



Back to the Andean Community: A temporary solution towards the migratory regularization of Venezuelans?

Claudia Vargas Ribas

Introduction

The Andean Community (CAN) is an integration mechanism for countries in the South American region established in May 1969 through the so-called Cartagena Agreement, with the main objectives of “promoting the balanced and harmonious development of the Member Countries under conditions of equity, by means of integration and economic and social cooperation [...] strengthening subregional solidarity, and narrowing the existing development gaps among the Member Countries”, conducive to an improvement in the standard of living of their inhabitants (Cartagena Agreement, Art. 1).

Currently, it is formed by Bolivia, Colombia, Ecuador, Peru as full members, and so-called associate members such as Argentina, Chile, Paraguay, and Uruguay. Venezuela was formally part in full right of this mechanism from 1972 until 2012, when it announced its withdrawal after 33 years of relationship in 2006.

CAN as an integration scheme for Venezuela

For multiple reasons, Venezuela became one of the destination countries of Andean migration in the 1970s (to varying extents and at different periods). In this way, the citizens of other countries in this region sought economic and social wellbeing. This trend was consolidated in such a way that Venezuela's National Institute of Statistics (Instituto Nacional de Estadística [INE], 2001)¹ census indicated that 66.5% of the foreign population in the country came from Andean countries, primarily Colombia.

Based on the above, from a conceptual standpoint, it is worth underscoring that this phenomenon of mobility and migration of view preceded the Andean framework. Furthermore, we could presume that a good part of its purpose and regulatory system has sought to address this trend, not only regarding migration but also a history of relations and closeness among citizens (and governments) of these member countries.

CAN's Migration and Human Mobility scheme addresses this very suitably. Therein, we find a series of provisions such as Decision 878, establishing the Temporary Andean Residency (up to two years) and Permanent Andean Residency. Both benefits are part of a broader framework of principles for citizens of member countries that include protection of rights, non-discrimination, prohibition of criminalization, treatment as nationals, family reunification, right to education, participation in local elections, and transfer of remittances. The CAN also seeks to support its Andean citizens in third countries through the Andean Cooperation Mechanism on Consular Assistance and Protection and Migratory Affairs (CAN Decision 548, CAN Order 1546).

On the other hand, its rules on services trade establish principles of market access and treatment as nationals for professionals from member countries who provide their services online and on a face-to-face or temporary basis. Along with developments in the accreditation of college degrees, this option creates greater opportunities for Andean citizens to remain in these countries as they seek to practice their professional field. It also encourages the use of this human and intellectual capital, a benefit unavailable to citizens of Venezuela, a country withdrawn from full membership in this agreement.

Regarding goods trade figures, they show that Venezuela's performance within the CAN was very positive and, alongside the United States, it was the main destination of private sector exports, those with higher added value and for a longer period. This can be seen in Table 1. In fact, between 2003 and 2006 (years prior to withdrawing from the treaty) the CAN represented 24% of Venezuela's non-oil private exports and, from 2007 to 2011 (transition to withdrawal), 21%.

Destination of Private Sector Exports						
Year	2003	2004	2005	2006	2007	2008
CAN	23%	22%	24%	29%	28%	22%
US	35%	37%	29%	22%	19%	20%

Table 1. Destination of Venezuela's private sector exports. Source: Prepared by author based on ITC's Trade Map data.

In the case of Venezuela, the economic and social affinity with the countries of the Andean region, the benefits of a system of regulations and its uniform interpretation were factors that allowed an even deeper integration in investments, industry, trade, and services: If this paper's scope allowed itemizing services trade figures, which are under-recorded and include professional services rendered, both online and temporary, we would further confirm the relevance of this integration. Furthermore, stemming from the consensus among the parties (which includes the broad participation of the private sector), its rules have a significant legitimacy, being – in our opinion – one of the most advanced among the integration mechanisms across the continent.

Venezuelans in CAN countries today

Currently, 62% of Venezuelans abroad are in the Andean countries, the main destinations being Colombia, Peru, and Ecuador (in that order). This trend starts to surface as of 2016. That year, among other factors such as the economic and political crisis, the decline in Venezuela's living conditions triggered a massive migration primarily headed for these countries in the region because of historical ties, geographical proximity, and cultural affinity. Another reason has been that, until then, there had been no entry restrictions. An estimated 2,791,212 people emigrated from Venezuela between late 2016 and 2018 (R4V).

In 2019, Peru and Ecuador established visa requirements for Venezuelans' entry, seeking a way to control this flow. However, the effect generated was the opposite, thereby increasing the number of people under irregular status and therefore different consequential impacts: Labor informality, difficulty to access utilities (housing, health, food), increased poverty, risk of labor exploitation, trafficking, discrimination, and xenophobia. Currently, Venezuelans in an irregular situation across Latin America and the Caribbean (LAC) reach 34.3% and, in the case of CAN countries, 36.6%. When we analyze this last variable by country, we find that, from across the region, Peru (68.9%) and Ecuador (59.7%) host the highest percentage of Venezuelans without any residence permit or regular status granted (R4V, June 2023).

A study published by the Inter-American Development Bank (IDB) in January 2023, entitled *La regularización / normalización migratoria: oportunidades y desafíos para la integración de la población migrante en América Latina y el Caribe (ALC) (Migration Regularization / Normalization: Opportunities and Challenges for the Integration of the Migrant Population in Latin America and the Caribbean [LAC])*, indicated that, between 2000 and 2009, there were some 21 regularization processes in the region vs. the 51 performed from 2010 to 2019, 14 additional ones in the last two years, plus those implemented under regional agreements or regulations as the Common Market of South [America] (Mercado Común del Sur, Mercosur) and the Andean Statute. It is particularly striking that, in the 2015-2019 period, outside of the Andean Statute (valid only for CAN members), LAC countries have been precisely the ones that have had to implement them the most. One of the reasons is the massive arrival of people from

Venezuela, a non-full member outside the CAN, who consequently require other regularization alternatives of some kind.

The same study noted that the regularization mechanisms are extraordinary. In other words, based on current migration regulations or exceptional legal procedures, they are implemented to give regular status to foreigners and, in “practical terms, they allow migrants to obtain a permit to temporarily reside in the country, work and, in some cases, access health and education services” (Van der Werf & Rivera, 2023:5).

Another study conducted by the Migration Policy Institute (MPI) released in May 2023 confirms the above. According to that research, the result of the methods of regularization implemented by 15 LAC countries between 2016-2022 has allowed granting legal status to people coming from Venezuela. However, its findings show that they are disparate and uncoordinated among countries: They are *ad hoc* measures; the requirements imposed on Venezuelans in the largest host countries are cumbersome to comply with, and restrict their mobility and family reunification processes; in addition, although many of these measures allow access to certain educational levels, health services (especially emergency), hurdles to effectively exercising fundamental rights persist (Gandini & Selee, 2023).

It must be said that, with their limitations, each country has tried to expand regularization choices beyond the existing ones such as visas, asylum / refuge petitions, or those addressing family reunification; but these are transitory initiatives that grant a limited regular status and prevent full integration, thereby restricting access to rights for them and their families.

Table 2 shows the number of Venezuelans living in each of these host countries, the regularization measures adopted, and the entry requirements set. The most notorious finding is that, of the three, Colombia has taken the most far-reaching steps in terms of regularization through the Temporary Protection Statute for Venezuelans (Estatuto Temporal de Protección para Venezolanos, ETPV). Even so, it is a progressive regularization scheme, not immediate and subject to approval; those eligible are limited to groups with certain arrival dates and periods; this leaves out those who entered before by irregular means

or those who enter after the date established. It is not an instrument of international protection, i.e., the person may move and return to Venezuela, be eligible for deportation and, in its definition, does not specify the potential extent of vulnerability of refugee status; finally, it provides that petitioners may seek residence in the following 10 years, against the two years established by the CAN for approval of definitive status for citizens of member countries.

In the case of Peru, we notice that that it is the country in the region with the highest number of asylum petitions resulting from entry restrictions in 2019, since this was considered one of the few choices available to Venezuelans found to obtain some type of protection or defined migratory status. Initially, in Peru, temporary schemes have been established (which have also regularized this population under certain conditions), so have fines and very costly procedures to obtain documents, along with requirements difficult to comply with because the social and labor vulnerability inherent to the – irregular and poorly defined – migratory status of Venezuelans at present. At the time of submission, only 31.1% are in regular migratory status and only 4.8% have been granted asylum protection (R4V, June 2023).

For its part, Ecuador made available a Union of South American Nations (USAN) visa at a cost of USD 250, but only valid until 2021 due to its withdrawal from the intergovernmental organization. Between 2019 and 2022, it implemented other regularization measures such as the Temporary Exception Residency Visa (Visa de Residencia Temporal de Excepción, VIRTE) with several tiers: The first two for Venezuelans and other foreigners who entered regularly, and then a third for irregular immigrants; by April 2023, more than 40,000 had been approved (Gandini and Selee, 2023).

Country	Qty of Venezuelans	Venezuelans under Regular Status	Refuge Petitions	Refugee Visas Granted	Regularization Policies Implemented	Entry Requirements for Venezuelans
Colombia	2,500,000	2,200,000	26,800	1,200 (4.8%)	6 ETPV processes intended for Venezuelans (10 years)	None
Peru	1,500,000	467,100	531,600	4,300 (0.8%)	Temporary Stay Permit (Permiso Temporal de Permanencia, PTP) PTP holders are granted a PTP Card (Carné de Permiso Temporal de Permanencia, CPP) Humanitarian Permit	Humanitarian Visa (June 2019)
Ecuador	502,200	202,500	6,600	1,200 (8.3%)	Regularization process by means of VIRTE visas	Humanitarian Visa (August 2019)

Table 2. Overview of key regularization measures implemented by the main recipient CAN member nations. Source: Prepared by author with information from R4V and MPI report (Gandini & Selee, 2023).

How may the CAN address the regularization of Venezuelan nationals? Closing remarks

Most of Venezuelans abroad are in Andean region countries. Moreover, among each of the millions of personal and family decisions that have led them to a destination is the recognition of social affinity, reinforced by common geography and shared history. Therefore, Venezuela's return to the CAN is imperative. Although, in the last two years following the COVID-19 pandemic, Venezuelans have sought new migratory destinations from their home country or from these host countries – one of the causes being the lack of migratory regularity or possibilities to assimilate, it is also clear that those who have been able to stay are – or will be – making efforts for family reunification and access to more stable, lasting mechanisms towards a regular status, as well as planning for the long term.

Once in the CAN, Venezuelans, again Andean citizens, could undergo a temporary transition scheme towards full recognition of their rights within a broader framework of principles established in the migration and mobility system of this organization. A transition to Andean

citizenship for Venezuelans in the region would be a temporary solution to the problem of Venezuelan migration and would barely mitigate the existing conditions of Venezuelans in these countries².

Venezuela also needs to rejoin the CAN for other reasons, mostly economic. As indicated above, Venezuela's period of largest value-added goods and services export and trade matched its CAN membership. Let us remind that, as explained in social issues, economic identity facilitates the complementarity that allows for deeper integration.

Today, Venezuela's economy is only a fraction of its size when it joined the CAN (then Andean Pact) in 1972. Consequently, it must temporarily request and receive special and differential treatment. We believe that it is time for the stakeholders involved to address the problem and jointly make use of the existing mechanism, as this will provide the temporary relief proposed and even pave the way for a comprehensive and permanent solution.

Venezuela's reincorporation into the CAN is part of this comprehensive and permanent solution. Although Venezuela's economic figures for the last 10 years show a decline unprecedented in its history, diminished capabilities still exist, as shown by the exports of value-added products to the European Union (EU) and North America. Despite such adverse conditions, it competes in the most challenging markets with increasing success. A productive economy oriented towards exports of goods and services, supported by Andean investments relying on temporary comparative advantages and above all competitive advantages, could contribute to the first steps to recover and, thereby, retain and, above all, attract the return of talent. This is the basis for a comprehensive and permanent solution to the problem of Venezuelan migration.

The concrete approach in the short term is to go towards lasting alternatives transcending political changes and junctures of countries in the region, aiming towards a migration policy regularly respecting human rights and guaranteeing mobility – in principle. The purpose of this would be to reduce vulnerabilities, prevent international organized crime targeting migrants, eliminate discrimination, recognize the talent and contributions of transients, and promote international cooperation.

With the above, we do not intend to ignore the complexity of the current Venezuelan situation nor much less of its migrant nationals in these countries. Therefore, we insist that this is something temporary and partial depending on many factors. Even so, we believe that it is a feasible proposal to be considered by different regional and national stakeholders that, for the reasons described here, could gradually represent an advantage for Venezuela, while we know that a definitive or large-scale solution for the future entails the resolution of the internal situation and the return to democratic rule.

NOTES

1. According to the 2001 Population and Housing Census of Venezuela, there were 1,015,538 foreigners in the country, of which 675,506 were from CAN member countries (Bolivia: 1814, Colombia: 609,196, Ecuador: 28625, Peru: 35871).
2. It is worth noting that knowing the detailed scale of the scope would be the object of a more specific study on the characteristics of these people, migratory status, socioeconomic situation, and requirements to complete procedures, in addition to a background analysis on how a negotiation for the return from Venezuela and the conditions in the migratory issue could be.

REFERENCES

- Comunidad Andina, CAN (1996). *Acuerdo de Cartagena* (Original agreement signed in 1969). <https://www.comunidadandina.org/DocOficialesFiles/DBasicos/DBasico1.doc>
- Instituto Nacional de Estadística, INE (2011). *Censo de Población y Vivienda año 2001*. http://www.ine.gob.ve/index.php?option=com_content&view=category&id=95&Itemid=9
- Gandini, L., & Selee, A. (2023). *Betting on legality: Latin American and Caribbean responses to the Venezuelan displacement crisis*. Migration Policy Institute (MPI). https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf
- Interagency Coordination Platform for Refugees and Migrants, R4V (2023). *R4V Movements Report: First Quarter 2023*. https://www.r4v.info/sites/default/files/2023-05/MoM%20jan%20-%20mar%20Q1_2023_VF_EN.pdf.
- International Trade Centre, ITC (1999-2019) *Trade Map. Trade statistics for international business development*. <https://www.trademap.org/Index.aspx>

Werf, C. van der, & Rivera, A. (2023, January 30). *La regularización / normalización migratoria: oportunidades y desafíos para la integración de la población migrante en América Latina y el Caribe (ALC)*. Inter-American Development Bank, IADB. <https://blogs.iadb.org/migracion/es/regularizacion-migratoria-desafios-y-oportunidades-para-la-inclusion-de-migrantes/>