



REGULARIZATION AND PROTECTION

INTERNATIONAL OBLIGATIONS FOR THE PROTECTION OF VENEZUELAN NATIONALS

**WELCOME
VENEZUELA**



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GLOSSARY

- CEDAW:** UN Convention on the Elimination of All Forms of Discrimination against Women
- CEM:** Women's Emergency Centre (Peru)
- CEPR:** Special Commission for Refugees (Peru)
- CMER:** Special Vulnerability Residency Migratory Status (Peru)
- CMH:** Humanitarian Migratory Status (Peru)
- CONARE:** Advisory Commission for Determination of Refugee Status (Colombia)
- CPP:** Temporary Residence Permit Card (Peru)
- EPS:** Public Health Body (Colombia)
- ETPV:** Temporary Protection Statute for Venezuelans (Colombia)
- GBV:** Gender-based violence
- ICBF:** Colombian Institute of Family Wellbeing
- IOM:** International Organization for Migration
- PDI:** Investigations Police (Chile)
- PEP:** Special Stay Permit (Colombia)
- PEP-FF:** Special Stay Permit for the Promotion of Formalization (Colombia)
- PIP:** Temporary Entry and Stay Permit (Colombia)
- PPT:** Temporary Protection Permit (Colombia)
- PTP:** Temporary Residence Permit (Peru)
- R4V:** Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (UNHCR and IOM)
- RMNA:** Refugee and Migrant Needs Analysis
- RUMV:** Single Registry of Venezuelan Migrants (Colombia)
- SERMIG:** National Migration Service (Chile)
- SIS:** Integrated Health System (Peru)
- SNM:** National Superintendence of Migration (Peru)
- UNDP:** United Nations Development Programme
- UNHCR:** Office of the United Nations High Commissioner for Refugees / UN Refugee Agency
- VERHU:** Temporary Residence Visa for Humanitarian Reasons (Ecuador)
- VIRTE:** Exceptional Temporary Residence Visa for Venezuelan Citizens (Ecuador)

EXECUTIVE SUMMARY

Colombia, Peru, Ecuador and Chile host close to 70% of the 7.32 million Venezuelan nationals who have fled Venezuela due to the complex humanitarian emergency and massive human rights violations being committed in the country. Amnesty International recognizes the challenges facing these countries in their response to this mobility crisis, which is unprecedented in the region's recent past. In the light of international human rights and refugee law, Amnesty International believes that Venezuelans are in need of international protection.

States in these four countries have laws and asylum systems at their disposal which allow the authorities to recognize Venezuelans as refugees pursuant to the definition enshrined in the 1951 Geneva Convention, as well as the extended definition contained in the Cartagena Declaration. In the past few years, however, they have also opted to introduce temporary and complementary protection programmes and regularization measures for Venezuelan nationals, in addition to asylum.

Based on international human rights and refugee standards, this report analyses the protections provided by these four states to Venezuelan nationals through such programmes and measures, and the procedures for the recognition of refugee status, with a particular focus on their accessibility, scope and effectiveness.

Amnesty International notes that the authorities of these countries have not prioritized the use of asylum. Not only have they opted not to carry out group or prima facie recognition of Venezuelan nationals, but they rarely apply the extended definition of the Cartagena Declaration – which is integrated in their national legislation – to provide protection to this population group. The figures available for Colombia, Peru, Ecuador and Chile show that few Venezuelan nationals have applied for asylum, and that of those who have applied, only a small number have been recognized as refugees. Complementary or temporary protection programmes may seem like a pragmatic solution for responding to the need for international protection, as they afford regular migratory status to a large number of Venezuelan nationals. However, this research shows that, in many cases, such programmes are not sufficiently accessible due to conditions which are impossible for Venezuelans in need of protection to fulfil, such as cost, documentation required,

or limitations regarding dates or manner of entry. Furthermore, they at times fail to guarantee effective access to human rights.

In Colombia, the number of Venezuelan nationals recognized as refugees as of June 2023 is low compared to the estimated numbers of Venezuelans in the country. While those applying for refugee status are protected against return to their country of origin, they do not have the right to work, which is a significant barrier to the survival of persons in need of international protection within the country. The temporary protection statute for Venezuelans (ETPV) offers a durable solution in that it grants Venezuelan nationals regular migratory status for a period of 10 years and may subsequently serve as a pathway to other forms of residency, in addition to the fact that it also allows them to work and access health and education services. However, it is unclear whether this programme offers sufficient protection against the return or refoulement of Venezuelan nationals to their country of origin, where their physical integrity and other rights may be at risk. Moreover, documentary requirements and date limitations for registering for the ETPV exclude a large number of Venezuelans, particularly those who in recent years had no option but to enter the country irregularly. Added to all this, there have been reports of significant delays – exceeding one year – in the processing of applications, as well as of persons receiving sanctions for minor offences, or corrective measures, prior to registering for the ETPV having their application turned down. Reports regarding persons being forced by public officials to withdraw from the ETPV because they have an asylum application pending (or vice versa), are cause for concern, as this may leave Venezuelan nationals unprotected.

In Peru, a significant backlog in pending asylum applications and delays in obtaining appointments place serious limitations on asylum rights. The number of Venezuelan nationals granted refugee status as of June 2023 is also low compared to the estimated number of Venezuelans in the country. Furthermore, while the temporary residence permit card (CPP) legally entitles holders to study and, in theory, to work, in practice the protection afforded by this permit is limited. It has been reported that few institutions recognize and accept this document. Moreover, it does not protect Venezuelans against refoulement, nor does it

guarantee access to health services, leaving them unprotected. The humanitarian migratory status (CMH) likewise does not protect Venezuelans against return to their country of origin, and the number of persons granted such status is low. As for the special residency migratory status (CMER), which could afford protection to women survivors of gender-based violence (GBV) by granting them access to rights and regular migratory status, Amnesty International has found that conditions for eligibility and duration pose significant barriers for Venezuelan women, and effectively serve to revictimize them. It is also a little known and little used option.

In Ecuador, the number of Venezuelan nationals recognized as refugees is low compared to the numbers of Venezuelans in the country, and authorities rarely apply the extended definition contained in the Cartagena Declaration. The ongoing temporary protection programme *Estoy Aquí* (I'm here), which is not exclusive for Venezuelans, provides access to the exceptional temporary residence visa (VIRTE). Beneficiaries of the VIRTE have the right to work, as well as access to health and education services. It can be renewed once and serves as a pathway to other forms of permanent residency. However, research shows that requirements regarding costs and dates of entry through official border crossings have limited accessibility to this temporary protection programme. While the government announced the start of a third stage which would make such requirements of dates and manner of entry more flexible, such measures had not yet been introduced at the time of the report, thus leaving thousands who were forced to enter the country through unofficial routes due to their inability to comply with the visa requirements in force since 2019 unprotected.

As for Chile, although the law specifies that asylum seekers and refugees should receive protection and access to education, health services and employment, in practice no conditions are in place to allow Venezuelan nationals to benefit from international protection. Amnesty International notes with concern that Chilean authorities continue to apply illegal measures and practices, such as the requirement to self-report and a pre-eligibility review of asylum applications, in breach of the right of Venezuelans to request asylum. No temporary or complementary protection programme for Venezuelan nationals is in place.

In 2018, and again in 2021, the government put in place regularization programmes which were open to Venezuelan nationals. At the same time, however, it also started to require entry visas at what was a critical point in the humanitarian emergency in Venezuela. As of August 2023, Venezuelans can only enter the country legally with a consular visa, but the requirements for obtaining such visa are practically impossible to fulfil. In most cases, entry through an irregular border crossing precludes people from applying for the migratory categories specified in the Migration and Foreigner Law, or even from requesting asylum. The requirements in the exceptional measure established in

Article 155.8 of Law 21.325 make it unattainable for Venezuelans in need of protection. Failure to access international protection or regularize their migratory status results in Venezuelans being deprived of health and education services and the right to work, which in turn condemns them to precarious living conditions. Moreover, accessibility to a humanitarian visa for women survivors of GBV is limited by the requirement to file a prior criminal report, which further revictimizes women, as well as by the fact that such visa can only be requested by the authorities, and not by the women concerned.

The scope of the programmes applied by Colombia, Peru, Ecuador and Chile differ in regard to recognition of rights, deadlines, duration and eligibility requirements. Although they have afforded Venezuelan nationals a degree of protection, such as regular migratory status and access to certain rights and services, such protection is not up to the standard of the international protection to which Venezuelans are entitled. Furthermore, such programmes do not include a clear gender focus.

Lack of access to a regular migratory status is of particular concern in the case of women survivors of GBV, given the situation of extreme vulnerability in which they already find themselves. This research shows that current humanitarian programmes, such as those applied in Peru and Chile, not only include criteria that lead to revictimization and thus limit accessibility but have rarely benefitted Venezuelan women.

Amnesty International expresses concern for the lack of protection that Venezuelan nationals face in Colombia, Peru, Ecuador and Chile and the limited use of asylum systems, which are inoperative in some countries. Moreover, complementary and temporary protection programmes and regularization measures do not offer levels of protection equivalent to asylum, thereby excluding thousands of people who are left without access to rights or to a regular migratory status.

In conclusion, this research shows that Colombia, Peru, Ecuador and Chile are failing to comply with their international obligations to protect those fleeing Venezuela to safeguard their lives, integrity and human rights. Amnesty International emphasizes the fact that temporary programmes are not a substitute for asylum, but rather a complementary measure which, together with the asylum process, can serve to provide an immediate and adequate response to large movements of persons in need of protection.

Amnesty International calls on states in the region to step up their efforts to provide adequate responses to the international protection needs of more than 7.32 million Venezuelan nationals, in compliance with the highest standards of international human rights and refugee law. More specifically, the organization recommends that all states hosting Venezuelan nationals, and particularly the four an-

analysed in this report, guarantee the right to request recognition of refugee status and put in place measures to ensure and increase the application of the definition of refugee contained in the Cartagena Declaration of 1984, through prima facie or group recognition. As for complementary and temporary protection programmes aimed specifically at Venezuelan nationals, it is essential to guarantee that these are accessible and do not contain any limitations in terms of costs, date and manner of entry and presence in the country, or lack of identity documents, and that they provide a broad catalogue of rights. Moreover, it is imperative to ensure that Venezuelans are not forcibly returned to Venezuela, upholding the principle of non-refoulement in all instances. Amnesty International further recommends that all visa entry requirements for Venezuelan nationals are dropped, as this could act as a barrier to enforcing their right to asylum. Finally, Amnesty International calls on states to ensure that procedures in place for recognition of refugee status and migratory regularization include a gender perspective and an intersectional approach, such that the differentiated impacts faced by undocumented Venezuelan women, and particularly women survivors of GBV, can be adequately addressed.

1

METHODOLOGY

The results of this report are based on research carried out between April and July 2023. Fieldwork comprised 24 in-depth video interviews with Venezuelan women, representatives of civil society organizations, public institutions and international bodies in Colombia, Ecuador, Peru and Chile,¹ together with review and analysis of regulations, public policies, existing literature and relevant press reports, in addition to four freedom of information requests. At the time of finalising this report, on 24 August 2023, the available figures on the R4V Platform did not include the update dated 5 August 2023.

The conclusions and recommendations of the report are based on an analysis of the duty of international protection to refugees and the upholding of their human rights. The report likewise analyses whether the complementary and temporary protection programmes and measures for migratory regularization include a gender perspective to ensure that the obligation of providing special protection for women victims and survivors of gender-based violence (GBV) can be met.

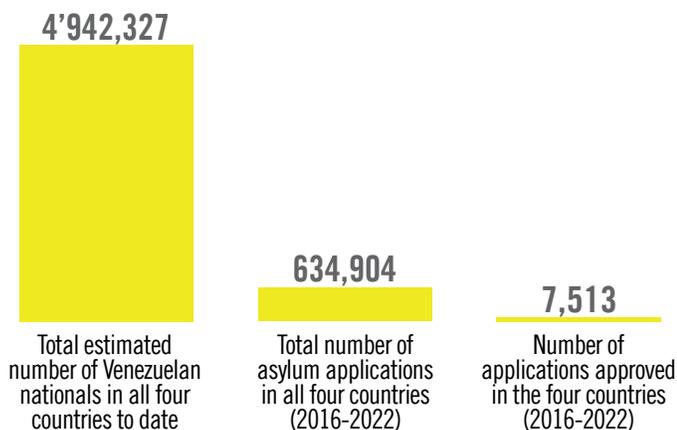
Amnesty International is grateful to the women, civil society organizations, experts and representatives of international organizations and universities who shared their experiences, and to the public officials of the four countries with whom we spoke to learn about their national, provincial and municipal policies.

¹ In Peru, two people from civil society organizations, two Venezuelan women, two humanitarian aid workers and four representatives of relevant public institutions were interviewed. In Ecuador, two people from civil society organizations, one Venezuelan woman and two humanitarian aid workers were interviewed. The current political situation in Ecuador posed a challenge for structured interviews with representatives of public institutions. In Colombia, three representatives of municipal public institutions dealing with these issues and two representatives from the legal clinic of a national university were interviewed. In Chile, a humanitarian aid worker, a representative from the legal clinic of a national university, a representative from a civil society organization and an expert on these issues were interviewed.

2

INTRODUCTION

Situation of Venezuelan nationals in Colombia, Peru, Ecuador and Chile (Total numbers)



Source: R4V Platform and UNHCR Data Finder

As of June 2023, more than 7.32 million people had fled Venezuela² as a result of the complex humanitarian emergency and massive human rights violations being committed in the country.³ Of these, almost 70% are hosted by the four countries analysed in this report: Colombia, Peru, Ecuador and Chile.⁴

The magnitude of this human displacement crisis, one of the largest in the world together with those of Ukraine, Syria and Afghanistan, poses a huge human rights challenge for the mentioned states.

Pursuant to the international agreements ratified by each, these four countries have procedures in place for recognizing refugee status that affords guarantees and rights for persons in need of international protection.⁵ Figures show that most Venezuelan nationals have failed to access the procedures for obtaining international protection and, in the exceptional cases in which they have been able to access such process, very few have been recognized as refugees.⁶

A number of countries in the region, including Colombia, Ecuador and Peru,⁷ have additionally established complementary and temporary protection arrangements aimed at providing ad hoc protection to Venezuelan nationals within their territories, thus allowing their migratory status to be regularized. Such arrangements provide an alternative path to obtaining a regular migratory status, as a state's prerogative of controlling entry to their territory and taking decisions on their migration policy.

In **Colombia**, the Ministry for Foreign Affairs created the special stay permit (PEP) in 2018, which was subsequent-

² Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), Refugees and Migrants from Venezuela, 27 February 2023, <https://www.r4v.info/en/refugeeandmigrants>. R4V records began in February 2018, when there were already over one million Venezuelan refugees in different parts of the world.

³ See, for example, Amnesty International, Hunger for Justice: Crimes against Humanity in Venezuela, 14 May 2019, (AMR 53/0222/2019), <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>; Peru: In Search of Safety: Peru Turns its Back on People Fleeing Venezuela, 4 February 2020, (AMR 46/1675/2020), <https://www.amnesty.org/en/documents/amr46/1675/2020/en/>; Amnesty International and Human Rights Watch at the UN Human Rights Council, 24 September 2021, <https://www.hrw.org/news/2021/09/24/venezuela-joint-statement-amnesty-international-and-human-rights-watch-un-human>, Independent International Fact-Finding Mission on the Bolivarian Republic of Venezuela, Venezuela: new UN report details responsibilities for crimes against humanity to repress dissent and highlights situation in remote mining areas, September 2022, <https://www.ohchr.org/en/press-releases/2022/09/venezuela-new-un-report-details-responsibilities-crimes-against-humanity>

⁴ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), Refugees and Migrants from Venezuela, 27 February 2023, <https://www.r4v.info/en/refugeeandmigrants>.

⁵ In Colombia, international protection is regulated by the Single Regulatory Decree of the Administrative Sector of Foreign Affairs (Decree 1067 of 2015). See Decree 1067 of 2015 https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm. In Peru, it is regulated by Refugee Law 27.891 and its corresponding regulations. See Refugee Law 27.891 of 2002, available at: https://cdn.www.gob.pe/uploads/document/file/1664870/Ley_27891.pdf; in Ecuador by the Organic Law on Human Mobility, see Ecuador, Organic Law on Human Mobility of 2017, available at: https://www.cancilleria.gob.ec/wp-content/uploads/2014/03/ley_de_movilidad_humana_oficial.pdf; in Chile by Law 20.430 of 8 April 2010, available at: <https://www.bcn.cl/leychile/navegar?idNorma=1012435&idParte=0&idVersion=>

⁶ For example, according to information on the UNHCR Dashboard between 2016 and 2022, Colombia registered 46,796 asylum applications from Venezuelan nationals and 1,367 were recognized as refugees; Ecuador registered 38,814 asylum applications and only 1,449 persons were recognized as Venezuelan refugees; Peru registered 539,922 asylum applications with only 4,667 being recognized as refugees; and Chile registered 9,372 asylum applications with only 30 persons being recognized as refugees. UNHCR. Refugee Data Finder, accessed August 2023. <https://www.unhcr.org/refugee-statistics/download/>

⁷ For example, Ecuador has the Estoy Aquí (I'm here) programme (<https://estoyaquiecuador.com>), Peru has recently expanded the scope of its regularization arrangements through the CPP scheme (<https://www.gob.pe/institucion/migraciones/normas-legales/4204818-0109-2023-migraciones>), while the special residency migratory status (CMER) is still in force (Decree 1350, Migration Law, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>). Colombia implemented the temporary protection statute for Venezuelans by means of Decree 216 of 1 March 2021, but this ended in May 2023. Available at: https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_0216_2021.htm. All of these programmes will be analyzed in the relevant chapter.

ly replaced, in 2021, by the temporary protection statute for Venezuelans (ETPV).⁸

Peru introduced the temporary residence permit card (CPP)⁹ in 2023, to replace the previous temporary residence permit (PTP). Moreover, Peruvian legislation provides special residency migratory status (CMER) to afford protection to specific individuals, such as women victims of GBV,¹⁰ as well as humanitarian migratory status (CM-H),¹¹ amongst other migratory categories.

In **Ecuador**, the *Estoy Aquí* (I'm here) programme¹² provides access to the exceptional temporary residence visa for Venezuelan citizens (VIRTE), which has replaced the exceptional temporary residence visa for humanitarian reasons (VERHU) from June 2022.

In **Chile**, the most recent regularization measure, aimed at persons with irregular migratory status irrespective of their nationality, was implemented in 2021. To date, there is no temporary or complementary protection programme for Venezuelan nationals.

This report analyses the protection afforded by Colombia, Peru, Ecuador and Chile to Venezuelan nationals, both pursuant to legislation and in practice, in the light of their international and national obligations under international human rights and refugee law. The research covers procedures for recognizing refugee status, complementary and temporary protection programmes, and other measures in force, including their accessibility, efficiency and upholding of human rights. Building on previous research,¹³ Amnesty International will focus particularly on the situation of Venezuelan women survivors of GBV, whose vulnerability is further exacerbated by lack of recognition of their need for international protection and regular migratory status.

⁸ Migración Colombia. Decreto 216 de 2021 Por medio del cual se adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se dictan otras disposiciones en materia migratoria (Decree 216 of 2021 adopting the Temporary Protection Statute for Venezuelan Migrants under temporary protection and issuing further provisions on matters of migration), March 2021, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_0216_2021.htm

⁹ Peru. Supreme Decree 000109-2023-MIGRACIONES. 23 May 2023. Available at: <https://www.gob.pe/institucion/migraciones/campa%C3%B1as/27203-nuevo-permiso-temporal-de-permanencia>. Supreme Decree 010-2020-IN. Situación Migratoria. 21 October 2020. Available at: <https://www.gob.pe/institucion/mininter/normas-legales/1300528-010-2020-in>

¹⁰ Decree 1350, Migration Law, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>

¹¹ Decree 1350, Migration Law, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>

For further information, see: https://rrd.migraciones.gob.pe/Preguntas_Frecuentes/calidad_migratoria_humanitaria.html

¹² For further information, see <https://estoyaquí.ec/>

¹³ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>. Amnesty International, Unprotected in Ecuador, November 2022, <https://www.amnesty.org/en/latest/news/2022/11/facts-and-figures-unprotected-in-ecuador/>.

Amnesty International, No one wants to live in hiding, 7 March 2023, <https://www.amnesty.org/en/documents/amr22/6437/2023/en/>

3

REGULATORY AND CONCEPTUAL FRAMEWORK

3.1 International protection for Venezuelan refugees

Colombia, Peru, Ecuador and Chile have incorporated into their respective legislation¹⁴ the definition of refugee as provided in Article 1A of the 1951 Geneva Convention relating to the Status of Refugees.¹⁵ This instrument, considered the cornerstone of international law for refugee protection, also established recognition of a series of rights.¹⁶ Moreover, in Article 33 C it obliges states to protect refugees and asylum seekers against refoulement or forcible return to a place where they may be at risk.

The principle of non-refoulement, which has become a standard of customary law,¹⁷ prohibits states from expelling or returning a person to any territory where their life or freedom could be threatened, or where they could be at risk of persecution. This principle of non-refoulement covers interception, rejection at a border, or indirect re-

turn. It is non-derogable and must be upheld at all times by states, including in circumstance of “mass influx”, as is the case of the displacement of Venezuelan nationals in the region.¹⁸

Amnesty International believes that Venezuelan nationals fleeing the country are in need of international protection.¹⁹ Although a number of these are refugees pursuant to the definition contained in the 1951 Geneva Convention relating to the Status of Refugees, due to the particular risk of persecution they face in their home country, the situation of all Venezuelans should be presumed to fall under the extended definition of refugee contained in the Cartagena Declaration on Refugees of 1984, given the threat to their lives, their safety and their freedom as a result of “massive human rights violations” in Venezuela.²⁰

Colombia, Peru, Ecuador and Chile have incorporated in their respective legislations this extended definition of refugee as provided for in the Cartagena Declaration,²¹ which includes persons fleeing generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously dis-

¹⁴ In Colombia, Decree 1067 of 2015. https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm

In Peru, Refugee Law 27.891 of 2002. https://cdn.www.gob.pe/uploads/document/file/1664870/Ley_27891.pdf; in Ecuador, Organic Law on Human Mobility. <https://vlex.ec/vid/ley-organica-movilidad-humana-847395482#:~:text=La%20presente%20Ley%20tiene%20por.internacional%3B%20y%2C%20sus%20familiares>, and in Chile Law 20.430 of 2010 setting out provisions for the protection of refugees. <https://www.bcn.cl/leychile/navegar?idNorma=1012435>

¹⁵ The 1951 Convention relating to the Status of Refugees and its 1967 Protocol, ratified by Colombia, Peru, Ecuador and Chile, are the principal legal instrument for the protection of refugees throughout the world. These are available at: <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> and <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-relating-status-refugees>

¹⁶ Amongst the rights recognized by the 1951 Convention are the right to freedom of religion and movement, to wage-earning employment, self-employment and the exercise of liberal professions, and the right to education, housing, public relief and social security, in the same conditions as those accorded to nationals.

IACHR. Due Process in Procedures to Determine Refugee and Stateless Person Status and Grant Complementary Protection. 2020. Available at: <https://www.oas.org/en/iachr/reports/pdfs/dueprocess-en.pdf>

¹⁷ Protection of refugees and asylum seekers against refoulement, as provided for in the Convention relating to the Status of Refugees, has also been included in a number of international treaties. Article 3.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment protects all persons, irrespective of their status, from expulsion, return or extradition where there are grounds for believing they would be in danger of being subjected to torture or other ill-treatment, and Article 16 of the International Convention for the Protection of all Persons from Enforced Disappearance prohibits the expulsion, return, surrender or extradition of persons to a territory where they would be in danger of being subjected to enforced disappearance.

¹⁸ UNHCR, The principle of non-refoulement, July 2001, <https://www.unhcr.org/media/global-consultations-international-protection-summary-conclusions-principle-nonrefoulement-9> and <https://www.unhcr.org/media/advisory-opinion-extraterritorial-application-non-refoulement-obligations-under-1951-0>

¹⁹ Amnesty International, Urgent Measures: Venezuelans need International Protection, 3 September 2018, (AMR 01/9019/2018), <https://www.amnesty.org/en/documents/amr01/9019/2018/en/> and In Search of Safety: Peru turns its back on people fleeing Venezuela, 4 February 2020 (AMR 46/1675/2020), <https://www.amnesty.org/en/documents/amr46/1675/2020/en/>

²⁰ Cartagena Declaration on Refugees, November 1984, <https://www.unhcr.org/media/cartagena-declaration-refugees-adopted-colloquium-international-protection-refugees-central>

²¹ Paragraph three of the Cartagena Declaration on Refugees, November 1984, <https://www.unhcr.org/media/cartagena-declaration-refugees-adopted-colloquium-international-protection-refugees-central>. In Colombia, Decree 1067, May 2015, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm

In Peru, Refugee Law 27.891 of 2002, https://cdn.www.gob.pe/uploads/document/file/1664870/Ley_27891.pdf.

In Ecuador, Organic Law on Human Mobility of 2017, <https://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf>

In Chile, Law 20430 of 2010 setting out provisions on the protection of refugees, <https://www.bcn.cl/leychile/navegar?idNorma=1012435>

turbed public order.²²

Amnesty International and other organizations have documented serious violations of human rights, such as torture and other ill-treatment, extrajudicial executions and prolonged arbitrary detention.²³ Such violations are systematic and widespread and reflect a policy of repression planned and coordinated by the state with the aim of neutralizing or eliminating political opponents or those perceived as such,²⁴ to the point of potentially constituting crimes against humanity.²⁵

Moreover, the country continues to be immersed in a complex humanitarian emergency²⁶ which has resulted in an increase in shortages or inaccessibility of basic goods and inequality within the country, as well as a serious deterioration of living conditions. The Venezuelan population has, since 2015, witnessed the collapse of the health system, closure of hospitals and clinics, and lack of regular access to water, food and electricity for large sectors of the population.²⁷ These widespread violations of social and economic rights show an abject failure of the state to protect human rights, provide public services and fulfil its international obligations, and constitute a disruption of public order or the normal functioning of state institutions. The connections between deterioration in living standards, violations of social and economic rights and gross violations of civil and political rights indicate that human rights violations affect many aspects of peoples' lives, thereby attaining the

threshold of "massive violations of human rights" established by the Cartagena Declaration.

Both the United Nations High Commissioner for Human Rights (UNHCR) and Amnesty International have called on states in the region to apply group recognition of refugee status (also known as prima facie recognition) to address the protection needs of the hundreds of thousands of Venezuelan nationals in their territories.²⁸

3.2 Complementary and temporary protection measures for Venezuelans

In response to the arrival of Venezuelan nationals, some states, such as Colombia and Ecuador, have put in place complementary or temporary protection measures.

According to the UNHCR, temporary protection or stay agreements or programmes are pragmatic tools for bridging the gaps in national response systems and capacities in the face of mass influxes of people in need of protection against refoulement and minimum standards of treatment.²⁹ More specifically, in the case of Venezuela, the

²² Cartagena Declaration, November 1984, <https://www.unhcr.org/media/cartagena-declaration-refugees-adopted-colloquium-international-protection-refugees-central>

²³ Office of the United Nations High Commissioner for Human Rights, Human Rights Violations in the Bolivarian Republic of Venezuela: a downward spiral with no end in sight, June 2018. https://www.ohchr.org/Documents/Countries/VE/VenezuelaReport2018_EN.pdf; OAS, Report of the OAS Working Group to Address the Regional Crisis Caused by Venezuela's Migrant and Refugee Flows, June 2019, https://www.oas.org/en/media_center/press_release.asp?sCodigo=E-048/19 and OHCHR, Report of the Human Rights Commissioner: Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, September 2020 (A/HRC/44/20) <https://www.ohchr.org/en/documents/country-reports/ahrc4420-outcomes-investigation-allegations-possible-violations-human>

²⁴ Amnesty International, Hunger for Justice: Crimes against Humanity in Venezuela, 14 May 2019, (AMR 53/0222/2019) <https://www.amnesty.org/en/documents/amr53/0222/2019/en/>; UN, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, September 2020, (A/HRC/45/33), <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>

²⁵ UN. Venezuela: new UN report details responsibilities for crimes against humanity to repress dissent and highlights situation in remote mining areas, 20 September 2022, <https://www.ohchr.org/es/press-releases/2022/09/venezuela-new-un-report-details-responsibilities-crimes-against-humanity>

²⁶ A complex emergency can be defined as a humanitarian crisis in a country, region or society where there is a total or considerable breakdown of authority resulting from an internal or external conflict, and which requires an international response that goes beyond the mandate or capacity of any single agency and/or the ongoing UN country programme. UNHCR, Coordination in Complex Emergencies, 2001, <https://www.unhcr.org/publications/coordination-complex-emergencies>

²⁷ Amnesty International, Hunger for Justice: Crimes against Humanity in Venezuela, 14 May 2019 (AMR 53/0222/2019), <https://www.amnesty.org/es/documents/amr53/0222/2019/es/>; OHCHR, Report of the independent international fact-finding mission on the Bolivarian Republic of Venezuela, September 2020, (A/HRC/51/43), <https://www.ohchr.org/es/hr-bodies/hrc/ffmv/report-ffmv-september2022>

In 2022, of a total population of 28.7 million, 19.7 million experienced multidimensional poverty. According to HumVenezuela, in March 2022, close to 95% of the population in the country lacked the income required to meet their basic needs such as food, housing, health, education, transport or clothing, and many are facing food insecurity. With an inflation in 2023 above 400%, amongst the highest in the world, the increase in food prices continues to hamper access of families to nutritious food. Estimates are that, as of March 2022, 13.1 million Venezuelans lack access to public transport of any type, and 5.9 million lack electricity. 15.9 million Venezuelans went days and weeks without water, and 21.2 million had access only to dirty water. Moreover, since the collapse of the health system in 2016, health indicators have worsened. As of March 2022, 19.1 million Venezuelans ceased to have access to health services, since many hospitals and primary health and other specialized clinics stopped operating; it was reported that 62% of obstetric and maternal health centres were not functioning or did so with serious shortcomings, resulting in a lack of adequate maternal care for pregnant women. Additionally, 79% of pediatric centres were closed or had ceased to function.

See, for example, Amnesty International, Venezuela: Unattended health rights crisis is forcing thousands to flee, March 2018. <https://www.amnesty.org/en/latest/news/2018/03/venezuela-unattended-health-rights-crisis-is-forcing-thousands-to-flee/>; The Lancet, The collapse of the Venezuelan health system, April 2018, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(16\)00277-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(16)00277-4/fulltext); Human Rights Watch, Venezuela's Humanitarian Emergency, April 2019 <https://www.hrw.org/report/report/2019/04/04/venezuelas-humanitarian-emergency-large-scale-un-response-needed-address-health>; HumVenezuela, Follow-up report on the impacts of the complex humanitarian emergency in Venezuela following the confinement due to the COVID pandemic, March 2022, <https://humvenezuela.com/wp-content/uploads/2022/09/HumVenezuela-2022-Report.pdf>

²⁸ Amnesty International, Urgent Measures: Venezuelans need International Protection, 3 September 2018, (AMR 01/9019/2018), <https://www.amnesty.org/en/documents/amr01/9019/2018/en/> and Peru: In search of safety: Peru turns its back on people fleeing Venezuela 4 February 2020 (AMR 46/1675/2020) <https://www.amnesty.org/en/documents/amr46/1675/2020/en/> and Open letter to the president of Peru and the president of Chile regarding the protection crisis at the border, 4 May 2023, <https://www.amnesty.org/en/documents/amr01/6744/2023/en/>

²⁹ UNHCR. Executive Committee of the High Commissioner's Programme, Forty-fifth session. (A/AC.96/830) 7 September 1994. For further information, see Note on International Protection, <https://www.refworld.org/docid/3f0a935f2.html>

UNHCR has pointed out that such initiatives must meet the required standards of legality, accessibility and upholding of rights.³⁰ Amnesty International likewise believes that all complementary or temporary protection programmes aimed at Venezuelan nationals must meet the following standards in order to fully guarantee their human rights under international law:

a) Legality: all such programmes and their requirements and procedures must be integrated in national legislation.

b) Accessibility: they must be accessible to all Venezuelans, and applications must be accepted in various locations across the territory. No limitations may be imposed nor access denied by reason of:

- Date of entry into the country;
- Cost (there should be no costs involved);
- Irregular entry or presence in the country;
- Lack of identity documents.

c) Access to rights, without discrimination, including:

- Access to health care;
- Access to education;
- Family unity;
- Freedom of movement;
- Access to shelter; and
- The right to work.

Whereas a migration regularization programme is a policy response implemented by a state to address the presence of persons with irregular migratory status within its territory, often regardless of nationality, a temporary protection programme is an exceptional measure aimed at providing immediate protection for displaced persons, for a specific period of time.

3.3. Gender-based violence against Venezuelan women

States have the obligation to guarantee special protection to groups facing specific forms of discrimination and marginalization,³¹ including women and girls. The four states analysed in this report have ratified international treaties on this issue, such as the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)³² and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Belem do Pará”,³³ which recognize the right of all women, irrespective of their nationality and migratory status, to live a life free from violence, and establish the obligation of states to adopt all measures as may be necessary to prevent, punish and eradicate such violence.³⁴

According to the surveys carried out for the refugee and migrant needs analysis (RMNA) by the Regional Inter-Agency Coordination Platform (R4V), over 70% of Venezuelans reported situations of violence, such as intimate partner violence, forced early marriages or unions, and other forms of physical and sexual violence.³⁵

Amnesty International has documented that Venezuelan refugee women in the region face multiple forms of violence, not only in their country of origin and along their migration route, but also in the various aspects of their life in destination countries.³⁶ This situation means that their migratory status is of enormous importance, given that the obstacles for accessing regularization measures are risk factors that serve to increase their vulnerability and exposure to new situations of violence. In this regard, Amnesty International has highlighted the need for authorities in the host countries to ensure that their responses integrate an intersectional perspective³⁷ to take into account the accumulation of different social factors faced by women, including their nationality, gender, economic and social status and irregular migratory status.

³⁰ UNHCR, Guidance Note on International Protection Considerations for Venezuelans – Update I, May 2019, <https://www.refworld.org/docid/5cd1950f4.html>

³¹ Inter-American Commission on Human Rights. Compendium on Equality and Non-Discrimination. Inter-American Standards. OEA/Ser.LV/II.171 Doc. 31 12 February 2019 Original: Spanish, February 2019, <https://www.oas.org/en/iachr/reports/pdfs/compendium-equalitynondiscrimination.pdf>

³² Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), December 1979, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

³³ Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women “Belem do Pará”. Available at: <https://www.oas.org/juridico/english/treaties/a-61.html>

³⁴ Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. 14 November 2014. CEDAW/C/GC/32. November 2014, <https://www.acnur.org/fileadmin/Documentos/BDL/2014/9924.pdf>

³⁵ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), October 2022, <https://www.r4v.info/en/document/rmna-2022-refugee-and-migrant-needs-analysis>

³⁶ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

³⁷ Amnesty International, Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence. 17 November 2022, (AMR28/6137/2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

4

COLOMBIA

Situation of Venezuelan nationals in Colombia

2'477,588

Estimated number of Venezuelan nationals to date

47,796

Number of asylum applications made (2016-2022)

1,367

Number of applications approved (2016-2022)

Source: R4V Platform and UNHCR Data Finder

Colombia is the country hosting the largest number of Venezuelan nationals in Latin America and the world. As of June 2023, according to the R4V Platform, Venezuelans in Colombia totalled around 2,477,588 persons.³⁸ However, information compiled by the Migration Policy Institute indicates that this figure is closer to 2,894,593³⁹ which represents 40% of all displaced Venezuelans in Latin America and the Caribbean and 93% of all foreign-born nationals in Colombia.⁴⁰ Sources interviewed stated that this discrepancy in numbers reflects the difficulties in accessing up-to-date information on the number of Venezuelan refugees in the country.

The most recent and still valid temporary protection programme in Colombia is the temporary protection statute for

Venezuelans (ETPV).⁴¹ Those fulfilling certain requirements (described in section 4.2) can sign up for the programme until 24 November 2023. It is the sixth such programme created by the Colombian state since 2018.⁴²

4.1 The asylum system

International protection is regulated by the Single Regulatory Decree of the Administrative Sector of Foreign Affairs, known as Decree 1067 of 2015.⁴³ The Advisory Commission for Determination of Refugee Status (Comisión Asesora para la Determinación de la Condición de Refugiado, CONARE) grants persons requesting asylum a document called the SC-2 safe-conduct permit (SC-2), which is valid for 180 days and can be extended until a decision on the application is received from the authorities, allowing them to stay in the country legally during the processing of the application.⁴⁴

Decree 1067 sets no procedural deadlines for processing each of the stages of the asylum application. Between 2016 and 2022, a total of 46,796 asylum applications from Venezuelan nationals were registered.⁴⁵ As of December 2022, 62% of Venezuelan asylum applications in Colombia were pending resolution.⁴⁶

Holders of an SC-2 can access the public health and education systems. However, the permit does not grant the right to work in the period between application and resolution and this, according to the sources interviewed, can

³⁸ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), June 2023, <https://www.r4v.info/en/refugeeandmigrants>

³⁹ Migration Policy Institute, Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf

⁴⁰ Ibid.

⁴¹ Migración Colombia. Decreto 216 de 2021 Por medio del cual se adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se dictan otras disposiciones en materia migratoria (Decree 216 of 2021 adopting the Temporary Protection Statute for Venezuelan Migrants under temporary protection and issuing further provisions on matters of migration), March 2021, (in Spanish) https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_0216_2021.htm

⁴² Migration Policy Institute, Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf

⁴³ Ministry of Foreign Affairs of Colombia. Decree 1067 of 2015, May 2015, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm

⁴⁴ Ibid, Article 2.2.1.11.4.9, https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/decreto_1067_2015.htm

⁴⁵ UNHCR. Refugee Data Finder, accessed August 2023. <https://www.unhcr.org/refugee-statistics/download/>

⁴⁶ Migration Policy Institute, Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis, Table 2, page 12, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf

take up to four years, leaving Venezuelan nationals in an extremely precarious employment and financial situation.⁴⁷

Amnesty International reiterates that international law requires states to guarantee the right to work for persons recognized as refugees.⁴⁸ The European Court of Human Rights and the UN Committee on Economic, Social and Cultural Rights (CESCR) have pointed out that the right to employment, together with access to social protection, is closely linked to other rights, such as the right to live a life of dignity.⁴⁹ The CESCR has expressed concern for the high rate of unemployment amongst refugees, and has called on states to take specific action in this regard, such as by eliminating barriers which limit or prevent asylum seekers' access to the labour market.⁵⁰ Amnesty International therefore considers that if a state is unable to resolve asylum applications, unduly delaying procedures, it would de facto be depriving refugees of their right to work.

Pursuant to the principle of non-refoulement, those claiming asylum cannot be returned to their country of origin.⁵¹ Once refugee status is recognized, refugees can access public services such as education and other rights without discrimination. They would also have the right to apply for family reunification.

According to the Migration Policy Institute, the recognition rate for refugee status stood at 8% as of June 2022.⁵² Amnesty International notes that the number of persons requesting asylum is very low compared to the total number of Venezuelan nationals in the country.

Amnesty International observed in a previous report that the low number of asylum applications could be due to a number of factors, such as lack of access to existing infor-

mation about this procedure; the absence of a time limit by which the Ministry of Foreign Affairs must issue its response; the inability to work during this time, when in possession of a safe-conduct permit; and the inherent risk of losing refugee status in the event of returning Venezuela.⁵³

4.2 Temporary and complementary protection: the ETPV

Starting in 2018, in response to the massive influx of Venezuelan nationals, the government created complementary protection programmes known as the special stay permit (Permiso Especial de Permanencia, PEP). Six PEPs were created between 2018 and 2022, allowing Venezuelan nationals to reside in Colombia and to access health services, education up to the age of 18, and regular employment.⁵⁴

The PEP was replaced by the Temporary Protection Statute for Venezuelans (Estatuto Temporal de Protección para Venezolanos, ETPV) in 2021.⁵⁵ The ETPV is divided into two phases: the Single Registry of Venezuelan Migrants (Registro Único de Migrantes Venezolanos, RUMV) and the Temporary Protection Permit (Permiso por Protección Temporal, PPT). Venezuelans must first register with the RUMV, which aims to identify Venezuelan nationals wishing to access temporary protection measures. The PPT is then granted to Venezuelans meeting the requirements, authorizing them to remain in Colombian territory with special

⁴⁷ Interview with representatives from the academic community and civil society.

⁴⁸ Article 6 of the Geneva Convention. See also University of Michigan Law School, The Michigan Guidelines on the Right to Work, 16 March 2010, available at: <https://www.refworld.org/docid/4bbaf1242.html> *Even when a state has attributed this limitation to a lack of resources, the ICESCR determines a "minimum core" of rights, defined as the minimum requirements for living a life of dignity. All signatory governments have the duty to guarantee such minimum requirements at all times. Moreover, other immediate and binding obligations apply equally to non-nationals, including refugees. These include the immediate obligation of taking deliberate, concrete and targeted steps "individually and through international assistance and cooperation, and in particular financial and technical measures, up to the maximum of its available resources" for achieving progressively the full realization of all the rights recognized in the Covenant.*

⁴⁹ European Court of Human Rights, *MSS vs Belgium and Greece*, 2011. <https://hudoc.echr.coe.int/fre?i=002-628>. According to the CESCR, states must use the maximum of its available resources, including international assistance, to ensure that all persons can access a minimum level of economic, social and cultural rights, defined as the minimum requirements for living a life of dignity. CESCR, General comment 3 "The nature of State parties' obligations (Art. 2, Para1)", 12/14/1990, paragraph 10. <https://www.ohchr.org/layout/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FGECC%2F4758&Lang=en>. National courts have also ruled on these issues. In the UK, see *House of Lords, Adam and Limbuela v. Secretary of State for the Home Department*, 3 November 2005. *R. (Adam and Limbuela) v. Secretary of State for the Home Department I* ESCR-Net. In South Africa, see the rulings *Minister of Home Affairs v Watchenuka*, 2004; *Somali Association of South Africa v Limpopo Department of Economic Development, Environment and Tourism*, 2014; and *Union of Refugee Women and Others v Director, Private Sector Industry Regulatory Authority and Others*, 2006.

⁵⁰ Committee on Economic, Social and Cultural Rights, "Concluding Observations: Slovakia" (14 November 2019) UN Doc E/C.12/SVK/CO/3 paras 20–21, <https://www.ohchr.org/en/documents/concluding-observations/ec12svkco3-committee-economic-social-and-cultural-rights>; CESCR, "Concluding Observations: Israel" (12 November 2019) UN doc E/C.12/ISR/CO/4 paras 22–23, <https://www.ohchr.org/en/documents/concluding-observations/ec12isrco4-committee-economic-social-and-cultural-rights>;

CESCR, "Concluding Observations: Belgium" (26 March 2020) UN Doc E/C.12/BEL/CO/5 paras 22–23, <http://docstore.ohchr.org/SelfServices/FilesHandler.shx?enc=4slQ6QSmIbEDzFEovLCuW9oVixnwFxc9xL10sr7QWifxei5srTR0exdYA3bKT8diQ0ZNoXOVMcZrMWXwhiteibbSFjvG%2F0Khr0Tnhkqws%2Bo20XIYBwq2b%2F4NcKdegjPR>

⁵¹ Decree 1067 of 2015. Article 2.2.3.1.6.20.

⁵² Migration Policy Institute, *Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis*, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_esp_final.pdf

⁵³ Amnesty International, *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July 2022, (AMR01/5675/2022), 60 pages, <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

⁵⁴ Migration Policy Institute, *Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis*, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf

⁵⁵ Colombia. Decree 216 of 2021, March 2021, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30041439>

regular migratory status and to carry out any legal activity or profession in the country while it remains in force.⁵⁶

Amnesty International notes that this programme does not incorporate a gender perspective, nor does it specifically address the needs of survivors of GBV, thus disregarding the fear represented by the actual violence, added to an irregular migratory status and a precarious financial situation which is exacerbated for this group.⁵⁷

Of the close to two and a half million Venezuelans reported by R4V in Colombia, it is estimated that, as of October 2022, a total of 1,627,005 had accessed the ETPV⁵⁸ and 311,729 were in an irregular migratory situation.⁵⁹ Migración Colombia reports that 2,448,908 Venezuelans had pre-registered with the RUMV as of March 2023.⁶⁰

Registration with the RUMV and obtention of the PPT is free of cost. Venezuelan nationals in the following situations are eligible for this:

- Asylum applicants holding an SC-2 safe-conduct permit.
- Those having previously been granted one of the following temporary permits: temporary entry and stay permit (Permiso de Ingreso y Permanencia de Tránsito Temporal, PIP); personal protection permit (Permiso de Protección Personal, PTP); special stay permit (Permiso Especial de Permanencia, PEP); special stay permit for the promotion of formalization (Permiso Especial de Permanencia para el Fomento de la Formalización, PEP-FF).
- Those with irregular migratory status having entered the country before 31 January 2021.
- Those having entered Colombia through a regular

border crossing between 31 January 2021 and 28 May 2023⁶¹ and having had their passport stamped.

• All children and adolescents subject to an administrative procedure for the restoration of rights (Proceso Administrativo de Restablecimiento de Derechos, PARD); adolescents and young persons linked to the Criminal Responsibility System for Adolescents (Sistema de Responsabilidad Penal para Adolescentes, SRPA) and children, adolescents and young persons enrolled in an educational institution at early childhood, pre-school, basic and middle school levels.

The PPT is valid for 10 years and allows Venezuelan nationals to transition to a permanent residence regime.⁶² However, Amnesty International observes a certain ambiguity regarding the nature of the ETPV, particularly in connection with the application of the principle of non-refoulement. While the rules that created and regulate the ETPV recognize the inherent risk to Venezuelan nationals of being returned to their country of origin,⁶³ they fail to establish a specific mechanism to safeguard against such return. The University of the Andes' Legal Clinic for Migrants has noted its concern in this regard.⁶⁴

Once in possession of the ETPV, Venezuelan nationals are able to access public health services, such as affiliation to the public health body (Entidad Promotora de Salud, EPS) under the contributory or subsidized regime; care services for vulnerable populations; the retirement pension system; and education; they have the right to employment and can open a bank account.

Amnesty International has identified a number of barriers for accessing the ETPV and thus the rights granted by this. In a previous report, *Unprotected*, Amnesty International noted that Venezuelan nationals arriving before 31 Janu-

⁵⁶ Ministry of Foreign Affairs. ABC of the Temporary Protection Statute for Venezuelan Migrants.

<https://www.cancilleria.gov.co/estatuto-temporal-proteccion-migrantes-venezolanos-abc>

⁵⁷ Amnesty International, *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

⁵⁸ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/es/colombia>

⁵⁹ *Ibid.*

⁶⁰ Migración Colombia. Temporary Protection Statute for Venezuelans, October 2021, (in Spanish) <https://public.tableau.com/app/profile/migraci.n.colombia/viz/EstadutoTemporaldeProteccion-Prerregistros/Pre-registrosPublic>

⁶¹ UNHCR, Temporary Protection Statute for Venezuelans (Estatuto Temporal de Protección para Migrantes Venezolanos), (in Spanish) <https://help.unhcr.org/colombia/otros-derechos/estatuto-temporal-de-proteccion-para-migrantes-venezolanos/>

⁶² The 10 years of the PPT allows the building up of the five years of minimum stay required to apply for permanent regularization, as established by Decree 216 of 2021. Blum, Claudia / DECREE 216 OF 2021 adopting the Temporary Protection Statute for Venezuelan Migrants under temporary protection and issuing further provisions on matters of migration) (*DECRETO 216 DE 2021 por medio del cual se adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se dictan otras disposiciones en materia migratoria*), 1 March 2021, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30041439>

⁶³ Decree 216 of 2021 notes “[...] That, due to the political, social and economic crisis affecting the Bolivarian Republic of Venezuela, which has intensified over time, the displaced population identified in 2017 and for whom the flexibilization measures described above were designed has moved from a wish to remain in our national territory for a short period of time to the need to settle temporarily **given the risks to their integrity of returning to their country of origin.**” (own emphasis) (in Spanish)

⁶⁴ Clínica Jurídica para Migrantes, University of the Andes, Comments on the draft decree creating the Temporary Protection Statute for Venezuelans: now more relevant than ever ahead of its imminent enactment (*Comentarios al proyecto de decreto que crea el Estatuto Temporal de Protección para Migrantes Venezolanos: hoy más vigentes que nunca ad portas de la reglamentación*), 23 February 2021, (in Spanish) <https://derecho.uniandes.edu.co/sites/default/files/comentarios-proyecto-de-decreto-estatuto-temporal.pdf> and Centro de Estudios en Migración (CEM) with Clínica Jurídica Para Migrantes, University of the Andes, Temporary Protection Statute for Venezuelan Migrants: Reflections on a Policy of Migratory Regularization (*Estatuto Temporal De Protección Para Migrantes Venezolanos: Reflexiones De Una Política De Regularización Migratoria*), August 2021, (in Spanish) <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>

ary 2021 had difficulties in demonstrating that they had entered before that date.⁶⁵ Although the Colombian administration had opened up the possibility of presenting summary proof, such as any document or record evidencing entry into the country before the established date, Venezuelan women stated that, given their precarious situation, a document of this kind was not available to them. The University of the Andes' Legal Clinic for Migrants confirmed to Amnesty International that these barriers still existed.

Interviewees also mentioned the lack of digital literacy, access to a computer and an email address for receiving notifications as obstacles for initiating the ETPV process. Although Migración Colombia provided some physical locations with computers where public officials were available to guide applicants through the process, not all were able to reach these sites or receive the required information on the process. Moreover, there is a presumption of digital literacy, as this is required during the process itself, both for receiving notifications and for following up on the process. Others pointed to glitches on the actual RUMV website, which is a necessary first step for registration. Several people claimed that they had been unable to register due to the website being down, but that, upon reporting the incident to Migración Colombia staff, the authorities did not take this system failure into account, and they were therefore left out of the ETPV.⁶⁶

Decree 216 provides that, once the PPT is granted, any other permit the person might have, such as the SC-2, will be automatically cancelled. According to the information received, some public officials may have unlawfully required asylum seekers to withdraw their asylum claim before applying for and receiving a final decision on the ETPV. This type of practice would place Venezuelan nationals at high risk of human rights violations. Not only would they risk losing the possibility of being recognized as refugees and protected against non-refoulement, but, in the event that their ETPV were to be rejected, they would be left in an irregular migratory situation with no other available options.⁶⁷

Conversely, Amnesty International received information regarding individuals subjected to persecution in Venezuela and having residence in Colombia and a valid PPT who wished to apply for asylum out of fear of being forcibly re-

turned. In order to do this, the authorities required them to waive their PPT and return the original physical document as a prior step to applying for and obtaining the SC-2. This practice would place Venezuelan asylum seekers at high risk of human rights violations, as they would be temporarily undocumented and unable to work formally, something they were entitled to do with the PPT. Moreover, given the difficulty in obtaining a passport in Venezuela, they would be unable to travel to a third country, being effectively stranded in Colombia, at risk of being left without a PPT permanently and of not being recognized as refugees, and thus lacking protection against refoulement to their country of origin.

Rights can be accessed once the ETPV is granted. According to the timelines set by Migración Colombia, this happens 30 days after the request is pre-approved in the RUMV, which in turn should be within a term of 90 days following registration.⁶⁸ However, information received indicates that the process can last over a year.⁶⁹

Amnesty International notes with concern that, as of June 2023, some applicants are starting to see their request for access to the ETPV refused. One of the most frequent reasons for refusal is that the person in question has received a "corrective measure" from the police⁷⁰ for violation of the National Code of Security and Citizenship Coexistence.⁷¹ According to the information obtained, many people are unaware that there is an ongoing procedure against them, or of the implications and consequences of such corrective measures, which can stem from a diversity of situations arising in public life, such as not wearing a face mask when using the public transport system during the Covid-19 pandemic, or disputes between neighbours.⁷² Although these are non-criminal sanctions, corrective measures seem to have become a barrier for obtaining the ETPV.⁷³

Another issue of concern shared with Amnesty International was the protection of personal data. For complying with the first step of the ETPV – registration with the RUMV –, applicants must not only provide biographical details, but also fill in a socioeconomic survey and provide biometrical data. This is compulsory, also for asylum applicants. It was noted in the interviews that applicants were not informed of the implications of providing all such personal data, nor of the possibility of refusing to provide them to the immi-

⁶⁵ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

⁶⁶ Interview with representatives from the academic community and civil society.

⁶⁷ Ibid.

⁶⁸ Decree 216 of 2021 adopting the Temporary Protection Statute for Venezuelan Migrants under temporary protection and issuing further provisions on matters of migration (Decreto 216 de 2021 por medio del cual se adopta el Estatuto Temporal de Protección para Migrantes Venezolanos Bajo Régimen de Protección Temporal y se dictan otras disposiciones en materia migratoria), March 2021, <https://www.suin-juriscol.gov.co/viewDocument.asp?ruta=Decretos/30041439>

⁶⁹ Interview with representatives from the academic community and civil society.

⁷⁰ Ibid.

⁷¹ Congress of the Republic of Colombia, Law 1801 National Code of Security and Citizenship Coexistence, July 2016 http://www.secretariassenado.gov.co/senado/basedoc/ley_1801_2016.html

⁷² Interview with representatives from the academic community and civil society.

⁷³ Article 12 of Law 1801 of 2016. Eligibility requirements for the Temporary Protection Permit (PPT): *Venezuelan migrants meeting the following requirements will be eligible to apply for a Temporary Protection Permit (...) 2. Not having a criminal record, annotations or ongoing sanctions or legal administrative procedures in Colombia or abroad.*

gration authorities and authorize their treatment.⁷⁴

Furthermore, Venezuelan nationals with a PPT can access permanent residency after having remained in the country with regular migratory status for a minimum of five years. However, interviewees mentioned that the cost of 400.33 US dollars for obtaining permanent residence⁷⁵ can be difficult or impossible to meet.⁷⁶

Amnesty International also draws attention to the risks to family groups staying in Colombia and their access to rights where some family members are granted a PPT and others are not. It learned, for example, of a case involving a mother with two adult children and a younger child under her care. All three adults saw their PPT refused because of a “corrective measure”,⁷⁷ whereas the younger child was granted ETPV because of his enrolment in a school. In this case, the mother was unable to carry out administrative paperwork on behalf of her younger son because she lacked a PPT. As a result, the child can only access emergency health services and not regular health services, which would require that an adult act on his behalf. The school identified the child as not being affiliated to the general social security health system and reported the case to the Colombian Institute of Family Wellbeing (Instituto Colombiano de Bienestar Familiar, ICBF) as a child potentially at risk. When the ICBF asked the mother why she had failed to register her son, she could only reply that it was due to having been rejected by the immigration authorities.

In this case, therefore, refusal of the PPT forces those responsible for young children and adolescents to either remain in Colombia in an irregular migratory situation or leave the country. If the decision to remain is taken, children’s access to certain rights will be at risk since the person responsible would need regular migratory status in order to carry out the necessary paperwork on their behalf to access such rights. As was pointed out in the interviews, this creates a vicious circle in which individuals from the same family group are excluded from access to basic rights because one of the members of the group cannot obtain regular migratory status.⁷⁸

Finally, it is important to emphasize that as of August 2023 there is no complementary or temporary protection for Venezuelan nationals not having a stamped passport, who are unable to prove that their irregular entry preceded 31 January 2021, or who entered irregularly after that date. The only available option would be to obtain refugee status.

⁷⁴ Interview with representatives from the academic community and civil society.

⁷⁵ Ministry of Foreign Affairs of Colombia, Procedures and services, https://www.cancilleria.gov.co/tramites_servicios/visa/costos-medios-pago-oficinas-atencion

⁷⁶ UNHCR. Temporary Protection Statute for Venezuelans (*Estatuto Temporal de Protección para Migrantes Venezolanos*), <https://help.unhcr.org/colombia/otros-derechos/estatuto-temporal-de-proteccion-para-migrantes-venezolanos/>

⁷⁷ In Colombia, “corrective measures” are defined in Article 172 of Law 1801 of 2016, which corresponds to the National Code of Security and Citizen Coexistence. The article defines such measures as “actions imposed by the police authorities on any person who engages in behaviour which is contrary to coexistence or who fails to comply with the specific duties of coexistence. Corrective measures are intended to discourage, prevent, overcome, redress, procure, educate, protect or restore coexistence”, July 2016, <https://www.suin-juriscol.gov.co/viewDocument.asp?id=30021736>

⁷⁸ Interview with representatives from the academic community and civil society.

Key characteristics of protection for Venezuelan nationals, pursuant to national legislation. Persons with PPT compared to asylum seekers and refugees

	RIGHTS RECOGNIZED				ACCESSIBILITY	
	Health services	Education services	Work	Non-refoulement	Includes entry via irregular border crossing	Costs
PPT	✓	✓	✓	✗	✓ (only up to January 2021)	✗
Asylum seekers and refugees	✓	✓	✓ applicants	✓	✓	✓
			✗ refugees			

Source: Prepared by the authors. See Decree 1067 of 2015, and Migración Colombia, Decree 216 of 2021

4.3 Conclusions and recommendations

Colombia is the country hosting the largest Venezuelan population in the region and the world. Venezuelan nationals are refugees and, as such, they must enjoy the highest levels of protection pursuant to international human rights and refugee law. Colombian legislation envisages recognition of refugee status pursuant to the Geneva Convention and the Cartagena Declaration. Authorities could apply group or prima facie recognition of refugee status to Venezuelan nationals.

However, the authorities have opted mainly for establishing programmes such as the ETPV to allow Venezuelans to obtain regular migratory status in the country. As of October 2022, estimates are that 1,627,005 Venezuelans had accessed the ETPV,⁷⁹ 311,729 had irregular migratory status,⁸⁰ and 1,367 were recognized as refugees between January 2016 and 2022.⁸¹

The number of Venezuelan nationals recognized as refugees as of June 2023 is low when compared to the estimated Venezuelan population in the country. While persons requesting refugee status are protected against refoulement to their country of origin, and there are no documentary or date limitations for initiating the process, this status does

not afford permission to work for the entire – extended – period during which the asylum application is being processed. This undoubtedly poses a challenge to the survival, in dignified conditions, of people in need of international protection in the country.

The ETPV has provided Venezuelan nationals forced to leave their country with an opportunity to obtain a form of protection and regular migratory status, and with this access to health services, education and formal employment. Amnesty International welcomes the duration of the PPT (10 years), as well as the option for persons holding a PPT to subsequently acquire permanent residency under Colombian law, aspects which are key to inclusion and the realization of long-term life plans.

However, there is a striking lack of clarity in the ETPV regarding the protection of Venezuelan nationals against refoulement to their country of origin. Amnesty International also raises issue with some of the documentary requirements and time constraints that limit access to the ETPV for many and undermine its effectiveness in providing protection for Venezuelan nationals. These constraints place a particular burden on those who have recently arrived in the country. As of August 2023, while the ETPV registration process is still open, only Venezuelan nationals with a stamped passport, those who can prove irregular entry into the country before 31 January 2021, or those who entered the country in a regular manner between 31 January and 28 May 2023, will be able to benefit. Those who do not

⁷⁹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/es/colombia>

⁸⁰ Ibid.

⁸¹ UNHCR. Refugee Data Finder, accessed August 2023. <https://www.unhcr.org/refugee-statistics/download/>

meet these requirements can no longer access the ETPV, which means that their only option is the procedure for recognition of refugee status.

The ETPV further excludes individuals who are subject to “corrective measures”. The asylum process, however, does not allow for exclusion from international protection except in circumstances provided for by law, and in line with the grounds for exclusion established in the Geneva Convention.⁸² In addition to exclusion from the ETPV due to the existence of “corrective measures”, Amnesty International has received a growing number of reports regarding individuals who have seemingly not been informed of such measures, which may in turn constitute a violation of the right to due process.

It is estimated that, as of October 2022, there were 311,729 Venezuelan nationals in Colombia in an irregular migratory situation, who therefore lacked access to education, basic health services or formal employment.⁸³ In this context, the situation of Venezuelan women survivors of GBV with irregular migratory status is of particular concern. Amnesty International has documented, in a number of countries in the region, how the lack of documentation makes it difficult for Venezuelan refugee women survivors of GBV to access protection, care and justice services, including due to the fear of expulsion or criminalization that any contact with the authorities entails. The organization is concerned that the obstacles for accessing international, temporary or complementary protection may negatively impact the rights of these women, increasing their vulnerability to GBV.⁸⁴

Venezuelan nationals in Colombia should not be forced to choose between two conflicting options which do not guarantee the same levels of protection for their rights. Amnesty International calls on the Colombian government to urgently remove the barriers identified in this report that constrain the realization of the human rights of Venezuelan nationals in need of international protection.

For all the above, Amnesty International makes the following recommendations to the Colombian state:

- Guarantee the right of all Venezuelan nationals to apply for recognition of refugee status, including effective and timely access to the procedure. In particular, strengthen the capacities of the national asylum system in order to respond effectively and in a timely manner to the international protection needs of asylum seekers, including Vene-

zuelan nationals.

- Adopt measures to ensure and extend the application of the definition of refugee provided in the Cartagena Declaration of 1984, through *prima facie* or group recognition, to Venezuelan nationals seeking international protection in Colombia.

- Ensure that the right of asylum seekers to a life of dignity is respected and guaranteed. In particular, guarantee the right to work or to another form of social protection for persons requesting asylum.

- Ensure that Venezuelan nationals are not forcibly returned to Venezuela and respect the principle of non-refoulement in all circumstances.

- Guarantee full accessibility to the ETPV, in a timely manner and free from limitations due to costs, date or manner of entry into the country, migratory status or other documentary or formal requirements that fail to take into account the current situation in Venezuela. In particular:

- Eliminate time-based requirements for ETPV registration for all Venezuelan nationals.
- Do not deny access to the ETPV for lack of identity documents.

- Guarantee that a Venezuelan national can apply for both access to the ETPV and asylum and that the Colombian state does not present the two as mutually exclusive.

- Ensure that Venezuelan nationals have access to all basic services without discrimination.

- Ensure that procedures for the recognition of refugee status and complementary and temporary protection incorporate a gender perspective and an intersectional approach, to adequately address the differentiated impacts faced by Venezuelan women in an irregular situation, and particularly women survivors of gender-based violence.

- Implement strategies to address and reduce the fear of survivors of GBV who lack identity documents or are in an irregular migratory situation to contact institutions, given the risk of detention and deportation to Venezuela, for example through measures for limiting the transfer of information between state services. Survivors of GBV should be able to report any violence against them to the police and/or health and social services, without fear of negative consequences or sanctions due to their migratory status.

⁸² Article 36 of Colombia’s asylum law takes up Article 1F of the Geneva Convention and excludes from refugee status any person: a) who has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes; b) has committed a serious non-political crime outside the country of refuge prior to his or her admission to that country as a refugee; c) who has been guilty of acts contrary to the purposes and principles of the United Nations.

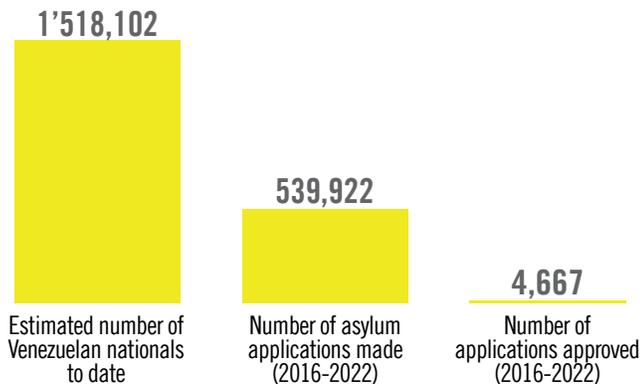
⁸³ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/es/colombia>

⁸⁴ Amnesty International, Americas, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), and <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>, and Ecuador: Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence. 17 November 2022, (AMR28/6137/2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

5

PERU

Situation of Venezuelan nationals in Peru



Source: R4V Platform and UNHCR Data Finder

Peru is the second country in the region and the world in terms of the number of persons forced to flee Venezuela it is hosting. According to the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), there are approximately 1,520,000 Venezuelan nationals living in the country,⁸⁵ of which around 58% are women.⁸⁶

These persons can access the temporary stay permit card (Carné de Permiso Temporal de Permanencia, CPP),⁸⁷ special residency migratory status (Calidad Migratoria Especial Residente, CMER) in some cases of GBV,⁸⁸ or occasionally the humanitarian migratory status (Calidad Migratoria Humanitaria, CMH).⁸⁹

5.1 International protection

5.1.1 The national asylum system⁹⁰

Refugee Law 27.891 of 2002 and its corresponding regulations⁹¹ incorporate the refugee definitions of the Geneva Convention and the Cartagena Declaration. The process falls under the responsibility of the Special Commission for Refugees (Comisión Especial para los Refugiados, CEPR), which grants asylum applicants a work permit as well as a refugee status claimant card, allowing them to remain in the country while their application is being processed. They also have access to public health and education services.

Once refugee status has been recognized, applicants receive a foreigner's card and can access all the rights enshrined in the relevant international human rights treaties, without discrimination. Both asylum seekers and refugees are protected against refoulement to their country of origin.⁹² According to information received by Amnesty International, the Peruvian authorities grant refugee status to individuals who meet the definition of the Geneva Convention, but rarely apply the extended definition of the Cartagena Declaration to Venezuelan nationals.⁹³

Since February 2020, the platforms for receiving refugee applications have been operating intermittently. Moreover, since that date, the CEPR does not have a space from which to provide support to the refugee and asylum seeker population.⁹⁴ The CEPR office was closed between February and June 2020, thus preventing applicants from initiating and/or continuing the process within the Peruvian

⁸⁵ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/en/home>

⁸⁶ In 2020, CARE reported that 58% of Venezuelan nationals in Peru were women. CARE, *An unequal emergency: Rapid Gender Analysis on the Refugee and Migrant Crisis in Colombia, Ecuador, Peru and Venezuela (Una emergencia desigual: Análisis Rápido de Género sobre la Crisis de Refugiados y Migrantes en Colombia, Ecuador, Perú y Venezuela)*, June 2020, (in Spanish) <https://data.unhcr.org/en/documents/details/77718>

⁸⁷ Supreme Decree 010-2020-IN. Situación Migratoria, 21 October 2020, <https://www.gob.pe/institucion/mininter/normas-legales/1300528-010-2020-in>

⁸⁸ Decree 1350, Migration Law, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>

⁸⁹ Legislative Decree 1350, https://cdn.www.gob.pe/uploads/document/file/1260636/compilacionNormativa_opt.pdf

For further information, see: https://rrd.migraciones.gob.pe/Preguntas_Frecuentes/calidad_migratoria_humanitaria.html

⁹⁰ The Permanent Ad Hoc Commission for Refugees of the Ministry of Foreign Affairs is the body in charge of receiving, studying, processing and resolving applications for recognition of refugee status. The request for recognition of refugee status may be submitted before the temporary permission to stay in Peru expires; or, in the absence of a legal authorization of entry or stay, within a maximum term of 30 days from date of entry into the country, unless the Special Commission for Refugees were to consider that there are justified grounds to the contrary. Available at: <http://portal.rree.gob.pe/refugiados/SitePages/Home.aspx>

⁹¹ Refugee Law 27.891, of 2002. https://cdn.www.gob.pe/uploads/document/file/1664870/Ley_27891.pdf

⁹² Article 5 of Refugee Law 27.891, 2002.

⁹³ Interview with representatives from the Ombudsman's Office of Peru.

⁹⁴ Amnesty International, *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

asylum system.⁹⁵ The asylum system reopened on 22 June 2020, albeit only virtually, and began to issue a work permit for new applicants, together with proof of appointment for the refugee application. In the case of the central office in Lima, appointments were given out for 2022, causing significant delays. It should be noted that the deadline for a decision in the process is 60 working days, although the Peruvian state has seldom met this time limit.⁹⁶ Pursuant to information received, delays in the recognition process can extend beyond three years, a state of affairs that discourages people from entering the system.

According to figures from the UNHCR, there are currently some 1,518,000 Venezuelan nationals living in Peru. A total of 539,922 asylum applications were registered between 2016 and 2022, but only 4,667 applicants have been recognized as refugees.⁹⁷ In other words, as of July 2023, 98% of all asylum applications are still pending.⁹⁸ Amnesty International reiterates its concern regarding the breakdown of the asylum system, which is leaving thousands of Venezuelan nationals unprotected and in limbo.

According to reports from various sources, access to international protection for Venezuelan women, in particular women survivors of GBV, is compounded by other barriers, including a lack of information on the national refugee system, which results in them not applying for recognition of refugee status.

5.1.2 Complementary and temporary protection: humanitarian migratory status (CMH)

Humanitarian migratory status (Calidad Migratoria Humanitaria, CMH) is a form of protection granted by the Ministry of Foreign Affairs based on humanitarian criteria and taking into account personal circumstances. It is applicable to persons who have already applied for refugee status but do not meet the requirements for being recognized as such and who would be in a situation of vulnerability or danger to life if they were to leave the country, as well as to unaccompanied minors, victims of trafficking, asylum seekers, those affected by natural and environmental disasters and, in general, to any person whose life, integrity or freedom is at risk as a result of the humanitarian crisis in their country of origin.⁹⁹

This status, which is not exclusive to Venezuelan nationals, allows them to obtain a foreigner's card, enter into formal employment or start a business, and access health services.

CMH is free of charge. It grants permission to stay for an initial period of 183 days, which may be extended for as long as the conditions of vulnerability for which it was granted persist. Extensions are valid for 365 days and are granted automatically by the Ministry of Foreign Affairs. CMH is granted regardless of the manner in which Venezuelan nationals enter the country, whether through official border crossings or not, and regardless also of their migratory status.

The most recent figures found date from March 2022, when the Ministry of Foreign Affairs reported that it had granted 61,000 instances of CMH.¹⁰⁰ However, according to information received, the granting of CMH does not protect individuals against refoulement to their country of origin,¹⁰¹ unless the Ministry of Foreign Affairs indicates otherwise. Asylum seekers, for example, should in principle be protected against refoulement under Article 5 of Refugee Law 27.891.

CMH does not provide the legal equivalent of refugee status to persons who should be recognized as refugees, under either national or international law. Refugee status implies, among other important aspects, protection by the state for an indefinite period of time and protection against refoulement.

5.1.3 Humanitarian protection: special residency migratory status (CMER)

Special vulnerability migratory status (Calidad Migratoria Especial Residente, CMER)¹⁰² created in 2017 provides protection to population groups in situations of special vulnerability that do not have access to another migratory status: unaccompanied children and adolescents, victims of human trafficking, victims of GBV, people with serious illnesses, and women with high-risk pregnancies. CMER can be accessed regardless of whether they are in a regular or irregular situation, and regardless of their date of entry into the country. This document is not limited to Venezuelan nationals.

⁹⁵ This was pointed out by representatives from one of the UN international agencies interviewed for this report.

⁹⁶ For further information, go to <https://equilibriumcende.com/wp-content/uploads/2020/10/PFIM-6.pdf>

⁹⁷ UNHCR, Refugee Data Finder, accessed in 2023. <https://www.unhcr.org/refugee-statistics/download/>

⁹⁸ This was confirmed by representatives from one of the UN international agencies interviewed for this report.

⁹⁹ Legislative Decree 1350, August 2017, https://cdn.www.gob.pe/uploads/document/file/1260636/compilacionNormativa_opt.pdf

For further information, see: https://rrd.migraciones.gob.pe/Preguntas_Frecuentes/calidad_migratoria_humanitaria.html

¹⁰⁰ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), page 30.

<https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

¹⁰¹ See also UNHCR, Peru, Ayuda, *¿Cuál es la diferencia entre el estatuto de refugiado y la Calidad Migratoria Humanitaria? (What is the difference between refugee status and humanitarian migratory status?)* (in Spanish) <https://help.unhcr.org/peru/cmh/#:~:text=Por%20su%20parte%2C%20una%20Calidad,a%20su%20pa%C3%ADs%20de%20origen>

¹⁰² Decree 1350, Migration Law, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>

This migratory status allows exemption from fines and taxes, migratory regularization, the right to work, education and the opening of bank accounts and, importantly, access to the integrated health system (SIS).¹⁰³

However, women who are victims of GBV face difficulties and constraints in accessing the CMER. They must provide evidence of the situation of violence by means of a judicial protection measure or social reports from a Women's Emergency Centre (*Centro de Emergencia Mujer*, CEM) or a recognized private institution providing support for their recovery and endorsed by the Superintendence of Migration.¹⁰⁴ Amnesty International has found that Venezuelan women survivors of GBV who have been forced to leave Venezuela as a result of GBV are unable to meet these requirements, since the violence must have taken place and been formally reported in Peru.¹⁰⁵ This creates a difficult barrier for those fleeing Venezuela as survivors of GBV.

The law establishes that officials in both CEMs and police stations must inform women, regardless of their migratory status, of this option and of the Protocol for the Care and Referral of Migrants in Vulnerable Situations, which provides a pathway for migration officials to follow in cases where women are victims of violence.¹⁰⁶ Amnesty International received information on the weaknesses that persist in the implementation of the Protocol. Firstly, sources consulted pointed to a lack of training of public officials responsible for implementing these measures. There is also a lack of coordination between the different institutions – such as the CEMs, the police stations and the National Superintendence of Migration (SNM) – which do not share information or have common databases, resulting in cases not being adequately referred on.¹⁰⁷

According to figures from the SNM, in 2022 only 24 Venezuelan women applied for CMER, with 17 being approved.¹⁰⁸ The figures show that access to the programme is extremely low compared to the number of Venezuelan women residing in the country, estimated at 769,120.¹⁰⁹ Amnesty International expresses concern regarding the lack of information about the programme and other barriers to access, which in turn limit access to documentation, health, work and regular migratory status for a large number of women.

Nevertheless, while Amnesty International recognizes and welcomes the existence of a specific procedure that takes into account the needs of migrant and refugee women survivors of GBV, it has found that both access to and the duration of this migratory status revictimize this population group, leaving such women exposed to situations of greater vulnerability and discrimination.

This measure is valid for one calendar year and can only be renewed if the women can prove that the situation of violence continues. As was confirmed by a number of interviewees,¹¹⁰ the burden of proof of the violence experienced by the women compels them to meet requirements that do not take into account their specific situation of extreme vulnerability.

Women must prove once every year that the violence persists in order to maintain the migratory status granted, and they must do so in the same way as they did the first time, which is a clear situation of revictimization.¹¹¹ Similarly, if the situation of violence ends, the migratory status would no longer be extended, leaving women again in a situation where they are unprotected in the event they are unaware of other protection mechanisms or do not meet the requirements for obtaining a different migratory status.¹¹²

Amnesty International believes that this measure, while incorporating a gender perspective and including actions that provide specific and differential protection for the rights of foreign women victims of GBV, ultimately places these women in a new situation of vulnerability, by subjecting them annually to a process that revictimizes them and places the burden of proof on them. Moreover, CMER does not include any additional support services for women survivors of GBV, leaving Venezuelan women without support networks or the possibility of returning to their country in a situation of increased vulnerability and risk.

¹⁰³ IOM and Superintendence of Migration, *Protocolo de Atención a Mujeres Migrantes Víctimas de Violencia* (Protocol of Care for Women Migrants Victims of Violence), 2017, (in Spanish) <https://cdn.www.gob.pe/uploads/document/file/2017132/Protocolo%20de%20atencion%20a%20mujeres%20migrantes%20victimas%20de%20violencia.pdf.pdf>

¹⁰⁴ Ibid.

¹⁰⁵ Information obtained from interviews with representatives of civil society and state institutions dealing with these issues.

¹⁰⁶ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022). <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

¹⁰⁷ Information obtained from interviews with representatives of civil society and United Nations international agencies.

¹⁰⁸ Information provided by the National Superintendence of Migration through correspondence 000282-2023-AIP-Migraciones in response to a freedom of information request submitted by Amnesty International for this report.

¹⁰⁹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/en/home>

¹¹⁰ Information obtained from interviews with Venezuelan women and representatives of civil society and United Nations international agencies.

¹¹¹ For further information, see: Government of Peru, *Prórroga de Residencia Según Calidad Migratoria* (Extension of Residency pursuant to Migratory Status, (in Spanish) <https://www.gob.pe/12871-prorroga-de-residencia-segun-calidad-migratoria-solicitar-prorroga-de-la-calidad-migratoria-para-especial-residente>

¹¹² Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022). <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

5.2 Regularization measures: temporary residence permit card (CPP)

Venezuelan nationals in Peru have been able to apply for the regularization measures available for the general migrant population. These measures allow access to regular status, but do not imply recognition of the need for international protection, nor do they protect against refoulement. Moreover, they do not guarantee access to the full range of rights to which refugees or individuals benefiting from complementary or temporary protection are entitled.

The CPP is a document that grants all foreign nationals a temporary residence permit, valid for a period of two years for those requested up to May 2023, and for one year when applying after that date.¹¹³ The CPP cannot be renewed. According to official figures, as of 31 March 2023 a total of 346,526 persons requested a CPP¹¹⁴ and 326,801 were approved and issued by the SNM.

The CPP replaced the temporary residence permit (*Permiso Temporal de Permanencia*, PTP),¹¹⁵ in force until 31 December 2018. It was created in October 2020 to regularize the migratory status of people of different nationalities. Individuals who are in an irregular migratory situation, whether through having entered the country via unauthorized border crossings or because their temporary stay or residence permit has expired, are eligible. The cost is approximately 13 US dollars per person,¹¹⁶ the process is online, and the response time is a maximum of 30 working days.

According to various sources consulted by Amnesty International, the online procedure is fairly straightforward¹¹⁷ and the process and requirements are accessible. A passport – which is difficult to obtain in Venezuela – is not required; any document valid in the country of origin is accepted, without the need for an apostille or legalization in the case of adults.¹¹⁸ The authorities also approved an amnesty for migration-related fines in March 2023, which

means that foreign nationals who have not gone through a residency renewal process or who have overstayed their allowed residency period and wish to apply for a CPP will no longer be penalized.¹¹⁹ However, as of August 2023, the SNM has not set up a channel to facilitate the process for older adults or those lacking digital skills, which in many cases hinders or limits access to the process.

The CPP initially covered only those who entered the country before 22 October 2020. In May 2023, the Peruvian state extended the scope of the CPP to those who had overstayed their regular residency period or entered the country through unauthorized border crossings after that date.¹²⁰ This new provision from the SNM was welcomed by civil society and various international organizations.¹²¹

The CPP legally entitles its holder to work, study, open a bank account, sign contracts and obtain a driving licence. However, all individuals and organizations interviewed by Amnesty International pointed out that the CPP is a document that few institutions, both public and private, recognize and accept.¹²² For example, Venezuelan women have reported that, when attempting to open an account with a banking institution, the document was not accepted, as there is still the idea that the old PTP is the only legal residence permit. The same situation arose when seeking employment, where the CPP was not recognized as a valid document for the engagement of foreign nationals in both the private and public sectors.

This poses a barrier for Venezuelan nationals and their access to rights, and has a disproportionate impact on women survivors of GBV, as the lack of access to employment places them in a situation of increased vulnerability and financial dependency, with the risk that they will remain in an environment of violence for lack of alternatives.

At the same time, the CPP does not allow access to the SIS and thus excludes Venezuelan nationals who have applied for this migratory status from the right to comprehensive health care. This huge restriction places Venezuelan women survivors of GBV at great risk, as they are unable to access physical and mental health support.¹²³ Amnesty

¹¹³ Supreme Decree 008-2022-IN modified Article 5 of Supreme Decree 010-2020-IN to establish that “5.2 As a consequence of the procedure for obtaining the Temporary Residence Permit, MIGRATIONS issues the Temporary Residence Permit Card, CPP, which will be valid for two (2) calendar years”, July 2022,

<https://www.gob.pe/institucion/mininter/normas-legales/3304437-008-2022-in>

Article 4 of Superintendence Resolution 0109-2023-MIGRACIONES, of May 2023, established a validity of 1 year for the CPP, May 2023, <https://www.gob.pe/institucion/migraciones/normas-legales/4204818-0109-2023-migraciones>

¹¹⁴ Information available from Government of Peru, March 2023, <https://www.gob.pe/institucion/migraciones/noticias/736621-amplian-por-30-dias-plazo-para-solicitar-el-permiso-temporal-de-permanencia>

¹¹⁵ A document issued by the National Superintendence of Migration, which had a validity of one year (D.S. 001-2018-IN), <https://www.gob.pe/634-sacar-permiso-temporal-de-permanencia-ntp-para-venezolanos>

¹¹⁶ 47.30 Peruvian soles for adults and 47.40 Peruvian soles for children and adolescents

¹¹⁷ See all the requirements at <https://www.gob.pe/institucion/migraciones/normas-legales/4204818-0109-2023-migraciones>

¹¹⁸ Ibid.

¹¹⁹ For more information, see: Government of Peru, *Amnistía de Multa para Extranjeros* (Fine Amnesty for Foreign Nationals), (in Spanish) <https://www.gob.pe/institucion/migraciones/campa%C3%B1as/26815-amnistia-de-multa-para-extranjeros>

¹²⁰ Superintendence of Migration. Resolution 0109-2023-MIGRACIONES, 8 May 2023, <https://www.gob.pe/institucion/migraciones/normas-legales/4204818-0109-2023-migraciones>

¹²¹ See, for example, Twitter, UNHCR Peru, <https://twitter.com/ACNURPeru/status/1651396649967656960?t=zYuTxXNjW9yJw8Yue01Tzw&s=08>

¹²² Information obtained from interviews with representatives of civil society and international organizations dealing with these issues.

¹²³ Law 29.344, Framework Law on Universal Health Insurance, 9 April 2009, The law on universal health insurance and its regulations predate DL 1.350, which means that the only

International voices its concern regarding this regulatory barrier to comprehensive health care for this particularly vulnerable population group, for whom the guarantee of this right is vital.

situation of vulnerability inherent to migration is exacerbated for Venezuelan women, who face greater difficulties in accessing basic services such as health, food, employment and care.¹²⁷

As for the period of validity, the permit is valid for between one to two years and cannot be renewed, which means that the holder must apply for a different migratory status provided for by law before it expires.¹²⁴ According to information provided by the SNM, as of January 2023 only 7,424 foreign nationals out of a total of 326,801 CPP holders had carried out subsequent processes to obtain a different migratory status; those who failed to do this may find themselves back in an irregular migratory situation.¹²⁵ In other words, only 2.3% of CPP holders changed their migratory status before it expired. Pursuant to the interviews conducted and the information reviewed, the documentary and financial requirements for accessing other forms of migratory status are almost impossible to meet for Venezuelan nationals, and even more so for women survivors of GBV.

In July 2023, the SNM announced that it was working on a process that would make it possible to opt for migratory status with a foreigner's card upon expiry of an individual's CPP. At the time of writing, this process had not yet been approved.

While the CPP has allowed Venezuelan nationals to regularize their migratory status, it cannot be considered a substitute for the international protection to which Venezuelans should have access. The CPP does not guarantee the right to health, the principle of family unity, or protection against refoulement. Venezuelan nationals are granted a precarious migratory status without access to sustained protection, leaving them vulnerable to irregular migratory situations.

Amnesty International notes with concern that this process does not incorporate a gender perspective, nor does it take into account the specific circumstances of women survivors of GBV, disregarding the fear of violence itself, compounded by the irregular migratory situation and financial insecurity that disproportionately affect this population group.¹²⁶ As the United Nations Development Programme (UNDP) and the R4V Inter-Agency Platform have pointed out, the

identity document they recognize as being valid for affiliation of foreign nationals is the foreigner's card. Decree 04-2019 of the Ministry for Women and Vulnerable Populations states that survivors of GBV should have direct access to the comprehensive health system, but the requirement of a foreigner's card for foreign survivors is maintained, <https://www.gob.pe/institucion/congreso-de-la-republica/normas-legales/229356-29344>

¹²⁴ Article 29 of Decree 1350 Immigration Law of February 2021 sets out the various types of migratory status available to foreign nationals. For further information, see: Government of Peru, February 2021, <https://www.gob.pe/institucion/migraciones/informes-publicaciones/1643265-decreto-legislativo-n-1350-ley-de-migraciones>

¹²⁵ For further information, see Republic of Peru, Supreme Decree, <https://cdn.www.gob.pe/uploads/document/file/4548730/003-2023-IN.pdf?v=1683837982>

¹²⁶ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

¹²⁷ UNDP. *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú* (Migrant, refugee and returnee women from Venezuela: A study of their conditions and access to livelihoods in Colombia, Ecuador and Peru), <https://oig.cepal.org/sites/default/files/mujeres-refugiadas-migrantes-de-venezuela.pdf>

Key characteristics of protection for Venezuelan nationals, pursuant to national legislation. Persons with CPP compared to asylum seekers and refugees

	RIGHTS RECOGNIZED				ACCESSIBILITY	
	Health services	Education services	Work	Non-refoulement	Includes entry via irregular border crossing	Costs
CPP						
Asylum seekers and refugees						

Source: Prepared by the authors. See Refugee Law 27.891 of 2002, Framework Law 29.344 on Universal Health Insurance of 2009, Supreme Decree 010-2020-IN, and National Superintendence of Migration

5.3 Conclusions and recommendations

Peru ranks second in the region and in the world in terms of numbers of Venezuelan nationals hosted. It is estimated that there are approximately 1,520,000 Venezuelans living in the country.¹²⁸

Peru must ensure that Venezuelan nationals can access refugee status recognition and enjoy a range of rights without discrimination, including the right to health, employment and family reunification, as well as protection against refoulement, amongst others.

However, since 2016, Peru has only recognized 4,667 Venezuelan nationals as refugees, and barriers for accessing recognition of refugee status persist.

Peru can also apply the CMH, although this migratory status does not protect Venezuelans from being returned to Venezuela or to another territory where their life and integrity may be at risk. As for the CMER, while it is one of the few measures specifically designed to protect women survivors of GBV, it is very limited in scope. Its short duration, together with the need for annual renewal and the burden

of proof required to prove instances of GBV, which revictimizes women, limits its effectiveness. Indeed, the number of

women victims of GBV who have obtained a CMER is very low, with only 17 Venezuelan women in 2022.

Venezuelan nationals can also apply for the CPP, which is in principle accessible as it sets no restrictions or requirements regarding date of entry, is relatively inexpensive, and requires no documents or particular migratory status. However, the CPP does not protect against refoulement nor provide access to the SIS, and the fact that it is not recognized as a valid document by state institutions and private companies limits access to employment for CPP holders. This, together with its short duration and no possibility of renewal, shows that it is not comparable to the international protection to which Venezuelan nationals are entitled.

Of particular concern in this context is the situation of Venezuelan women survivors of GBV who are in an irregular migratory situation. Amnesty International has documented how the lack of migratory documentation makes it difficult for Venezuelan refugee women survivors of GBV to access protection, care and justice services, including due to the fear of expulsion or sanctions that any contact with the authorities entails. The barriers to accessing migratory regularization or international protection have a negative

¹²⁸ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/en/home>

impact on the rights of these women, placing them in a situation of increased vulnerability to GBV.¹²⁹

Amnesty International expresses its concern that the CPP and the CMER do not protect Venezuelan nationals against refoulement. On the basis of the information provided in this chapter, Amnesty International believes that the CPP and the CMER do not adequately guarantee the rights of Venezuelans in need of international protection.

This is compounded by repeated stigmatizing and xenophobic statements by the authorities associating Venezuelans with crime and insecurity, as well as the militarization of borders, as happened in April 2023. Amnesty International has noted that these measures increase the risk of rights violations against Venezuelan nationals.¹³⁰

For all the above, Amnesty International makes the following recommendations to the Peruvian state:

- Guarantee the right of all Venezuelan nationals to apply for recognition of refugee status, including effective access to the procedure. In particular, promptly restore the continuous reception of asylum applications by the Special Commission for Refugees and strengthen the capacities of the said Commission to speedily resolve the large number of pending asylum applications.
- Adopt measures to ensure and extend the application of the definition of refugee provided in the Cartagena Declaration of 1984, through prima facie or group recognition, to Venezuelan nationals seeking international protection in Peru.
- Guarantee that Venezuelan nationals are not forcibly returned to Venezuela and respect the principle of non-refoulement in all circumstances.
- Ensure that Venezuelan nationals in Peru have access to all basic services without discrimination, regardless of their migratory status. Additionally, adopt measures to guarantee that the CPP is fully effective and recognized as a valid document by private companies and public institutions.
- Adopt measures to ensure effective access of all Venezuelan nationals to a regular migratory status following expiry of the CPP.
- Introduce changes to the CMER to facilitate its use by women survivors of GBV, including through the adoption of measures to ensure it does not revictimize them, and provide pathways to migratory regularization once temporary protection expires.

- Ensure that the procedures for the recognition of refugee status and migratory regularization incorporate a gender perspective and an intersectional approach, in order to adequately address the differential impacts faced by undocumented Venezuelan women, in particular women survivors of GBV.

- Strengthen and expand the provision of information on the possibility of applying for CMER and implement strategies to address and reduce the fear of women survivors of GBV who are undocumented or in an irregular migratory situation to approach institutions given the risk of detention and deportation to Venezuela, for example through measures to limit the transfer of information between state services. Survivors of GBV should be able to report any violence against them to the police and/or health and social services, without fear of negative consequences or sanctions due to their migratory status.

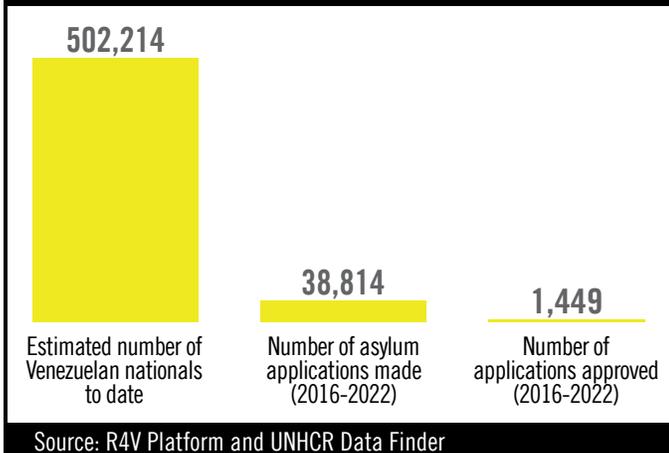
¹²⁹ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>, and Ecuador: Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence. 17 November 2022, (AMR28/6137/2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

¹³⁰ Amnesty International, open letter to the president of Peru and the president of Chile regarding the protection crisis at the border, 4 May 2023, <https://www.amnesty.org/en/documents/amr01/6744/2023/en/>

6

ECUADOR

Situation of Venezuelan nationals in Ecuador



Estimates are that the number of Venezuelan nationals in Ecuador stands at 502,200, with the country ranking third in the region and fourth in the world in terms of the number of Venezuelan refugees it is hosting. According to the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), approximately 73% of these are in an irregular situation,¹³¹ representing some 374.490 people.

Ecuador has an ongoing temporary protection programme, known as the exceptional temporary residence visa (*Visa de Residencia Temporal de Excepción*, VIRTE) which grants a temporary residence visa to people on the move. Although it was initially exclusively for Venezuelans, it is now applicable to all foreign nationals in the country.

It is important to take into account the situation of institutional instability in Ecuador at the time of writing of this report,¹³² which posed an additional challenge in conducting structured interviews with the various state institutions.

6.1 The asylum system

In Ecuador, international protection is regulated through the Organic Law on Human Mobility and its corresponding regulations, Article 98 of which incorporates the definition of refugee provided in the Cartagena Declaration.¹³³ At the beginning of the process, asylum seekers are granted a temporary humanitarian visa which is valid for six months. This temporary humanitarian visa in Ecuador allows applicants access to regular employment for the duration of the asylum process. Asylum applicants are also entitled to access health and education services.

If recognized as refugees, the temporary visa becomes a refugee visa which is valid for two years and can be renewed indefinitely. Both asylum applicants and refugees are protected against refoulement to their country of origin. Moreover, the Ministry of Foreign Affairs and Human Mobility grants authorizations for refugees and asylum seekers to return to their country for a certain period of time in the event of an emergency.

Between 2016 and 2022, a total of 38,814 asylum applications were submitted by Venezuelan nationals, with 1,449 persons being recognized as refugees.¹³⁴ In its report *Unprotected in Ecuador*, Amnesty International noted that of the 1,100 Venezuelan nationals recognized as refugees between 2018 and 2022, a total of 1,006 had been recognized under the definition of the Geneva Convention and 60 under the Cartagena Declaration, while 34 cases went unspecified. These figures show a limited application of the definition of refugee in the Cartagena Declaration, given that the situation of massive human rights violations in Venezuela would justify granting those forced to flee the country unrestricted access to international protection systems.¹³⁵

¹³¹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/es/document/gtrm-ecuador-resumen-evaluacion-conjunta-de-necesidades-mayo-2022>

¹³² On 17 May 2023 the president of Ecuador issued Executive Decree 741 dissolving the National Assembly and instructed the National Electoral Council (CNE) to bring forward extraordinary elections, invoking Article 148 of the Constitution which provides a mechanism known as “*muerte cruzada*” (crossed death). The decision was adopted citing the “grave political crisis and internal social unrest” in the country. See Amnesty International, *La ‘muerte cruzada’ no debe implicar dar muerte a los derechos humanos* (“Crossed death” should not imply the death of human rights), 23 May 2023, (in Spanish) <https://www.amnesty.org/en/wp-content/uploads/sites/4/2023/05/AMR2868202023SPANISH.pdf>

¹³³ Ecuador, Organic Law of Human Mobility, 2017, <https://vlex.ec/vid/ley-organica-movilidad-humana-847395482#:~:text=La%20presente%20Ley%20tiene%20por,internacional%3B%20y%2C%20sus%20familiares>

¹³⁴ UNHCR, Refugee Data Finder, accessed August 2023. <https://www.unhcr.org/refugee-statistics/download/>

¹³⁵ Amnesty International, *Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence*. 17 November 2022, (AMR28/6137/2022),

Sources consulted by Amnesty International pointed out that, of all the Venezuelan women survivors of GBV eligible for requesting asylum and having real possibilities of obtaining refugee status, most do not request asylum due to lack of knowledge and information on the existence and/or nature of the process.¹³⁶

Thus, the lack of information and the low number of applications and limited recognition of international protection means that the majority of Venezuelan nationals are left totally unprotected, without access to regular migratory status and documentation that would allow them to benefit from a number of rights. This is of particular concern in the case of women survivors of GBV, who face situations of vulnerability, marginalization and stigma, lack of employment opportunities, and limited access to means of subsistence.¹³⁷

6.2 Temporary protection: the exceptional temporary residence visa for Venezuelan citizens (VIRTE)

Until 2019, Venezuelan citizens could legally enter Ecuador as tourists without a visa, upon presentation of a valid identification document, such as an identity card or a passport. In August 2019, the state began requiring visas for Venezuelans and introduced the temporary residence visa for humanitarian reasons,¹³⁸ also known as VERHU. This visa was replaced by the exceptional temporary residence visa for Venezuelan citizens (VIRTE) in June 2022, through Decree 436.¹³⁹ This is a new procedure for temporary and exceptional protection for Venezuelan nationals who:

1. Have entered the country regularly through official migratory control points;
2. Have filled in the migratory stay register (registro de permanencia migratoria); and
3. Are not considered a threat or risk to public security and the structure of the state.

<https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

¹³⁶ Information obtained from interviews with representatives of United Nations international organizations and civil society representatives working with migrant women.

¹³⁷ UNDP. *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú* (Migrant, refugee and returnee women from Venezuela: A study of their conditions and access to livelihoods in Colombia, Ecuador and Peru). December 2019,

<https://oig.cepal.org/sites/default/files/mujeres-refugiadas-migrantes-de-venezuela.pdf>

¹³⁸ Government of Ecuador, Executive Decree 436 of 1 June 2022 on the process for regularization of Venezuelan citizens, stage one, 15 June 2022,

<https://www.gob.ec/regulaciones/decreto-ejecutivo-436-01-junio-2022-proceso-regularizacion-ciudadanos-venezolanos-primera-etapa>

¹³⁹ Government of Ecuador, Executive Decree 436 of 1 June 2022 on the process for regularization of Venezuelan citizens, stage one, 15 June 2022,

<https://www.gob.ec/regulaciones/decreto-ejecutivo-436-01-junio-2022-proceso-regularizacion-ciudadanos-venezolanos-primera-etapa>

¹⁴⁰ This visa is a permanent residence permit granted by the Ecuadorian state to foreign nationals who intend to settle in the country and can prove temporary residence in Ecuador of over 21 months. For further information, see Ministry of Foreign Affairs and Human Mobility. *Concesión De Visa De Residencia Permanente Por Tiempo De Permanencia Mayor A 21 Meses Con Residencia Temporal En El Ecuador*. 21 May 2019. <https://www.cancilleria.gob.ec/wp-content/uploads/2019/06/Ficha-RUTER-Concesio%CC%81n-de-visa-de-residencia-permanente-por-Tiempo-de-permanencia-mayor-a-21-meses-con-residencia-temporal-en-el-Ecuador.pdf>

¹⁴¹ For further information, see <https://estoyaquiecuador.org/>

¹⁴² For further information, see: <https://www.ministeriodegobierno.gob.ec/registro-migratorio-ciudadanos-venezolanos-ecuador/>

This visa is intended only for persons who have entered through authorized border crossings before 1 June 2022. It is valid for two years and can be renewed once, after which it must be replaced by a permanent residence visa.¹⁴⁰ The visa grants the right to work, as well as access to health, education and other social services available to Ecuadorian nationals, and allows holders to open a bank account. The temporary protection programme that establishes the requirements for obtaining this visa is known as *Estoy Aquí* (I'm here).¹⁴¹

Amnesty International has observed that the website made available for the migrant population by the state presents information in an accessible format. A number of interviewees also confirmed that documentation requirements have been made more flexible. For example, unlike the previous VERHU, which only accepted an original passport, the VIRTE accepts a valid identity card for Venezuelan nationals who entered Ecuadorian territory before 26 August 2019, or a proof of consular registration issued by a Venezuelan consulate with official accreditation in Ecuador. This is a step forward, since obtaining a passport in Venezuela is currently very costly and processing times can exceed a year.

While the first phase of the visa, effective from 1 September 2022, was only for Venezuelan nationals who had entered through authorized border crossings, the second phase, effective from 16 November 2022, was extended to other nationalities.

In order to obtain a VIRTE, applicants must first complete a migratory stay register which is held by the Ministry of the Interior.¹⁴² This is mandatory in order to qualify for the amnesty that waives migratory fines and start the application process for temporary residence with the Ministry of Foreign Affairs.

This registration does not confer any kind of migratory status, nor does it constitute regularization or authorization to stay. It also does not provide access to any rights or social protection plans or programmes. However, as stated in Article 2 of Ecuador's Law on Human Mobility: "A person on the move may not be returned or expelled to another country, whether or not it is their country of origin, where

their right to life, freedom and integrity and that of their family members may be at risk by reason of their ethnicity, religion, nationality, ideology, gender, sexual orientation, membership of a particular social group, or political opinions, or where there are reasonable grounds to believe that they would be at risk of being subjected to serious human rights violations as defined in this Law and in international human rights instruments".¹⁴³ This was confirmed by some of the sources consulted by Amnesty International, who pointed out that the significance of the register, other than as a mandatory step for subsequent regularization, lies in the fact that it provides a document that protects Venezuelan nationals against refoulement.¹⁴⁴

There are two parts to the process of applying for and subsequently obtaining the visa, one online and one that must be completed in person. This means that Venezuelan nationals must have access to technological devices, internet and digital literacy skills, and the ability to travel to one of the Immigration Support Service Units located in a number of cities across the country. Although none of the sources consulted mentioned this as an obstacle for Venezuelans in Ecuador, it could be a challenge for those who lack such resources and digital literacy skills.

As of June 2023, a total of 203,810 people had an appointment with the immigration authorities to provide biometric data, and 163,624 had a certificate from the migratory stay register, of which 157,720 were Venezuelan nationals and 52.5% were women. Once registered, only those meeting the above requirements, including entry via an official border crossing before 1 June 2022, can apply for the VIRTE at the Ministry of Foreign Affairs. As of July 2023, there had been 75,492 applications, with 54,874 VIRTEs being issued to Venezuelan nationals.¹⁴⁵

The VIRTE regulations state that it is free of charge. However, they also state that the relevant application form and the order to issue the visa must be paid for, at a cost of 50 US dollars and 10 US dollars respectively.¹⁴⁶ Amnesty International believes that these visa processing costs could be a barrier for many people, given the precarious employment and financial situation of most Venezuelans who have been forced to flee their country. According to UNHCR guidelines on complementary or temporary protection programmes, visa processes should be free of charge. Such financial costs could have a disproportionate impact

on Venezuelan women survivors of GBV, who face greater difficulties than men in finding paid employment, with unemployment rates which are two or even three times higher than male unemployment rates. Moreover, the work carried out by migrant women is not valued in the same way as that done by men, and these women are therefore relegated to low-skilled jobs or to jobs in the informal sector.¹⁴⁷

As of July 2023, the VIRTE only covers Venezuelan nationals who entered the country through official border crossings before 1 June 2022. This means that a large number of Venezuelans in an irregular migratory situation are not eligible for the visa. Estimates are that this number is approximately 375,000.¹⁴⁸

Amnesty International notes that this programme does not incorporate a gender perspective, nor does it specifically address the needs of survivors of GBV, disregarding the fear of violence itself, which is exacerbated by the irregular migratory situation and financial insecurity that disproportionately affect this population group.¹⁴⁹

Amnesty International believes that the temporary protection programme currently available in Ecuador does not address the lack of protection faced by Venezuelan nationals in need of international protection, and much less so the particular situation of vulnerability faced by women survivors of GBV, due to its limited scope in terms of the number of people eligible to apply. As one of the sources consulted for this report pointed out, this process solves the problems of a very small number of Venezuelan nationals but does not address the underlying problem of lack of protection that they face.¹⁵⁰

The third stage of the *Estoy Aquí* programme, which civil society and international organizations have systematically called for, has yet to be launched. This third stage could remove some of the barriers to access, as it would cover all foreign nationals who have entered Ecuador through irregular border crossings, in other words, people who are currently in an irregular migratory situation.

¹⁴³ Ecuador, Organic Law of Human Mobility, 2017, <https://www.acnur.org/fileadmin/Documentos/BDL/2017/10973.pdf>

¹⁴⁴ Information provided by representatives from United Nations international organizations in the framework of the interviews carried out by Amnesty International for this report.

¹⁴⁵ Migración, Estadísticas. Information accessed in July/August 2023 at <https://registro.migracion.gob.ec/webpage/statistics>

¹⁴⁶ See <https://estoyaquiec/>

¹⁴⁷ UNDP. *Reinventarse sobre la marcha: Mujeres refugiadas y migrantes de Venezuela Un estudio de sus condiciones y accesos a medios de vida en Colombia, Ecuador y Perú* (Migrant, refugee and returnee women from Venezuela: A study of their conditions and access to livelihoods in Colombia, Ecuador and Peru). December 2019, <https://oig.cepal.org/sites/default/files/mujeres-refugiadas-migrantes-de-venezuela.pdf>

¹⁴⁸ The Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) found that approximately 73% of this population group currently lives in an irregular situation, which means that there would be some 374,490 people in such situation.

¹⁴⁹ Amnesty International, *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

¹⁵⁰ Interview with an international organization.

Key characteristics of protection for Venezuelan nationals, pursuant to national legislation. Persons with VIRTE compared to asylum seekers and refugees

	RIGHTS RECOGNIZED				ACCESSIBILITY	
	Health services	Education services	Work	Non-refoulement	Includes entry via irregular border crossing	Costs
VIRTE	✓	✓	✓	✓	✗	✓
Asylum seekers and refugees	✓	✓	✓	✓	✓	✓

Source: Prepared by the authors. See Organic Law of Human Mobility of 2017, Executive Decree 436 of 2022 and Estoy Aquí programme

6.3 Conclusions and recommendations

Ecuador ranks third in the region and fourth in the world in terms of the number of Venezuelan refugees it is hosting. Estimates are that this number stands at 502,200; of these, approximately 73% live in an irregular situation,¹⁵¹ representing some 374.490 people.

Amnesty International notes with concern that the number of people who have obtained international protection in Ecuador continues to be very small. At the end of 2022, Ecuador had recognized only 1,449 Venezuelan nationals as refugees.

There is currently only one temporary protection programme in the country, Estoy Aquí, which allows Venezuelan nationals to apply for the VIRTE. According to information received by Amnesty International, the process is fast and flexible. Furthermore, the VIRTE provides access to the right to work and to health, education and social services and, according to the country authorities, the principle of non-refoulement provided for in Ecuador’s Organic Law on Immigration is guaranteed.¹⁵²

However, the current stage of implementation of Estoy Aquí is difficult to access for reasons of cost and date and man-

ner of entry into the country: only those entering through official border crossings before 1 June 2022 are eligible for a VIRTE visa. This has excluded thousands of persons who were forced to use irregular border crossings as a result of entry visa requirements applied since 2019.

Due to the fact that the third stage of the process has not yet been launched, and that it does not cover all Venezuelan nationals in the country with irregular migratory status – some 375,000 –, the VIRTE fails to solve the protection needs of a large group of Venezuelans in a situation of extreme vulnerability within the country, who lack access to rights such as employment, health and social protection. In this respect, the VIRTE seems more a process for renewal of existing visas than a new temporary protection programme, as it does not seek to guarantee international protection for all Venezuelan nationals in Ecuador. Based on the above, Amnesty International believes that, as of August 2023, the VIRTE is not enough to adequately guarantee the right to international protection and human rights of all the Venezuelans in the country.

In this context, the situation of Venezuelan women survivors of GBV in an irregular migratory situation is of particular concern. In several countries in the region, Amnesty International has documented how the lack of regular migratory status and documentation makes it difficult for Venezuelan refugee women survivors of GBV to access protection, care and justice services, including due to the fear of expulsion

¹⁵¹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V), <https://www.r4v.info/es/document/gtrm-ecuador-resumen-evaluacion-conjunta-de-necesidades-mayo-2022>

¹⁵² See also Government of Ecuador, Estoy Aquí, FAQs. <https://help.unhcr.org/ecuador/wp-content/uploads/sites/34/2022/09/preguntas-frecuentes-regularizacion-ecuador-2022.pdf>

or sanctions that any contact with the authorities entails. Amnesty International is concerned that obstacles to accessing visas or international protection may have a negative impact on the rights of these women, placing them in a situation of increased vulnerability to GBV.¹⁵³

report any violence against them to the police and/or health and social services, without fear of negative consequences or sanctions due to their migratory status.

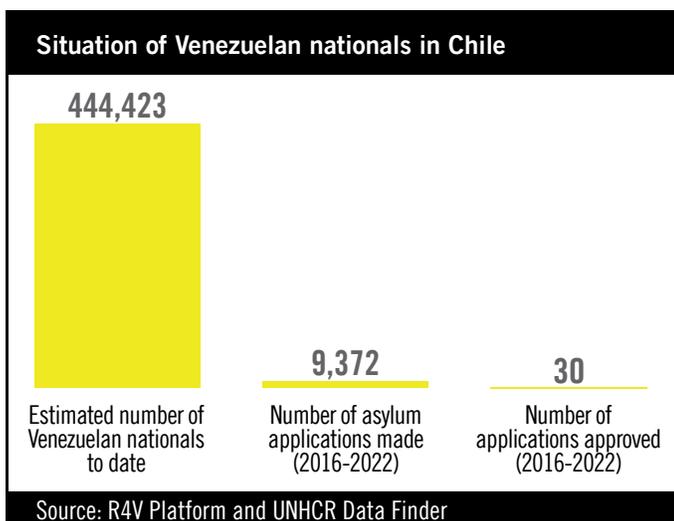
Amnesty International makes the following recommendations to the Ecuadorian state:

- Guarantee the right of all Venezuelan nationals to apply for recognition of refugee status, including effective access to the procedure. In particular, adopt measures to ensure and extend the application of the definition of refugee provided in the Cartagena Declaration of 1984, through *prima facie* or group recognition, to Venezuelan nationals seeking international protection in Ecuador.
- Guarantee that Venezuelan nationals are not forcibly returned to Venezuela and respect the principle of non-refoulement in all circumstances.
- Eliminate visa requirements for the entry of Venezuelan nationals, as these can become a barrier to the realization of their right to request asylum.
- Adopt corrective measures to guarantee full accessibility to the VIRTE and remove requirements and constraints in relation to costs, date, or form of entry into the country. More specifically, immediately launch the third stage of the *Estoy Aquí* programme, which would allow access to the VIRTE for Venezuelan nationals who entered the country through unofficial border crossings and/or after 2019.
- Adopt measures to ensure effective access of all Venezuelan nationals to a different migratory status following expiry of the VIRTE.
- Ensure that Venezuelan nationals have access to all basic services without discrimination, regardless of their migratory status.
- Ensure that the procedures for the recognition of refugee status and migratory regularization incorporate a gender perspective and an intersectional approach, in order to adequately address the differential impacts faced by undocumented Venezuelan women, in particular women survivors of gender-based violence.
- Implement strategies to address and reduce the fear of women survivors of GBV who are undocumented or in an irregular migratory situation to approach institutions given the risk of detention and deportation to Venezuela, for example through measures to limit the transfer of information between state services. Survivors of GBV should be able to

¹⁵³ Amnesty International, *Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru*, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>, and Ecuador: *Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence*, 17 November 2022, (AMR28/6137/2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>



CHILE



7.1 International protection

7.1.1 The asylum system

Law 20.430¹⁵⁷ of 2010 incorporates the definition of a refugee set out in the Geneva Convention and the extended definition of the Cartagena Declaration, as well as the principle of non-refoulement.¹⁵⁸ Once an asylum application has been submitted and formalized, asylum seekers receive a temporary residence visa, valid for eight months and renewable for equal periods, and an identity document or card for foreign nationals in Chile, issued by the Civil Registry and Identification Service. This visa allows asylum seekers to work and to access public health and education services.

In 2022, the authorities reported receiving 5,138 refugee applications, resulting in 59 people being recognized as refugees.¹⁵⁹ Of these, 3,479 applications were submitted by Venezuelan nationals, with four being recognized as refugees.¹⁶⁰ These figures evidence the significant obstacles for the recognition of refugee status and the low number of recognitions of such status, which is a clear indication of the Chilean state's failure to comply with its international obligations to guarantee the right to seek asylum.¹⁶¹

Amnesty International has condemned the unlawful requirement that those entering the country through unauthorized border crossings must make a "voluntary declaration of irregular entry" or self-report to the Investigations Police (PDI) as a necessary first step before applying for refugee status or in order to be recognized under the special

The Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) estimates that, as of May 2023, there were some 444,423 Venezuelan nationals in Chile,¹⁵⁴ representing approximately 30% of all foreign nationals in the country.¹⁵⁵

In 2018 and 2021, the Chilean government put in place special processes for migratory regularization. At the same time, from 2018 it began to require consular visas that placed restrictions on the regular influx of Venezuelans to Chile. There is currently no temporary or complementary protection programme in place for Venezuelan nationals, or any process for migratory regularization, with the obtention of a visa being the only official means of entry into the country.¹⁵⁶

¹⁵⁴ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V). Available at <https://www.r4v.info/en/refugeeandmigrants>. The most recent official figures for Chile are from June 2023.

¹⁵⁵ Migration Policy Institute, Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf

¹⁵⁶ Law 21.325, Migration and Foreigner Law of 2021, April 2021, <https://www.bcn.cl/leychile/navegar?idNorma=1158549&idParte=10221362>

¹⁵⁷ Law 20.430, April 2010, <https://www.bcn.cl/leychile/navegar?idNorma=1012435&idParte=0&idVersion=> and <https://www.bcn.cl/leychile/navegar?idNorma=1023156>

¹⁵⁸ Law 20.430, articles 4 to 15, April 2010, <https://www.bcn.cl/leychile/navegar?idNorma=1012435&idParte=0&idVersion=>

¹⁵⁹ Government of Chile, National Migration Service, General Statistics Administrative Register, 22 May 2023, serviciomigraciones.cl/wp-content/uploads/2023/05/230529-Reporte-1-Estadisticas-SERMIG.pdf

¹⁶⁰ Government of Chile, National Migration Service, General Statistics Administrative Register, 22 May 2023, serviciomigraciones.cl/wp-content/uploads/2023/05/230529-Reporte-1-Estadisticas-SERMIG.pdf

¹⁶¹ Amnesty International, No one wants to live in hiding: Lack of protection for Venezuelan refugees in Chile. 7 March 2023, (AMR 22/6437/2023), <https://www.amnesty.org/en/documents/amr22/6437/2023/en/>

regularization programme.¹⁶² In March 2023, the Supreme Court ruled that self-reporting is not required for accessing refugee status recognition procedures.¹⁶³ Despite the fact that it penalizes and discriminates against Venezuelan nationals and exposes them to the risk of refoulement,¹⁶⁴ this arbitrary requirement was confirmed by the government in May 2023, when it approved the Administrative Procedure Manual of the Refugee and Resettlement Department within the National Migration Service.¹⁶⁵

Amnesty International has also raised concerns regarding the practice by the authorities of conducting a pre-eligibility review of asylum applications, during which public officials question applicants about their reasons for seeking asylum and decide on the spot whether the application should progress, with no formal procedure being followed.¹⁶⁶

Senators have introduced a bill in the National Congress to enshrine these practices in law. This could further restrict the ability of Venezuelan nationals to apply for refugee status in Chile.¹⁶⁷

The impossibility of applying for asylum, together with the visa requirement for Venezuelan nationals and the inaccessibility of ordinary and special regularization pathways exposes Venezuelan nationals to the risk of refoulement to their country of origin. In this context, the legislative proposals aimed at streamlining the imposition of sanctions such as expulsion and re-entry at the border are of particular concern, as they expose Venezuelans to violations of their rights. These proposals have been included in the executive version of the new National Migration and Foreigner Policy announced in July 2023, which is currently under review by the Comptroller General's Office.¹⁶⁸

The lack of international protection and regular migratory status also limits the rights of Venezuelan nationals to ac-

cess public health and education services, as well as their right to formal employment, and exacerbates their precarious and vulnerable situation. This may have a disproportionate impact on Venezuelan women survivors of GBV.

Amnesty International also underlines its concern regarding the context in which these restrictions on the rights of Venezuelan nationals to seek asylum and protection are taking place. This context is characterized by increasing xenophobia and stigmatization of migrants and refugees in the country, a development that has been condemned by international experts and Amnesty International,¹⁶⁹ as well as by the measures decreed in February 2023 to militarize and unilaterally close the country's borders. Amnesty International has condemned these measures, which increase the risk of rights violations against Venezuelans.¹⁷⁰

7.1.2 Temporary residence for humanitarian reasons

Temporary residence for humanitarian reasons,¹⁷¹ granted by the National Migration Service (SERMIG), is aimed at people in a situation of human mobility who have suffered some form of violence or are in a situation of vulnerability, in particular victims of trafficking, smuggling of migrants, domestic or gender-based violence, pregnant women who are foreign nationals, and children and adolescents.¹⁷² This temporary residence allows access to health services, education and employment.

While in theory this permit can benefit women survivors of GBV regardless of their migratory status, in practice the effectiveness of the measure is limited. The decree that regulates it requires a family court to qualify the existence of domestic or gender-based violence. Qualification can also be declared by the Office of the Public Prosecutor or the

¹⁶² Ibid.

¹⁶³ Chile. Supreme Court, ruling in cause 115.005-2022, 20 March 2023,

<https://www.ciperchile.cl/wp-content/uploads/3.-Fallo-CS-rol-115.005-2022-protocolos-asilo-autodenuncia.pdf>

¹⁶⁴ Servicio Jesuita a Migrantes, Interview with a [woman] expert in migration and asylum, and representatives of social and international organization. Migration Statistics Yearbook 2022, <https://sjmchile.org/2023/06/09/>

¹⁶⁵ Chile. Exempt Resolution 21.726, 11 May 2023. Ver <https://www.infomigra.org/nuevo-manual-de-procedimiento-para-recepcion-de-solicitud-de-refugio-en-chile-2023/>

¹⁶⁶ Amnesty International, No one wants to live in hiding: Lack of protection for Venezuelan refugees in Chile. 7 March 2023, (AMR 22/6437/2023), <https://www.amnesty.org/en/documents/amr22/6437/2023/en/>

¹⁶⁷ Senate of the Republic of Chile, Gazette 15.439-06. National Migration Policy, executive version, Draft Bill 3: Establishes eligibility procedure for refugee claimants, July 2023, http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=15439-06 and Gazette 16034-06 Amends Law 20.430, to establish an initial stage in the refugee status determination procedure, and Law 21.325, in relation to the measure of immediate return or refoulement of foreign nationals who entre national territory irregularly http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=16034-06 and Amnesty International, No one wants to live in hiding: Lack of protection for Venezuelan refugees in Chile. 7 March 2023, (AMR 22/6437/2023) <https://www.amnesty.org/en/documents/amr22/6437/2023/en/>

¹⁶⁸ Government of Chile, National Migration Service, Chilean Government presents new National Policy on Migration and Foreigners, 6 July 2023, <https://serviciomigraciones.cl/gobierno-de-chile-presenta-pnme/> and Senate of the Republic of Chile, Gazette 16034-06 Amends law 20.430, to establish an initial stage in the refugee status determination procedure, and Law 21.325, in relation to the measure of immediate return or refoulement of foreign nationals who entre national territory irregularly: http://www.senado.cl/appsenado/templates/tramitacion/index.php?boletin_ini=16034-06

¹⁶⁹ Organization of the United Nations, Press release, 24 May 2023, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28103> and Amnesty International. Chile: Refugees and migrants face criminalization, 17 April 2013, (AMR 22/6685/2023) <https://www.amnesty.org/es/documents/amr22/6685/2023/es/>

¹⁷⁰ Amnesty International, Open letter to the president of Peru and the president of Chile regarding the protection crisis at the border, 4 May 2023, <https://www.amnesty.org/en/documents/amr01/6744/2023/en/>

¹⁷¹ Government of Chile, National Migration Service, Subcategory: humanitarian reasons, 7 August 2023, <https://serviciomigraciones.cl/residencia-temporal/subcategorias/razones-humanitarias/>

¹⁷² Ibid.

competent courts where such violence constitutes a criminal offence.¹⁷³ This, combined with the fact that only the Office of the Public Prosecutor or a family court¹⁷⁴ can apply for a residence permit on their behalf, can lead to delays in the protection of women.¹⁷⁵

These stringent requirements for humanitarian visas mean that they are rarely granted. Information provided by the Jesuit Migrant Service (Servicio Jesuita a Migrantes) based on SERMIG data shows the following breakdown of temporary residence permits being processed as of June 2022: victims of trafficking (4), domestic violence (1), pregnant women (15), smuggling of migrants (4), children and adolescents (290).¹⁷⁶

Amnesty International welcomes the amendment announced in the executive version of the new National Migration and Foreigner Policy, which aims to “*facilitate access to migration documents for victims of domestic or gender-based violence, such that they are not conditional on the filing of a judicial case, provided that they are part of the network of the National Women and Gender Equity Service and are referred on through protocol by one of its institutions*”, and is due to be implemented in the second half of 2023.¹⁷⁷

7.2 Regularization measures

7.2.1 The migratory regularization processes of 2018 and 2021

The first migratory regularization process, implemented in 2018, granted foreign nationals a temporary residence permit which was valid for one year, after which they could apply for permanent residence.¹⁷⁸ In April 2021, the author-

ities launched a second special migratory regularization process¹⁷⁹ which ended in January 2022 and was aimed at persons who had entered through authorized border crossings before 18 March 2020 but were still in an irregular migratory situation on 20 April 2021. Although one of the requirements was the presentation of a valid passport, Venezuelan nationals could submit an expired passport if it had been issued after 2013. Once issued, the temporary visa is valid for 365 days.¹⁸⁰

In both of these processes, those who completed the migratory regularization procedures were granted the right to work by the authorities.

By July 2022, a total of 210,099 people had submitted applications and 129,417 visas had been granted (61.5%). Of these, 113,666 applicants were Venezuelan nationals, and by then this population had received 75,701 temporary visas.¹⁸¹

7.2.2 Migratory regularization measures

While Venezuelan nationals were able to enter Chile as tourists without a visa until 2018, in April of that year the government imposed a new visa requirement that made it increasingly difficult for Venezuelan nationals in need of international protection to enter Chile in a regular manner. At the same time, the number of entries through unauthorized border crossings increased,¹⁸² with greater risk to the lives and integrity of those who were left with no other option for entering the country.

The new Law 21.325 on Migration and Foreigners,¹⁸³ effective since February 2022, confirmed that, as a general rule, it is not possible for people entering the country for a temporary stay,¹⁸⁴ for example as tourists, to change their

¹⁷³ Decree 177, 10 May 2022, Article 38, <https://www.bcn.cl/leychile/navegar?idNorma=1176043>

¹⁷⁴ Ibid

¹⁷⁵ Interviews with members of the academic community and civil society.

¹⁷⁶ Servicio Jesuita Migrante. Paper submitted by SJM in response to the call for contributions by the Special Rapporteur on the rights of migrants for his report on “How to expand and diversify regularization mechanisms and programmes to enhance the protection of the human rights of migrants in an irregular situation” in Chile, February 2023, (in Spanish) <https://www.ohchr.org/sites/default/files/documents/issues/migration/cfis/regularization/submissions-regularization-sjm-chile.docx>

¹⁷⁷ Government of Chile, National Policy on Migration and Foreigners, 6 July 2023 executive version, urgent measure 8 “Certification of victims of domestic and gender-based violence through the National Women and Gender Equity Service”, July 2023. National Migration Service. Chilean Government presents new National Policy on Migration and Foreigners, 6 July 2023, <https://serviciomigraciones.cl/gobierno-de-chile-presenta-pnme/>

¹⁷⁸ This measure was aimed at people who had entered the country through unauthorized border crossings, evading immigration control; those whose tourist permit had expired; those with an expired residence visa; those with an ongoing application for a residence visa; those undergoing a reconsideration process; those with a valid tourist permit as of 8 April 2018; and those with a valid residence permit who were carrying out paid work without the necessary migratory authorization, 2018, https://cdn.digital.gob.cl/filer_public/c6/3a/c63ae83c-c6f9-414c-bd27-61a0a1ca15c6/infografia_migracion.pdf

¹⁷⁹ Ministry of the Interior and Public Security. Resolution 1769/21. Approving the regularization process provided for in Article 8 of the transitory provisions of Law 21.325 on Migration and Foreigners, <https://www.bcn.cl/leychile/navegar?idNorma=1158563&f=2021-04-20>

¹⁸⁰ Ibid.

¹⁸¹ Servicio Jesuita Migrante. Paper submitted by SJM in February 2023 in response to the call for contributions by the Special Rapporteur on the rights of migrants for his report on “How to expand and diversify regularization mechanisms and programmes to enhance the protection of the human rights of migrants in an irregular situation” in Chile. Similar figures can be found in Migration Policy Institute, Betting on Legality: Latin American and Caribbean Responses to the Venezuelan Displacement Crisis, May 2023, https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf. Due to the lack of detailed public information in Chile, both sources note that the figures are estimates.

¹⁸² Ibid.

¹⁸³ Law on Migration and Foreigners 21.325 of 2021, <https://www.bcn.cl/leychile/navegar?idNorma=1158549&idParte=10221362>

¹⁸⁴ Decreto 23. 28 January 2022. Established migratory subcategories for temporary stays. Article 10, <https://www.bcn.cl/leychile/navegar?idNorma=1173324> and Centro de Derechos Humanos, Diego Portales University. 2022. Informe Anual de Derechos Humanos en Chile. *Derechos de las personas migrantes y refugiadas: ingresos por pasos no habilitados y*

migratory status in the country.

These more restrictive migratory regulations have affected Venezuelan nationals. Although, in theory, they should be able to access a fair and effective process, existing barriers for accessing such process and limited recognition of refugee status have led Venezuelans and civil society organizations to turn to regularization measures available for migrants. However, the tightening of migration policies has made it more difficult for Venezuelans to access regular migratory status and rights.

According to information received, regular migratory status can only be accessed as provided for in Article 155, paragraph 8 of Law 21.325, which mandates the Undersecretary of the Ministry of the Interior to create “*regularization mechanisms for foreign nationals who are in an irregular migratory situation, establishing the corresponding requirements, which shall be reasonably determined with the aim of facilitating and promoting migratory regularity*”. Foreign nationals in an irregular situation may exceptionally apply for this special measure. However, migratory regularization measures are not designed for persons needing international protection, as they often do not have any identity documents.¹⁸⁵ Some of the requirements, such as the submission of a valid passport and an official and duly legalized document stating that they do not have a criminal record either in their country of origin or in the host country, are difficult for Venezuelan nationals to meet.¹⁸⁶

Amnesty International notes with concern that there are currently no effective pathways for Venezuelan nationals to access international protection or migratory regularization measures or other forms of complementary protection. In July 2023, the government announced the new National Migration and Foreigner Policy, mandated by the Law on Migration and Foreigners. At the time of writing of this report, only the executive version has been published, with the full text pending approval by the Office of the Comptroller General. The aim of the policy is to promote and facilitate regular migration as a condition for granting access to education, health systems and employment.¹⁸⁷

A first review of this executive version shows that progress has been made in some areas, whereas in others it fails to comply with the law and with the Chilean state’s international obligations, which is cause for concern. The document provides that regularization will be carried out

“through the ordinary channels”, but it does not appear to resolve the documentary obstacles outlined above. The new policy announces the adoption of measures and resources to process the backlog of permanent residency applications, but expressly states that the visa system will not be changed.¹⁸⁸

On the issue of family reunification, progress is being made with the undertaking to provide a protocol for determining the identity and filiation of undocumented children and adolescents, so that their situation can be regularized. Further commitments are made regarding amendments to make it easier for women victims of GBV who are in the network of the National Women and Gender Equity Service to obtain a visa.

On the issue of complementary protection, the policy omits certain legal requirements. Article 10 of the Law on Migration and Foreigners states that the policy will establish requirements and visas for persons whose lives are in danger in their country of origin, but who do not qualify as refugees. The policy, however, only undertakes to sign a decree regulating the issue. On migration regularization, the law states that the new policy will establish specific objectives so that the thousands of people living in Chile in an irregular migratory situation, and particularly population groups requiring special protection, may access a temporary residence permit, but this is something that also appears to have been omitted.¹⁸⁹

desprotección (Annual Report on Human Rights in Chile. The rights of migrants and refugees: entry via unauthorized border crossings and lack of protection). (in Spanish)

¹⁸⁵ Interview with a [woman] expert on migration and shelter, with a legal clinic and an international organization and civil society organization. Anuario de estadísticas migratorias (Migration Statistics Yearbook) 2022 <https://sjmchile.org/2023/06/09/>

¹⁸⁶ Interview with an international organization and civil society organization. Anuario de estadísticas migratorias (Migration Statistics Yearbook) 2022 <https://sjmchile.org/2023/06/09/>

¹⁸⁷ National Migration Service. Chilean Government presents new National Policy on Migration and Foreigners, Specific objectives 1.1 and 1.4, 6 July 2023,

<https://serviciomigraciones.cl/gobierno-de-chile-presenta-pnme/>

¹⁸⁸ Ibid, Introduction and Measure 1: Backlog programme for migration applications

¹⁸⁹ Article 22, paragraph III of the law refers to elements of the National Migration Policy, including number 9 which provides for “maintaining high rates of regularity amongst the migrant population”, together with Art. 157, number 13 which establishes the functions of the SERMIG: “To implement regularization measures for foreign nationals in an irregular migratory situation, as provided by the Undersecretary of the Interior pursuant to the objectives of the National Migration and Foreigner Policy, through the grant of a temporary residence permit.”

Key characteristics of protection for Venezuelan nationals, pursuant to national legislation.

	RIGHTS RECOGNIZED				ACCESSIBILITY	
	Health services	Education services	Work	Non-refoulement	Includes entry via irregular border crossing	Costs
	<p>TO DATE, THERE IS NO ONGOING TEMPORARY PROTECTION OR MIGRATION REGULARIZATION PROGRAMME</p> <p>The documentary requirements of the EXCEPTIONAL measure of Article 155.8 of Law 21.325 render it INACCESSIBLE for Venezuelan nationals in need of protection</p>					
Asylum seekers and refugees						

Source: Prepared by the authors. See Law 20.420 of 2010.

7.3 Conclusions and recommendations

Chile ranks fifth in the region and sixth in the world in terms of the number of Venezuelan nationals it is hosting.

Despite the fact that Chile has specific legislation on refugees, only four Venezuelan nationals were recognized as refugees in 2022. This figure illustrates the small number of Venezuelans who find international protection in Chile. As Amnesty International has documented, the measures and practices implemented by the Chilean authorities unduly restrict the right of Venezuelan nationals to seek asylum in the country, in violation of Chile's international obligations.

Amnesty International reaffirms its concern regarding the severe lack of protection for Venezuelan nationals in Chile, where they are unable to exercise their right to apply for asylum, or access other basic rights while in an irregular migratory situation.

The lack of political will of the Chilean authorities in addressing the need for international protection of Venezuelans not only breaches international obligations that Chile has signed, but also exacerbates the vulnerability of this population and deprives them of access to basic rights and services such as health, education and employment.

In 2018 and 2021, the government implemented tem-

porary exceptional regularization programmes benefitting numerous Venezuelan families, who were able to achieve regular migratory status. At the same time, however, it started to impose restrictions on the entry of Venezuelan nationals by making consular visas a requirement. Today, a consular visa is the only legal pathway into the country, yet the documents required for obtaining such visa, as well as for the extraordinary procedure of Article 155.8, are very difficult for Venezuelans in need of international protection to obtain, precisely because of the ongoing situation in the country that forced them to flee.

While women survivors of GBV could in theory obtain a temporary visa for humanitarian reasons, in practice the procedural requirements and the burden of proof necessary for meeting these effectively excludes and revictimizes them.

The executive version of the new National Migration and Foreigner Policy of 2023 incorporates a number of favourable proposals, such as a temporary visa for survivors of domestic violence. It does not, however, include proposals for streamlining the protection of Venezuelan nationals in the country, but rather confirms or would seek to institutionalize measures and norms that breach international law, thus placing Venezuelans at even greater risk.

In this context, the situation of Venezuelan women survivors of GBV in an irregular migratory situation is of particular concern. In several countries in the region, Amnesty International has documented how the lack of regular

migratory status and documentation makes it difficult for Venezuelan refugee women survivors of GBV to access protection, care and justice services, including due to the fear of expulsion or eventual criminalization that any contact with the authorities may entail. Amnesty International is concerned that obstacles to accessing visas or international protection may have a negative impact on the rights of these women, placing them in a situation of increased vulnerability to GBV.¹⁹⁰

Amnesty International makes the following recommendations to the Chilean state:

- Guarantee the right to apply for recognition of refugee status, including effective access to the procedure. In particular, remove the “voluntary statement of irregular entry” and the pre-eligibility review of asylum applications, strengthen the capacities of the national asylum system to ensure adequate and timely care for asylum seekers.
- Adopt measures to ensure the application of the definition of refugee provided in the Cartagena Declaration of 1984, through prima facie or group recognition, to Venezuelan nationals seeking international protection in Chile.
- Guarantee access to the territory, refrain from collective expulsions or rejections at the border, and ensure that Venezuelan nationals will not be forcibly returned to Venezuela, respecting the principle of non-refoulement in all circumstances.
- Refrain from adopting any regulations or measures that are contrary to the right to seek asylum and the principle of non-refoulement.
- Ensure that Venezuelan nationals in Chile have access to all basic services without discrimination, regardless of their migratory situation.
- Remove practices and procedures that expose Venezuelan women survivors of GBV to revictimization and rights violations in order to access regular migratory status. For example, implement the measures pledged in the executive version of the new National Migration and Foreigner Policy to remove the requirement of filing a prior report for survivors of domestic and gender-based violence.
- Ensure that procedures for the recognition of refugee status and migratory regularization incorporate a gender perspective and an intersectional approach, to adequately address the differentiated impacts faced by Venezuelan woman in an irregular situation, and particularly women survivors of gender-based violence.

- Implement strategies to address and reduce the fear of survivors of GBV who lack identity documents or are in an irregular migratory situation to contact institutions, given the risk of detention and deportation to Venezuela, for example through measures for limiting the transfer of information between state services. Survivors of GBV should be able to report any violence against them to the police and/or health and social services, without fear of negative consequences or sanctions due to their migratory status.

¹⁹⁰ Amnesty International, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>, and Ecuador: Unprotected in Ecuador, Venezuelan refugee women survivors of gender-based violence. 17 November 2022, (AMR28/6137/2022), <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

8

REGIONAL CONCLUSIONS AND RECOMMENDATIONS

As of June 2023, countries in Latin America and the Caribbean were hosting a total of 6,136,402 Venezuelan nationals.¹⁹¹ Colombia and Peru are the main receiving countries of this population worldwide, with 2,477,588 and 1,520,000 Venezuelans respectively. Ecuador and Chile rank fourth and fifth, with 502,200 and 444,423 Venezuelans respectively.¹⁹² It is estimated that around 50% of these people are women.¹⁹³ The unprecedented crisis in the region has posed major challenges for countries hosting Venezuelan nationals.

Amnesty International has repeatedly pointed out that these individuals, who are fleeing grave violations of human rights, crimes under international law and a complex humanitarian emergency, are refugees requiring international protection.¹⁹⁴

In addition to the procedure for recognition of refugee status, which has been incorporated into their respective national legislations for decades by virtue of the treaties each of these countries has ratified, since 2018 the four states covered by this report have implemented a number of measures varying in nature and scope to respond to the largest displacement crisis in the region. However, the research shows that these measures do not currently provide an adequate response to the protection needs of Venezuelan nationals.

Regarding the right to request asylum, Amnesty International notes that although the legislations of Colombia, Peru, Ecuador and Chile include the extended definition of a refugee contained in the Cartagena Declaration of 1984 –

a definition Amnesty International believes covers the vast majority of Venezuelan nationals who have left their country – the authorities in these countries have opted not to apply collective or prima facie recognition. Moreover, they rarely use this definition to provide protection to this population group.

In other words, states have not prioritized the strengthening of their asylum systems to respond to the unprecedented numbers of Venezuelan nationals in need of international protection within their territories. Available figures for Colombia, Peru, Ecuador and Chile show that few Venezuelans choose to apply for asylum and that, of those who do, a very small number are recognized as refugees, not least because of the failure to apply the Cartagena Declaration, as well as other obstacles and lengthy delays.

¹⁹¹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V). Available at: <https://www.r4v.info/en/refugeeandmigrants>

¹⁹² Ibid.

¹⁹³ IOM. General demographic characteristics of migrant and refugee women in Venezuela. 2020 <https://dtm.iom.int/reports/venezuela-regional-response-%E2%80%94-general-demographic-characteristics-migrant-and-refugee-women>. See also Amnesty International, Americas, Unprotected: Gender-based Violence against Venezuelan Refugee Women in Colombia and Peru, 12 July 2022, (AMR01/5675/2022), <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>

¹⁹⁴ Amnesty International, Urgent Measures: Venezuelans need International Protection, 3 September 2018, (AMR 01/9019/2018), <https://www.amnesty.org/en/documents/amr01/9019/2018/en/> and Peru: In search of safety: Peru turns its back on people fleeing Venezuela 4 February 2020 (AMR 46/1675/2020 <https://www.amnesty.org/en/documents/amr46/1675/2020/en/>)

Key characteristics of the protection provided by temporary programmes or regularization measures for Venezuelan nationals, pursuant to national legislation

	RIGHTS RECOGNIZED				ACCESSIBILITY		DURATION
	Health services	Education services	Work	Non-refoulement	Includes irregular entry or stay	Free from cost	
Colombia (PPT)	✓	✓	✓	✗	✓ up to January 2021 ✗ between January 2021 and May 2023	✓	10 years
Peru (CPP)	✗	✓	✓	✗	✓	✗	1 to 2 years
Ecuador (VIRTE)	✓	✓	✓	✓	✗	✗	2 years, renewable once
Chile	To date, there is no ongoing temporary protection or migration regularization programme						

Source: Prepared by the authors. For Colombia, see Decree 1067 of 2015, and Migración Colombia Decree 216 of 2021; for Peru Refugee Law 27.891 of 2002, Framework Law 29.344 on Universal Health Insurance of 2009, Supreme Decree 010-2020-IN, and National Superintendence of Migration, and for Ecuador see Organic Law of Human Mobility of 2017, Executive Decree 436 of 2022 and Estoy Aquí programme.

Amnesty International recognizes that hundreds of thousands of Venezuelan nationals have been able to obtain regular migratory status through programmes such as the ETPV in Colombia, the CPP in Peru or the VIRTE in Ecuador, or through regularization measures such as those implemented in 2018 and 2021 in Chile. However, such initiatives do not offer protection or guarantee rights in line with the international obligations pledged by these states.

This research has established that the ETPV and the VIRTE include a number of requirements for documents, dates or forms of entry, and costs that limit their accessibility for Venezuelan nationals. It is estimated that more than 300,000 people in Colombia and Ecuador lack regular migratory status, making up a total of more than 600,000 persons in an irregular migratory situation. Moreover, the protection afforded by the ETPV against forcible return of Venezuelan nationals to their country of origin is unclear. Amnesty International believes that the ETPV and the VIRTE do not fulfil the essential criteria outlined by the UNHCR to fully guarantee the human rights of individuals in need of protection under international law.

While the CPP in Peru may seem like a pragmatic tool for granting migratory status to a large number of persons, Amnesty International notes that it does not protect Venezuelan nationals against being returned to their country,

nor does it include access to health services. Amnesty International believes that the CPP and the regularization programmes implemented in Chile in 2018 and 2021, from which Venezuelan nationals may gain some benefit, likewise cannot be considered a form of international or complementary protection under international law.

As opposed to the above initiatives, which do not incorporate a clear gender perspective, the CMER in Peru and the temporary humanitarian residence permit in Chile are aimed specifically at affording protection to women survivors of GBV. The research shows, however, that the requirements for accessing protection cause revictimization, and very few Venezuelan women are able to benefit from either of them.

It is estimated that, in August 2023, hundreds of thousands of Venezuelan nationals have still not been able to obtain regular migratory status through the programmes currently available in Colombia, Peru and Ecuador, due to the fact that the requirements they entail are impossible to meet for individuals in need of protection. Moreover, those who did benefit from such programmes do not enjoy the same level of protection or rights they would have been entitled to had they been recognized as refugees. As for Chile, Venezuelans can only legally enter the country with a visa, and there is currently no ongoing process for temporary protection or migratory regularization.

Amnesty International expresses concern regarding the lack of protection for Venezuelan nationals in Colombia, Peru, Ecuador and Chile, given the limited response of the asylum systems and the fact that temporary and complementary protection programmes and regularization measures do not offer a level of protection equivalent to asylum.

Amnesty International emphasizes the fact that complementary and temporary programmes cannot be a replacement for asylum, but rather a mechanism to be used alongside asylum to provide an immediate and adequate response to large-scale movements of persons in need of protection.

Amnesty International expresses particular concern regarding the situation of women survivors of GBV with irregular migratory status and who have children and adolescents in their care in the four countries covered, given that they face situations of extreme vulnerability, marginalization and stigma, lack of employment opportunities, and limited access to means of subsistence.

Based on the contents of this report, Amnesty International believes that Colombia, Peru, Ecuador and Chile are failing to comply with their international obligations to protect those fleeing Venezuela and safeguard their rights. It therefore makes the following recommendations to the states hosting Venezuelan nationals, particularly the four countries covered in this report:

- Guarantee the right of all Venezuelan nationals to apply for recognition of refugee status, including effective access to the procedure. In particular, adopt measures to ensure and extend the application of the definition of refugee provided in the Cartagena Declaration of 1984, through *prima facie* or group recognition.
- Guarantee that Venezuelan nationals are not forcibly returned to Venezuela and respect the principle of non-refoulement in all circumstances.
- Ensure that any complementary and temporary protection programmes for Venezuelan nationals meet the requirements of legality, accessibility and recognition of rights. In particular, they should not include restrictions in respect of cost, date and manner of entry and presence in the country, or lack of identity documents.
- Remove the entry visa requirement for Venezuelan nationals, which can prevent them from exercising their right to request asylum.
- Ensure that Venezuelan nationals have access to all basic services without discrimination, regardless of their migratory status.

- Ensure that procedures for the recognition of refugee status and migratory regularization incorporate a gender perspective and an intersectional approach, to adequately address the differentiated impacts faced by undocumented Venezuelan woman, and particularly women survivors of gender-based violence.

Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

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The report analyzes migratory regularization measures and procedures for recognition of refugee status implemented by Colombia, Peru, Ecuador and Chile, which are home to nearly 70% of the 7.32 million Venezuelans who have fled Venezuela. Amnesty International alerts about the need for states to offer genuine complementary international protection to Venezuelan nationals.

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