



# “The only thing one can do in America is emigrate”: South American Responses to the Venezuelan Migration Crisis

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**Author Note** In this paper, I explore how countries in Latin America, as well as the region as a whole, have responded to the influx of Venezuelan asylees since 2015. I hope to counteract predominant discourse that portrays Latin American countries solely as refugee-producing states and take seriously the role that the region plays in shaping forced migration outcomes. By focusing on both the accommodative and restrictive measures, I emphasize the complex ways in which states chose to protect—or not to protect—refugees. I would like to thank Professors Iwa Nawrocki and Manuel Balan, who’s masterful teaching and insightful perspectives have fundamentally changed how I view both Latin America and the world. I am eternally grateful to Professors Megan Bradley and Diana Allan for sparking and sustaining my interest in refugee and forced migration studies, and for their continuous guidance and support. Finally, thank you to Alicia Wilson and Avery Franken, whose care, patience, and masterful edits have transformed this piece into what it is today.

**Abstract** Since 2015, approximately 4.8 million Venezuelans have fled from their homes in search of refuge from the country’s economic crisis and increasingly volatile political climate. As in other instances of mass displacement, they have not moved far, as nearly 80% of Venezuelan migrants have remained in continental South America. This essay analyzes how states and citizens have responded to the sudden influx of Venezuelan refugees from 2015 to the present. First, it shall offer a brief overview of the history of immigration policy in Latin America from the twentieth century to the early 2000s, exploring both regional and international initiatives. It then analyzes the novel, early responses of South American governments to Venezuelan refugees, finding, that, while regional and national policies were often devised with the intent of accommodation, in practice, these measures suffer from uneven implementation. Next, the paper interrogates the rightward shift in migration policy and discourse in recent years. While the extent and scope of policy change remain to be seen, the discursive and political turn towards restrictionism represents an alarming turn towards securitized immigration policy in the context of a conflict that shows no signs of stopping. Ultimately, this essay finds that the South American response to this crisis has been limited in its ability to provide accessible solutions, cooperate on a regional level, and maintain the same policies over time. Thus, it presents a challenge not only to individual states, but to the region’s ability to coordinate meaningful solutions.

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## Introduction

After finding refuge in colonial Jamaica, a zealous Simon Bolivar wrote of his dream of an independent, unified republic on the continent now known as South America. A prolific figure of nineteenth century independence movements in South America, Bolivar wished “to see America fashioned into the greatest nation in the world, greatest not so much by virtue of her area and wealth as by her freedom and glory.” (Bushnell 2003, 23) By 1830 however, Bolivar was disenchanted with this dream, declared that America was “ungovernable,” and asserted that the only viable course of action for those in Latin America was emigration (146). Nevertheless, Bolivar’s core message of regional unity and solidarity has remained a prominent feature of intra-regional political dynamics in Latin America, resurging with vigor at the dawn of the twenty-first century. But Bolivar’s resignation regarding emigration, too, foreshadowed a crisis in his own country nearly two centuries later.

Since 2015, approximately 4.8 million Venezuelans have fled their homes as a result of the country’s rapidly worsening economic crisis, political repression, and state-led violence. Nearly 80% of the emigres have settled elsewhere in Latin America, a region that has never before experienced such an extensive internal stream of asylum seekers, refugees and migrants (Hazán, Selee, and Muñoz-Pogossian 2019, 2). This crisis has tested the region’s bureaucratic and administrative capacities, the public’s accommodation of migrants, and perhaps most importantly, the strength of intra-regional solidarity.

While Mexico and Costa Rica host approximately 72,000 and 29,000 Venezuelan asylees respectively, the remaining 3.8 million remain on continental South America (Selee and Bolter 2020, 4). As such, this paper analyzes South American political, discursive, and normative responses to the inflow of Venezuelan migrants from 2015 to the present, focusing on regional trends and country-specific case studies. First, this paper offers a brief overview of the history of immigration *policy* in South America from the twentieth century to the early 2000s, exploring both regional and international initiatives, with particular attention paid to the left-turn governments of the late 1900s and early 2000s. Then, it analyzes the early responses of South American governments to Venezuelan refugees and argues that, while governments were largely accommodating, the policies they enacted suffered from uneven implementation. Next, it interrogates the rightward shift in migration policy and discourse in recent years, which has coincided with dramatic increases in emigration from Venezuela and demographic changes among emigres themselves. While the extent and scope of the policy change remains to be seen, the discursive and political turn towards restrictionism represents a turn towards securitized immigration policy in the context of a conflict that shows no signs of stopping. Ultimately, this paper argues that, while initial responses were characterized by accommodation and regional solidarity, the South American response to this crisis has been limited in its ability to provide accessible solutions, cooperate on a regional level, and maintain the same policies over time. The Venezuelan migration crisis presents a challenge not only to individual states, but to the region’s ability to coordinate meaningful solutions and act in the spirit of unity and solidarity that Bolivar dreamed of.

## Contextualizing and Defining Venezuelan Migration

To understand the Venezuelan migration crisis and the regional responses to it, it is first pertinent to understand the different legal statuses and labels afforded to displaced people in different contexts. While terms such as refugee, asylum-seeker, economic migrant, and migrant are often used colloquially and interchangeably, each has unique political and legal implications, as well as dissimilar rights and associated protections. As outlined in the 1951 Convention Relating to the Status of Refugees, a refugee is someone who:

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Owing to well-founded fear[s] of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. (UNHCR 1951)

This definition was expanded in the 1984 Cartagena Declaration, which stipulates that those fleeing internal armed conflicts, generalized violence, widespread human rights violations, or hunger and poverty resulting from the breakdown of rule of law also qualify as refugees (Van Praag 2019). Those recognized as refugees legally gain access to humanitarian resources, like food, housing, and healthcare, and legal protections, the most critical of which is the right to not be returned to their countries of origin. This process is often political, as by recognizing someone as a refugee, a country can be taken to be implicitly condemning the refugee's country of origin, as doing so implies that the country of origin has failed to protect its citizens. The most recent data from the United Nations High Commissioner for Refugees (UNHCR) suggests that, as of June 2019, only 21,000 Venezuelans had officially been recognized as refugees. An asylum seeker is someone who is outside their country of origin who is seeking refugee status, but who has not officially received it (Giles 2013, 81-82). As of January 2020, approximately 768,146 Venezuelans had lodged asylum claims, and are currently waiting for their claims to be adjudicated. The most common term used in reference to Venezuelans, then, is "migrant," which refers to one who leaves their country of origin by choice in search of a better life, but who does not face any barriers or risks in returning to said country. This term largely depoliticizes the context that has led to such widespread displacement from Venezuela, thereby undermining the responsibility that states might otherwise have to extend legal protection to Venezuelans in their countries. Thus, despite the low number of Venezuelans with formal refugee status, this paper shall intentionally employ both "migrant" and "refugee" in reference to those who have fled Venezuela since 2015. This choice stems from the intention to accurately portray the complex legal and political statuses Venezuelans occupy while simultaneously calling into question the legitimacy of the distinctions.

### **Historical Trends in Latin American Migration Policy**

Immigration to and within Latin America has long been a prominent phenomenon. As early as the late nineteenth century, countries such as Brazil and Chile promoted European immigration to their countries – though this was notably a function of their desire to retain ethnically European and racially white populations (Fitzgerald and Cook-Martin 2014, 266). Before and during the early years of World War Two, South American (Argentina, Brazil, and Paraguay in particular) countries served as havens for Poles, Jews, and other Europeans fleeing Nazi Germany—but also later welcomed Nazi officers fleeing prosecution (320-322). Most countries in South America are signatories both to the 1951 Convention and the Cartagena Convention, the latter of which was spearheaded by countries in Latin America itself in response to mass displacement that occurred in the wake of civil wars and dictatorships in the region (Van Praag 2019). Immigration policy was securitized and restrictive during the military dictatorships of the 1960s-80s, however it has since liberalized to varying degrees and across different indicators since the 1990s (Canto et al. 2015, 16).

This liberalization foreshadowed the "left turn" in the region, which began in 1999 with the election of Hugo Chavez in Venezuela. Aptly named Bolivarianism, the ideology of the Venezuelan Revolution, amongst other policies, promoted regional solidarity and citizenship and prioritized Latin American sovereignty and interests over the interests of the Global North (Maya 2011, 221). The rise of Chavez initiated a domino effect of leftist electoral victories across the region in Argentina, Chile, Brazil, and Bolivia. While none of the other left-turn governments can be

characterized as equally radical or progressive as that of Venezuela, they nonetheless initiated several key reforms centered on migration. For example, the 2004 immigration law passed under Argentine President Christina Kirchner formally recognized of the right to migrate as “essential and inalienable to the person,” a move mirrored by her Chilean counterpart, Michelle Bachelet, in 2008 (Arcaraza and Freier 2015; Reveco 2018). Governments also loosened entry and visa requirements for citizens of other countries in the region as a means of promoting freedom of movement (Hazán, Selee, and Muñoz-Pogossian 2019, 4). One particularly striking case is that of Ecuador. Migrant rights are embedded within the Ecuadorian Constitution of 2008, which mandates that the government protect the rights of citizens and foreigners in the country alike. Ecuador also adopted a policy of open borders in 2008, thereby allowing any foreign national to remain in the country without a visa for up to three months (Arcaraza and Freier, 678-679). While some of these policy shifts represented normative changes, others merely formalized patterns and relations that had been prominent for decades. Colombia and Venezuela, for example, have long shared a porous border characterized by informal, temporary migration (Testa 2019, 23).

On a regional level, one of the most significant developments was the Mercosur settlement agreement, which dictates that the citizens of the member states (Argentina, Brazil, Paraguay and Uruguay) and associated states (Bolivia, Chile, Colombia, Ecuador and Peru) do not need a passport or visa to travel around the region, and can do so with only a national identity card or other document considered valid. The UNASUR member states indicate similar goals of regional integration and cohesion. The aforementioned focus on intra-regional migration reflects the fact that most migration patterns within Latin America (with the exception, perhaps, of Colombia) are not widespread refugee flows, but instead informal and temporary movements motivated by the potential for economic gains (Acosta 2016). What distinguishes the Venezuelan case is not the fact of intra-regional migration, but the features of migration itself: it represents neither the informal temporary movement for economic reasons nor the historical emigration out of Latin America for political reasons. Instead, it represents an amalgamation of both trends.

### **Initial Responses to the Venezuelan Crisis**

This section shall provide an analysis of South American responses to Venezuelan refugees in the earlier years of the crisis until approximately 2018, including in policy shifts, regional actions, and concrete outcomes. Crucially, most of these responses have favored alternative forms of legal residence and status rather than the formal asylum processes, and only two countries (Mexico and Brazil) have applied the 1984 Cartagena Convention when evaluating asylum claims (Selee and Bolter 2020, 24). While asylum adjudications have been present in most countries, this paper largely focuses on these alternative forms of recognition and their role in this situation.

First, countries have created new classifications and legal statuses specifically for Venezuelans who have emigrated since late 2015. By far the most common destination for Venezuelans emigres is Colombia, where, as of December 2019, approximately 1.6 million Venezuelans were living (4). In addition to its own temporary visa program, Colombia began to issue Border Mobility Cards in 2017, which allows Venezuelans to travel freely between the two countries (Parent and Freier, 2018). Peru, the second-largest recipient of Venezuelan migration, introduced a Temporary Stay Permit (Permiso Temporal de Permanencia, or PTP), in 2017 which granted temporary residence to Venezuelans living in the country. This program was formulated with the goal of regularizing migration to Peru, as opposed to previous systems that led to informal or undocumented immigration. Temporary status, however, does not come with a work permit, which has led many migrants to choose to apply for asylum instead (Testa 2019, 30-31). Colombia, Chile, and Brazil adopted similar temporary protection visas of one to two years, with a few notable differences. For instance, Chile's Visa of Democratic Responsibility for Venezuelan

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Citizens, launched in April 2018, may only be obtained by applying at the Chilean embassy in Caracas, thereby servicing only those with the resources to remain in the country and obtain the required documentation (Parent and Freier 2018).

Other countries have responded by drawing on existing frameworks or laws and applying them to the Venezuelan situation itself. Argentina, for example, has drawn upon the existing framework of MERCOSUR residency agreements and has issued unrestricted, two-year, renewable visas to Venezuelans. Critically, these visas allow holders to work and have been reformed to address the inaccessibility of certain identification documents, thereby positioning them as a more accessible option as a whole. Ecuador has taken a hybrid approach by citing relevant frameworks and applying broader laws to the Venezuelan crisis, as well as by introducing new mechanisms. In 2018, it introduced the Ley de Movilidad Humana (Human Mobility Law), which expands upon previous mechanisms by dictating that any South American may enter the country and remain there for 180 days so long as they have a national identity card. This can be understood as an adaptation of the UNASUR visa policy, which mandates the same provisions. These visas, however, have proved to be expensive and inaccessible to most (Cantor et al., 20).

On a regional level, the most important development at this time is the Declaration of Quito, signed by Argentina, Brazil, Chile, Colombia, Peru, Ecuador, Paraguay, Uruguay, as well as by three states in Central America (Mexico, Panama, and Costa Rica) in September 2018. At its core, the goal of the Declaration is “to enhance regional cooperation, including additional international community financial support for countries facing large influxes of Venezuelan refugees. It also aims to provide domestic legal protections for Venezuelan migrants, including access to basic social services and acceptance of expired travel documents as proof of identity.” (Restrepo, Sutton, and Martinez 2019, 19) The parties met again in November 2018 to discuss an action plan, which covers three main areas: the regularization of Venezuelan nationals living in foreign countries, regional cooperation with Venezuela, and cooperation with states in the region. Subsequent meetings in April and July of 2019 enabled signees to update each other on the extent to which they implemented the action plan. Additionally, countries would commit to new actions, such as facilitating refugee integration. These actions would have the effect of rallying the international community for increased support (Testa 2019, 11-12).

The Quito Process, as it is now called, has seen a rocky start. As of June 2019, most of its plans for regional cooperation and relaxed borders have failed to come to fruition. Nevertheless, at a bare minimum, the fact that these countries made a commitment, to begin with, is reflective of a sense of regional trust and cooperation between states that are not equally impacted by the crisis and that do not all have the same capacity to respond. At its best, however, the Quito Process indicates a strong sense of regional solidarity and desire to help fellow South Americans escape from a brutal and oppressive regime. In the face of increasingly hostile attitudes towards foreign-born nationals in the same hemisphere, this sense of comradeship and compatriotism could be transformational.

As a whole, these responses have seen varying degrees of success, implementation, and impact, which shall be discussed in the following section. The fact that many mechanisms have been created specifically and exclusively to respond to the Venezuelan crisis could be interpreted in a number of ways. On the one hand, it may be true that a dynamic and specific response to Venezuelan displacement draws attention to the exceptionality of the current crisis and meaningfully targets Maduro’s government and its legitimacy. Conversely, given the inherently political nature of formal refugee recognition, it is possible to understand these alternative measures as a mechanism for depoliticizing country and region-level responses. In the same vein, it may be true that relegating the intake of Venezuelan migrants to their own sphere de-legitimizes



formal asylum claims, and arbitrarily limits the scope of the benefits that migrants may receive. It is also pertinent that refugee status is permanent, while the visas granted to Venezuelan emigres are largely temporary. This not only reflects the predominant patterns of migration patterns themselves in the region but could also be indicative of the initial expectation that Venezuela would stabilize, that migration outflows would cease, and that refugees may be able to repatriate their countries. As the situation in Venezuela shows no signs of improvement, this outcome appears unlikely in the foreseeable future. Indeed, as the following sections shall demonstrate, the increasingly protracted nature of displacement suggests that such temporary measures may prove to be fundamentally insufficient responses.

### **Restrictionism, Retraction, and Securitization**

This section analyzes the recent rightward shift in Latin American immigration policy towards Venezuelan refugees, which began just as the Quito Declaration was signed at a regional level. Both the concrete policy outcomes and normative indicators of a shift in the region's openness to immigrants, such as opinion polling, electoral outcomes, and xenophobic incidents are considered. Critically, policies and attitudes have become more restrictive, both as the number of Venezuelan migrants has increased and as the profile of these refugees themselves has shifted. Migration during the earliest years of the crisis consisted largely of educated adults and working-aged men who were ultimately attractive assets to the countries they immigrated to. As the economic situation in Venezuela has worsened, poorer, less educated, and less skilled workers have joined their compatriots, seeing no other choice than to flee (Camilleri and Hampson 2018, 9-10).

While most politicians have continued to discursively support Venezuelan refugees, many have quietly narrowed the scope of their visa programs and increased the amount of identification needed to obtain legal status. Colombia, for example, blocked those who had entered the country after June 2018 from qualifying for PEP, and ceased issuing border mobility cards after just one year (Testa 2019, 13). The Peruvian government announced that it too would cease issuing PTP visas at the end of 2018, citing a sharp rise in the number of applicants (Camilleri and Hampson 2018, 15-16). Both Peru and Ecuador implemented passport requirements for Venezuelan migrants in the summer of 2018. Although it was struck down by Ecuador's courts for being in violation of the human mobility law, Ecuador further restricted immigration by mandating that Venezuelans present their criminal records to authorities in order to receive any form of status (Restrepo, Sutton, and Martinez, 19). However, many simply cannot access their criminal records and thus cannot prove their innocence. Notably, these policies have not stymied the flow of refugees from Venezuela but have merely redirected it to other countries or transformed it into informal, undocumented forms of migration. These policies are fundamentally in contrast with their predecessors, as they ultimately limit the degree of regularization possible and present new barriers to accessing legal status.

Some South American governments have taken more active measures to limit the presence of Venezuelan refugees. Brazil, for example, began to militarize its northernmost region in 2016, where most Venezuelans enter and remain (John 2019, 444). Colombia, once the most consistent haven for Venezuelan refugees, slowly began deporting them, citing irregularities in their entrances or linkages to crime. For instance, in November 2019 the Colombian government deported fifty-nine Venezuelans, citing their involvement in political protests and alleged participation in acts of vandalism (The City Paper Staff 2019). Some instances of deportation have also been reported in Ecuador, especially since the February 2019 restrictions were implemented (The City Paper Staff 2019). This is diametrically opposed to the principle of non-refoulement, the element of the 1951 UNHCR Convention that forbids countries from deporting asylum seekers to

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their countries of origin unless they represent a clear threat to national security. This exemplifies the complex and dissimilar protections afforded to those recognized formally as refugees as opposed to those without this status.

Crucially, however, right-wing and centrist governments have also implemented more welcoming policies that do not line up with existing expectations. Perhaps no case illustrates this more than that of Jair Bolsonaro, a far-right nationalist who once described African and Haitian refugees fleeing to Brazil as the “scum of the earth,” elected to the presidency in October 2018. While his past and present xenophobia and concern for Brazilian sovereignty may suggest a different outcome, thus far, Bolsonaro’s government has not undertaken significant attempts to stem Venezuelan migration into the country. In December of 2019, Brazil began granting refugee status to Venezuelans on a *prima facie* basis, thereby foregoing the proceedings for individual status determination (Selee and Bolter 2020, 28). While this has unquestionably led to positive outcomes for many Venezuelans in Brazil without status, it is critical to take seriously the potential motivations behind this decision. From this, it becomes clear that, due to the aforementioned political nature of refugee recognition, it is politically expedient for Bolsonaro to accept Venezuelan refugees into Brazil as a means of signalling his opposition to socialism and to Maduro. Additionally, while Bolsonaro has embraced this particular international standard for this particular circumstance, his government continues to display opposition to other international organizations and laws related to migration, as demonstrated by the country’s departure from the UN’s Global Compact for Safe, Orderly and Regular Migration in early 2019 (Corrales 2019). These selective measures suggest that a welcoming migration policy may not be replicated if the tides shift such that widespread recognition and assistance are no longer politically expedient. Combined, rising restrictionism and capricious decision making suggest that future displacement crises may not be met with the spirit of comradeship outlined by Bolívar, Bolivarianism, or the number of regional agreements that embody these ideals.

## Conclusion

Governments, of course, are far from the only relevant actors: the public, too, has demonstrated similarly varied attitudes. In Argentina, most surveyed individuals displayed positive or neutral attitudes towards Venezuelan migrants. However, 38% of respondents indicated that they had witnessed overt discrimination directed towards Venezuelan migrants (Corrales 2019). Public opinion data in Chile offers perhaps the most striking portrait of this increasingly restrictive attitude. One survey conducted in the spring of 2017 showed that 41% of Chileans believe migrants increased crime, a 6-point uptick from the last poll in 2003, and just one-third agreed that immigrants were good for the economy (Reveco 2018). Other polls indicate that 68% Chileans are in favor of restricting immigration and 75% agreed that the number of immigrants in the country was too high (Corrales 2019). In Ecuador and Colombia, xenophobic mobs have terrorized predominately Venezuelan communities, and in Brazil, 1,200 Venezuelans were extrajudicially deported by angry citizens in northern Pacaraima. While popular reactions have been marked by everything from ambivalence to accommodation to acceptance, these trends suggest that South America may be as vulnerable to the tides of xenophobia and anti-immigrant sentiment that have come to characterize responses in the United States, and much of the European Union. Thus, an understanding of regional responses to the Venezuelan migration crisis serves not only as a tool for understanding the present situation, but also as a means of looking towards possible future responses.

The outlook, then, is mixed. On the one hand, many South American countries have demonstrated notable willingness to provide protections to Venezuelan asylum seekers in their midst. They have done so by using several existing national and regional laws, compacts and

norms, creating new forms of protection, and by coordinating on a regional level. While these creative policies have resulted in some successes, they have also faced widespread barriers to implementation, bureaucratic challenges, underutilization, and outright reversals. For a time, it seemed as though support for Venezuelan refugees was more rhetorical than concrete. Now, however, even the rhetorical support regarding this issue has waned, taking policy and public opinion with it. In the context of political instability as well as the emerging threat of climate change-induced migration, it is this restrictive trend that poses the biggest challenge not only in terms of securing protection and justice for Venezuelan emigres, but also because it represents the most significant barrier that future crises may face. The question remains: will South America become the beacon of solidarity and freedom that Bolivar once dreamed of, that twentieth century leftist governments elucidated, and that contemporary institutions suggest it can become? Or, will the region mirror the xenophobic and protectionist patterns of its North American neighbors by treating them as strangers in their midst? Ultimately, what will decide this is that which those fleeing violence, persecution, or disaster do not have: time.



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