup> which analyzes the constitutionality of the “Framework Agreement for bilateral cooperation in migration matters between the governments of the Republic of Ecuador and the Republic of El Salvador.”

In addition to the aforementioned decisions, judgment No. 002-14-SIN-CC<sup>72</sup> analyzes the unconstitutionality of Articles 8, 24, 25, 27, 33, 34, 47, 48, 49, 50 and 54 of Executive Decree No. 1182, called “Regulations for the application in Ecuador of the right to asylum established in Article 41 of the Constitution of the Republic, the norms contained in the 1951 United Nations Convention on the Status of Refugees and in its 1967 Protocol.” The Court partially accepted the unconstitutionality claims;

<sup>69</sup> See the judgment of the Constitutional Court of Ecuador No. 42-10-DTI-CC at: [http://sgc.corteconstitucional.gob.ec/Raiz/2010/042-10-DTI-CC/REL\\_SENTENCIA\\_042-10-DTI-CC.pdf](http://sgc.corteconstitucional.gob.ec/Raiz/2010/042-10-DTI-CC/REL_SENTENCIA_042-10-DTI-CC.pdf)

<sup>70</sup> See the judgment of the Constitutional Court of Ecuador No. 021-13-DTI-CC at: [http://sgc.corteconstitucional.gob.ec/Raiz/2013/021-13-DTI-CC/REL\\_SENTENCIA\\_021-13-DTI-CC.pdf](http://sgc.corteconstitucional.gob.ec/Raiz/2013/021-13-DTI-CC/REL_SENTENCIA_021-13-DTI-CC.pdf)

<sup>71</sup> See the judgment of the Constitutional Court of Ecuador No. 001-15-DTI-CC at: [http://sgc.corteconstitucional.gob.ec/Raiz/2015/001-15-DTI-CC/REL\\_SENTENCIA\\_001-15-DTI-CC.pdf](http://sgc.corteconstitucional.gob.ec/Raiz/2015/001-15-DTI-CC/REL_SENTENCIA_001-15-DTI-CC.pdf)

<sup>72</sup> See the judgment of the Constitutional Court of Ecuador No. 002-14-SIN-CC at: [http://portal.corteconstitucional.gob.ec/Raiz/2014/002-14-SIN-CC/REL\\_SENTENCIA\\_002-14-SIN-CC.pdf](http://portal.corteconstitucional.gob.ec/Raiz/2014/002-14-SIN-CC/REL_SENTENCIA_002-14-SIN-CC.pdf)

it declared the unconstitutionality of the deadlines for requesting refuge and filing appeals established in Decree No. 1182.

Finally, it is worth noting protection judgment N°090-15-SEP-CC,<sup>73</sup> which analyzes the right to asylum and non-refoulement. In the present case, the actor submitted his request for asylum and it was rejected because it was considered late. Subsequently, a protection action was filed that denied his claims. The Constitutional Court ruling declared the violation of the constitutional right to effective judicial protection in the rights to asylum and non-refoulement, and ordered as a comprehensive reparation measure that the Asylum Directorate of the Ministry of Foreign Affairs and Human Mobility be aware of, substantiate, and resolve the asylum request the presented by the actor.

### **3. Migration Programs at the National and International Levels**

In the last decade, especially since the promulgation of the new Constitution, Ecuador has promoted different plans and programs on migration at the national and international level. Among them, during the period 2007–2010, the National Plan for Human Development for Migrations (PNDHM), the National Agenda for Equality for Human Mobility 2013–2017 (ANIMU) and the current National Plan for Human Mobility, which is aligned with Objective 5 of the Foreign Policy Agenda 2017–2021 of the Ministry of Foreign Affairs and Human Mobility, which establishes that Ecuador must “promote the exercise of the rights of people on the move in all its dimensions.”

In this sense, Ecuador has proposed the creation of policies that respect the perspective of human rights and free mobility, but also policies aimed at not migrating and returning. These guidelines allowed for the creation of some policies and programs in favor of migrants. This section presents the main bilateral and multilateral programs and agreements on migration promoted by Ecuador in the last two decades.

#### **3.1. Immigration Programs and Agreements**

Despite the fact that cross-border migration is not a new phenomenon, before 2001 Ecuador had not been considered as an “immigration country,” unlike other nations on the continent that have traditionally been characterized in this way (such as Argentina, Brazil, Uruguay and Venezuela, at the regional level). However, the dollarization of the economy and the subsequent greater economic stability encouraged immigration from neighboring countries, especially Colombia and Peru. Many Colombian citizens

<sup>73</sup> See the judgment of the Constitutional Court of Ecuador No. 090-15-SEP-CC at: [http://portal.corteconstitucional.gob.ec/Raiz/2015/090-15-SEP-CC/REL\\_SENTENCIA\\_090-15-SEP-CC.pdf](http://portal.corteconstitucional.gob.ec/Raiz/2015/090-15-SEP-CC/REL_SENTENCIA_090-15-SEP-CC.pdf)

came to Ecuador for this reason, as well as to flee the violence and persecution that occurred as a result of the Colombian armed conflict. In recent years, there has been a constant increase in Venezuelan arrivals, due to political, economic, and social problems in Venezuela.

Due to the intensification of the Colombian armed conflict, the government had to respond to the immigration of those seeking international protection. This was reflected in an asylum policy that sought to provide a solution for those who could, according to the national legislation, be recognized as refugees. However, initially, regional or border migrants who arrived in Ecuador for other reasons did not have any priority compared to nationals of other countries,<sup>74</sup> and their prospects for settling in Ecuador were seriously limited due to the rigid criteria provided in the immigration legislation in force at the time. Thus, foreigners were often forced into migratory irregularity and all of the precariousness this status implies.

On the southern border, on the other hand, migration encouraged by pull factors (the dollar and the appealing labor context resulting from jobs abandoned by those who emigrated from southern Ecuador to Spain and the United States) and expulsion (given the almost endemic impoverishment of the rural northern highlands in Peru) was partially facilitated by the Peace Agreement signed between both nations in 1998. However, the signing of treaties regulating this nascent labor migration was not taken into account in those years. Therefore, despite the good and new relations between the two governments, Ecuador's continued deportation of Peruvians, who became irregular after staying beyond the allotted 90 days, went from being the exception to the rule. Given this reality, after several meetings, representatives of the two countries decided to sign a Permanent Immigration Statute, in order to move forward with concrete events not only toward economic integration, but also toward social and work-related integration. However, in order to "start from scratch" in the implementation of this regulatory instrument, it was necessary to declare amnesty so that those who were already in the national territory were regularized. This amnesty was proposed for 2006, through the Agreement to Regulate the Immigration and National Labor Situation of Peru and Ecuador in the Border Regions, prior to the entry into force of the Ecuador-Peru Permanent Migration Statute, signed in 2008. Although the deadlines for the launch of both measures were delayed—and although,

<sup>74</sup> Given that the aforementioned Immigration Statute only allowed seasonal migration within a specific area and only for certain types of activities, those who wanted to go beyond these criteria had to accept what in the document was called "Migration requiring a visa," which did not particularly favor Colombians over migrants from other countries.

on the one hand, the amnesty was carried out between March and September 2011, with the beneficiaries having entered Ecuador before its inception and, on the other hand, the Statute went into force at the same time, those beneficiaries had entered the country since that date— they constituted an adequate solution for this temporary and localized migration in certain sectors of the country,<sup>75</sup> but which only covered dependent workers, thus limiting cross-border migration.

Another binational normative instrument that allowed the regularization of foreigners in Ecuador was the Ecuadorian-Venezuelan Immigration Statute, signed in 2010 and which entered into force in March 2011, allowing the permanent regularization of nationals of both countries. The instrument even included among its provisions an amnesty that lasted 180 days, by means of which those who had previously been in an irregular situation could settle in the country. It should be noted that at the time, the migratory flow between the two nations was not numerically significant, so the signing of the Agreement responded more to a desire for integration motivated by political-ideological reasons than the urgent need to solve a problem of administrative irregularity. However, as of 2014,<sup>76</sup> once the number of Venezuelan citizens entering Ecuador began to increase, the Statute allowed the immigration status of these foreigners to be regularized, until the establishment in 2017 of the Organic Law of Human Mobility of the UNASUR visa which Venezuelan citizens could access. In this sense, most Venezuelan citizens entered Ecuador as tourists, allowing them a 180-day stay, during which time they applied for the UNASUR visa.

Additionally, representatives of the governments of Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru and Uruguay met in the city of Quito on September 3–4, 2018, to coordinate a regional process on the migratory crisis of Venezuelan citizens in the region. During this meeting, a declaration was drafted, called the Declaration of Quito on Human Mobility, in which the signatory countries agreed, among other topics, “to accept expired travel documents as identity

<sup>75</sup> However, after the signing of the Statute, the limitation on the geographical scope was withdrawn, extending it to the entire territory in the two countries. Available at: [https://www.migraciones.gob.pe/documentos/convenios\\_peru\\_ecuador.pdf](https://www.migraciones.gob.pe/documentos/convenios_peru_ecuador.pdf)

<sup>76</sup> “It is estimated that, as of 2015, the number of Venezuelans residing abroad has increased from approximately 700,000 to more than 3,300,000 in 2019. This increasing trend is reflected in the data reported by the Ministry of the Government of Ecuador, according to which, the number of Venezuelan citizens residing in the country increased from 51,442 in 2015 to 240,126 at the end of March 2019.” IOM. Monitoring of Venezuelan Population Flow. Available at: [https://migration.iom.int/system/tdf/reports/ecuador\\_fmp%20venezolana\\_r4.pdf?file=1&type=node&id=6104](https://migration.iom.int/system/tdf/reports/ecuador_fmp%20venezolana_r4.pdf?file=1&type=node&id=6104). Last accessed: August 29, 2019.

documents of Venezuelan citizens for migration purposes,” in order to facilitate the movement of people, but also urging the Venezuelan government to take the “necessary measures for the timely provision of identity and travel documents for its nationals,” considering the problems that the lack of such documents generated, such as “limitations to the right to free movement and mobility.”<sup>77</sup>

However, on July 25, 2019, President Lenin Moreno, through Decree No. 826,<sup>78</sup> established that Venezuelans who were already in Ecuador would be regularized through an exceptional temporary residence visa, but at the same time must have a humanitarian visa as a requirement for entering the country,<sup>79</sup> despite the fact that in accordance with Art. 84 of the Organic Law of Human Mobility “South American citizens can enter, circulate and leave Ecuadorian territory presenting only their national identification document.” Thus, Venezuelans who wished to enter Ecuador after August 27, 2019 would only be able to do so with an exceptional visa for humanitarian reasons, which they could obtain at the Ecuadorian consulates in their Venezuela or Colombia. As of the writing of this study, the procedure is not yet very clear, but it is known that the application will cost USD 50.<sup>80</sup>

These new requirements have greatly hindered the Venezuelan population’s access to Ecuador under regular conditions, further violating their rights. This has caused a series of agencies such as IOM, UNHCR, and several NGOs working on the issue to engage in advocacy with Ecuadorian authorities so that at least people who require priority assistance, such as pregnant women, children and unaccompanied girls, persons with disabilities or serious or chronic diseases could be exempted from these visa requirements. Likewise, immigration authorities are being asked that those who are in transit (those who have no interest in remaining in Ecuador because they

<sup>77</sup> Ministry of Foreign Affairs and Human Mobility. *Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region*. Available at: <https://www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region/>

<sup>78</sup> Decree No. 826, of July 25, 2019. Available at: [https://drive.google.com/file/d/1\\_S08Fj9MYiQ-bTi49svc-UteRe89Fp\\_X/view](https://drive.google.com/file/d/1_S08Fj9MYiQ-bTi49svc-UteRe89Fp_X/view)

<sup>79</sup> El Comercio. “Lenin Moreno anunció que firmó Decreto que establece visa para venezolanos que deseen ingresar a Ecuador”. Available at: <https://www.elcomercio.com/actualidad/moreno-visa-humanitaria-ingreso-venezolanos.html>

<sup>80</sup> Ministry of Foreign Affairs and Human Mobility. Ecuador begins the process of issuing a humanitarian visa. Available at: <https://www.cancilleria.gob.ec/ecuador-inicia-proceso-de-emision-de-visa-humanitaria-para-ciudadanos-venezolanos/>



have a visa or document to travel to another country) not be required to have this humanitarian visa.

On the other hand, it should be noted that consensus at the regional level has had an effect on the management of migration in Ecuador. Thus, although the Andean Community has not promoted the signing of a residence agreement that allows free movement and facilitates the residence of nationals between member countries, the Agreement on residence for nationals of the States Parties to MERCOSUR and Associated Countries, which was ratified and regulated by Ecuador in April 2014, has facilitated the immigration of nationals from various countries in the region. This agreement benefits nationals of Argentina, Brazil, Chile, Paraguay, Uruguay, Bolivia, Colombia and Peru, who can obtain temporary residence and, after two years, even permanent residence.<sup>81</sup> It should be noted that this measure has not only meant progress in the country's integration with the regional bloc, but also provides a solution to those who do not meet the criteria mentioned in the preceding paragraphs, especially Colombians and Peruvians who otherwise could have fallen into migratory irregularity.

Another measure that the State took unilaterally, although based on a proposal made within the Bolivarian Alliance for the Peoples of Our America, was the amnesty granted to Haitian nationals after the 2010 earthquake that devastated much of the island nation. This was a regularization initiative for humanitarian reasons, unrelated to the need for international protection. Through Executive Decree No. 248, signed on February 9, 2010, an extraordinary regularization process was carried out from February 17 to June 30, 2010, in which a five-year visa was granted to Haitians who had arrived in the country before January 31 of that year.<sup>82</sup>

As we have noted, the Ecuadorian State has tried to manage immigration through various Executive Decrees, bilateral and multilateral agreements, as well as the Organic Law of Human Mobility. Although the agreements and more measures were not aimed at promoting migration, in some cases they sought to safeguard the rights of immigrants, by facilitating access to regular migration. However, the Ecuadorian State also launched a controversial measure by presidential provision, related to the visa application for Venezuelan citizens, despite the fact that the Human Mobility Law does not contemplate it.

<sup>81</sup> More information at: <http://www.refworld.org/pdfid/54f46f934.pdf>

<sup>82</sup> More information at: <http://www.migracionoea.org/index.php/es/sicremi-es/17-sicremi/publicacion-2011/paiseses/111-ecuador-2-4-regularizacion-migratoria.html>



Another controversial measure adopted by Ecuador on migration issues, and which not only produced problems at the level of internal migration management but also caused alarm among several regional governments, was the blanket exemption of entry visas for nationals from any country in the world, which came about as a result of the following statement:

*Elimination of tourist visas to enter Ecuador*

*The Ministry of Foreign Affairs, Trade and Integration informs that, by express disposition of the Constitutional President of the Republic, as of Friday June 20, 2008, citizens of any nationality may enter Ecuador, without the need for a visa, and stay for a period of ninety days, in application of the principle of free movement of persons and in order to strengthen relations between Ecuador and all the countries of the world, and to promote tourism.*<sup>83</sup>

As we can see, it was the personal position of former President Correa that led him to adopt that provision. In another speech, the President stated that he was determined to “dismantle that 20th century invention of passports and visas.”<sup>84</sup> Although the measure was intended to promote tourism, not immigration, it attracted flows of foreigners not previously seen in the country, with problems that became apparent later in the absence of adequate immigration control. In this sense, China was the first country that asked Ecuador to require an entry visa for its nationals, in order to avoid facilitating the actions of Chinese migrant smugglers and mafias involved in other transnational crimes.<sup>85</sup> Moreover, the government soon learned that groups involved in the trafficking of drugs and migrants took advantage of uninhibited entry into Ecuador as a gateway to the Americas, and, in the face of both internal and external pressure because this constituted a threat for regional security, ex-President Correa was forced to demand entry visas to ten countries, since an unusual movement of people to Ecuador was found that could have been linked to *coyoterismo* (people

<sup>83</sup> Taken from: Fierro, Juan José. Análisis del retiro del requerimiento de visados de turismo en el Ecuador. Internet. [www.flacsoandes.edu.ec/web/imagesFTP/1224174871.Por\\_que\\_s\\_1\\_...doc](http://www.flacsoandes.edu.ec/web/imagesFTP/1224174871.Por_que_s_1_...doc)

<sup>84</sup> El Diario. “Ecuador will eliminate visa requirements.” Available at: <http://www.eldiario.ec/noticias-manabi-ecuador/79682-ecuador-eliminar-exigencias-de-visados/>

<sup>85</sup> The Ecuadorian government is going to stop requiring entry visas to Chinese citizens in order to “stimulate tourism” and strengthen bilateral relations and friendship between countries. “Ecuador busca ampliar nexo con China”. More information at: <https://www.telesurtv.net/news/Ecuador-elimina-visado-de-turistas-para-ciudadanos-chinos-201602280040.html>

smuggling), document falsification, and other related crimes.<sup>86</sup> The visa requirement has been maintained for some nationalities, including Afghanistan, Bangladesh, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, Kenya, Nepal, Nigeria, Pakistan, Somalia, and Senegal.<sup>87</sup>

The aforementioned security problem has not only been denounced by the authorities of other countries in the region,<sup>88</sup> but was also confirmed by the Ecuadorian authorities themselves. Yet, among all of those who were able to enter Ecuador without a visa after the implementation of the measure, the group of Cuban citizens presented the most challenges to immigration management, due to their manifest desire to settle in the country or otherwise find a way to reach the United States in a regular manner, without having to risk their lives by fleeing Cuba on rafts.

Currently, due to the economic stability produced by the dollarization of the economy and other factors linked to geographic proximity and ease of entry (but not settlement, in certain cases), Ecuador has become not only a country of emigration but of immigration, which generates great challenges, linked both to the regularization and integration of foreigners within Ecuadorian society, traditionally not accustomed to the openness that multiculturalism demands.

Regarding the reaction that the signing of the Colombian Peace Agreement with the Revolutionary Armed Forces of Colombia (FARC) could generate, Ecuador's position was that this situation would give rise to large numbers of displaced persons and refugees. In turn, this agreement was synonymous with greater tranquility and savings in economic resources that the Ecuadorian government could use for control and national security through the deployment of its military forces on the Northern Border, since Ecuador shares a jungle border of 700 kilometers with Colombia, a territory prone to deployment and control by the FARC.

<sup>86</sup> According to the Fierro study (2018), some public officials mentioned that after the withdrawal of the visa there were unusual cases of falsification of passports of Asian citizens. Fierro, Juan José (2008). Analysis of the withdrawal of requirement for tourist visas in Ecuador. Available at: [www.flacsoandes.edu.ec/web/imagesFTP/1224174871.Por\\_que\\_s\\_1\\_...doc](http://www.flacsoandes.edu.ec/web/imagesFTP/1224174871.Por_que_s_1_...doc)

<sup>87</sup> Ministry of Interior. Requirements to settle in Ecuador ("Requisitos para ingresar a Ecuador"). Available at: <https://www.ministeriointerior.gob.ec/requisitos-para-ingresar-a-ecuador/>

<sup>88</sup> Regional concern could be registered through the revelation of WikiLeaks cables, in which countries such as the United States expressed serious concern about the measure. "El visado libre en Ecuador dispara las alarmas en Washington". <https://www.eltiempo.com.ec/noticias/mundo/1/visado-libre-hace-saltar-las-alarmas-en-washington>

Another relevant case that was already mentioned was the creation in July 2010 of the Immigration Statute between the Republic of Ecuador and the Bolivarian Republic of Venezuela,<sup>89</sup> which is based on the duty to respect migrants' human rights, the right to free mobility and the requirement that migratory flows be framed with respect to human dignity. Under this statute, more than 87,000 Ecuadorians in Venezuela were regularized.<sup>90</sup> There is currently a change in its application, since it is now Venezuelans who decide to emigrate to Ecuador or to consider Ecuador a transit country toward other destinations.

### 3.2. Programs and Agreements on Human Trafficking and Smuggling

Smuggling and human trafficking is a global problem that also affects South America and Ecuador. There are no exact numbers on the number of victims. In the studies carried out by the International Organization for Migration (IOM), for example, 214 reports of trafficking were recorded in the province of Pichincha from 2011–2014;<sup>91</sup> in Guayas, 99 crime denunciations were received from 2013–2016;<sup>92</sup> and, in Manabí, 46 human trafficking complaints were received from 2012–2016.<sup>93</sup> However, these numbers do not account for the overall problem, as it is known that the level of reporting is low.

The 2008 Constitution contemplates the sanction for these crimes. In Art. 66, the Constitution determines: *“the prohibition of slavery, exploitation, servitude and smuggling and trafficking in human beings in all its forms. The State shall adopt measures for the prevention and eradication of trafficking in persons, and for the*

<sup>89</sup> [http://w2.ucab.edu.ve/tl\\_files/CDH/Lineastematicas/ESTATUTO%20MIGRATOTIO%20ECUADOR%20VENEZUELA.pdf](http://w2.ucab.edu.ve/tl_files/CDH/Lineastematicas/ESTATUTO%20MIGRATOTIO%20ECUADOR%20VENEZUELA.pdf)

<sup>90</sup> Alfonso, Adriana. Experiencia de los países sudamericanos en materia de regularización migratoria. IOM. [https://robuenosaires.iom.int/sites/default/files/publicaciones/Experiencia\\_pa%C3%ADses\\_suramericanos\\_regularizaci%20n\\_migratoria.pdf](https://robuenosaires.iom.int/sites/default/files/publicaciones/Experiencia_pa%C3%ADses_suramericanos_regularizaci%20n_migratoria.pdf)

<sup>91</sup> See Coloma, Soledad/IOM (2017). “Diagnóstico Situacional sobre la Trata de Personas en la Provincia de Pichincha.” Available at: [http://www.oim.org.ec/2016/iomtemplate2/sites/default/files/publicaciones/Diagno%CC%81stico%20Pichincha%20WEB\\_0.pdf](http://www.oim.org.ec/2016/iomtemplate2/sites/default/files/publicaciones/Diagno%CC%81stico%20Pichincha%20WEB_0.pdf)

<sup>92</sup> See Moncayo, María Isabel/IOM (2017). “Diagnóstico Situacional sobre la Trata de Personas en la Provincia de Guayas.” Available at: <http://www.oim.org.ec/2016/iomtemplate2/sites/default/files/publicaciones/Diagnostico%20Guayas%20WEB.PDF>

<sup>93</sup> See Moncayo, María Isabel, Coloma, Soledad, Montenegro, Adriana, Rodríguez, Belén/IOM (2017). “Diagnóstico Situacional sobre la Trata de Personas en la Provincia de Manabí”. Available at: <http://www.oim.org.ec/2016/iomtemplate2/sites/default/files/publicaciones/Diagnostico%20Manabi%20WEB.PDF>

*protection and social reintegration of victims of trafficking and other forms of violations of freedom.*” In turn, the Comprehensive Organic Criminal Code (COIP)<sup>94</sup> contains a specific section on human trafficking, and Art. 91 not only defines trafficking as a crime, but also indicates different types of trafficking, according to its purposes (labor, sexual, organ trade, servile or early marriage, begging, illegal adoption, forced recruitment, and other forms of exploitation), punishing the act with a prison sentence of 13 to 26 years, according to the circumstances of the aggravations (Art. 92), further declaring the non-punishability of victims of trafficking (Art. 93) and sanctions for legal persons responsible for this crime (Art. 94). In this regulation, each type of trafficking and exploitation is sanctioned according to its specificities (Arts. 95–110). For its part, “Crimes against migration” is the title of the sanction for migrant smuggling, and after defining the offense (Art. 213), prison terms of 7 to 26 years are established for those responsible, according to the circumstances of the aggravations of each case.

In addition, Ecuador ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in 2004, which complements the United Nations Convention Against Transnational Organized Crime,<sup>95</sup> and developed, by virtue of its commitment the National Plan to combat trafficking, sexual exploitation, labor and other means of exploitation of persons, in particular women, children, children and adolescents, which has been implemented by an Interinstitutional Committee of the Plan Against Trafficking in Persons, made up of representatives of various ministries. The fight against trafficking and migrant smuggling was also addressed within the National Plan for Good Living 2013–2017,<sup>96</sup> which constitutes an articulation of all public policy in accordance with the government’s management objectives for the determined period.

In addition, the country has two shelters for victims of trafficking: Alas de Colibrí and Casa Linda. Casa Linda, located in Machala, is fully financed by the Ministry of

<sup>94</sup> [https://www.justicia.gob.ec/wp-content/uploads/2014/05/c%C3%B3digo\\_org%C3%A1nico\\_integral\\_penal\\_-\\_coip\\_ed.\\_sdn-mjdhc.pdf](https://www.justicia.gob.ec/wp-content/uploads/2014/05/c%C3%B3digo_org%C3%A1nico_integral_penal_-_coip_ed._sdn-mjdhc.pdf)

<sup>95</sup> Better known as the Palermo Protocol. Available at: [http://www.ohchr.org/Documents/ProfessionalInterest/ProtocolTraffickingInPersons\\_sp.pdf](http://www.ohchr.org/Documents/ProfessionalInterest/ProtocolTraffickingInPersons_sp.pdf)

<sup>96</sup> <http://www.buenvivir.gob.ec/>

Economic and Social Inclusion (MIES);<sup>97</sup> Alas de Colibrí is only partially financed by MIES, which has led to problems in covering expenses and the technical staff. However, both houses only accommodate adolescent victims of trafficking for sexual exploitation. The Ministry of Justice's Secretariat for Human Rights, which has jurisdiction over adult trafficking victims, could open a home for adult victims next year, depending on budget matters. However, it should be noted that there are no proposals to host male victims of human trafficking.

Finally, the Ministry of Government, with the technical assistance of the International Organization for Migration (IOM), has held a series of workshops with the entities of the Inter-institutional Committee, civil society and representatives of local governments to launch the new National Plan Against Trafficking and Human Trafficking. This new Plan was expected to be launched before the end of 2019 but at the time of completion of this study, the legal mechanism for its implementation is still unknown.

In this way, the will of the State can be evidenced through concrete actions aimed at combating these crimes, not only through changes at the regulatory level, but through the institutionalization and articulation of the issue within the public policy agenda.

### **3.3. Programs and Agreements on Asylum**

The phenomenon of refuge in Ecuador has been one of the most relevant for the national government in terms of human mobility, not only as a consequence of the policy change previously described, but also for contextual reasons due to the arrival of thousands of people from Colombia, fleeing the escalation of the armed conflict in their country, seeking in Ecuador a place where they could not only be safe but also rebuild their lives somehow. In this sense, although Colombian immigration seeking international protection has progressively increased since 2001, it is during the second half of the last decade that the State began to implement actions to favor recognizing their condition and provide them with the assistance they needed. However, before 2008 the initiatives were isolated and managed mainly through the United Nations High Commissioner for Refugees (UNHCR) and other organizations committed to defending refugees. At the time, the State's main task was to provide refugees with documentation through the Refugee Office of the Ministry of Foreign Affairs, since a policy on refugees in the country had not been articulated at the government level at that time.

<sup>97</sup> In accordance with Art. 102 of the Regulations of the Organic Law of Human Mobility, it would provide refuge for child and adolescent victims of trafficking; the Secretariat for Human Rights (which arose from a restructuring of the Ministry of Justice, Human Rights and Worship) is charged with adult victims.

In order to change this reality, the Ministry of Foreign Relations launched Ecuador's first asylum policy in March 2009,<sup>98</sup> taking into account the principles contained in the 2008 Constitution regarding the non-criminalization of migration and the consideration of the migrant and the refugee as subjects of rights. One of the main initiatives proposed was to carry out an Expanded Registry of Refugees based on the premise that:

*[...] the current system of refugee status recognition in Ecuador, which is based on individual interviews for each case and an equally individualized refugee eligibility decision, cannot meet the needs of the large number of people who need international protection.*<sup>99</sup>

The Expanded Registry, launched in the northern border area of Ecuador from March 2009 to March 2010, a target population of only Colombian nationals present in the country who claimed to be refugees, resulting in the recognition of 27,740 refugees. This would enable them not only to stay and exercise their rights in the country, but would protect them against non-refoulement, under the international instruments ratified by and in force in Ecuador. UNHCR and various government ministries collaborated to implement the exercise.<sup>100</sup>

It should be noted that the completion of the Expanded Registry was possible because Ecuadorian legislation on the subject considered refugees to be people who met the requirements of the Expanded Definition of Cartagena, which had been incorporated by Ecuador through Decree No. 3301 in 1992. This expanded definition takes into account the objective conditions related to the situation of the country of origin over the protected motives, which differentiates it from the classic definition, as a basis for the recognition of refugee status. Despite its relative success—it was initially intended to document 50,000 people, a number that is far from what was achieved—the process generated some criticism from various government sectors (especially those related to security) and public opinion (due to the crimes committed by some Colombians who had been recognized as refugees).

<sup>98</sup> Available at: [http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Ecuador/Politica\\_del\\_Ecuador\\_en\\_materia\\_de\\_refugio.pdf?view=1](http://www.acnur.org/t3/fileadmin/Documentos/RefugiadosAmericas/Ecuador/Politica_del_Ecuador_en_materia_de_refugio.pdf?view=1)

<sup>99</sup> Page 28 of the aforementioned document.

<sup>100</sup> UNHCR (2010). ACNUR en el Ecuador. La mayor operación en América Latina: 52.000 refugiados reconocidos. Available at: [https://www.acnur.org/fileadmin/Documentos/RefugiadosAmericas/Ecuador/ACNUR\\_en\\_el\\_Ecuador.pdf?view=1](https://www.acnur.org/fileadmin/Documentos/RefugiadosAmericas/Ecuador/ACNUR_en_el_Ecuador.pdf?view=1)

This put pressure on the government resulting in the repealing of the Decree regulating the recognition of refugee status through Decree No. 1182 (2012),<sup>101</sup> which no longer considered as refugees people who were previously recognized under the extended Cartagena Definition and established more rigid requirements for access to documentation and appellate avenues.

At the moment, and in response to complaints from various organizations that defend refugees, the Constitutional Court of Ecuador, through judgment No. 002-0524 on September 12, 2014, declared several articles of the controversial Decree unconstitutional (Arts. 27, 33 and 48, in which rigid deadlines were established for lodging an application, as well as to appeal denials of admissibility and, in the first instance, the Cartagena Definition was also re-incorporated into the law). However, a period of admissibility was maintained that includes a phase in which authorities determine whether the refugee applications are manifestly unfounded, fraudulent or illegitimate, from which the person then becomes an asylum seeker. One of the problems generated by this admissibility period is that the interview whereby applications were determined to be manifestly unfounded, fraudulent or illegitimate was short and superficial, preventing applicants from developing their narrative and disclosing the reasons for their request. In addition, while the inadmissibility period took place, the person did not receive a document that allowed him to stay in the country in a regularized manner. For this reason, this admissibility period became an obstacle to accessing asylum although, as we will see later, some reforms have been carried out to improve the process.

However, it would be inappropriate to criticize the Ecuadorian State without taking into account the efforts made to host nearly 60,000 refugees in its territory (as the South American country with the largest number of refugees so far), 97 percent of whom were Colombian. In addition, the Refugee Office, which was later promoted to the General Directorate for Refugees within the Foreign Ministry and is currently named the Refugee Directorate, currently has offices in five cities in the country where the largest number of refugees and asylum-seekers reside (Quito, Esmeraldas, Nueva Loja, Guayaquil and Cuenca), in order to offer an adequate state response.

By virtue of this, although strengthening the institutional capacity of the Foreign Ministry and implementing the Expanded Registry were the main concrete events that resulted from the aforementioned policy, there are other objectives within the

<sup>101</sup> Executive Decree No. 1182. Available at: <http://www.acnur.org/fileadmin/scripts/doc.php?file=fileadmin/Documentos/BDL/2012/8604>



document, such as promoting the social integration of refugees through public policy actions, and working to promote the rights of refugees; these goals are gradually being achieved through the actions of the Ministry of Foreign Affairs regarding human mobility and with help from entities such as UNHCR and others.

These improvements have been important, because although it was expected that with the signing of the peace deal between the FARC and the Colombian government in November 2016 the problems of insecurity would end, and with them that the number of refugees would decrease, the situation in the neighboring country of Colombia is still volatile and has led to further displacement and violence.<sup>102</sup> According to UNHCR, the cropping up of new armed actors has brought with it humanitarian and protection risks, such as the recruitment of minors, murders, gender violence, forced displacement, and limited access to basic resources such as water, health, and education.<sup>103</sup> For this reason, according to UNHCR, the number of refugee requests in Ecuador has not decreased following the peace deal in Colombia, and has even increased by approximately 11 percent each year. Since 2016, those seeking asylum tend to have a higher risk profile and are often victims of rights violations compared to before.

Furthermore, the political, economic, and social tensions in Venezuela continue to pose significant protection challenges due to the increase in cross-border movements of Venezuelan citizens in the region. In this sense, until July 31, 2019 the migratory balance of Venezuelan citizens was recorded at 330,414, while the Ecuadorian government received 4,000 asylum requests from this population through June of that year, of which 233 have been recognized. However, we emphasize that in 2019 alone, 208 applications were recognized. Unfortunately, although UNHCR has indicated that Venezuelan citizens require international protection,<sup>104</sup> the Ecuadorian government has not declared a collective recognition of refugee status in accordance with the Cartagena definition, but is choosing to do so on a case-by-case basis.

<sup>102</sup> “La firma de la paz en Colombia impulsó más pedidos de refugio en 2018.” in Ecuador. *El Comercio*. Available at: <https://www.elcomercio.com/actualidad/firma-paz-colombia-refugio-ecuador.html>

<sup>103</sup> UNHCR. Situación en Colombia. Available at: <https://www.acnur.org/5b05af144.pdf>

<sup>104</sup> “La mayoría de ciudadanos venezolanos requiere de protección internacional, según ACNUR”. *El Comercio*. Available at: <https://www.elcomercio.com/actualidad/acnur-ciudadanos-venezolanos-proteccion-internacional.html>



### 3.4. Emigration and Return

To address the dynamics of emigration and return, we consider it appropriate to place emigration and return within the same section, because the policy promoted by the Ecuadorian State since 2007 has been strongly focused on the return of its nationals who migrated mainly after the 1999 crisis, which is why there have been few state actions aimed at promoting emigration.<sup>105</sup>

As previously mentioned, one of the most significant campaign promises of former president Rafael Correa in terms of assistance for immigrants was the creation of a Secretariat with ministerial rank and reporting directly to the Presidency of the Republic. This Secretariat was designed to meet the needs of migrants and their families in an efficient way, which, despite previous attempts, the government had been unable to provide its constituents. For this reason, and through Executive Decree No. 150 of March 12, 2007,<sup>106</sup> the National Migrant Secretariat (SENAMI) was created. The objectives and the statute that the nascent entity would have are summarized in the first articles of the aforementioned Decree:

*Art. 1 The National Migrant Secretariat will have as its fundamental objective the definition and implementation of migration policies, aimed at the human development of all its actors, which will serve as a link in the actions of care, protection and development of migrants, in accordance with the objectives of the Ecuadorian State.*

*Art. 2 The National Migrant Secretariat will function as an entity attached to the Presidency of the Republic, with its own legal personality, assets and administrative and financial regime, its work will be carried out in a deconcentrated and decentralized manner and will be subject to the control of the Office of the Comptroller General of the State. It will be directed by a Secretary General, who will be its legal representative and will have the rank of Minister of State, and will be appointed by the*

<sup>105</sup> The only initiative that could be said to promote emigration, always temporary and circular, has been the “Scholarships of Excellence” program promoted by the National Secretariat of Education, Science and Technology (SENESCYT) through which Ecuadorians travel to study abroad on condition of returning to the country to work professionally for at least twice the duration of the scholarship granted.

<sup>106</sup> [https://www.unicef.org/ecuador/Boletin\\_29\\_Parte3.pdf](https://www.unicef.org/ecuador/Boletin_29_Parte3.pdf)

*President of the Republic.*<sup>107</sup>

SENAMI emerged, in this way, not only as the fulfillment of a campaign promise, but as an initiative through which migration management would become concentrated in a single state entity, thus seeking to overcome the difficulties generated by previous institutional fragmentation. In addition, its autonomy, rank, and budget gave it a greater capacity to have an impact on its programs' beneficiary population than if it had been under the purview of another State portfolio. Furthermore, SENAMI was a milestone within Latin American migration institutions, as Ecuador was the first country in the region to create a Secretariat (with ministerial rank) that was in charge of migration issues exclusively and also directly dependent on the Executive. In other countries, the entities responsible for migration management form part of other State portfolios (generally within Ministries of the Interior or Foreign Ministries), often also being influenced by the agendas of the Ministries within which they are located.

SENAMI was the clearest demonstration of the political will of the Correa administration in dealing with immigration issues. However, despite its autonomy and support, it was unable to broadly meet the expectations that its creation raised, partly because, in practice, it never fulfilled the objective for which it was designed (the definition and execution of migration policies), since the legislation on immigration and foreigners in force at the time always conditioned the possibility of radical changes at the management level. This situation had a greater impact, in addition, because anything related to immigration was no longer the responsibility of the entities that usually handled it, such as the government ministry (formerly the Ministry of Interior) and the Ministry of Foreign Affairs. This overlap often caused inter-institutional confusion and friction since SENAMI was not part of previous governmental planning, but was created and in some way imposed itself within the organization of the State as a foreign body. Therefore, the area in which the nascent institution was best able to perform its functions was linked to emigration and return, since its inaugural Decree also contemplated that it would replace the Aid, Savings and Investment Program for Ecuadorian Migrants and Their Families, managed until then by the Foreign Ministry, with little success.

The nascent institution carried out its functions by implementing a series of programs aimed at accompanying migrants abroad, promoting and assisting return in conditions of dignity and security, and assisting the families of migrants present

<sup>107</sup> Executive Decree No. 150 of March 12, 2007. Available at: <https://derechoecuador.com/registro-oficial/2007/03/registro-oficial-12-de-marzo-del-2007>. Last accessed: September 3, 2019.

in national territory. To achieve this, SENAMI proposed an action plan called the National Human Development Plan for Migration 2007-2010 (PNDHM),<sup>108</sup> with the promotional slogan: “We’re fixing the house so they return” (“Estamos arreglando la casa para que vuelvan”).

The National Plan for Human Development of Migrations (2007–2010), proposed the policy guidelines in accordance with the principles of the Montecristi Constitution and with the criteria that were collected during a process of prior consultation with key migration actors. In turn, this Plan was inserted into the National Development Plan, promoted by the National Development Secretariat (SENPLADES), with which it was observed that, despite inter-institutional conflicts, SENAMI played a part in the incoming government’s State planning.

Within the Human Development Plan for Migrations, in addition to the principles and goals to be achieved, the plan references the implementation of the program called *Bienvenid@s a casa: Por un retorno voluntario, digno y sostenible* (Welcome home: For a voluntary, dignified and sustainable return), which would ultimately be the most representative of the nascent secretariat’s actions. In this regard, María Isabel Moncayo points out that:

*The Bienvenid@s a casa Plan is the main institutional strategy through which SENAMI makes PNDHM [National Human Development Plan for Migrations] operational, and is especially related to its second and third objectives, that is, to consolidate ties between Ecuadorians abroad and the Ecuadorian state, and with the construction of mechanisms that promote migrants’ return. The Plan is implemented through three initiatives: 1) the Programa Vínculos [Links Program], 2) the Programa de Incentivos y Orientación a personas migrantes para la Inversión Social y Productiva [Incentives and Orientation Program for Migrants for Social and Productive Investment] and 3) the Proyecto Volver a Casa [Return Home Project].<sup>109</sup>*

The first of these, the *Programa Vínculos* (Links Program), had the objective of “consolidating and improving the spaces and mechanisms for participation and communication of emigrants towards their family, their community, their organizations

<sup>108</sup> Available at: <http://www.buenvivir.gob.ec/versiones-plan-nacional>

<sup>109</sup> Moncayo, María Isabel. *El Plan Bienvenid@s a casa: Estudio sobre la experiencia del fondo “El Cucayo,”* p. 38.

and their country”<sup>110</sup> and, among the tools that it provided to the migrant, and to the community in general, was the virtual platform Migrante Ecuatoriano ([www.migranteecuadoriano.gov.ec](http://www.migranteecuadoriano.gov.ec)), in which those interested could find relevant information about SENAMI, its programs, and about migration in general, in addition to the Secretariat’s representation in Venezuela (which had an emigrant Ecuadorian community established prior to the one that originated because of the crisis).

As part of the program, *Casas del migrante ecuatoriano* (Ecuadorian Migrant Homes) also known as Ecuadorian Homes were created in the cities with the highest concentration of Ecuadorians abroad. In 2013, there were 10 homes in cities such as New York, Madrid, Barcelona, London, Rome, Chicago and others.<sup>111</sup> The objective of the homes has been, according to the Ministry of Foreign Affairs, to “*provide help, advice on plans and programs, promotion, cultural dissemination, and training to Ecuadorians living abroad. These are spaces that seek to bring the benefits and services of the Ecuadorian State to our compatriots.*”<sup>112</sup> Other tools contemplated by the program in question were the *Caravanas Culturales y la Recuperación de Talentos* (Cultural Caravans and the Recovery of Talents) aimed at raising awareness about migration through culture, training leaders, and creating transnational networks for knowledge exchange, which did not have the expected impact or notoriety. On the other hand, the Incentives and Orientation Program for migrant people for social and productive investment, of the National Plan for Human Development of Migrations, was the most important and widely disseminated of SENAMI’s support strategies for returnees, comprised of various initiatives such as:

-*Agreements with public banks*: with the aim of facilitating access to productive credits for migrants both through the National Finance Corporation (CFN) and the National Development Bank (BNF).

-*Banco del Migrante (The Migrant’s Bank)*: Without being a bank as such, it was an initiative through which the State transferred money to financial entities, such as cooperatives and private operators located in the areas where the largest number of migrants hail from in order from them to grant loans and fund productive projects

<sup>110</sup> Welcome Home Plan (Plan Bienvenid@s a Casa). [www.flacsoandes.edu.ec/libros/digital/54574.pdf](http://www.flacsoandes.edu.ec/libros/digital/54574.pdf)

<sup>111</sup> Ministry of Foreign Affairs and Human Mobility. “Nueva casa ecuatoriana se inaugura en Chicago”. <https://www.cancilleria.gob.ec/nueva-casa-ecuatoriana-seinaugura-en-chicago/>

<sup>112</sup> National Migrant Secretariat. <https://ecuadorec.com/secretaria-nacional-del-migrante-senami-www-senami-gob-ec/>

for migrants and their families. Unlike the agreements with public banks, this one granted money, not just for productive ventures, in addition to providing the funds through private entities.

*-El Cucayo Productive Incentives Fund:* Competitive fund of up to USD 15,000 for individual projects or USD 50,000 for group projects, targeted at migrants who wanted to return with the aim of starting a small business. The creation of the fund generated both great hope and disillusionment since it required the migrant to have an economic partner for investment, which in many cases was not possible (especially in the case of migrants who wanted to return after the crisis in Spain, who often in many cases had nothing more than their will to return).

Moncayo, in her work on the outcomes of the El Cucayo Fund, describes it as follows:

*The El Cucayo Competitive Fund is the main instrument of the Incentives and Orientation Program for Migrants for Social and Productive Investment. It was designed for a 36-month period, starting in November 2008, and has a budget of USD 6,250,000. Its fundamental objective is to offer an investment alternative that allows returnees, or those who wish to return, to create a job for themselves and, at the same time, contribute to energizing the productive fabric of the country. It was conceived as a risk-sharing investment, in which the Ecuadorian State, through a contest, delivers non-refundable seed capital to a migrant or group of returned migrants in exchange for a counterparty to undertake a business idea or productive project. The projects financed are within the framework of micro and medium enterprises, and undertake production activities in areas of national interest (among which are agriculture, fishing, manufacturing, services, tourism, education, industry, and commerce).<sup>113</sup>*

It was a relatively successful program, since it not only fostered a productive return, but collaborated with those who previously contemplated the idea of returning to the country given the good economic prospects of recent years. However, the program was criticized due to its selectivity, as it did not focus on the most pressing needs of many who wanted to return but did not meet the demands proposed in the plan.

The 2013 *Volver a Casa* project was aimed at facilitating the return of Ecuadorian emigrants through legal advice and information on the tools that the State offered to assist with the process, such as tax exemptions, among other activities.

<sup>113</sup> Moncayo, Ibidem. p. 43-44.

The three aforementioned programs correspond to areas in which the State sought to promote, accompany, and facilitate return: Political-Cultural (*Vínculos*), Economic (*Programa de incentivos y orientación*) and Factual (*Volver a Casa*).

The inter-institutional work was necessary to fulfill the purposes set forth in the preceding paragraphs, for which SENAMI signed agreements with public entities<sup>114</sup> such as the National Finance Corporation (in order to exempt taxes on household income and employment), the Civil Registry (which implemented mobile ID brigades in destination countries), the Foreign Ministry (which provided permanent support abroad to SENAMI), the Ministry of Education (to encourage teachers to return to the country), the Ministry of Public Health (to achieve the return of doctors), the Ministry of Economic and Social Inclusion (to grant a Human Development Bonus to qualified returning migrants), the Ministry of Urban Development and Housing (to grant a Housing Bonus, in applicable cases) and the National Artisan Defense Board (for training and knowledge exchange purposes).<sup>115</sup>

In addition to the *Bienvenid@s a casa* Plan, which encompasses the entire series of programs described above, SENAMI launched a communication and sensitization campaign in 2008 called *Tod@s somos migrantes* (We Are All Migrants) through which it sought to position migration as a reality that involves and demands the interest of all of a country's people and groups, with the aim of gradually achieving changes not only at the social but also the legislative level, which has not been achieved.

After several years in operation, according to the impact that each of the proposed projects had, the plan that SENAMI designed in 2013 was documented as follows:<sup>116</sup>

- 1) *Tod@s somos migrantes* program, with an emphasis on communicating and publicizing the reality of migration, and building links between the State and the diaspora.
- 2) *Bienvenid@s a casa* program, aimed at protecting the rights of migrants and

<sup>114</sup> National Migrant Secretariat. <http://ecuadorec.com/secretaria-nacional-del-migrante-senami-www-senami-gobec/>

<sup>115</sup> Several of these initiatives will continue to take place, following the dissolution of the Secretariat, through the Vice Ministry of Human Mobility.

<sup>116</sup> Taken from: SENAMI. "Política Migratoria para el Buen Vivir". Programas y Proyectos 2013. <https://www.ministeriointerior.gob.ec/ecuador-promueve-politica-migratoria-inclusiva-y-de-respeto-a-los-ddhh-2/>

focused on assisting in the productive return of professionals and people in situations of vulnerability.

- 3) *Red de casas de atención a la familia migrante (Casas Ecuatorianas)* (Network of homes for the assistance of migrant families [Ecuadorian Homes]), focused on providing advice and information to emigrants in the main urban centers where they are concentrated, and providing support in specific situations (e.g. repatriation of corpses).
- 4) *Tod@s somos responsables* (We Are All Responsible) campaign, aimed at informing and preventing risky migration, which is tied to the prevention of other rights-violation situations such as human trafficking and migrant smuggling.

Another Secretariat initiative was the construction of its headquarters in the city of Azogues (Cañar Province), a region where the consequences of emigration at the national level are most evident, although it was never inaugurated due to its elimination that same year.

Throughout its existence, SENAMI reorganized itself internally based on the needs of the migrant community, and, therefore, several projects became more relevant over time, such as the Ecuadorian Homes or *Tod@s somos migrantes*, which were the least criticized by their beneficiaries. On the other hand, in the programs that encouraged the so-called “productive return,” there were problems related to the assessment and approval of projects, since many returned migrants who were unable to collect the so-called “seed capital” for the El Cucayo Competitive Fund, also had proposed initiatives were not selected to receive the state support. Thus, for example, as of June 2010, “of 2,247 business ideas submitted in the previous two years, 203 became projects and received El Cucayo, according to SENAMI.”<sup>117</sup> This had a negative impact on the still nascent institution, and generated diverse opinions, given that many migrants who benefited recognized that the Secretariat’s support encouraged them to return, while those that did not obtain the credits due to a lack of seed capital either gave up on returning altogether or, in other cases, returned without any specific support from the State.

In sum, several factors prevented the consolidation of SENAMI as a permanent entity

<sup>117</sup> “Años después de llegar a Europa, algunos ecuatorianos optan por el regreso”. El Universo, Ecuador. Published June 16, 2010. <https://www.eluniverso.com/2010/06/16/1/1360/anos-despues-llegar-europa-algunos-ecuatorianos-optanregreso.html>



in the state organizational structure and the maintenance of its hierarchy and autonomy to execute programs without having to merge with another state institution or become dependent on an existing one. On the one hand, there were internal pressures, tied to the lack of clarity regarding specific competencies between SENAMI and the Foreign Ministry, especially in the work carried out by both agencies abroad, which reduced efficiency at the management level despite the existence of personnel and budget to achieve migration policy objectives. In this regard, the IOM Ecuador Migration Profile 2011 mentions the following:

*In addition to SENAMI, several instances continue to be in charge of intervening in certain areas of migration policy, among which we can mention the Ministry of Foreign Affairs, Trade and Integration, the Ministry of Labor Relations, the Ministry of the Interior and Police, the Council Electoral Office and the Ombudsman's Office. However, although the Constitution of the Republic of Ecuador establishes that the State is the rector in the definition and execution of a comprehensive migration policy, the current model is not clear regarding who should exercise that rectory. For this reason, the creation of SENAMI has not been able to solve the problems of inter-institutional coordination, which is mainly evidenced in the overlapping of functions between certain institutions, in the duplication of competencies, in the lack of coordination, and in the absence of a centralized migration information system.<sup>118</sup>*

On the other hand, several groups and organizations defending the rights of migrants and refugees expressed their disagreement with a state management that was not consistent between its principles and practices, especially with foreigners in its territory, whose treatment was based on a focus on national security and adhering to anachronistic norms that, by making it difficult for them to remain on a regular basis, forced them to remain irregular and risk imminent deportation if they were detected by the authorities. In this sense, it is notable that deportations during the government of the Citizen Revolution increased in such a way that the so-called “dungeons” belonging to the Migration Police became quickly insufficient,<sup>119</sup> which forced the

<sup>118</sup> *Perfil Migratorio del Ecuador 2011*. IOM, p. 85. Available at: [http://publications.iom.int/system/files/pdf/perfil\\_migratorio\\_del\\_ecuador2011.pdf](http://publications.iom.int/system/files/pdf/perfil_migratorio_del_ecuador2011.pdf)

<sup>119</sup> “Deportados: el fin del sueño migratorio”. *El Espectador*. Available at: <https://www.elespectador.com/noticias/judicial/el-fin-del-sueno-americano-articulo-559114>



State to rent a hotel in Quito's city center to lodge foreigners awaiting deportation.<sup>120</sup> The contrast between the State's emphasis on assisting migrants and the neglect of the increasingly growing immigrant community led it to consider the need to restructure migration institutions, articulating all the dynamics of migration under a single entity, a situation in which SENAMI would inevitably lose its autonomy, since the responsibility over the permanence of foreigners in Ecuador, both migrants and refugees, was never withdrawn from the then Ministry of Foreign Affairs, Trade and Integration.

Pressure on the State, and on SENAMI in particular, increased due to the discomfort caused by the high expectation that the Secretariat initially generated in some emigrants, especially everything related to "productive return" or aid for return in general. Many migrants did not receive help from the institution for their return, especially in cases of need, while others claim to have been swindled by bringing back household or work items, which should not be taxed tariffs, but had trouble getting their items released upon arrival due to the collection of taxes by the State.<sup>121</sup>

In light of these circumstances, SENAMI was confronted with a reality that challenged its own capacity to respond. Although it had autonomy and resources, SENAMI never managed to meet the expectations of both emigrants and the President of the Republic. However, Ecuador's attempt to create a Ministry exclusively responsible for managing migration remained a milestone at the regional level. Ana Margheritis, researcher on migration and international relations issues, affirms that:

*The institutional development [in Ecuador] contrasts with the path taken by neighboring countries. For example, the Undersecretariat of Peruvian Communities Abroad<sup>122</sup> was created within the Ministry of Foreign Affairs of Peru in 2001; this, and other measures, including the creation of Advisory Councils to*

<sup>120</sup> The press release, issued in a state-owned medium, does not emphasize the increase in deportations, nor the inconsistency between the government's demands for its nationals abroad with the treatment accorded to foreigners in its territory; rather it emphasizes the State's effort to rent a hotel where those who are awaiting deportation can "live with dignity." This is one of the phrases an official interviewed in the article uses, mentioning that "While the migration law is in force to restrict free transit, the deportation process is constitutional." (Obvious inconsistency between the Constitution and the current Migration Law.)

<sup>121</sup> A 2013 newspaper article in *El Comercio*, titled "El Plan Retorno tiene fisuras" accounts for these realities, beyond the success proclaimed by the official discourse. *Comercio*. <http://www.elcomercio.com/actualidad/mundo/plan-retorno-migrantesecuatorianos-espana.html>

<sup>122</sup> VOT: Currently elevated to the rank of Secretary.

*promote dialogue and cooperation between communities abroad and consular authorities, charted the path for a clearer definition of the migration policy in that country by 2005 (Tamagno and Berg 2003; SIMA 2009). But, in general, Peru (like Colombia and Bolivia) has maintained a more traditional approach: although the government has been supporting the creation of a transnational space, it has done so through traditional channels such as consular offices and services, and following an assistance-based approach rather than a rights-based approach. The Peruvian authorities consider this a more profitable way to manage the migration problem than Ecuador's politicization of the subject and they do not frame migration in terms such as crisis, loss and tragedy, although the number of Peruvian emigrants has recently increased. In sum, matters related to nationals abroad usually fall within the Ministry of Foreign Affairs; no other country in Latin America has an institution with such a level of autonomy and importance in its bureaucratic structure, not even Mexico, probably the country with the widest and most institutionalized network of relationships between federal agencies, local governments, communities of origin, and other migrant groups; the Institute of Mexicans Abroad (IME), established in 2003, is a decentralized agency of the Ministry of Foreign Affairs that has carried out the Mexican Communities Abroad program since 1990.<sup>123</sup>*

The final year of SENAMI's existence as an autonomous institution directly dependent on the Presidency of the Republic was 2013. President Rafael Correa, by Executive Decree No. 20 of June 25, 2013, dissolved the entity as it was known, and transferred it to the Foreign Ministry, transforming in turn the previously-named Ministry of Foreign Affairs, Trade and Integration into the Ministry of Foreign Affairs and Human Mobility, turning SENAMI into the Vice Ministry of Human Mobility, under the argument of "optimally organizing the entities of the Executive Branch, to adapt them to the current functional requirements."<sup>124</sup> In this way, the Vice Ministry of Human Mobility would be responsible for migration management in all of Ecuador, a process for which the State portfolio has necessarily been reorganized in order to adapt it to its new requirements. Its primary mission is as follows:

<sup>123</sup> Margheritis, Ana. "Todos somos migrantes (We Are All Migrants): The Paradox of Innovative State-Led Transnationalism in Ecuador," p. 208. Available at: <https://academic.oup.com/ips/article-abstract/5/2/198/1944027..> Article originally published in English; the author translated the text to Spanish.

<sup>124</sup> Executive Decree No. 20 of June 25, 2013. Available at: <https://www.cancilleria.gob.ec/wp-content/uploads/2015/04/DECRETO-EJECUTIVO-NO.-20-DE-10-DE-JUNIO-DE-2013.pdf>. Last accessed: September 9, 2019.

*[...] plan, direct and evaluate the management of human mobility policy in matters related to emigration, immigration, transit, return and asylum, to help protect and promote the rights of Ecuadorians abroad and foreigners in Ecuador. Likewise, its mission is to develop internal and external coordination processes aimed at regional integration, the promotion and defense of Ecuadorian citizens' interests and the economic and social inclusion of migrants and their families.*<sup>125</sup>

As previously mentioned, the Vice Ministry is currently divided into three undersecretaries: the Undersecretariat of Migration and Consular Services; the Undersecretariat of the Ecuadorian Migrant Community, where the programs of the former SENAMI would be inserted; and the Undersecretariat of International Protection and Assistance to Immigrants.

The changes, however, were not merely nominal, since —perhaps in order to avoid new disappointments since it had raised expectations too high— the Vice Ministry has ostensibly cut back its proposal for aid and support for returns, currently focusing on helping those who wish to return through tariff exemptions and advocating for the return of qualified personnel. The following proposals are included under the name Return and integration of the migrant in Ecuador:<sup>126</sup>

- 1) *Menaje de casa* (Household goods), through tariff exemptions, and in agreement with the National Customs Service of Ecuador (SENAE).
- 2) *Plan Retorno de Profesores* (Teachers' Return Plan), promoted jointly with the Ministry of Education, focuses on repatriating teachers who emigrated and on facilitating job placement in the public sector for foreigners trained in teaching who wish to migrate to Ecuador.
- 3) *Ecuador saludable, vuelvo por ti* (Healthy Ecuador, I come back for you), together with the Ministry of Public Health, seeks the return of general practitioners and specialists, in order to occupy jobs in the public sector. As in the aforementioned program, it also allows for the integration of highly qualified foreign professionals.
- 4) *Plan Tierras* (Land Plan), through the Ministry of Agriculture, fosters both people's association and return, focusing on those who have experience in

<sup>125</sup> Vice Minister for Human Mobility. <https://www.cancilleria.gob.ec/viceministerio-de-movilidad-humana/>

<sup>126</sup> More information at: <https://www.cancilleria.gob.ec/acompanamiento-en-el-retorno-al-pais/>

rural jobs, and wish to return with their training to reinvigorate that sector through the facilities granted to them to buy plots, at the same time that they are trained and guided along the way.

- 5) *Retorno de personas con enfermedades catastróficas y discapacidades* (Return of people with serious illnesses and disabilities), intended as state aid for Ecuadorians who suffer from serious illnesses and who need or wish to return to their country. It is also known as the Manuela Espejo Return Plan.
- 6) *Formación y capacitación en el país del destino* (Education and training in the destination country), in order to learn a language or train in a skill that facilitates job placement, the State subsidizes training for this purpose, at no cost, for Ecuadorians residing in the United States.
- 7) *Repatriación de cadáveres para familias en situaciones de vulnerabilidad* (Repatriation of mortal remains for vulnerable families).

In 2014, the Ministry of Foreign Affairs carried out two specific actions related to achieving a gradual harmonization of legislation with regional agreements and government principles. Thus, as previously mentioned, through Ministerial Agreement No. 000031 of April 2, 2014, the Residence Agreement was regulated by the States Parties to MERCOSUR and Associated States, which allows for temporary, and later permanent, residence in the country to the nationals of Argentina, Brazil, Chile, Paraguay, Uruguay, Bolivia, Colombia, and Peru.<sup>127</sup> On the other hand, the Government presented the National Agenda for Equality for Human Mobility (ANIHMU), a document prepared by the Foreign Ministry, which includes a historical overview of the role of the State in mobility processes, an analysis of the current situation, of the challenges and opportunities that arise in management, in addition to linking the issue of human mobility with what has already been done by the National Plan for Good Living 2010-2017 to the new *Toda una Vida* (A Lifetime) Development Plan 2017-2021.<sup>128</sup> This National Development Plan (PND) included the participation of institutions, organizations and social actors from all sectors, as well as Ecuadorians living abroad, within the inclusion framework of people on the move. The Plan has two fundamental pillars: territorial development and environmental sustainability. In turn, the PND has been built on three axes:

<sup>127</sup> <http://cancilleria.gob.ec/acuerdo-sobre-residencia-para-nacionales-de-los-estados-parte-del-mercosur-y-estadosasociados/> Last accessed: November 13, 2014.

<sup>128</sup> <https://www.todaunavida.gob.ec/>

1. Rights for all throughout life: in this axis people's rights are deemed elementary to good living: health, education, housing, social security, and water, among others.
2. The collective rights of peoples, nationalities, different urban cultures and people on the move.
3. Territorial planning and public investment guidelines: within this, three criteria are emphasized to direct public investment, including transparency, austerity and priorities.

Taken together, this Plan reflects the Government's commitment to guarantee a dignified life for all; it includes diversity and plurality, and revalues and celebrates diverse identities.

The National Development Plan (PND) is related to the 2030 Agenda Sustainable Development Goals, which the member countries adopted within the framework of the United Nations and which the current government has translated into commitments. The Ministry of Foreign Affairs and Human Mobility held ten dialogue tables throughout the country, in which the participation of representatives of social and community organizations, the academy, international organizations, representatives of indigenous peoples and nationalities, Afro-descendants, *montubios* (mixed race people of the countryside of coastal Ecuador) and returned migrant associations, among others. The inputs arising from these spaces for dialogue contributed to the construction of the main policies of the Foreign Policy Agenda 2017-2021. This Ministry affirms that its work must be used in accordance with the objectives of this development plan, which is to:

1. Guarantee a decent life with equal opportunities for all people.
2. Affirm diversity and plurality, revaluing diverse identities.
3. Guarantee the rights to nature for current and future generations.
4. Consolidate the sustainability of the social and solidarity economic system and consolidate dollarization.
5. Boost productivity and competitiveness for sustainable economic growth in a redistributive and supportive manner.
6. Develop productive and environmental capacities to achieve food sovereignty and comprehensive rural development.

7. Encourage a participatory society with a state close to the service of citizens.
8. Promote transparency and co-responsibility for a new social ethic.

The *Toda una Vida* National Development Plan establishes the need to mainstream inclusive approaches of equality and respect for the different subjects of law in all areas of Ecuadorian public policy. Equality approaches mainstreamed in all areas of Ecuadorian foreign policy equate rights of Ecuadorians —those residing in Ecuador and those residing abroad— and foreigners.

Defending the rights of people on the move has become the cornerstone for all the policies that are intended to be carried out in Ecuador, and for this, the opening of borders, universal citizenship, the non-criminalization of migration, equality before the law, non-discrimination, protection of Ecuadorian citizens abroad, the pro-person principle of human mobility, the best interests of the migrant girl, boy and adolescent, non-refoulement and regional integration of migration policies are synonymous with the law and migration policy aims in the country.

Art. 167 of the Organic Law of Human Mobility enacted in 2017 establishes the cross-cutting approach to human mobility in the public sector, for which all levels of government must include plans, programs, projects and services with that focus in their policies. In order to meet the cross-cutting needs of people on the move in terms of rights and obligations, the Ministry of Foreign Affairs and Human Mobility, in its capacity as leader in this field, initiated a process of inter-institutional accords that prioritizes actions aimed at the full application of current regulations. The new legal framework on human mobility revolves around axes such as the supremacy of the human being as a subject of rights, well-being, and human security.

The current government has continued to develop proactive public policies based on the PND objectives and the United Nations Sustainable Development Goals, planning from the institutionalization of the concept of human mobility to the creation of a platform charged with coordinating, implementing and evaluating the application of the law and its regulations.

Based on the above, Ecuador defends strengthening regulations and mechanisms to respect and reaffirm the rights of people on the move, and assumes international protection at all levels of the State and to all people, which promotes their full inclusion in host communities and, especially, in the implementation of campaigns against discrimination and xenophobia.

## In Conclusion

Ecuador's immigration policy, legislation, and management have made great strides but have also experienced setbacks. However, this pendular movement is implicit in the construction of migratory governance. In this sense, although the Montecristi Constitution embodied a series of guarantees in favor of populations on the move, the dictatorship-era migratory regulations remained in place nearly a decade after the promulgation of this new Magna Carta. Despite the fact that the Organic Law on Human Mobility established a series of rights and guarantees for the migrant population, especially for Ecuadorians abroad and returnees, nonetheless a strong focus and emphasis on national security—and not on the migrant—prevailed, leading certain organizations working on immigration issues to file a claim of unconstitutionality against some of the articles of the aforementioned law. Thus, the law incorporates a juxtaposition of approaches resulting from the arduous negotiation of its articles between different state and non-state actors, but these negotiations finally resulted in a law that includes a series of approaches that benefit the migrant population, and establishes Ecuador as an example of innovation in the protection of human mobility.

International migration management is far from being an exact science: when planning actions and policy instruments, the times, place and people concerned must be considered, in order to articulate proposals that benefit the target population; otherwise, they may even harm those they seek to benefit. Vehemence is not at odds with prudence: one of the lessons that Ecuadorian migration policy managers may have learned over the last twenty years is the need to analyze the potential impacts of the measures they wish to take, in order to avoid hindering management, putting security at risk or generating proposals that cannot be sustained over time. The exemption of entry visas for nationals of any nationality and the short life of SENAMI serve as examples of this. However, we must recognize that Ecuador has been a leader in promoting these rights by considering universal citizenship and the free movement of people as constitutional rights. In this way, the rights of Ecuadorians abroad, of compatriots returning to the country, as well as of refugees and citizens of other countries living in Ecuador are protected, including current immigration flows from Venezuela.

It is worth remembering that Venezuelan immigration is represented by a pendulum. In 2010, Venezuela was the country that regularized Ecuadorians in its territory,



and today it is Ecuador that, through the circular issued by UNHCR,<sup>129</sup> recognizes Venezuelan migration flows as a humanitarian crisis, allowing them to be considered potential refugees. In addition, Ecuador offered a visa that UNASUR created for Venezuelan citizens, which set very similar requirements to those that were requested with the visa established after this country's accession to the MERCOSUR Residence Agreement. However, the regularization prospects of the Venezuelan population are changing with the so-called humanitarian visa, which could worsen their situation and force this population to enter Ecuador irregularly.<sup>130</sup>

In this sense, the concept of the promotion of universal citizenship could strengthen Ecuador's leadership in migration matters in regional and international spaces, as long as it is consistent with the constitutional and legal precepts on the matter. From this perspective, Ecuador's migration policy could become a model of innovation and bring about a paradigm shift. The aforementioned requires permanent monitoring of regulations through the State bodies in charge of implementing these policies in order to position their vision of universal citizenship at the international level and to promulgate their triumphs in policy matters for the comprehensive care of immigrant, refugee and returnee populations, in order to guarantee them safe, regular, and orderly migration.

<sup>129</sup> <http://www.acnur.org/noticias/noticia/mientras-los-venezolanos-huyen-por-america-latina-acnur-emite-nueva-guiade-proteccion/>

<sup>130</sup> See Ministry of Foreign Affairs and Human Mobility. "Ecuador inicia proceso de emisión de visa humanitaria para ciudadanos venezolanos". Available at: <https://www.cancilleria.gob.ec/ecuador-inicia-proceso-de-emision-de-visa-humanitaria-para-ciudadanos-venezolanos/>



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### **PART THREE**

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

Adriana Braz Montenegro<sup>131</sup>

### **Introduction**

This chapter analyzes civil society organizations' main activities and presence in Ecuador, given their leading role in promoting dialogues with the State on migration processes, making social demands, and monitoring the effective application of the rights granted. Civil society is understood as those organizations and networks that are outside of the State apparatus (Massal, 2007, p. 56; Rodríguez Mojón, 1997, p. 30). This includes a variety of entities such as “community groups, non-governmental organizations, unions, indigenous groups, charitable institutions, religious organizations, professional associations, foundations, and SMEs” (De Cárdenas Falcón, 2011, p. 167).

In order to analyze civil society's participation in the processes of defining and implementing public policies and programs on migration, we carried out a study through a qualitative methodology that employs primary documentary sources and information available on the internet. Likewise, we conducted 40 semi-structured interviews with a sample of representatives of various civil society institutions over the course of 2014, 2018 and 2019, as well as with representatives of the State and international organizations in order to understand how these entities are interrelated.<sup>132</sup>

We should note that we did not intend to carry out an exhaustive mapping of which civil society organizations working on migration issues are active or have ended their operations in the country in recent years but, rather, to understand what their work consists of through interviews and the analysis of other publications and previous studies. The interviews were carried out mostly in Ecuador's capital city of Quito, as it is the center of political life in the country and the hub for the majority of the

<sup>131</sup> This study on civil society's participation in migration public policy and programs in Ecuador was carried out by Adriana Braz Montenegro. Adriana Braz Montenegro has earned a Doctorate degree in International Studies from the FLACSO-Ecuador; Master in International Relations from FLACSO-Ecuador; Master in Conflicts Resolution and Sustainable Peace from the Catholic University of Louvain.

<sup>132</sup> Annex I of this chapter contains a full list of the organizations interviewed.

activities related to political advocacy and the monitoring of public policies that have an effect on migrant's lives.

Thus, in the first section of this chapter, we present a brief analysis of the relationship between the State and civil society organizations working on migration issues, examining the spaces for collaboration and conflict that have arisen between the two. This section does not intend to cover all the public policy actions carried out by the State in recent decades but it will indicate those that modified its relationship with civil society organizations. Then, we recount the main activities of a sample of these organizations. Given their diversity and the constant flux of their work and projects, we focus exclusively on actions taken during the last decade. Finally, we conclude by offering an overview of civil society organizations in the country, as well as some recommendations.

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

The intensification of migratory flows in Ecuador from the end of the 1990s gave way to a first stage of institution-building around this phenomenon. The increase in Ecuadorian emigrants, mainly to the United States and Spain, as well as the arrival in Ecuador of a population in need of international protection, mainly from Colombia, made the issue of migration visible to the public and became a matter of State interest (Herrera Mosquera, Moncayo and Escobar García 2011, p. 13 and 17; Ramírez and Ramírez 2005, p. 22-23). In this sense, during the first decade of 2000, a series of civil society organizations cropped up and began to work on the issue, as well as coalitions that united them. Prior to this, there were no migrant organizations that strongly articulated the demands of this group before the State (Herrera Mosquera, Moncayo and Escobar García 2011, p. 13 and 17). There were, however, Ecuadorian associations abroad that lobbied for emigrants' right to vote (Araujo 2010, p. 6).<sup>133</sup>

The intensification of migratory flows, in addition to the dialogue between the Ecuadorian State and civil society organizations, allowed the migration issue to be made visible as a matter of public policy and led to important advances. For instance, in 2001 the government drafted the National Plan for Ecuadorian Migrants Abroad, which laid the foundations for a comprehensive approach to dealing with Ecuadorian emigration (Herrera Mosquera, Moncayo and Escobar García 2011, p. 79, 105 -106). The following year, in early 2002, Ecuador ratified the International Convention on

<sup>133</sup> Ecuadorians' right to vote, which appeared in the debates of the 1998 constitutional reform, was mobilized through a bill presented by the Federation of Ecuadorian Entities Abroad (FEDEE), an organization mainly based in the United States.



the Protection of the Rights of All Migrant Workers and Members of Their Families, which establishes certain guidelines for the protection of the human rights of migrants and their families, regardless of their legal status (Serrano 2008, p. 63). For its part, although at that time there was no state policy on Colombians who came to the country in need of international protection, the Ecuadorian State engaged in various humanitarian initiatives in favor of this population (Herrera Mosquera, Moncayo and Escobar García 2011, p. 78).

In terms of political rights, the Organic Law for the Exercise of the Right to Vote for Ecuadorians Domiciled Abroad was also approved in 2002, which allowed Ecuadorian immigrants to vote in the 2006 presidential elections (Araujo 2010, p. 6-7). Moreover, with regards to forced migration, the Ecuadorian State declared the fight against human trafficking and migrant smuggling as a policy priority in 2004. Then, in 2005, trafficking in persons was criminalized in that year's Penal Code reforms, and the following year the National Plan to combat trafficking and smuggling in persons was approved (Montenegro and Santacruz 2014: p. 80).

However, a greater emphasis was placed on the discussion of migration issues in the political discourse after the 2006 electoral campaign. All the presidential candidates placed emigrants at the center of the country's economic and political debacle. However, it was Rafael Correa, the candidate of the Alianza País movement, who would later win the elections, who spoke to civil society's consolidated demands on the matter (Herrera Mosquera, Moncayo and Escobar García 2011 p. 81; Villarreal Villamar 2017, p. 250). In fact, Correa's anti-neoliberal discourse and against the traditional political parties generated enormous expectations within civil society as a whole, which led it to mobilize its entire structure and support networks to sustain his candidacy (Herrera and Zanafria 2018 p. 28).

Once in office, Correa initiated a series of actions favoring migrants, which had often been campaign promises.<sup>134</sup> In March 2017, the National Migrant Secretariat (SENAMI) was established as an entity attached to the Presidency of the Republic, but with its own legal personality, assets, and administrative regime. Its objective was to define, implement and articulate migration policies in the country, as well as recognize the specific rights of migrants. It was this entity that prepared the National Plan for Human Development for Migrations 2007-2010 (Serrano 2008, p. 65-66 and

<sup>134</sup> The Plan de Gobierno del Movimiento País 2007–2011 (Government Plan of the Country Movement 2007–2011) announced support for migrants and their families as one of its pillars (Herrera Mosquera, Moncayo and Escobar García 2011, p. 81; Ramírez, 2013, p. 28-29). Likewise, SENAMI's creation was one of the promises Correa made as part of his campaign (Serrano, 2008, p. 65).

69), which was the “main public policy instrument [in migration matters] designed by the State in that period” (Herrera Mosquera, Moncayo and Escobar García 2011, p. 106). The Plan was developed using a participatory methodology in which it was promoted and validated through workshops with approximately 200 participants, including representatives of social organizations, non-governmental organizations (NGOs), the public sector, and migrant associations (Serrano 2008, p. 69-70). We must emphasize that, although SENAMI presented a comprehensive view of the migratory phenomenon and its challenges through its discourse, in practice, the programs designed by this organization were more focused on Ecuadorian emigrants (Herrera Mosquera, Moncayo and Escobar García 2011, p. 90).<sup>135</sup>

Beyond the aforementioned actions, at the Montecristi Constituent Assembly,<sup>136</sup> held between 2007–2008, various social movements and non-governmental organizations working on migration issues were able to define a series of demands. First, emigrants were able to appoint six representatives as constituent assembly members to partake in the discussion and draft the new Constitution. This not only opened a space for this group to discuss their rights in the charter, but also placed them as key actors in the national reconstruction process that was to be carried out using this instrument (Ramírez 2013, p. 32-34; Herrera Mosquera, Moncayo and Escobar García 2011, p. 82-83).

In addition, the lobbying and presence of various civil society organizations working on migration issues was visible during the Constituent Assembly process. By virtue of this, the final product, the Ecuadorian Constitution of 2008, includes several citizen demands on the subject, including: i) equality, both formal and material, between foreigners and nationals with only established exceptions in the Constitution itself (Art. 9); ii) recognition of the right to migrate and the fact that no human being will be considered illegal due to their migratory status (Art. 40); iii) the establishment of a series of actions by the Ecuadorian State to improve the conditions of Ecuadorians abroad, including through the protection of transnational families (Art. 40, inc. 2); iv) the prohibition of the expulsion of groups of foreigners (Art. 66, No. 14); v) recognition at the constitutional level of the rights to asylum and refuge (Art. 41) and the prohibition of trafficking in persons and migrant smuggling (Art. 66, No. 29, lit. a); vi) the recognition of foreigners’ right to vote after five years of legal residence

<sup>135</sup> These include the Welcome Home Program and the Joint Youth, Employment, and Migration Program.

<sup>136</sup> In April 2007, a referendum was held in which the population voted for the establishment of a Constituent Assembly to draft a new constitutional text to replace the 1998 Constitution.

(Art. 63); vii) the promotion of the principle of universal citizenship and the free mobility of all the planet's inhabitants (Art. 416, No. 6); as well as many other rights and principles aimed at improving these groups' living conditions.

However, after the constitutional process, the relationship between Correa's government and some civil society actors began to sour, as can be evinced by two distinct periods. In the first, which ran from 2008 to 2012, the State began to take drastic measures on migration matters, without much regard for the constitutional framework, there was not yet a severing of relations with civil society organizations. The second, which lasted between 2013 and 2017, was marked by a loss in the prioritization of migration, as compared with other issues, within the government's agenda, which led to a deeper breakdown of relations with civil society organizations.<sup>137</sup>

It is worth noting that the government's erratic migration policy in the first period followed a specific political context, which was marked by a lack of secondary regulations in accordance with the constitutional text on migration, an institutional dispersion in its treatment, and a lack of coherence in the measures that were taken on the matter, beyond the national conjunctures. In this regard, despite the entry into force of the new Ecuadorian Constitution, the supporting legal framework on migration continued to be scattered, effectively obsolete, and mostly focused on national security (Ramírez 2013, p. 21); the situation did not change until the Human Mobility Law was enacted in February 2017, which we will turn to later.<sup>138</sup> In this sense, despite the reforms established in the new Constitution, the 1971 Migration and Alien Law and Executive Decree No. 3301 to 1992 remained in place. This meant refugee status determination was anachronistic and inconsistent with the principles enshrined in the Constitution (Coalition for Migration and Refuge, 2012, p. 90-91).

In this first stage, although SENAMI continued with policies that favored Ecuadorian emigrants, its biggest problem was positioning itself as the entity in charge of defining and executing migration policies in the country. In practice, it was difficult

<sup>137</sup> We must clarify that this rupture occurred not only with civil society organizations that worked on migration matters, but also with a good part of civil society in general. However, not all civil society organizations broke away from the government; some maintained a close relationship. See Herrera and Zanafria (2018) and Lima Bandeira and López-Parra (2017) for more on this topic.

<sup>138</sup> Ramírez (2017) argues that the delay in enacting the Law of Human Mobility was not only related to political will, since this is dependent on a series of scenarios, actors, circumstances, joining of forces, and alliances, among other variables. Unfortunately, it was precisely the lack of a law in accordance with the constitutional postulates that contributed to making immigration policy subject to the same back-and-forth that delayed the law's enactment.

for it to articulate these policies and not overlap with the activities already carried out by various institutions focused on migration, such as those of the Ministry of Foreign Affairs, Commerce and Integration; the Ministry of Interior and Police; and the Ministry of Labor Relations.

In relation to the measures taken in this first stage, it is worth indicating that in mid-2008 the government eliminated tourist visas,<sup>139</sup> alleging that this measure was consistent with its free-mobility policy. This gave way to non-traditional migratory flows from Cuba, Haiti, and extra-continental migration that had social, political, and media repercussions leading to the revision of the measure in 2009 and 2010.<sup>140</sup> Similarly, in June 2008, the requirement for Colombian immigrants to provide a criminal record was removed only to be reinstituted a few months later.<sup>141</sup>

The Expanded Registry was implemented between March 2009 and March 2010, and involved mobile brigades that traveled to the northern border to carry out rapid refugee status determination decisions based on the expanded definition of the Cartagena Declaration (UNHCR 1, 2010). This registry allowed Ecuador to recognize 27,740 refugees, an unprecedented undertaking in Latin America (UNHCR 2, 2010). However, this initiative was not part of a long-term State policy since the admissibility procedures put in place through Executive Decree No. 1635 of March 2009 and subsequent Ministerial Agreement No. 000003 of January 2011 restricted the possibilities for obtaining asylum. They had some questionable aspects, when analyzed from a human rights perspective.<sup>142</sup> This measure was strongly criticized at the time by civil society organizations and the Ombudsman's Office (DPE) (Coalition for Migration and Refuge 2012, p. 91-92; Herrera Vinelli, S. 2011).

Subsequently, in May 2012, the Government repealed Executive Decree No.

<sup>139</sup> Ministry of Foreign Affairs, Press Bulletin No. 398, June 11, 2008.

<sup>140</sup> In December 2009, visa requirements were put in place for Chinese citizens and in September 2010, the same was required of citizens of Afghanistan, Bangladesh, Eritrea, Ethiopia and Kenya.

<sup>141</sup> In 2004, under the government of Lucio Gutiérrez, Colombians who entered Ecuador alleging insecurity were asked to present their criminal record. This requirement was eliminated on June 1, 2008, under the Correa government, but subsequently reinstated through Executive Decree No. 147 of December 3, 2008 (Coalition for Migration and Refuge).

<sup>142</sup> Article 3 of Executive Decree No. 1635 established that the General Refugee Directorate of the Ministry of Foreign Affairs could declare manifestly unfounded and abusive applications for refuge inadmissible (Art. 3), and that said inadmissibility could not be challenged (Art. 7).

1635 and Ministerial Agreement No. 000003, and issued a new regulation on the application of the right to asylum, through Executive Decree No. 1182. However, civil society criticized this new decree because it established cut-off periods for lodging asylum requests and making appeals, violating the terms of the international protection refugees should be given.<sup>143</sup> As a result, various sectors of civil society filed constitutional actions against this measure, some of which were partially adopted by the Constitutional Court (Vásquez, 2015).<sup>144</sup>

Moreover, despite the fact that the 2008 Constitution prohibited the criminalization of irregular immigration, arrests and deportations did not stop. However, in January 2011, the Government proposed foreigners relocate to a temporary shelter at the Hernán Hotel, in the center of Quito, as an alternative measure to detention in penitentiary centers, where they were to remain until their deportation. This generated criticism from civil society and the Ombudsman's Office, ending in the proposal of a constitutional action against this measure, which ultimately led to the space's closure. Despite this, a new "hostel" was reopened at the Hotel Carrión in early 2013, which remained open until March 2017, when it finally closed following the enactment of the Law of Human Mobility (Guerrero, 2017).

In the second stage, which took place between 2013 and 2017, there was a true "degradation of the immigration issue" in the Correa government's agenda (Villarreal Villamar 2017, p. 285), which translated into greater divisions between the State and civil society. Yet, despite the disagreements between the government and various sectors of society, Correa was elected for his third presidential term with a 57.14 percent approval rate, and his party, Alianza País, won the representation of two thirds

<sup>143</sup> Among the demands was Decree No. 1182, which established deadlines for the lodging of asylum requests (15 days after arrival in the country) and for the filing of appeals (3 days to contest the inadmissibility resolutions and 5 days to contest negative decisions within the eligibility phase). This was against the international protection that should be afforded to refugees, and also violated guarantees of due process. This Decree also did not include the expanded refugee definition of the Cartagena Declaration, despite the fact that Ecuador had signed this international instrument and included its definition in domestic legislation since 1987, thus violating constitutional principles of non-regressivity and progressive rights (Art. 12 of the Constitution). Decree No. 1182 also violated the principles of non-refoulement, since it allowed the deportation of refugees or asylum seekers "who are considered a danger to the security of the country or public order" and people who have pending asylum requests to take place. Finally, another denunciation was related to the discrepancy between the constitutional precepts (Art. 41 and 133 of the Constitution) and the right to request asylum. That right, and its limitations, were not regulated by Law but rather by Decree (Vásquez, 2015).

<sup>144</sup> The Constitutional Court only accepted to extend the deadlines for the presentation of the request for refuge and appeals (Vásquez, 2015).

of the National Assembly. This democratic affirmation led the Government to isolate itself among its own political and legislative representatives, which further weakened its links with civil society and other political and social actors (Jarrín and Auz, n/d).

SENAMI was also dissolved and its powers, resources, and delegations were transferred to the Ministry of Foreign Affairs, within which a Vice Ministry of Human Mobility was created. Although some saw the absorption of SENAMI by the Ministry of Interior as an answer to its budgetary problems,<sup>145</sup> a large part of civil society considered the change a drawback. This meant that migration issues would lose priority and the force to make demands, which ultimately led to the retraction of “the defense and promotion of the rights of migrants and the promotion of identity and cultural ties with Ecuador” (Villarreal Villamar 2017, p. 286).

The enactment of Executive Decree No. 16 also affected the government’s relationship with civil society organizations and not just with those that focused on migration issues. The Decree imposed a series of regulations and restrictions on these organizations and ultimately led to the closure of some, as well as the denial of legal status to others (Jarrín y Auz, n/d).<sup>146</sup> Even if organizations working on migration matters did not close, several of them mentioned that there was an atmosphere of censorship and persecution, which did not allow them to express themselves freely and adequately monitor state policies on the subject.

Additionally, there were several disagreements between the State and civil society over the Law of Human Mobility. After the 2008 Constitution, SENAMI and civil society worked to pass an initial bill; however, after the government imposed the criminal record requirement for Colombians and the restrictions as part of Decree No. 1635, civil society withdrew and SENAMI continued the process without its participation. On the other hand, after SENAMI was dissolved and its powers were assumed by the Vice Ministry of Human Mobility, efforts to present a proposal continued. Although several socialization workshops were held with civil society in various provinces, the draft Human Mobility Law that was submitted to the National

<sup>145</sup> We point out that the transfer of SENAMI’s powers to the Ministry of Interior could potentially improve the structure, resources and negotiation capacity at the international level dedicated to Ecuadorians abroad. For example, Ecuadorian Homes, which established a support system for Ecuadorian migrants, could be extended to the country’s consulates and embassies abroad.

<sup>146</sup> Among the emblematic cases is the closure of organizations such as Pachamama in 2014 and the National Union of Educators in 2016. An attempt was also made to unsuccessfully close Fundamedios in 2015 and Acción Ecológica in 2016 (Jarrín and Auz).

Assembly ended up incorporating several provisions focused on national security, which civil society criticized as it did not meet citizen demands (see Ramírez 2017; Coalition for Migration and Refuge 2015, p. 4-5).<sup>147</sup>

Likewise, once the process was presented to the National Assembly, there were also complex dynamics that led to various civil society organizations not being content with the final product of the Human Mobility Law. In fact, within the Assembly another consultation process was undertaken with public entities, civil society organizations, and international organizations so that each stakeholder could present his observations, both at the central level, across the country's provinces, and abroad.<sup>148</sup> However, given the diversity of approaches included, and certain last-minute adjustments, some of which were made by officials and entities with a vision of control focused on national security, the Human Mobility Law resulted in a product that does not, in the eyes of various sectors of civil society, coincide with the constitutional mandate, international human rights instruments, and the contributions made during the construction process. Some civil society organizations even mentioned that the new law "maintains the selective and sanctioning approach to migration that prevailed in the previous legislation" (Coalition for Migration and Refuge 2017). This ultimately caused the Legal Clinic of the San Francisco de Quito University (USFQ), together with the Scalabrinian Mission and Jesuit Refugee Service-Ecuador, to file an unconstitutionality claim for 18 articles of the Human Mobility Law at the end of 2017.<sup>149</sup> This claim is currently pending resolution before the Constitutional Court.

In recent years, the Ecuadorian State's questionable treatment of foreigners of certain nationalities has generated further disagreements with civil society. In mid-2016, for example, the Ecuadorian State proceeded to the irregular arrest and subsequent expulsion of several Cuban citizens who had camped in a park in the city of Quito to request a humanitarian corridor from the Mexican embassy that would allow them

<sup>147</sup> The Coalition for Migration and Refuge carried out an analysis of this project in October 2015, which is available at: <https://movilidadhumana.files.wordpress.com/2015/11/analisis-proyecto-de-ley-de-mobility-humana-cmr.pdf>. Last accessed: January 6, 2019.

<sup>148</sup> Nine socialization events were held in various provinces nationwide with a total of 832 participants, and 39 events were held abroad with more than 1,000 participants (National Assembly, 2016, cited by Ramírez, 2017, p. 24).

<sup>149</sup> The unconstitutionality claim presented can be found at the following link: <http://www.misionscalabriniana.org.ec/sitio/wp-content/uploads/2017/12/Demanda-de-Inconstitucionalidad-a-la-Ley-de-Human-Mobility-presented-to-the-Constitutional-Court.pdf>



to continue their journey to the United States and qualify for the Cuban Adjustment Act.<sup>150</sup> The police arbitrarily detained 151 Cuban nationals, of whom 121 were expelled from the country in military planes bound for Havana, without due process considerations.<sup>151</sup> This was strongly criticized by some civil society organizations, the Ombudsman's Office,<sup>152</sup> and even by the Inter-American Commission on Human Rights (IACHR, 2016).

Despite the change in government, immigration policy remains haphazard and the focus on national security remains. In August 2018, for example, the incoming government of President Lenin Moreno declared an emergency in the provinces of Carchi, Pichincha, and El Oro to respond to the humanitarian needs that had arisen due to the rapid influx of Venezuelans in Ecuador. In addition, the Government, together with international actors, provided Venezuelans who wished to continue their journey to Peru with the means of transportation needed to reach southern Ecuador (UNHCRb, 2018). Yet, shortly after this happened, the authorities announced that they would require arriving Venezuelans to present their passports, which greatly hindered their entry into the country. Despite the fact that this measure was withdrawn by a judge, the Ecuadorian government nonetheless began to require a certificate of validity for Venezuelan identity cards (HRW, 2018).

Furthermore, after the incident in which a Venezuelan murdered a woman in Ibarra—and some sectors of the population, based on this isolated fact, violently evicted Venezuelans from hotels and other accommodation, demanding that they leave the city—the Moreno government announced at the end of January 2019 that it would require these foreigners to present their criminal record. This new measure has led to a considerable build-up of foreigners on the Colombian side of the border with Ecuador,

<sup>150</sup> The Cuban Adjustment Act, established in 1966 in the United States, grants the power to the US Attorney General to grant permanent residence to Cubans who enter the United States. This preferential treatment is not granted to people of any other nationality. [http://www.granma.cu/file/pdf/2016/11/02/G\\_2016110205.pdf](http://www.granma.cu/file/pdf/2016/11/02/G_2016110205.pdf)

<sup>151</sup> In particular, the deportees were not allowed to appeal the judicial decisions for their cases, and the request for *habeas corpus* that was presented in favor of the detainees was previously resolved.

<sup>152</sup> DPE's pronouncement on the expulsion of Cuban people can be found at the following link: <http://www.dpe.gob.ec/pronunciamento-la-defensoria-del-pueblo-ante-la-situacion-las-personas-cubanas-ecuador/>



amounting to approximately 1,000 people.<sup>153</sup> This led the Ombudsman and some civil society organizations to file an unconstitutionality claim against said measure, which was admitted for review by the Constitutional Court on March 27, 2019.<sup>154</sup>

In addition to these moments of friction that have occurred between the Government and civil society over the establishment of norms and policies that go against constitutional mandates, the complex relationship between the State and the third sector in recent years has resulted in a weakening of the latter. Several authors have pointed out that during the Correa government the State tried to recover the spaces previously ceded to civil society organizations to provide social assistance, causing several initiatives that were in the hands of social organizations and NGOs to lose prominence, and eventually go on to be implemented by the government itself. Despite the fact that the State was limited in its ability to carry out these social initiatives, the dispute over service niches weakened organizations. In addition, the return of the State in those years implied greater regulation and control of civil society, favoring their subordination to the interests of the government and, ultimately, their replacement (Herrera and Zanafria 2018, p. 25-32).

It was a decade of wear and tear, of loss of financing, of focusing on an assistance issue, because there was no way to do more [...] Currently the situation is more propitious for action, because we are not thinking that tomorrow they will shut down the NGO or intervene at the university, but the social fabric, in its capacity for organization and political pronouncement and political action, was greatly diminished, severely battered, and it takes years to recover.<sup>155</sup>

However, although the conflict between the State and civil society has been less visible in Lenin Moreno's government, the lack of financing, the delay in payments

<sup>153</sup> "En el puente de Rumichaca se reforzó el control migratorio" (February 19, 2019). *El Comercio*. Available at: <https://www.elcomercio.com/actualidad/rumichaca-migracion-venezuela-certificado-judicial.html>. Last accessed: February 22, 2019.

<sup>154</sup> The Human Rights Center of the Catholic University of Ecuador, the Scalabrinian Mission, the Pastoral Social Caritas, Jesuit Refugee Service-Ecuador, Diverse Dialogue, and INREDH Foundation are among the civil society organizations that presented the unconstitutionality claim. The demand's application for admission, as well as information of the process, can be found at: <https://www.eluniverso.com/noticias/2019/03/28/nota/7257533/corte-constitucional-suspende-solicitud-pasaporte-pasado-judicial>

<sup>155</sup> Interview with G. Chávez, Professor of the Andean Program of Human Rights (AHRP) of the Simón Bolívar Andean University (UASB), personal communication, September 20, 2018.

to various NGOs that work on migration issues, as well as the deinstitutionalization of social programs established in the previous government, have had a direct effect on the subsistence and continuity of organizations that continued to operate, a fact that led to an even greater regression of the rights won.

Actually, I don't see a substantial difference [between the Correa and Moreno governments]; what I have seen is that things have become more complex and are even slower. In this government there is no coordination, there is no coordination for work. The government does not pay attention to these issues [...] and not only related to trafficking, but also for the assistance of vulnerable groups, children, and adolescents.<sup>156</sup>

However, the animosity between civil society and the State cannot explain the disengagement, demobilization, and even closure of some NGOs, movements, and groups that work on migration issues. Several international events also produced the reprioritization of international cooperation. Among these, we can mention the financial crisis. Its effect on the countries of the global north in 2008 and consequent austerity policies led them to reduce external aid resources and focus on the neediest regions and countries. The refugee crisis in Europe had a similar effect (García 2015). In this sense, Ecuador's status as a middle-income country and the increase in the number of refugees elsewhere made Ecuador, and the Latin American region more generally, no longer a priority for international cooperation (Herrera and Zanafria 2018, p.25-26, 85-86). This was coupled with US President Donald Trump's disdain for multilateralism and the consequent reduction of international cooperation from the United States, especially on issues of human rights and migration. Lastly, the signing of the Peace Agreement in Colombia gave the false impression that it is not necessary to invest the same amount of resources in the region. The peace process is quite fragile, and its implementation has not generated positive changes in some territories. Therefore, people continue to be internally displaced and seek asylum (NRC 2018). Thus, international cooperation aid becomes more limited and specific, which has greatly hindered the ability of Ecuador's civil society organizations to obtain the necessary economic support.

We must highlight a critical issue that has occurred in this period of two to three years. First, international cooperation as a means of financing operations becomes more limited for two mistaken beliefs: Colombia is at

<sup>156</sup> Interview with D. Rueda, specialist in migration issues and human trafficking, telephone communication, April 26, 2019.

peace and migratory flows are safer. Regarding the first, with the processes of the Peace Agreement with the FARC and the dialogue with the ELN, there was the impression that a peace process was being undertaken, and this is a lie. We ourselves were pleased with the signing of the peace deal, but we were concerned with its implementation, and of course, two years later you have every reason to be able to say that we were not mistaken, since the conflict in Colombia has become more severe. The other issue that also contributed to this process is that international actors thought that, once the conflict ended, the unsafe migratory crises in Latin America would also end. [...]. Latin America being an open powder keg was not taken into account, nor was what was happening in Venezuela at that time, events such as those in Nicaragua, such as those of southern Mexico, such as in Guatemala, and the migrant exodus from Central America; nor the political processes of displacement that have gone under the radar in Chile and Argentina, mainly due to the conflict in the Mapuche zone [...] These two political actors have joined forces and created a vacuum of cooperation. In addition, states, such as Ecuador, have pretended not to notice the economic contributions in order to sustain long-term public policies and programs.<sup>157</sup>

The crisis experienced by civil society organizations working on migration issues has led to their reconfiguration and a rethinking of their activities in recent years. Several organizations closed their doors, or were weakened, although others strengthened and looked for other spaces and sources of financing. In the next section, we will explore a sample of civil society organizations that work or have worked on migration issues in Ecuador, to observe how they have been impacted by these events.

## **2. Civil Society Links to the Migration Phenomenon**

Ecuador, being a sending, transit, and destination country for migrants, and a place where a diversity of migratory flows converge, has given way to the work of a variety of NGOs, research centers, migrant associations and pastoral organizations specialized in the subject. For this reason, we constructed a typology of these organizations, grouping them by common modalities and according to the ends they pursue and the social role they fulfill through their activities.

To distribute the sample of associations linked to the migratory issue of this study,

<sup>157</sup> Interview with Guillermo Rovayo, specialist in migration issues, personal communication. October 3, 2018.

we used the typology of Gerardo De Cárdenas Falcón (De Cárdenas Falcón, 2011, p. 167-170) for civil society entities as our base. We considered Ecuador's particularities in the subject as well. In this sense, civil society organizations have been divided into grassroots organizations, non-governmental organizations and mediation organizations. This categorization also takes into account the type of migratory flows these organizations focus on, including refugees, mixed migration, and victims of human trafficking.

For their part, despite the fact that research centers form a standalone category, which due to their particular objectives and composition cannot subscribe to the typology of civil society organizations, these institutions have been included in this study due to their role in the dissemination of information about the migratory reality and their contributions to processes of political advocacy through their links with civil society.

## **2.1. Grassroots Organizations**

According to De Cárdenas, grassroots organizations generally champion solidarity and the collective interest. These entities are formed to address unmet needs or delayed justice claims. Their structures vary and depend on the aims they pursue, which can range from social and cultural to economic, political, and technical. These grassroots organizations may be present at various geographical levels, from the neighborhood to the provincial or regional levels (De Cárdenas 2011, 167-8). In order to better characterize these organizations, we have divided them according to the migratory flows they focus on, such as returnees and refugees.

### **2.1.1. Ecuadorian Corporation for Human Mobility**

The Ecuadorian Corporation for Human Mobility (COREMH) was founded on August 19, 2018, out of returned migrants' need for a national spokesperson to deal with public authorities, especially the Vice Ministry for Human Mobility. This organization came about after its representatives undertook a democratic vote and encompasses approximately 200 *de facto* and legal organizations in the country. On April 18, 2019, the Ministry of Interior approved COREMH's constitutive statute.<sup>158</sup>

In this context, and recognizing the need to coordinate actions with the Central Government, COREMH is currently involved in different inter-institutional meetings

<sup>158</sup> The information about COREMH was obtained from the interview with Blanca Ortiz, president of COREMH, on January 18, 2019. See also El Telégrafo (2019). "Cancillería reconoce a organización de migrantes retornados." Available at: <https://www.eltelegrafo.com.ec/noticias/ecuador/1/cancilleria-migrantes-retornados>. Last accessed: September 3, 2019.

of the National Human Mobility Roundtable,<sup>159</sup> whose objective is to establish, supervise, coordinate, and evaluate the implementation of migration public policies. Despite their recent constitution, they are in discussions with the government on issues of social, economic, labor, and financial inclusion; topics for research and the quantification of migrant flows; communication themes on migration; integration and assistance to the migrant community; and, especially, issues related to education, health and social security, and the right of return.

### **2.1.2. Association of Professional Migrants in Productive Return Quitus Generation**

The Association of Professional Migrants in Productive Return Quitus Generation (ASO QUITUS) aims to provide information and guidance to Ecuadorian migrants in order to provide better decision-making tools for returning to the country and, if they decide to do so, facilitate their reintegration into Ecuador. This association has been legally established since March 2014 but, in practice, has been working on behalf of returned migrants since January 2013.<sup>160</sup>

Regarding the public policies that have been implemented in favor of emigrants, ASO QUITUS considers that, although the government carried out an entire campaign promoting the return of Ecuadorian migrants after the crisis in Europe, there were no guarantees for said return. Furthermore, they note that most of the returnees came back of their own means, since the Ecuadorian Government's return plans, promoted through the former SENAMI and the Spanish Government, had shortcomings that prevented many Ecuadorians from accessing their support. In this regard, ASO QUITUS believes that the Ecuadorian Government did not disseminate adequate information through the media to migrants wanting to return to the country. In addition, the organizational transition from SENAMI to MREMH further complicated and

<sup>159</sup> The Human Mobility Roundtables are spaces for institutional coordination whose objective is to generate a dialogue, exchange experiences, as well as foster inter-institutional cooperation and citizen participation for the design of public policy in favor of the migration population. There is the National Human Mobility Table, which was created by regulation following the Vice Ministry of Human Mobility's initiative. This space is made up of the Ministries and other public institutions focused on human mobility, as well as civil society representatives who are accredited to the Vice Ministry of Human Mobility. There are also other roundtables at the local level, which are de facto collectives, such as the Human Mobility Table of Imbabura and the Human Mobility Table of the Costa Region. These roundtables are less formal since their objective is to foster inter-institutional cooperation and political advocacy.

<sup>160</sup> The information about ASO QUITUS was obtained from the interview with K. Guerra, Founding Partner and Spokesperson of ASO QUITUS, personal communication. October 21, 2014 and October 26, 2018.

delayed return procedures. ASO QUITUS maintains that the Spanish return plan, which offered the possibility of early and accumulated payment of unemployment benefits to foreigners to return to their countries, was an easy way out of the complex problems Spain faced with the migrant population since migrants have always been portrayed negatively in the media's discourse and in Spanish politics.

ASO QUITUS recognizes a series of shortcomings at the regulatory and institutional levels that hampered the effective reintegration of returnees in Ecuador. The association, for instance, points out that there was no real access to bank loans, guidance on legalizing documentation for migrants and their children, or processes to help with job placement or social reintegration. Even today, returnees continue to face these problems. In this sense, the association considers that informing Ecuadorian migrants abroad about the economic and social conditions of the country would have been crucial since it would have allowed migrants to reflect more deeply about returning, as well as to improve the integration process in Ecuador.

In 2014 and 2015, ASO QUITUS worked with the Municipality of Quito, to comply with Municipal Ordinance No. 0271 on human mobility,<sup>161</sup> which provided for the creation of the Human Mobility Home, the Migration Observatory, and even established an economic fund to support migrants. At the time, they considered that their work should be focused locally, since the national policies and plans were far removed from reality. However, many of the planned actions were not fulfilled, and despite the creation of the Human Mobility Home,<sup>162</sup> which is located within the Municipality's Social Inclusion Secretariat, this entity was unable to respond to returnees' needs.

### **2.1.3. National Migrant Coordinator**

The National Migrant Coordinator was created in 2011, with the main objectives of promoting returnees' work-force integration and access to the financial system; assisting this population in setting up their own small- and medium-sized businesses;

<sup>161</sup> Metropolitan Ordinance No. 0271, which includes a chapter following the unnumbered chapter "On the special protection of the rights of children and adolescents at risk" in the streets of Quito's Metropolitan District, in title II of the first book of the Municipal Code, which regulates the promotion, protection and guarantee of the rights of people on the move in the Metropolitan District of Quito. RO 531, February 18, 2009.

<sup>162</sup> The Human Mobility Home is a municipal body created in order to promote and strengthen social, economic and productive support systems, establishing programs to assist migrants and their families in the Quito Metropolitan District. Ordinance No. 0271 of the Quito Metropolitan Council, September 29, 2008.

ensuring that the children of returnees achieve an adequate level of schooling; and leading orientation sessions with new returnees to avoid misinformation and coordinate advocacy processes so that their needs are taken into account in local and national regulations and public policies.<sup>163</sup>

The Coordinator managed to establish connections at the national level and is working with groups of returnees in Azuay, Guayas, Santo Domingo de los Tsáchilas, Imbabura, Tungurahua, and Pichincha. This organization has also tried to be recognized as a legal entity on several occasions, but has not received a response. Therefore, legalization processes have begun at the local level.

Regarding the political positioning of the migration issue, the Coordinator considers that partnerships between different civil society organizations have been fruitful, affording them visibility in the new Constitution and in some lower-ranking legislation. However, despite the series of workshops, forums, and meetings they have attended to coordinate activities with other migration organizations and the State, they have not managed to overcome the gap that exists between what is formally established in the legislation and people's effective access to rights.

#### **2.1.4. Rumiñahui Hispano-Ecuadorian Association**

The Rumiñahui Hispano-Ecuadorian Association, established in April 1997,<sup>164</sup> is an organization that advocates for the rights of migrants, especially those of the Ecuadorian community in Spain, and works to facilitate their integration and improve their quality of life and that of their families. The Association currently has offices in the Spanish cities of Madrid, Murcia, Ferrol, Valencia, and some delegates in Ecuador (Rumiñahui Association 1, n/d).

The Association creates spaces for migrants to meet, where they promote analysis, reflection, and the generation of proposals regarding migration and act as interlocutors between immigrants and government bodies. They also promote processes of integration, information-sharing, awareness, and rapprochement of the immigrant population to local communities; design and implement development and social action projects for the benefit of the most vulnerable; and provide information, technical advice, and follow-up for projects implemented by migrants and their

<sup>163</sup> Information on the Coordinator was obtained from the interview with C. Lamar, Executive Director of the National Migrant Coordinator, personal communication. October 15, 2014.

<sup>164</sup> According to the Association, it was registered in June 1997 in the Registry of Associations of the Ministry of Interior of Spain, group 1, section 1, national number 162414.



families (Rumiñahui Association 1, n/d).

Among the services, the Association offers are orientations and information sessions, legal advice, and workshops to assist in local integration processes aimed at migrants, refugees, and people in need of international protection or in vulnerable situations. The Association also carries out activities to prevent gender violence against women, including workshops on equal opportunities and women's rights, empowerment groups and other activities (Rumiñahui Association 2, n/d).

The Association is developing a project to promote and integrate Ecuadorian immigrants in Spain who have a high degree of social vulnerability into the labor market. As part of this project, it supports people who need to develop job skills to access and maintain a job; manages job offers by adapting candidates' profile to the requirements requested; and provides training for the specific jobs people will apply for. With these actions, the Association increases the possibility that a person will be hired and fosters a network of different actors working on job placement (Rumiñahui Association 2, n/d).

### **2.1.5. Refugee Women Promoters in Quito**

Focusing on the refugee population, between 2012 and 2015 the group of Refugee Women Promoters in Quito provided information and guidance on access to rights to people in need of international protection who had recently arrived in Ecuador, also identifying especially vulnerable cases in the process. The Promoters received training from UNHCR and, although their work was voluntary, they were provided a stipend to cover their transportation and communication costs (UNHCR, n/d).<sup>165</sup>

During the time they operated, the Promoters identified more than 20 vulnerable families and provided information to nearly 500 people in various neighborhoods of Quito. The Promoters led orientations that provided information on the process to obtain refugee status as well as the Mercosur visa. Despite its high cost,<sup>166</sup> it was an alternative to Ecuador's more restrictive asylum policies. Promoters also provided information on the banking system, the necessary documents for enrolling children and adolescents in the educational system, and the procedures to sign up for social security. Promoters also recorded discrimination complaints. As previously mentioned,

<sup>165</sup> The information on the Promoters was obtained from the interview with S. Romero, Member of the Refugee Women Promoters, personal communication. October 21, 2014.

<sup>166</sup> Currently the cost of the visa application is USD 50 and once approved, USD 200 must also be paid (Ministry of Foreign Affairs).



this group stopped operating in 2015, since some of its members were resettled and UNHCR now works with community-based organizations through partner agencies such as the Hebrew Immigrant Aid Society (HIAS) and the Foundation of the Americas (FUDELA).<sup>167</sup>

### **2.1.6. Venezuelan Civil Association in Ecuador**

The Venezuelan Civil Association in Ecuador has worked in the country since 2014,<sup>168</sup> but obtained its legal status in 2017.<sup>169</sup> This organization's programs and services are aimed at the economic and social inclusion of vulnerable groups, with special emphasis on Venezuelan people in Ecuador. Its main objectives are to provide information to new migrants on a regular basis regarding the regulations and requirements they must meet in order to remain in Ecuador; lead talks and activities to prevent rights violations and guarantee the special protection of the most vulnerable; guide and refer vulnerable people on the move to shelters; promote and advise on Venezuelans' business proposals; and stimulate, encourage, and support cultural, educational, artistic, sports and other activities among Venezuelan citizens. Its advisory, psychosocial, legal, and medical activities, called *Cadena de favores* (Chain of favors), consist of *ad honorem* help from different professionals and volunteers who maintain ties with the Association and provide services to people who need assistance but do not have the necessary resources to obtain it.

### **2.1.7. Foundation for Venezuelans Abroad**

The Foundation for Venezuelans Abroad (FUNVEX) began its activities in 2015 and was legally established in 2018.<sup>170</sup> The organization works to defend and protect Venezuelan migrants' rights in Ecuador. However, it also serves vulnerable people of

<sup>167</sup> The Foundation of the Americas (FUDELA) is a private organization that works on inclusion and prevention initiatives, including for people on the move, through methodologies that incorporate sport as a training tool (FUDELA).

<sup>168</sup> The information on the Venezuelan Civil Association in Ecuador was obtained from the interview with Daniel Regalado, President of the Association, telephone communication. September 4, 2019.

<sup>169</sup> Through MIES Resolution No. 00050.

<sup>170</sup> By MIES Ministerial Agreement No. 0059.

various nationalities.<sup>171</sup>

A few of their activities stand out, namely their support for institutions in charge of the repatriation processes of Venezuelan citizens who have died in Ecuador; assistance to people who have been victims of trafficking or domestic violence; and their search for Venezuelans that have gone missing in the country. In addition, the Foundation carries out activities to facilitate the regularization of Venezuelan citizens in Ecuador and advocacy activities, including lodging public complaints of physical and verbal abuse against the Venezuelan population and leading demonstrations to demand respect for the rights of migrant workers.<sup>172</sup>

## 2.2. Non-Governmental Organizations

Non-governmental organizations (NGOs) are non-profit associations whose purpose is “to generate services or goods that the population or part of it requires” (De Cárdenas Falcón, 2011: 169). Their activities focus on awareness-raising, training, technology transfer, psychosocial, and legal assistance. In addition, most of these organizations are dedicated to engaging in advocacy processes with the State so that the economic, political, and social rights of migrants, returnees, refugees, victims of trafficking, and their families are recognized.

Although NGOs in the country work with all types of migrants (refugees, people in need of international protection, children and adolescents, migrant women, victims of human trafficking, etc.), several of them have specialized in accordance with existing migratory flows. In this regard, we must consider that Ecuador is the country with the largest number of refugees in Latin America. As of September 2013, it had recognized 54,865 refugees, 98 percent of whom were people fleeing the Colombian armed conflict and of which 23 percent were children. Despite the signing of the Peace Agreement in Colombia in November 2016, many people continue to flee the

<sup>171</sup> The information on FUNVEX was obtained from the interview with Eduardo Febres Cordero, President of FUNVEX, telephone communication. August 27, 2019. Also see FUNVEX. Available at: <http://www.funvex.org.ec/>. Last accessed: August 27, 2019.

<sup>172</sup> *Ecuador en Vivo*. “Fundación de Venezolanos en el Exterior cataloga de Xenófobas las Declaraciones de Moreno.” Available at: <http://www.ecuadorenvivo.com/sociedad/190-sociedad/90218-4-muertos-y-82-heridos-es-el-saldo-de-la-xenofobia-en-ibarra-tras-asesinato-de-diana.html#.XW7i8n9umM8>. Last accessed: September 3, 2019.

country due to the climate of insecurity (UNHCR, 2017).<sup>173</sup> For this reason, and the vulnerability of this population, several organizations working on migration issues in Ecuador have assisted, and continue to assist, this group.

Overall, it should be noted that, due to the increase in Venezuelan immigrants in Ecuador in recent years, several NGOs are now offering assistance to this population as well. The migratory balance of Venezuelans in recent years in Ecuador has increased to 216,040 people, of which 123,697 entered during 2018 (UN, 2018). This influx has led several international organizations and NGOs to support the Ecuadorian State in its response to this migration crisis.

### **2.2.1. Hebrew Immigrant Aid Society**

Hebrew Immigrant Aid Society (HIAS) is a global organization dedicated to the care of the refugee population and those in need of international protection. This organization has been working in Ecuador since 2003, under the framework of a global strategy to support the local integration of refugees so that they can rebuild their lives with dignity (HIAS 1, 2018).<sup>174</sup>

HIAS has developed several programs in Ecuador across its 11 offices located in the cities of Cuenca, Esmeraldas, Guayaquil, Ibarra, Lago Agrio, Quito, San Lorenzo, Santo Domingo, and Tulcán. Its program, focused on humanitarian assistance, is carried out in coordination with and financed by UNHCR. This program provides emergency aid to the refugee population and people in need of international protection who have just entered the country and find themselves in a vulnerable situation. Basic assistance may cover, depending on the case, shelter, food, health, education, transportation, information, etc., for the beneficiary and their family.

Another HIAS program consists of providing individual, group, and community psychosocial assistance to help the migrant population overcome the consequences of violence and forced displacement. As part of this work, the organization has also designed and revised protocols for providing both emergency assistance and

<sup>173</sup> UNHCR has stated that “since the signing of the peace agreement, the increase in violence by new armed groups has led to murders and forced recruitment, including of minors; gender violence; limiting access to education, water and sanitation; as well as restrictions on movement and forced displacement of the civilian population.” (UNHCR 2017).

<sup>174</sup> The information on HIAS was obtained from the interviews of S. Lustgarten, HIAS Executive Director, personal communication on October 25, 2014 and M. Parra, HIAS Program Director, personal communication on October 3, 2018.

assistance to representatives and caregivers of the population in need of international protection. In this sense, after the April 2016 earthquake (the epicenter was the province of Manabí),<sup>175</sup> HIAS strengthened and supported the Ecuadorian state's emergency response, especially by tending to the emotional needs of support teams and of the families who were in temporary shelters.

HIAS also maintains a legal orientation program to advise on the procedures for obtaining refugee status, the requirements for processing requests of an employment, civil, financial, immigration, or consular nature, as well as for accessing health, housing, and other services that facilitate integration into the host community. This program both promotes and complements the public and private institutions that provide legal sponsorship (HIAS, 2018b).

In addition, HIAS conducts orientations for refugee populations, with which it seeks to generate conditions that facilitate their access to formal employment and decent working conditions. To this end, HIAS works with universities and training centers to improve its beneficiaries' employability. Similarly, they leverage corporate social responsibility to link companies involved in these processes of economic integration to the refugee population. In 2016, HIAS began to implement a graduation model nationwide that consists of a personalized and comprehensive support program spanning 18 months, and helps refugee families in conditions of extreme poverty to make a living in a dignified and sustainable manner. This program was facilitated thanks to the contributions of UNHCR and the United Nations World Food Program (WFP).

Due to the increase in the Venezuelan population in Ecuador, and their precarious condition, HIAS is developing joint initiatives with the United Nations Children's Fund (UNICEF). In Tulcán, Quito, and Lago Agrio, Venezuelans transiting through Ecuador, especially families with children, adolescents, or breastfeeding women, are being provided with economic assistance that will allow them to reach their final destination in safe and dignified conditions. At the same time, HIAS is working with UNHCR so that Venezuelans who express a desire to stay in Ecuador receive assistance that allows them to cover their basic needs while they are settled.

Finally, we note that HIAS has been involved in some migration advocacy, including

<sup>175</sup> On April 16, 2016, an earthquake of 7.8 magnitude on the Richter scale took place. Its epicenter was the Pedernales region in the Province of Manabí. The earthquake left more than 660 people dead, 70 thousand families homeless and severe damage to infrastructure, and had significant effects on local economies (Giunta, I. and Mancero, A., 2017).

the Human Mobility Roundtables (MMH) process at the local and national level,<sup>176</sup> the development of the proposal for the Human Mobility Law, which was subsequently approved by the Assembly, and also shares information with local governments on the situation of refugees.

### **2.2.2. Jesuit Refugee Service-Ecuador**

The Jesuit Refugee Service in Ecuador (JRS-EC) is a delegation of the Jesuit Refugee Service (JRS)<sup>177</sup> that has been operating in the country since 2000. Its objective is to provide assistance and defend the rights of refugees and those in need of international protection. In recent years, JRS has also begun to serve the Venezuelan and Nicaraguan population, not considered refugees in the first instance, after taking into account the expanded refugee definition in the Cartagena Declaration (JRS-EC, n/d).<sup>178</sup>

Like other civil society organizations, JRS has had to reduce its number of staff and offices in recent years, especially due to the decrease in funding. Currently, and based on a new project that emerged in September 2018, JRS has a team of 25 people spread over five offices in the provinces of Tulcán, Lago Agrio, Esmeraldas, Quito, and Guayaquil. However, during the years prior to this project, budgetary issues led it to close some offices and decrease the number of technical staff.

To fulfill its objectives, JRS focuses on three types of activities. The first consists of a strategy to provide comprehensive assistance to the refugee population so they may exercise their rights. This includes offering legal assistance to help regularize asylum-seekers; providing psychosocial support; monitoring this population and each person's life plan. Along these lines, the organization also provides assistance to improve refugees' organization and training.

The second type of activity consists of working with host communities, which implies fostering relationships between the refugee population and their host communities.

<sup>176</sup> As mentioned, the Human Mobility Roundtables at the local level are spaces for institutional coordination that allow the human rights of people on the move to be restored through processes of political advocacy. The Human Mobility Table of Imbabura and the Human Mobility Table of the Costa Region stand out among the Human Mobility Roundtables at the local level.

<sup>177</sup> JRS is an international Catholic organization established by the Society of Jesus, which is based in Rome and is present in 57 countries worldwide.

<sup>178</sup> The information about JRS was obtained from the interviews with M.P. Ortega, SJR Communicator, personal communication on October 15, 2014, and F. López, JRS National Director, personal communication on October 26, 2018.

JRS works inter-institutionally with other civil society organizations, international organizations, local organizations, and the State to these ends.

The third type of activity, corresponding to communication and advocacy, aims to disseminate the achievements, difficulties, and experiences of JRS outside and within the institution. The purpose of internal communication is to systematize the work done and improve team communication to optimize the assistance provided. External communication, on the other hand, aims to reach the refugee population, public actors, other civil society organizations, grassroots organizations, and the public to publicize the activities and services provided by JRS, as well as contribute to the analysis and reflection on migration. The advocacy work of JRS has also been focused on improving immigration regulations. As part of its activities in this realm, JRS has filed a lawsuit before the Constitutional Court on the Organic Law for Human Mobility, together with other migration organizations. This demand responds to the gaps in this Law that have been evidenced in the way the Ecuadorian State has handled the regularization of migrants and refugees. Likewise, within this field, and faced with the *de facto* dissolution of the Coalition for Migration and Refuge, the Service has found other spaces to form alliances and coordinate work. The Clamor Network, to which we will return later, stands out as well as the Human Mobility Roundtables, and the new Venezuelan Human Mobility Group, which is currently carrying out advocacy work to improve the State's responses to this new migratory flow.

### **2.2.3. Norwegian Refugee Council**

The Norwegian Refugee Council (NRC) is a non-profit organization whose work addresses and champions the needs and rights of displaced persons and refugees, with a view to the effective enjoyment of their rights and durable solutions (NRC 1, n/d). The NRC has had a direct presence in Ecuador since 2008 and now has offices in the cities of Quito, Tulcán, Lago Agrio, San Lorenzo, and Guayaquil.<sup>179</sup>

NRC has worked in some areas to respond to the needs of asylum seekers, refugees, people in need of international protection and vulnerable migrants. One of its areas of work is the provision of information, advice, and legal representation to help this population obtain refugee status and other forms of international protection (NRC 2, n/d). NRC accompanies migrants throughout the process of requesting asylum and applying for other types of visas, both regarding the lodging of a request and

<sup>179</sup> The information about NRC was obtained from the interviews with C. León, NRC Coordinator in Ecuador, personal communication on October 16, 2014, and B. Quintero, NRC ICLA Officer, personal communication on January 7, 2019.

what the process consists of, as well as the appeals process and the other available resources. Likewise, NRC carries out information, orientation, and legal assistance so that affected people can access Colombian victims' registry and the reparation measures established in Victims Law No. 1448.

Since 2009, NRC has also worked to implement tools so that children and adolescents in need of international protection can access the Ecuadorian educational system. In this sense, the Council has worked with the Ministry of Education (ME) in the preparation and implementation of national registration assessments, which have improved the placement of children and adolescents at the appropriate educational levels. The NRC has also supported the implementation of Ministerial Agreement No. 337 on children's access to and continued enrollment in the educational system through information campaigns, particularly for those that require priority attention due to their immigration status.<sup>180</sup>

Likewise, NRC, together with the Ministry of Education and other organizations, has set up educational boards in the provinces of Esmeraldas, Carchi, Sucumbíos, and Imbabura in order to analyze issues within the educational system at the local level. For example, NRC helped the Quito Board of Education gather information on the enrollment issues the children of foreigners were facing in the educational system through the Integral System of Ecuadorian Educational Management (SIGE), which facilitated their advocacy before the Ministry of Education and allowed them to achieve the modification of said system.

On the other hand, the NRC has been working on the Housing, Land, and Property Project so that refugees and asylum seekers have access to rural and urban housing programs, which are currently exclusively for Ecuadorians. Within this line of work, the Council has carried out a study on "Access to land and housing for women in need of international protection and refugees in Ecuador" in the cities of Esmeraldas, Tulcán, Lago Agrio, and Quito, in order to make the barriers in access to housing these groups face visible and thus bring about change to state regulations, programs, and projects in this area.

Finally, since the Venezuelan migration crisis, NRC has provided assistance to this population along the northern border, especially in the provinces of Sucumbíos and Carchi, by providing lodging, temporary emergency accommodation, and latrines to

<sup>180</sup> Ministerial Agreement No. 337 of the Ministry of Education on the access and inclusion in the Ecuadorian educational system of Ecuadorian and foreign children and adolescents who require priority attention due to their immigration status, of September 26, 2008.



the newly arrived population. Likewise, the Council has assisted in processing urgent and basic documentation for Venezuelans arriving in Ecuador.

#### **2.2.4. Save the Children**

Save the Children began working in Ecuador in favor of children's rights in 2004 and ended its operations in the country in 2017. Save the Children's priority intervention areas in Ecuador were the northern border provinces: Azuay, El Oro, Guayas, Loja, and Pichincha.<sup>181</sup> In its last years of operation in Ecuador, it focused its actions on implementing political advocacy projects to build and strengthen protection systems for children, childcare protocols, and the promotion and protection of this population's rights. Similarly, the organization worked on children's participation in and access to education, and the eradication of child labor. Given their particular vulnerability, in Ecuador Save the Children target groups were migrant, trafficked, and smuggled children and those who suffer the worst forms of child labor (Save the Children 1, n/d).

In this regard, the Strengthening Spaces for Child and Youth Participation to Construct Public Policies for Development by Reinforcing Organizational Spaces project, implemented by Save the Children in August 2011, focused on child and adolescent migrants, especially returnees. This project was implemented in the provinces of El Oro, Pichincha, Azuay, and Esmeraldas. One of the project's activities consisted of creating meeting spaces to work with children on advocacy and participation issues, among which we highlight Citizenship Schools, through which young people were trained in these themes. We must indicate that these Citizenship Schools were jointly coordinated in some provinces with JRS (Save the Children 2, n/d).

For its part, the Protection of Children's Rights and Strengthening National Child Protection Systems through Prevention, Assistance, and Rehabilitation for Cases of Abuse, Violence, and Neglect in Ecuador and Peru project focused on migrant, trafficked, or smuggled children in the northern and southern borders of Ecuador. This project included a series of trainings and workshops for public officials and civil society organizations, to strengthen their capacity to protect this population.

However, due to the transition from the National Council for Childhood and

<sup>181</sup> Information on Save the Children was obtained from the interviews with B. Borge, Country Coordinator, and David Torres, Coordinator of Save the Children's Child and Youth Participation Project, personal communication. October 17, 2014.



Adolescence (CNNA) to the National Council for Intergenerational Equality (CNII),<sup>182</sup> and the District Councils for Childhood and Adolescence (CCNA) to the District Councils for the Protection of Rights (CCPD), which aimed to unify the country's protection systems, the development of protection routes for children and adolescents were put on hold (Save the Children 2, n/d), and due to Save the Children's departure from the country, this product never came to fruition.

Throughout its work in Ecuador, Save the Children was in constant coordination with state entities responsible for children and adolescents at the national and local levels. It maintained a close relationship with the current CNII, and at the district level with the municipal Decentralized Autonomous Governments (GAD), the CCPD, the Provincial Councils, and others. Save the Children also participated in a series of inter-institutional initiatives on migration such as the Anti-Trafficking Network and the Observatory against Trafficking (Save the Children 1, n/d).

### **2.2.5. Asylum Access Ecuador**

Asylum Access Ecuador (AAE) was founded in Ecuador in 2007, as part of the global family of Asylum Access organizations, and operated there until June 2018. Its objective was to fill the gaps in assistance to refugees through a human rights-based approach (Asylum Access, n/d). Before its closure, AAE had been active in San Lorenzo, Esmeraldas, Tulcán, Lago Agrio, Ibarra, Santo Domingo, Guayaquil, and Quito.<sup>183</sup>

One of AAE's areas of work was in the provision of legal support to refugees and asylum seekers, so that they had tools to claim their rights, both during the refugee determination status procedures and in accessing their labor rights, education, and state protection, among others. Advice was offered out of the various offices they had at the national level, but also through mobile clinics to serve the population *in situ*. For

<sup>182</sup> The National Council for Intergenerational Equality (CNII) is currently responsible for guaranteeing the full exercise of rights, equality and non-discrimination of girls, boys, adolescents, young people, adults and older adults (CNII, n/d). The Council for Equality is an entity created by constitutional mandate and replaced pre-existing councils, such as the National Council for Women (CONAMU), the National Council for Disability Equality (CONADIS), the National Council for Childhood and Adolescence (CNNA) and the Development Council of the Nationalities and Peoples of Ecuador (CODENPE), with a single entity (National Assembly, 2014).

<sup>183</sup> The information on the EPA was obtained from the interviews with N. Roccabianca, Asylum Access's National Operations Coordinator, personal communication, October 14, 2014; and L. Granja, Former Director of Asylum Access, personal communication, October 4, 2018.

its part, from November 2017 onwards, AAE began sponsoring certain emblematic migration cases as well as some on labor issues. To this end, Asylum Access signed an agreement with the Public Defender's Office in which the organization assisted asylum request cases in the first instance, while the Ombudsman's Office focused on appeals. This agreement was in operation until the institution closed.

In the strategic litigation area, AAE also sought to establish antecedents using emblematic cases in national and international courts to generate change. In 2013, for instance, AAE and the San Francisco de Quito University filed unconstitutional actions against Executive Decree No. 1182, regarding the application of the right to asylum in Ecuador. In this sense, and after a long period of advocacy, the Constitutional Court declared the unconstitutionality of the deadlines imposed for submitting asylum petitions and filing appeals on September 12, 2014. At the same time, the Court acknowledged and included the refugee definition contained in the 1984 Cartagena Declaration that had been omitted in Executive Decree No. 1182 (Vásquez 2015: 153-161).

Asylum Access also expanded its work beyond legal assistance with the Comprehensive Justice Program, which provided assistance to refugee women survivors of gender-based violence. This program had three pillars. The first consisted of healing workshops with specialized psychotherapists. The second consisted of direct monitoring of the possible cases of violence that women part of the program may suffer after arriving in Ecuador, such as intra-family, workplace, or community violence. This program also involved the economic empowerment of the women, which was carried out through workshops on various topics that improved their economic autonomy, such as accounting or business administration.

Despite its focus on the refugee population, AAE expanded its services to serve the Venezuelan population, especially starting in 2016, the year in which the country experienced the greatest influx. AAE staff conducted interviews with Venezuelan foreigners to determine if they could be considered refugees and, failing that, advised them on the visa processes, especially for the UNASUR visa, which is the one they could more easily apply for in Ecuador. Even a month before closing their operations, they came to serve 300 Venezuelans in Lago Agrio through mobile clinics.

AAE had to close its doors due to the reduction in the funds it received from the Office of Population, Refugees and Migrations (PRM) of the United States Department of State, as part of President Trump's cuts in international aid. Furthermore, despite the fact that the conflict in Colombia continues to displace people from their homes, the signing of the Peace Agreement has given the false impression that it is no longer

necessary to continue investing in refugee programs in the region and funding to this area has decreased considerably.

Another issue in Ecuador around which a network of civil society organizations has formed is human trafficking. Although there are no official figures on the number of victims of trafficking (VOT) in Ecuador, the work of public institutions and specialized organizations focusing on this issue demonstrates that the crime of trafficking in persons is a phenomenon that occurs with different modalities in most of the country's provinces, and that violates people's most basic rights. For this reason, several civil society organizations have tried to respond to the large gaps that still exist in the assistance and protection of victims of trafficking, as well as in crime prevention.

#### **2.2.6. Alas de Colibrí Foundation**

One of the main civil society organizations that has worked on human trafficking issues is the Alas de Colibrí Foundation, which has been operational since March 2012 with the financial support of the Ministry of Economic and Social Inclusion (MIES). The Foundation provides care to adolescent girls who have been victims of sexual exploitation through institutional care and comprehensive assistance regarding their rights, which includes psychological, social, legal, and educational assistance. The Foundation has built two shelters specialized in this problem (Alas de Colibrí Foundation, n/d).<sup>184</sup>

It should be noted that the Foundation was born as a shelter for victims of trafficking for labor exploitation. However, faced with the closure of the Nuestros Jóvenes Foundation, which worked with victims of trafficking for sexual exploitation, and faced with the large number of cases that were referred to them through this modality, the Foundation decided to change its target population and, at present, only works with victims of trafficking for sexual exploitation, since it considers it counterproductive to mix populations. To date, more than 200 adolescents have been assisted, including victims of trafficking, sexual exploitation, sexual crimes and child pornography, as well as sexual abuse. The vast majority are targeted under the presumption of trafficking and subsequently an analysis is carried out to find out what the issue is. The VOT who enter the shelter have come from different parts of the country but with a higher prevalence from the province of Pichincha. The shelter has housed

<sup>184</sup> The information about the Alas de Colibrí Foundation was obtained from the interviews with D. Rueda, Executive Director, and V. Supliguicha, Technical Officer at the Alas de Colibrí Foundation, personal communication, October 14, 2014; and D. Rueda, Executive Director of Alas de Colibrí Foundation, personal communication, September 25, 2018.

a considerable number of Colombian trafficking victims, some cases of Peruvian victims, as well as a Venezuelan teenager.

In its nonresident modality, the Alas de Colibrí Foundation monitors adolescents for one year after leaving the shelter. The team makes periodic visits to monitor the family. Unfortunately, due to large budget cuts, as of 2016, they can no longer visit the victims' communities.

Similarly, the Foundation has carried out a series of advocacy activities on prevention, awareness-raising and utilizing the public space to put the issue of trafficking on the political agenda. In this sense, the Foundation has held a series of cultural events on the subject, such as an exhibition on sexual exploitation in the Municipality of Quito, in community centers, and other spaces. In addition, the Foundation has established agreements with transport cooperatives to disseminate anti-human-trafficking materials and train transporters on these issues.

Despite the yearly budget cuts by MIES since 2014, the Foundation has continued to operate by offering loans and small projects together with the United Nations Trust Fund, UNDP, UNICEF, and the Provincial Council of Pichincha. However, these funds do not cover all of the needs of those in the shelter.

### **2.2.7. Esperanza Foundation**

The work of Esperanza Foundation (FE), established in the Netherlands in 1993 and present in Ecuador for two decades, has focused on various lines of direct and comprehensive care for vulnerable people in situations of human mobility, especially for VOT. In this sense, FE has provided psychological assistance, social monitoring, and legal guidance to victims. In certain cases, it has even provided temporary accommodation and responded to their material needs related to food, clothing, cleaning kits, and health exams, among others.<sup>185</sup>

FE coordinated work with other civil society organizations working on the same issues, both in the areas of care for victims and in matters of political advocacy. For example, regarding the issue of care, FE used to refer VOT cases under the age of 18 to institutions specialized in dealing with this population. Likewise, FE was part of the Coalition for Migration and Refuge and the Anti-Trafficking Network, and participated in other initiatives at the provincial level such as the Imbabura Human

<sup>185</sup> The information on FE was obtained from the interview with G. Susaj, Director of Esperanza Foundation (FE), personal communication. October 14, 2014.

Mobility Roundtable and the Costa Region Roundtable. Esperanza Foundation closed its doors in 2017 and is not currently operating in the country.

### **2.2.8. Terre des Hommes Foundation**

The Terre des Hommes Foundation (literally, Land of Men; Tdh in French) is an international non-governmental organization that began operating in Ecuador in 2012 and whose mission is to defend the rights of children, especially in the areas of maternal and child health, social protection, and promoting the rights of the child. In this sense, the entity has dedicated itself to carrying out projects directly benefiting children, as well as campaigns to promote their fundamental rights. Between 2015 and 2018, for example, this organization had a project in Ecuador focusing on the problem of at-risk migration and human trafficking, working specifically with indigenous children of the Cotacachi district, in addition to carrying out advocacy initiatives at the national level.<sup>186</sup>

In its prevention work, Tdh focused on training trainers. The three key groups the Foundation has worked with were teachers from community schools, young leaders, as well as councils and leaders of the Union of Peasant and Indigenous Organizations of Cotacachi (UNORCAC). Tdh began by identifying the problems that existed in this district and has gradually built tools to prevent human trafficking such as radio spots, short films, printed materials, children's stories and other recreational media. Over the course of this project, Tdh was able to reach 7,000 beneficiaries, including trainers and people who attended prevention workshops. The project ended in April 2018, after summarizing the experience and materials generated during those three years of work and delivering them to government, municipal, and community authorities.

Through its advocacy at the national level, Tdh participated in the design of the Human Mobility Law, as well as in the Anti-Trafficking Network, bringing more visibility to the problem of trafficking in persons for labor exploitation that occurs in the context of vulnerability of indigenous populations. This is generally the most invisible form of trafficking due to the normalization of informal work and the labor exploitation of indigenous children and youth in Ecuadorian and Latin American society.

<sup>186</sup> The information on Terre des Hommes was obtained from the interview with Verònica Pòlit, Coordinator of the Restorative Justice Project and former Coordinator of the Terre des Hommes Migration Project, personal communication. October 26, 2018.

### 2.2.8. Nuestros Jóvenes Foundation

Nuestros Jóvenes Foundation (FNJ), established in 1982, began working on human trafficking issues in 2005, after a series of internal institutional and regulatory changes took place. On the one hand, its previous work experience with pregnant adolescent mothers taught FNJ that many of these cases were related to human trafficking. In turn, a series of regulatory changes allowed for a more comprehensive understanding of the crime of human trafficking, such as the enactment of the Code for Children and Adolescents in 2003, the adoption of the Palermo Protocol in February 2002 by the National Congress, and the incorporation of human trafficking as a criminal offense in the Penal Code in June 2005 (FNJ, n/d).<sup>187</sup>

In this sense, the FNJ began to provide comprehensive care to adolescent victims of trafficking by placing them in a safe house and accompanying them through an interdisciplinary team specialized in rescue, care, and reintegration processes. In particular, FNJ provided psychological, social, medical, and educational care and assistance to victims, and was in charge of the legal sponsorship of criminal cases. In addition, it even led an income-generating initiative that provided adolescent girls with the tools to develop projects, such as training and even seed capital to start a business. Once the victims of trafficking left the shelter, FNJ followed up on their cases up to a year later to ensure full reintegration into their families and social environment. In addition, FNJ also carried out prevention and political advocacy activities on human trafficking. FNJ held several prevention workshops in 33 communities in the country that involved both the family, society, the educational community, and public institutions.

It should be noted that the work of FNJ has always been sufficiently coordinated with public institutions and civil society organizations that specialize in the subject to provide a comprehensive response to human trafficking. Among public institutions, FNJ worked with the Prosecutor's Office, the Anti-Trafficking Unit of the Judicial Police, the National Directorate of Specialized Police for Children and Adolescents (DINAPEN), the Ministry of Economic and Social Inclusion (MIES), the Ministry of the Interior (MI) and others. In addition, FNJ led the creation of the Anti-Trafficking Network in 2006, and managed its secretariat until 2014.

The FNJ safe house was closed in mid-2013 due to budget problems, after seven years of operation. FNJ considers that, although civil society can make subsidiary contributions, special protection matters are the responsibility of the State as the guarantor of the

<sup>187</sup> The information on FNJ was obtained from the interviews with P. Cáceres, Executive Director of Nuestros Jóvenes Foundation. October 17, 2014.

rights of individuals, especially in situations of extreme vulnerability. This does not rule out that there may be public-private partnerships on the issue of trafficking, recognizing the roles and responsibilities belonging to the State in this area.

### **2.2.9. Inter-American Platform for Human Rights, Democracy and Development**

The Inter-American Platform for Human Rights, Democracy and Development (PIDHDD) is a regional human rights organization that was founded in Villa Leyva, Colombia in April 1992, within the framework of the María Elena Moyano International Conference for Human Rights, Democracy, and Development. The Ministry of Foreign Affairs of the Eastern Republic of Uruguay granted the PIDHDD international legal status and has established National Chapters for the coordination of social organizations and civil society institutions that work in this area in Argentina, Bolivia, Brazil, Colombia, Chile, Dominican Republic, El Salvador, Guatemala, Mexico, Nicaragua, Paraguay, Peru, Uruguay, Venezuela, and Ecuador (Gloobal, n/d).<sup>188</sup>

The PIDHDD's objective is the development of democracy, human rights, and a culture of peace and support for citizenship-building processes, through the demand and vigilance of state obligations and commitments to human rights, and especially economic, social, cultural, and environmental rights (DESC+A). Under this scheme, the PIDHDD advocates with governments and international organizations, contributes to the demands of various civil society actors, and promotes public opinion and social awareness on this matter (Gloobal, n/d).

In relation to migration, the PIDHDD has intervened in the generation of proposals for the political agenda, with an approach based on the human rights of migrants, through three levels: a) the Regional Coordination (Quito, Ecuador); b) the Working Group on Migrations (GTM), under the responsibility of the Bolivian Chapter of Human Rights, Democracy, and Development (CBDHDD) and the Colectivo Cabildeo Foundation (La Paz, Bolivia); and, c) the National Chapters (Gloobal, n/d).

In this regard, the PIDHDD's political advocacy touches national and regional parliaments, State Secretariats and Ministries (especially Foreign Ministries and Government or Interior Ministries), Diplomatic Missions and Consular Offices, intergovernmental organizations, and international organizations linked to the Inter-

<sup>188</sup> The information on the PIDHDD was obtained through an interview with Pablo de la Vega, Regional Coordinator of the Inter-American Platform for Human Rights, Democracy and Development (PIDHDD). October 16, 2014.



American Human Rights System and the international Human Rights System. The PIDHDD also promotes and supports the adoption of official and semi-official mechanisms or dialogues and political consensus between States, international bodies and organizations, civil society, academia, churches, and the media (Gloobal, n/d).<sup>189</sup>

In addition, the PIDHDD is involved in the monitoring of public policies on international migration, asylum and refuge, internal displacement, and statelessness at the national, regional, and international levels. It achieves this through strategic alliances with national human rights institutions (Ombudsman's Offices, National Human Rights Commissions, or Human Rights Ombudspeople); by prioritizing participation in thematic hearings before the Inter-American Commission on Human Rights (IACHR/OAS); and, by exchanging information and details on situations of human rights violations with the United Nations Special Rapporteurs (Gloobal, n/d).

For its part, regarding the issue of knowledge production, and through its Working Group on Migrations (GTM) and its National Chapters, the PIDHDD has published, edited, and co-edited studies and manuals on the situation of migrant workers and their families, asylum seekers and refugees, internally displaced persons, and stateless persons, using a human rights-based approach. Its lines of work consist of the following: labor migration and human rights; economic, social, and cultural rights (ESCR+A) and migration; climate change and migration; international migration and women's rights; asylum, refuge, internal displacement, and statelessness; human trafficking and migrant smuggling; international human rights and migration norms and standards; regional consultative processes on migration and human rights; shadow reports for the supervisory bodies of international human rights treaties; monitoring of high-level dialogues on migration and development; and the global forums on migration and development (Gloobal, n/d).

### **2.3. Intermediation Organizations**

Intermediation organizations play a "hinge" role between the State and civil society organizations, promoting different assistance programs and activities for migrants and mediating between migrants and government organizations and civil society. These include the representative entities of the churches (Episcopal Conferences,

<sup>189</sup> For example, the Working Table on Labor Migrations (MTML), created through an inter-institutional agreement between the Ministry of Labor and Employment (now the Ministry of Labor Relations) and the Ibero American Control Observatory of Migrant Rights (OCIM)/ Inter-American Platform for Human Rights, Democracy and Development PIDHDD, in September 2005; the Technical Table of Migrations in La Paz, Bolivia; and, other similar processes in other countries in the region.



Religious Congregations, etc.) and inter-institutional coordination entities (De Cárdenas Falcón 2011: 168).

The entities within the Catholic Church that address migration issues promote charitable and social action in favor of people on the move because they are in situations of extreme vulnerability. In this sense, a good part of their activities focus on reception, protection, promotion, integration, and providing spiritual guidance, legal information, pastoral listening, awareness of migration issues, and advocacy, among other actions.

### **2.3.1. Pastoral Social Caritas**

Pastoral Social Caritas, which is the social action arm of the Ecuadorian Church, created the Pastoral's Department of Human Mobility in 1991 but the Ecumenical Committee for Refugees had been working with this population since 1976. In recent years, Pastoral has focused its work on the country's northern and southern borders, and serves different mobile populations such as refugees, returnees, migrant workers, and others (Caritas virtual Quito, n/d).<sup>190</sup>

In recent years, Pastoral Social Caritas has focused its work on legal and psychological support for refugees and those in need of international protection, through an interdisciplinary team on the northern border, especially in Lago Agrio, Coca, Ibarra, and Tulcán. During the last five years, Pastoral has given particular attention to Colombian migrants, but also to people of other nationalities such as Haitians and Cubans. All of these activities are carried out in coordination with other institutions present in the region, in order to provide more adequate and effective assistance to beneficiaries as well as to enhance the institutions' human and material resources.

Pastoral Social Caritas promoted an interdisciplinary assistance program since the start of the massive influx of Venezuelan people in 2017. They even established food banks and provided food, clothing, emotional support, and transportation tickets so that Venezuelans who arrived in Tulcán and Lago Agrio could continue their migratory journey to other countries with an eye to providing a better response to these flows. In 2018 alone, the Pastoral Ministry served approximately 3,500 Venezuelans.

Pastoral also has a livelihood project, in operation since 2016 in Lago Agrio, Ibarra, and Tulcán, through which it has provided families with structured training and a

<sup>190</sup> The information on Pastoral was obtained from the interviews with C. Pancho, Human Mobility Coordinator at Pastoral Human Mobility, personal communication, October 9, 2014; and C. Pancho, Human Mobility Coordinator at Pastoral Human Mobility, personal communication, October 26, 2018.

business plan. This initiative takes into account the migrant population's difficulty in entering the formal job market.

On the other hand, between 2010 and 2014, Pastoral Social Caritas and the Spanish Agency for International Development Cooperation (AECID) worked on a project especially focused on the population of returnees along the southern border, specifically in the districts of Marcabelí, Catamayo, and Zamora. As part of the project, the Pastoral organized an advocacy school with pastoral agents and developed public policy proposals in favor of the returned population and other migrant populations. Although the project ended in early 2014, the work has been institutionalized in the Human Mobility Pastoral on the southern border through the dioceses.

Likewise, Pastoral Social Caritas is working with people on the move who are in the Social Rehabilitation Centers (CRS) in Lago Agrio, Tulcán, and Ibarra, and in the Center for Teenage Offenders (CAI) in Imbabura. Many come from countries lacking an Ecuadorian consulate and, thus, Pastoral provides them with information and guidance. At the CRS in Tulcán, a program called *Mujer cuenta conmigo* (Woman Count on Me) was developed to train Colombian inmates in self-esteem and spiritual matters. The CRS in Lago Agrio is focused on providing legal advice, and the CAI in Ibarra provides training to adolescents on gender violence, human rights, and other issues.

### **2.3.2. Scalabrinian Mission**

The Scalabrinian Mission is an organization of the Missionary Sisters of St. Charles Borromeo established in Italy in 1895 and working in 27 countries to build communities that are exemplary in welcoming, promoting, and defending the rights of people on the move. The first Scalabrinian sisters arrived in Ecuador in 1992, and at the time contributed to the work of the Ecuadorian Episcopal Conference with migrants and refugees. The Scalabrinian sisters began their work as a Mission in 2011 and have offices in Lago Agrio, Tulcán, San Lorenzo, Ibarra, and Quito (Scalabrinian Mission Ecuador, n/d).<sup>191</sup>

In order to provide comprehensive assistance to people on the move, the Scalabrinian Mission works in Ecuador along four strategic lines: human promotion, childhood and youth, livelihoods, and political advocacy.

<sup>191</sup> The information on the Scalabrinian Mission was obtained from the interviews with Janete Ferreira, Director of the Scalabrinian Mission, personal communication, October 20, 2014; G. Rovayo, Protection and Management Coordinator, personal communication, October 3, 2018; and Leda dos Reis, communication via email, April 24, 2019.

In terms of human promotion, the aim is to help with the arrival and reception processes, train and raise awareness about rights, and accompany people on the move throughout the processes of social and community integration. To this end, the Mission provides humanitarian aid to a good number of families who arrive in Ecuador, especially Colombians and Venezuelans, supporting them with food, cleaning kits, cooking and other basic supplies. However, since September 2017, this line of action has been restricted to referring urgent cases to organizations such as JRS, Pastoral Social Caritas, and others. Although this restriction is due to the organization's budgetary crisis, it also serves the strategic objective of ensuring that the State assumes its responsibility for providing the arriving migrant population with humanitarian assistance. Likewise, within this first-receiver line of work, the Scalabrinian Mission offers support through the Cristo Peregrino Shelter to people who have just arrived in the country, to whom they provide personal and group psychosocial support. Personal assistance is provided through a methodology they call "pastoral listening," which involves assisting people who are living through difficult situations by helping them confront these for the first time. However, if the beneficiary needs targeted psychological attention, the Mission partners with other institutions such as JRS and HIAS. Regarding group psychosocial support, the Mission conducts psychosocial workshops using its own methodology for people who have fled violence due to armed conflict. The objective of these workshops is to resolve emotional difficulties, stimulate personal development and improve integration into their new environment through group therapy.

The Mission accompanies and supports migrant youth directly with its work on childhood and youth; the Scalabrinian Youth Movement (MJS) was created in 2015, which works with young people on the move, promoting activities that help advance their human rights.

Regarding livelihoods, the Mission's work has to do with the social and community integration of people and families on the move, so that they can begin their new lives; the Mission provides them with the tools to start their own businesses since they cannot access the financial system due to their immigration status. They have also entered into agreements with 12 cooperatives in the localities where they work, so that their beneficiaries can access loans. A third modality of this line of action has been the creation of approximately 1,400 savings groups, which include savings groups for children, especially in rural communities. These groups gather small amounts of cash in a collective fund that is then used to provide group members with access to loans, which are especially used to support those who, due to their condition, still cannot access the two previous modalities. The Mission has a legal advisory service that

carries out strategic litigation or emblematic litigation in cases of extreme vulnerability. In this sense, the Mission chooses paradigmatic cases and sponsors them in the judicial or administrative channels in order to build differentiated public policies in human mobility. As of the end of 2018, approximately 600 Mission-sponsored cases remained. It should be noted that a large portion of the legal processes of the beneficiaries of the Mission refer to applications for refugee visas, administrative errors in the processing of visas, labor rights, especially harassment by employers or unjustified dismissal due to the nationality of the employee. The Mission also deals with cases of gender-based violence and children's rights, especially cases of psychological or family violence, as these are precisely the cases that represent a challenge to verify, as well as family reunification rights.

In the area of advocacy, the Mission was one of the organizations that initiated an action against the unconstitutionality of 41 articles of the Organic Law of Human Mobility and has also proposed a protection action against the request for passports from the Venezuelan population. In 2019, the Mission, together with Pastoral Social Caritas, JRS, and DPE, among other organizations, filed a lawsuit against the State for the Ministerial Agreements that continued to require passport identification and a court order from Venezuelans in order to enter the country.

### **2.3.3. Missionaries of St. Charles Borromeo, Scalabrinians**

The Missionaries of St. Charles Borromeo, Scalabrinians, which was founded in 1887 and promotes different programs and services to migrants, refugees, and seafarers in 32 countries, has been working in Ecuador since 2012. The Scalabrinian Missionaries settled in the port city of Manta and focused on three main areas: protection, socioeconomic promotion, and community building.

In the protection area, the Scalabrinian Missionaries operate a home for refugees and migrants in vulnerable situations who go to that city due to different circumstances. In this space, those who arrive are provided with first aid, including food and accommodation, and are subsequently provided advice regarding the procedures and documents necessary to regularize their immigration status.<sup>192</sup>

In the area of socioeconomic promotion, the Scalabrinian Missionaries are developing training and job referral programs along with the creation of the Juan Bautista

<sup>192</sup> The information about the Scalabrinian Missionaries in Ecuador was obtained from the interview with Roberto Maestrelli, Director of the Juan Bautista Scalabrini Foundation (JUBASCA), via email. November 21, 2014.

Scalabrini Foundation (JUBASCA), in addition to running a micro-entrepreneurship program for people on the move.

On community building, the Scalabrinian Missionaries have dedicated themselves to promoting processes to establish different host community groups that bring together the local population and people on the move. These include programs of pastoral guidance, educational activities, and the construction of chapels and structures to create spaces for people and their families to gather in the different neighborhoods of the city of Manta.

There are also some inter-institutional coordination spaces in Ecuador, especially due to the need to use a network approach to coordinate advocacy with the central government, or with local governments, considering that united organizations carry a greater weight and obtain greater visibility for their demands, thus achieving better results. Furthermore, due to the lack of material and human resources to cover the diverse needs of migrants, the institutions frequently network with one another to fill any gaps in terms of assistance and protection that may exist.

#### **2.3.4. Clamor Network Ecuador**

The Clamor Network is a Latin American and Caribbean ecclesial network established in 2017 to promote programs and services to migrants, refugees, and victims of trafficking. The network is a platform that seeks to coordinate the different organizations of the Church that work with people on the move in Latin America and the Caribbean. One of the Network's mandates is to form national chapters, among which is the Clamor Network in Ecuador, made up of JRS, the Scalabrinian Mission, Caritas, and the Conference of Ecuador's Religious (CER). This network has been working since January 2018 in three areas: humanitarian assistance, advocacy, and strengthening of local networks.

In its humanitarian assistance work, Clamor Network Ecuador has focused on the Venezuelan population, due to the large number of people of that nationality that come to Ecuador. The Network provides assistance in the migrant shelters in Quito and, in addition, provides humanitarian cards with funds that allow this population to access food and toiletries. In its advocacy work, the Network has called for dialogue on migration issues, including on Venezuelan migration and the violation of their rights, especially with public entities overseeing migration matters. The places where they work to strengthen local networks are Lago Agrio, Manta, and Quito.

### 2.3.5. Coalition for Migration and Refuge

The Coalition for Migration and Refuge began its activities when a group of civil society organizations, academia (Simón Bolívar Andean University, UASB, and the Latin American Faculty of Social Sciences, FLACSO-Ecuador), and professionals acting as individuals published the first shadow report on the Ecuadorian State's compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CTMF) in 2007, on the basis of which the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families issued some important recommendations for the country on the matter. In this context, the Coalition became a space for reflection and action that seeks to contribute to the construction of an inclusive society with people on the move. Before its dissolution, the Coalition was made up of the following organizations: Catholic Relief Services (CRS), FE, Scalabrinian Mission, Andean Program of Human Rights (PADH), UASB, FNJ, JRS and some professionals with extensive experience in the topic (Coalition for Migration and Refuge 1, n/d).<sup>193</sup>

Among the main activities that the Coalition has carried out, we highlight the proposal they presented before the National Constituent Assembly at the end of 2007. Most of its ideas were accepted and incorporated into the current text of the Constitution. Subsequently, the Coalition elaborated a proposal for a Comprehensive Human Mobility Law together with the Migration and Development Communication Plan. The Ministry of Justice, Human Rights, and Cults and the then National Migrant Secretariat welcomed this initiative, which formed a consulting team that supported the drafting of the Integral Code of Human Mobility. However, after the government's implementation of some restrictive measures on migration, the political agreement between the Coalition and the State was terminated. Subsequently, in December 2009, the Coalition presented a public document of contributions to the regulations on human mobility in Ecuador, which set out general principles, approaches and issues that it considered necessary in the secondary legislation on the matter (Coalition for Migration and Refuge 1, 2009).

In addition, the Coalition prepared some shadow reports on compliance by the Ecuadorian State with the CTMF and an alternative report on compliance with the

<sup>193</sup> Information on the Coalition was obtained from interviews with G. Benavides, Member of the Coalition for Migration and Refuge, personal communication, October 9, 2014; J. Arsentales, Member of the Coalition for Migration and Refuge, personal communication, October 15, 2014; and J. Arcentales, Technical Secretary (2009–2011) and former member of the Coalition for Migration and Refuge, personal communication, September 25, 2018.

International Convention on the Elimination of All Forms of Racial Discrimination (CERD). These reports aimed to shed light on the problems surrounding the migration issue and the discrimination based nationality against immigrants and refugees living in Ecuador. At the same time, it hoped to contribute to the relevant committees so that their recommendations could improve the Ecuadorian State's public policies and regulations on these issues (Coalition for Migration and Refuge 2, 2009; Coalition for Migration and Refuge 2, n/d).

Various public pronouncements on a diversity of topics, such as the Ecuadorian State's arbitrary arrests and deportation of immigrants, can also be cited as the Coalition's contributions (Coalition for Migration and Refuge, 2010). Similarly, in September 2011, the Coalition presented a proposal for the extraordinary regularization of people in an irregular migratory situation (Coalition for Migration and Refuge, 2011); and in March 2012, the Coalition published a report on the human rights issues related to migration in Ecuador for the year 2011. The Coalition also published a document analyzing the unconstitutionality and violation of human rights of Decree No. 1182 and they also worked on a document to contribute to the Labor Code (Coalition for Migration and Refuge, 2012).

Unfortunately, the Coalition was dissolved in 2018. Although there is no public pronouncement on the matter, the group has stopped meeting to discuss the main critical junctures of public policy. The Coalition's representatives consider that the complex relationship between civil society organizations and the State, especially in recent years, greatly influenced the dynamics of the Coalition itself, which ultimately led to its dissolution.

### **2.3.6. Latin American Observatory on Human Trafficking and Smuggling**

The Latin American Observatory on Human Trafficking and Smuggling Ecuador chapter (ObservaLATrata) is a space for cooperation and coordination between academia and civil society organizations created in September 2013. Its objective is to "create a space for research, meeting, debates, and contributions to the formulation of public policies" on migration in Ecuador using a human rights perspective. The organization's website indicates that the institutions that comprise the ObservaLATrata are Quimera Foundation, FE, FNJ, JRS and, from the academic world, FLACSO and UASB (ObservaLATrata Ecuador 1, n/d).<sup>194</sup>

<sup>194</sup> The information about the Observatory was obtained from the interview with G. Susaj, Director of Esperanza Foundation (FE), personal communication. October 14, 2014.



The Observatory aims to provide information and raise awareness about human trafficking and smuggling, given that they are little-known yet widespread topics, in addition to often being confused with other social problems. Their contributions consist of: offering technical expertise on the subject; open spaces for reflection and debate between the different actors working on the issue; promoting trainings for public officials and society in general; investigating the phenomena of human trafficking and smuggling; monitoring and evaluating the policies, plans, and programs adopted to combat this problem; and establishing channels for dialogue with the state institutions focused on the subject (ObservaLATrata Ecuador 2, n/d).

One of the recent activities that the Observatory organized, together with FLACSO-Ecuador, was the VI Latin American and Caribbean Congress on Human Trafficking and Migrant Smuggling, which took place in 2018 from November 7 to 9 in Quito, Ecuador. The objective of this congress was to promote a joint debate between academics, NGO representatives, and state actors on the historical and structural circumstances that cause and sustain human trafficking in the region, as well as migrant smuggling. During the congress, more than 400 people from 16 countries in Latin America and the Caribbean participated, in addition to the US, Spain, and Canada. In total, 50 activities were organized including conferences, roundtable discussions, workshops, cultural events, and other activities (Pichincha Prefecture, 2018).

### **2.3.7. Quito Anti-Trafficking Network**

The Quito Anti-Trafficking Network was formed in July 2006, through the leadership of the Nuestros Jóvenes Foundation. This network, which is made up of civil society organizations working on trafficking issues, seeks to create synergies to improve advocacy efforts with the central and local governments. As part of its activities, the Network drafts proposals jointly with the DPE for the draft article on trafficking in persons in the Comprehensive Organic Criminal Code (COIP) and for a series of events such as demonstrations and presentations for International Day Against Human Trafficking, which is held annually on September 23.<sup>195</sup>

During 2018, the Anti-Trafficking Network worked with the Ministry of Interior and the Inter-Institutional Committee to carry out a new reformulation of the Anti-Trafficking Plan of 2006, so that it is in accordance with the new Constitution, the Organic Integral Criminal Code, and the Human Mobility Law. Finally, the Network

<sup>195</sup> The information on the Anti-Trafficking Network was obtained from the interview with P. Cáceres, Executive Director of Nuestros Jóvenes Foundation (FNJ), personal communication, October 17, 2014; and Daniel Rueda, President of the Anti-Trafficking Network, interview on April 25, 2019.



took advantage of the conjuncture of the proposals for reforms to the Human Mobility Law in 2018 to position before the Assembly the idea of a specific law against trafficking in persons. In this regard, the Network has always advocated for the need for a law to account for the particularities of this scourge.

## **2.4. Migration Research Centers**

Several universities focus on issues related to migration, incorporating them into their curricula through courses, repositories dedicated to migration, seminars and discussion forums, as well as by carrying out research and producing theses on the matter.

The Latin American Faculty of Social Sciences (FLACSO) and the Simón Bolívar Andean University (UASB) have, for instance, postgraduate programs with lines of research on migration issues that help to increase working publications and research in migration studies (Álvarez, 2012 cited by Eguiguren, 2017: 70). Academic researchers at these institutions have conducted analyses of internal migration, refuge, return, human trafficking and smuggling, and the integration of migrant groups into the labor market, among other topics.

These research centers have also engaged in advocacy with the Ecuadorian State, not only through the dissemination of the results of their studies on immigration but also through their participation in various spaces and mechanisms that have revealed the shortcomings of public institutions in their role as the guarantors of migrants' human rights. For instance, universities have provided technical assistance in drafting shadow reports on some of the conventions to which Ecuador is a party, and have also lodged claims before the Constitutional Court on immigration and asylum regulations. It is worth mentioning that they have also influenced the formation of international networks, observatories, academic events, and public debate, and have maintained collaborative ties with civil society organizations centered on migration issues (Eguiguren, 2017, p. 70).

### **2.4.1. Latin American Faculty of Social Sciences**

The Latin American Faculty of Social Sciences (FLACSO-Ecuador), through its Department of International Relations and Communications, offers a course on Human Rights that covers migration issues. For a few years now, FLASCO's Department of Sociology and Gender Studies has also made it possible to develop a specialization in migration, development, and human rights, as a way of fostering links with Ecuadorian society and especially with officials working at NGOs, international agencies, and others. The objective of this specialization has been to train professionals to gain familiarity with the complex dynamics in Ecuador and in the Andean region in this

area, including emigration, immigration, transit, return, refuge, and displacement, and their relationship with global processes. Since 2019 this specialization is offered virtually. Early that same year, the Department, in conjunction with the European Research Council (ERC) project at the University of Amsterdam, held a workshop on “Global migration and deportation regimes” (FLACSO 1, n/d, FLACSO 2, n/d).<sup>196</sup>

Regarding the lines of research on migration, FLACSO has always supported the Faculty instructors’ research. The students of the Master’s and the Doctorate programs in the Department of International Relations and Communication have developed various theses on the topic of migration as well. Likewise, the Department of Sociology has carried out a series of studies whose lines of research include refuge, return, especially of children, indigenous women, and migrants, these groups’ integration into the labor market and in the educational system, internal migrations and skilled labor migration, in addition to a comparative study in eight countries on Venezuelan migration in Latin America. The Department of Sociology has also been part of a series of colloquia, study days, and talks on different aspects of migration (SIMA/FLACSO, n/d).

The FLACSO Department of Sociology has created a web page called the Andean Migrations Information System (SIMA/FLACSO) in order to provide updated information for researchers, students, public officials, and the civil society on international migration in the Andean region and the world. This tool offers a specialized virtual library, statistical information on migration dynamics, information on FLACSO’s ongoing research, links to related networks and institutes, and a quarterly newsletter called ANDINAMIGRANTE that presents an investigative dossier on the subject (SIMA/FLACSO 2, n/d).

FLACSO is also part of the ObservaLATrata and has collaborated by hosting meetings, study days, and roundtables for the discussion of various topics related to migration, such as the aforementioned VI Latin American and Caribbean Congress on Human Trafficking and Migrant Smuggling. In the last three years, the Department of Sociology and the Observatory have carried out continuous training courses and workshops on human trafficking and smuggling, in addition to research on human trafficking and public policies. Likewise, FLACSO is also part of the Latin American Network for Forced Migration (LANFM), which is a group of academics and civil

<sup>196</sup> The information on FLACSO was obtained from the interview with C. Gómez, Research Professor in the Department of Sociology and Gender Studies, personal communication, October 14, 2014; and G. Herrera, Research Professor in the Department of Sociology and Gender Studies, February 18, 2019.

society organizations whose objective is to study and have political debates on the dynamics of forced migration in Latin America and the Caribbean (Latin American Network for Forced Migration, n/d).

#### **2.4.2. Simón Bolívar Andean University**

The Andean Human Rights Program (PADH) at the Simón Bolívar Andean University (UASB)'s Ecuador campus, which has been operating since 2001, is an academic space focused on the debate and exchange of opinions and experiences to contribute to the development of democracy, the social rule of law, and the promotion of human rights in Latin America, including topics for research and work on migration (UASB, n/d).<sup>197</sup>

In this regard, PADH's work on migration issues can be divided into three axes. The first is linked to teaching, and aims to incorporate migration or make links to it in all of its graduate programs. As part of this project, since 2002 the program has offered a graduate specialization in Human Rights, with a focus on human mobility. Currently, the specialization addresses migration in the Current Human Rights Challenges field. Also, in 2015 the Program established a Master's Degree in Human Rights, which also includes a focus on migration. Lastly, the Program has carried out several open continuing education courses on: international migration, public policy and migration, migration and gender, asylum, trafficking and smuggling, among others. It should be noted that the emphasis on addressing migration issues in their graduate programs has been through the incorporation of a human rights approach.

In relation to its second axis of work, PADH is creating links with the community through teaching and workshops. To this aim, PADH has offered several public courses that address topics such as human trafficking, international migration, gender, and human mobility. Similarly, PADH has run a permanent workshop on human mobility since September 2018, which is a space for action and reflection that has organized talks on Venezuelan migration, taught courses to the migrant population, and established links to other organizations like DPE. PADH has also promoted a line of research with the program's instructors on various topics linked to the problem of human mobility in the different regions of the country, which, in some cases, have been funded by institutions such as the International Organization for Migration (IOM) or the United Nations High Commissioner for Refugees (UNHCR). Some of the topics addressed in these studies have been the Colombian and Haitian population

<sup>197</sup> The information about the PADH was obtained from the interviews of G. Benavides, Professor of the Andean Program of Human Rights (PADH), personal communication, October 9, 2014, and G. Chávez, Professor of the Andean Program of Human Rights, personal communication, September 20, 2018.

in Ecuador, human trafficking along the country's southern border, migrant smuggling, refugees' right to work, jurisdictional guarantees, and international migration in the city of Quito. PADH also ensures that its students integrate issues of human mobility into their research by way of theses and monographs.

Finally, PADH considers that universities and civil society organizations have been operating and carrying out their activities in a complex scenario over the last decade. On the one hand, human mobility policy has been highly discretionary and managed in accordance with political readings in which selectivity, security, and state sovereignty prevailed over human rights. On the other hand, civil society has been eroded by a State that placed many obstacles in its path. These policies, added to the lack of international financing, greatly weakened these organizations' response capacity. Even though the departure of the Correa government has given way to a scenario in which civil society organizations have a greater leeway for action, the Program considers that it will take a few years for these spaces to be reconstituted.

#### **2.4.3. San Francisco de Quito University**

The College of Jurisprudence of the San Francisco de Quito University (USFQ), for its part, contains as part of its academic network the Chair of International Refugee Law among the courses of its Human Rights sub-specialization. In addition, the course on Childhood and Adolescence of the sub-specialization in Criminal Law includes content on migration and human trafficking. This university policy has led some of its students to choose to do their theses on migration issues, especially those related to asylum.<sup>198</sup>

Another of USFQ's initiatives regarding immigration has to do with the activities that are carried out in the university's Legal Clinic. This space, which is part of the compulsory curriculum for Jurisprudence students, aims to strategically litigate cases of public interest at the national and international level within the framework of defending the human rights of those in vulnerable situations and requiring urgent assistance. The university students and professors who are part of the USFQ Legal Clinic have handled cases related to the rights of people on the move before entities such as DPE and the Constitutional Court. At one point, the Clinic filed a public unconstitutionality action regarding Executive Decree No. 1182, which regulated the application in Ecuador of the right of asylum and introduced a maximum period of 15 days to apply for refugee status in the country and other deadlines for appealing the

<sup>198</sup> The information of the USFQ Legal Clinic was obtained from the interview with D. Salazar, Vice Dean of the College of Jurisprudence, USFQ, email communication, October 19, 2014 and January 11, 2019.

inadmissibility of refugee status applications.<sup>199</sup>

In late 2017, the Legal Clinic filed another public unconstitutionality action together with other civil society organizations regarding 18 articles of the Organic Law of Human Mobility, which is still pending review by the Constitutional Court. The Legal Clinic has accompanied these litigations with advocacy actions before the National Assembly, going on several occasions to the roundtables aimed at reforming the Organic Law of Human Mobility, in order to offer academia's contributions.

Within the framework of this strategic litigation activity, the Legal Clinic has also coordinated joint activities with UNHCR and civil society organizations to sensitize people on achievements in the realm of asylum and migration and share good practices in case management in various fora. One of the particularities of the USFQ Legal Clinic is that all of these activities are carried out under the initiative of university students with the direction of teachers.

Finally, the USFQ provides legal advice and sponsorship to individuals or groups that require urgent assistance and lack the financial means to contract these services through the Free Legal Clinic. In this sense, this unit, which is attached to the College of Jurisprudence, has acted in cases on asylum applications and on the other rights of people in need of international protection.

<sup>199</sup> Decree No. 1182, Regulation for the application of the right of refuge in Ecuador established in Article 41 of the Constitution of the Republic, the norms contained in the 1951 United Nations Convention Relating to the Status of Refugees, and in the 1967 Protocol Relating to the Status of Refugees. Official Record No. 727 of June 19, 2012.

## Conclusion

Through this study, we found that there are diverse civil society organizations working on migration issues, not only because of the various types of assistance they provide but also due to the heterogeneous migrant populations they serve, and their differing objectives and approaches. They all share the concern to coordinate their efforts in order to improve the quality of life of migrants, immigrants, returnees, refugees, people in need of international protection, victims of trafficking and smuggling, and their families.

Many of these organizations work as part of inter-institutional networks, in joint projects and cooperative and coordinated initiatives, to have a greater weight and stronger voice in their demands and, thus, have a greater impact in the development and strengthening of regulations and public policies so that they favor the migrant population. At the same time, they aim to modify those regulations and policies that are discriminatory or pernicious. Furthermore, due to the lack of material and human resources to cover the diverse needs of migrants, these institutions frequently rely on their networks to provide better care and protection to these groups.

In terms of political advocacy, different activities are being carried out. One of them has been to contribute to the proposal for the Human Mobility Law, in the fight for the inclusion of the migration issue in the government's public agenda. Likewise, civil society organizations have collaborated with the Ministry of Education for the inclusion of foreign children in schools, and have worked with the National Council for Intergenerational Equality to strengthen child and adolescent protection systems, among others actions. At the local level, social organizations have worked closely with municipal and provincial GADs to raise awareness and train public officials, putting the topic of human mobility at the forefront of their priorities, and have even proposed the development of local ordinances on these.

However, civil society organizations have found that there is still a large gap regarding what is formally established in the Ecuadorian Constitution and the effective access that migrants have to their rights, both in the simplest of processes, and in the registration of young and adolescent children of returnees and foreigners in the country; the requirement of presenting a criminal record for certain nationalities; the prohibition of discrimination; as well as access to the right to health, education, housing, work and recreation, among other rights established by the Constitution itself.

Some of the gaps in terms of assistance to and protection of the migrant population are due to the fact that there is an inconsistency between the rights established in the

Constitution and secondary regulations, institutional powers, and public policies on the matter. Several of the organizations interviewed commented that the continuous institutional changes and lack of real coordination between the State and civil society prevented the creation of sustainable initiatives. In addition to the gap in access to rights, some organizations mentioned that in Ecuador there is a process of repressing and criminalizing freedom of expression and social protest, which has led, in some cases, to decreased and even discouraged social participation, including social participation on migration.

Another of the problems mentioned was the lack of financing for international cooperation, which has led several civil society organizations to have budget problems and even close their doors. In this sense, several members of civil society commented that there has been no clear reading of the complex migratory processes in the region and in Ecuador.

Finally, we must consider that, although the role of civil society organizations is to support the State in fulfilling its role in guaranteeing human rights, their existence is essential not only to fill the gaps that may exist in terms of the migrant population's assistance and protection but also as observers of public entities' actions, in order to provide the robust checks and balances expected in a democratic society.

## **PART FOUR**

### **PROPOSALS FOR SPACES AND INSTRUMENTS TO PROMOTE CITIZEN PARTICIPATION FOR THE DEFINITION AND IMPLEMENTATION OF PUBLIC POLICIES ON MIGRATION IN ECUADOR**

#### **Introduction**

In the last decades, Ecuador has undergone significant transformation, as the country went from being relatively closed to migration, to one that has experienced significant emigration flows in the last 20 to 25 years, as well as Colombian, Peruvian, and Venezuelan immigration. The economic and financial crises that catalyzed the high emigration rates to northern countries, the armed conflict in the neighboring country of Colombia, as well as the country's political and economic problems, have all substantially modified Ecuador's migratory profile.

In this sense, the public policy proposals that can be formulated must take into account the country's migration dynamics so that the Ecuadorian State can prepare itself to face any situation. The diverse migratory currents passing through Ecuador presuppose the design of specific policies. Furthermore, spaces for citizen discussion should be fostered and maintained in the face of the current migration crisis, making it possible to propose detailed and flexible policies that adequately respond to the situation.

We make several recommendations hereafter that refer to the improvement of information systems, awareness-raising activities for society as a whole, citizen participation in the design, implementation, and monitoring of migration policies and, finally, to the inter-institutional strengthening of the various state entities involved in migration matters.

#### **1. Proposals to Improve the Objectivity, Timeliness, Reliability, and Pertinence of Information on Migration**

The lack of an integrated information system on migration issues, not only in Ecuador but throughout the region, has been one of main problems related to the definition and implementation of migration policies. Although there are data from the Migration Directorate of the Ministry of Government on the balance of foreigners and Ecuadorians disaggregated by certain parameters, drawn from data collected and



processed by the National Institute of Statistics and Censuses of Ecuador (INEC),<sup>200</sup> there is no real record of the people who enter the country, the reasons for their arrival, and the length of their stay, as well as an approximate record of people who enter irregularly. Despite INEC having a Migration Commission since November 2005, that included itself, SENPLADES, the Ministry of Government, the Ministry of Tourism, and the Ministry of Foreign Affairs and Human Mobility, which is in charge of defining and standardizing international migration indicators, having a more specific information system would be a positive development and allow for better analysis of the characteristics of migration and the proposals for public policies on the matter, more consistent with the reality of the country.

In fact, the final recommendation of the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families made in October 2017 indicates:

*The Committee recommends that the State party establish a centralized database to compile qualitative and quantitative migration-related information and statistics covering all aspects of the Convention, including that of migrant workers in an irregular situation, and to collect detailed data on the situation of migrant workers in the State party. The Committee encourages the State party, in line with target 17.18 of the Sustainable Development Goals, to collect information and statistics disaggregated by gender, age, nationality, ethnic origin, disability, reason for entering and leaving the country, and type of work carried out, in order to effectively guide relevant policies and the implementation of the Convention. It also recommends that the State party collaborate with its consular and diplomatic representations abroad to collect data on migration, for example, on the conditions of irregular migrants and victims of trafficking. When it is not possible to obtain accurate information, as in the case of migrant workers in an irregular situation, the Committee would appreciate receiving information based on studies or estimates.<sup>201</sup>*

On the other hand, basic information on migration issues comes from population censuses carried out in Ecuador (1982, 1990, 2001 and 2010). Unfortunately, since the last census was in 2010, this information does not account for the drastic changes

<sup>200</sup> INEC. International arrivals and departures. Available at: <https://www.ecuadorencifras.gob.ec/entradas-y-salidas-internacionales/>

<sup>201</sup> Concluding observations on Ecuador's third periodic report to the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families, October 5, 2017. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=5)

in the migratory flows to and from Ecuador in recent years. For this reason, Ecuador needs more specific and expedited tools that allow for the collection of information on migration issues necessary for the design, execution, and evaluation of public policies in this area.

In relation to the issue of asylum, the Ministry of Foreign Affairs and Human Mobility has created a page on its digital platform that allows access to updated information on asylum applicants.<sup>202</sup> This allows not only the various state authorities and officials to have better tools for the expeditious formulation of refugee policies, but above all, to provide civil society and the academic community with data that allows them to formulate better strategies for technical cooperation with the State and proposals for the reform of public actions. Lastly, for human trafficking, the complaints placed at the Prosecutor General's Office (FGE) are referenced to help account for this reality. However, the low number of registered crimes of this nature, due to the low number of complaints, do not capture its true magnitude.

For its part, the Ministry of Government has created a registry for the identification of victims of human trafficking and migrant smuggling that allows for the processing and analysis of the information characterizing the crime to serve as input in the formulation of public policies, action plans, and prevention strategies. This helps it to apply the provisions of Article 118 of the Organic Law of Human Mobility. This system, called the Registry System for Trafficking in Persons and Migrant Smuggling (REGISTRATT), has been in operation since June 2018, although only state entities with jurisdiction over the matter can access it. In addition to tracking the cases of human trafficking, the system registers the number of victims, perpetrators, and will in the future, incorporate a mechanism to coordinate cases across institutions.

## **2. Proposals to Raise Awareness in Society About the Positive Impact of Migration and Respect for Migrants' Human Rights**

The country's economic and financial crisis in the late 1990s led to the perception of emigrants as victims of this debacle and as enterprising people looking for a better life in another country. However, this image in the public imagination has not always led to equal treatment for immigrants who entered Ecuador. Although people on the move enjoyed a series of rights and an open migration policy consistent with the 2008 constitutional postulates at the beginning of the Correa government, he began to take political policy stances in the final years of his mandate that were restrictive

<sup>202</sup> Ministry of Foreign Affairs and Human Mobility. About refuge, updated data. Available in: <https://www.cancilleria.gob.ec/informacion-sobre-refugio/>

for immigrants. In addition, in the Moreno government that followed, a series of measures have also been adopted that make the migrant population more vulnerable, as discussed in the previous chapters.

Just as the actions by state entities have fluctuated, so too has the image of migrants in public opinion and the media. Although the treatment that Ecuadorian emigrants receive abroad has been criticized, there have been a series of actions and xenophobic expressions against foreigners on Ecuadorian soil. This has been all the more evident in recent years and months due to the significant increase in Venezuelan citizens in the country.<sup>203</sup> Some media outlets have even stated the actions of the authorities themselves may have promoted xenophobic attitudes among the population.<sup>204</sup> For this reason, there is an urgent need to carry out a public awareness and information campaign on the topic of migration in the country, both for returnees and immigrants, but with a special focus on the latter. This campaign must emphasize the contribution made by migrants, but also the fact that Ecuador is a country of emigration and that Ecuadorians must give the same treatment to immigrants that they hope will be given to their population abroad. Furthermore, the principle of universal citizenship established in the 2008 Ecuadorian Constitution must continue to be promoted as one of Ecuador's great advances in this area. However, any campaign carried out in favor of the migrant population will go to waste if the authorities are not consistent with the constitutional principles and do not establish appropriate migration governance.

In this regard, the last recommendation of the Committee made in October 2017 indicates:

*The Committee reiterates its recommendation to the State party that it strengthen and expand education and training programs on the content of the Convention, in order to make them enduring, and that these programs be provided to all officials and other persons who work in areas related to migration. It also recommends that the State party ensure that migrant workers have access to information about their rights under the Convention, and that it collaborate with universities, civil society organizations, and the media to disseminate*

<sup>203</sup> *The New York Times*. "La xenofobia en Ecuador empuja a migrantes venezolanos a salir del país." Available at: <https://www.nytimes.com/es/2019/01/28/ecuador-ibarra-venezolanos/>

<sup>204</sup> *Plan V*. Venezolana en Ibarra. "La xenofobia es real, no nos quieren." Available at: <https://www.planv.com.ec/historias/sociedad/venezolana-ibarra-la-xenofobia-real-no-nos-quieren>

*information about the Convention and encourage its application.*<sup>205</sup>

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

The constituent process in 2008 represented an important milestone in civil society's participation in the design, implementation, and monitoring of migration policies in Ecuador. The sector participated extensively to incorporate a series of rights and principles in favor of people on the move. Likewise, although the relationship between the State and civil society for the construction of the Human Mobility Law was at times complex, we must stress that there were several spaces and opportunities for debate and cooperation. However, the Committee recommends that the Organic Law on Human Mobility and its Regulations be reformed through a participatory process that takes into account the contributions of civil society and the organizations and institutions that work on human mobility.

However, as mentioned in the previous chapters, civil society organizations in Ecuador have been greatly weakened in recent years. As a result, this sector's participation in public policies has been very limited. Among the recently established cooperation and coordination spaces are the National Human Mobility Roundtables,<sup>206</sup> organized by the Ministry of Foreign Affairs and Human Mobility. These feature various inter-sectoral roundtables, whose objectives are not only compliance with the existing public policies, but also the proposal of new public policies on the matter. However, this space has recently been established and its achievements in public policy are still quite modest.

For its part, in relation to the migratory crisis that Ecuador is currently facing due to the considerable number of Venezuelan citizens who have entered the country, various international organizations such as IOM and UNHCR, as well as other partner agencies, and numerous NGOs working on the subject in the country have collaborated to respond to the emergency. In this sense, they have helped decrease waiting times in immigration controls, supplying water, basic food and hygiene, shelter, health services and more. They have also collaborated to strengthen the

<sup>205</sup> Concluding observations on Ecuador's third periodic report to the Committee for the Protection of the Rights of All Migrant Workers and Members of their Families, October 5, 2017. Available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=5](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=7&DocTypeID=5)

<sup>206</sup> Ministerial Agreement No. 275. Available at: [https://www.cancilleria.gob.ec/wp-content/uploads/2018/10/acuerdo\\_ministerial\\_275.pdf](https://www.cancilleria.gob.ec/wp-content/uploads/2018/10/acuerdo_ministerial_275.pdf)

refugee status determination process and to identify vulnerable Venezuelans for their protection and assistance.

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

As mentioned, one of the institutionalized spaces for coordination between the State and civil society organizations has been the Ministry of Foreign Affairs and Human Mobility, through the National Human Mobility Roundtables, through which the central government coordinates actions together with the Decentralized Autonomous Governments, civil society, and international organizations.

The Inter-Institutional Coordination Committee for the Prevention of Human Trafficking and Migrant Smuggling and Protection of their Victims, mentioned in previous chapters, has been an important space for coordination and has been recognized by the Committee for the Protection of the Rights of All Migrant Workers and their Families as one of Ecuador's key advances in preventing human trafficking and migrant smuggling.

Despite the existence of these spaces for coordination, it is necessary to continue working to create new, diverse spaces for inter-institutional cooperation and coordination, organized by the State and by civil society organizations and intergovernmental entities.

**Annex 1: Interviews**

Interview 1. Cristina Pancho, Human Mobility Coordinator at the Pastoral Human Mobility, October 9, 2014.

Interview 2. Gina Benavides, Professor of the Andean Program of Human Rights (PADH) of the Simón Bolívar Andean University (UASB) and Member of the Coalition for Migration and Refuge, October 9, 2014.

Interview 3. Nicoletta Roccabianca, National Operations Coordinator of Asylum Access, October 14, 2014.

Interview 4. Carmen Gómez, Research Professor of the Department of Sociology and Coordinator of the Specialized Program on Migration and Human Rights of the Latin American Faculty of Social Sciences (FLACSO), October 14, 2014.

Interview 5. Gentiana Susaj, Director of Esperanza Foundation (FE), October 14, 2014.

Interview 6. Daniel Rueda, President, and Verónica Supliguicha, Technical Officer at the Alas de Colibrí Foundation, October 14, 2014.

Interview 7. Cristóbal Lamar, National Executive Director of the National Migrant Coordinator, October 15, 2014.

Interview 8. Ralf Oetzel, Coordinator of the Capacity Building Project of Andean Countries, Specifically Ecuador and Colombia, on Migration and Asylum (PRODEM), October 15, 2014.

Interview 9. María Paula Ortega, Spokesperson for the Jesuit Refugee Service (JRS), October 15, 2014.

Interview 10. Javier Arsentales, Member of the Coalition for Migration and Refuge, October 15, 2014.

Interview 11. Carlos León, Coordinator at the Norwegian Refugee Council (NRC) in Ecuador, October 16, 2014.

Interview 12. Pablo de la Vega, Regional Coordinator at the Inter-American Platform for Human Rights, Democracy and Development (PIDHDD), October 16, 2014.

Interview 13. Begoña Borge, Country Coordinator, and David Torres, Coordinator of the Child-Youth Participation Project at Save the Children, October 17, 2014.

Interview 14. Paulina Cáceres, Executive Director of the Nuestros Jóvenes Foundation (FNJ), October 17, 2014.

Interview 15. Danilo Valdivieso. Coordinator of the Committee for Human Mobility (CMH), October 17, 2014.

Interview 16. Daniela Salazar, Professor of the Legal Clinic and Human Rights. San Francisco de Quito University (USFQ), October 19, 2014.

Interview 17. Janeth Ferreira, Director of the Scalabrinian Mission, October 20, 2014.

Interview 18. Karina Guerra, Founding Partner and Spokesperson at ASO QUITUS, October 21, 2014.

Interview 19. Sol Romero, Member of the Refugee Women Promoters, October 21, 2014.

Interview 20. Sabrina Lustgarten, Executive Director of HIAS Ecuador, October 21, 2014.

Interview 21. Roberto Maestrelli, Director of Juan Bautista Scalabrini Foundation (JUBASCA), November 21, 2014.

Interview 22. Gardenia Chávez, Professor within the Andean Program of Human Rights at the Simón Bolívar Andean University (UASB), September 20, 2018.

Interview 23. Javier Arcental, Technical Secretary (2009-2011) and current Member of the Coalition for Migration and Refuge, September 25, 2018.

Interview 24. Daniel Rueda, Executive Director of Alas de Colibrí Foundation, September 25, 2018.

Interview 25. Humberto Salazar. General Technical Coordinator at Esquel Foundation, September 26, 2018.

Interview 26. Giovana Tipán, Director of the Human Mobility Management Unit at the Pichincha Prefecture, September 27, 2018.

Interview 27. Maricela Parra, Program Director at HIAS, October 3, 2018.

Interview 28. Guillermo Rovayo, Protection and Management Coordinator at the Scalabrinian Mission, October 3, 2018.

Interview 29. Lilia Granja, Former Director of Asylum Access, October 4, 2018.

Interview 30. Fernando López, National Director for Jesuit Refugee Service-Ecuador,

October 26, 2018.

Interview 31. Verónica Pólit, Coordinator of the Restorative Justice Project and Former Coordinator of the Migration Project at the Terre de Hommes Foundation, October 26, 2018.

Interview 32. Cristina Pancho, Coordinator of Human Mobility of the Pastoral Social Caritas, October 26, 2018.

Interview 33. Karina Guerra, Founding Partner and Spokesperson at ASO QUITUS, October 26, 2018.

Interview 34. Joffre Pinzón Merino, President of the Family and Migrant Movement, January 4, 2019.

Interview 35. Briggite Quintero, ICLA Officer, Norwegian Refugee Council, January 7, 2019.

Interview 36. Blanca Ortiz, President of Ecuadorian Corporation for Human Mobility (COREMH), January 18, 2019.

Interview 37, Gioconda Herrera, Research Professor at FLACSO-Ecuador's Department of Sociology and Gender, February 19, 2019.

Interview 38, Daniel Rueda, Executive Director of Alas de Colibrí Foundation, April 25, 2019.

Interview 39, Eduardo Febres Cordero. President of Foundation for Venezuelans Abroad (FUNVEX), August 27, 2019.

Interview 40, Daniel Regalado, President of the Venezuelan Civil Association, September 4, 2019.



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## **CHAPTER II**

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

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**Acronyms\***

**ACCICEV:** Cesar Vallejo House of Immigrants Cultural Association

**ANII:** National Agency for Innovation and Research

**APHIE:** Association of Parents with Children Abroad

**BPS:** Social Security Bank

**CAinfo:** Center of Archives and Access to Public Information

**CCAM:** Migration Advisory Board

**CCUM:** Uruguayan Catholic Migration Commission

**CETP:** Professional Technical Education Council

**CEFIR:** Training Center for Regional Integration

**CEINMI:** Center for Interdisciplinary Studies on Immigration

**CIDESAL:** Creation of Incubators of Latin American Knowledge in the Diaspora

**CIPFE:** Center for Franciscan and Ecological Research and Promotion

**CNT:** National Workers Convention

**CORE:** Refugee Commission

**CSIC:** Sectorial Commission of Scientific Research

**CSM:** South American Migration Conference

**DNM:** National Directorate for Migration

**ECH:** Continuous Household Survey

**ECS:** Social Characterization Survey

**ENHA:** Extended National Household Survey

**FIC:** Faculty of Information and Communication

**FLACSO:** Latin American Social Sciences Institute



**GDP:** Gross Domestic Product

**ILO:** International Labor Organization

**INE:** National Institute of Statistics

**INEFOP:** Institute of Employment and Vocational Training

**IOM:** International Organization for Migration

**JNM:** National Migration Board

**MEC:** Ministry of Education and Culture

**MERCOSUR:** Southern Common Market

**MIDES:** Ministry of Social Development

**MTSS:** Ministry of Labor and Social Security

**NEMMPO:** Nucleus of Migratory Studies and Population Movements

**OAS:** Organization of American States

**OEI:** Organization of Ibero-American States

**OPPDHM:** Observatory of Public Policies on Human Rights in Mercosur

**PEDECIBA:** Program on the Development of Basic Sciences

**PIT:** Inter-Union Workers' Plenary

**SEDHU:** Ecumenical Assistance for Human Dignity

**SER:** Integral Reintegration Assistance

**SICREMI:** Continuous Reporting System on International Migration in the Americas

**SUDT:** Singular Union of Domestic Workers

**SUNTMA:** Union of Workers of the Sea

**TVF:** Neighboring Border Transit

**UDELAR:** University of the Republic

**UN:** United Nations

**UNASUR:** Union of South American Nations

**UNDP:** United Nations Development Program

**UNESCO:** United Nations Educational, Scientific and Cultural Organization

**UNFPA:** United Nations Population Fund

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

*\* Translator's note: all acronyms will remain in their Spanish form unless their English abbreviation is internationally recognized*

## Introduction

International migration has played a historically significant role in diverse facets of Uruguayan society. Since the country's beginnings as an independent Republic, successive governments have maintained foreign immigration among their policy objectives. Until the mid-20th century, Uruguay received important waves of overseas immigration, particularly from southern Europe (Spain and to a lesser extent Italy). Migrants from bordering Argentina and Brazil have also had a consistent presence throughout the country's history.

Beginning in the mid-1960s, in the context of a gradually worsening economic crisis, Uruguay went from being a country of immigration to one of emigration. The country's migratory balance was negative until the international economic crisis of 2008, when the return flows of the Uruguayans living in Spain and the United States, the two main receiving countries of Uruguayans in the 21st century, increased. At the same time, there is evidence that there was incipient growth in foreign immigration flows.

International migration has played, and continues to play, an important role in Uruguay's population growth. A reversal of a negative trend in the migratory balance starting in 2008/2009 created higher-than-predicted population growth (as estimated in the 2011 Census compared to the projection of the 2004 Census-Phase 1).

This research first seeks to describe in detail the recent trends in international migration. Specifically, some of the research questions posed are: How have migratory trends in Uruguay evolved over the last twenty years? How extensive has emigration been and what have been the primary destination countries for emigrants? How pervasive has foreign immigration been and what have been the primary countries of origin of immigrants? How prevalent has the return of citizens (previously *émigrés*) been and what are the main countries of origin of return migrants? What are the demographic and socioeconomic characteristics of international migrants (immigrants, emigrants and returnees)? This study also includes brief side sections that analyze specific issues: the situation of refugees, irregular migration, remittances sent by emigrants, as well as internal migration trends in Uruguay.

Secondly, this research seeks to describe public policies and programs regarding international migration in Uruguay. Both the national normative framework and its relationship with international legal acts are described. We also include an exhaustive report of the various stakeholder institutions since the approval of a new migration law in January 2008 (N° 18250), consistent with a trend of laws approved in many countries in the region recently (such as Argentina) which include a focus on

promoting the human rights of migrants.

Thirdly, the research presented here analyzes the participation of civil society in migration programs, as well as their impact on the design, definition, implementation and monitoring of migration policies. We present an exhaustive description of activities developed by grassroots social organizations, intermediary organizations, ecclesiastic and ecumenical organizations, non-governmental organizations, research centers, social networks and the private sector.

Finally, the four objective of this study is to formulate recommendations for better management of migration in Uruguay in four dimensions: (i) the strengthening of migration information systems; (ii) the awareness of society as a whole regarding the social, economic and demographic importance of migrants and the need for unrestricted respect for their human rights; (iii) spaces for citizen participation in the design, definition, implementation and monitoring of public policies of migration (including immigration, refugees, and emigration); (iv) inter-institutional strengthening among civil society organizations, government agencies, and international organizations.

## PART ONE

### GENERAL ANALYSIS OF MIGRATION DYNAMICS IN URUGUAY

Martín Koolhaas<sup>1</sup>  
Adela Pellegrino<sup>2</sup>

This chapter presents a summary of the key recent historical trends in international migration in Uruguay. The chapter begins by describing in general terms the demographic characteristics of the country. Subsequently, the general trends of immigration and emigration are described at different historical moments, emphasizing the primary demographic and socioeconomic attributes of migrants over recent decades. The chapter concludes with the presentation of a brief overview of other important migration issues, such as the evolution of remittances sent by migrants, irregular migration, refugees and internal migration. Where appropriate, up-to-date statistical information is incorporated.

#### 1. Demographic Trends in Uruguay

The historical evolution of the Uruguayan population differs from that of other Latin American countries and underdeveloped countries in general. This uniqueness is due both to the singular history of the settlement of Uruguay, and to the fact that it underwent the so-called “demographic transition” very early on.<sup>3</sup>

The direct consequence of this phenomenon, which began in Uruguay at the end

<sup>1</sup> The text presented below draws from several investigations carried out by the Population Program of the Faculty of Social Sciences (University of the Republic), where Martín Koolhaas and Adela Pellegrino are professors and researchers. Martín Koolhaas is a PhD candidate in Population Studies; Master in Demography and Bachelor in Political Science from the University of the Republic, Uruguay; Professor and Researcher in the Population Program at the Faculty of Social Sciences (University of the Republic, Uruguay).

<sup>2</sup> Adela Pellegrino is PhD in History from the *Ecole des Hautes Etudes des Sciences Sociales* in Paris; Master in Historical Sciences from the University of the Republic, Uruguay; Professor and Researcher in the Population Program at the Faculty of Social Sciences (University of the Republic, Uruguay).

<sup>3</sup> The “demographic transition” is used to refer to the process by which populations move from a situation of balance, as a result of high birth rates and mortality, to another situation of balance, with low mortality and birth rates. In both cases, there is little or no population growth. A mismatch in the levels and the beginning of a phase with decreased deaths and births gives rise to varying “explosive” periods of population growth.

of the 19th century, is slow or nil population growth, which likens its demographic situation to that of developed countries, which show similar tendencies.

This process is currently at an advanced stage of demographic transition; it could be said that Uruguay has begun a “second demographic transition,” characterized by fertility levels below population replacement. Not enough women are born to replace deaths or those beyond reproductive age. This is accompanied by an increased divorce rate, a decrease in nuptiality (number of marriages), and an increase in consensual unions and births outside of legal marriage.

International immigration has historically played a fundamental role in the growth of the country’s population. Since its early days as an independent nation, Uruguay was characterized as a country that welcomed migrants. Beginning in the mid-1960s, in the context of a gradually worsening economic crisis, Uruguay ceased to be a country of immigration and became a country of emigration. In the last decade, there has been a reversal of these migratory trends that had marked Uruguay since the 1960s. In its first stage, from 2008 to 2012, the change was associated with a dual process of both decreasing emigration flows and an increase in return flows. In the last five years a growth in the number of Latin American and Caribbean immigrants has been linked to immigrants originating from countries other than the traditional bordering nations (in large part Venezuela, Cuba and the Dominican Republic). In sum, although reliable current estimates of the migratory balance are not available, the current scenario can be characterized by zero net balance between immigrant and emigrant flows. This is a result of a decline in return migration and an increase in foreign immigration since the period of 2009-2012.

Another demographic characteristic of Uruguay is its small size, both in terms of population and territory. Around 1950, when the state was already at an advanced stage in its demographic transition, its population was 2.3 million. Almost seven decades later, thanks to its low population growth rate, the estimated population is 3,518,552 (2019).<sup>4</sup> Based on the most recent population projections prepared by the National Institute of Statistics (INE), with a scenario of net migration equal to zero,<sup>5</sup> it is expected that the Uruguayan population will continue to grow slowly, reaching

<sup>4</sup> The surface area of Uruguay is 176,215 km<sup>2</sup>. With the population estimate from 2019, the population density is 20 people per km<sup>2</sup>.

<sup>5</sup> In other words, it is assumed that the trend observed in recent years (2009-2011) will continue such that the size of emigration and immigration flows will be identical (including foreigners and returnees).

a population of 3.7 million in 2046. According to these projections, as a result of an increase in life expectancy at birth—7.2 years projected for men, compared to 5.3 years for women—men will take longer than women to decrease in numbers.

**Table 1. Primary Demographic Indicators in Uruguay, 1950-2019.**

	1950/1955 NN.UU	1965/1970 NN.UU	1985/1990 NN.UU	2000 INE	2019 INE
Gross birth rate (per 1000)	21,2	20,5	18,2	16,3	12,9
Gross mortality rate (per 1000)	10,5	9,6	9,9	9,0	9,4
Net migration rate (per 1000)	0,9	-2,5	-2,0	-6,1	0,0
Total growth rate (per 1000)	11,6	8,4	6,3	1,2	3,5
Life expectancy at birth (years)	66,1	68,6	72,1	75,0	77,9
Global fertility rate (children per woman)	2,7	2,8	2,5	2,2	1,8
Percentage of population over 64 years	8,2	8,7	11,3	13,0	14,4

**Notes:** (i) Two different series of indicators are presented because the National Statistics Institute (INE) of Uruguay has not yet revised population estimates prior to 1996, and thus have been adjusted to the new estimates and projections prepared in the 2011 Census (Estimates and Projections Revision 2013, period 1996-2050). On the other hand, the United Nations' (UN) estimates for 2012 differ slightly from those prepared by the INE. (ii) The UN's values for the Percentage of population over 64 years of age are averages of the initial year and the end of each interval.

**Source:** Estimates from the United Nations Population Division (1950/1955, 1965/1970 and 1985/1990) and INE Uruguay (2000 and 2017).

## **2. Immigration**

### **2.1. General Characteristics of Immigration Before 1950<sup>6</sup>**

Four main periods of migration have been identified across the history of Latin American countries, starting from the beginning of the occupation of the territories by the Spanish and Portuguese kingdoms more than five centuries ago up to the present day (Pellegrino, 2002).

The first, which begins with the conquest and ends with independence, was characterized by the integration of Spaniards and an enslaved African population. During the second period, Latin America and the Caribbean countries —especially those in the southern part of the continent— received a part of the huge wave of European emigration during the second half of the 19th century and the beginning of the 20th century. The third phase ran from 1930 to the mid-1960s and is defined primarily by internal migration to large metropolis. Starting then, international migration acquired a primarily regional and cross-border quality and functioned as a complement to internal migration. The fourth period took place in the last decades of the 20th century, when the migratory balance decreased steadily and emigration to the United States and other developed countries dominated the migratory landscape of the region (Pellegrino, 2002). These phases of immigration are also present in other countries, with differing intensity and time periods.

Uruguay is characterized by its early demographic transition and modernization, as well as by the diversity and intensity of migration flows that contributed to the conformation of its population. Migration has been an important player in the growth of its population and in the formation of its culture and economy.

#### **2.1.1. The Colonial Stage**

We have little information to quantify the population during the first period. In general, scholars of this period agree that the territory was sparsely populated when the conquerors arrived.

The settlement of Uruguay was comprised of the original population that already inhabited the territory and the new population that arrived during the process of colonization. This group was small, due to the Spanish crown's limited interest in occupying the territory. The settlers were conquerors or Spaniards and Portuguese who moved through the region defining the borders.

<sup>6</sup> Cf. Pellegrino (2014).



Located between the two great colonial empires of Spain and Portugal, the Eastern Bank was the location of migratory movements whose main objective was to occupy territories and establish villages in adjoining areas, in order to expand territory.

Later, the dissolution of the Jesuit missions led to the increased presence of indigenous communities (primarily Guaraní), who entered from the north along the coast of the Uruguay River and along the country's current border with Brazil. Experts insist that there was a significant demographic importance of these migratory currents that occurred over a period of some two centuries and were distributed throughout present-day Uruguay (González and Rodríguez, 1988 and 1990).

Africans, who arrived in conditions of slavery, also formed a significant portion of the population in this period. To give a few illustrative numbers, historian Alex Borucki (2011) estimates that 70,000 slaves arrived at the Río de la Plata between 1777 and 1812, adding that this is most likely the minimum number that entered as it was what was actually reported in the records of slave traffic at the ports. Nevertheless, there is no precise data on the proportion of the African population compared to the total population of Uruguay at the time.

While there is no exact information on the size of the African population, we can consider the estimates of Rosenblat (1954), cited by Pi and Vidart (1968). He estimates that in 1850, there was a population of 50,000 people with "different degrees of Caucasian-African mixing" and between 8,000 and 10,000 defined as "pure blacks."

Eight percent of the total population self-identified as African descendants in the last national census in 2011. Despite considerable segregation from the Uruguayan society, this ethnic group's presence in the national culture is very important and is growing, particularly in its relation to music and religion.

### **2.1.2. The Republic**

One of the consequences of independence was the elimination of the laws of the Indies that limited immigration into colonial territories. The governments of the new independent Republic promoted measures that tended to stimulate the entry and integration of immigrants.

According to the Republican governments, having a small population was a stumbling block for growth; therefore, attracting immigrant settlers was a priority. Having a large population was part of a predominant discourse in the 18th century, which associated a large population with economic progress and military might. Additionally, populating the territories helped establish the still-diffuse borders of the

newly independent nations.

In Uruguay, the entrance of European immigrants was considered “precocious” by F. Devoto (2009), given that Europeans began arriving as early as the 1830s, in addition to the immigration of the Portuguese across the Brazilian border, and the Argentines. This immigration had a considerable impact on the sparsely populated territory.

Due to its borders with both Argentina and Brazil (formerly the Portuguese Empire), Uruguay received significant proportions of immigration from both countries. The influx of European immigration in the second decade of the 19th century decreased the relative size of these immigration flows; in 1860, European immigration accounted for almost 55 percent of total immigration, while in 1908 it constituted nearly 74 percent.

European immigration took root mainly in the country’s capital, where its presence was significant. In four censuses carried out in the 19th century, Montevideo housed more than 45 percent of the population. Additionally, regional migration was permanent and the presence of Brazilians in the north and Argentines on the coast and in the south had a considerable impact on Uruguay’s population growth in the second half of the 19th century. From a demographic standpoint, immigration contributed significantly to the total population and was a key factor in its growth (according to the census data, immigration numbers increased from 223,230 in 1860 to 1,042,686 in 1908). The presence of immigrants resulted in a change in the age structure, increasing the predominance of young adults and subsequently stimulating an increased birth rate due to an increased population of reproductive age. There were significantly more males in the population, along with an increase in the number of working-age people.

The wave of immigrants accelerated from the mid-19th century. In the 1860 Census, the first that included the entire Republic, foreigners made up 33 percent of the population; a considerable portion came from neighboring countries, while others came from Europe. Their territorial distribution was very different: Europeans tended to concentrate in the south of the country, mainly in Montevideo, while Brazilians populated along their country’s border and Argentines mainly stayed in the south and along the coast. By the middle of the 19th century, almost half of Montevideo’s population was made up of foreigners, a number that then decreased progressively. The 1908 census registered an immigrant population of 17 percent throughout the country and 30 percent in Montevideo.

European immigrants formed part of the creation of modern Uruguay (Oddone, 1966, Porzecanski, 2011). They were active participants in the process of advancement

in livestock-handling and agriculture and in the creation of both an industrial and artisanal work force. They played an important role in small commerce and services and contributed to changes in customs and habits of the population. The heterogeneity of this population allowed for a greater diversity of ideological options and played an important role in the creation of unions, in which workers with trade union experience and socialist or anarchist political activists alike participated, and whose philosophies were disseminated in militant press and among immigrant organizations.

The first and second decades of the 20th century saw significant growth in immigration in the Río de la Plata area. Although the main point of entrance was Buenos Aires, in those years a very important number of immigrants entered Uruguay. The crisis of 1929 stagnated the entry of immigrants. Groups of refugees and displaced people arrived after World War II, as well as the last flows of Europeans, mainly Spaniards and Italians. After that, European immigration stopped, ushering in a period marked predominantly by emigration.

### **2.1.3. The Years without Records**

After the 1929 crisis, a change in economic patterns began, with demographic repercussions.

In Latin American countries, the agro-export model was followed by one of “inward growth,” based on industrial development initially oriented towards the domestic market. This model, which acquired new popularity during World War II, had an uneven evolution. Starting at the beginning of this period, industry accounted for a growing share of the economy as a whole in Argentina, Chile and Uruguay. In other countries, such as Brazil, Costa Rica, Mexico and Venezuela, industry also had important growth, but it came much later.

In this period, some Latin American countries began to show changes in demographic dynamics, a phenomenon that would peak in the 1950s and 1960s. The demographic transition resulted in extraordinary population growth. Between 1955 and 1965, the average annual growth of the Latin American population reached its maximum: around 3 percent per year. Between 1930 and 1990, the population of Latin America increased from 104 to 437 million. In the same period, urban areas experienced nine-fold increases in population, while in rural areas the population did not even double (Villa, M., 1992).

While the impact of migration was considerable, movement was still primarily internal, resulting from the important effects of urbanization.

There is a parallel between the inward-facing economic model and the movement of peoples within borders. Although there was international migration, which in this period was predominantly intra-regional and cross-border, international flows complemented internal migration and, in many ways, mirrored its characteristics. The most important receiving hubs were Argentina and Venezuela in South America and Costa Rica in Central America.

In the case of Uruguay, demographic transition was gradual and occurred over the course of a century. Given the country's singular evolution, Uruguay did not experience the explosive population boom that characterized some Latin American countries. On the contrary, the population growth rate decreased progressively. Census information from 1908 to 1963 illustrates the increase of internal migration and urbanization. We know that there was significant population growth in the capital, Montevideo, in large part thanks to internal migration. One indication of internal migration to Montevideo was the growth of neighborhoods called "*cantegriles*" that housed a large part of the internal migrant population.

According to Lombardi (1987), the city of Montevideo experienced a particularly dynamic period following World War II, when it reached its highest rates of population growth. Although the last wave of European immigrants arrived during this period, the fundamental contribution to urban growth came from internal immigration from within the country, from both rural and urban areas. Lombardi points out that although Montevideo experienced significant growth, it did not have the "traumatic" character that occurred in other cities, mainly due to less disparity in social behavior among the migratory groups and with the residents of the capital.

Uruguay would experience its final period of economic splendor in the 1950s, a result of the favorable position of its exports during World War II, which was somewhat prolonged due to the Korean war.

The number of international immigrants admitted in this period is difficult to quantify. The migratory balance of extra-continental immigrants registered at approximately 48,000 people between 1946 and 1955. Incoming and outgoing flows of immigrants constitute a complex issue to evaluate over all historical periods due to poor registry systems and the mobility of migrants who frequently crossed the Rio Plata and went to and from the south of Brazil.

In the period from 1930-1960, similar to what occurred in other countries, the economic model aimed at promoting the development of national industry and the so-called "inward growth" model drew the population to the country's capital, as well

as to other cities that already had a certain level of industrial development. Rural-urban migration predominated, while regional migration reduced considerably, as revealed by Argentine censuses from this period that recorded fewer Uruguayans in both absolute and relative values.

In short, Uruguay received large numbers of immigrants from European countries (mainly Spain and Italy) until the mid-20th century. Migration from Argentina and Brazil has had a constant presence due to shared borders; Brazilians have tended to concentrate in the north of the country and Argentines along the coast and in the south.

## **2.2. General Characteristics of Immigration from 1950 to Today<sup>7</sup>**

The 1950s saw the last flows of European immigrants, mainly Italians and Spaniards, as well as early signs of a new migratory flow of Uruguayans to border countries, the United States, Canada, and toward the end of the 1960s and 70s, to Australia and some European countries.

Based on the emigration profile that the country has acquired since the 1960s, the arrival of the population from abroad has been guided not only by the flows of the non-native immigrant population, but also by the return of native population that returns to Uruguay after having emigrated.

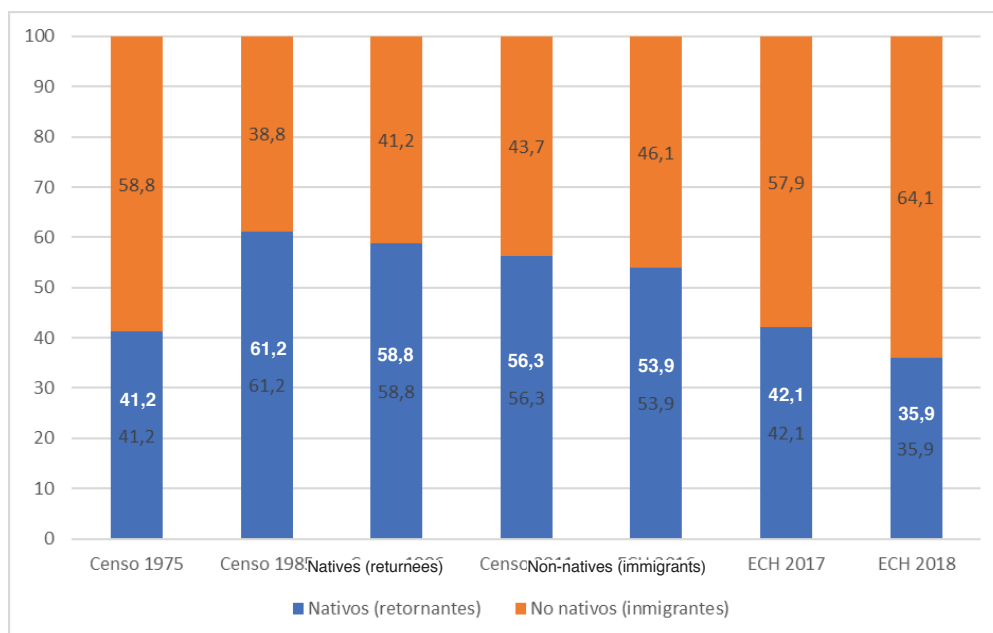
Indeed, from the 1980s to the mid-2010s, citizens who returned to the country after having lived abroad (returnees) comprised a larger proportion of migratory inflows than international migrants. This is the case even when the children of returnees are counted as international migrants. As Graph 1 shows, the 1985 Census was the first time that a higher proportion of return migrants than foreign immigrants was documented. This also marks the first year of the first democratic government after a dictatorship that spanned from 1973 to 1984.

At present, for the first time in the 21st century the number of newly arrived immigrants (considering the last five years) is higher than that of returnees in the same time interval (Graph 2). It is expected that in the coming years this trend will deepen, due to the growing flow of immigrants and the decreasing number of returnees, and because migrants are identified on a five-year basis.<sup>8</sup>

<sup>7</sup> The text dedicated to the analysis of immigrant profiles included in this section has been extracted, with slight modifications, from Koolhaas and Nathan (2013).

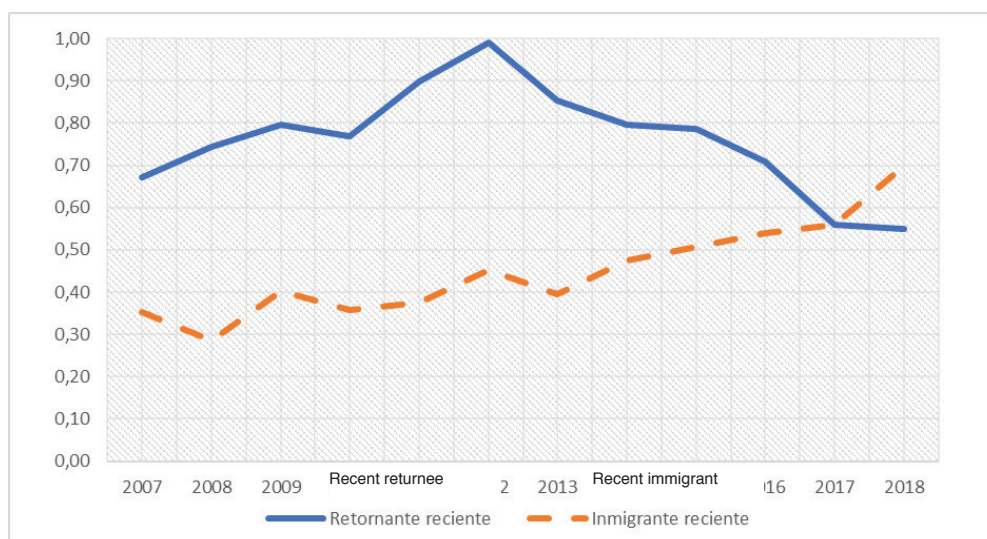
<sup>8</sup> In the ECH 2018, people identified as recent migrants have arrived in Uruguay between 2013 and 2018.

**Graph 1. Distribution of the Population (Age 5 or Over) According to Birthplace, Who Lived Abroad no Less Than 5 Years Prior. Censuses from 1975 to 2011 and ECH 2016-2018.**



**Source:** Microdata processing of IPUMS International (series 1963-1996), Koolhaas & Nathan (2013) for the 2011 Census and micro-data processing of ECH 2016/2018.

**Graph 2. Immigrants and Recent Returnees as a Proportion of the Total Population, 2007-2018.**



**Source:** Processed microdata from ECH.

The waves of foreign immigration that arrived in the country after 1950 were made up in large part by people born in countries in the region and by relatives of returnees (couples and children born abroad), mostly from Argentina, Spain and the United States. The statistics provided by the census data over recent decades shows a change in the immigrants' countries of origin. There is a marked increase in the relative number of immigrants born in Latin America, trend that in non-border immigration is considerably accentuated after the 2011 Census. Argentina stands out as the main country of origin of immigrants based in Uruguay (Table 2).

**Table 2. Relative Distribution of Foreign-Born Population Registered in Uruguay by Country of Origin, Censuses from 1963 to 2011 and ECH 2018.**

	1963	1975	1985	1996	2011	2018
Argentina	14,4	14,2	18,6	28,4	34,8	33,1
Brazil	8,3	10,6	11,7	14,6	16,7	14,1
Other South American countries	1,8	2,7	3,9	6,0	9,5	20,3
Central America, Caribbean y Mexico	0,2	0,2	0,4	1,1	2,0	5,8
United States	0,6	0,6	0,8	1,6	3,7	3,6
Canada	0,0	0,1	0,1	0,4	0,5	0,2
Spain	35,1	33,7	31,0	23,4	16,5	14,0
Italy	17,2	16,3	14,6	11,0	7,2	4,7
Other European countries	18,9	19,1	15,8	10,6	6,8	4,5
Rest of the world	3,5	2,5	3,0	2,9	2,5	1,8
Total	100,0	100,	100,0	100,0	100,0	100,0
Foreign born population (thousands)	207	131	106	95	77	83
Percentage in relation to resident population	8,1	4,7	3,6	3,1	2,4	2,4

**Source:** Microdata processing of IPUMS International (1963-1996 series), Koolhaas & Nathan (2013) for the 2011 Census and ECH 2018 microdata processing.



**Box 1****International Return Migration to Uruguay**

Crises in the primary receiving countries of Uruguayan emigrants (particularly Spain) have contrasted with economic growth and growing employment opportunities in Uruguay, resulting in a recent upward trend in return migrants. The distribution of returnees by country correlates with the historical destinations of Uruguayan emigrants: Argentina until the 1990s, and Spain and to a lesser extent the United States from the 21st century onwards. Data from the 2011 Census shown remarkable growth in the flows of returnees from Spain, such that, at present, it is the main country of origin of recent returnees, representing a third of total returnees in the period 2006-2011. The 1985 Census revealed that 6 percent of returned emigrants came from Spain. Returnees from the United States and Argentina occupy the second place in the ranking among countries.

The average age of returnees tends to be somewhat higher than that of foreign immigrants, since emigration is a process that precedes return. The low proportion of children among returnees is explained because many children of returnees were born abroad, so they are not registered as returnees, but as immigrants. It is also observed, as with emigration, a selective profile by sex: the majority of recent returnees are male, while in the non-migrant population women predominate.

Consistent with the traditional profile of Uruguayan emigrants, returnees have a higher educational level than the non-migrant population: the percentage of the returnee population aged 25 or more with tertiary education is slightly above 30 percent, while among the non-migrant population it is just 18 percent. There are considerable differences between the educational level of the returnees according to their host country. As with the profile of the emigrants, the smaller the contingent of Uruguayan migrants living in a host country, the more educationally selective they tend to be. Consequently, the returnees that arrive from the countries with the largest number of emigrants (Argentina, the US and Spain) also exhibit the lowest rates of higher education, while the groups with the highest educational levels are constituted by returnees from Central America, the Caribbean and European countries, excluding Spain and Italy.

Data from the 2011 Census confirmed greater difficulties in finding employment among recent returnees compared to the non-migrant population, keeping sex, age and educational level constant. In fact, returnees that arrived after 2005 shown a level of unemployment that is practically double that of non-migrants (8.4 percent and 4.4 percent, respectively). This divide increases among men without higher education



and among women with higher educational levels.

Recent returnees from Spain have unemployment rates significantly higher than their peers who return from neighboring countries (Argentina and Brazil). One hypothesis to explain this phenomenon points to the fact that the economic crisis in Spain caused returnees to move back to Uruguay due to a failed migration attempt, according to a neoclassical economic perspective. In contrast, the favorable economic situation in neighboring countries makes a return to Uruguay more likely associated with successful migration projects or at least with a greater degree of planning and availability of resources.

**Source:** Text extracted with slight modifications from Koolhaas and Nathan (2013).

Censuses carried out since 1963 have registered a systematic decrease in the number of foreign immigrants: from representing 8.1 percent of the population in the 1963 Census, to 2.4 percent in the 2011 Census.<sup>9</sup> This decline has not been proportional across countries of origin, as shown in Table 3. Nevertheless, it is important to consider that this represents the cumulative magnitude of the foreign-born population; therefore, the rate of decline in the immigrant population is also affected by deaths in the immigrants that arrived in the first half of the 20th century, and thus does not accurately depict the recent upswing in the foreign immigration.

**Table 3. Foreign-born Population by Country of Birth, Censuses from 1963 to 2011 and ECH 2018.**

Country of birth	1963	1975	1985	1996	2011	2018
Argentina	29.820	18.660	19.800	26.960	26.782	25.925
Brazil	17.110	13.970	12.480	13.860	12.882	11.754
Other South American Countries	3.790	3.600	4.180	5.696	7.291	16.906
Central America, the Caribbean & Mexico	510	310	460	1.044	1.546	4.829
United States	1.220	800	900	1.519	2.811	2.980
Canada	80	100	150	380	363	152
Spain	72.830	44.290	32.930	22.214	12.676	11.663
Italy	35.650	21.360	15.540	10.442	5.541	3.934
Other Europe countries	39.090	25.040	16.770	10.063	5.222	3.743
Rest of the world	7.190	3.250	3.140	2.753	1.889	1.461
Total	207.290	131.380	106.350	94.930	77.003	83.347

**Source:** Microdata processing of IPUMS International (series 1963-1996), Koolhaas & Nathan (2013), for the 2011 Census and ECH 2018 microdata processing.

<sup>9</sup> In the 1908 Census, foreign immigrants comprised 17.4 percent of the Uruguay's population.

The information presented above is limited in its capacity to properly illustrate recent trends in the flow of international immigrants, given that it takes into account the total stock (cumulative amount) of international immigrants regardless of the period of arrival in the country or the time of residence in Uruguay.

Likewise, the 2011 Census has been quickly outdated to adequately identify the migratory flows that have come after the date of its realization. After 2011, according to statistics from administrative records (residence permits and records of inflows and outflows through border crossings) a considerable increase in certain immigration flows has been verified, in particular from Latin American and the Caribbean countries such as Venezuela, Cuba and the Dominican Republic. Therefore, a more accurate picture of recent migration trends is obtained by identifying only recent immigrants, that is, those who arrived in Uruguay during the five years prior to the date of observation (2011). The comparison of the results of the most recent edition of the ECH with the last census corroborates both the considerable growth of recent immigration and that the three most dynamic immigrant population groups correspond to the aforementioned nationalities.

**Table 4. Stock of Recent Immigrants by Country of Birth, Census 2011 and ECH 2018.**

Country of birth	Census 2011		ECH 2018		Percentile Variation 2011-2018
	N	%	N	%	
Argentina	4.864	29,5	5.062	20,5	4,1
Brazil	2.671	16,2	2.349	9,5	-12,1
Peru	660	4,0	781	3,2	18,3
Venezuela	316	1,9	7.334	29,7	2220,9
Cuba	166	1,0	2.208	8,9	1230,1
Dominican Rep.	25	0,2	1.011	4,1	3944,0
Rest of Central America, the Caribbean	2.173	13,2	2.368	9,6	9,0
Spain	1.677	10,2	1.894	7,7	12,9
Rest of the world	3.954	24,0	1.710	6,9	-56,8
Total	16.506	100,0	24.717	100,0	49,7

**Source:** Microdata processing of 2011 Census and 2018 ECH.

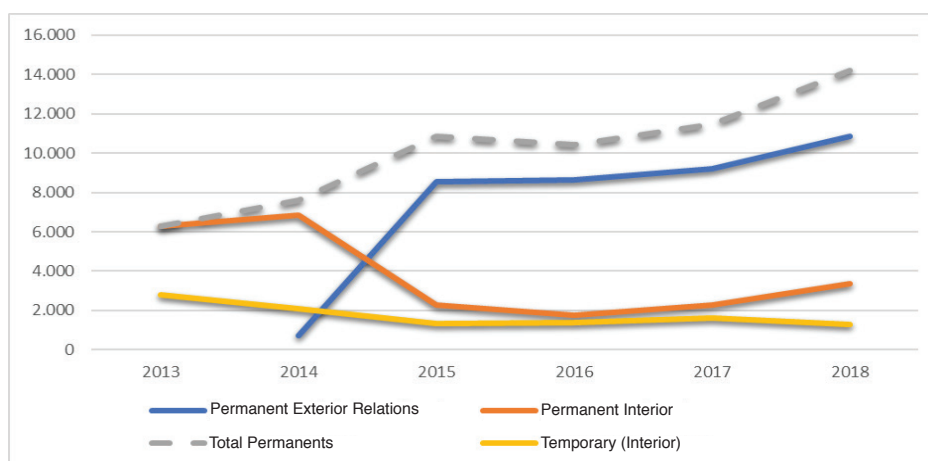
The numbers provided by the ECH should be considered with caution, to the extent that it is a source that is registered only in private households and therefore does not take into account the population residing in collective dwellings (including, for example, what is called “pensions” in Uruguay). This type of housing is relatively frequent among the immigrant population, especially of certain nationalities (Cuba and Dominican Republic), and particularly among those migrants who are newly

arrived in the country. Since ECH may be underestimating the number of recent immigrants, it is necessary to approximate the magnitude of immigration by appealing to complementary sources of information from administrative records. In this sense, a first source that suggests the plausibility of the underestimation hypothesis comes from the requests for refuge, since UNHCR data shows that by 2018 the number of asylum seekers of Cuban nationality exceeds 6 thousand people (See Refugee Section).

Secondly, a complementary approach to the data collected in the ECH to examine the evolution of migration flows after the 2011 Census is provided by the statistics of processed permanent residences, which as of October 2014 are divided into two state offices: Ministry of Foreign Affairs (MERCOSUR Member and Associated States, as well as to relatives of Uruguayans with foreign nationality) and Ministry of Interior (rest of the world).

The trend in the number of permanent residences processed confirms the sustained growth of immigration in Uruguay during the last five years. Considering the 2014-2018 period, the available data indicate that around 51 thousand applications for permanent residence were initiated.<sup>10</sup> A quarter of them correspond respectively to nationals of Argentina and Venezuela. Other nationalities with a numerically relevant participation are Brazil, Cuba, Dominican Republic and Peru. In the last year with available information (2018), the two migratory currents of greater dynamism are those from Venezuela and Cuba (Graph 3 and Table 5).

**Graph 3. Permanent Residences Processed by Institution, 2013-2018.**



**Source:** Data processing of statistical yearbooks published by the DNM (Ministry of Interior) and reports published on the JNM – National Migration Board website.

<sup>10</sup> Both initiated and non-granted residences are considered, because the information corresponding to the Ministry of Foreign Affairs is only available through these criteria.

**Table 5. Permanent Residences Processed by Country or Origin.  
2014-2018.**

	2014-2018		2017		2018	
	N	%	N	%	N	%
Argentina	12.296	24,2%	2.184	19,0%	1.484	10,4%
Bolivia	569	1,1%	96	0,8%	100	0,7%
Brazil	7.645	15,1%	1.832	16,0%	1.880	13,2%
Chile	1.083	2,1%	157	1,4%	190	1,3%
Colombia	2.326	4,6%	473	4,1%	619	4,4%
Ecuador	438	0,9%	94	0,8%	95	0,7%
Paraguay	979	1,9%	220	1,9%	174	1,2%
Peru	2.717	5,4%	398	3,5%	448	3,2%
Venezuela	11.805	23,3%	3.248	28,3%	5.448	38,3%
Cuba	4.350	8,6%	989	8,6%	2.337	16,4%
Dominican Rep.	2.895	5,7%	370	3,2%	471	3,3%
United States	752	1,5%	164	1,4%	105	0,7%
Spain	1.269	2,5%	186	1,6%	128	0,9%
Rest of the world <sup>1</sup>	1.603	3,2%	1.068	9,3%	740	5,2%
Total	50.727	100,0%	11.479	100,0%	14.219	100,0%

<sup>1</sup> In this category there is a numerically relevant participation of nationals of India, with 964 residences processed in the Ministry of Interior (concentrated mainly between 2014 and 2016). However, in the case of residences processed in the Ministry of Foreign Affairs, the people of India were grouped into "others"

**Source:** Data processing of statistical yearbooks published by the DNM (Ministry of Interior) and reports published on the JNM – National Migration Board website.

### 2.2.1. Demographic Profile of Immigrants

Knowing the distribution of the migrant population by sex and age is essential when beginning to assess the demographic impact of international migration. Uruguay's negative migratory balance since the 1960s, as well as young peoples' greater propensity to migrate, has had several consequences for the country's demographics.

First, international emigration has exacerbated the low population growth, leading to negative growth in the years of greatest emigration (2002-2003) because natural growth (births minus deaths) was not enough to off-balance the magnitude of the negative migratory balance (Pellegrino, 2008).

Secondly, the negative migratory balance has been accentuated due to the predominantly young age of emigrants, thus accelerating the aging process of Uruguayan society.

The third demographic effect of international emigration is on the birth rate. Because emigrants are generally concentrated around fertile ages, the migration of this population also causes a drop in the number of births.

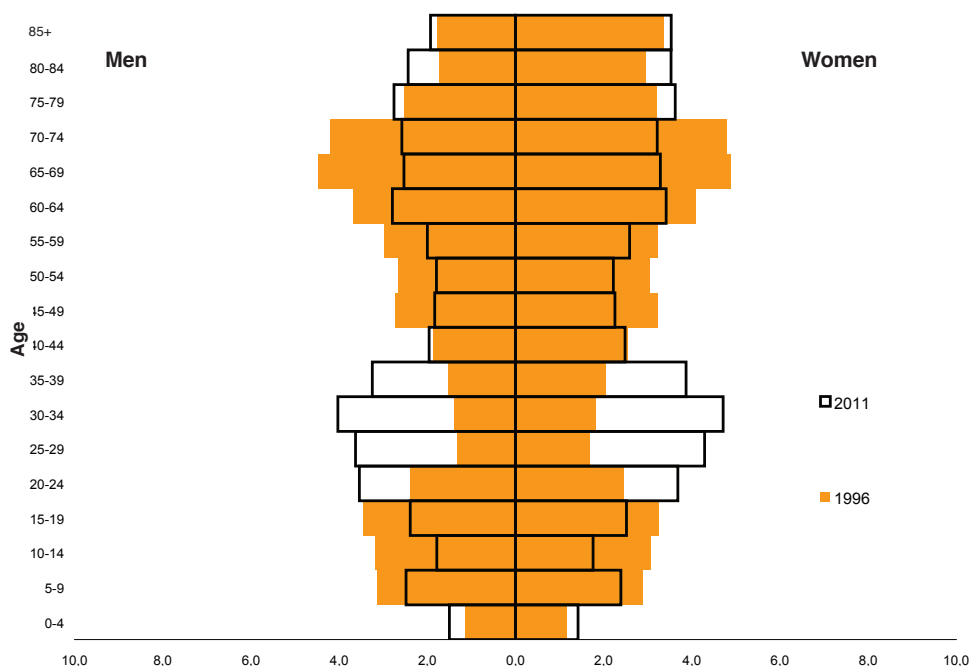
The evaluation of the demographic impact of these phenomena depends on the level and structure of immigration and emigration. In this sense, the 2011 Census provides a good starting point to analyze the extent to which the demographic profile of immigrants mitigates the effects of emigration.

The age distribution of the immigrants registered in the 2011 Census shows an elderly population, a lingering effect of immigrants from European countries (majority from Spain, followed by Italy) who arrived several decades ago. In fact, according to the results of the 2011 Census, 11.5 percent of the foreign-born population is 80 years old or over, while among non-migrants this age group represents only 3.5 percent of the population. Nevertheless, the age groups with the highest proportion of immigrants lie mainly among a young, economically active demographic between the ages of 20 and 39. On one hand, this reflects the existence of a considerable flow of recent immigrants and, on the other hand, a “cohort effect,” since it is also connected to the arrival of children of returnees, who, after the return of democracy were logged in the 1996 Census as being between 5 and 19 years old. In fact, the 2011 Census is the only census that shows a significant percentage of the foreign-born population as between 20 and 39 years of age, the typical age range of migrants (Graph 4).

An analysis of the population distribution of recent immigrants that arrived in Uruguay the six years prior to the 1996 and 2011 Censuses (from 1990 to 1996 and 2005 and 2011, respectively) shows the considerable weight that return migration has on total foreign-born population numbers. The fact that 36 percent of recent immigrants are under age 15 and that a considerable percentage of the population is not young or of an economically active age is explained because returnees are not included in this numbers. Indeed, among those under age ten who are recent immigrants, approximately six out of ten live in a household composed of at least one returnee, who, by definition, is excluded from this population pyramid.<sup>11</sup> As people age, and most notably, after age 20, the number of immigrant households with returnees decreases considerably (Graph 5).

<sup>11</sup> Macadar and Pellegrino (2007), when analyzing the results of the 2006 ENHA forewarned about the considerable presence of children of returnees in the foreign-born population stock. In particular, the 2006 ENHA exhibited a significant percentage of the foreign-born population between the ages of 15 and 19 years old (8.7 percent), due to the presence of the children of returnees who arrived at the beginning of the 1990s.

**Graph 4. Relative Distribution of the Foreign-born Population by Sex and Age, 1996 and 2011 Censuses.**



**Source:** Koolhaas and Nathan (2013).

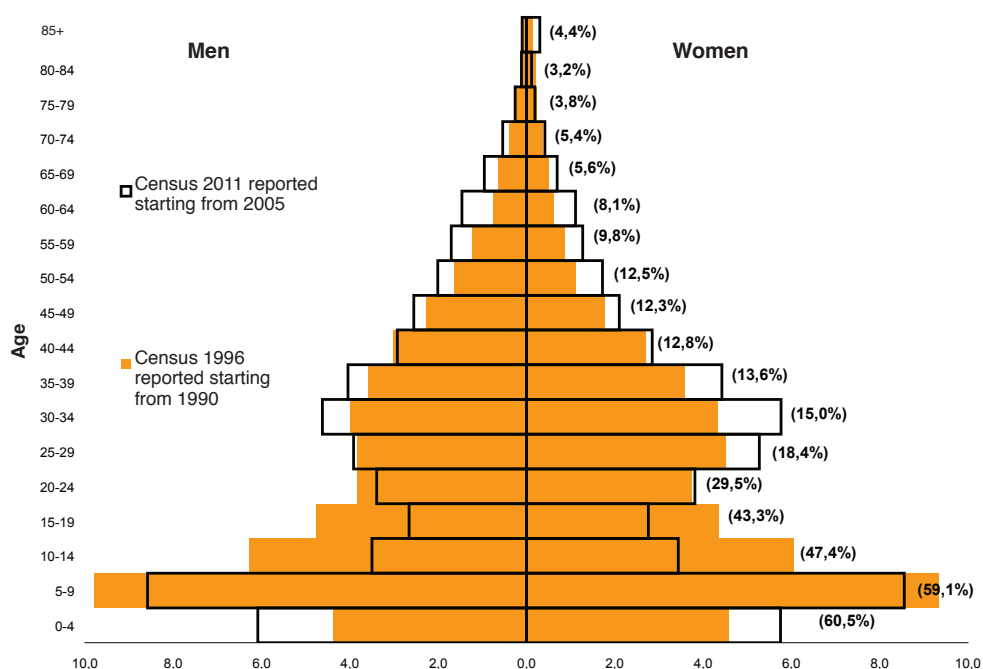
Given that after the 2011 Census, Uruguay's migratory landscape shifted—mainly due to increased immigration from countries such as Venezuela, the Dominican Republic and Cuba—we complement the previously illustrated information with that of the ECH from recent years. However, it should be remembered that the information collected by the ECH refers only to the population residing in private homes, and therefore the population residing in collective dwellings (that are considered to be a residential arrangement for the Latin-American population), are excluded (MIDES, 2017).

Taking into account such limitations, the data that emerge from the ECH roughly validate the patterns shown in the 2011 Census. The new immigrant population maintains a gender balance, with 51.8 percent male and 48.2 percent female, although among Peruvian, Venezuelan and Dominican immigrants, women constitute the majority group. Of the new immigrant contingents, men predominate only among Cubans (6 out of 10).

Newly arrived immigrants are the youngest population group in the country, with an average age of 29—10 years younger than the non-migrant population and 20 years younger than immigrants who have resided in the country for at least five years.

Nonetheless, nine percent of this group is under six years old.

**Graph 5. Relative Distribution of Recent Immigrants by Sex and Age in the 1996 and 2011 Censuses and Proportion Reported Living in Households with Returnees in the 2011 Census.**



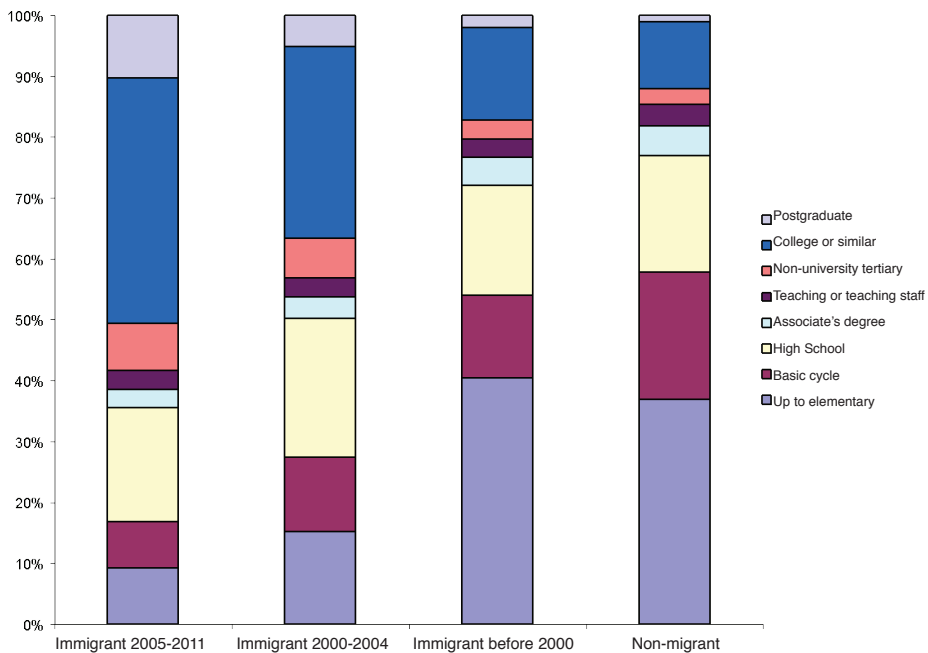
**Source:** Koolhaas and Nathan (2013).

### 2.2.2. Educational Levels

One of the issues that has generated most interest in migratory studies is the negative effects that emigration causes for countries of origin, particularly from the perspective of the loss of human capital. The historical evidence regarding the demographics of Uruguayan emigrants classifies Uruguay as a case where emigrants tend to have above-average educational levels when compared to the resident population. This generates a legitimate cause for concern regarding the loss of highly qualified human capital, to the extent that Uruguay has invested public resources in training people who then emigrate and transfer their knowledge to their host countries. With this in mind, many countries with high rates of emigration have looked to implement reforms to incentivize the return or reconnection of such emigrants and thus reverse or at least mitigate the negative effects of migration on the social and economic development of the origin country.

Possibly due to its scarce rate of incidence over the last fifty years, until now little attention has been paid to the educational profile of migrants arriving in Uruguay, whether they are natives (returnees) or non-natives (immigrants). The results of the 2011 Census confirm a trend that had already been observed with data from the ECH (Population Program, 2011): the educational levels of the foreign-born population are considerably higher than that of the non-migrant population. While 18 percent of non-migrant natives age 25 or over with tertiary education, this percentage rises to 62 percent among immigrants who arrived between 2005 and 2011, to 46 percent among those who arrived between 2000 and 2004, and to 23 percent among the foreign-born population that settled in Uruguay before 2000 (Graph 6). Therefore, we conclude that because the profile of people migrating to Uruguay is highly selective, the loss of qualified human resources caused by emigration is mitigated (Population Program, 2011).

**Graph 6. Percentage Distribution of Immigrant Population Aged 25 or Over by Highest Level of Education Attained, According to Year of Arrival, 2011 Census.**



**Source:** Koolhaas and Nathan (2013).

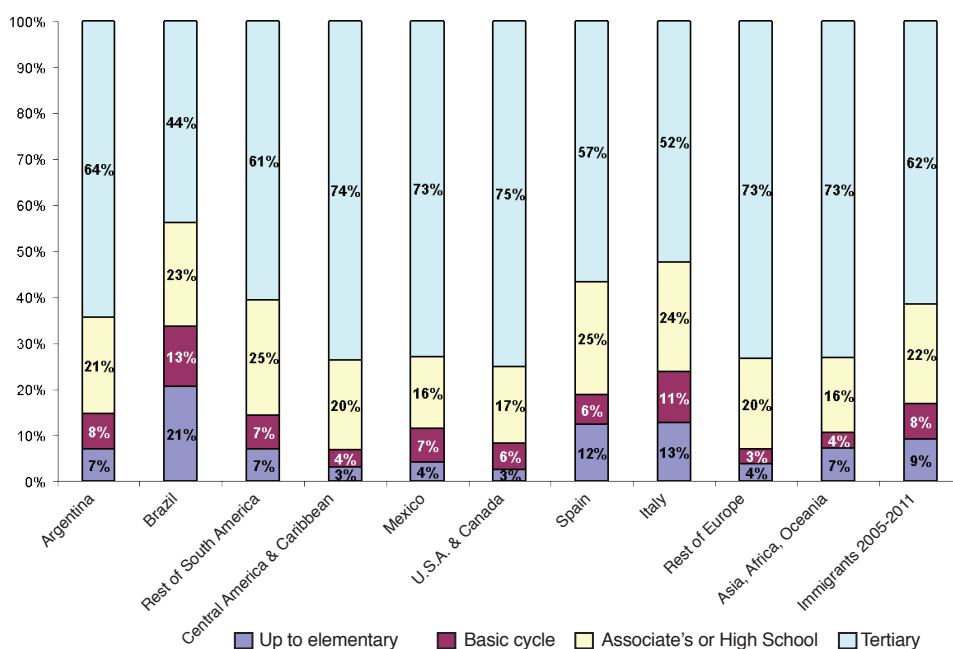
There are considerable differences in the educational level of immigrants by country of birth, even when analysis is restricted to recent immigrants. Despite Brazilians having a lower educational level among immigrants, they still surpass the average educational



level of the non-migrant population; 44 percent of Brazilians have had tertiary education. This is not unusual, given that it is common that border migrants have a less selective educational level and normally reproduce internal migration patterns.

As seen in Graph 7, the origin countries of immigrants with the highest levels of tertiary education are generally those with historically lower rates of migration to Uruguay, such as countries located in Central America, the Caribbean, North America, Africa, Asia, Oceania and in the category “Rest of Europe” (European countries excluding Spain and Italy). This is not surprising, considering that selectivity of migratory movements is generally negatively correlated to massive flows; similarly, the receiving countries with the greatest level of highly educated immigrants tend to be the ones that receive the least number of Uruguayan migrants in total.

**Graph 7. Immigrant Population Aged 25 or Over by Country of Birth and Highest Level of Education Attained (Percentage), with Year of Arrival Between 2005 and 2011, 2011 Census.**

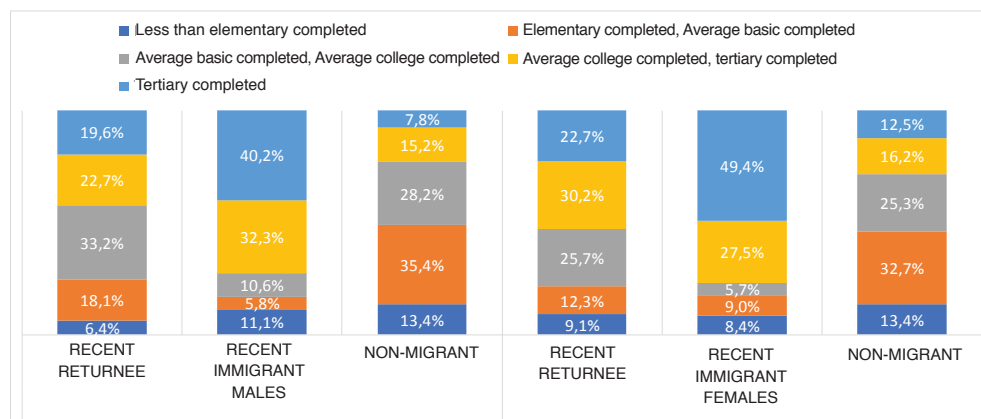


**Source:** Koolhaas and Nathan (2013).

Statistical information of the most recent edition of the ECH does not suggest a change in the tendency of recent immigrants, confirming a persistent and considerable gap in the maximum educational level reached—between recent immigrants—who have much higher levels with respect to the native population. Again, it should be

remembered that the ECH data presents a bias in excluding the population residing in collective dwellings of “pensions”, and therefore it is very possible that the real gap in the educational level of the migrant and immigrant population is somewhat smaller than the one observed with the ECH data.

**Graph 8. Percentage of Population with Completed Tertiary Education by Migratory Status and Gender, ECH 2018.**



**Source:** Microdata processing of the ECH 2018.

### 2.2.3 Labor

The integration of immigrants into the labor market is frequently a topic of interest in migratory studies, with considerable empirical evidence illustrating poorer performance for immigrants compared to the native population. Census data and recent household surveys confirm greater employment difficulties among the immigrant population with up to five years of residency in Uruguay when compared to more long-term immigrants and the non-migrant population (Koolhaas and Nathan, 2013; Prieto, Robaina and Koolhaas, 2016; MIDES, 2017). The results of the 2011 Census show that the greatest employment gap is found among women with tertiary education; in this category, the unemployment rate of recent immigrants (2005-2011) is 2.35 times higher than that of their non-immigrant peers (10.8 percent and 4.6 percent, respectively).

The results of the most recent household surveys not only confirm the existing gaps between native and immigrant groups in terms of access to employment, but also show that immigrant populations work in higher rates in jobs that are less desirable, have greater levels of informality and that represent a gap between their educational level and the job qualifications (MIDES, 2017, Prieto et al., 2016).

**Table 6. Unemployment, Employment and Participation Rates for the Population Aged 15 to 64 Years According to Migratory Status, Sex and Educational Level - 2011 Census.**

	Immigrant 2005-2011	Immigrant 2000-2004	Immigrant prior to 2000	Non- immigrant	Rate Immigrant 2005-2011/ Non-immigrant
<b>Total</b>					
Male unemployment rate	5,0%	5,4%	4,1%	4,4%	1,14
Female unemployment rate	12,1%	9,3%	7,9%	8,8%	1,38
Male employment rate	77,5%	75,6%	82,9%	79,8%	0,97
Female employment rate	51,3%	55,2%	62,3%	59,6%	0,86
Male participation rate	81,6%	79,9%	86,4%	83,5%	0,98
Female participation rate	58,4%	60,9%	67,6%	65,3%	0,89
<b>Population without tertiary education</b>					
Male unemployment rate	5,7%	6,6%	4,3%	4,5%	1,27
Female unemployment rate	14,3%	12,1%	9,8%	10,6%	1,35
Male employment rate	71,9%	70,9%	81,2%	79,0%	0,91
Female employment rate	43,7%	47,6%	55,3%	53,9%	0,81
Male participation rate	76,2%	75,9%	84,9%	82,7%	0,92
Female participation rate	51,0%	54,1%	61,4%	60,3%	0,85
<b>Population with tertiary education</b>					
Male unemployment rate	4,6%	3,6%	3,7%	3,8%	1,21
Female unemployment rate	10,8%	6,0%	4,9%	4,6%	2,35
Male employment rate	82,4%	83,9%	87,1%	84,3%	0,98
Female employment rate	57,3%	67,3%	76,4%	78,3%	0,73
Male participation rate	86,3%	87,0%	90,4%	87,6%	0,99
Female participation rate	64,2%	71,6%	80,3%	82,0%	0,78

**Source:** Koolhaas and Nathan (2013).

### 3. Emigration

This section covers historical and modern trends of international emigration in Uruguay. It begins by offering a brief historical review of the main migratory flows from the beginning to the end of the 20th century, and then analyzes emigration trends starting in the 21st century. In addition to identifying the main characteristics of emigration flows, this section identifies the destination countries of most Uruguayan emigrants and concludes with a sociodemographic classification of migrants by age, gender, and educational level.

### 3.1. Brief Historical Review<sup>12</sup>

Starting in the mid-1950s, a new trend emerged in the international and national migration. European migration ended due to causes related to crises within the receiving countries. During this period, there was a reorientation in the intercontinental international migratory flows. Among traditionally receiving countries, a fundamental transformation occurred in the composition of arriving immigrants, with more Asians and Latin Americans. Along with a curb in the influx of European immigrants, return flows of these migrants were also observed. Moreover, Latin American immigration to Europe began to grow, a phenomenon that would intensify in the last decades of the 20th century and the first years of the 21st century. This was compounded by the fact that immigrants insisted on the right to obtain their ancestors' citizenship, which stimulated emigration and eased the process of obtaining documentation.

Emigration was a familiar phenomenon among Uruguayans: from the 19th century and into the first decades of the 20th, historical testimonies describe the tendency of Uruguayans to emigrate beyond their national borders. Historians have shown that this phenomenon influenced demographic processes in other eras (Aguiar, 1982, Mourat, 1966, Jacob, 1970, Barrán and Nahúm, 1967). Close cross-border relationships, particularly with Buenos Aires, the Argentine coast and southern Brazil, allowed for intense population exchanges. The departure of Uruguayans to border countries offset other immigrants. Nevertheless, throughout the first half of the 20th century and until the beginning of the 1960s, Uruguay could be considered a country of immigration, with positive net migration.<sup>13</sup>

The Argentine censuses, and particularly the 1914 Census, show that at the beginning of the 20th century the proportion of Uruguayans residing in Argentina calculated relative to total resident population was high (approximately 8 percent). In contrast, the number of Uruguayans in Argentina in 1947 and in 1960 was much lower, both in relative and absolute terms. Policies of substitution industrialization and the economic boom of the years around World War II reoriented migratory flows to urban areas within countries, thus decreasing migration abroad (Pellegrino, 2003).

The economic crisis that began during the second half of the 1950s and extended into

<sup>12</sup> Cf. Pellegrino (2013).

<sup>13</sup> It should be noted that the assessment of the migratory balance presents important problems. The river and terrestrial borders made for a frequently imprecise registry. Despite this, excluding the periods of the two World Wars, when European immigration stopped, net migration was positive.

the 1960s and 1970s resulted in the intensification of social and political conflicts, generating a climate of violence and repression that led to a coup d'état in June 1973 and the subsequent instigation of a military dictatorship which would last more than ten years. Emigration became one of the solutions that Uruguayan society had to face economic crisis and political repression.

The coupling of internal and international factors resulted in a significant proportion of the population seeking options through emigration. Once significant communities of Uruguayans were formed in foreign countries, they facilitated continued migration, allowing the population to react immediately when conditions were favorable for migration. The networks that were consolidated in this process produced a multiplying effect that stimulated emigration even more.

Emigration peaked in the 1970s, during which it could be considered massive for a country as small as Uruguay. Its impact on society was very important. Although more than half of emigration was to Argentina, emigration to other countries was new and different. The trends became much less ones of regional migration, such as to Buenos Aires, or migration that followed the same tendencies as internal migration. Rather, with new emigration flows, Uruguay joined the so-called South-North migration.

This phenomenon constitutes, as is the case with other demographic measures, an atypical case among standard migration analyses. Demographically, Uruguay experienced a population exodus without the presence of a population boom.

From an economic perspective, the crisis and failure of the development model that began at the end of the 1950s led to a long period of stagnation, which revealed the impossibility of employing the labor force in a way that was consistent with their levels of expertise and that met their expectations.

The option to emigrate offered an alternative to facing the internal conflicts and restrictions caused by the economic and political crises. This was further stimulated by an international context that was still favorable to receiving immigrants.

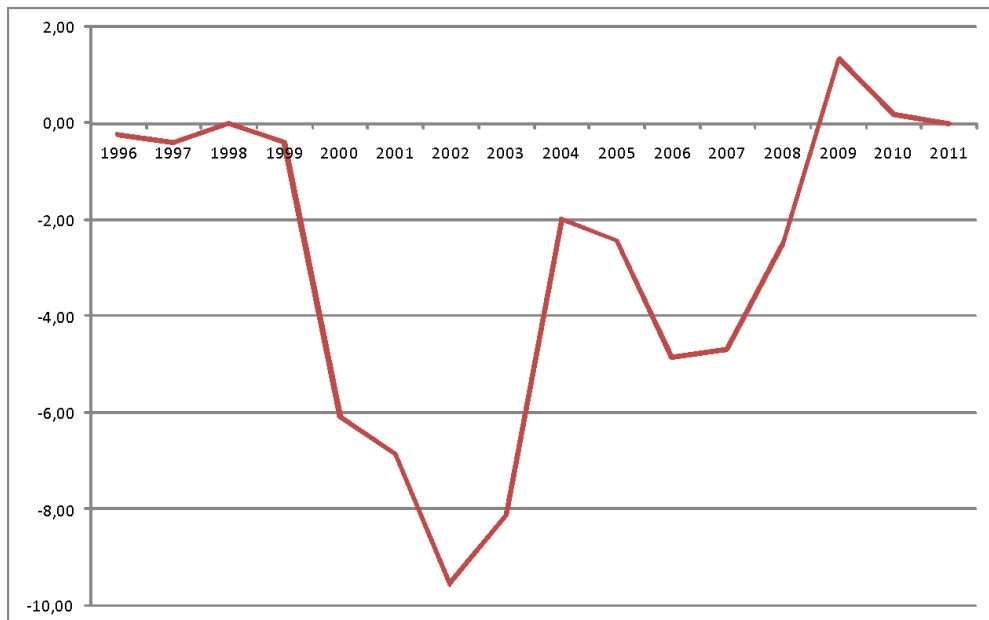
### **3.2. Evolution of Emigration from 1990 to the Present**

The historical period that begins with the restoration of democracy in 1985 was marked by intense fluctuations in international migratory flows. In the years immediately following the return of democracy, there was a considerable influx of return migrants, such as political exiles, although their numbers were not enough to reverse the negative net migration.

Thus, the return to democracy did not meet expectations of reversing the high flux of emigrants and the migratory balance remained negative. In 2000, when began what is considered the country's worst economic crisis, once again the population turned to emigration as an option to alleviate their employment and standard-of-living difficulties. The Social Characterization Survey, conducted in 2002, and the more recent Extended National Household Survey (ENHA), carried out in 2006, reveal strong data showing the high volume of recent emigrants.

In fact, according to data from the 2006 ENHA, between 2000 and 2006, almost 40,000 people emigrated. However, the 2006 ENHA survey only takes into account a segment of emigration, namely, the people who left homes that existed at the time of the survey and, therefore, could provide information. As a result, the number of households that migrated in its totality were not surveyed. In fact, it is estimated that this survey only captures a third of the emigrant flows of the period, which are estimated to be approximately 120,000 people (Macadar and Pellegrino, 2007; Pellegrino and Koolhaas, 2008; of Population, 2011).

**Graph 9. Estimated Annual Rate of Net Migration  
(Migratory Balance Per 1,000 People), Uruguay, 1996-2011.**

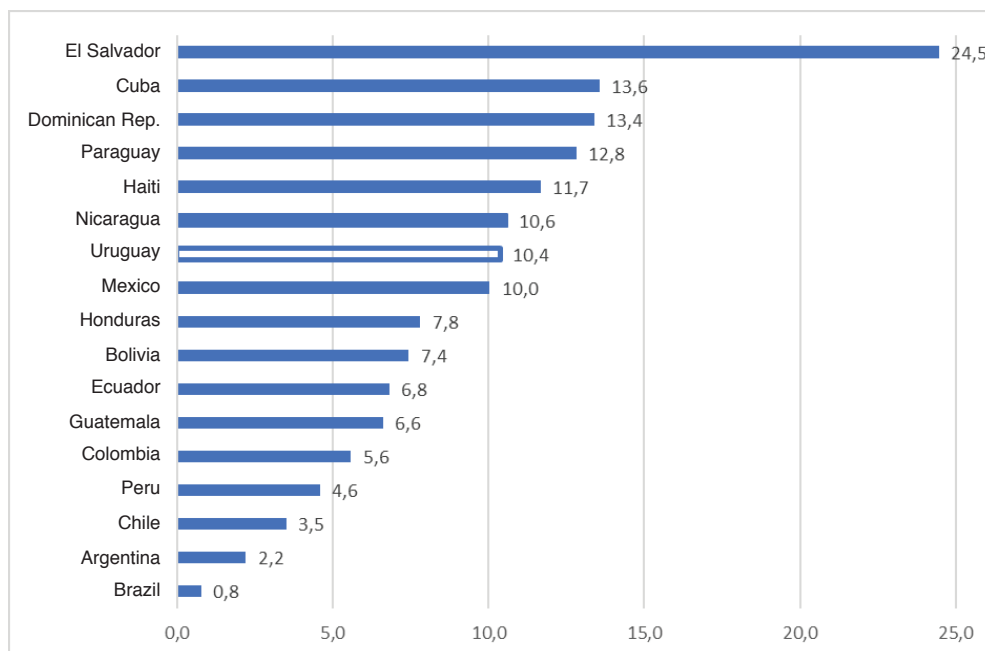


**Source:** INE, population estimates and projections, 2013 version.

The 360,000 people born in Uruguay who were estimated to reside abroad in 2017 represent around ten percent of the population in the country. This percentage is

considerably higher than the Latin American average, characterizing Uruguay as predominantly emigrant. Nevertheless, this number is far below the region's highest numbers, held by El Salvador, where one in four nationals reside abroad (Graph 10).

**Graph 10. Emigrant Population as a Percentage of the Resident Population in Each Country, Selected Latin American Countries, 2017.**



**Source:** Own elaboration and calculations based on *United Nations, Department of Economic and Social Affairs (2017), Trends in International Migrant Stock: Migrants by Destination and Origin*.

### 3.3. Destination Countries of Migrants

Historically, Uruguayan emigrants' main destination has been Argentina and, to a lesser extent, Brazil. Since the 1960s, a trend began toward some developed countries: United States, Canada, Australia and European countries. Argentina continued to be the main destination for Uruguayan emigrants until the beginning of the 21st century, when, with the economic crisis of 2002, Argentina experienced its last great wave of Uruguayan immigration and the preferred countries of destinations for Uruguayan emigrants became Spain and the US. These countries, along with Italy, registered the highest growth of Uruguayan emigrants between 2000-2015 (Table 7).

In terms of the cumulative number of migrants, around 2017, 38 percent of Uruguayan immigrants resided in Argentina, 21 percent in Spain, 14 percent in the United States

and 8 percent in Brazil (Table 7). The remaining 20 percent was distributed in a large number of countries, including in Latin America (Venezuela, Paraguay, Chile, Mexico) and some other developed countries (Australia, Canada, Italy, Israel, Sweden, France).

**Table 7. Uruguayan Emigrants by Country of Residence, 2000 and 2017.**

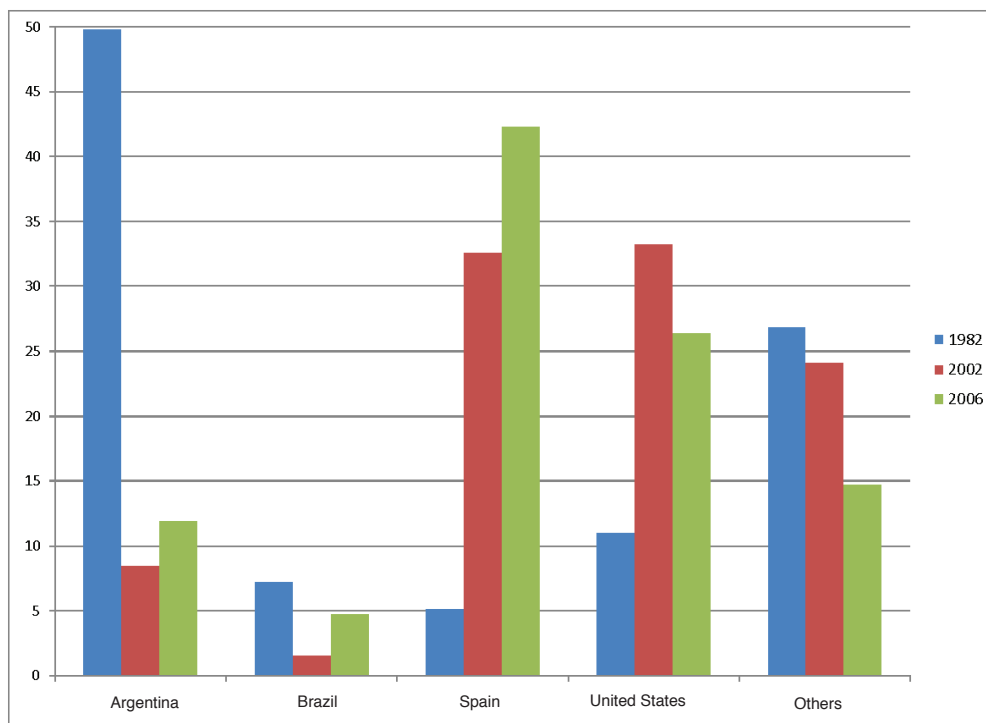
Country of Residence	Total emigrants 2000		Total emigrants 2017		Percentile Variation 2000-2017
	N	%	N	%	
Argentina	113.827	49,5	137.726	38,4	21,0%
Spain	19.920	9,4	74.338	20,7	273,2%
United States	25.038	10,7	51.229	14,3	104,6%
Brazil	24.799	10,5	29.468	8,2	18,8%
Australia	10.570	4,0	11.679	3,3	10,5%
Canada	6.240	2,6	7.672	2,1	22,9%
Italy	2.596	2,1	7.631	2,1	194,0%
Israel	5.280	1,9	6.220	1,7	17,8%
Venezuela	4.692	2,1	4.869	1,4	3,8%
Mexico	1.966	0,5	3.023	0,8	53,8%
Paraguay	3.303	1,3	3.000	0,8	-9,2%
France	2.198	0,7	2.472	0,7	12,5%
Chile	2.238	0,9	2.381	0,7	6,4%
Sweden	2.227	1,0	2.183	0,6	-2,0%
Switzerland	1.175	0,4	1.769	0,5	50,6%
Great Britain	935	0,4	1.206	0,3	29,0%
Others	7.861	1,9	11.857	3,3	50,8%
Total	234.865	100,0	358.723	100,0	52,7%

**Source:** Prepared by the authors based on *United Nations, Department of Economic and Social Affairs (2017). Trends in International Migrant Stock: Migrants by Destination and Origin.*

As indicated above, the trend observed throughout the 20th century was reversed after the last major wave of emigration which peaked during the crisis of 2002. Argentina was not the main destination during this wave, and thus, in the first five years after the turn of the century, Argentina experienced a similar economic crisis to Uruguay's. According to the information gathered in the 2006 Extended National Household Survey (ENHA), Spain is the main destination country for recent emigrants who left the country between 2000 and 2006 (42 percent), with the United States in second place (26 percent). Argentina received just 12 percent of total recent emigrants (Graph 11). The remaining emigrants were scattered across many countries, including Brazil (4.7 percent).



**Graph 11. Percentage Distribution of Recent Uruguayan Emigrants by Destination Country (1982, 2002 and 2006).**



**Source:** Prepared by the authors based on data from the National Migration Survey (1982), Social Characterization Survey (2002) and 2006 ENHA.

The latest population censuses in Argentina (2010) and Brazil (2010), as well as the continued availability of immigration statistics from the United States and Spain provide an updated overview of the number of Uruguayans residing in the four main migrant-receiving countries.

Argentina continues to host the largest number of people born in Uruguay residing in a foreign country (in accumulated stock), although over the last 15 years it has ceased to be the preferred destination for Uruguayan emigrants.

At the beginning of the 21st century, Brazil, the United States and Spain ranked second in the cumulative number of Uruguayan-born population. Census data suggest that the emigration of Uruguayans to Brazil has remained relatively constant. On the other hand, as a consequence of the fact that both Spain and, to a lesser extent, the United States, became the preferred destinations for Uruguayans who emigrated over the last decade, the total number of Uruguayans residing in those countries increased exponentially beginning in 2002, which marked the beginning

of Uruguay's most recent economic and financial crisis.

At present, the country with the second highest accumulated number of Uruguayan emigrants is Spain, which, as of July 1, 2017 registered 74,778 Uruguayan-born residents. Nonetheless, in 2009 this number reached 89,540.

Several factors can explain the attraction of Spain—up until at least 2008—for Latin American migrants in general, and Uruguayans in particular. Cerrutti and Maguid (2011) categorize the reasons for this desirability into three main areas: 1) the international context and migration policies; 2) historical reasons; and 3) economic and demographic factors. Firstly, the authors emphasize that the restrictions put in place as a result of the events of September 11, 2001 in the United States led to the acceptance of migrants from less restrictive countries, while, simultaneously, there was preferential treatment of Latin Americans in Spanish immigration policy, reflected in reduced visa requirements and in the facilitation of status regularization following the signing of several bilateral agreements. Secondly, Latin Americans' preference toward Spain is explained by historical and cultural links, the common language, and access to Spanish citizenship by children and grandchildren of Spanish emigrants who arrived in Latin America in the first half of the 20th century. Third, Cerrutti and Maguid (2011) also highlight the demand for human capital produced by rapid economic growth in Spain from the late 1990s to 2008 and an insufficient supply of local workers.

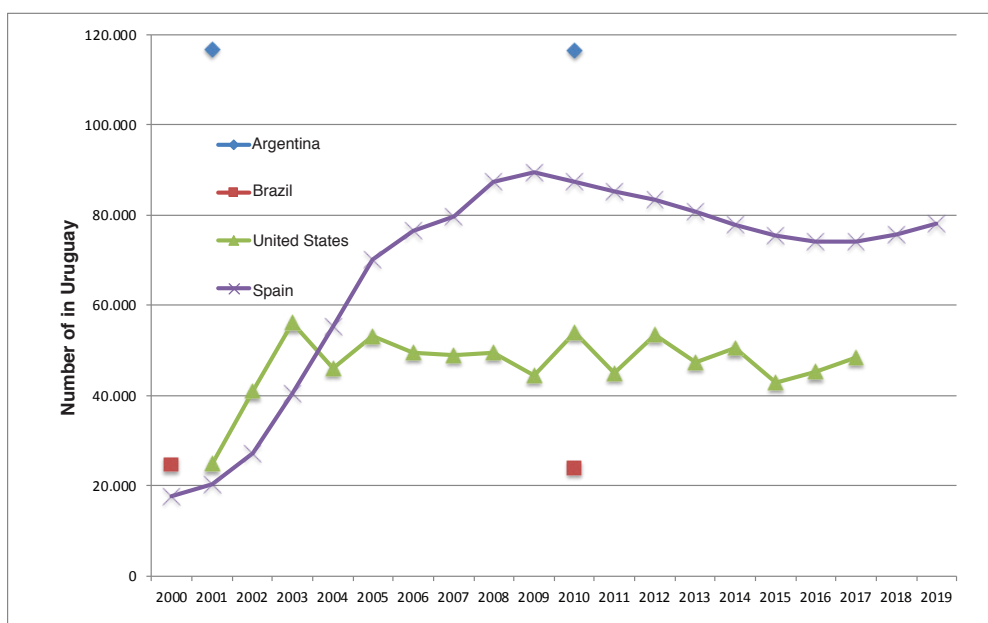
The number of Uruguayans in Spain systematically declined between 2009 and 2015 as a consequence of the global economic crisis, which strongly affected Spain. This also increased the return of Uruguayans to their home country. Since 2016, there has been a modest increase in the number of Uruguayans in Spain, possibly due to two interconnected processes: a decrease in the number of Uruguayans returning to their country of origin, and increased emigration to Spain. This also includes Uruguayans who choose to emigrate again because of difficulties in assimilation into the Uruguayan society.

The US ranks third among countries with the highest total number of Uruguayan emigrants (45,000 in 2016). The US has historically attracted the greatest migrant flows from around the world. After the approval of the 1965 Immigration Act, there was a huge influx of Latin American migrants, including Uruguayans. Since then, the US has become a mainstay for Uruguayan emigrants (Koolhaas and Pellegrino, 2013). The influx of Uruguayans to the US peaked in 2002 and 2003 in the context of the crisis which led to the departure of Uruguayans in search of a solution to job loss and the reduction in real wages they were experiencing

at home. Thus, at its peak, the greatest number of Uruguayans living in the US was registered in 2003 at 56,000. In the following years that number fell slightly, and between 2004 and 2016 the annual stock fluctuated between approximately 45,000 and 53,000 Uruguayans (Graph 12).

At present, Brazil has the fourth-greatest number of Uruguayan emigrants (24,000 in 2010). Due to its shared border, Brazil, like Argentina, has historically maintained a fluid population exchange with Uruguay. The number of Uruguayans registered in Brazil in 2010 is very similar to the number registered ten years earlier. Thus, it can be concluded that the emigration of Uruguayans to bordering countries has not grown in the last decade (Graph 12).

**Graph 12. Evolution of the Accumulated Stock of Uruguay-Born Population Residing in Spain, Argentina, Brazil and the United States, 2000-2019.**



**Sources:** American Community Survey 2001-2017 of the United States; 2001 Census of Spain and Population Register of Spain; 2000 and 2010 Census round of Argentina and Brazil (National Statistical Offices).

### 3.4. Socio-demographic Profile of Emigrants

#### 3.4.1. Sex and Age

According to the results of the 2006 Extended National Household Survey (ENHA) carried out by the National Institute of Statistics (INE), emigrants who left the country between 2000 and 2006 were predominantly of a young age bracket; more than half were between 20 and 30 years old when they left Uruguay. Furthermore, the ratio of males to females was very high: 145 male migrants were counted for every 100 women (Macadar and Pellegrino, 2007). Nevertheless, it should be noted that the strategy for collecting data on the emigration of former members of household is skewed because households whose members emigrated in their entirety are not captured. Moreover, it is plausible to assume that this collection method favorably biases young people as it surveys heads of household whose children have migrated (Macadar and Pellegrino, 2007, Pellegrino and Koolhaas, 2008, Macadar, 2009, Maguid, 2009, Martínez Pizarro, 2009).

An alternative method for gathering demographic information of Uruguayan emigrants is to use the data from the destination countries. The information presented in Table 8 corroborates that emigrants born in Uruguay have a fairly even balance by sex and are concentrated around economically active ages. In all countries, around 80 percent of Uruguayan emigrants are between 15 and 64 years old. The accumulated stock of Uruguayan emigrants, however, shows an older average age than the 2006 ENHA data. Indeed, according to the most recent available data in all the host countries, at least half of the emigrants are 40 years old or older, while adults between 35 and 64 years represent between 50 and 63 percent of total emigrants (Table 8).

The following table shows notable differences across destination country, associated in part with how long Uruguayan emigration to each country has occurred as well as important changes in the demographic profile of the stock of Uruguayan emigrants over time.

First, there are more Uruguayan women in the US, which increases almost four percentage points in 2011 compared to a decade earlier. On the other hand, in the other countries no significant changes were observed in the gender ratio, with slightly more females in Argentina and slightly fewer in Brazil and Spain.

Second, Spain continues to be the country with the highest proportion of Uruguayan migrant children (0-14 years) and youth (15-34 years), a fact that can possibly be related with the more recent character of this emigration.

Third, the high proportion of the population 65 and over registered in Argentina in

2010 stands out. and is explained by the historic nature of Uruguayan emigration to Argentina.

**Table 8. Demographic Indicators of the Uruguayan Population Residing in Argentina, Brazil, Spain and the United States, Around 2000, 2010 and the Latest Available Information.**

	Arg. 2001	Arg. 2010	Brazil 2000	Brazil 2010	Spain 2001	Spain 2011	Spain 2018	USA 2000	USA 2011**	USA 2017
% Woman	52,2	52,4	47,8	48,6	50,0	49,0	49,8	49,1	52,9	46,8
Median age	45	49	42	46	35-39*	35-39	40-44	42	42	50
% 0-14	2,6	3,5	6,1	9,5	9,0	8,2	2,8	4,4	6,0	1,0
% 15-34	25,3	16,6	26,3	19,4	34,4	32,8	26,0	28,8	26,9	16,3
% 35-64	58,8	62,0	52,3	56,4	49,7	52,3	59,5	56,3	53,8	63,4
% 65 y más	13,2	17,9	15,4	14,7	6,9	6,7	11,7	10,5	13,3	19,3
% 15-64	84,2	78,6	78,5	75,8	84,1	85,1	85,5	85,1	80,8	79,7

**Notes:** \*The information by age in Spain is not published in simple ages. \*\* The information from the United States in 2011 is extracted from the three-year database of the ACS for the period 2010-2012.

**Source:** Prepared based on microdata processing of IPUMS USA (USA 2000), ACS 2010-2012 and ACS 2017 (United States), IPUMS International (Censuses of Argentina and Brazil) and tabulations of the INE of Spain (Graphs Population as of July 1 of each year).

### 3.4.2. Educational Level

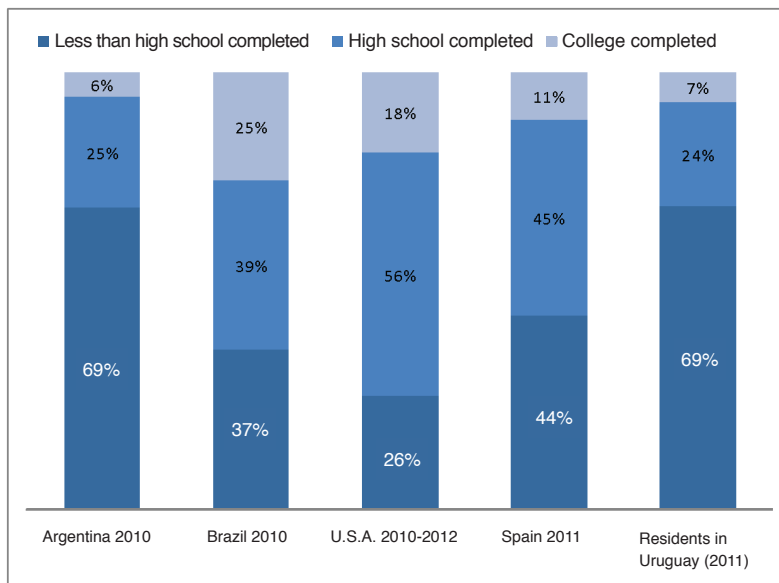
According to the data collected by both the 2002 Social Characterization Survey (ECS) and the 2006 ENHA, recent emigrants have a higher average educational level than the native population. Nevertheless, the percentage of emigrants with tertiary and university education is lower than during previous migratory flows. A similar phenomenon exists regarding migrants' occupations in their destination countries. While skilled workers predominate, the percentage of professionals, technicians and managers was lower than during previous periods. The 2006 ENHA shows that the educational profile of migrant women is higher than that of males, a trend that is also present in the country's population as a whole (Macadar and Pellegrino, 2007).

During earlier emigration flows, there were important differences in the educational level of emigrants depending on the country of destination. Emigrants to Argentina of the 1970s and 1980s had an educational level similar to the average of the population residing in Uruguay. This is due to Argentina's proximity and because this was a

mass migration, encompassing about half of the total number of migrants. In the rest of the receiving countries, the educational level of the Uruguayan emigrants was higher than the Uruguayan average.

The most up-to-date information on the educational level of the Uruguayan-born population residing in the four main destination countries corroborates that emigrants generally have a higher level of education than the population residing in Uruguay. As previously mentioned, Argentina is once again the exception, since the distribution by educational level of the emigrated population resident in that country (2010 Census) is identical to the population surveyed in Uruguay (in 2011). However, unlike what is observed in Table 10 regarding the educational level of emigrants from 2000-2006 (captured in the 2006 ENHA), Uruguayans residing in Spain in 2011 recorded a lower level of education than Uruguayan emigrants living in the US around the same period (2010-2012). This suggests that the flows of emigrants after the year 2006 directed towards the US have been more selective in terms of educational level than those that went to Spain. Finally, it should be noted that, unlike what was observed up to the year 2000 (see Table 6), among the top four destination countries of Uruguayan emigrants, Brazil has become the host country with the most highly educated Uruguayan-born population, with 25 percent having completed a university degree (Graph 13).

**Graph 13. Distribution of the Emigrated Population Age 25 or Over by Highest Educational Level Attained According to Destination Country, Around 2010.**



**Source:** Microdata processing of IPUMS International (Argentina, Brazil and Uruguay), ACS 2010-2012 (US Census Bureau) and Spain Census 2011 (INE).

**Box 2****Migrants from the Most Recent Emigration Wave**

In 2002, during the height of Uruguayan emigration, a survey carried out by the World Bank, called the Social Characterization Survey, investigated the effects of emigration on Uruguayan households. Their results are analyzed by Vigorito and Pellegrino (2004).

*“The information shows that recent emigration has become an economic survival strategy among young people of medium and high educational levels. Nevertheless, the migratory propensity is also high among broader groups of the population, although access to certain financial resources seems a limiting factor in finalizing emigration plans. It can be concluded that households with recent emigrants were characterized by having accumulated educational and financial resources that allowed for emigration plans to be achieved. It was also observed that households with emigrants experienced shortages of cash flow just prior to the departure of some of their family members.*

*The type of employment of the head of the household was also correlated with differences in migration patterns. There is a lower propensity to migrate among public employees and employers. On the other hand, self-employed workers who had property for their small business were strongly associated with a high probability of emigrating and a high migratory propensity, while self-employed workers without property behaved similarly to private employees.*

*Analyzed from another angle, emigration allowed for an escape from economic crisis, alleviating stress caused by unemployment and other issues plaguing Uruguayan society. Nonetheless, over the long term, the consequences of emigration tended to be negative, as they drained average- and highly-trained young people from society, who, at least until the present, generally do not pour resources back into Uruguay, such as through remittances.”*

**Source:** Adela Pellegrino and Andrea Vigorito, *Strategies for survival in the face of the crisis. A study of Uruguayan emigration in 2002*. Nordic Journal of Latin American and Caribbean Studies. Vol. XXXIV, 1-2, 2004.

#### 4. Refugees (to and from Uruguay)

As a signed member of all United Nations Conventions concerning the rights of refugees, Uruguay has implemented a policy and legislation of total respect and protection towards refugees. When adopting Laws 18076 and 18382, the Uruguayan State took into account the standards and principles of these Conventions that recognize the prohibition of expulsion and return (“*non-refoulement*”) of asylum seekers and refugees when and where their lives or freedom are in danger due to their race, gender, religion, nationality, belonging to a certain social group or political opinions (see Chapter Two, Section 2.3).

According to a publication by the United Nations High Commissioner for Refugees (UNHCR) at the end of 2018, there were 6,738 refugees or asylum seekers residing in Uruguay (349 refugees and 6,389 asylum-seekers). In the last three years, there has been an exponential growth in asylum applications, primarily from Cubans: 9 out of 10 applicants list Cuba as their country of origin. Nevertheless, only 4 percent of the asylee population is of Cuban nationality. In previous years, the largest number of applications came from Colombian citizens, such that there were periods when 50 percent of the refugee population was of Colombian origin. Other countries with significant representation among refugee claimants come from outside the region, including Syria, Nigeria, Russia and Angola.

**Table 9. Number of Asylum Seekers and Refugees in Uruguay, 2005-2018.**

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Asylum-seekers	9	28	37	39	41	40	51	39	42	56	79	371	2073	6389
Refugees	121	125	140	145	168	189	174	181	203	272	301	312	316	349
Total UNHCR	130	153	177	184	209	229	225	220	245	328	380	683	2389	6738
% of asylum-seekers compare to total population of UNHCR	7%	18%	21%	21%	20%	17%	23%	18%	17%	17%	21%	54%	87%	95%

**Source:** Own elaboration based on data taken from UNHCR.

The number of people of concern to UNHCR originating from Uruguay is slightly lower. In 2016, 7 refugees from Uruguay (all residents in Canada) and 190 asylum seekers (mostly resident in the United States and to a lesser extent in Spain, Brazil, Canada and New Zealand) were identified worldwide.

The issue of refugees has been present on the public agenda, to the extent that during the last two administrations, refuge and resettlement programs have been instigated



by the Presidency of the Republic for those coming from Syria and El Salvador.<sup>14</sup> The second chapter of this investigation offers more details about these programs.

## 5. Irregular Migration

The 2011 Migration Profile for Uruguay, published by the International Organization for Migration (IOM), raised concern about the lack of official information and research on the topic of irregular migration in the country. The publication highlighted signs of the presence of migrant workers in irregular situations in rural areas, particularly in forestry. Likewise, there is a lack of documentation for workers who live in a binational space along the border with Brazil (Population Program, 2011:72).

Within the framework of a migration policy based on the promotion of migrant rights, whose fundamental pillar is Law No. 18250 (approved in 2008), in recent years the Uruguayan State has promoted processes of migratory regularization. A relevant milestone in this regard is that, starting in 2012 a Rapid Response Program was adopted. Promoted by the national migration authority, it allows migrants to obtain a Uruguayan identity document within a maximum period of 48 hours, a previously unprecedented procedure for Uruguay or any other country in the region. More details on Uruguayan migration policy and regularization programs can be found in the second chapter of this paper.

The Committee on the Protection of the Rights of All Migrant Workers and Members of their Families, the body responsible for monitoring the United Nations International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ratified by Uruguay in 2001), has made the following recommendations to the Uruguayan government:

*“The Committee recommends that the Member State conduct a survey of data on migrant workers and their families in an irregular situation and ensure that they have access to information on necessary procedures to regularize their situation. The Committee encourages the Member State to continue facilitating the regularization procedures, primarily to strengthen the collection of empirical data about current processes of migratory regularization. It also encourages the State to consider a special system so that the 24 immigrants who will receive supplementary registration obtain a provisional identification card and can exercise their rights on*

<sup>14</sup> See <http://www.lr21.com.uy/politica/1191456-delegacion-uruguay-viaja-beirut-entrevistar-refugiados-sirios> (accessed 08/22/2014).

*equal terms as the residents of the State party.*"<sup>15</sup>

Although there are no available statistics, we can assume that the increase in immigration flows from Cuba and the Dominican Republic has led to a considerable increase in the number of irregular immigrants in the country, while there are numerous reports that detail poor living conditions of these new immigrant populations associated with irregular entry into the country and difficulties in accessing documentation during the first months after arriving in Uruguay.

## **6. Remittances**

Studies carried out using Central Bank statistics available from 2002 reveal that the amount of remittances received in Uruguay is low, both in absolute terms and in relation to the country's Gross Domestic Product (GDP).<sup>16</sup> Over the last five years, the annual amount of remittances received in Uruguay has been approximately 100 million dollars (see Graph 14).

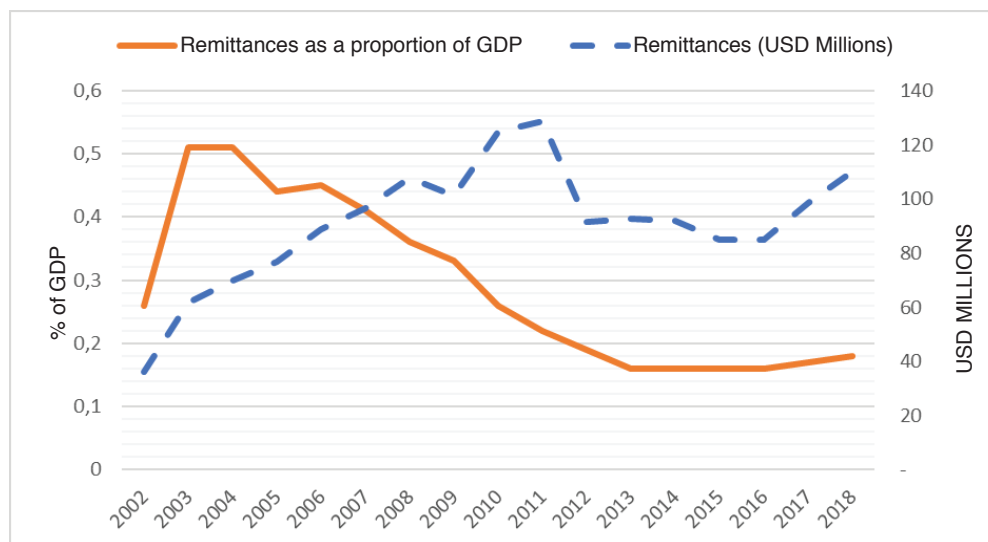
In relation to GDP, remittances reached their maximum value (0.5 percent) in 2003 and 2004, during a time of economic difficulty in Uruguay and high emigration rates to Spain and, in smaller numbers, to the US. Currently, in a context characterized by a migration balance close to zero, remittances represent 0.2 percent of GDP (Graph 14)

The results of the 2018 Continuous Household Survey indicate that 0.7 percent of Uruguayan households received remittances in 2016 at an average annual amount of approximately \$2,800. The 2009 version of the ECH reveals that 2.4 percent of households received remittances, at an average amount of \$1,800.

There are two hypotheses to explain Uruguay's low remittance rate. First, unlike emigration from places such as Mexico or Central America, frequently entire Uruguayan families emigrate. Only in a minority of cases does just one member of the family migrate (Pellegrino and Koolhaas, 2008, Koolhaas and Pellegrino, 2009, Population Program, 2011). Secondly, Uruguayan emigrants do not often belong to the portion of the population with low purchasing power. Thus, those who remain in the country do not require the same economic assistance from migrants as is often the case in other countries in the region (Population Program, 2011)..

<sup>15</sup> Observations made on April 11, 2014 during the 20th session of the Committee.

<sup>16</sup> See for example Macadar, Pellegrino and Vigorito (2003), Pellegrino and Vigorito (2003), Macadar and Pellegrino (2007), Borraz and Pozo (2007), Pellegrino and Koolhaas (2008), Koolhaas and Pellegrino (2009).

**Graph 14. Remittances Received in Uruguay, 2002-2018.**

**Source:** Own elaboration based on data from the World Bank.

## 7. Internal Migration

Internal migration is the primary explanation for territorial differences in the rate of population growth within Uruguay. The four departments that register positive internal migratory balance in the 2011 Census—Maldonado, Canelones, San José and Colonia—are the four departments with the highest population growth.

As a result of the growth of their coastal towns, Maldonado and Canelones have the highest registered population growth rates in the country since the 1963 Census. This trend is closely related to the high rate of net internal migration registered in both departments.<sup>17</sup> While at the national level the percentage of population born in a department other than that of their current residence is 22.4 percent, in Maldonado and Canelones this percentage is 38.9 percent and 38.6 percent, respectively (Table 10 and Map 1).

<sup>17</sup> The net internal migration rate is calculated as a ratio between the migratory balance (immigrants less emigrants) and the average population of the period. It is a measure that allows for comparison of the magnitude of the migratory balance between populations of different sizes and indicates the level of attraction (positive migratory balance) or sending (negative migratory balance) that each department has.

**Table 10. Indicators of Internal Migration by Department, 2011 Census.**

Department	Net rate of internal migration 2006-2011	Net rate of internal migration 2006-2011	Rate of internal emigration 2006-2011	Percentage of the population that resided in a different department in 2016 (recent migration)	Percentage of population that was born in a different department (absolute migration)
Montevideo	-2,8	7,4	10,2	3,7	21,2
Artigas	-9,8	5,3	15,0	2,7	10,3
Canelones	10,5	18,0	7,5	8,8	38,6
Cerro Largo	-3,7	7,7	11,4	3,9	12,8
Colonia	1,3	9,8	8,6	4,9	14,9
Durazno	-4,5	9,7	14,1	4,9	15,0
Flores	-2,5	11,3	13,8	5,7	17,7
Florida	-2,4	10,5	13,0	5,3	17,9
Lavalleja	-3,3	9,4	12,7	4,7	16,2
Maldonado	9,1	17,2	8,1	8,4	38,9
Paysandú	-2,9	6,9	9,8	3,5	13,3
Rio Negro	-1,9	11,7	13,6	5,9	17,4
Rivera	-3,2	6,9	10,1	3,5	13,3
Rocha	-1,2	10,2	11,3	5,1	16,7
Salto	-2,6	6,7	9,4	3,4	9,9
San José	5,9	14,6	8,7	7,2	25,9
Soriano	-4,9	7,6	12,5	3,8	11,2
Tacuarembó	-4,9	8,4	13,3	4,3	13,3
Treinta y Tres	-3,7	10,5	14,2	5,3	17,6

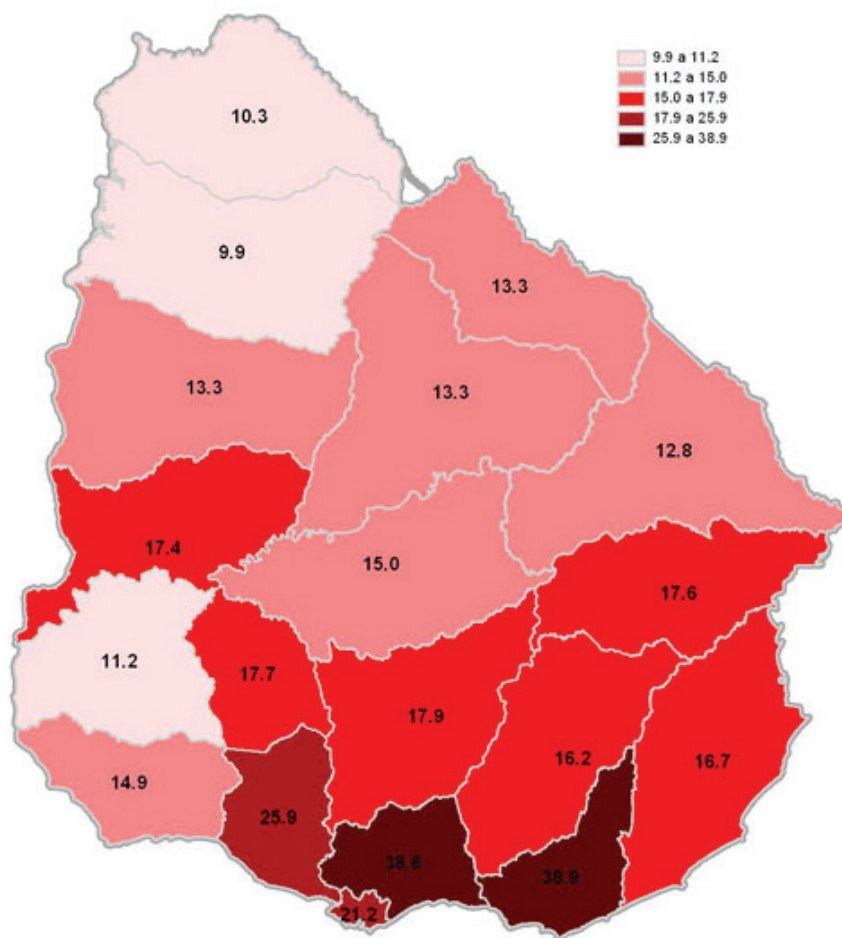
**Source:** Koolhaas (2013), based on data processing of the 2011 Census-INE.

At the macro level, socioeconomic inequalities are the main triggering factor for internal migratory flows. In this sense, the departments that attract people tend to have a higher level of socioeconomic development, while the departments with a lower level of development generally have higher internal emigration rates. Thus, it is not surprising that Maldonado and Canelones attract the most internal migrants in Uruguay and that, at the other extreme, Artigas is the biggest source of migrants.

At first glance, the fact that the country's capital sends more internal migrants than it receives and, thus registers a negative population growth rate, might draw attention. This trend is not new. The 1996 Census first showed negative growth in Montevideo, a result of negative population exchanges with the Canelones and San José departments. This deficit exchange in the capital corresponds to a large extent

with a strong trend toward emigration from Montevideo to localities surrounding the capital and in particular towards Ciudad de la Costa.

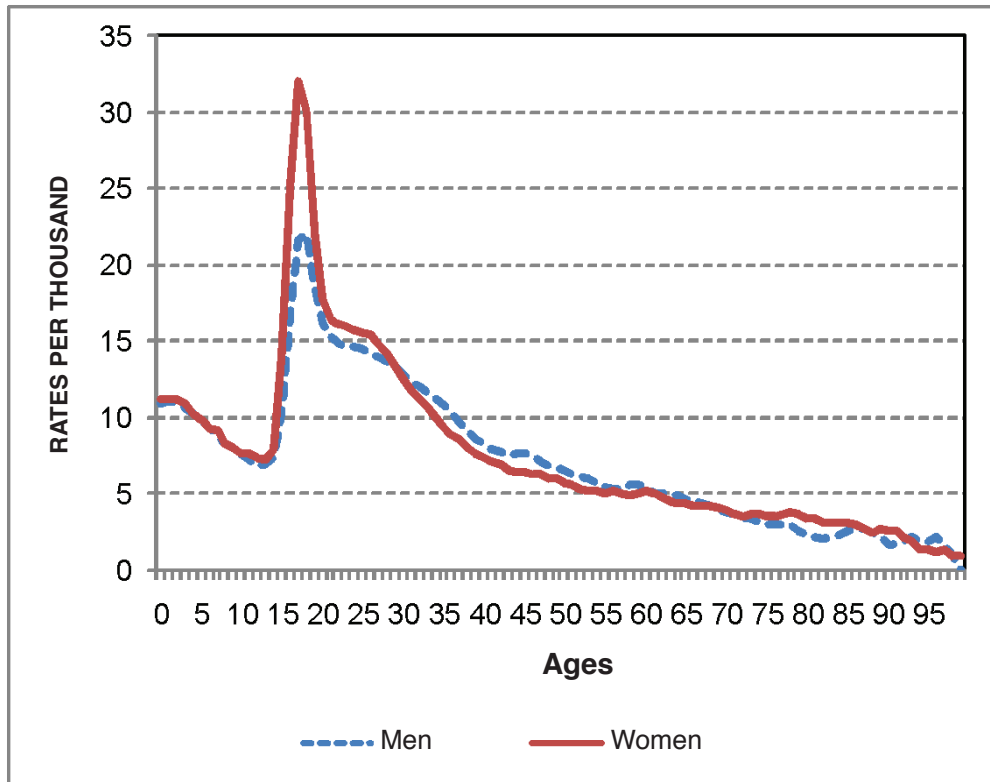
**Map 1. Proportion of Absolute Internal Migrants by Department, 2011 Census.**



**Source:** National Institute of Statistics, Census 2011.

When evaluating internal migration by sex and age, a large proportion of migrants falls in a younger age range, particularly around the typical age of secondary school completion and the beginning of university (ages 17 and 18). The vast majority of higher education options are concentrated in the capital, Montevideo, thereby generating an intense influx of internal migration at these ages. In this age range, women migrate at a higher rate than men, which parallels the fact that higher education enrollment is majority female (Graph15).

**Graph 15. Internal Migration Rates by Sex and Age Across Uruguay (Per Thousand Residents), 2011.**



**Source:** National Institute of Statistics - Population estimates and projections (2013 revision).

The general pattern described above hides significant differences by department. Specifically, three overarching internal emigration patterns can be identified.

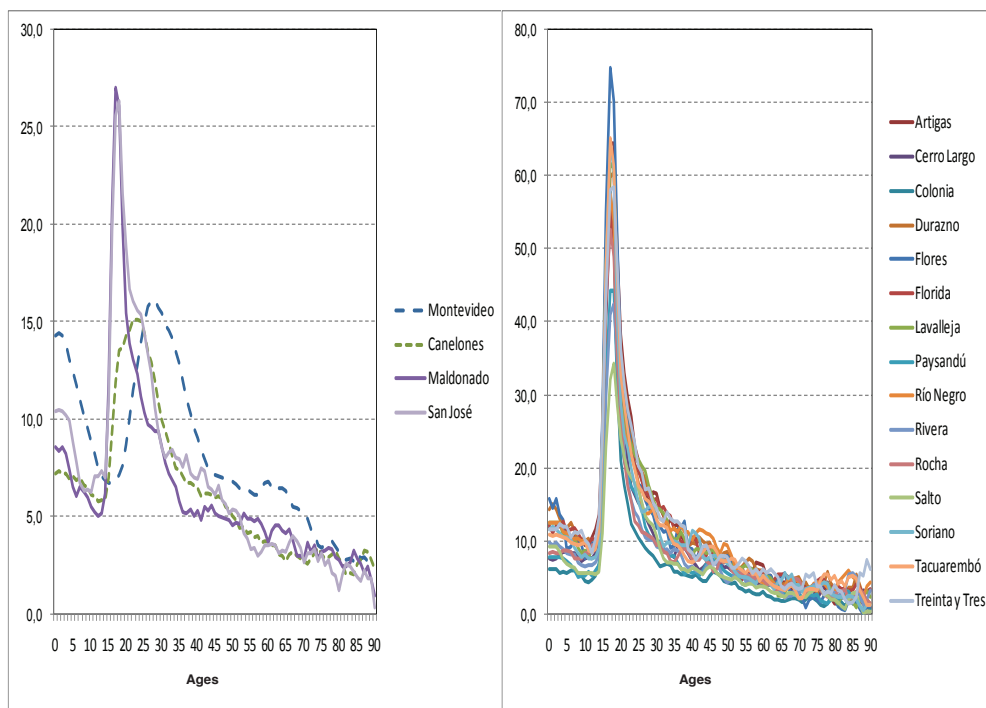
First, the internal emigration that originates from Montevideo is concentrated around age 30, an age at which students have typically completed their studies (Graph 15). At the same time, there are also high rates of emigration among children, which is associated with family migration (young adults with young children), driven predominantly by better access to housing which they find outside the department of Montevideo while still within the metropolitan area of the capital (for example, in Ciudad de la Costa in Canelones, or Ciudad del Plata in San José).

Secondly, the department of Canelones, which is geographically adjacent to Montevideo, receives the largest flow of internal migrants in the country (specifically from Montevideo). Nevertheless, here the younger profile of migrants is associated with job-motivated migration, with the highest percentages of migrants falling

between 20 and 25 years old (Graph 16).

Finally, the third emigration pattern is relevant across the rest of the departments, where internal emigration is most prominent around the ages of 17 and 18 due to the difficulty in accessing higher education outside of Montevideo. This pattern most resembles one that is observed across the whole country, as shown in Graph 15.

**Graph 16. Internal Emigration Rates by Age According to Department, 2011 Census.**



**Note:** The scales are different.

**Source:** National Institute of Statistics – Population estimates and projections (2013 revision)

## PART TWO

### MIGRATION-RELATED PUBLIC POLICIES AND PROGRAMS IN URUGUAY

Ana Santestevan<sup>18</sup>

Martín Koolhaas<sup>19</sup>

The purpose of this chapter is to describe the public policies and programs related to migration issues in Uruguay. We start by offering a brief historical overview of public migration policies. Then, we explain the national and international legal framework, followed by a brief discussion of bilateral and regional agreements. Finally, we analyze the connection with relevant international resources, concluding with a description of a valuable resource for regional dialogue: the South American Conference on Migration.

#### 1. Evolution of Public Migration Policies<sup>20</sup>

Migratory phenomena have marked Uruguay's history since its birth as an independent country. In the years following the consolidation of the Republic in 1830, immigration became one of the central policy objectives of the country's first leaders.

According to the Migration Profile of Uruguay (Population Program, 2011), one of the founding principles of the independence movement was the freedom of entry, exit, and settlement of people in the American territories. This is reflected in the first Constitution of the Eastern Republic of Uruguay from 1830, in which Article 147 states: *“Every individual is given free entry, stay and departure with their property into and from the territory of the Republic, observing the laws of the police and excluding harm to third parties.”*

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<sup>20</sup> The information contained in this section in large part comes from the Migration Profile of Uruguay 2011 prepared for the IOM by the Population Program - FCS-UdelaR. IOM, November 2011.



Within this context, immigration from Europe grew to significant numbers in proportion to the existing population of that time. European immigration was compounded with that of Brazil and Argentina. Brazilians settled along the northeast border and Argentines on the western and southern coasts of the country.

Until the 1930s, European immigration was an important contributor to population growth. This ended after the crisis of 1929 and the Second World War. European immigration regained momentum in the 1940s and continued through the end of the 1950s, after which it stopped definitively, like in most other countries in the Americas.

This period has been described in the following way:

*“From the modernization of the country in the last quarter of the nineteenth century and until the middle of the twentieth century, migration policies in Uruguay were focused on European immigration. These policies had population objectives (increasing inhabitants with the goal of “racial improvement” through a Eurocentric and evolutionist lens), economic goals (attract tenant farmers and highly qualified personnel) and/or political motives (control the entry and exit of counter-hegemonic groups). In retrospect, we can say that these objectives were only partially fulfilled, illustrating the great absence or weakness in the ability of the state to promote both general and specific explicit migration policies” (Taks, 2006).*

The decade of the 1960s marked a significant inflection point for migration patterns in Uruguay. The country had been a recipient of immigrants—primarily of European origin—and became a migrant-sending country, resulting in negative net migration. In this period, Uruguayan emigration was mainly directed to countries in the region, Europe, and the United States.

The 1970s, and in particular 1974 and 1975, showed an important exodus of the Uruguayan population caused by an economic crisis and repression and violence following the start of a military dictatorship that went from 1973 to 1985.

Towards the end of the dictatorship, from 1982 to 1984, a policy that incentivized the return of emigrants was created, along with the creation of the National Repatriation Commission that facilitated the return of approximately 20,000 Uruguayans from 1985 to 1989.

Following this effort, which was largely directed at the political exile community, there were no new initiatives that placed the migratory issue on the political agenda in the 1990s. Rather, the neoliberal currents that characterized this decade were oriented

towards the non-intervention of the state and the absence of strategic planning on major demographic issues.

Nevertheless, Uruguay launched the Liaison Program in 2001, which targeted highly qualified emigrants. This Program was promoted by the Ministry of Foreign Affairs with the support of the University of the Republic, the International Organization for Migration (IOM), the United Nations Development Program (UNDP) and the United Nations Population Fund (UNFPA).

The Liaison Program was carried out between 2001 and 2004 through the use of a website, a database of 3,000 voluntary registrants, a newsletter, and annual workshops and meetings in Uruguay.

Starting in 2005, when President Tabaré Vázquez (Frente Amplio) took power, significant changes took place in the approach to migration policy in Uruguay. The Liaison Program experienced a renewed commitment by the Ministry of Foreign Affairs through the creation of the General Directorate of Liaison and Consular Services (also known as “Department 20,” alluding to Uruguay’s administrative division into nineteen departments).

In 2008, the Office of Return and Welcome was founded in the heart of the General Directorate with the aim of facilitating the return of Uruguayan citizens to the country.

At the same time, Advisory Councils were created as organizations to represent Uruguayans residing abroad, with the central role of creating connections with the country in various ways.

It is important to highlight that, since the creation of the General Directorate of Liaison and Consular Affairs and the Advisory Councils, eight global meetings have been held in Uruguay with Uruguayans residing abroad and various measures have been taken to simplify and reduce costs of transactions and the acquisition of documents.<sup>21</sup>

In addition to measures that favor the reconnection and return of Uruguayans, without a doubt, one of the most significant changes that has occurred in Uruguay since 2008 is the approval of the new Migration Law (Law No. 18250). With a focus on human rights, it embodies the principal advances in international regulations on the rights and obligations of migrants and their families.

<sup>21</sup> The international meetings of the Advisory Boards took place in 2006, 2007, 2009, 2011, 2013, 2015 and 2017.

The same law also established the National Migration Board as the coordinating body for migration policies and the Advisory Board on Migration as an advisory arm of the Board.

From an institutional perspective, it should be noted that in 2010 the Sectorial Commission on the Population was created within the Office of Planning and Budget of the Office of the President of the Republic. The Commission's main task is to advise the Executive Branch on issues related to population, incorporating demographic issues in the evaluation of public policies.

The recent evolution of public migration policies has kept in step with changes in migration trends over recent years. As mentioned in the first chapter, in the last decade, and particularly since the crisis in Europe and the United States and the implementation of restrictive migratory policies of recipient countries, there have been changes in Uruguay's migration dynamics. This was also marked by an increased return of Uruguayan emigrants in the five-year period from 2008-2013. While after 2013 there was a downturn in the number of emigrants, this was compensated for by an increase in immigrant flows, a gradual trend that began to be noticed in the 2011 Census. Due to the lack of reliable statistical information on emigration flows and because Uruguay's very dynamic immigration flows respond not only to domestic factors related to Uruguay, but also to external factors associated with countries with high emigration rates (such as Venezuela, Cuba and the Dominican Republic, among others), the extent to which the country's migratory profile has changed should be assessed with caution. In short, the growth of immigration flows is a very recent trend and it remains to be seen to what extent it will be consolidated in the future.

## **2. National Legal Framework and its Relation to International Legal Frameworks**

### **2.1. Principles Embodied in the Constitution of the Republic**

Uruguay's current National Constitution dates to 1967, although it underwent some modifications in the years 1989, 1996 and 2004.

All constitutional texts since 1830 (the date of the First National Constitution), have offered civil and social rights to all inhabitants without distinguishing between nationals and foreigners. That said, it is also fair to underscore that, unlike with other legislative acts, none of the constitutional reforms have incorporated specific references to the rights of migrants and their families.

The following passages provide a brief overview of the most relevant constitutional

provisions for the study of public policies on migration:

**Article 1** of the National Constitution establishes that the Eastern Republic of Uruguay is the *“political association of all inhabitants present within its territory.”*

**Article 5** establishes religious and ideological liberties, declaring that *“all religious worship is free in Uruguay.”*

In **Article 7**, the constitutional text recognizes that *“the inhabitants of the Republic are protected in their right to the enjoyment of their lives, honor, freedom, security, work and property. No one may be deprived of these rights except in accordance with the Laws that were established for reasons of general interest.”*

**Article 8** establishes the principle of equality, stating that *“all persons are equal before the law, no difference is made between people besides those of talents and virtues.”*

Regarding freedom of expression and the press, **Article 29** of the National Constitution protects not only these freedoms but also the dissemination of thought and opinion; the constitutional text states: *“All forms of communication of thoughts via words, private writings, or press publications, or any other forms of dissemination, is free and without need of censorship; leaving the author, and where applicable, the printer or issuer, responsible for any abuses they commit in accordance with the Law.”*

Considered the foundation of migratory policies and reiterating the foresight of the first National Constitution (1830), the constitutional text of 1967 states in **Article 37**: *“Every individual and his or her property is given free entry, stay and departure into and from the territory of the Republic, in observance of the laws of the police and excluding harm to third parties.”*

The right to freedom of association is protected in **Article 38**, which states: *“The right to peaceful assembly without arms is guaranteed. The exercise of this right may not be denied by any authority of the Republic except by virtue of an Act, and only insofar as it puts at risk public health, safety and order.”*

Additionally, **Article 39** establishes that *“all persons have the right to convene, no matter their objective, provided that it is not an illegal association denominated by the Law.”*

**Article 45** establishes the right to housing, stating that *“every inhabitant of the Republic has the right to enjoy decent housing. The Law will set out to ensure sanitary and affordable housing, facilitating access to it and encouraging the investment of private capital for this purpose.”*

Regarding the recognition of labor rights, **Article 54** of the Magna Carta establishes: *“The Law must recognize the following of whomever is in a relationship of work or service, as a worker or employee: freedom, in moral and civil conscience; fair remuneration; limits to the length of the workday; weekly rest; and sanitary physical and moral conditions. The work of women and children under eighteen years of age will be especially regulated and limited.”*

Political rights, and especially “Citizenship and Suffrage” are stipulated in Section III of the Charter.

Here, it is worth noting that the Uruguayan Constitution adopts the double criterion of *jus soli* (recognizing citizenship to all those born on Uruguayan soil including children of immigrants) and *jus sanguinis* (offering citizenship to children of a Uruguayan father or mother regardless of the place of birth).

In keeping with this, according to **Article 74**, citizenship is granted to *“all men and women born anywhere in the territory of the Republic. Upon coming to the country and enrolling in the Civic Registry, the children of a Uruguayan father or mother are also recognized as citizens, no matter their place of birth.”*

**Article 75** establishes naturalized citizenship, recognizing those who are entitled to it as:

- A) “Foreign men and women of good conduct, with family in the Republic, who possess some capital in circulation or property in the country or have skills in science, art or industry, and have spent three years residing in the Republic;
- B) Foreign men and women of good conduct, without family in the Republic, who have any of the qualities of the previous section and have spent five years residing in the country;
- C) Foreign men and women who obtain special appeal from the General Assembly for notable services or relevant merits.”

The same article establishes that the rights derived from the citizenship can only be exercised in cases A) and B) after three years of being granted the respective card.

Regarding the possibility of working in the public sector, **Article 76** states: *“Every citizen can be called to public sector employment. Naturalized citizens cannot be appointed until three years after being granted their citizenship card. Citizenship will not be required for teaching positions in higher education.”*

Finally, it should be noted that the rights, duties, and guarantees set out in the

constitution are not limited to the basic principles listed above, but, rather, through the application of Articles 72 and 332 of the Charter, these principles serve as standards at the highest level among the rights provided for in the Conventions, Covenants, Treaties and International Agreements on Human Rights. In this regard, **Article 72** expressly lays out: *“The enumeration of rights, duties and guarantees made by the Constitution does not preclude others that are inherent in human personality or originate from the republican form of government.”*

For its part, **Article 332** establishes: *“The precepts of this Constitution that recognize individual rights, as well as those that assign powers and place responsibilities upon public authorities, will not become void in the case that regulations are not respected, but rather they will be replaced, appealing to the foundations of analogous laws, the general principles of law, and to widely admitted doctrines.”*

## **2.2. Uruguayan Migration Regulations**

This section presents a comprehensive description of the current regulations on international migration in Uruguay. It begins by describing the main aspects regulated by the Law No. 18250 ratified in 2008, continuing with the analysis of the regulatory decrees of said law. The description of the Law of Refuge and the Law of Permanent Residence for Mercosur and Associated State nationals, the recent Law for the Prevention and Combat of Trafficking and Exploitation of Persons and ending with a description of the regulations of social security linked to migration issues.

### **2.2.1. Migration Law No. 18250 of January 6, 2008**

The Uruguayan regulations on migration have undergone profound changes since 2008, with the passing of Law No. 18250, known as the “Migration Law,” ratified on January 6, 2008.

This law marked a significant evolution in the national legislation since it established a law with a modern conception of migratory matters and thus generated a paradigm-shift toward a policy with human rights as its central pillar.

It should be noted that the previous norms that regulated migration in the country dated back to the 19th century and the first half of the 20th century. In Article 84, Law 18250 expressly repeals Law No. 2096 of June 19, 1890, Law No. 8868 of July 19, 1932 and Law No. 9604 of October 13, 1936.

The time that elapsed between the ratification of these different laws illustrates the little importance assigned to the subject of migration in Uruguay for many decades.

The last decree that regulated the migratory categories and the country's exit/entry control system was approved in February 1946 and more than 60 years passed before the issue was placed on the political agenda and a new regulatory document was proposed. This law was finally approved by the National Parliament in 2008.

From its first article, Law 18250 iterates the rights of migrants and their families, stating that *"the Uruguayan State recognizes that migrants and their families, without prejudice of their migratory status, have the inalienable right to migration, the right to family reunification, due process and access to justice, as well as equality of rights with nationals, without distinction for reasons of sex, race, color, language, religion or conviction, political opinion or of any other nature including national, ethnic or social origin, nationality, age, economic situation, patrimony, marital status, birth or any other condition."*

The law defines as "migrant" any foreign person who enters the territory with the intention of residing and settling in it, permanently or temporarily.

**Article 7** of the Law establishes the right to equal treatment between nationals and foreigners, while Article 8 guarantees the right of migrants and their families to health, work, social security, housing and education on an equal footing with nationals.

**Article 9** guarantees access to justice and health facilities. Article 10 recognizes the right to family reunification and Article 11 establishes the children of migrants' the right to education in conditions of equal treatment with nationals.

**Article 12** establishes the right of migrants to be informed about their rights and obligations.

It is important to highlight the importance that the Law places on the sociocultural integration of migrants and its respect for their original culture. Articles 13 and 14 refer to this issue stating that *"the State will take action to promote the sociocultural integration of migrants in the national territory and their participation in decisions related to public life."*

Law 18250 regulates the entry and exit of migrants and their rights and obligations. It dedicates a chapter to the employment of foreigners and establishes the creation of the National Migration Board and the Advisory Board on Migration.

Regarding the oversight of entry and exit to the national territory, Law 18250 establishes that foreigners are admitted into the country under the categories of residents (temporary or permanent) and non-residents.



Based on Article 71 of the Law, the status of Uruguayans residing abroad is recognized, promoting their engagement through the General Directorate for Liaison and Consular Affairs of the Ministry of Foreign Affairs.

Likewise, the law establishes that *“the Advisory Councils are representative organizations of Uruguayans living abroad whose central role is developing connections with the country in diverse manifestations.”*

The new law grants certain privileges to returnees stating that *“every Uruguayan who has resided abroad for more than two years and decides to return to the country may enter free of all foreign exchange procedures and exempt from all kinds of customs duties, taxes or related charges, including the personal property and items that furnish their house or room, the tools, machines, devices and instruments related to the practice of profession, art or trade, and one-time only, a motor vehicle owned by the national ... ”*

The new regulatory framework devotes Chapter XV to the crimes of human trafficking, incorporating into Uruguayan criminal law both of these previously-unrecognized crimes into legislation. In this sense, the law establishes that those *“who promote, manage or facilitate the illegal entry or exit of people into or out of the national territory via the borders of the Republic with the purpose of obtaining a profit for himself or for a third party”* will be punished with a penalty of six months of imprisonment to up to three years of penitentiary.

At the same time, regarding the crime of trafficking, the regulation states: *“those who in any way or by any means participate in the recruitment, transportation, transfer, sheltering or reception of persons for forced labor or services, slavery or similar practices, servitude, sexual exploitation, organ removal or any other activity that undermines human dignity, will be punished with a penalty of four to sixteen years of penitentiary.”*

In terms of migratory regularization, Law 18250 establishes a program that grants legal residence to foreign persons in an irregular situation at the time of its enactment, provided that the requirements established by the pertinent regulations were complied with.

Finally, Article 83 of the Law establishes that *“the provisions ... that refer to the admission, entry and stay of foreigners in the national territory shall be interpreted and applied in a manner compatible with the International Human Rights Law, the International Humanitarian Law and the International Refugee Law.”*



### **2.2.2 Regulation of the Migration Law (Decrees No. 394/009 and No. 356/018)**

Law No. 18250 was regulated by Decree No. 394/009 of September 2, 2009 and subsequently by Decree No. 356/018 of October 29, 2018, which refers to the various types of visa to enter the country, specifically regulating article 30 of the said norm.

#### **Decree No. 394/009 of September 2, 2009**

The Decree is divided into six Chapters and covers all of the provisions of the Law, with the exception of article 30 (regulated by Decree No. 356/018 which refers to the granting of visas for those nationalities that require it), and the articles 74 and 76 (referring to the importation of automobiles and other appliances), which were regulated by Decrees No. 330/008 and 559/008, respectively.

Chapter I refers to the conditions of entry, exit and stay of migrants, with the principle of equality between nationals and foreigners in employment matters explicitly protected. Regarding this, Article 3 states: *“Migrants will have the same labor rights as nationals, in terms of access to employment, remuneration, working conditions and professional training resources.”*

Chapter II refers to the right to health care for all migrants, establishing in Article 35 that *“...an irregular immigration status will not be an obstacle to accessing comprehensive healthcare services through the entities of the Integrated National System of Health...”* Moreover, Article 36 states: *“The Ministry of Public Health and the providers that make up the Integrated National Health System shall provide, through their respective Customer Service Offices or similar, information that facilitates the regularization of migratory status, which shall comply with the provisions of Law No. 18250, its regulations and other regulations in force in the matter.”*

Chapter III regulates migrants’ right to work and social security independent of the nationality of the worker, stating that the Ministry of Labor and Social Security, through the General Inspectorate, will monitor compliance with labor, social security and safety and sanitary regulations.

It also sets forth that migrants will be treated in the same way as nationals in matters related to social security, both in terms of admission requirements and entitlement to benefits in all circumstances protected by current legislation.

Employers who hire foreign workers are also obligated to adhere to current labor regulations, without discrimination of any kind.

In Chapter IV, Decree 394/009 refers to the right to education stating that “*the Uruguayan State will ensure that migrants and their families are rapidly enrolled into public education centers, ready or authorized to both start and continue studies.*” Similarly, the Decree provides for the promotion of education for the children of migrants, establishing that “*in the case that the children of migrant workers do not meet the documentation required for registration, and for the purpose of ensuring children of migrant workers’ right to education, the public receiving institutions will provisionally authorize their entrance for a period of one year.*”

Chapter V regulates the relationship with Uruguayans abroad, stating that the General Directorate for Liaison and Consular Affairs will be responsible for the coordination of the national policy of affiliation and return of emigrants, as well as the mission of safeguarding their rights as citizens and humans by strengthening their sense of belonging and identification with their country of origin.

Finally, Chapter VI details the creation and purpose of the National Migration Board and the Advisory Board on Migration.

### **Decree No. 356/018 of October 29, 2018**

As already indicated, Decree 356/018 specifically regulates article 30 of Law 18.250, stating that the aforementioned legal text provides different migratory categories, which are non-resident or resident (including temporary or permanent). However, there was no in Uruguay a regulation regarding the different types of visa to enter the country. This determined that for a long-time immigrants arriving in the country had to enter as tourists, without distinguishing the various situations that were the real reason for their entry.

In this sense, having categories of entry visas to the country, for those nationalities that require it, allows the State to order migratory flows, promote them to be regular, provide security and obtain statistical information necessary for the analysis of such flows.

In view of the above, regulating the different visas also allows the tool not to be distorted and people express the real reason why they request authorization for admission, complying with the requirements that each type of visa requires.

In this frame, Decree 356/018 creates and distinguishes the following types of consular visas for entry into the country, for those nationalities that require it:

- a) Tourism visa: visa issued to any person who wishes to enter the country temporarily for pleasure, recreation or entertainment. The residence time will

be 90 days extendable for an additional 90 days, in accordance with article 13, literal a) of Decree No. 394/009, of August 24, 2009.

- b) Business Visa: visa issued to any person who certifies that they carry out business activities and wish to travel to Uruguay for investment and / or commercial exchange with Uruguayan companies or with headquarters in the Republic, or public entities. The residence time will be 90 days extendable for an additional 90 days, in accordance with article 13 literal a) of Decree No. 394/009, of August 24, 2009.
- c) Work visa: visa issued to any person who intends to develop a work activity in the country. Their stay in the country will depend on the corresponding immigration sub category, permanent or temporary resident, in accordance with the provisions of articles 10 and 11 of Decree No. 394/009 of August 24, 2009. In order to manage a residence, the person will have a period of 30 days from the date of entry into the country.
- d) Study visa: visa issued to anyone who intends to study, use scholarships or internships in official, governmental exchange programs or in institutions authorized by the corresponding official bodies. The permanence in the country will be regulated according to the terms established in article 11 literal b and b of Decree 394/009, of August 24, 2009. For the purpose of managing temporary residence, the student will have a period of 30 days from the date of entry to the country.
- e) Family reunification visa: visa issued to any person who wishes to reunite with their family member in accordance with article 10 of Law No. 18,250 of January 6, 2008. The reunification may be carried out with a permanent resident family member or with a residence in process in which is proved the fact that livelihoods have been presented legally and with explicit consent. The period of permanence in the country will be equal to that granted in the permanent or pending residence of the relative with whom you are requesting to reunite. In order to manage the residence, you will have a period of 30 days from the date of entry into the country.
- f) Emergency and humanitarian visa: visa issued to any person who has a well-founded and duly accredited cause for admission, such as medical treatment, attendance at a judicial hearing, death or health situation of a family member or friend, and those cases that without being included were authorized by the competent authority. The permanence will be for the time that the cause that

merits the entry into the country adds up. In case of choosing to remain in the country, the person must process a residence (temporary or permanent) in the terms provided in Law No. 18250 of January 6, 2008 and Decree No. 394/009 of August 24, 2009 , within 30 days from the expiration of the period of permanence granted.

- g) Visa for conferences, conventions and seminars with national or international character: visa issued to any person that accredits an invitation by organizers of national or international events of public interest that are held in the country. The residence time will be 90 days extendable for an additional 90 days, in accordance with article 3, literal a) of Decree No. 394/009 of August 24, 2009.

### **2.2.3. Refugee Law No. 18076 of December 19, 2006**

Uruguay is a Member state to the 1951 Refugee Convention and its Optional Protocol on the Status of Refugees of 1967 and, as will be detailed in part 2.3, has ratified the most relevant universal conventions on human rights.

The national regulations on refugees are contained in Law No. 18076, of December 19, 2006. This law constitutes the legal framework that establishes the right to refuge, stating in its first article that *“every person has the right to request and receive refuge in the national territory, in order to safeguard his or her life, physical, moral or intellectual integrity, freedom, and security.”*

The law explicitly consecrates the principles of refuge, stating that:

“Every request for refuge requires the State to respect the following principles:

- a) *Non-discrimination.*
- b) *Non-rejection at the border.*
- c) *No direct or indirect deportation to the country where their lives, physical, moral and intellectual integrity, freedom or security are in danger.*
- d) *No penalty for illegal entry into the country.*
- e) *Translation and favorable treatment.*
- f) *Confidentiality.”*

In the chapter on refugee rights and duties, the law states that *“every refugee and refugee applicant must respect the legal order”* (Article 19) and that *“the State must*

*guarantee refugees and asylum-seekers the enjoyment and exercise of civil, economic, social, cultural and all other rights inherent to all beings inhabiting the Republic, and recognized by domestic regulations and the international human rights entities to which the State is subscribed” (Article 20).*

The law also establishes the right to family reunification: *“family reunification is a right held by the refugee. Refugee status, upon the refugee’s request, will also be granted to the spouse, common-law spouse, and children, as well as to any other fourth degree blood-relative, or second-degree relative by law, unless there exists an applicable clause of exclusion or cessation” (Article 21).*

Law 18076 also guarantees that refugees have the help of an interpreter and legal aid. In this regard, Article 22 states: *“During the course of the legal procedure, the refugee applicant has the right to have an interpreter and to appear with legal assistance during all parts of the process.”*

On an institutional level, the law establishes the Refugee Commission (CORE), which works within the scope of the Ministry of Foreign Affairs and whose main objective is to determine refugee status. The decree lays out in detail the creation of the Commission, its operating guidelines, tasks, required paperwork, and the procedure for applying and carry out the request for refugee status (see Part 3.3.).

Article 41 of the Law denominates the intimate relationship between extradition and refuge, stating that *“the defining recognition of refugee status constitutes an automatic denial of a request for extradition or return of the said person.”*

Finally, it should be noted that Law 18076 expressly recognizes the direct relevance of international law in this matter. Accordingly, Article 47 states: *“In matters relevant to this regulation, international law will be applied directly, and especially that relating to International Human Rights Law, International Humanitarian Law and International Refugee Law, as well as parts of Standards, Treaties and Conventions ratified by Uruguay, or declarations of international organizations of which the country is a member and to which it has adhered.”*

#### **2.2.4. Law No. 19254 of August 28, 2014 Regarding Permanent Residence of MERCOSUR Nationals and Relatives of Uruguayans**

Law No. 19254 was passed on August 28, 2014, which rewrote Articles 27, Part B and Article 33 of Law No. 18250. The purpose of the modification was to facilitate the process of permanent residence for foreigners who are spouses, partners, parents, brothers and grandchildren of Uruguayans and nationals of the Southern Common

Market (MERCOSUR) Member and Associated States.

The novelty that the rewording of this regulation brings is that the authority to grant residence was shifted to the Ministry of Foreign Affairs instead of the migration authority under the Ministry of the Interior (National Directorate of Migration). Accordingly, the new Law modified the pertinent provisions of the Migration Law and established very quick deadlines for the granting of permanent residence. It also stipulated that the Executive Branch would begin to regulate the law within thirty days of its publication.

Regarding the process of residency, the decree states: *“The application for residency may be submitted to the Ministry of Foreign Affairs or the Consular Offices of the Republic. The Ministry of Foreign Affairs will transfer the petitioner’s criminal record to the Ministry of the Interior for the purpose of issuing the relevant documents within a maximum period of fifteen working days. The Ministry of Foreign Affairs must issue a decision on the granting of the requested residence within a period of no more than thirty business days. For the purposes of regulation, the corresponding requirements may not be more demanding than those for processing temporary residence.”*

**Decree No. 312/015** of November 30, 2015, established Articles 27 Part B and Article 33 of Law 18250 using the wording from Law No. 19254 of August 28, 2014.

The aforementioned decree is based on the need for measures that facilitate the reintegration of Uruguayans who wish to reside in the country. It also bases itself on the commitment assumed at a regional level through the approval of Law No. 17927 of December 19, 2005, which sanctioned the Agreement on Residence for Nationals of the Member States of MERCOSUR, Bolivia and Chile.

Article 1 of the Decree establishes the documents that must be submitted to the Ministry of Foreign Affairs by spouses, concubines, parents, brothers and grandchildren of Uruguayans to apply for permanent residence in the country.

Article 2 lists the requirements that must be met by nationals of a Member or Associate State of MERCOSUR to request their permanent residence from the Ministry of Foreign Affairs or their corresponding Uruguayan Consular Office.

Article 3 authorizes the Ministry of Foreign Affairs to issue the certificate needed to begin the process of obtaining the national identity document through the National Directorate of Civil Identification.

Article 4 establishes the processing of residences initiated through the Consular

Offices of the Republic.

Article 5 resolves that the file processing be initiated before the National Immigration Office.

Finally, it is worth mentioning that Articles 7 and 8 of the Decree refer to the complementary nature of this procedure.

### **2.2.5 Law No. 19,643 of July 20, 2018 on Prevention and Combating Trafficking and Exploitation of Persons**

The Law No. 19,643 of July 20, 2018 constitutes a new advance in Uruguayan legislation that addresses a complex and multidimensional phenomenon that undermines dignity and human rights, and that greatly affects the migrant population.

This is a rule that contains 50 articles, divided into VI Chapters, which is inspired by international human rights instruments and especially the Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol) adopting a comprehensive approach, so as to cover crime prevention, protection of trafficked persons, as well as investigation and punishment of traffickers.

Article 1 of the law provides that the purpose of the law is the prevention, prosecution and punishment of trafficking and exploitation of persons, as well as the care, protection and reparation of victims.

Article 2 establishes that in order to interpret and integrate this law, special consideration shall be given to the principles and provisions of the Constitution of the Republic and of the international human rights instruments ratified by the country, in particular the “Supplementary Protocol of the United Nations Convention against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children” (Law No. 17,861 of December 28, 2004), the “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and the Use of Children in Pornography” (Law No. 17,559, of September 27, 2002), the “Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women” (Convention of Belém do Pará) (Law No. 16,735 of January 5, 1996), the “Slavery Convention of 1926, as amended in the terms of the Protocol of 1953” and the “Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956” (Law No. 17,304, of March 22, 2001).

In case of conflict or doubt about the application of the provisions contained in the law, the most favorable interpretation to victims of trafficking and exploitation of



persons will prevail.

Article 3 establishes the guiding principles of the Law and article 4. literal c) includes among the definitions, the smuggling of migrants, providing that migrant smuggling is understood as facilitating the entry or illegal stay of a person to a country of which he is not a national or permanent resident, in order to obtain direct or indirectly, a financial or other material benefit. The condition of a person who is a victim of smuggling of migrants constitutes a factor of vulnerability to trafficking in persons.

Article 5 refers to the rights of victims of trafficking and exploitation, while Article 6 expressly enshrines the right of children and adolescents victims or witnesses of trafficking in persons to be recognized as full rights subjects, considering their specific needs according to the stage of growth that they pass and listen to them through specialized professionals.

Chapter II of the law refers to the creation and tasks of the National Council for the Prevention and Combat of Trafficking and Exploitation of Persons, which is composed of: a) a representative of the Ministry of Social Development, who chairs it through of the National Women's Institute, b) a representative of the Ministry of Interior, c) a representative of the Ministry of Foreign Affairs, d) a representative of the Ministry of Economy and Finance, e) a representative of the Ministry of National Defense, f) a representative of the Ministry of Labor and Social Security, g) a representative of the Ministry of Public Health, h) a representative of the Institute of Children and Adolescents of Uruguay, i) a representative of the Attorney General's Office, j) a representative of the Judicial Branch, and k) three representatives of civil society organizations of recognized performance in the matter, which will be proposed to the Executive Branch that will designate them, based in the proposal of the National Association of Non-Governmental Organizations (ANONG).

Chapter III of the law regulates the Inter-agency Response System for situations of trafficking and exploitation of persons, establishing that it must be integral, inter-institutional, interdisciplinary and territorially decentralized. It must include at least: prevention actions, care services, legal advice and sponsorship of victims, reparation measures, registration and ordering of information, training of operators and evaluation and accountability.

Chapter IV of the law refers to specific responses to international trafficking. Article 24 regulates in detail the migratory rights of victims of trafficking or exploitation of foreign nationality. In this regard, it provides that victims of trafficking or exploitation of foreign nationality have the right: a) to a period of reflection of up to one hundred



and eighty days to resolve to remain in the country, return to their country of origin or resettle in a third country; b) to obtain permanent residence in the country and to regularize their immigration status, even if they do not meet all the requirements established by law for that purpose. In such cases, they will receive the corresponding documentation within a maximum period of sixty days, exempting them from the corresponding taxes; c) to the voluntary return to their country of origin or to their habitual place of residence in a safe way and without delay, prior to being informed of the risks and of the different alternatives to which they are entitled; d) to have enough information to resettle in a third country. In the case of children and adolescents, all measures will be adopted after a thorough evaluation of the risks involved, choosing those that best guarantee their rights.

Chapter V regulates Access to Justice and finally Chapter VI of the law refers to Criminal Rules modifying various articles of the Criminal Code.

### **2.2.6 Social Security Regulations Linked to Migration Issues**

While access to social security benefits is one of migrants' primary rights, it is also one of the most significant challenges when recognizing time worked in various countries.

In this sense, it is of great importance to offer a survey of the main international, multilateral and bilateral decrees in force in Uruguay that recognize migrants' social security rights.

- Ibero-American Agreement on Social Security, ratified by Law No. 14803 (Date Effective: 07/12/1978).
- Ibero-American Multilateral Agreement on Social Security (Note: it does not repeal previous Social Security Agreements), ratified by Law N° 18560 of 09/21/2009 (Date Effective: 01/10/2011).
- Southern Common Market (MERCOSUR) Multilateral Agreement on Social Security, ratified by Law N° 17207 of 09/24/1999 (Date Effective: 01/06/2005).

At the same time, Uruguay has ratified the International Labor Agreement No. 102 on Social Security (ILO) of 1952, through Law No. 18,609 of September 15, 2009.

In addition to the Multilateral Agreements, Uruguay has established bilateral agreements on social security with the following countries:

- **Argentina:** The MERCOSUR Multilateral Agreement on Social Security applies.

- **Austria:** Law N ° 18798 of 19/08/2011. Effective: 01/12/2011.
- **Belgium:** Law No. 18305 of 06/18/2008. Effective: 08/01/2009.
- **Bolivia:** The Ibero-American Multilateral Agreement on Social Security is in force.
- **Brazil:** MERCOSUR Multilateral Social Security Agreement and Ibero-American Multilateral Social Security Agreement.
- **Canada:** Law No. 17331 of 09/05/2001. Effective: 01/01/2002. Exchange of Diplomatic Notes with the Province of Quebec. Effective: 01/01/2002.
- **Chile:** Law No. 17.144 of 09.08.1999. Effective: 01/01/2000. The Multilateral Ibero-American Social Security Agreement also applies.
- **Colombia:** Law 17439 of 28/12 / 2001. Effective: 01/10/2005.
- **Costa Rica:** Approved by Resolution of the Ministry of Foreign Affairs dated 03/12/1993 (not yet in force, awaiting approval by Costa Rica).
- **Ecuador:** The Ibero-American Multilateral Agreement on Social Security applies.
- **El Salvador:** The Ibero-American Multilateral Agreement on Social Security applies.
- **Germany:** Law N° 19.222 of 02/13/2014. Effective: 02/01/2015.
- **France:** Law No. 18923 of 11/07/2012. Effective: 07/01/2014
- **Greece:** Law No. 16775 of 01/10/1996. Effective: 01/03/1997.
- **Holland - The Netherlands:** Law No. 18269 of 04/19/2008. Effective: 06/01/2008.
- **Israel:** Law 17206 of 09/14/1999. Effective: 01/11/1999.
- **Italy:** Law 15021 of 05/06/1980. Effective: 01/06/1985.
- **Luxembourg:** Law No. 19.920 of 06/13/2014. Effective: 09/01/2014.
- **Paraguay:** MERCOSUR Multilateral Agreement on Social Security and the Ibero-American Multilateral Social Security Agreement.
- **Peru:** Resolution No. 633 / 2014. Effective: 03/01/2014.
- **Portugal:** Resolution No. 473/987 of 05/20/1987. Effective: 01/12/1987. Portugal is expected to enter the Ibero-American Multilateral Agreement on Social Security.

- **Quebec:** Effective 01/01/2002.
- **Romania:** Law No. 19.742 of 13/02/2019. (Not yet in force, , awaiting communication by Romania).
- **Russia:** The text of the Agreement was agreed and is in the process of being signed.
- **South Korea:** Agreement signed in Montevideo on 07/09/2019 (Not yet in force).
- **Spain:** Law 17112 of 06/08/1999. Effective: 04/01/2000. The Ibero-American Multilateral Agreement on Social Security also applies.
- **Switzerland:** Law 16140 of 05/10/1990. Law No. 19.219 of 13/06/2014. Effective on 01/04/2015.
- **United States:** Law No. 19.568 of 10/01/2017. Effective: 01/11/2018.
- **Venezuela:** Joined on 05/20/1997. Validity: 09/24/1997 (still without implementation provisions).

New agreements with the **Panama and Iran** are currently under negotiation.

### 2.3. Connections with International Entities Regarding Migratory Matters

In the Uruguayan legal system, the applicability of international law is validated through the signing of the international decree by the State and then its subsequent ratification by the National Parliament. Once the National Law, which approves the international standard, is sanctioned and promulgated, the decree also becomes effective within domestic law.

The Constitution of the Republic establishes the procedure of validation and incorporation of international norms into the national legal order and, although the Charter does not expressly consecrate the constitutional level of these norms, jurisprudence is such that it often grants supra-legal hierarchy.

Uruguay has signed the main international treaties on human rights and all documents related to migration issues. In that sense, it is worth mentioning the following:

#### 2.3.1. International Covenants and Conventions:

- Universal Declaration of Human Rights (1948),
- International Covenant on Civil and Political Rights (1966),

- International Covenant on Economic, Social and Cultural Rights (1966),
- International Refugee Convention (1951),
- Abolition of Forced Labour Convention (ILO,1957),
- International Convention on the Elimination of All Forms of Racial Discrimination (1968),
- Declaration on Social Progress and Development (1969),
- Convention on the Elimination of All Forms of Discrimination against Women (1981),
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1985),
- International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families (1990),
- Convention on the Rights of the Child (1990),
- United Nations Convention against Transnational Organized Crime (2004), the Protocol against the Smuggling of Migrants by Land, Sea and Air (2004, ratified in 2005) and the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially women and children (2004, ratified in 2005),
- Convention on the Rights of Persons with Disabilities (2008).

### **2.3.2. Summits and International Conferences:**

- World Conference on Human Rights (Vienna 1993),
- International Conference on Population and Development (Cairo 1994),
- World Summit for Social Development (Copenhagen 1995),
- Fourth World Conference on Women (Beijing 1995).

### **2.3.3. Pacts and Regional Declarations:**

- American Declaration of the Rights and Duties of Man (OAS 1948),
- International American Charter of Social Guarantees (OAS 1948),

- American Convention on Human Rights / Pact of San José de Costa Rica (OAS 1969),
- American Convention on Human Rights (1985) and Additional Protocol (1994),
- Inter-American Convention on International Traffic of Minors (1997),
- Social-Labour Declaration of MERCOSUR (2015),
- Inter-American Convention on the Restitution of Minors (2001),
- Montevideo Consensus - First Meeting of the Regional Conference on Population and Development in Latin America and the Caribbean (2013).

### **2.3.4. Fundamental Principles Covered in International and Regional Pacts and Declarations**

This section describes the two fundamental principles contained in the international and regional pacts and declarations: the principles of equal treatment and non-discrimination.

- **Principle of Equal Treatment**

The principle of equal treatment acquires its highest form of expression in the Universal Declaration of Human Rights (UN, 1948) which proclaims that *“All are equal before the law and are entitled without any discrimination to equal protection of the law.”*

It is important to note that the Declaration on Progress and Social Development (UN, 1969) spells out this declaration in more detail, taking a thematic focus: *“All peoples and all human beings, without distinction as to race, color, sex, language, religion, nationality, ethnic origin, family or social status, or political or other conviction, shall have the right to live in dignity and freedom and to enjoy the fruits of social progress and should, on their part, contribute to it.”*

At the regional level, this principle is consecrated in the Social-Labour Declaration of MERCOSUR, which, in its first article, expresses broadly: *“every worker is guaranteed effective equality of rights.”*

Related specifically to migrants, Article 7 of the International Convention on the Protection of the Rights of Migrant Workers and their Families states: *“States Parties undertake... to respect and to ensure to all migrant workers and members of their families within their territory or subject to their jurisdiction the rights provided for*

*in the present Convention without distinction of any kind such as to sex, race, color, language, religion or conviction, political or other opinion, national, ethnic or social origin, nationality, age, economic position, property, marital status, birth or other status..”*

- **Principle of Non-Discrimination**

The principle of non-discrimination differs from the previous principle in that it has a more generic scope. That said, some declarations and pacts that deal with this principle refer to issues that are closely related to migrant workers.

In this regard, on the basis of race, the Declaration on Race and Racial Prejudice (UNESCO, 1978) rejects any theory that invokes inherently superior or inferior racial or ethnic groups, indicating that this *“has no scientific foundation and is contrary to the moral and ethical principles of humanity”* (Article 2). In a similar vein, the 1st and 5th articles of the International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1969) prohibit racial discrimination and guarantee to all the right to equality before the law without distinction.

Article 3 of the Additional Protocol to the American Convention on Human Rights sets forth non-discrimination in the enjoyment and exercise of economic, social and cultural rights as an obligation of member states in regards to issues of national origin, which is also included, among others things, in Economic, Social and Cultural Rights (OAS, 1988 PCADESC) and in the aforementioned DPDS: *“Social progress and social development are based on respect of the dignity and value of the human person and must ensure the promotion of human rights and social justice, which require: (...) the recognition and application of civil and political rights and of economic, social and cultural rights without discrimination”* (Article 2).

Regarding the necessary measures to be adopted in order to achieve progression and social development goals, the UNESCO Declaration indicates that the provision of social welfare services to migrant workers and their families will be done *“in accordance with the provisions of ILO Convention No. 97 and other international acts relating to migrant workers.”*

### **2.3.5. ILO Instruments Pertaining to Migrant Workers**

The protection of workers employed in a country other than their country of origin has always occupied an important place in the ILO’s activities because these workers are more likely than others to be exploited, particularly when they are undocumented or are victims of human trafficking for labor. Therefore, since the creation of the ILO

in 1919, this topic has been addressed and concern is reflected both in the Treaty of Versailles<sup>22</sup> and in the Preamble to ILO Constitution.<sup>23</sup>

This concern remains fully relevant and is included in the ILO Declaration on Fundamental Principles and Rights at Work, adopted by the International Labor Conference on June 18, 1998, which, in its 4th point, reiterates the need for the International Labor Organization to pay special attention to these workers.<sup>24</sup>

The recent Declaration of the ILO Centenary for the Future of Work, adopted on June 21, 2019, acquires special importance, by establishing in point XVI of Chapter II that: *“In discharging its constitutional mandate, taking into account the profound transformations in the world of work, and further developing its human-centered approach to the future of work, the ILO must direct its efforts to deepening and scaling up its work on international labor migration in response to constituents’ needs and taking a leadership role in decent work in labor migration.”*

Uruguay ratified the following ILO Conventions that are directly or indirectly linked to migrant workers:

- International Convention No. 19 “Concerning equality of treatment for National and Foreign Workers in regard to Workmen’s Compensation for Accidents;”
- International Convention No. 21 “Concerning the Simplification of the Inspection of Emigrants on Board Ship;”
- International Convention No. 29 “Concerning Forced or Compulsory Labor;”
- International Convention No. 87 “Concerning Freedom of Association and Protection of the Right to Organize;”
- International Convention No. 98 “Concerning the Application of the Principles of

<sup>22</sup> According to Art. 427 of the Treaty of Versailles “... *the standard set by law in each country with respect to the conditions of labor should have due regard to the equitable economic treatment of all workers lawfully resident therein.*”

<sup>23</sup> The Preamble to its Constitution contains the obligation of the ILO to improve the “*protection of the interests of workers when employed in countries other than their own.*”

<sup>24</sup> “*Whereas the ILO should give special attention to the problems of persons with special social needs, particularly... migrant workers, and mobilize and encourage international, regional and national efforts aimed at resolving their problems, and promote effective policies aimed at job creation.*”

the Right to Organize and to Bargain Collectively;”

- International Convention No. 97 “Concerning Migration for Employment;”
- International Convention No. 100 “On Equal Remuneration;”
- International Convention No. 105 “Concerning the Elimination of Forced Labor;”
- International Convention No. 111 “Concerning Discrimination in Respect of Employment and Occupation;”
- International Convention No. 118 “Concerning Equality of Treatment of Nationals and Non-Nationals in Social Security;”
- International Convention No. 138 “Concerning the Minimum Age for Admission to Employment;”
- International Convention No. 182 “Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;”
- International Convention No. 189 “Concerning decent work for domestic workers.”

Finally, it is worth mentioning three recommendations of the ILO on migrant workers. Together with CIT 97, Recommendation R86 was approved as well as ILC 143 and Recommendation R151. Moreover, Recommendation R100 adopted in 1955 on the protection of migrant workers in underdeveloped countries is also relevant.

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

Uruguay has signed numerous bilateral agreements related to migration issues, as well as multilateral agreements during the MERCOSUR integration process.

### **2.4.1. Bilateral Agreements**

The bilateral agreements signed by Uruguay historically responded to needs created by migratory trends.

On the other hand, in many cases, bilateral agreements paved the way to deepen the regional integration process of MERCOSUR.

In this regard, Uruguay’s bilateral relations have been enriched by a range of agreements, which generally facilitate the movement of people between countries and help with their insertion into the labor market. This is especially the case in border areas and with binational enterprises, where issues such as employment can



be tracked and recognized in order to receive social security benefits.

In addition to the bilateral social security agreements referred to above (Part 2.2.6), Uruguay has signed bilateral agreements with several countries. Among these:

- **Agreements Between Uruguay and Argentina**

The bilateral relationship between Uruguay and Argentina has historical roots and migration between the two countries has had a constant presence in the lives of its citizens. This situation led to the signing of numerous bilateral agreements between both countries, especially at the border area.

Since 1974, a social security agreement has existed which recognizes years worked in both countries and generates rights to social security benefits.

In November 2001, a Memorandum of Understanding was signed to allow for free movement of people between the territories of the Argentine Republic and the Eastern Republic of Uruguay, which, in 2009, was expanded after the approval of the Agreement on Residence for Nationals of MERCOSUR Member States, Bolivia and Chile.

In 2011, two agreements regarding border control between the two countries were signed. The first aims to consolidate both countries' immigration controls of persons transiting at legal border crossings within just one job position.

The second agreement, adopted within the framework of MERCOSUR regulations, benefits residents from the borders between Uruguay and Argentina by granting them the Border Neighborhood Transit Card (TVF) which is valid for three years and entitles carriers to stay in the neighboring country for up to 72 hours. The agreement establishes that these special provisions are applicable in the following border crossings:

- » Fray Bentos - Gualaguaychú,
- » Paysandú - Colón,
- » Salto - Concordia,
- » Bella Union - Monte Caseros.

- **Agreements Between Uruguay and Brazil**

In 2002, the Agreement between the Federative Republic of Brazil and the Eastern Republic of Uruguay on residence, study, and work permits for nationals residing on the border of both nations was signed.

The agreement delineates the border area and thus offers inhabitants a probationary document which allows holders to reside, work, or study at specific points along the border with Brazil:

- » Chuy, 18 de Julio, Coronilla and Barra del Chuy (Uruguay) with Chuí, Santa Vitória do Palmar, Balneario Hermenegildo and Barra do Chuí (Brazil),
- » Río Branco (Uruguay) – Jaguarão (Brazil),
- » Aceguá (Uruguay) – Aceguá (Brazil),
- » Rivera (Uruguay) – Santana do Livramento (Brazil),
- » Artigas (Uruguay) – Quaraí (Brazil),
- » Bella Union (Uruguay) – Barra do Quaraí (Brazil).

The first Article of the aforementioned agreement offers:

*“The nationals of one of the member parties who are residents in the border towns listed in the Annex of Related Localities, may be given permission to:*

- i. Residence in the neighboring locality located in the territory of the other country, according to the area stipulated by this Agreement.*
- ii. Exercise their work, trade or profession, with the consequent obligations and rights corresponding to the resulting social welfare.*
- iii. Enrollment in public or private education establishments.*

*The rights established in this article extend to retirees and pensioners.*

*The border characterization may be initially granted for 5 (five) years and extendable for the same amount of time, after which it may be granted for an indefinite period and shall be, under any circumstance, exclusively within the limits of the locality for which it was granted.”*

Similarly to Argentina, in 2002 Uruguay signed a Bilateral Residency Agreement with Brazil for citizens of both countries, which granted ease of access and set a deadline to initiate paperwork in their respective countries. This Agreement was modified through the inception of the so-called Agreement on Residence for Nationals of MERCOSUR Member States, Bolivia and Chile.

Finally, Law No. 19214 of May 23, 2014 was approved by the Eastern Republic of

Uruguay and the Federative Republic of Brazil with the objective of achieving the free movement of persons.

- **Agreements Between Uruguay and Peru**

In response to the increase in Peruvian immigrants in Uruguay and within the context of a policy of deepening the process of Latin American integration, in 2011, during a meeting between the Presidents of Uruguay and Peru, several agreements were signed between the two countries. Some of the most important ones deal with migratory regularization programs, the fight against human trafficking, and the promotion of interculturality.

It is also worth highlighting that the Republic of Peru also signed onto the Agreement on Residence for Nationals of MERCOSUR Member States, Bolivia and Chile.

- **Agreements Between Uruguay and Spain**

Bilateral ties with Spain are very long-standing. It is worth highlighting the continued validity of the Treaty of Recognition, Peace and Friendship of July 19, 1870, ratified in 1883, which recognizes the right of citizens of both countries to freely exercise their profession or trade in either territory.

It should also be noted that, as already mentioned, the Ibero-American Multilateral Agreement on Social Security still governs affairs between Uruguay and Spain. Starting in 2008 an agreement between the National Postal Administration and its counterparts in Spain facilitated sending and receiving remittances to and from Uruguay with low administrative fees.

Finally, an agreement between the Ministry of Foreign Affairs, the Banco Hipotecario del Uruguay, the Post Office and the Ministry of Housing, Territorial Planning and the Environment allows for Uruguayan residents to open accounts in order to purchase houses in Spain.

## **2.4.2. Regional Agreements**

For the purposes of surveying regional agreements, it should first be noted that Uruguay is part of two regional integration movements: the Southern Common Market (MERCOSUR), which was born from the ratification of the Treaty of Asunción in 1991, and the Union of South American Nations (UNASUR), which was founded in December 2004.

### **a) Agreements Signed Within the Scope of MERCOSUR**

In principle, any integration process affects international migration, even if the predetermined objective does not strictly have this focus.

As such, since its inception in the Treaty of Asunción (Article 1), MERCOSUR tasked itself with the objective of forming a common market aimed at “*the free circulation of goods, services and productive factors between countries.*” In this text, it was understood that the free movement of people was contemplated in the circulation of “productive factors.”

In this regard, although the issue of migration was not expressly demarcated in the founding text of the treaty, the issue was quickly incorporated into various institutional parts of MERCOSUR.

First, the Labor Ministers of the four Member States (Argentina, Brazil, Paraguay, and Uruguay) requested the creation of a Working Subgroup (SGT 11) on Labor Relations, Employment and Social Security. Thus, the immigration issue was initially addressed within this context, creating a sub-commission on “Labor Migration,” whose work plan would focus on the preparation of a proposal for free movement of people within the region. This proposal was to be submitted for consideration to the Common Market Group (CMC), the presiding body of MERCOSUR, which is responsible for the political management of the integration process. However, the issue was heavily debated, and resistance was so strong that consensus was not reached quickly enough to freely circulate the proposal in its early stages.

In 1992, migration authorities were summoned to participate in the meetings of Working Subgroup No. 2 on Customs Matters in which the “Border Facilitation” and “Immigration Control” Commissions were formed. Likewise, an Ad-hoc Group was created in order to prepare a single document that would enable nationals of all Member States to travel within all of the territories and to third countries. The so-called “Recife Agreement” and its Additional Protocol emerged from the work of the aforementioned groups and gave rise to integrated immigration control systems.

In 1995, the SGT 10 (which replaced the Working Subgroup No. 11) was created. The group’s objective was to deal with labor-related migration issues, but due to its pace and planning it did not achieve much progress.

In 2002, the Ad-hoc Border Integration Group was formed, which aimed to create tools to facilitate greater integration among border communities, promoting a better quality of life for their populations.

The issue of migration was also addressed in the Meetings of Ministers of Education, Ministers of Social Development, the Special Meeting on Women, and the Meeting of Ministers of the Interior, from which the Special Migration Forum of MERCOSUR and Associated States was founded in 2003.

To summarize, we affirm that the main advances in migration issues in the first decade of the regional integration process under MERCOSUR were: the creation of the Border Neighborhood Transit Card (TVF); the implementation of integrated immigration control in certain border points, ports and airports; the elimination of the need to translate documents in specific cases and the absence of visas for nationals of Member States. Likewise, we highlight the progress made in socio-labor issues, with special recognition of fundamental rights—and explicit reference to migrants—contained in the Social-Labour Declaration of MERCOSUR (ratified in 1998).

In the second decade of MERCOSUR's adoption process and starting in 2002, there were significant advances in migration issues, including the approval of the following Agreements:

- **Residence Agreement for Nationals of MERCOSUR Member States**

The Agreement on Residency for Nationals of MERCOSUR Member States and the Agreement on Residency for Nationals of the MERCOSUR Member States of Bolivia and Chile, to which the Republic of Peru, the Republic of Ecuador and the Republic of Colombia have signed on, are clear reflections of the new political landscape and of the resoluteness to strengthen the integration process of MERCOSUR.

Approved at the Meeting of Ministers of Interior held between November 9th and 11th, 2002, in Salvador, Brazil, the Agreement modified the focus and development of MERCOSUR's negotiations in social and socio-labor issues. This agreement was the first and most important norm to arise from the intergovernmental consensus on the issue, establishing free circulation as a goal. It was endorsed by the Presidents of Argentina, Brazil, Uruguay, Paraguay, Bolivia and Chile in the Joint Declaration at the MERCOSUR Presidential Meeting in December 2002.

Uruguay ratified the Agreement in Law No. 17927 of December 19, 2005. In 2009 the Agreement entered into force after receiving the final remaining ratification by Paraguay, thus becoming part of domestic legislation and, furthermore, an enforceable mandate in the countries.

The main objective that the aforementioned Agreements pursue is to achieve a deepening of the integration process, the implementation of a shared policy of free

movement of people and a solution to the migratory situation for nationals of the Member States in the region.

Likewise, the Agreements sanction the right to enter, leave, circulate, and remain freely in the territory of the receiving country; exercise all lawful activity under the conditions provided for by law; convene for any licit means and freely practice a faith of choice. It also promotes the right to family reunification of migrants and the transfer of resources to countries of origin.

The agreement establishes the right of children of migrants to have a name, register their births, a right to nationality in accordance with the domestic legislation of each State, and access to education under equal conditions with nationals of their resident country. Likewise, it is explicitly established that children cannot be denied or given limited access to pre-school and public schools due to the irregular migratory status of parents.

- **Agreement on the Procedure for the Verification of Exit and Entry Documentation of Minors Between MERCOSUR Member and Associated States**

With the firm decision to develop strategies aimed at preventing the trafficking of minors across the region, the “Agreement on the procedure for the verification of exit and entry documentation of minors between MERCOSUR Member and Associated States” was signed in February 2006.

This agreement was created due to the need to adopt effective and coordinated measures at the regional level to increase the protection of children and adolescents who transit between different countries in the region. With this in mind, the current regulations on the protection of minors’ rights were consolidated. Nonetheless, the Agreement explicitly states that it is at the will of the States to strengthen the coordination mechanisms of document verification control systems that track minors who exit and enter countries. In this sense, states try to guarantee that minors have the required travel authorization and identification by requiring immigration control authorities in the country of departure to review documentation. Subsequently, this travel authorization should then be showed to the migration authority in the country of arrival.

In the event that, for any reason, the migratory authority of the minor’s country of departure has not verified the required documentation, the child will not be admitted, and must return to his or her country of origin. It is established that in case the traveling child is accompanied by both parents and there is no need for a travel authorization, the minor’s relationship must be verified by the border control authorities of the country of departure and arrival.

- **MERCOSUR Agreements for the Protection of the Rights of Children and Adolescents in Vulnerable Situations**

In June 2008, the Common Market Council approved the “Agreement between MERCOSUR Member and Associated States on Regional Cooperation to Protect the Rights of Children and Adolescents in Situations of Vulnerability” and the “Agreement for the Implementation of Shared Databases of Children and Adolescents in Vulnerable Situations of MERCOSUR and Associated States.” The first accord lays out the need to create tools and mechanisms aimed at protecting the rights of children and adolescents in a context of growing circulation. It highlights the need to put information into use in a coordinated manner, such as that which is emanated from judicial and administrative authorities regarding the tracking or whereabouts of children and adolescents as well as information about restrictions on the exit of children and adolescents between parties that allow their effective location.

The signing of these Agreements shows an initial commitment on the part of the states of the region to adopt measures to prevent situations that violate the rights of migrant children and adolescents. However, the original commitment to advance common policies has not been met with concerted action.

Other Agreements which MERCOSUR signed, and Uruguay ratified are mentioned below, illustrating the importance of this issue on the regional agenda (notwithstanding the frequently discussed difficulties to achieve effective application).

- Complementary Agreement to the protocol of cooperation and jurisdictional assistance in civil, commercial, labor and administrative matters among the Member States, ratified through Law 17574, of 10/29/2002;
- Agreement on Internal Migration Regularization of citizens of MERCOSUR, Bolivia and Chile, ratified through Law 17941, of 01/03/2006;
- Agreement on the Creation of the “MERCOSUR Visa,” ratified through Law 18110 of 04/16/2007;
- Agreement on the exemption of translation of administrative documents for immigration purposes between the states that are part of MERCOSUR, ratified through Law 18134, of 06/11/2007;
- Agreement on the exemption of translation of administrative documents for immigration purposes between the member states of MERCOSUR, Bolivia and Chile, ratified through Law 18224, of 12/22/2007;

- Protocol of Asunción on the Commitment to the Promotion and Protection of Human Rights of MERCOSUR, ratified through Law 18296 of 05/22/2008;
- Free visa agreement for students and teachers of MERCOSUR member states, ratified through Law 18311, of 06/22/2008;
- Protocol on educational integration and the recognition of certificates, titles and studies of primary and non-technical level institutions across the countries of integration, ratified through Law 1673, of 12/12/1995;
- Protocol on educational integration and validation of diplomas, certificates, degrees and recognition of technical level studies, ratified through Law 16890 of 11/20/1997;
- Protocol on educational integration for the formulation of human resources at the post-graduate level, ratified through Law 16963, of 05/15/1998;
- Protocol on the admission of titles and university degrees in order to exercise academic activities, ratified through Law 17.041, of 11/25/1998;
- Protocol on educational integration for the pursuit of post-graduate studies in universities of MERCOSUR member countries, ratified through Law 17116, of 06/21/1999;
- Mechanisms for temporary professional practice, ratified through Law 18085, of 01/05/2007;
- Agreement on the recognition of teaching degrees, certificates and diplomas for teaching Spanish and Portuguese as foreign languages in MERCOSUR member states, ratified through Law 18506, of 06/26/2009;
- Agreement against the smuggling of migrants between MERCOSUR member states, ratified through Law 18349, of 09/15/2008.

### **b) The Migration Issue and UNASUR**

The Union of South American Nations (UNASUR) was initiated upon the signing of Cusco Declaration on December 8, 2004 and was formally established through the Constitutive Treaty signed in Brasilia on May 23, 2008.

This Agreement entered into force in March 2011 after the last ratification initiated a South American integration movement comprised of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela.



Unlike the Treaty of Asunción, the UNASUR Constitutive Treaty included the migration issue in Article 3, setting out specifically among its objectives:

*“the consolidation of a South American identity, through the progressive recognition of rights to nationals of one Member State residing in any other Member State, with the purpose of eventually realizing South American citizenship” (Section i), and*

*“cooperation in matters of migration, with a comprehensive approach and with unhindered respect of human and labor rights for the regularization of migration and the harmonization of policies” (Section k).*

## **2.5. South American Migration Conference**

The South American Conference on Migration (CSM) was created during the “South American Meeting on Migration, Integration and Development,” held in Lima in 1999 upon the initiative of several South American governments and with the technical support of the IOM.

During this event, governments recognized the importance of migratory movements within the region and the need to hold regular meetings, resulting in the organization of future conferences.

In 2000, the First South American Conference on Migration was held in the city of Buenos Aires with the participation of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela. It was also here that the decision was made to invite Guyana and Suriname to participate in the process.

The South American Migration Conference has become a regional forum that stipulates mechanisms for dialogue and consensus on migration issues. In this sense, it offers a rare and non-binding space to define policies and come to agreements between participating states. It is aimed at generating and coordinating initiatives and programs that promote policies related to international migration and its relationship with development and regional integration.

Since its conception, the CSM has taken place annually in one of the member countries, which assumes the Pro-Tempore Presidency, acting as the seat, organizer and host of the event.

From the year 2000 to the present, meetings of the Conference have been held each year, and preparatory meetings (inter-sessions), workshops, seminars and forums have also been held on topics of relevance to member countries.

During the X South American Conference, held in Quito (Ecuador) in 2009, it was decided to begin creation of a regional space with free movement of people in a safe and informed way with respect for fundamental rights. This was considered a fundamental pillar to achieving full regional integration that could push for South American citizenship.

During the XI Conference held in Cochabamba (Bolivia) in 2010, the “South American Plan for the Human Development of Migrations and the Declaration of Migratory Principles and General Guidelines of the CSM” was analyzed and approved.

The Declaration of Principles recognizes the retention of rights of all migrants as an important part of the processes of economic, cultural and social integration among countries.

At the XVII CSM held in Montevideo (Uruguay) in November 2017, the representatives of the member countries discussed the progress made in issues of migration policies, human rights, migrants in vulnerable situations, and human trafficking.

In the XVIII CSM, held in Sucre (Bolivia) in November 2018, the commitment of the South American countries to the Global Compact for Migration was reaffirmed. Said meeting was held in December 2018 in Marrakech (Morocco).

In addition to the twelve South American governments, Conference participants include international organizations, civil society representatives and guest countries as observers.

The CSM has a Technical Secretariat that is responsible for supporting the follow-up processes, Action Plan, and initiatives and activities that arise from the Conference and for ensuring communication, coordination and exchange of information among Member Countries. Currently, this responsibility falls on the IOM Regional Office for South America, based in Buenos Aires.

### **3. Institutional Framework**

In this section, we present the roles of the different institutions involved in migration issues. First, the role of the institutions of Executive Power are described. Next, we detail the duties of the institutions in charge of inter-institutional coordination and leading the design and implementation of the country’s migration policy (National Migration Board). Finally, we note competencies of the institutions outside of the scope of Executive Power.

### **3.1. Roles of the Main Institutions Working on the Issue of Migration in the Executive Branch**

Migration Law No. 18250 of 2008 serves as the primary regulatory authority on the responsibilities of the different institutions working on migration matters in the Executive Branch. As detailed below, in recent years there have been advances in regulatory matters, converted into laws, decrees, resolutions and regulations, causing changes in the relevance of the current institutional framework. In particular, during the government from 2010-2015 and especially starting in 2013, there has been an increase in the vested interest of the Ministry of Foreign Affairs; through its General Directorate for Liaison and Consular Affairs, it has promoted bills that modify substantive components of institutional strategy and migration policy.

#### **3.1.1. Ministry of the Interior**

Article 27 of Migration Law No. 18250 approved in 2008 bestows the following immigration-related powers on the Ministry of the Interior:

- a) Prepare and accommodate the country's places of entry/exit;
- b) Grant or deny permanent residence to foreigners, in accordance with the law;
- c) Expel foreign persons when merited in accordance with the law.

Law No. 19254, which originated in a bill sent by the Executive Power to Parliament on January 24, 2014 and was approved on August 28, 2014, modifies the text of Part B and transfers the responsibility of granting permanent residence for nationals of the Member and Associated states of MERCOSUR and their families (spouses, common law partners, parents, siblings, and grandchildren) to the Ministry of Foreign Relations. The new text of Part B is as follows: "Grant or deny permanent residence to foreigners in accordance with the law, except in cases of spouses, concubines, parents, siblings and grandchildren of Uruguayans or nationals of Member or Associated states of MERCOSUR, in which case this responsibility will be entrusted to the Ministry of Foreign Affairs."

Article 28 of Law No. 18250 stipulates that the Ministry of the Interior may, through a well-reasoned decision, delegate any of the powers established in Article 27 to the National Directorate of Immigration.

Article 29 of Law No. 18250 lays out the powers of the National Directorate of Migration:

- a. Control and supervise the entry, stay, and exit of persons from the country, in

compliance with legal norms and regulations in force, as well as declaring irregular entry or stay of foreigners when they cannot prove their migratory status in the country;

- b. Deny entrance to foreign persons into the country, in accordance with the situations provided for in this law;
- c. Require a travel permit of Uruguayan or foreign minors with domicile or habitual residence in the country;
- d. Record the entry and exit of people from the national territory and develop corresponding statistics;
- e. Oversee the stay of foreigners in the country in accordance with their immigration status;
- f. Grant and deny temporary residence permits and authorize extensions;
- g. Grant extensions of stay to those who have entered the country as non-residents;
- h. Authorize changes of visa category to foreign persons who regularly enter the country as temporary residents or non-residents;
- i. Regularize the status of migrants when applicable;
- j. Inspect international modes of transport to ensure their compliance with existing regulations regarding the entry and exit of passengers and crew;
- k. Apply corresponding administrative sanctions to those who violate migratory norms of the law and apply pertinent fines;
- l. Discern and propose applicable fees for the rendering of services;
- m. Arrange the deportation of temporary and non-resident residents when determined by the Ministry of the Interior;
- n. Exercise all other responsibilities conferred by this law and its regulations.

### **3.1.2. Ministry of Foreign Affairs**

The powers of the Ministry of Foreign Affairs, exercised through its Consulates scattered across the world, are established in Article 30 of Law No. 18250:

- a. Gather, monitor, and report on entry applications processed abroad, and consequently send them to the National Immigration Office for processing in accordance with the pertinent regulations;
- b. Grant entry visas to Uruguay in the categories provided for in this law and its regulations;
- c. Disseminate Uruguayan policies and programs on immigration matters.

Law No. 19254 regarding permanent residence for MERCOSUR nationals and relatives of Uruguayans, approved by the National Parliament in August 2014, grants new powers to the Ministry of Foreign Affairs. The new regulations establish that the Ministry will assume the role of receiving and evaluating applications of foreigners who are family members (spouses, concubines, parents, siblings and/or grandchildren) of Uruguayan nationals and nationals of MERCOSUR Member and Associate States, granting residency when in compliance with the aforementioned law.

Within the organizational structure of the Ministry of Foreign Affairs, the General Directorate for Liaison and Consular Affairs (known as Department 20) is the office responsible for fulfilling the functions assigned to the Ministry. Its specific tasks are regulated by Articles 40 to 44 of Decree 27/1996 related to the Consular function and Decree 2496/2005:<sup>25</sup>

- a. Coordinate, plan and execute a national policy to reconnect with emigrants along with other state entities and organizations of Uruguayans living abroad. Instruct, support and supervise the Consulates of the Republic in this policy's implementation;
- b. Establish and maintain an up-to-date database of residents abroad and ensure effective communication (web page, email or any other adept means of communication);
- c. Promote scientific, technological, cultural, commercial and economic exchange with emigrants;
- d. Recommend, where appropriate, the revision of existing regulations and generate information on the subject of migration in general;

<sup>25</sup> Available at: <http://www.mrree.gub.uy/frontend/page?1.inicio,ampliacion-ppal2,O,es,0,PAG;CONC:49;15;D;direccion-general-para-asuntos-consulares-y-vinculacion;29;PAG>

- e. Alongside relevant national institutions, schedule and coordinate any concrete assistance to expatriate nationals, such as the provision of humanitarian assistance to those inhabitants of the Republic that require the support of the Foreign Service;
- f. Receive and transmit the requests of people who need to locate and establish contact with residents abroad and, in general, respond to all requests for assistance in connecting to the outside world that people and/or a community may need. Public funds used will be reimbursed, *a posteriori*, in accordance with the economic capacity of the beneficiary;
- g. Advise and manage, as relevant, all activities of the consular services of the Republic. Legalize documents coming from or being sent abroad. Issue passports and collect consular fees;
- h. Plan and coordinate concrete steps to help the Uruguayan expatriate population alongside competent national institutions.

The General Directorate for Liaison and Consular Affairs is divided into two sub-directorates: the Directorate of Consular Affairs and the Directorate of Liaison Affairs (created in 2005, during Tabaré Vázquez's first year in government).

The Office of Return and Welcome was created by Law No. 18250 and has operated within the Liaison Office since 2008. Its tasks were demarcated in a presidential decree approved on July 23, 2008, seven months after the approval of Law No. 18250:

- a. The active creation of improved conditions and incentives to stimulate the return of Uruguayan residents abroad;
- b. The facilitation of the insertion of foreign citizens or Uruguayans abroad who wish to establish themselves in our country and our society;
- c. The collection, organization, and dissemination of all relevant information on the national level.

The Office of Assistance to Compatriots (OFAS) operates within the Directorate of Consular Affairs with the function of extending all kinds of practical support to Uruguayans who are abroad, such as, for example, assistance to Uruguayans deprived of their liberty, the provision of care due to illness or accident and the repatriation of remains (Population Program, 2011: 115).

The Citizen Attention Center (CAC) carries out its activities under the helm of the

General Directorate for Consular Affairs and Liaison. The purpose of this Center is to manage the legalization of documentation, validation of educational degrees, visa applications, motor vehicle entry and exit, the issuance of official passports, consular procedures and the processing of foreigners' identity documents in the country, among others (Population Program, 2011: 115).

### **3.1.3. Ministry of Labor and Social Security**

The Ministry of Labor and Social Security (MTSS) does not have an expressly stated role in migration issues according to the Migration Law. However, the MTSS is comprised of intergovernmental coordination bodies such as the Sectoral Commission on Population and the National Migration Board. After the approval of the migration law, regulations have been approved that designate to this ministry specific responsibilities in immigration matters.

The Coordination Unit was created in November 2011 for Uruguayans returning to the country, through Law 18,834 which rendered accounts for the 2010 financial year (Art. 219). This unit is comprised of representatives of the MTSS and the Employment and Vocational Training Institute (INEFOP). Their tasks, established in the approved regulations, include the following:

- a. Plan, implement and evaluate the measures that facilitate the employment and social insertion of Uruguayans who return to the country;
- b. Through the INEFOP, summon the different public and private training entities to coordinate the training of said population;
- c. Coordinate with the Public Employment Centers and different units of the Ministry of Labor and Social Security on issues related to migration, social security and professional training;
- d. Cooperate with the Ministry of Foreign Affairs, the National Migration Board, the Sectoral Population Commission, international organizations and organizations representing civil society and the labor and employer sectors with the objective of exchanging information that contributes to the elaboration of plans to promote the employment and social integration of this population.

In May 2017, the Labor Migration Unit was created through a ministerial resolution. It has three main objectives: (i) to contribute to mainstreaming the handling of labor migration in the MTSS; (ii) to contribute to improving the insertion of the migrant population into the labor force; and (iii) to contribute to the creation of foundations

for generating action plans for labor-related migration issues.

In order to mainstream the issue of migration within the institution, the action plans include, among other activities: the review of information on the migrant population from the MTSS; the creation of reports on the labor market that contribute to the design and management of programs and the implementation and/or the improvement of services; the execution of training and awareness-raising activities for officials and the examination of the International Conventions of Fundamental Rights to review the employment situation of migrants as referred to in the Agreements.

The MTSS's role in advancing regional and bilateral legislation on labor and social security for migrant workers is worth highlighting (Population Program, 2011: 117).

On another note, the Ministries of Labor of Member States of MERCOSUR have created a Labor Market Observatory<sup>26</sup> for member countries of the regional bloc in which the migratory issue has been included.<sup>27</sup> Using this, the national department of the Observatory has produced some statistical reports on immigrants from MERCOSUR countries residing in Uruguay.<sup>28</sup>

Finally, through the National Employment Directorate, the MTSS carries out training programs including training on employee retention (Population Program, 2011:117).

### **3.1.4. Office of Planning and Budget – Sectoral Population Commission**

The Office of Planning and Budget – Sectoral Population Commission was created upon the decision of the Director of the Office of Planning and Budget on August 3, 2010, with the objective of advising the Executive Branch on the definition of (i) a medium- and long-term vision of the country in population matters; and ii) a strategy to achieve this vision, *“through improved execution of existing inter-ministerial policies, as well as the formulation of new policies within the framework of the National Development Plan, promoting equity and respect for Human Rights.”*

The Sectoral Population Commission is composed of an Executive Committee and Plenary. The Executive Committee is chaired by the Office of Planning and Budget and has two representatives (seated official and alternate) from the Ministries that

<sup>26</sup> See <http://www.mtss.gub.uy/documents/11515/9782c736-5e26-4cc1-a260-a8cb76865ef>

<sup>27</sup> Resolution of the Observatory meeting held in Porto Alegre, Brazil, in November 2012.

<sup>28</sup> See <http://www.mtss.gub.uy/documents/11515/9782c736-5e26-4cc1-a260-a8cb76865ef8>



presently participate in the Social Cabinet: Economy and Finance, Public Health, Social Development, Education and Culture, Housing, Territorial Planning and Environment, Labor and Social Security and Tourism and Sports. The Plenary is composed of the delegates of the Executive Committee, representatives of the National Migration Board, Public Enterprises Network, and National Institute of Statistics, a representative of each of the parliamentary committees directly linked to population issues (particularly the Commission on Population and Development), a representative of the academic sector, and a representative of the National Congress of Superintendents.

Additionally, the resolution establishing the Commission states that “*other national and international organizations may be integrated, as observers or advisors, when the issues addressed require it.*”

The tasks of the Sectoral Committee on Population are to:

- a. Propose policies that promote intergenerational equity in living conditions and access to opportunities;
- b. Propose policies that address the issue of birth rate as well as the compatibility of productive life with reproductive life;
- c. Propose the coordination of policies to liaise with the Uruguayan population residing abroad and returning nationals in accordance with the National Development Plan;
- d. Analyze the efficacy of a proactive immigration approach and its characteristics;
- e. Propose policies that allow for more appropriate territorial and internal migration population distribution processes, including transboundary temporary migration in harmony with the environment;
- f. Propose a policy for the production of sociodemographic and population data, information and analysis, that is used for the design, implementation and monitoring of public policies;
- g. Advise on demographic policy issues whenever required.

### **3.1.5. Ministry of Social Development**

The Ministry of Social Development (MIDES), created in 2005, similarly does not have specific responsibilities related to migration issues that are detailed in the Migration Law. However, considering that migrants constitute a population group

whose rights may be violated, MIDES began to explicitly work on migration issues starting in 2010, through the Transversal Perspectives Department of the National Directorate of Social Policies<sup>29</sup> and through the consolidation of the Identity Program<sup>30</sup> (Diconca et al., 2012:92). Moreover, since the modification of the National Migration Board and the Ministry of Foreign Affairs' permanent assumption of the presidency at the end of 2013, MIDES maintains a representative on the Board.

One of the achievements to strengthen the institutional framework on migration issues as highlighted by the Uruguayan government's presentation before the Committee on the Rights of Migrant Workers and their Families at the United Nations (March 31-April 1, 2014) is the creation of the Migrant Space in MIDES. Its purpose is *"to stimulate coordination between the different directorates of the Ministry, their programs and the units that serve migrant populations or perform roles related to international relations, in order to advance the recognition and respect of the human rights of migrants."*<sup>31</sup>

This example of intra-ministerial coordination is made up of representatives from the MIDES Undersecretariat, the Border Unit, the Center Territorial Office (Montevideo) and the National Directorate of Territorial Management, the Identity Program and the Support Services for Women who are trafficked for the Purpose of Sexual Exploitation. Other areas of MIDES linked to the issue of migration are the International Affairs and Cooperation Unit, the International Relations Advisory Board and the Gender-Based Violence Division.

In recent years, MIDES has promoted and / or sponsored the development of research related to migrant populations, and has organized public events to promote dialogue on the subject between state, international institutions, academia and civil society,

<sup>29</sup> This office, together with IOM, supported qualitative research that was carried out in 2011 and 2012, aimed at diagnosing the forms of social integration of the new flows of immigrants and returnees. The publication that gathered the main findings of this research concludes by proposing recommendations aimed at improving institutional care for migrants (Diconca et al., 2012).

<sup>30</sup> The Program allows hundreds of people who are in a vulnerable socioeconomic situation to process their ID cards free of charge. The Program aims to strengthen the social fabric of family, community, labor and social networks in general, in addition to promoting the skills development of people who are in a situation of social exclusion and do not fully exercise their citizen rights.

<sup>31</sup> The presentation of the Uruguayan delegation can be found at the following link: <http://www.mrree.gub.uy/frontend/page?1.inicio.ampliacion-ppal2.O.es.0.PAG;CONP;1961;11;P;uruguay-modelo-en-materia-de-proteccion-de-los-derechos-de-los-migrantes;2;PAG>; (Accessed on 08/21/2014).

in order to generate inputs, proposals and / or recommendations for the design and implementation of public policies that impact on reducing the gaps between the migrant population and nationals.<sup>32</sup>

### **3.1.6. Human Rights Secretariat of the Presidency of the Republic<sup>33</sup>**

The Human Rights Secretariat of the Presidency of the Republic originated in the National Directorate of Human Rights of the Ministry of Education and Culture (MEC), which was created in 2006 by Law No. 17930. In October 2013, upon the approval of the Accountability Act of 2012 (Art. 67, 68 and 69) it became the Human Rights Secretariat of the Presidency of the Republic.

The Secretariat manages the Executive Branch's promotion of human rights in public policies, ensuring its promotion, design, coordination, execution, and monitoring and evaluation.

Among the objectives of this Secretariat are to:

- a. Contribute to the strengthening of human rights throughout the country;
- b. Promote the awareness and protection of human rights throughout the country;
- c. Make the perspective of human rights in public policies more varied and cross-sectional;
- d. Advise and disseminate information on spaces for denouncing human rights violations;
- e. Develop skills among officials, technicians and authorities such that they can incorporate a human rights perspective in the formulation, execution and evaluation of public policies;

<sup>32</sup> An example of this is the publication referenced as MIDES (2017), whose qualitative component was in charge of a team of technicians from the Ministry. More recently, in August 2019, preliminary results were presented of a research promoted by MIDES in conjunction with ANEP, called "Research on coexistence and discrimination in secondary education", where one of the focus of analysis is precisely the migrant population, which goes to secondary education centers. As for events, one of the most prominent is the Entretierras seminar-debate that took place in May 2019, under the slogan "A 10 YEARS OF THE Migration Law: Advances and Challenges".

<sup>33</sup> [http://www.mec.gub.uy/innovaportal/v/55281/2/mecweb/direccion\\_nacional\\_de\\_derechos\\_humanosbrhasta\\_enero\\_2014?leftmenuid=55281](http://www.mec.gub.uy/innovaportal/v/55281/2/mecweb/direccion_nacional_de_derechos_humanosbrhasta_enero_2014?leftmenuid=55281)

- f. Promote the synchronization of domestic regulations with the norms of international human rights law;
- g. Promote effective compliance with international standards related to human rights;
- h. Strengthen the coordination of different actors in the national system in the advancement of the respect, protection and fulfillment of obligations related to human rights;
- i. Support the cooperation efforts of the Uruguayan State and international organizations towards the promotion and defense of human rights.

Like other state institutions, the Secretariat of Human Rights has also organized discussion seminars on the migration issue in Uruguay and has produced publications.

### **3.2. Types of Inter-Institutional Coordination: National Migration Board**

Article 24 of Migration Law No. 18250 constitutes the National Migration Board as an advisory body and coordinator of migration policies within the Executive Branch, establishing its members (appointed by the leaders of each of the Ministries) as one delegate each from the Ministry of the Interior, the Ministry of Foreign Affairs and the Ministry of Labor and Social Security. The same law stipulates that the Board Chair is assumed on a rotating basis by each of the Secretaries of State, alternating for periods of not less than six months, with resolutions approved by consensus.

The regulation also establishes that, when the subject matter requires it, the Board may call on consultation or advice from other public or private institutions, representatives of social organizations and trade unions, representatives of international organizations or experts.

Law No. 19149 on Accountability, approved in October 2013 but which corresponds to fiscal year 2012, modified the membership of the National Migration Board. The new regulation incorporated a delegate from the Presidency of the Republic and another from the Ministry of Social Development. It also conferred permanent chairmanship to the Ministry of Foreign Affairs, abolishing the system of rotation among the different delegates (Presidency, Ministry of the Interior, Ministry of Labor, Ministry of Foreign Affairs and Ministry of Social Development). An Executive Secretariat was also established to offer technical and administrative support of the

Board's tasks and ensure its continuity.<sup>34</sup>

Article 25 of the Migration Law establishes the specific responsibilities of the National Migration Board:

- a. Recommend migration policies to the Executive Branch;
- b. Suggest regulation rubrics of immigration standards;
- c. Support intergovernmental coordination in the execution of said policies;
- d. Advise on immigration matters within the sphere of the responsibilities of each State agency;
- e. Analyze and propose changes in immigration regulations;
- f. Achieve multilateral relationships in relation to this issue;
- g. Promote the adoption of plans that favor the regional integration process in relation to within and outside of the zone;
- h. Promote the adoption of all necessary measures to achieve the appropriate implementation of the migratory provisions;
- i. Act as a catalyst of migratory policies;
- j. Propose the implementation of the following programs: selective migration, immigration of foreigners; return of Uruguayans; reconnection with nationals abroad and populations with a high propensity to migrate;
- k. Implement training and awareness-building courses for human resources teams about this subject in order to teach the bases of the principles that inspire this law;
- l. Promote the collection of statistical data on the migration phenomenon.

Article 63 of the Migration Law adds the need to promote human rights for migrants, specifically regarding racism, racial discrimination, xenophobia and any other related forms of intolerance.

<sup>34</sup> Presentation of the Ambassador of Uruguay Ricardo González Arenas before the Committee on the Rights of Migrant Workers and their Families (United Nations), Geneva, March 31–April 1, 2014.

The functions of the Executive Secretariat of the Board are the following:<sup>35</sup>

- a. Provide technical support to the work of the National Migration Board (JNM), through continual preparation of documents for analysis, diagnosis, or recommendation on issues pertinent to the Board, including the collection, compilation and periodic circulation of quantitative and qualitative information on migration in the country and MERCOSUR, and in coordination with other technical and administrative bodies of the Government of Uruguay;
- b. Preparation of reports that serve as inputs for the presentation of domestic documents and/or country reports;
- c. At the beginning of each year, prepare a proposed work plan for the National Migration Board and, once approved, track its compliance. At the end of the year, evaluate the level of fulfillment of the work plan;
- d. Manage the preparation, organization and development of both routine and special meetings of the JNM. In coordination with the Presidency of the JNM, prepare the agenda for routine meetings, circulate it in advance to all members, take and circulate meeting minutes among the members and keep a record of all documentation;
- e. Support the Presidency of the JNM in the preparation of any technical meetings, seminars, workshops and events agreed to within the context of the work of the JNM and prepare the necessary reports and documents, as well as a report on these events, circulating them among the members of the Board and maintaining a file of all documentation;
- f. Actively monitor decisions, agreements and meetings related to migration issues that are carried out within MERCOSUR, UNASUR, CELAC, the South American Conference on Migration (CSM) and other multilateral and bilateral events;
- g. Maintain the institutional memory of the work of the JNM, functioning as an archive for all of JNM's documentation and activities. Facilitate its dissemination according to criteria agreed upon by the JNM.

In August 2016, the National Migration Board approved a document that established the general guidelines, objectives and core strategy of the migration policy of the

<sup>35</sup> Personal communication of the Executive Secretary of the Board, Andrés Freire, August 13, 2018.

Uruguayan State. The document establishes the following general principles of the policy: 1) Recognition and full respect for the rights of migrants; 2) Equality of treatment and enjoyment of rights between nationals and foreigners; 3) Non-discrimination; 4) Sociocultural integration; 5) Respect for diversity and cultural identity; 6) Gender equality; 7) Comprehensive protection of groups of migrants in vulnerable situations.

The document prepared by the Board and approved by the President of the Republic also establishes four target populations and central focuses of migration policy: 1) Resident population in Uruguay with a high propensity to migrate (retention policy); 2) Foreign population that arrives in Uruguay to reside temporarily or permanently (immigration policy); 3) Returned or repatriated Uruguayan population (returnee policy); 4) Uruguayan population residing abroad (liaison policy).

In regards to the retention policy, the Board proposes as a general objective to encourage the resident population to stay in the country, establishing some general guidelines regarding the improvement of the country's human development level, a plan that seeks to reduce youth emigration, and plans to promote research and reduce skilled emigration through the National Agency for Research and Innovation (ANII) and the Sectoral Commission for Scientific Research (CSIC) of the University of the Republic (UDELAR).

Regarding immigration and return policies, the document establishes specific and similar objectives for both population groups:

1. Guarantee the protection of the most vulnerable groups of immigrant/returnee population, particularly female victims of gender violence, unaccompanied and/or separated minors or adolescents, victims of trafficking, and people deprived of their freedoms;
2. Ensure that immigrants/returnees have equal conditions and access to employment as nationals;
3. Encourage their participation in employment benefits, workshops and professional training;
4. Guarantee their inclusion in social programs and public services according to their specific needs;
5. Combat discrimination and social stigmatization of immigrants, and guarantee coexistence and a life free of xenophobia, racism and racial discrimination.

Finally, the document incorporates specific objectives for a policy aimed at fostering

connections between the State and Uruguayan nationals living abroad. In this regard, the following objectives should be highlighted:

1. Improve the administrative management, information, communication, and the advice, support and consular assistance services offered to Uruguayan nationals abroad;
2. Identify communication strategies for engaging with the diaspora and adequate mechanisms to capture their needs and requests;
3. Promote the strengthening of programs to liaison and reconnect with Uruguayan emigrants who are highly qualified, or are businesspeople, entrepreneurs, and artists, among others;
4. Strengthen the national identity and sense of belonging of Uruguayans living abroad;
5. Expand the political participation of Uruguayan émigrés without restriction based on their place of residence.

### **3.3. Other Governmental Agencies**

This section offers a description of the responsibilities of three institutions with relation to immigration matters: the National Parliament, the National Secretariat of Human Rights and the National Commission of Refugees.

#### **3.3.1. National Parliament<sup>36</sup>**

Within the Legislative Branch, there are different permanent and special commissions linked in one way or another to population issues. However, none of them has the specific task of dealing with migration policies.

The Special Commission on Population and Social Development resides within the House of Representatives and the Permanent Commission on Population, Development and Inclusion and operates within the Senate Committee. As their names infer, both commissions deal directly with issues related to population and development and are those that most closely relate to migration issues. Nevertheless, other committees have

<sup>36</sup> The information presented below was extracted from the website of the National Parliament of Uruguay: [www.parlamento.gub.uy](http://www.parlamento.gub.uy). More details, the shorthand versions of the sessions, the issues covered in each of the chambers and commissions, as well as the integration of the chambers and commissions can be found at the aforementioned website.



dealt with issues related to international migration, such as the Permanent Commission on International Affairs of the Chamber of Senators, which, since 2010, has addressed issues such as the rejection of European migration policy and the state's liaising efforts with Uruguayan residents abroad (Population Program, 2011:119).

As an example, it is interesting to note that Migration Law No. 18250, approved in January 2008, was processed and debated in 2007 within the context of the existence of the Commissions on Population and Social Development (House of Representatives), Constitution and Legislation (Chamber of Senators) and Population, Development and Inclusion (Chamber of Senators). The law that approves the Refugee Statute (No. 18076), which was enacted into law in December 2006, was discussed during 2005 in the Human Rights Commissions (House of Representatives) and Constitution and Legislation (Chamber of Senators).

### **3.3.2. National Institution of Human Rights**

It is especially important to point out that, on December 24, 2008, the Executive Power ratified Law 18446, whose Article 1 establishes the creation of the National Human Rights Institution. This Law was subsequently amended in Articles 1, 36, 75 and 76, by Law 18806 of September 14, 2011. The law stipulates that the National Institution of Human Rights and Ombudsman's Office be chaired by a collegiate body of five members called the Board of Directors, specifying that this Board be in charge of leading and representing the institution (Article 36).

Regarding the election of the Board of Directors, the Law ordered that the General Assembly appoint a Special Commission with members of all political parties with parliamentary representation who received candidate nominations and prepared a list that was communicated to the Presidency of the General Assembly in order to carry out the elections (Art.40).

According to the Board of Directors, it has been reported that the Institution began receiving complaints the very day the members of the Board assumed their roles (06/22/2012).

Here it is important to distinguish between complaints of a general nature and complaints regarding specific cases. In the first category, on July 27, 2012, the NGO *Cotidiano Mujer*<sup>37</sup> filed a complaint (File 29/2012) regarding the alleged trafficking of Bolivian workers to serve as domestic workers, in violation of all laws and

<sup>37</sup> See Chapter Three for a detailed description of the objectives and projects of this organization.

regulations protecting the rights of these workers. The complaint did not refer to a particular person, but to an indeterminate group of people.

In order to better understand the reported facts, the Institution met with the General Inspectorate of Labor and Social Security, with whom they consistently exchanged information and coordinated activities.

At this stage of the process, the complaint was formalized before the Judicial Power through the Directorate of Organized Crime of the National Police and also by the aforementioned NGO *Cotidiano Mujer*. This action necessarily suspends the responsibility of the Institution, as explicitly stated in Article 31 of Law No. 18446.

Nevertheless, in accordance with the powers conferred by Article 19 of the aforementioned Law, the Institution sent a communication to the Supreme Court of Justice requesting that it be informed of the progress of the case, as well as of any decisions that were made.

### **3.3.3. National Refugee Commission**

In Uruguay, the designation of refugee status is the responsibility of the Refugee Commission (CORE), which is comprised of representatives of the Ministry of Foreign Affairs, the National Directorate of Migration, the University of the Republic, a representative of the National Parliament, one non-governmental non-profit organization and the United Nations High Commissioner for Refugees (UNHCR), which participates but has no vote.<sup>38</sup>

## **4. Government Programs on Immigration, Emigration, and Refugees**

The development of migration policies illustrates a growing governmental concern for the implementation of initiatives aimed at serving both foreign and returning immigrant populations, with a focus on respect for human rights. This is in the

<sup>38</sup> *"The asylum application must be submitted verbally or in writing to any national or departmental authority or the representative of the UNHCR. It must contain, at least, the names and surnames of the applicant and his / her family, nationality, origin and any other relevant condition. Every applicant has the right to be provided with a provisional identification document that will be valid until a final decision on the application is made. Once the refugee status is recognized, said document will be replaced by the identification document granted to the residents. The authority that receives the request must send it to the Permanent Secretariat of CORE, which in a period not exceeding 90 days, will submit a summary report and its conclusions to CORE. The decision to recognize, reject, annul, revoke or establish the cessation of refugee status will be delivered in person to the applicant and to the office that represents the interests of UNHCR."* (Source: <http://www.acnur.org/t3/donde-trabaja/americas/uruguay/procedimiento-para-la-determinacion-de-la-condicion-de-refugiado/>, Accessed on 08/11/2014).

context of growing concern among political elites regarding demographic problems facing the country (in particular, due to the low rate of population growth and an aging population distribution).

Possibly because Uruguay has been a country of emigration for a long time, initiatives aimed at promoting links with emigrated nationals are very established.

Previously, policies directed toward émigrés were focused on promoting their return rather than their reconnection. In fact, government programs focused on the returned population saw their peak during the end of the military dictatorship (1973-1984) and the restoration of democratic life after 1985.

During the democratic restoration, the return of migrants to the country was encouraged by supporting measures to ease their arrival and first years of reintegration. During this time, the National Repatriation Commission was established, which united government and private efforts and external financing to work with the reintegration of returnees and a series of labor, educational and scientific programs. Within the framework of this process, the Repatriation Commission, with the financial and logistical support of the International Organization for Migration (IOM), supported the transfer of migrants who wanted to reenter the country.

A similar program targeting refugees and political exiles was funded by the United Nations High Commissioner for Refugees (UNHCR). Specific programs were also promoted to incentivize the return of especially qualified people, and in this framework, a significant number of scientists returned, encouraged by the reconstruction of academic life at the University of the Republic and by the creation of the Program for the Development of Basic Sciences (PEDECIBA), a joint initiative by Uruguayan academics both inside and outside the country. Created for the express purpose of stimulating the return of émigrés, this program served as an initial impulse to the scientific revival of Uruguay and has been showcased in various studies as an example of the influence of a scientific community residing outside the country in the programming and execution of projects within it (Barreiro & Vélho, 1998).

As previously mentioned, the arrival of the *Frente Amplio* government in 2005 and in particular the ratification of the Migration Law in 2008 created a changing migratory context. This new period of migration policy was governed by a generation of institutional and regulatory measures that were conducive to the implementation of initiatives aimed at migrants arriving from foreign countries. However, despite the notable progress in the creation of institutions, illustrated, for example, by the regular operation of the National Migration Board, there was little progress in the design and

implementation of state programs specifically aimed at the migrant population.

Within the framework of the Ministry of the Interior, it should be noted that starting in 2012 the National Directorate of Migration adopted a Rapid Response Plan that allows foreigners to manage their legal residence in the country. To receive this benefit, foreign applicants submit basic documentation to the National Immigration Office through which they initiate the process. At the same time, they are given an immigration certificate to request their provisional identity card from the National Directorate of Civil Identification (the rest of the documentation can be presented later).<sup>39</sup>

Regarding return immigration, it is worth noting the role played by the Office of Return and Welcome of the General Directorate for Liaison and Consular Affairs within the Ministry of Foreign Affairs with this population. A report published every four months describes the group of people that initiated procedures in that office, highlighting the work carried out from a human rights perspective that is, *“reflected in a consular conception based on a policy of equity and rights, seeking practical solutions to the problems posed by returnees. It also proposes to identify needs and generate concrete actions that improve its daily operations for the benefit of its users.”* Based on these objectives, *“internal protocols have been created that unify the actions of officials seeking to offer clarity and consistency in citizen services”* (Ministry of Foreign Affairs, 2014:3).

In recent years, a very present issue in the public agenda is refugee resettlement with the aim of offering a new life to those fleeing war. This has brought 120 Syrian refugees living in Lebanon to Uruguay. The program, which was supported by UNHCR and IOM, tried to facilitate the integration of Syrian refugees into Uruguayan society by providing them with work, housing and support from psychologists and social workers.<sup>40</sup>

Similarly, the December 2014 arrival of six formerly incarcerated refugees from the

<sup>39</sup> The required documentation includes: 1) Photocopy and original of a valid identity document in good condition with which the foreigner entered the country; 2) Entry Card (T.E.S.) or, in its absence, a photocopy of the entry stamp in the passport; 3) A photo ID; 4) Those under 18 years of age: in addition to complying with the above requirements, must present a birth certificate and explicit authorization from the parents to settle in Uruguay; 5) If the minor is not going to live with either of their parents, it must be established by the parents which adult will be responsible for the minor in the country, from whom consent will be sought. See: [http://www.dnm.minterior.gub.uy/tramites\\_residencias\\_requisitos\\_agendar.php](http://www.dnm.minterior.gub.uy/tramites_residencias_requisitos_agendar.php)

<sup>40</sup> <http://www.espectador.com/sociedad/301388/las-primeras-familias-de-refugiados-sirios-llegaran-a-uruguay-el-jueves>

Guantanamo Bay prison at the US military base in Cuba was another very important issue on the public agenda. This act was part of a presidential decision to host this type of refugees in Uruguay, at the request of the US government.

Moreover, although it is receiving less press coverage, a refuge program is currently being implemented for the Salvadoran population.<sup>41</sup>

Likewise, it should be noted that through calls for bids convened by INEFOP, since 2016, socio-educational-labor orientation workshops have been developed for refugees and asylum seekers with a maximum of two years of residence in Uruguay. Its conception is based on the background of the labor orientation workshops given by INEFOP to the Uruguayan population with labor insertion difficulties. The workshops have a “socio-educational” character, including content that intends to make an introduction to the Uruguayan society and labor market to people who have never resided in Uruguay before. The workshops have an average duration of 56 hours, distributed in approximately 16 sessions, and have been taught by social organization personnel: GRAMEEN Uruguay<sup>42</sup> and Casa de la Mujer de la Unión.<sup>43</sup>

Another notable initiative is the Spanish language courses aimed at migrants and non-Spanish-speaking refugees taught since 2014 by teaching staff of the Faculty of Humanities and Education Sciences (FHUCE), of the University of the Republic (Udelar). Its origin is the result of the previous inter-institutional link in foreign language courses between INEFOP and said Udelar service, and a specific request

<sup>41</sup> <https://www.elpais.com.uy/informacion/sociedad/uruguay-da-cobijo-salvadorenos.html>

<sup>42</sup> GRAMEEN is a social organization that since 2017 has carried out the Kwenka project, which is considered as “a space for advice and connection between migrants in Uruguay and the labor needs posed by local employers.” It is presented as a space that offers migrants “resources, guidance, knowledge and tools necessary for better employment, depending on their abilities and skills,” while for employers it represents “a reference space for the search for solutions in terms of human resources, with profiles, experiences, and / or specific capabilities.”

<sup>43</sup> The House of Women of the Union is a Civil Society Organization that since 1987 works for women’s rights and for generating changes in relations between men and women. Its mission is “to promote Programs with Gender Equity that contribute to guaranteeing the exercise of citizen rights and achieving equal opportunities between women and men, adolescents, youth and adults, in all areas of society.” In turn, they foster “the commitment of public and private actors to the implementation of social policies from a gender perspective in order to improve the quality of life of men and women.” To achieve their objectives, they develop personalized attention services and group training and awareness activities. The activities and services provided revolve around vocational training and training for work, education, domestic violence and human rights, sexual and reproductive health and social exclusion.

from SEDHU to INEFOP. As of 2015, the courses are enrolled in a more general project with a research component, which brings together anthropology and foreign language professionals.

Finally, a recent initiative that is presumed to have had an extremely positive impact is the creation by the Ministry of Education and Culture of a Point of Attention to Migrants in educational matters.

In sum, Uruguay has made significant progress in recent years in the creation of a new institutional and regulatory framework through which it manages migration issues. However, there are limitations in the implementation of the migration policy, which include *“the dispersion of actions and mandates across government institutions, the lack of adequate inter-institutional coordination and the lack of solid information systems”* (Artola, 2013: 116).

At the same time, although the Uruguayan State establishes equal rights between the national and foreign-born populations, there are contradictions between some specific regulations and migrant and refugee laws, which create differences among populations.<sup>44</sup>

Likewise, inequality in access to public office persists, since its access is usually restricted only to people with Uruguayan citizenship.

## **5. Programs of International Organizations on Immigration, Emigration and Refuge**

This section aims to describe the migration programs implemented by international organizations in Uruguay. It begins by describing the programs implemented by the International Organization for Migration, followed by the Organization of

<sup>44</sup> An example of this is the Voluntary Interruption of Pregnancy Law N° 18987 (October 2012), which states that those protected by this law include only *“Uruguayan citizens, naturalized citizens or foreigners who have had residency in the Republic for a period of no less than one year.”* A second example comes from the National Health System (N° 19353), which states that users of the system must comply with the following conditions: *“be of little or moderate dependency, 14 years old or over; be a legal or naturalized citizen or have had residency for 10 years or more and currently maintain residency in a private home within the national territory.”* A third example was the rule of the University of the Republic from 1986 that established the requisite for enrollment of the foreign population as having at least 3 years of residency in Uruguay. Nonetheless, in October 2019, said regulations were repealed, establishing equality in access to public higher education between nationals and foreigners. Finally, in postgraduate studies there are also other current examples of discrimination against immigrant and refugee populations that do not have Uruguayan citizenship, such as access to the Faculty of Medicine of the UDELAR Graduate School’s offerings and in applications to the Carlos Quijano Scholarships which are offered by the MEC in conjunction with the Solidarity Fund.

Ibero-American States, and ends with a regional structure, the Latin American and Caribbean Coalition of Cities against Racism, Discrimination and Xenophobia.

### **5.1. International Organization for Migration**

The presence of IOM in Uruguay is long-standing (1956), predating the International Committee for Migration's renaming as the International Organization for Migration in 1989.

In 1993, Law 16415 (Cooperation Agreement between the Eastern Republic of Uruguay and the International Organization for Migration) was approved, establishing a legal framework that allowed for the development of programs, projects and the maintenance of permanent activity in the country.<sup>45</sup>

In recent years, oversight of the Office has been exercised by the "IOM Mission Manager in Uruguay," under the supervision of the Regional Office for South America, based in Buenos Aires, Argentina.

IOM in South America has defined six strategic objectives for its work:<sup>46</sup>

1. The promotion of migration management in the region;
2. The promotion of the free movement of people in the context of regional integration;
3. The maximization of the benefits of migration for development, particularly in the context of regional integration;
4. The promotion of awareness regarding the relationship between migration, the environment and climate change;
5. The provision of assistance to governments and other counterparts in the case of complex emergencies;
6. The development and consolidation of alliances and the promotion of dialogue and research to advance the understanding of migration in the region.

Through its representative, the IOM Office in Uruguay has been fundamental,

<sup>45</sup> <http://www.uruguay.iom.int/index.php/quienes-somos/oim-uruguay/historia-oim-uruguay>

<sup>46</sup> Extracted from the website of the Regional Office for South America, located in Buenos Aires. <http://www.argentina.iom.int/ro/node/110>



permanent and active in supporting, promoting and disseminating migration issues and policies in Uruguay, through technical assistance, trainings, events, and publications. The IOM office in Uruguay has worked closely with government agencies, especially the Ministry of Foreign Affairs, as well as with civil society organizations (the Migrant Support Network and the Migration Advisory Council).

Among its many activities in Uruguay, the IOM implements a program (Transfer Assistance Program) that aims to facilitate the movement of people, giving them access to discounts on commercial airplane tickets. In addition, it offers other services to interested parties: the extension of this benefit to direct relatives, other benefits from agreements with some airlines and an exemption from Uruguayan tax, if the departure is from Uruguay. The benefit is aimed at those who need to travel abroad from Uruguay, or from abroad to Uruguay for work or study reasons, to settle down abroad, to return to their country of origin for repatriation, family reunification or other cases considered humanitarian rights.<sup>47</sup>

The IOM office in Uruguay also works to promote the human rights of international migrants. Toward this end, on July 16, 2014, IOM signed a cooperation agreement with the National Human Rights Institution with the purpose of developing and evaluating joint programs aimed at promoting migrant rights. The first actions carried out were aimed at training programs in migration and human rights for personnel of the National Human Rights Institution, as well as for state officials and representatives of non-governmental organizations. The agreement also allows for human trafficking in Uruguay to be analyzed from two different perspectives: at the national and regional level. Migration policy issues will also be fundamental to the agenda of both institutions.<sup>48</sup>

In addition to the aforementioned, other activities highlighted by the Mission Manager in Uruguay (in a personal communication from September 2014) are the following:

<sup>47</sup> Among these groups, those who most frequently request the benefit granted by the Transfer Assistance Program are: a) postgraduate students who must study abroad; b) people who have obtained a scholarship to study abroad; c) foreign students who are in Uruguay and who wish to return to their countries of origin upon finishing their studies; d) professionals, technicians and other persons who need to travel for reasons of study, training or professional development; e) teachers who move for study, work or internship reasons; f) foreigners who are in Uruguay and who return to settle in their countries of origin; g) Uruguayan nationals who travel for the purpose of relocating abroad, returning to their country of origin, or require transfer for a humanitarian reason.

<sup>48</sup> Source: Facebook profile of the IOM office in Uruguay.



- a. Awareness campaigns directed at civil society on the importance of migration;
- b. Support for MIDES in efforts to promote the documentation of international migrants;
- c. Support of civil society activities, in particular of projects organized by the Migrant Support Network (see Chapter Three);
- d. Technical support for the preparation of a government report for the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
- e. Support in the implementation of the resettlement program for refugees of Syrian origin from Lebanon;
- f. Research and development of publications on the subject of migration;
- g. Support of the National Emergency System in the event of a natural disaster.

## 5.2. Organization of Ibero-American States

The OEI headquarters in Uruguay began operations in 2013 during the 19th Meeting of Ministers of Education of MERCOSUR countries, held on June 14, 2013 in Montevideo to strengthen education in the region.

During the Ibero-American Conference of Ministers of Education held in Panama in September 2013, the Ibero-American Institute for Human Rights Education of the OEI was also established.

The Office of the OEI in Uruguay was inaugurated on December 1, 2013, with the designation of an OEI-Mercosur Director with the mission of spurring inter-institutional cooperation in order to meet the needs of immigrants, and especially returnees. The Office's objective is to give those who return tools for *"reintegration, personalized assistance, vocational guidance, and monitoring in the medium and long term, in order to achieve successful re-insertion into our country."*<sup>49</sup>

This office signed an agreement with MIDES and, through its "Single Window Ibero-American Program" (OSS-LAC), which is within the European Union-OEI Projects that aim for the *"sustainable re-insertion for vulnerable Latin American returnees"*, the project seeks to *"develop intervention strategies for the social re-insertion of*

<sup>49</sup> [http://www.oei.org.uy/ventanillas\\_unicas.php](http://www.oei.org.uy/ventanillas_unicas.php)

*emigrants and returnees*” in vulnerable situations.

To that end, the “Single Windows” Program grants scholarships for those who return from European Union countries in vulnerable situations starting in 2012. The program also offers *“support and guidance to find work, conduct studies, start a business, help in finding housing, and an economic aid, among other things, depending on the specific needs of each returnee.”*

MIDES seeks to offer *“support and accompaniment of emigrants and returnees through the construction of productive integration strategies and promote an advisory space through the Office of Derivations of MIDES to the OEI.”*

On the other hand, a collaboration protocol with the Directorate General of Liaison and Consular Affairs of the Ministry of Foreign Affairs is under development. With this objective in mind, meetings were held with the Ministry of Education and Culture and with the education system in the “Migrations and Return” Working Group.

The OEI Office in Uruguay currently has an active presence in the Migrant Support Network, supporting the successive annual events organized in collaboration with the Advisory Council on Migration, which most recent edition took place in August 2019 (94th Meeting on Migration and Citizenship).

### **5.3. Latin American and Caribbean Coalition of Cities Against Racism, Discrimination and Xenophobia**

The Latin American and Caribbean Coalition of Cities against Racism, Discrimination and Xenophobia, in which the Municipal Government, the Municipal Administration and the Department of Social Development of Montevideo participate, is a regional structure that was created in 2006 during the Ibero-American Forum of Local Governments after a proposal by UNESCO, which had been working on the issue since 2004. Its aim is to combat racism, discrimination and xenophobia at the city level, and Montevideo was chosen as a leader.

The Coalition works within an Action Plan with ten points and is committed to the defense of human rights and to promoting inclusion among different cultures and identities.

Although its presence has not been permanent, the Technical Officer of the Coalition has actively participated in the Migrant Support Network and the Diaspora Network, supporting events organized by civil society.

**PART THREE****PARTICIPATION OF CIVIL SOCIETY IN PUBLIC POLICIES AND PROGRAMS RELATED TO MIGRATION IN URUGUAY**Beatriz Diconca<sup>50</sup>**1. Relationship Between the State, Civil Society and Migration**

In Uruguay, civil society organizations dedicated to migration issues stand out for their work and, in particular, for their relationship with state agencies as well as for certain characteristics that make them of particular institutional interest. Since 2005, these organizations have been increasingly involved in defining and monitoring public policies and have also shown increased facility in inter-institutional relations.

The population movements, analyzed in detail in the first chapter of this research, can be roughly divided into three major moments of change in the direction of migratory flows, during which civil society's participation and the engagement of the state also took different forms:

**1. A country of Immigration:** From the 19th century to the middle of the 20th century, Uruguay was the recipient country of important contingents of migrants, especially from across its borders (the Portuguese Empire—later Brazil, after independence—and Argentina). In the second half of the 19th century the influx of European immigration predominated, particularly from Spain, Italy and, to a lesser extent, France. In the period after the First World War, migrants' origins were broadened to include more nationalities, such as German, Pole, Romanian, and Lebanese, among others. This trend continued until the first years following the end of the Second World War.

The State played an active role in encouraging the reception of European immigrants.<sup>51</sup> From the beginning of the 20th century, under the first presidency of José Batlle y

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<sup>51</sup> Immigration Law No. 2096 of June 19, 1890, announced "Provisions for promotion" while Art. 27 limited the migrants' origins: "Asian and African immigration are also prohibited in the Republic, as are individuals generally known as Hungarians or Bohemians."

Ordóñez (1903-1907), the country was strongly characterized by a statist element, instituting welfare-oriented public policies (Caetano, 1989) and thus building the idea of a nation. With respect to this, historian Gerardo Caetano (2010:162) refers to the work of Germán Rama, where he expresses:

*“To construct a nation based on the **heterogeneous conglomerate** of the resident population and the economic and cultural segmentation that characterized it, it was necessary to generate [...] **processes of integration** of the population toward an identity that lacked traditional values to which to appeal [...] Regarding the latter, the panoply of policies covered different projects: **facilitate the nationalization of immigrants**; connect the territory and the population through communication systems; integrate culturally through a specific primary schooling policy and the creation of secondary school education throughout the territory; and to incorporate the population into the political process through the universalization of suffrage, the frequency of elections and the organization of modern parties with the ability to mobilize action [...]. (In this way) the people were transformed into citizens. [...] The State fashioned the society in accordance with the priorities of **national integration, institutionalization and affinity between society and state through the democratic political process**” (Rama 1998: 28, 29 and 40-43).<sup>52</sup>*

Public institutions were highly centralized and exhibited the aforementioned unifying objective toward nation-building. They coexisted with institutions that sought to reaffirm origin identities. Free, secular, and compulsory primary education was given priority over the equalization of differences of origin and was spread throughout the national territory. Groups of migrants with a large presence and numbers built their own educational institutions. For example, the Scuola Italiana, founded in 1886, is a pillar of the Italian community. In the field of health, long-standing health institutions were created, such as the First Spanish Mutual Aid Association founded in 1853, the British Hospital founded in 1857, and the Italian Hospital founded in 1890.

Additionally, numerous national associations emerged, such as the Spanish Center and the Spanish Club, as well as regional associations, such as the House of Andalucía, the Gallego Center, the Association of the Valencian Community, the Casal Català of Montevideo and the Association of Galician Businessmen of Uruguay, among others. Similarly, there are numerous national and regional Italian associations that

<sup>52</sup> Bold type was added by the author.

organize social and recreational activities while providing services to Italians living in Uruguay: Casa d'Italia, Associazione Abruzzese, Figli della Toscana, Associazione Calabrese, Associazione Lombarda, Famiglia Piemontese, Associazione Culturale Garibaldina di Montevideo, and Associazione Pensionati Inas, among others.

The movement of European immigration towards Uruguay continued until the middle of the 20th century and began to decline starting in the 1950s.

**2. A Country of Emigration:** Starting in the 1960s when the migration flow reversed in Uruguay, European immigration decreased and marked process of Uruguayan emigration began. Although the emigration of Uruguayans and even of European migrants who remained for a short time in the country and then continued to bordering countries has been a constant in the history of Uruguay (Aguar, 1982; Barrán and Nahum, 1967), civil society does not consider it particularly problematic. On the one hand, this type of migration is habitual and long-standing, and on the other, the proximity of the groups is not only geographic but also socio-cultural, in particular in the country's coastal areas and even along the border with Brazil, which has developed linguistic varieties of its own (Elizaincín et al, 1987).

During these years, the deterioration of the economic situation and social and political conflicts provoked the emigration of the Uruguayans, reaching its peak at the beginning of the 1970s. Some sectors of civil society warned about the negative implications that this massive migration would have for the country, while others interpreted this phenomenon positively, referring to the metaphor of the "escape valve" that is, a way to alleviate the social tensions, unemployment, and economic difficulties of the country.

A second important wave of Uruguayan emigration occurred during the last decades of the 20th century and early 21st century, concomitant with the Argentine crisis that also had implications on Uruguay. Emigration during this period was primarily destined toward the United States and Spain, as discussed in the first chapter.

The restoration of democracy occurred between these two periods of emigration. A return of Uruguayans, including mainly exiles, began following the end of the civic-military dictatorship (1973-1985). Nevertheless, even during this period, emigrants outnumbered returnees.

**3. A Country of Emigration, Returning Uruguayans and Foreign Immigrants:** As explained in the first chapter of this research, in recent years there has been an increase in the flows of migrants from abroad. In this context, at the end of the 20th century and the beginning of the 21st century, new civil associations emerged to

respond to the new needs and demands of these migrant groups.

## **2. Civil Society Organizations' Involvement in Migration Issues**

Uruguayan civil society has organized its work in line with the three main migratory periods. In the first period, heavy European immigration sought to maintain its cultural identity through grassroots organizations based on cultural patterns of the countries of origin which gave rise to Resident Houses, Clubs, and Centers, all civil society associations that obtained legal status over time. In this sense, there were a wide variety of organizations and cultural institutions that brought together nationals from almost all parts of Europe—not only from Spain and Italy—including, among others, Germany, France, Switzerland, Slovenia, Hungary, Lithuania, Greece, and Poland, as well as the Middle East and Asia (Lebanon, Armenia, Israel, and Russia).

During the second period, regional migration intensified, and Uruguay experienced heavy emigration. Civil associations were formed and organized in response to movement of this population. The most recent migrant collectives sought to preserve and transmit their cultures, festivities and customs, as well as their artistic and gastronomic traditions. Some of these institutions played a more active and influential role in migration policies. This is the case of the House of Paraguayan Residents of Uruguay and the Circle of Chileans residing in Uruguay, the two communities with the longest presence in the country. Other communities of immigrants, such as Peruvians, connect via family or solidarity networks, gathering in restaurants that serve their cuisine or other places of regular attendance, in religious institutions, and during events organized by their consulates (Diconca et al, 2012).

During the third period, as a consequence of intense international and regional emigration, public policies were established aimed at promoting emigrants' connections with their origin countries. As mentioned in the second chapter, the first action taken in the 21st century was the creation of the Liaison Program for highly qualified Uruguayans living abroad (2001). In 2005, the Subprogram of Circulation of Highly Qualified Uruguayans (CUAC) was implemented in conjunction with the National Agency of Innovation and Research (ANII) and the University of the Republic (UDELAR). The Directorate General of Liaison and Consular Affairs of the Ministry of Foreign Affairs created an institution to connect with Uruguayans living abroad: Department 20.<sup>53</sup>

Uruguayans abroad are divided into associations, mainly in Spain and Italy, the

<sup>53</sup> Uruguay is divided into 19 departments.

United States and Australia (the latter was a destination of emigration in the 1960s) and bordering countries (Brazil and Argentina).

The law took into account the existence of these organizations and generated new associative roles, granting them an institutional character through the creation of the so-called “Advisory Councils.” These Councils are “*representative organizations of Uruguayans residing abroad whose central role is the connection with the country in its most diverse manifestations*” (Article 74 Law 18250, which includes previous ministerial resolutions). The Consultative Councils formalize and grant legitimacy to the “Houses” of Uruguayans abroad. This has led to the creation of new organizations, culminating with the Decree of November 24, 2008, which established the Advisory Councils as “*an expression of civil society that are representative organizations of Uruguayans living abroad, who are not represented by the Uruguayan State, but do receive the express recognition of the Foreign Service of the Republic, as prescribed by law*” (Article 1). This Decree also regulates the structure and functioning of the Councils.

Finally, during the final years of this most recent migratory period, there was an increase in the flow of Latin American immigrants who immigrated for economic reasons and frequently brought with them profound social issues of vulnerability.

Compounded with this is a growing flow of return migrants, giving rise to important labor and housing demands in a country that was just beginning to activate its ties with nationals abroad.

Civil society is trying to respond to this doubling-up of migratory problems in which Uruguay has become a recipient country of both immigrants and returnees.

The social organizations that were working within their communities began to acquire greater prominence and adapt to the problems that arose and thus have been able to strengthen and become increasingly interconnected. This has led to the creation of a migratory policy that takes into account the new realities of the phenomenon.

Established in their great majority in the late 1990s and early 2000s, these organizations provide support to migrants and carry out important humanitarian and service work. Several of them seek to coordinate with the government sector and influence public policies in favor of the rights of migrants. It should be noted that none receive economic stimuli from the state or the private sector. They are largely made up of volunteer efforts.



## 2.1. Social Organizations

This section describes the migration-related activities of various social organizations. First, the activities of organizations with legal representation are described, and secondly the activities of organizations that do not have legal representation are presented.

### 2.1.1. Social Organizations with Legal Representation

Immigration and return migration generate multiple effects, both macro and micro on a social and personal level. The distance from the country of origin of the migrant often leads to many difficulties (in addition to the difficulties that returnees suffer at the time of return): loss of their social and familial network, ignorance regarding the norms (or simply procedures) for entry into the labor market, and problems in complying with the requirements for accessing housing, among others. These difficulties are usually faced with bewilderment and feelings of a second uprooting that alter emotional states and can often result in depressive tendencies.

Faced with these difficulties and an institutional vacuum to respond to these problems, immigrant and returnee communities created some organizations of a legal character among which those presented below stand out.

The **Association of Parents with Children Abroad (APHIE)** was formally constituted in 2001. Its main objective is to provide guidance, stability, and support to parents whose children emigrated and reside abroad. Despite the lack of material and human resources or an office that would allow them to develop, this Association organizes psychological support groups and discussion groups coordinated by technicians who worked without compensation.

The **Association of Departures and Return–Association of Relatives and Friends of Migrants (Asociacion Idas y Vueltas)** emerged in 2003. Based on principles of solidarity, since its founding, the organization proposed to solve specific problems faced by Uruguayans who left or returned, as well as problems of Uruguayan expatriates in situations of social vulnerability. Its mission is to be “*an association of struggle for the rights of migrants, regardless of their place of origin, color, language or social status.*”<sup>54</sup> Since the creation of the Welcome Space, the association now informs, advises and accompanies migrants through the difficult institutional and social processes that they must undergo and that are decisive for satisfactory reintegration in society, in terms

<sup>54</sup> [www.idasyvueltas.com.uy](http://www.idasyvueltas.com.uy)



of both documentation and health, housing and employment. To achieve this, the association also seeks to dialogue with government authorities.

The dynamic of this association has led to expanding its links for a joint or coordinated work with professionals and students of the University of the Republic (Faculties of Law, Humanities and Educational Sciences and Psychology) in areas of legal advice, housing, rights defense, psychology, nursing and interculturality. Their project is the creation of an Intercultural Municipality, with the basic idea that migrating is a right. Its impassioned work is complemented by a sustained presence in local media.

The **Cesar Vallejo House of Immigrants Cultural Association** (ACCICEV) was founded in 2000, with the support of the Center for Franciscan and Ecological Research and Promotion (CIPFE). Initially, the House's objective was to provide support and accommodation to immigrants of Peruvian origin (because their leaders were from Peru). Currently this social organization, which has had legal status since 2010, is open to migrants of limited economic resources regardless of nationality (including Chileans, Colombians, Cubans and people from various African countries) as well as to Uruguayans in situations of vulnerability and poverty. In the words of its director, the Association "*is at the service of all who are vulnerable within society, providing advice, accommodation, food and psychological support to low-income immigrants and Uruguayans who are homeless or mentally ill.*"<sup>55</sup> In addition to the Scalabrinian Missionaries discussed below, this is one of the few non-governmental organizations in Uruguay that provides accommodation and food for migrants. Although one can reside there, the house is intended as a transitional place (for example, for fishermen waiting for their next boat).

Financing for the maintenance and expenses of the house come from a minimum donation for accommodation services (which is not always possible) and the creation of a cybercafé, which fulfills a double function: service (a certain amount of time is offered at no cost to those who cannot afford it) and commercial. Nevertheless, maintenance of the House depends on work of volunteers who are responsible for various tasks.

The **Civil Association Manos VeneGuayas**, was established in 2015. This center intends to facilitate the insertion of Venezuelan migrants, although not exclusively, providing information and support for the insertion of migrants in Uruguayan society. Its members, on a voluntary basis, organize various activities that appear on its website:

<sup>55</sup> <http://accicev.org/>

*“Orientation on migration, housing procedures in Uruguay, donation of medicines for shipping to Venezuela, food campaign for people in vulnerable situations, delivery of coats during the winter months, school supplies for children, talks and workshops on labor and health regime in Uruguay, workshops of psychological support and motivation, employment exchange, support for curriculum development and employment guidance, cooperation with different Uruguayan NGOs, social meetings of integration to the Uruguayan culture, organization of events of Venezuelan cultural identity, participation in fairs for show the Venezuelan culture and its integration into Uruguay.”<sup>56</sup>*

In close coordination with the previous one, the **Association of Pensioners and Retired Persons of the Bolivarian Republic of Venezuela, Residents of the Oriental Republic of Uruguay (APEJUVENUR)** was created with a specific objective and focused on a more limited, older population. The association brings together a heterogeneous group composed of immigrants of Venezuelan and Uruguayan origin who have returned to Uruguay mainly from 2010 onwards. The main reason that brings together its members lies in the claim of the right to receive pensions in accordance with the Ibero-American Social Security Agreement and the Social Security Cooperation Agreement signed by several countries and also by Venezuela and Uruguay. However, since 2016, only Uruguay contributes its share quota. APEJUVENUR has legal status since December 2018.

The **Association of Dominicans Juana Saltitopa** is a nonprofit civil association, created on June 12, 2016 with the aim of providing information, promotion and integration. The association intends to establish itself as a meeting point for migrants of Dominican nationality in Uruguay to promote, preserve and transmit the culture of the Dominican Republic through various means and activities. It has consigned as main objectives: to create spaces for dissemination and analysis of the reality of the community, provide guidance and information to achieve a better socio-economic, educational and cultural integration of Dominican migrants in Uruguay, establish aid networks for Dominican migrants in a situation of vulnerability, dissemination of information of interest such as scholarships, job opportunities, courses, competitions and being an instrument for the promotion and integration into the labor market for migrants; disseminate information regarding cultural events, regional events and activities promoted by the Dominican community to encourage participation and integration, promote Dominican culture by promoting gastronomy, art, music, cinema, rescuing the traditions of the Dominican Republic, interacting with migrants

<sup>56</sup> [https://www.facebook.com/pg/manosveneguayas/about/?ref=page\\_internal](https://www.facebook.com/pg/manosveneguayas/about/?ref=page_internal)

from other countries and strengthen ties, support the fight against racism, xenophobia and any kind of discrimination.

Finally, it is worth mentioning the existence of numerous other groups corresponding to different nationalities, such as the Association of Resident Cubans in Uruguay,<sup>57</sup> the Social and Sports Club of Paraguayan Residents<sup>58</sup> and the Chilean Circle in Uruguay.

### **2.1.2. Social Organizations without Legal Representation**

Around 2008 and 2014 (with a strong push in 2012) return migrants gained important visibility, directed mainly at migrants in situations of social vulnerability who, in general, frequented the Office of Return and Welcome of the Ministry of Foreign Affairs. These migrants had specific labor demands and urgent housing needs that the country was not prepared for (de Souza, 2013). This visibility has decreased as migrants have integrated into society or have left (doubly migrated).

In this context, the **Group of Uruguayan Returnees** (which includes the Group of Returnees from Montevideo) emerged, which serves both as a spokesperson about the main obstacles to reintegration into Uruguayan society and as an interlocutor with the State. With around 800 members in Montevideo and inland, the Group raises demands and performs the important task of socializing this issue in the oral and written media. Through its blog, this organization also tries to connect and work with Uruguayans abroad.<sup>59</sup> In this way, the Group also works with those who plan to return, identifying both problems and potential capabilities that the country can offer them. The blog collects dozens of testimonies illustrating the experiences and needs of migrants.

<sup>57</sup> The collective's Facebook page states that its fundamental principles and objectives are: "defend the principles of the Cuban Revolution, preserve the cultural traditions of our country, cultural exchange and respect for the laws of the country in which we reside, establishing relations with other organizations of Cubans residing in other countries, the demand for the lifting of the blockade of Cuba, celebration of our national dates and homage to our martyrs. "

<sup>58</sup> The group's Facebook is presented as follows: "Our center brings together all Paraguayan citizens residing in Uruguay, regardless of creeds, ideology or class, who have arrived in the country in successive waves of migration and political and economic exile, having found in Uruguay the refuge and solidarity shelter of its people. This page wants to share memories and make a recognition of the founding partners with each activity, when on that May 18, 1969, Paraguayans and Uruguayan friends met according to the Act of Creation, with the need to meet to cultivate our culture, our folklore and our language, with many attempts and achievements for this community, with the support of our Uruguayan friends who love Paraguayan. Since 1985, the center has been reorganized and has achieved a unifying and constant presence among the approximately 3,000 Paraguayan residents and their Uruguayan families.

<sup>59</sup> <http://retornadosauruguay.wordpress.com/>

## 2.2. Non-Governmental Organizations

The organizations mentioned above, APHIE, Departures and Returns and ACCICEV, have served as the fundamental containment mechanisms for the two-way migratory issue —emigration and return— since the year 2000. These associations are grassroots organizations and are established by parents, mothers, relatives, and the migrants themselves. Nonetheless, other organizations of varying sizes, presence, and services came together and eventually created the constitution of Non-Governmental Organizations (NGOs) and networks, which will be discussed later.

With a prolonged presence in the country, the organization **Between Suns and Moons – Imaginaries of a Migrant World** developed a project with Ibero-American support (mainly from the University of La Rioja, Spain, and Spanish associations) based on a general overview of the principle migration issues. Its activities focused on the heritage and cultural wealth of migrants, while emphasizing communication and awareness about migration issues.<sup>60</sup> This group has signed agreements and organized seminars and events at a regional and international level.

Gender is an important focus in the field of migration, in particular because of the feminization of migratory movements. This has repercussions on trafficking of goods and persons, both for sexual and labor purposes.

Within this context, NGOs have been identified that are tied to migration matters even though migration may not lie within their explicit objectives.

This is the case of **Everyday Woman**, a feminist collective created in 1985, that works for the economic, political, and cultural rights of women. Everyday Woman's political objectives include that it, *“conducts research, develops campaigns and organizes civic action in order to raise awareness of feminist perspectives and inspire cultural change.”*<sup>61</sup> Among other issues, Everyday Woman has worked on the rights of domestic workers, holding meetings, workshops and other activities. In the framework of the activities carried out with domestic workers, Everyday Woman detected and investigated serious cases of labor abuse of which migrant workers (particularly Bolivians) were victims, culminating in the filing of complaints with the National Institute of Human Rights and the Ombudsman's Office, as mentioned in the second chapter of this report.

<sup>60</sup> [www.entresolesylunas.org](http://www.entresolesylunas.org)

<sup>61</sup> <http://www.cotidianomujer.org.uy/sitio/>

In Uruguay, domestic work is regulated by Law 18065, which, among other aspects, limits the working day and guarantees unemployment insurance. In this context, **the Single Union of Domestic Workers (SUDT)**<sup>62</sup> was restructured in 2005, although it was originally founded in 1963. According to an interview with one of its leaders, Bolivian, Paraguayan, and workers of other nationalities are members. It is estimated that 1 percent of total unionized women are immigrants.

The Single Union of Sea Workers (SUNTMA) was founded to work with the same problems as Everyday Woman and SUDT. While clearly this is not an organization strictly dedicated to migration issues, faced with the presence of migrant workers, the union found it necessary to deal with these issues. Initially, the union members resisted the presence of migrant workers, who accepted working conditions rejected by the union. The Consul of Peru in Montevideo, for example, expressed in an interview that his compatriots are not aware of the strength and comparative advantage of the Uruguayan unions (Diconca et al, 2012). According to an interview of a representative of SUNTMA, over time, many immigrant families in Uruguay joined the unions, and some even became union leaders. Likewise, SUNTMA executives have accompanied sea workers docked at the Port of Montevideo (in vessels flying primarily Asian flags, but also African and American), to submit complaints to the Ministry of Labor and Social Security for situations of maltreatment and workplace abuse.

The **Inter-Union Workers' Plenary (PIT)** and the **National Workers' Convention (CNT)** have a Migration Commission. According to its representative during the most recent Meeting on Migration and Citizenship, the Commission has, among other objectives, the mission to inform the trade union movement on the rights of migrant workers and disseminate agreements ratified by Uruguay, such as Convention 189, adopted at the 100th Conference of the ILO in 2011.

In recent years, the **Center of Archives and Access to Public Information (CAinfo)** has stood out among civil organizations. It is a non-profit organization created in 2009, *“dedicated to the promotion and defense of the right to information, freedom of expression and citizen participation. Based on the notion that these rights are autonomous categories and at the same time are prerequisites for the exercise and enforceability of other fundamental rights, the Center works on the education, promotion, monitoring and defense of a diversity of specific human rights.”*<sup>63</sup>

<sup>62</sup> <http://sutduruguay.wix.com/sutd>

<sup>63</sup> <http://www.cainfo.org.uy/>

The Center seeks to guarantee access to public information and the protection of other human rights, such as the Economic, Social and Cultural Rights (DESC) of immigrants in Uruguay.

Based on its research, CAinfo has detected the absence of public information campaigns (regulations, regularization mechanisms, etc.) that allow immigrants to know their rights and, therefore, enable them to demand them.

In this context, in 2011 the Center established a strategic alliance with the Observatory of Public Policies on Human Rights in Mercosur (OPPDHM), with the aim of working on Access to Public Information (AIP) on migration in Uruguay (Da Rosa and Navarrete, 2012).

There are other organizations working on migration issues that either have not had a constant presence or have ceased to exist but have been part of the Migrant Support Network or the Diaspora Network at different time periods, as will be seen later.

### **3. Ecclesial and Ecumenical Organizations**

Uruguay is characterized by a process of secularization, which distinguishes it compared to other Latin American countries. Although most people from Montevideo were professed Catholics after Spanish colonization, a marked separation between the State and the Catholic Church began in the mid-19th century. However, the spirituality and work of numerous religious organizations for the social inclusion of immigrants in the local population—in particular the work of parishes to help the most disadvantaged—retain a significant presence and social influence today.

#### **3.1. Our Lady of the Assumption and Mother of Emigrants Parish**

The Parish of Our Lady of the Assumption and Mother of Emigrants (known as the Church of the Migrants) is the main religious entity dedicated specifically to the care of migrants in Uruguay. The Italian Catholic Mission, headed by the Missionaries of San Carlos Borromeo Congregation, known as the Scalabrinian Fathers or Scalabrinian Missionaries, settled in Uruguay in the early 1970s. The Parish was founded in December 1983 in downtown Montevideo (*La Blanqueada* neighborhood).<sup>64</sup> The Congregation's charisma comes from their acceptance of migrants and their integral promotion of their dignity and rights.

Their work with immigrants, in addition to religious and spiritual care, includes

<sup>64</sup> The Parish's address is Luis Alberto de Herrera 2231.

services such as advice and/or assistance in obtaining documents (including processing documents for Uruguayans residing abroad), setting up possible consultations with lawyers, organizing the celebrations of national holidays of various countries, among others.

The Scalabrinian Missionaries have a multi-room hostel adjacent to the Parish known as the Little House of the Migrants, which temporarily houses immigrants at a minimum cost that covers basic maintenance expenses. The House has the capacity to accommodate about 20 people and provides accommodation, food, legal advice, training, and employment services. This House is part of the Scalabrini International Network of Houses and Migrant Assistance Centers, which exist on five continents. At the time of this study, the majority of those received in the House were of Peruvian and Venezuelan origin, mainly domestic workers who only stayed at the House during the weekend.

Housing problems afflict immigrants and returnees, and it has been raised repeatedly by civil society to government authorities. At present, some mitigating measures have been adopted to solve this problem.

The Scalabrinian Fathers also provide humanitarian assistance to seafarers in the port of Montevideo through the Apostleship of the Sea, better known internationally as “Stella Maris.” The Stella Maris of Montevideo is part of the Scalabrini International Network of the Apostleship of the Sea, also present on five continents, providing different social services, such as lodging, religious support, means of communication with relatives, information, legal assistance, and support in the solution of specific problems, such as referrals to governments institutions or other civil society organizations. These services are offered free of charge to sea workers (fishermen, cargo workers, sailors in general) regardless of their religion, nationality, or language.

This difficult and sometimes risky task is carried out on board the ships, given that the organization has no physical premises. In this sense, the interviewed Scalabrinian in charge of this humanitarian work observed that “*Montevideo is the only Apostleship of the Sea in South America that does not have a chapel inside the port. This is because the Uruguayan State is secular. Consequently, there are events held by the Apostleship of the Sea that are promoted internationally but cannot be carried out in Montevideo, such as, for example, the “Fiesta del Mar”.*”

These programs and activities carried by the Scalabrinian Missionaries in Uruguay are supported by the Scalabrini International Migration Network (SIMN).



### **3.2. Uruguayan Catholic Migration Commission**

The Uruguayan Catholic Migration Commission (CCUM) is an organization of the Episcopal Conference of Uruguay (CEU), a dependent of the Department of Social Pastoral of the CEU. In 1960, the Uruguayan Episcopate founded the Uruguayan Catholic Institute of Immigration and Tourism (ICUI), which became the CCUM in 1978.

Among the objectives established in the statutes of the CCUM are to:

- a. Contribute to the dissemination and execution of the Catholic doctrine regarding migration, in accordance with the documents issued by the Holy See;
- b. Coordinate all assistance to migrants in an integral sense (religious, cultural and social);
- c. Create structures and organize services to receive Catholic immigrants who arrive in the country and help them achieve complete integration into society.

In keeping with its mission, the Commission has developed different activities to serve migrants, especially Uruguayan migrants, including residency and legalization procedures, social services, religious accompaniment, and visits to immigrant and emigrant communities. Because of the amnesty law for undocumented persons that was enacted in the Argentine Republic in 1984, CCUM's work increased considerably as it supported the processing and validation of the documentation of Uruguayans residing in that country.

The CCUM has also promoted awareness and dissemination activities on migration in the country through newsletters, radio programs, Migratory Pastoral Days and the annual celebration of Migrant's Day. Additionally, in order to obtain better knowledge about the migratory reality in the country, CCUM conducted a survey of Catholic and non-Catholic institutions in Uruguay that provide assistance to migrants and developed a survey to investigate their situation.

Although historically the CCUM does not have a significant social impact —due to the small number of immigrants in Uruguay compared to other countries in the region— and in addition to concrete responses to the demands of migrants through the country's public policies, the Episcopate of Uruguay continues to be the point of reference for the coordination of pastoral care for migrants for the Episcopal Conferences of the countries of origin of immigrants residing in Uruguay and of the destination countries of Uruguayan emigrants.



### 3.3. Ecumenical Services for Human Dignity

The Ecumenical Services Foundation for Human Dignity, known by its acronym SEDHU, brings together different churches and Christian organizations that define their mission in terms of “*contributing as a prophetic witness for the defense and promotion of human dignity in all of its manifestations, in line with the Christian practice that is committed to the social, economic and political reality in Uruguay.*”<sup>65</sup> The institution itself values ecumenical work as a demonstration that Christians from different churches can be a common witness.

Established in 1984 at the end of the civic-military dictatorship, this organization was initially founded with the name Integral Reintegration Service (SER) and had the mission of offering different social reintegration programs and support to liberated political prisoners and Uruguayan exiles who returned to the country.

Since 2001, SEDHU is the implementing agency of the United Nations High Commissioner for Refugees’ (UNHCR) programs in Uruguay.

In accordance with the objectives assumed in 2001, SEDHU joined the Refugee Commission (CORE) in Uruguay, created by Refugee Law No. 18076 in 2006, together with representatives of the Ministry of Foreign Affairs, the National Directorate of Migration, the Human Rights Commission of the Republic’s Parliament and the University of the Republic.

Within this framework, SEDHU’s primary activities include:

- a. *Investigate the veracity of refugee claims through information gathering about the country of origin and individual interviews in order to determine whether or not the person can be classified as a refugee;*
- b. *Assist refugees in Uruguay, providing support in obtaining documents, healthcare access, and in their search for employment and housing;*
- c. *Assist migrants in a situation of vulnerability, offering advice on how to obtain documentation, healthcare access, and in their search for employment and housing.*<sup>66</sup>

<sup>65</sup> <http://www.acnur.org/t3/donde-trabaja/america/uruguay/>

<sup>66</sup> (ibid).

For the most part, refugees are of Colombian, Syrian or African origin. The latter are usually young people who arrive at the port as stowaways. In addition to the aforementioned services, Spanish language training is provided by the Center for Foreign Languages (CELEX) of the Faculty of Humanities and Education Sciences at the University of the Republic, to facilitate social integration.

### 3.4. CasAbierta Uruguay

Like the organizations mentioned above, CasAbierta Uruguay participates in the Migrant Support Network and through it maintains an indirect link with the state. CasAbierta seeks spaces of empowerment and leadership for women who are victims of gender violence. This entity was established in 1994 and belongs to the Congregation of the Oblate Sisters of the Most Holy Redeemer, with the aim of accompanying and supporting women in situations of prostitution and who are victims of human trafficking for the purpose of sexual exploitation (TPES). Specifically, its purpose is *“to work to reduce the situation of vulnerability of potential victims of TPES by providing information and generating activities that promote safe migration and living within the community; have a approach that is focused on the reality of these women involved in prostitution and who put their lives in risk; activate the solidarity economy to offer alternative work options, in some cases with consideration of the woman’s individual process.”*<sup>67</sup>

The trafficking of persons for the purpose of sexual exploitation, one of the central axes of this program, presents the difficulties inherent in human trafficking in general, including the targeted recruitment of society’s most vulnerable people, a lack of control, and the fact that operations are secretive and victims are deprived of their freedom and kept in isolation from their family and social circles. These are obvious obstacles in advancing these people’s identification and assistance. The CasAbierta representative at the Migrant Support Network affirms that, although there are no numbers available, labor trafficking has increased in Uruguay, particularly in the areas of fishing, domestic work and construction, and points out the need for greater research and more organizations that work in this area.<sup>68</sup>

<sup>67</sup> <http://www.asolidaridad.org/index.php/proyectos/en-jecucion/uruguay>

<sup>68</sup> <https://icm.org.uy/puentes-de-solidaridad/>

### 3.5. Commission on Immigrants - Christians in Network<sup>69</sup>

This is a group created in 2018 from the joint effort of Christians in Network, University Parish, South Observatory and the Magdalenas. It is a space where reflection and analysis of how to respond to immigration issues, with the aim of generating responses as lay people committed to society. Its specific work is aimed at the reception, accompaniment, follow-up, derivation and exchange from a Christian perspective, based on a proposal of “sponsorship” that implies that each lay person or Christian can have an immigrant who can accompany, in a sense of welcome and listening. A central activity of the new commission was the call to the Interactive Workshop “Immigrants in Uruguay today: from vulnerability to opportunity”, which aimed to obtain an overview of the immigration situation in Uruguay bringing together those who work with immigrants, either from civil society or from the State. The proposal was to help strengthen these actions by disseminating them and establishing links between them.

### 3.6. Solidarity Bridges

As of 2019, Uruguay integrates the Bridges of Solidarity Project. The initiative is based on the document prepared by Pope Francis “Responding to the challenges of refugees and migrants: twenty points of action for Global Compacts.” In South America, the Conferences of Catholic Bishops of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Paraguay, Uruguay and Venezuela met to respond to the Venezuelan migration that later extended to migrants from different national affiliations. Bridges of Solidarity had the advice and support of the Migrants and Refugees Section of the Vatican Dicastery for Integral Human Development. Likewise, a group of members received specific training to carry it out. Subsequently, in the implementation phase, each local Church made adjustments according to each national context. The actions are governed by four premises: to welcome, to protect, to promote and to integrate migrants and refugees.<sup>70</sup>

## 4. Research and/or Consulting Centers

This section describes the relevant activities carried out by various research institutions. With the exception of the Mercosur Polo Foundation, most of the centers carrying out research activities related to migration belong to the public university that constitutes

<sup>69</sup> Information collected thanks to personal communication (10/25/2019) with Prof. Silvia Rivero (FCS-UDELAR), who in 2018 directed a research project in agreement with the Municipality of Montevideo, called “Configuration of the field of social policies in immigration: the existing versus the necessary in the department of Montevideo.”

<sup>70</sup> <https://icm.org.uy/puentes-de-solidaridad/>

the vast majority of students, teachers and university graduates in the country: The University of the Republic.

#### **4.1. Population Program, Faculty of Social Sciences - University of the Republic**

Founded in 1991, the Population Program of the Faculty of Social Sciences of the University of the Republic is the only research center whose objective is to study Uruguay's demographic dynamics in these areas: fertility, mortality, and internal and international migration. This program is composed of more than a dozen teachers and researchers from different disciplines (History, Sociology, Economics, Anthropology, Political Science), with a common background of postgraduate training in Demography.

The Program's professors teach demography to undergraduate students majoring in the various disciplines of the Faculty of Social Sciences (Social Work, Sociology, Political Science and Development), and also lecture for the Postgraduate Diploma in Sociodemographic Information Analysis. Since 2010, the Program is also the academic unit in charge of teaching the first class of the Master's degree in Demography and Population Studies, the first and only Master's program of its kind in Uruguay.

The Program has a particularly significant wealth of information gathered from research on the various facets of international migration. The main lines of research developed include trends in international migration, including emigration, immigration, and the return of Uruguayans. As was previously mentioned, this report, and Chapter One in particular, was significantly informed by the research carried out within the Population Program.

In 2014, the cooperation of researchers from the Population Program on migration issues with other university teams was formalized through the creation of the Migration and Integration Study Group (GEDEMI). GEDEMI receives financial support from the R&D Groups Program of the Sectorial Commission for Scientific Research of the University of the Republic, which has become an interdisciplinary workspace comprised of sociologists, economists, anthropologists, jurists, and demographers. Together, they carry out research related to socio-economic integration of the returnee and immigrant populations, attitudes towards return and immigration, regulatory frameworks for migration in Uruguay and skilled migrants.

#### **4.2. Center for Interdisciplinary Studies on Immigration (CEINMI), Faculty of Humanities and Education - University of the Republic**

The CEINMI was created in 1993 and is composed of professors from the Faculty of Humanities and Education of the University of the Republic from across the different disciplines (History, Anthropology, Linguistics, Literature).

The research conducted primarily within the areas of History and Linguistics focus on immigration from the late 19th century until the mid-20th century and, therefore, have a greater focus on migration from Italy and Spain, and in particular, from Galicia.

#### **4.3. Center for Migratory Studies and Population Movements (NEMMPO), Faculty of Humanities and Education – University of the Republic**

Created in 2012, the Center for Migratory Studies and Population Movements (NEMMPO) is composed of professors of Anthropological Sciences, as well as alumni, graduate and undergraduate students of this field. NEMMPO's research in population movements to and from Uruguay seeks to understand the experiences of the subjects that move between national borders and within the territory and link them to the economic, political and social context in which they occur. The idea of displacement is defined to include work, professional and family migrations, forced displacements, and refuge.

The lines of research currently being developed by the NEMMPO, according to the research group registry of the Sectorial Commission for Scientific Research (CSIC), are: refuge and resettlement policies in Uruguay, migrant children, border spaces, practices and circulation of senses, human mobility, housing and public policies, education and interculturality, gender and migration, identification processes and Afro-descendant urban territorialities in Montevideo.

In its Integral Training Space (EFI),<sup>71</sup> NEMMPO conducts researches on discrimination, racism, xenophobia and persistent inequalities in conjunction with other academic spaces, the previously mentioned civil organizations Departures and Return and SEDHU, migrant associations and state organizations with the aim of improving immigrant integration in the country and the development of specific public policies.

<sup>71</sup> The University of the Republic has encouraged the creation of the Integral Training Spaces (EFI). It is a space that combines teaching with research and extension and includes activities executed in a social environment. In this way, the students, with the coordination of teachers, learn by investigating in dialogue with the community.

#### **4.4. Group on Human Mobility, Work, Health and Human Rights, Faculty of Psychology – University of the Republic**

This group, registered within the CSIC, is located in the Center for Experimentation and Social Innovation (CEIS) of the Faculty of Psychology. The group defines human mobility in a broad sense, as significant displacements that transform people's daily life: transnational and internal (intra and interdepartmental) migrations and displacements within the city and its surroundings.

Established in 2015, the group has an interdisciplinary nature, composed of professors from Social Psychology, Law and Labor Relations, Cultural Anthropology and Social History.

With qualitative and quantitative theoretical-methodological approaches, the group understands the production of knowledge through a dialogical approach, where academia and social actors interact and collaborate. In this sense, the group champions a holistic perspective that includes research, expansion and graduate and postgraduate teaching processes.

The main areas of research of the group lie in domestic work and migrations, job insecurity, health and interculturality, working and health conditions, transnational migrations, inter-ethnic relations and urban coexistence, and refuge and forced migration.

#### **4.5. Faculty of Law Faculty Group – University of the Republic**

Within the Law School of the University of the Republic, support and counseling services are offered in three different forms:

1. **Legal Clinic:** this is an annual compulsory course for students in their last year studying Law in which students offer consultation to low-income people. The team coordinators reserve one day reserved specifically for migrant-related issues. This is done with the participation of the NGO Departures and Returns, which accompanies migrants with legal problems to their appointments. Migrants are advised and, if necessary, even receive free legal services from a Law professor and students from the course.
2. **Strategic Litigation Clinic:** this is an optional course in which cases are brought before the courts. In these cases, work is not done on demand, but rather the group chooses which cases to bring to litigation based on questions of social interest, always with a focus on human rights. Cases have been presented dealing with a variety of problems faced by migrant populations, from document-related cases, to cases of the defense for access to decent housing, criminal accusations for usurpation, and access to health care, among others.

3. Laboratory of Complex Human Rights Cases: This is comprised of a technical team that supports the Clinic in gathering background information for cases they seek to bring to court.

The activities are carried out by the same coordinator, while the team of professors and students vary according to the semester. Special spaces have been assigned to deal with cases related to migrants, always litigating to safeguard their fundamental rights.

#### **4.6. Teaching Group of the Faculty of Information and Communication (FIC) - Universidad de la República**

The Faculty of Information and Communication has a teaching group dedicated to migration issues, in connection with other university teams. On the one hand, there is a research group funded by CSIC called “Dominican Migration in Uruguay”, which aims to address how to promote, strengthen and facilitate the integration of the immigrant group in the Dominican Republic in Uruguay, through music and dance, as vehicles of intercultural communication. It is about exploring with the migrants themselves their dance practices, considering a sociocultural dialogue between the country of origin and the recipient of the migration.

In the understanding that certain communication practices are facilitators of cultural exchange, and that the latter can act as an integration factor, it is proposed to deepen the knowledge of dance culture as an expression of a “way of being” and collective identity of Dominican immigrants. It is of particular interest to qualitatively explore the diversity of sociocultural meanings and representations of music and dance complexes of Dominican popular tradition, especially bachata and merengue. It also investigates the ways in which dance practices are built, reconfigure, enhanced or inhibited, and about the potential of these environments to positively influence the integration of the Dominican collective.

On the other hand, an ongoing research project that is developed within the framework of a line of university projects aimed at public understanding of issues of social interest is the “Media Observatory on human mobility in Uruguay.” This project involves various disciplines (social communication, anthropology, social sciences, psychology and archivology) and proposes the creation of a media observatory to analyze and discuss the contents disseminated in Uruguayan media on topics such as migration and refuge in Uruguay. The project aims to build an information bank that can be consulted by a wide range of social actors, public policy makers and researchers.



#### **4.7. Latin American Faculty of Social Sciences (FLACSO – Uruguay)**

FLACSO–Uruguay has a Unit on Migration Studies and Human Mobility, which aims to generate a space for knowledge management on current national and regional migration trends from a perspective of respect and guaranteeing human rights. The Unit's main objective is to develop a research environment to understand contemporary migratory movements, diasporas, and coexistence across cultures and identities.

The Unit's team is made up of researchers from different disciplines: History, Sociology, Law, Cultural Studies, and Anthropology. Their diversity trajectories, nationalities, and experiences give them a broad and pluralistic vision.

The Unit has several lines of research and teaching, including: migration and human rights (causes and effects of rights violations, legislation and institutional protection, situations of deprivation of liberty); migratory processes with analysis on identities: gender, generational, class and ethnic-racial belonging; networks, chains, and migrant trajectories (global care chains, migrant children); migratory policies and public policies affecting migrants; migration and labor markets; refuge.

In sum, it is an academic space of discussion, training and exchange about migration in Uruguay.

#### **4.8. Polo Mercosur Foundation**

The Polo Mercosur Foundation is a non-profit institution promoting academic and cultural integration between Europe and Mercosur. The Foundation has organized various meetings, seminars, and projects on migration based on the idea that the migrant is a carrier of knowledge, skills, and great cultural diversity. Among these projects, the International Migrations of Qualified People stands out. Similarly, the Foundation formed part of the CIDESAL project (Creation of Incubators of Knowledge of Diasporas in Latin America); participants included: the Colombia Unites Us program of the Ministry of Foreign Affairs of Colombia, the Network Center of Argentina, the Program of Population of the Faculty of Social Sciences, the University of the Republic of Uruguay and the National Center for Scientific Research (CNRS) of France. CIDESAL has received funding from the European Union and the Institut de Recherches pour le Développement (IRD) in Montpellier was in charge of the project's coordination.<sup>72</sup> An observatory was formed for tracking qualified migrants, called the International Migration of Knowledgeable Latin American Professionals

<sup>72</sup> <http://polomercosur.org/presentacion-proyecto-migraciones/>



(MICAL), to identify and link professionals with development needs in Uruguay.<sup>73</sup>

## 5. Social Networks

With the growing number of immigrant arrivals from different countries, the associations expand and redirect their support to new beneficiaries, illustrating their agility, dynamism and consistency in their commitment to human rights, and in particular to the human right of migrants.

Social networks that link and bring together the non-governmental organizations in Uruguay, and primarily in Montevideo, have sought to build essential control networks, which can process the sociocultural fragmentation and the identity diversification through which not only migrants transit, but also, their family that remains in the homeland.

The primary activity from these networks —the Diaspora Network— emerged in the context of emigration. Created between 2004 and 2005, it was joined by several previously-mentioned civil organizations and institutional or academic programs (“Departures and Returns,” “APHIE,” “ACCICEV,” “Between Suns and Moons”) and others such as “Puente al Sur,” “Caritas Program,” and “Network,” each with its own specific mission.

As the migratory trends have shifted, the Network accompanies these movements: it expands to include other organizations and adapts its objectives in accordance with the new members. The Diaspora Network is thus strengthened as an institution and is able to broaden its scope. This, in turn, leads to the incorporation of new organizations and the establishment of contacts with government and municipal agencies.

Upon its creation, the Polo Mercosur Foundation participated, as well as the newly-formed Group of Returnee Children and Grandchildren of Spaniards, House of Paraguayan Residents, Circle of Chileans, Public Policies Observatory of Human Rights in MERCOSUR, PIT-CNT Bridge to the South, Bertolt Brecht House, *Red* Network, International Organization for Migration (IOM), Latin American Faculty of Social Sciences (FLACSO), University of the Republic (UDELAR) and, as an observer, a delegate from the Ministry of Foreign Affairs’ Department 20.

Between 2008 and 2009, upon the urging of the founders of the Diaspora Network and organizations with more experience in migratory issues, a new version of the network

<sup>73</sup> <http://observatoriodiasporas.org/>

began to take shape under the new name of **Migrant Support Network**.<sup>74</sup> The Network shares a common, basic definition that guides its activities: *“Migration is a human right, in which each person has freedom of movement within the norms of the law and of protection to which they are entitled”* (Migrant Support Network, 2009).

The main objectives proposed by the Migrant Support Network consist of *“defending the right to migrate, equal treatment and opportunities for migrants, eliminating discrimination and xenophobia, as well as ensuring compliance with current national, regional (Mercosur), and international (treaties and conventions of the UN, ILO, etc.) regulations, with the aim of reaching ‘zero undocumented people in Mercosur’”* (ibid).

Over time, new organizations, researchers and representatives were added to the Network, such as Latitud 34, CasAbierta Uruguay, the Parish of Migrants, Scalabrinian Missionaries, Group of Returnees of Montevideo, SEDHU, Department of Social Development of the Municipal Government of Montevideo, Coordinator of the Vote Abroad and a representative of the Advisory Councils (Uruguayans abroad). Then, new immigrant associations are added, such as the Juana Saltitopa Association of Dominicans, Manos Veneguayas, Association of Cubans Living in Uruguay, and others. The Network operates by holding weekly or biweekly meetings, depending on members’ availability and with varied attendance by the organizations.

The Network’s presence has strengthened considerably over the last four years, and it has attained considerable achievements, including the promotion and participation in advocating for migration regulations in Uruguay, and advances in the administration of document and residency processing, such as the reduction of wait times and the simplification of requirements. An example is the issuance of the provisional identity card, which was a long-standing proposal that the Network revived, and which finally found state support and was approved in May 2012. This achievement is particularly important given its implications particularly on access to employment.

The work of the Migrant Support Network has been reinforced through large-scale events called Migration and Citizenship Meetings. These meetings promote participation and connections with government agencies involved in migration issues, such as the Ministry of Foreign Affairs, the Ministry of Labor, the Ministry of Housing, the Ministry of Education and Culture, the Ministry of Social Development, and other state bodies, such as the Social Security Bank (BPS), the Council of

<sup>74</sup> According to the “Summary Document” of the Network, in February 2009, the organizations Departures and Returns and Between Suns and Moons committed themselves to convene the other organizations and actors working in migration in order to form this Network.

Professional Technical Education (CETP) (former University of Labor (UTU), the National Direction of Printing and Official Publications (IMPO), the Institution of Human Rights, and even parliamentarians, among others.

Among their diverse supporters: Training Center for Regional Integration (CEFIR), the Inter-American Institute of Human Rights, the Latin American and Caribbean Coalition of Cities against Racism, Discrimination and Xenophobia, and *Mercociudades*, among others.

The Migration and Citizenship Meetings take place in the Ministry of Foreign Affairs buildings. The four meetings organized thus far have focused on several topics: “Understanding migration and its impact in the construction of policies,” “For the right to work without borders,” “Consolidating the rights of migrants,” and “Rights of migrant workers and their families.”

Minutes are taken at these meetings, which is useful for monitoring progress in this area.

Additionally, the Migrant Support Network organizes the annual Migration Festival (usually in October), which brings together groups of both recent and long-time immigrants of diverse nationalities.

It should be noted that this activity has had sustained growth. On the one hand, there is a greater participation of migrants and their proposals and, in addition, it has extended over time (from one day to two days). Likewise, it has achieved an important participation of citizens in general.

## **6. New Institutionalization**

Especially over the last decade, civic organizations have played a crucial role in creating a structured civil society presence in the area of migration, especially through grassroots work, interconnectedness through the creation of a network, and connections with government agencies. Their work has offered important content and momentum for the promotion of and participation in the creation of migratory policies in Uruguay.

Migration Law No. 18250 of January 2008 was a milestone for migration policy in Uruguay, in addition to representing the culmination of a claims process carried out by civil society organizations, from their different approaches.

Anchored in the previous liaison programs, the so-called Department 20 (The Pilgrim Homeland) was created in 2005 as a space within the Ministry of Foreign Affairs, more precisely in the Directorate General of Liaison and Consular Affairs. Then,

around 2008, the Office of Return and Welcome was also created in the same Ministry.

These activities took place both in the country and abroad until new regulations were finalized and eventually formalized into a new institutional framework. It should be noted that these developments were outlined during meetings of the Advisory Councils and their integration into Department 20, which took place in Montevideo, being the last one in 2019.

The Migration Law created the National Migration Board (JNM) as a consultation and coordination body on migration policies comprised of government agencies from the Executive Branch (Ministry of the Interior through the National Directorate of Migration, the Ministry of Labor and Social Security), originally with a rotating presidency that, in subsequent legal adjustments, became solely presided over by the Ministry of Foreign Affairs.

It is worth mentioning that this Law consecrates the important participation that civil society organizations had and continue to have. The **Migration Advisory Council (CCAM)** was created, *“made up of social and professional organizations related to migration issues.”* The Council’s responsibilities were established in Art. 26 of Law 18250 as to: *“advise the National Migration Board on issues related to immigration and emigration of people, on the design of migration policies and in the monitoring of compliance with current regulations.”*

Although the creation of these institutions was delayed, over the last years they have begun to meet with a consistency that has allowed for important advances in relation to the demands of civil society, which are called upon via the Migrant Support Network and the Advisory Council on Migration. Both organizations feed one another. The CCAM is governed by an Internal Regulation,<sup>75</sup> in which the member organizations of the Network also participated.

Currently, the Advisory Board works through its Plenary and Coordinating Board. In its constitution, the Plenary is similar to the Network, with the difference that the latter can have members that are not organizations (academics, researchers, migrants, etc.).

The Coordinating Committee is elected by the Plenary and works monthly. It has a rotation period every two years and is made up of three representatives from civil society organizations and three alternates. In the 2014-2016 period, the coordinating boards of ACCICEV, SEDHU, the Group of the Returned, APHIE, Social and

<sup>75</sup> <http://www.jnm.gub.uy/images/documentos/docu4.pdf> (acceso: 18/10/2019)

Sports Club of Paraguayan Residents, and Departures and Returns all joined. In the 2016-2018 period the directorate of the coordinating board included SEDHU, the Coordinator of the Vote Abroad and CasAbierta, and the alternates were Departures and Returns, Scalabrinian Missionaries, and APHIE.

Currently (2018-2020), the committee is made up by the Association of Dominicans Juana Saltitopa, SEDHU and Departures and Returns and as substitutes by the Civic Coordinator for the vote abroad, Manos Veneguyas and PIT- CNT.

The Advisory Board on Migration is convened by the National Migration Board (JNM) and, vice versa. The CCAM can request a meeting with the Board. The JNM can also request specific meetings with other organizations, such as the Ministry of Social Development and the Ministry of Housing, among others. Thus, at present, the Presidency of the Republic and MIDES are also part of the JNM.

In its clearest civil society expression, the Migrant Support Network convenes the Advisory Council on Migration to the Meetings on Migration and Citizenship that are held annually since 2011. These meetings promote exchange and are a space of interpellation of state agencies' progress in migration policies. They have made it possible to observe the responses to civil society's demands on migration matters, collected through its reports.

Furthermore, the Country Report of the International Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families illustrates the marked presence of social organizations in defining government plans, programs and policies.

This work has been recognized and highlighted in the feedback offered in the Committee's report. The Concluding Observations recommend continued *"collaboration with civil society organizations that work directly for the propagation of the Convention and in support of migrant workers in the improvement of the coordination and complementarity of services and efforts."* On the other hand, *"The Committee notes the role of the Advisory Council on Migration (CCAM) composed of civil society organizations and union representatives working on the issue of migration. The Committee also highlights the recent decision to establish monthly meetings, since permanent and regular consultations between the National Migration Board and the CCAM were not previously institutionalized"* (United Nations, 2014).

Highlighting this new institutional framework, the Committee finally notes its concern that *"the important contribution of direct support and advice from civil society organizations does not have economic sustainability"* and *"encourages the*

*State party to institutionalize periodic meetings with CCAM and to facilitate joint participation in the design and implementation of activities in favor of migrant workers and their families.” Considering, moreover, “the important contribution of civil society organizations in the care and support provided to migrant workers, particularly those in an irregular situation, the Committee also encourages the member state to maintain and increase its cooperation with these organizations” (United Nations, 2014).*

In sum, Uruguay is aware of the existence of an important and smooth relationship of civil society organizations with one another and with state agencies on the issue of migration. A variety of organizations maintain direct contact with migrants of different origins and gather information on primary issues.

The role that organized civil society plays in the welcome, attention in the first moments of the arrival of the migrant, legal advice, guidance and accompaniment in administrative management, is remarkable to facilitate the insertion of migrants into society. Moreover, as mentioned, in some cases it manages to provide psychological containment or offer temporary housing that State agencies cannot always offer.

On the other hand, direct contact with migrants and the structure of social organizations allows to detect changes in the problems that come with new migrations, react and respond quickly. State agencies, also sensitive to changes, are slower in their processing and adaptation.

Together, the civil society organizations make up the Migrant Support Network. In this context the organizations exchange, define, and coordinate joint actions during weekly and biweekly meetings. Annually, the Encounters on Migration and Citizenship, of wide appeal, and the Migrations Festival are organized. The Network has carried forth policy proposals to promote the rights of migrants and returnees, as well as the monitoring of public policies and programs on migration. In accordance with Migration Law No. 18250, some representatives of the organizations are part of the Advisory Board of the National Migration Board, which hold effective, periodic meetings. In this way, the connection between civil society and the state is institutionalized.

**PART FOUR****PROPOSALS FOR SPACES AND TOOLS FOR CITIZEN PARTICIPATION  
IN DEFINING AND IMPLEMENTING PUBLIC POLICIES ON MIGRATION**Martín Koolhaas<sup>76</sup>Adele Pellegrino<sup>77</sup>

As described in the first chapter of this study, international migration has a significant historical presence for Uruguay's population. Uruguay's migration dynamics have changed according to the volume and composition of immigration and emigration flows by origin and destination. Foreign immigration, internal migration of the native population, and international migration have had varied intensities and characteristics during different historical periods.

The last decades of the 20th century showed an accelerated growth in movement that was accompanied by a diversification in migratory flows. The financial crisis in the country and its subsequent negative consequences on economic growth and employment has also generated changes in migratory movements: detention, reversibility or reorientation, and changes in the demographic and socioeconomic profile of migrants.

The proposals formulated must take into account the diverse facets of migratory dynamics, so that Uruguayan society can be prepared to face different situations. The diversification of migratory flows in Uruguay underscores the design of specific policy proposals. It is necessary to create and maintain spaces for citizen discussion where it is possible to propose policies that have the depth and flexibility needed for heterogeneity.

The proposals for discussion on policies can take various forms:

1. Policies that address the rights of citizens residing outside the country: The

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aim is to keep in mind the basic principle of not limiting people's right to mobility, while at the same time, people also maintain the right to remain in the country.

2. Engagement policies that stimulate the relationship between Uruguayans residing in the national territory and those residing in other countries: The aim is to maintain the social, affective, cultural, and economic ties between emigrant population and resident in Uruguay. In this sense, a pending demand of emigrants is the right to vote from abroad.
3. Return policies for migrants: The aim is to implement measures that contribute to the reintegration of migrants into the country.
4. Immigration policies that are aimed at ensuring the respect of the rights of people not born in Uruguay who reside in the country.

In addition, we propose several recommendations related to the improvement of information systems, activities to raise awareness in society about the positive impact of migration, citizen participation in the design, implementation and monitoring of migration policies and, finally, the interinstitutional strengthening of the various entities involved in migration issues.

### **1. Proposals to Strengthen Objective, Opportune, Reliable and Pertinent Information on Migration**

The development of an integrated information system on population movements is a longstanding request of academic researchers and decision makers in Uruguay. Having this information system would allow for deepened analysis of the characteristics of migration and its effects on Uruguayan society, as well for the preparation of annual population estimates in the inter-census periods; if reliable information about the migratory balance were available, reliable information on all the components of demographic change would also be available.<sup>78</sup>

Although there have been significant advances, the situation of migration statistics in Uruguay is still lacking. As is often the case in Latin America, there is little development in the use of administrative records for statistical purposes. The main sources of information for recent studies on the volume and characteristics of foreign immigrants and returnees have been population censuses and household surveys.

<sup>78</sup> The information on the other two components, births and deaths, is extracted from vital statistics gathered by the Ministry of Public Health (MSP).



The release of the 2011 population census results in August 2012, which included the online publication of the census microdata, has allowed for various research projects to be carried out on the volume and profile of immigrants and returnees (Koolhaas and Nathan, 2013), as well as their social and economic integration (Bengochea, 2014, Prieto and Koolhaas, 2013). It should be noted that the National Institute of Statistics (INE) has collaborated with the IPUMS International project of the University of Minnesota, and since 2014, samples of the 1963 to 2011 Uruguayan censuses from the IPUMS International's databases have been available on their website.

The National Statistical System's main strength among statistical information on international migration is its Continuous Household Survey (ECH) conducted by the National Institute of Statistics (INE) every week of the year. From this source, annual estimates can be prepared of the accumulated amount (stock) of native immigrants (returnees) and non-native immigrants (foreigners) residing in Uruguay, and, in particular, of the stock of recent immigrants who have resided in the country over the last five years. The information provided by the ECH makes it possible to annually monitor the evolution of the number of foreign immigrants and returnees arriving in the country and to carry out a basic demographic and socioeconomic characterization of migrants, including an analysis of differences according to country of origin. As mentioned before, by covering only private households and excluding groups, ECH is very likely underestimating the number of recent immigrants, especially those corresponding to Latin American and Caribbean countries with a high propensity to reside in collective dwellings.

The annual execution of the ECH, although necessary, is not enough to compensate for the lack of population censuses during the inter-census periods, which are often unusually long in Uruguay.<sup>79</sup>

An integrated national system of migration statistics must necessarily incorporate information on immigrant flows that comes from administrative records. Uruguay needs to improve its migration statistics, following the path of several developed countries that use administrative records to compensate for the inherent limitations of censuses and household surveys. In particular, it is essential to consolidate and strengthen the use of the Ministry of the Interior–National Migration Directorate's and the Ministry of Foreign Affairs' entry and exit records and records on residence

<sup>79</sup> During the 20th and 21st century, censuses were carried out in 1908, 1963, 1975, 1985, 1996 and 2011. In 2004, the so-called 2004-Phase I Census was also carried out, which only revealed the sex and age of the population and therefore was only a population count.

permits for foreigners for statistical purposes.<sup>80</sup>

Considering the importance of international migration in Uruguay, occasional surveys or units on specific topics should be carried out to complement existing statistical collection procedures that are already consolidated. This would help answer many of the current questions posed by academic research, especially in the areas of migration, documentation and employment trajectories.

A promising experience in this regard is the Ethno-Recent Immigration Survey (ENIR), which is a survey conducted during the second half of 2018 specifically designed to know the trajectories and performances of recent immigrants of Venezuelan, Cuban, Dominican and Peruvian origin who live in the city of Montevideo in private and collective houses.

Although, there are other statistical sources in Uruguay that allow to approximate the sociodemographic profile and working conditions of immigrants —censuses and Continuous Household Surveys— none of these have a longitudinal approach, nor does it include information on migration motivations, future plans, transnational family arrangements or documentary situation, nor do they allow the study of collective dwellings.

Finally, to strengthen the national statistical system's migratory information, greater inter-institutional coordination is needed among all entities involved in migration, under the leadership of the INE, the governing institution of the National Statistical System. In this regard, the following observations made in April 2014 to the Uruguayan State by the Committee for the Protection of the Rights of All Migrant Workers and Members of Their Families (United Nations) remain fully valid:

*“It is concerned with the insufficient collaboration and exchange of information between these bodies and the National Institute of Statistics (INE), to which the primarily responsibility for the compilation of statistics belongs. The Committee notes that in the Member State all migrant workers and their families have*

<sup>80</sup> Until August 2014, the only competent institution in this matter was the Ministry of the Interior. However, as discussed in the second chapter of this investigation, in August of 2014 a law was passed (Law No. 19254), which amends Migration Law No. 18250 (approved in January 2008) and transfers the responsibility of processing permanent residency applications for MERCOSUR state nationals from the Ministry of the Interior to the Ministry of Foreign Affairs. Although the new law does not establish a change in the statistical registration of residence permits, since its entry into force in the second half of 2014, there have been difficulties gathering reliable annual statistics on residence permits granted to foreigners.

*the right to access public service programs but notes the lack of statistics that allow for the evaluation of such programs. The Committee recommends that the Member State intensify its efforts to improve inter-institutional coordination among the various agencies involved in the preparation and dissemination of statistics on migration. It also encourages the Member State to clarify and strengthen the mandate of the INE for the centralization of information and the preparation and dissemination of disaggregated statistics covering all aspects of the Convention. The Committee also recommends that it use such information as a basis for the design of effective public policies and programs for the protection of the rights of migrant workers and their families.”*

### **The Academic Research Agenda**

Migration should have a primordial place in the academic research agenda. Maintaining a diagnosis of the migratory situation is a fundamental activity in which stocks are quantified, migration flows are classified, and the following groups' movements are identified: foreign immigrants, returned immigrants, and emigrants (see the following box).

#### **Box 3**

##### **The Research Agenda on International Migration in Uruguay**

##### **Recent Immigration of Native Population (Returnees) and Non-Natives (Foreigners)**

- Demographic characteristics.
- Family characteristics.
- Labor insertion.
- Living conditions (housing, health, education, poverty level).
- Identification and study of returnees (in what conditions they return, what are the consequences and what is their ability to reintegrate).
- Quantitative and qualitative studies that reveal the gender, equity, discrimination and xenophobia of society with respect to foreign immigrants.
- Quantitative and qualitative studies that detect the difficulties of reintegration of returnees into Uruguayan society.

**Emigration**

- Consistent updates on the profile of emigration flows, in order to detect the intensity and characteristics of communities residing abroad.
- Study of Uruguayan associations abroad (identification, characterization and role, social and public policy effects).

**Labor Market**

Comprehensive analysis of the impact on the labor market of flows of immigration, emigration and return.

**Demographic Structure**

- Study of the impact of the different migratory flows on the age structure of the population.
- Contribution of demographic inputs that allow for these issues to be incorporated into national projections and to review different scenarios of international migration.

**Politics and Citizenship**

- Analysis of the effects of immigration, return, and emigration from a political perspective (political actors' perception of responsibility for migratory flows, their effects on democratic legitimacy and the political system, citizenship abroad, voting from abroad, etc.).
- Determinants of the design of migration policies: the role of public opinion in the migration governance system.

## **2. Proposals to Raise Societal Awareness About the Positive Impact of Migration and Respect for the Human Rights of Migrants**

It is necessary to conduct a public awareness and information campaign in Uruguay on the positive contribution of international migrants (foreign immigrants and returnees) in different aspects of the country (society, economy, culture, politics, etc.), as recommended by other comparable analyses (Population Program, 2011, MIDES, 2017). Although recently an awareness campaign was implemented about the positive impact of immigration on the country ("Immigration is Positive"), it had short reach and limited diffusion (see poster in Appendix 2).

A fundamental addition to the design of a new and more extensive campaign would be to

deepen the quantitative and qualitative research regarding the opinions and values of the non-migrant population in relation to international migrants. This involves continuing the project initiated by the National Survey of Attitudes of the Native Population towards Foreign and Returned Immigrants, which yielded divided results regarding the positive/negative assessment of immigration, as well as indicated clear discrimination against immigrants when hiring during an economic crisis. This negative attitude is accentuated among those with lower educational levels (Koolhaas et al., 2017).

In addition to the public campaign aimed at researching society's perspective on this issue, we also consider it appropriate to include other measures that have a medium- and long-term scope.

Thus, we propose that the issues of international immigration and coexistence be integrated in the curricula of primary and secondary education. From the early years of schooling, migration could be incorporated as a topic of discussion and dialogue between teachers and students, reflections that should also be extended into secondary education.

The proposal includes linking the issue of migration with human rights, as well as including the situation of returnees and migrants that make up the so-called "Pilgrim Homeland."

Another complementary objective is to address themes of diversity through dialogue and reflection. An interesting related project was developed in Argentina starting in 2009 as part of the Childhood, Migrations and Human Rights project developed by the University of Lanús and UNICEF. Recently, a Resource Toolbox was distributed for teacher training and for use in schools.<sup>81</sup> The toolbox's purpose is to analyze different conceptions around the images of "immigrant" and "foreigner."<sup>82</sup> The initiative proposes *"to advance along the path of a greater challenge: to prevent and disarm xenophobic discourses, beliefs and practices, and at the same time build a historical concept of equality, capable of containing and recognizing differences (national, ethnic, cultural, of gender, etc.) without using them as 'natural' reasons to deny or hinder access to rights."*<sup>83</sup>

<sup>81</sup> The bag of teaching materials includes materials for the training of teachers who are eager to work on the subject of immigration in Argentina, as well as a series of specific materials (short films with worksheets and didactic follow-up) that can be used in 5th, 6th and 7th grade classrooms, in both primary school settings and during the first part of secondary education.

<sup>82</sup> See <http://valijainmigracion.educ.ar/>

<sup>83</sup> <http://valijainmigracion.educ.ar/contenido/html/presentacion.html>

The implementation of this proposal requires prior training and discussion with teachers tasked with incorporating these issues into their curricula. We consider that this proposal is central to carrying out awareness-raising activities related to the issue of migration in Uruguayan society. Due to its social nature, this proposal is not limited to students and teachers, but rather can be extended to include parents, families and relatives. This initiative has been implemented in many countries looking for ways to integrate measures to eliminate differences between natives and immigrants, avoiding xenophobia and the segregation of immigrants. The example of the project created by the University of Lanús in Argentina is a model that can be used for ideas to be incorporated into this proposal.

Finally, it is necessary to continue carrying out and deepen awareness and training actions for public officials on migration issues, as various public institutions have been doing at the request of the JNM.

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

As explained in the third part of this study, in the last decade and, in particular, in recent years, civil society has had significant influence on the design, implementation and monitoring of migration policies in Uruguay. Not only was their participation institutionalized in Migration Law No. 18250 through the CCAM, but it has also had a level of efficacy that is evident in specific activities, such as having regular meetings with the National Migration Board.

The creation of the Migrant Support Network in 2010 marked an important milestone in the consolidation of the civil society's power in the various stages of the creation of public policies related to migration. Nevertheless, it should be noted that the civil society organizations' contributions on migration policy predate this milestone. In particular, Migration Law No. 18250 approved in January 2008, is the result of a series of discussions within the Legislative Branch that incorporated contributions from civil society organizations.

In short, non-governmental organizations and migrant associations have played an important role as a space for the exchange of ideas and proposals and have promoted existing projects and those under discussion for approval. On the other hand, from the perspective of civil society, there are still numerous shortcomings that must be remedied by the Uruguayan State.

In terms of inter-institutional relations, for example, in its alternative report before

the Committee of Migrant Workers and their Families presented in March 2014, the Advisory Council on Migration (CCAM) recommended that the relationship between the CCAM and the National Migration Board be formalized through the establishment of periodic meetings during the year as well as through the joint preparation of the agenda and documents to be discussed in those meetings. In this report, civil society made the following statement that currently remains valid:

*“(...) we want to draw attention to the fact that, for more than 15 years, civil society organizations such as Departures and Returns and ACCICEV have been addressing the problems of migrant workers and their families, in many cases granting housing and medical attention, and above all advising them on the regularization of their documents, employment and social insertion. (...) There are many cases attended to at this time. However, the State has not made any agreements or calls of interest to support the work of organizations that perform direct service tasks. We believe that this is a task that civil society must execute, mainly by strengthening social networks, as well as through searching for support sources that are not intimidating. It is important to highlight that the Uruguayan State does not criminalize irregular migration, however, migrants maintain a certain premonition and fear from other countries and a specific stereotype stirred by trafficking networks.”*

A controversial area where the State had not had a positive response, according to civil society, is the imposition of visas to certain nationalities. Due to their numerical importance, two stand out: the Cuban and Dominican populations.<sup>84</sup> Indeed, on numerous occasions social actors have argued that the visa requirement for certain nationalities constitutes a significant barrier to the social integration of these populations, because although they constitute barriers to migration, they do not prevent it.<sup>85</sup> It has also been argued that this type of visa is an important obstacle to family reunification.

In line with the recommendations made by the Committee for the Protection of the Rights of All Migrant Workers and their Families, the current challenge is to maintain

<sup>84</sup> In April 2014, the Uruguayan State began to demand visas from Dominicans, arguing for the need to fight against trafficking networks. On the other hand, the visa for Cubans is designated primarily via the principle of reciprocity in international relations.

<sup>85</sup> In the words of the lawyer Valeria Spain, “the emigrant is going to emigrate anyway, the visa generates greater difficulties to be able to enter and this makes him resort to more dangerous transit channels.” (<https://mundo.sputniknews.com/americalatina/201606071060521171-uruguay-dominicanos/> (Accessed: 8/06/2018).



and strengthen spaces for citizen participation in the different phases of migration policy, in a context where a change in the national government's orientation is always possible. In this sense, the question arises of how civil society can participate and be informed in light of possible changes in migratory policy.

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

Coordination among various relevant government institutions is a key issue that is not always easy to solve, *“to the extent that there is always some overlap between the mandates of institutions and bureaucratic-corporate interests that are in rivalry or competition”* (Artola, 2013:14).

The creation of the National Migration Board via Law No. 18250 in 2008 represented an important advancement in the institutional design of migration policies and, in particular, in the exercise of a coordinating role of the various entities with shared responsibility for the design, implementation, and monitoring of migration policies.

As commented in Chapter Two of this report, Law No. 19149 of 2012 on Accountability (approved in October 2013) included modifications intended to improve the functioning of the Board: its membership was modified, adding a delegate from the Presidency of the Republic and another from the Ministry of Social Development, and eliminating the rotating nature of the presidency, naming the Ministry of Foreign Affairs in that capacity.

The most noteworthy accomplishments from the Board's annual work plans include the preparation of a diverse range of documents (proposals for updating regulations, policy recommendations, contributions to the Global Compact on Migration, general guidelines on Uruguayan immigration policy, etc.), better monitoring and evaluation of migration policies and their implementation (with special emphasis on the access and exercise of rights of the migrant population), as well as the strengthening of inter-institutional coordination and the relationship with civil society and international organizations (South American Conference on Migration, Global Forum on Migration and Development, etc.).<sup>86</sup> Likewise, there has been improved trainings for members of the Board and other external bodies, as well as increased coordination and execution of workshops, seminars, etc. Projects were also carried out to improve

<sup>86</sup> As for the relationship with international organizations, the preparation of national reports for OAS, ILO and UN on different aspects of international migration in Uruguay is highlighted, as well as the drafting of reports for delegations representing Uruguay in these areas.



the communication and information policies, mainly through the creation of a JNM web portal.<sup>87</sup>

Additionally, while formulating its governing plans for the period from 2015 to 2020, the governing party itself (Frente Amplio) recognized the need to strengthen the National Migration Board, providing it with economic resources to support the Executive Secretariat (financed by the IOM since its inception), “*whose function will be to plan, supervise and coordinate the execution of technical and administrative support activities for the operation of the National Migration Board.*” Similarly, the same planning document states that “*in a later phase, we will intend to lay the foundations for the creation of an institution (Institute for Migration or similar) with the objective of unifying State policies focused on the migratory phenomenon.*” As of this research’s closing date, no progress has been made on the above-mentioned plans.

<sup>87</sup> Personal communication from the Executive Secretary of the Board, Andrés Freire, on August 13, 2018.

## **Appendix 1**

### **Short Note on Terminology and Sources of Information**

The definitions and concepts used in this research are commonly used in demography and, therefore, can be consulted in any manual that introduces the basic concepts of the discipline.

The data sources used are the population censuses conducted in Uruguay from 1963 to the most recent one in 2011, as well as continuous household surveys and administrative records. Complementarily, sources from the two main destination countries of recent Uruguayan emigration have been used: Spain (Continuous Municipal Register) and the United States (American Community Survey).

Special recognition should be given to the IPUMS International project of the University of Minnesota, which has allowed the use of their census databases from Uruguay between 1963 and 1996.

## Appendix 2

**Campaign Poster Distributed by the Ministry of Foreign Affairs and the National Migration Board with the Support of the International Organization for Migration (IOM) and the National Direction of Printing and Official Publications (IMPO).**



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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

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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.**

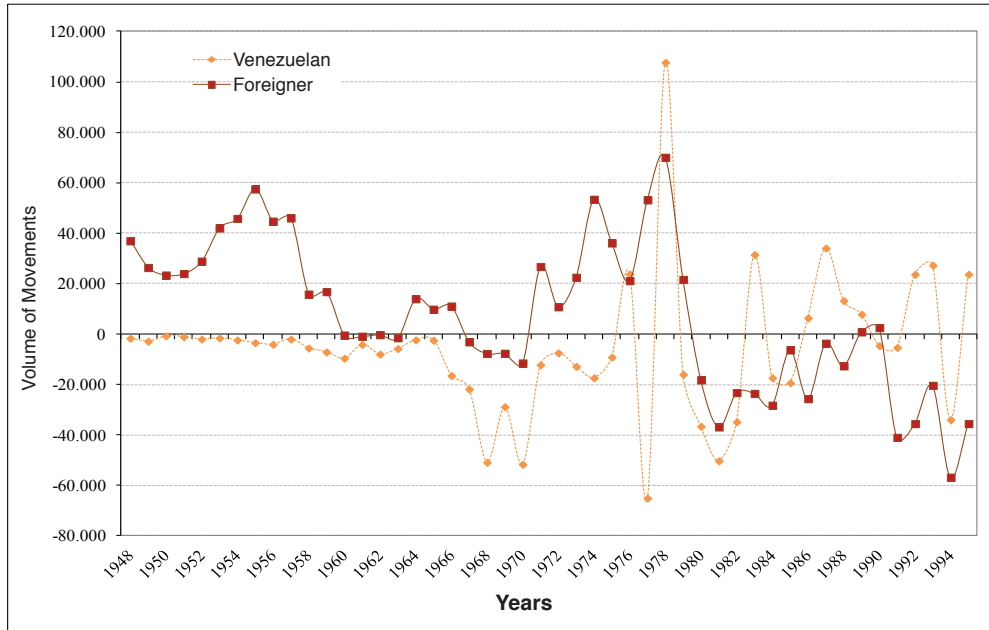
Years	Total	Venezuelan	Foreign	Nationality			
				Colombian	Spanish	Italian	Portuguese
1948-1959	374.810	-34.009	408.819	38.574	131.995	81.808	29.599
1960-1970	-199.179	-201.549	2.370	55.288	-1.561	-27.281	22.644
1971-1990	277.359	-20.425	297.784	72.266	3.876	4.743	37.598
1981-1990	-191.769	-32.922	-156.269	-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	2696	1,9	0,3	0,2
Africa-Oceania	3.357	14.559	1869	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	9373	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.

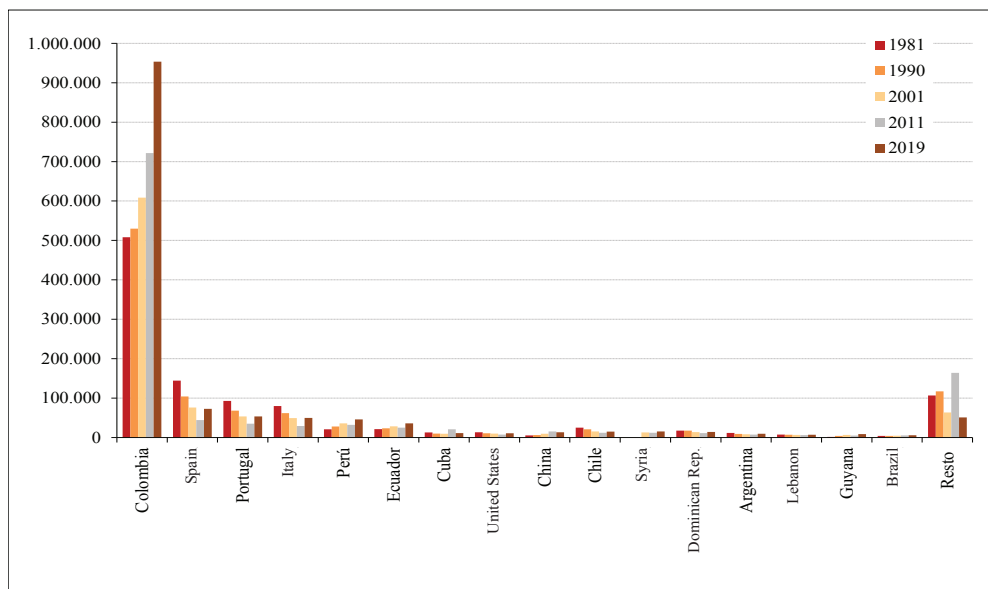
<sup>10</sup> According to the results of the 2011 census, more than 10 percent of the population born abroad did not declare the country of birth (<http://www.redatam.ine.gob.ve/Censo2011/index.html>). The non-response rate is much higher than recorded in previous censuses.



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.

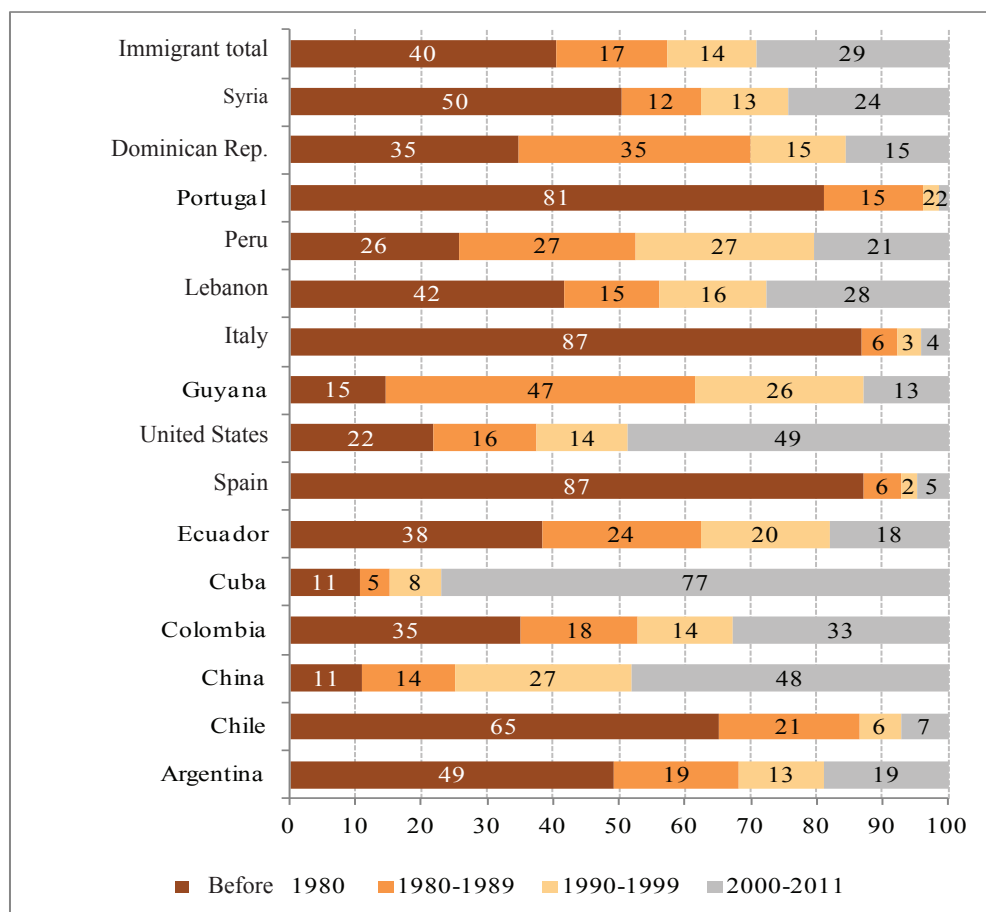
Syrians and Lebanese constitute the immigrant groups with the highest male prevalence, and this is a growing trend. Increased numbers of Cubans and Chinese in recent times resulted, largely, in a greater influx of men, particularly among the latter.

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.

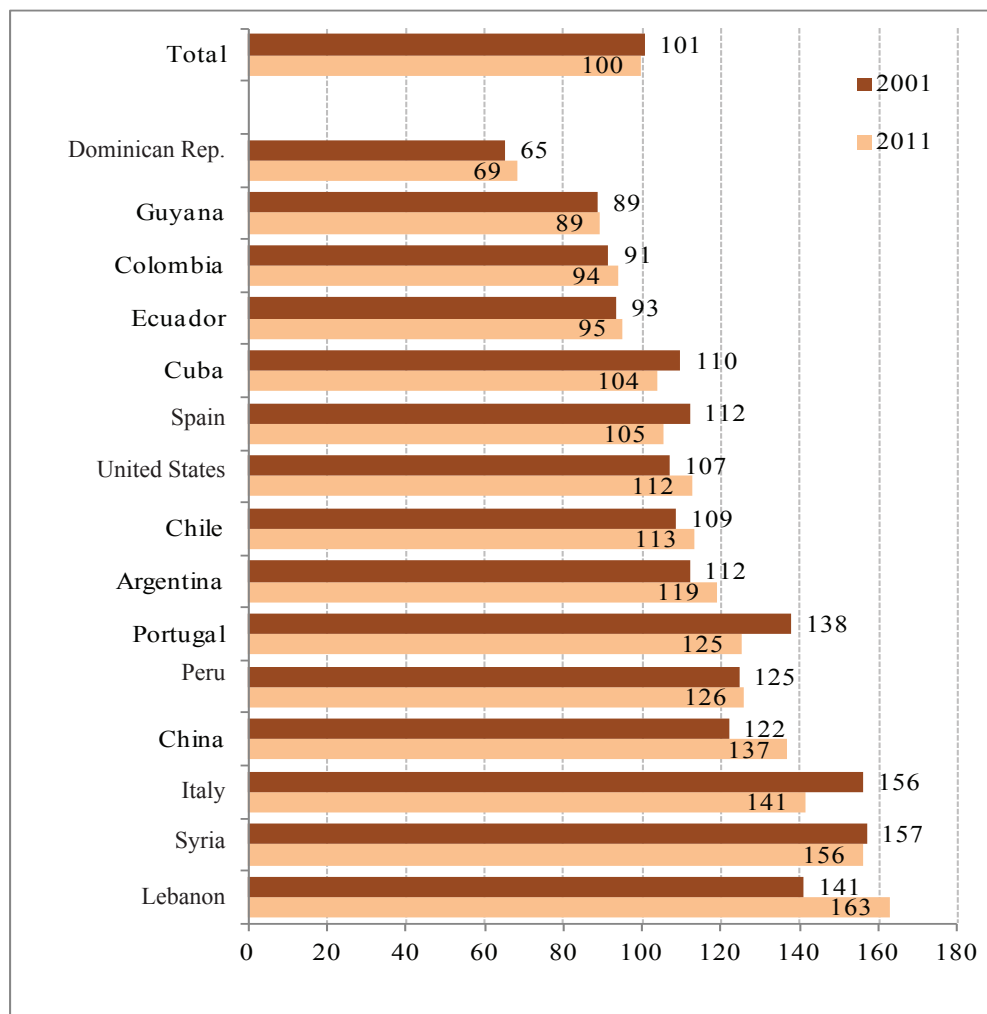
<sup>1/</sup> The 15 countries with the largest immigrant populations in Venezuela.

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.**



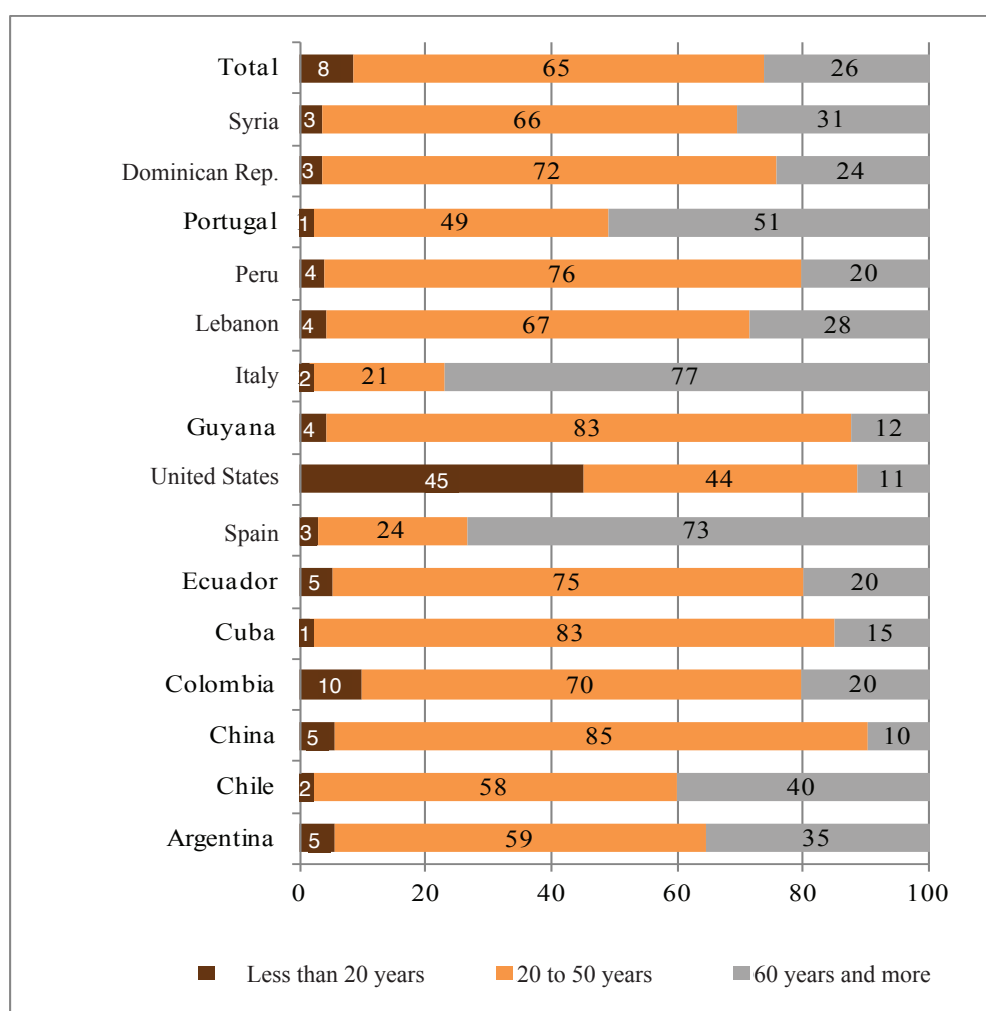
**Sources:** INE. XIII Population and Housing Census 2001, Basic tabulations; INE. XIV Population and Housing Census 2011; INE. XIV General Population and Housing Census 2011.

<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>

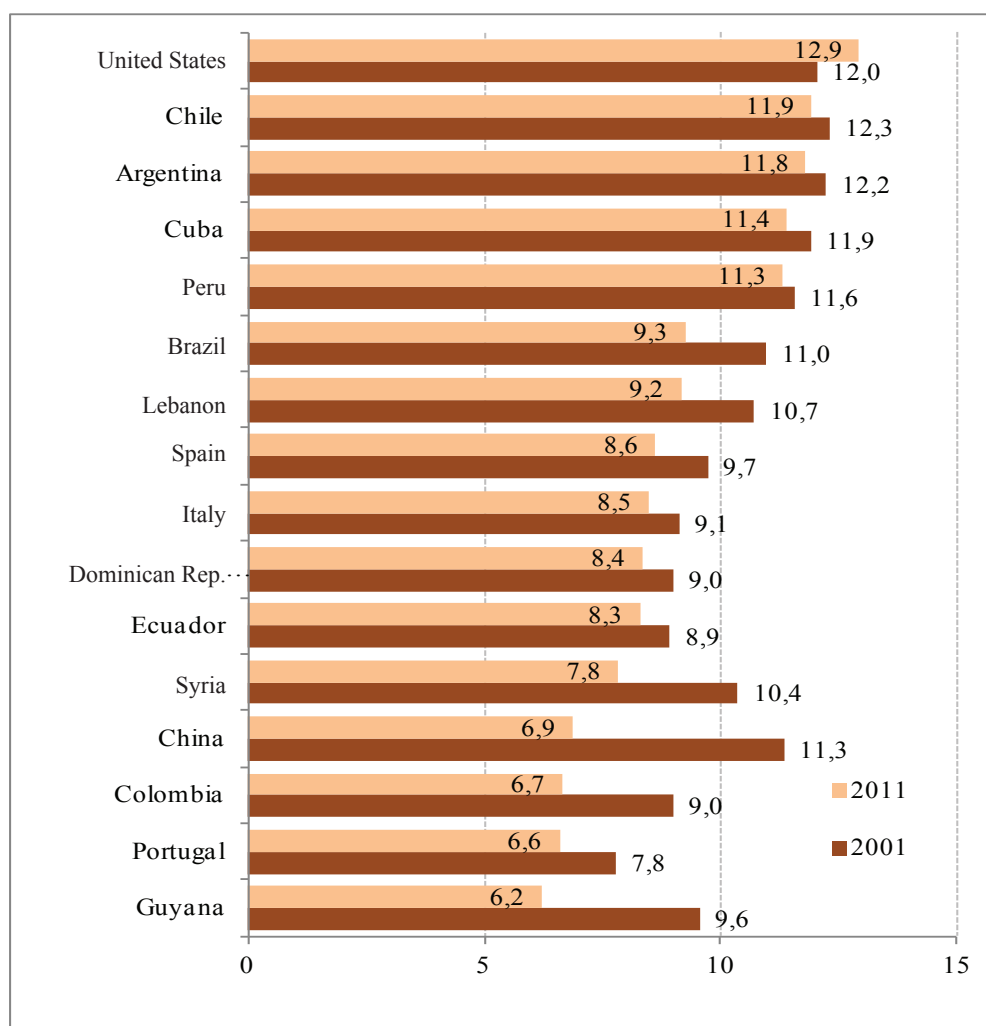
A significant fraction of active immigrants is registered as directors and managers (22 percent), but again there are differences among the various migratory flows. Migrants from Asia have a huge representation of directors and managers, given their high levels of dedication to commercial activities, 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.**

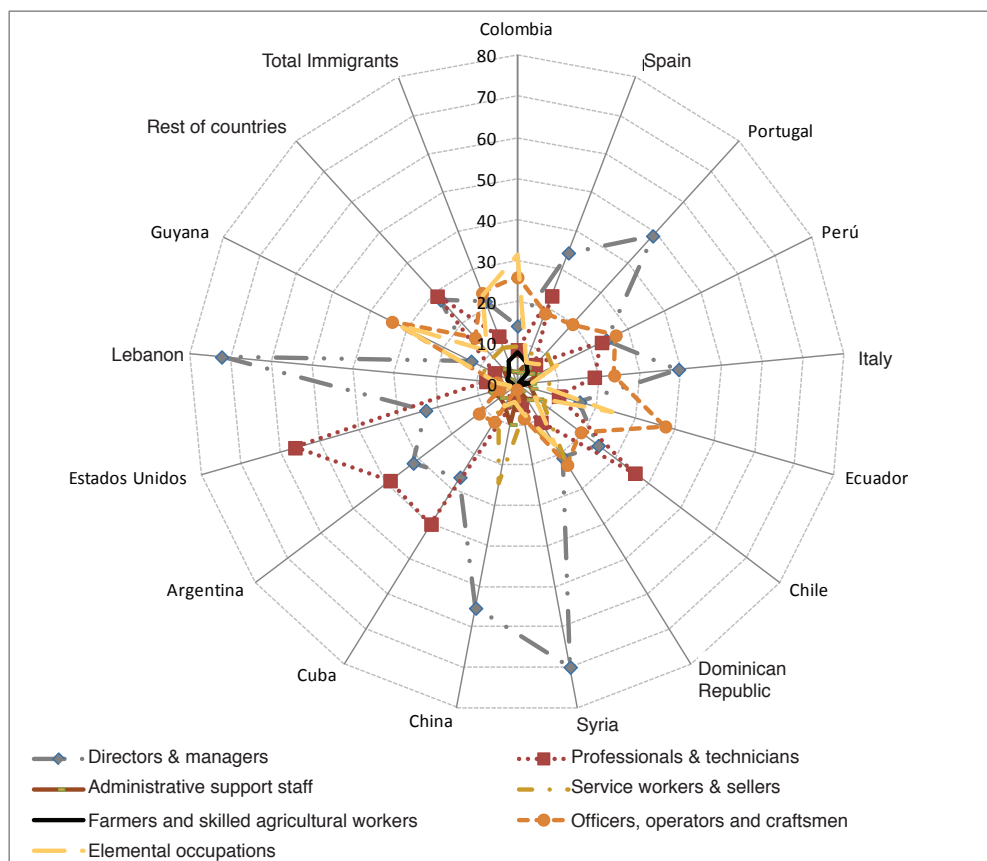


**Source:** INE. Fourteenth General Population and Housing Census 2011.

<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).

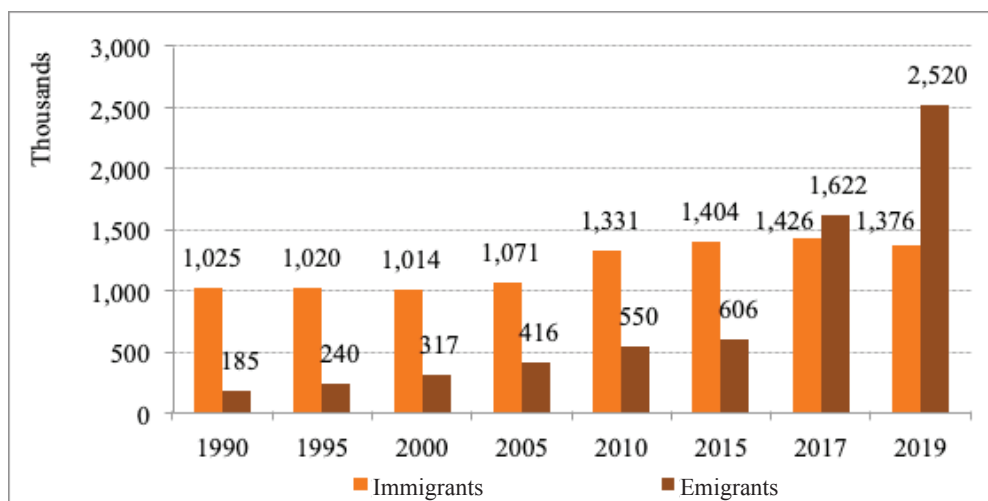
The economic, social and political crisis experienced by Venezuelan society entered its most severe phase after 2015, when the national government lost the parliamentary majority and perceived a threat to its hegemonic exercise of power. In this context, social and political conflict resurfaced and the 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.

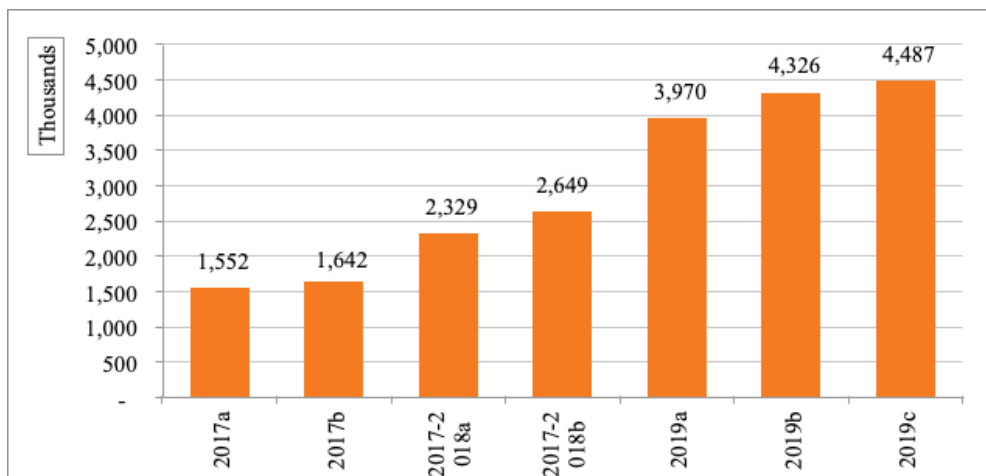
2019: United Nations. DESA. Population Division. International Migrants Stock 2019 (database, POP/DB/MIG/Stock/Rev.2019).

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)

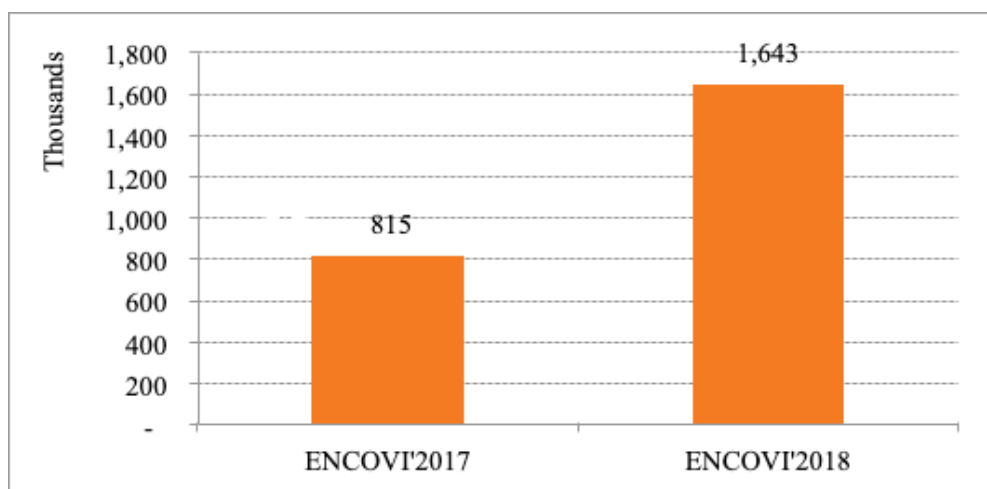
<https://robuenosaires.iom.int/tendencia-y-datos-relevantes>

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).

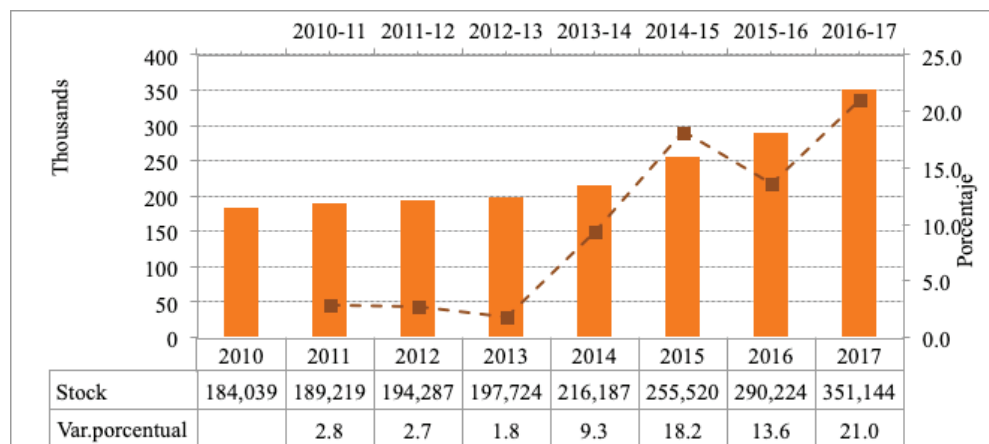
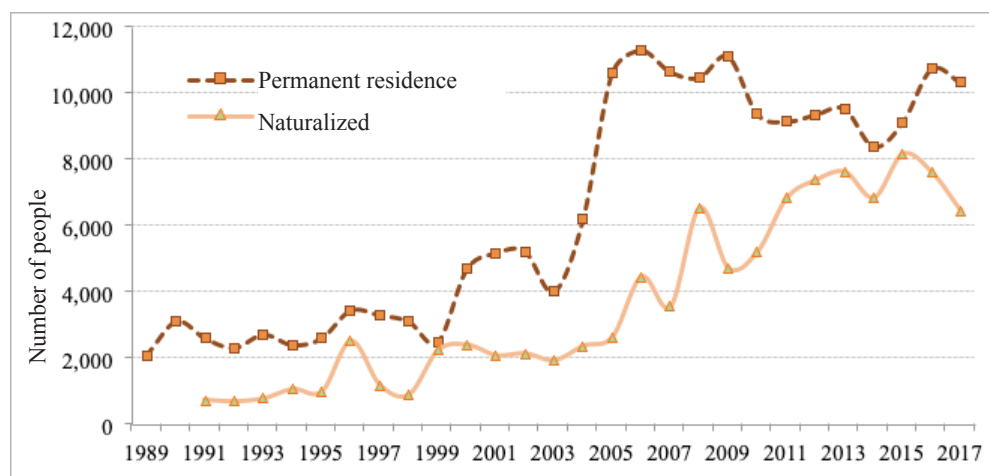
The ACS has continued to report a growth in the Venezuelan migratory flow in the United States during the years 2013 to 2017, as can be seen in Graph 11, which illustrates an annual variation of 9 percent between 2013 and 2014 and of 18 percent in the 2014-2015 period, when the estimated stock of Venezuelans 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.

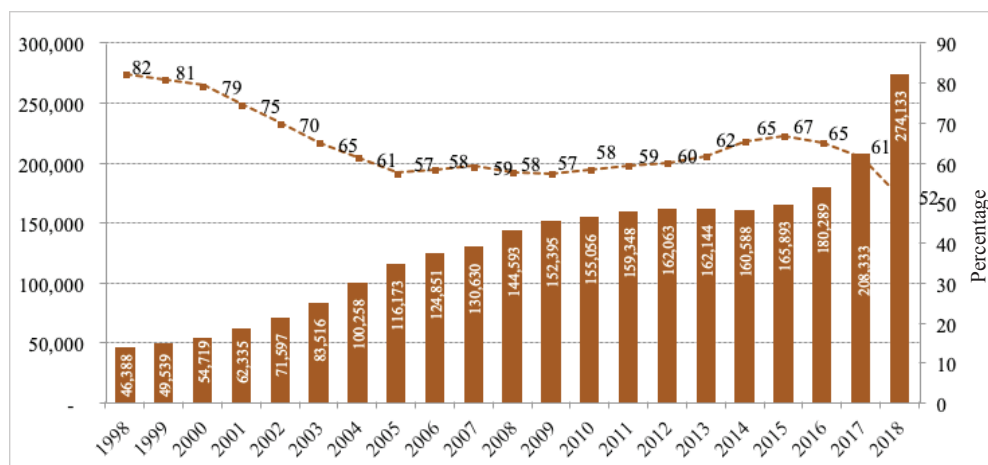
Venezuelan immigration in Spain is widely associated with the recognition of Spanish citizenship. Just over 70 percent of Venezuelans counted in the 2001 census had Spanish nationality (Martínez, 2003), a much higher proportion than that recorded by other Latin American countries. According to statistics 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,

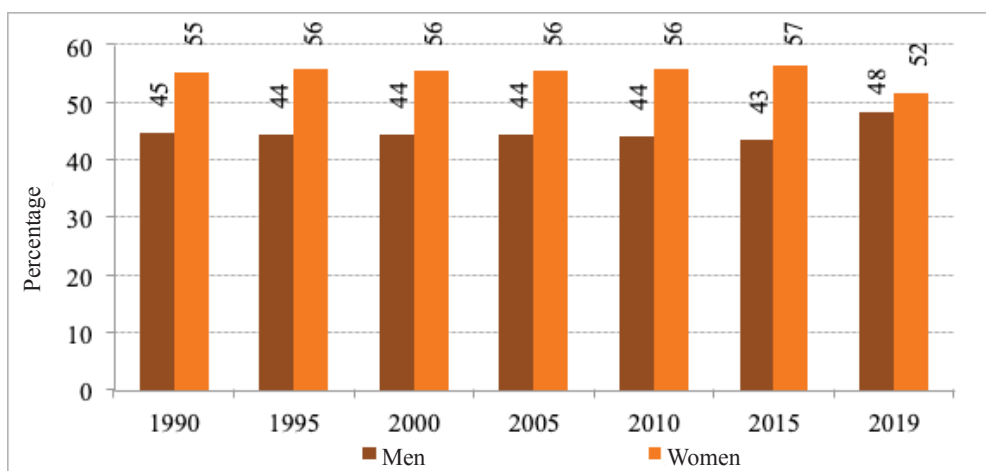
<sup>19</sup> In accordance with Normative Resolution No. 126, temporary residence is granted for two years to foreigners from bordering countries for which the MERCOSUR Residency Agreement is not yet in force. Therefore, Venezuelan nationals may apply for this permit. At the end of July 2017, through 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.

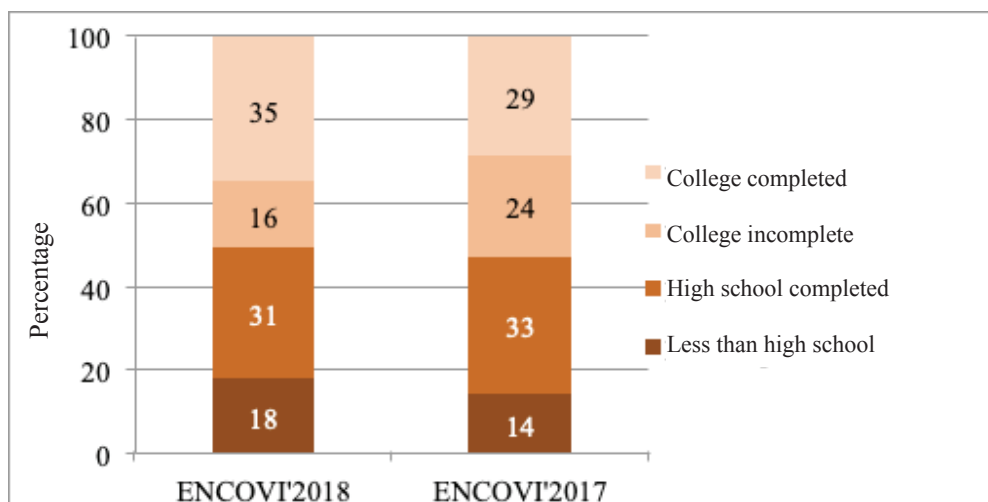
value that tripled the average for Latin America. The level of skilled Venezuelan emigrants was even higher in countries such as Australia, the United Kingdom, France, the United States and Canada. In the latter country, the 2001 census revealed that 54 percent of Venezuelan immigrants aged 15 or older 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-

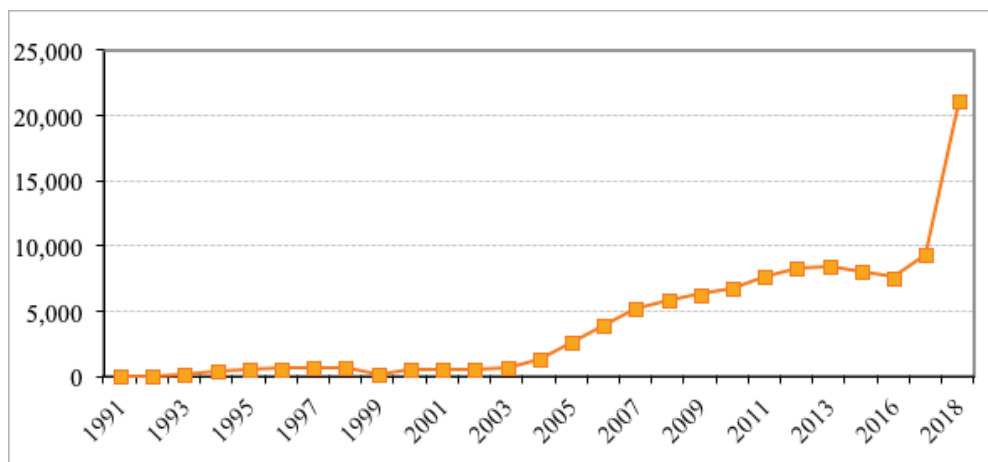
<sup>32</sup> <http://stats.oecd.org/Index.aspx> (Accessed on June 27, 2014).

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

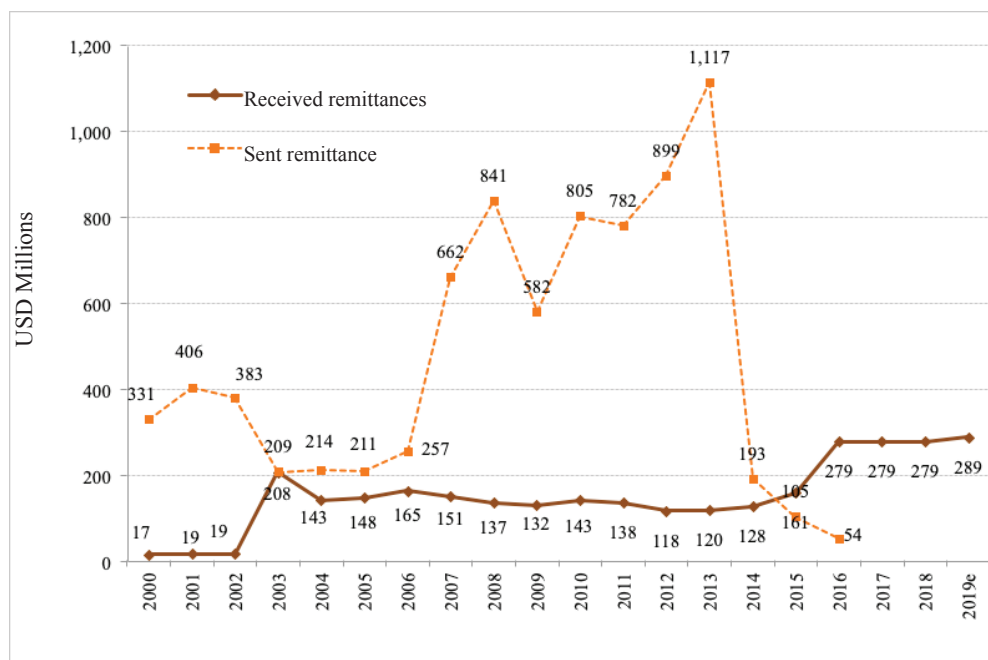
<sup>38</sup> *Venezuela rejects manipulation about immigration issues with Colombia*. Communiqué from the Ministry of the Popular Power for Foreign Affairs of the Bolivarian Republic of Venezuela, of May 14, 2015. Available at: [http://www.mre.gov.ve/index.php?option=com\\_content&view=article&id=41847:2015-05-14-03-30-59&catid=3:comunicados&Itemid=108](http://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