

Discrimination On The Immigrants: Migration

Venezuelan To The Colombia

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ABSTRACT

Venezuela is facing a severe economic, political, and social crisis, with acute shortages of food, medicine, and other basic goods. At the same time, large numbers of Venezuelans left the country to migrate, causing Latin America to be hit by a massive migration crisis that never happened before. On the other hand, the Venezuelan population who migrated, especially to Colombia, experienced discrimination. Covid 19 is also making the Venezuelan conditions worsen, along with shortages of food, medicine, and health, as well as access to social services. This research aims to analyze various aspects of the Venezuelan immigrant crisis in recent years. Emphasis is placed on the importance of regional migration issues and the participation of the international community. The research used normative juridical legal research methods. The main points of this research are: a) The main social, economic, and political factors related to the humanitarian crisis, especially discrimination and migration issues in Venezuela; b) Venezuelan Migration and Refugee Issues; c) Response and participation of the international community, with particular emphasis on the activities of the European Union, the United Nations, and Latin America, in particular, Colombia. The results of this research are the discrimination that refugees from Venezuela receive due to the lack of funds they must migrate due to a corrupt government which results in them looking for easy and inexpensive alternatives to flee to other countries.

Keywords: Humanitarian Crisis in Venezuela, Venezuelan Immigrant Discrimination, International relations in Latin America

1. INTRODUCTION

The Bolivarian Republic of Venezuela or commonly called Venezuela, is a country located in Latin America. Venezuela adheres to the system Government of the Federal Republic, and there are 23 states in the regional organization. Venezuela is a country located on the North American continent, adjacent to Brazil to the south, neighboring Colombia to the west, and Guyanas to the east. (Richard Cooker, 2016)

Venezuela is currently facing major security, political, economic, and health crisis that has triggered a massive exodus of Venezuelans to countries throughout the region (Shannon Doocy et al., 2019). It is now estimated that the number of Venezuelan nationals worldwide reached over three million. Most of them are hosted in Latin America and the Caribbean (International Organization for Migration, 2019).



In early 2016, Venezuela experienced a decline in the oil sector, economics, and politics, and it caused hyperinflation in the world's oil-producing countries. The current crisis in Venezuela forces Venezuelans to flee from their country to the neighboring countries to survive, for example, Peru, Brazil, Colombia, Ecuador, and Bogota (Evan Ellis, 2017). Based on estimates from the UN High Commissioner for Refugees (UNHCR), as of November 2018, more than 3 million Venezuelans were living outside the country. Of those, more than 2.3 million were estimated to have left after 2015 (Congressional Research Service, 2019: 1-3).

The complete collapse of Venezuela's economy has triggered a large-scale, complex, and underfunded humanitarian crisis. An estimated 4.5 million Venezuelans have fled to other countries through infiltration. As refugees, women are most vulnerable to labour, sexual exploitation, human trafficking, and violence. The Covid-19 outbreak has made this situation even worse. Immigrants from Venezuela cannot migrate to neighboring countries by smuggling. Even smugglers and armed groups charge them to cross the Venezuela-Colombia border, despite that it is not a legal and unsafe crossing point. There is no guarantee you will succeed, especially if you are a woman. A former Venezuelan prostitute who is now a women's activist says Venezuelan refugees from Bogotá to Lima are forced to become sex workers to survive and have no choice but to keep working amid the coronavirus pandemic. The Covid-19 pandemic may have arrived late in Latin America, but its effects so far have laid bare the strains that states and societies face in trying to curb contagion while keeping economies afloat and public order intact. As most of the region's governments close borders, ground air traffic, impose stiff social distancing and send police and military to patrol the streets, simmering grievances and violent conflicts come under new pressures. Now that virus fears have closed these frontiers again and forced Venezuela and Colombia into nationwide lockdowns, the danger of bottling up the poor and shutting down ailing economies at a time of continued political hostilities is becoming more evident (International Crisis Group, 2020).

During 2018 more than 838,000 Venezuelans exited Colombia, of whom more than 70 percent crossed into Ecuador. In Europe, Spain has witnessed the largest influx of Venezuelans, with more than 150,000 people have entered the country over the past three years. The United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) estimate that the number of Venezuelan international refugees will reach 5,385,000 by the end of 2019, some of whom have prospects of returning in the short term. (Cesar Castilla & Ninna Sørensen, 2019). Venezuela itself is also amid a political and humanitarian crisis that has emerged from hyperinflation, total power outages, and years of food and medicine shortages – with more than 3 million Venezuelans have fled the country. Venezuela is also facing a



leadership crisis. Despite claims of interim election fraud, US-backed opposition leader Juan Guaidó nevertheless declared himself the country's legitimate leader on January 23, 2019. Maduro rose to power following the death of President Hugo Chávez, a leftist populist elected in 1998 who ruled until his death in 2013 (Third Way, 2019). On the other hand, institutionalize and liberal scholars see the crisis mainly due to the deterioration of governance mechanisms that have undermined checks and balances, the independence of institutions and ultimately turned the country into an autocracy (Polga-Hecimovich 2019). Public services severely deteriorated, if not collapsed. Over 4 million people have fled the country in the past few years because of this crisis. The Venezuelan crisis has been described as a multidimensional one, stemming from its political system and economic structures and touching on significant social and even cultural dynamics (Legler, Serbin Pont & Garelli-Ríos, 2018).

According to the last-mentioned data obtained by the Congressional Research Service in 2018, Colombia received more than 1.4 million refugees from Venezuela. This large number of refugees makes Colombia the country with the largest number of refugees in Latin America (Congressional Research Service, 2019: 1-3).

The crisis in Venezuela has posed profound challenges to theories in contemporary social science but can also inform them at the same time. Therefore, the author tried to analyze the dimensions leading to the crisis of humanity in Venezuela, the condition of Venezuelan immigrants in Latin America, especially Colombia, and the role of international organizations in the issue.

2. RESEARCH METHOD

This research applied normative legal research. Normative legal research or commonly known as library research, is research conducted by examining library materials such as laws, books, journals, and other reading materials related to the issue (NOVRIANTO et al., 2016).

3. RESULTS AND DISCUSSION

Humanitarian Crises in Venezuela

In early 2019, among others, the European Union countries and the United States government recognized the chairman of the Venezuelan National Assembly – Juan Guaidó, as the interim president of Venezuela, which resulted in a state of internal diarchy in Venezuela (O'Neil, 2019). It also causes widespread humanitarian crises, problems of corruption, political persecution, and hyperinflation (Coronel, 2008). Under these circumstances, many Latin American countries, the European Union, the US government, and international organizations tried to improve the socio-economic situation of Venezuela by attempting to adapt the necessary and integrated public



policies (International Monetary Fund, 2019). According to the United Nations High Commissioner for Refugees (UNHCR), 27,000 Venezuelans worldwide applied for asylum in 2016; From January to July 2017 alone, more than 52,000 asylum applications were submitted. More than 15,000 of them submitted their requests to the United States, making Venezuelans the most asylum seekers in the country. Often these numbers leave Venezuelans with other visa classifications and through unofficial channels. UNHCR conservatively estimates that there are currently five thousand Venezuelans in Curacao, twenty thousand in Aruba, thirty thousand in Brazil, forty thousand in Trinidad and Tobago, and over six hundred thousand in Colombia (O'Neil, 2018).

The worsening situation in Venezuela, making the citizens decide to migrate, which is known as Venezuelan migration. In March 2019, the United Nations estimated that more than 3 million Venezuelans (one in ten) had left Venezuela, with many moved to other countries in Latin America and the Caribbean (Third Way, 2019). On April 5, 2021, UN agencies also estimate that more than 5.6 million Venezuelans had fled the country. About 4.7 million (about 85%) refugees and migrants are accommodated in Latin American and Caribbean countries, while more than 1.7 million Venezuelans are in Colombia. Venezuelan migrants escape to neighboring countries – primarily to Colombia (Bahar and Dooley, 2019). However, around 2.5 million Venezuelans in neighboring Latin America lack identity documents, leaving them vulnerable to exploitation (Congressional Research Data, 2021: 1-3).

The deteriorating humanitarian situation in Venezuela has raised congressional concerns about the country, which remains in deep crisis under President Nicolás Maduro's authoritarian rule. Even before the coronavirus Disease 2019 (COVID-19) pandemic, Venezuelans faced shortages of food, medicine, and health, as well as access to social services. Also, political persecution, hyperinflation, loss of income, and oppressive poverty contribute to the dire situation. Along with COVID-19, previously eradicated diseases have become a major concern. Fuel shortages, exacerbated by the expiration of the U.S.-licensed oil swap for diesel in fall 2020, are reportedly impacting humanitarian aid deliveries (Congressional Research Service, 2021: 1-3).

Venezuelan Immigrants

Surviving immigrants are defined as immigrants who migrate because of threats to their fundamental rights. They cannot access mechanisms in their home countries and do not allow them to improve the situation. Venezuelans fit this definition because they are fleeing severe economic pressures and collapsing livelihoods caused by hyperinflation, rising unemployment, and a lack of basic services such as health and safety, while the political system does not allow them to vote the current government out of power (Botia, 2019). Also, based on UNHCR data, the main challenges



faced by the refugee population are related to lack of access to asylum procedures; documentation; livelihood options; food, health, and nutrition, as well as being affected by incidents of sexual and gender-based violence (SGBV) and insecurity.

Based on data R4V (Inter-Agency Coordination Platform for Refugee and Migrants from Venezuela) coordination platform for refugees and migrants from Venezuela (Response for Venezuelans, 2020):

- a. Refugees and migrants face additional stigmatization, discrimination, racism, and marginalization by host communities, including negative perceptions associated with a fear that refugees and migrants spread the virus. Already stigmatized refugees and migrants from Venezuela can be exposed to an increased risk of exploitation and abuse as they are denied access to livelihood opportunities.
- b. Victims, most of them women and girls, can be stigmatized and isolated from the support of their communities and left with no means of shelter and livelihood. In addition, orphaned children are at particular risk of being shunned from their community and leaving them vulnerable to exploitation and abuse without income or adult support.

During the pandemic, every person who wants to cross from Venezuela to Colombia by illegal/informal routes with the goods they carry is usually charged between \$1 and \$25. Venezuelan migrants and refugees, as well as residents living near the border, use these informal crossings on a regular basis during periods when the border is officially closed or to bypass authorities when transporting contraband or travel without the necessary documents when the border is opened. On average prior to the most recent border closure, more than 50,000 Venezuelans used the official crossings daily (International Crisis Group, 2020). The Venezuelan-Colombian conflict affected them, causing Venezuelan immigrants to be discriminated against. In fact, women who cannot afford the migration costs are sexually harassed and abused. Otherwise, the Venezuelan women who migrate will sell their bodies to meet their needs upon their arrival in Colombia.

Derived from UNHCR data in its supplementary appeal in 2018 (UNHCR, 2018), as a preventive UNHCR has made efforts to protect refugees from violence and exploitation by focusing on:

- a. Promote SGBV and child protection safe room networks for identification, case management and referral of specialist services to enhance comprehensive prevention and response mechanisms.



b. Collaborate with UNICEF and UNFPA to strengthen SGBV and child protection programs to improve coordination and provide more comprehensive services to the people concerned.

c. Training and provision of equipment to the National Women's Institute to improve response to SGBV survivors; and disseminate SGBV and child protection links in community networks to improve case-specific identification and response.

Despite having procedures for dealing with violence and exploitation of refugees since before the pandemic, it turns out that the system cannot run optimally, because the Venezuelan government cannot cooperate.

Public and International Community Responses

To resolve and overcome the humanitarian crisis in Venezuela, it is necessary to have a strong public policy, both at the national and international levels (Iga Kleszczyńska, 2020). Effective public policy requires several approaches to at least three levels of action. The first and foremost approach is multidimensional, which would allow for the adaptation and implementation of sectoral policies that could lead to a deep analysis of the scale of the problems and their dependence on individual policies. The next level focuses on humanitarian and migration issues. This will allow indicating the range and the occurrence of a given problem, which may become the subject of a more detailed analysis and attempts to solve them. The last important thing is the normative orientation, which is rooted in humanistic values. Keep in mind that there are many important choices in public policy. This category includes sectoral (economic, health, education) policies, but also horizontal (regional, family, social), strategic, or redistributive, regulatory, and administrative policies towards Venezuela. (Wiseman, Beland, 2010: 143-144).

Prompted by the crisis, a major receiving country like Colombia has granted temporary residence permits through the Colombian Special Stay Permit (PEP). In Colombia, Venezuelans have access to basic social rights and may work. For agencies acting to address migration issues are UNCHR and IOM, where they have advocated a coordinated and comprehensive approach across the Latin American region to address the scale of Venezuelan inflows. (César Castilla & Ninna Sørensen, 2019). UNHCR's protection strategy in Venezuela focuses on four main areas: (i) border control and bilateral coordination; ii) a community-based approach to assessing and responding to protection risks and basic needs of refugees, asylum seekers and host communities; iii) strengthening the asylum system; and iv) promoting solutions for refugees, particularly voluntary return, and legal integration of refugees through documentation and citizenship. The strategy includes strengthening bilateral protection networks: i) identify persons with special needs who need international protection; ii) strengthening referral channels; iii) provide information on



how to obtain asylum and alternative forms of legal residence along major migration routes; and iv) provide humanitarian assistance to those with the most urgent special needs (UNHCR, 2018).

As for Venezuela's health issues during this pandemic, UNHCR and IOM have coordinated the international response to the needs of Venezuelan refugees and host communities in the region, which includes governments, UN entities, NGOs (national and international), the Red Cross Movement, faith-based organizations, and civil society. Based on the Cartagena Declaration on refugees in 1984, it gave a broad meaning to refugees through the 1951 UN Convention on the Status of Refugees and the 1967 Protocol. Accordingly, the experts emphasize that Venezuelan immigrants should have individual rights to obtain asylum and become the responsibility of the state that provides asylum. (Congressional Research Service, 2021: 1-3). Also, since 2016, the Organization of American States (OAS) has attempted to criticize and boycott the Venezuelan government to change its political behavior, because the Maduro government has had an excessively negative impact on its people and neighboring fellow Latin American countries. However, the effort yielded no results. Until now, the Organization of American States has brought Maduro's government to the International Criminal Court for crimes against humanity, including political and human rights violations against the opposition. At least twelve nations — including Argentina, Brazil, Canada, and Mexico — have also been formed to condemn Venezuela's undemocratic practices (O'Neil, 2018).

4. CONCLUSION

The problem of discrimination and humanization against Venezuelan immigrants has occurred since President Nicolás Maduro took office in 2013 until now, which is caused by several factors:

- a. Hyperinflation, economic crisis, and internal politics.
- b. The bad system of Venezuela in responding to the issue had led many people to flee to other Latin American countries.
- c. The poverty of the Venezuelan population prevents them from migrating through legal channels, causing them to choose shortcuts. Coupled with the pandemic, which has made things worse, women have become commercial sex workers.

The corruption of the Maduro government resulted in many negative impacts on its citizens, so that the rights that Venezuelans should have were not fulfilled which resulted in them wanting to seek welfare in other countries by shortcuts/illegally. This has been warned by other Latin American countries, but the government of Venezuela is still turning a deaf ear which has resulted in countries that are echoed in the OAS taking the initiative to bring this case to court.



Also, International organizations such as UNCHR and IOM have to advocate a coordinated and comprehensive approach across the Latin American region to address the scale of Venezuelan migration inflows, have also coordinated international responses to the needs of Venezuelan refugees and host communities in the region, which include governments, UN entities, NGOs (national and international), the Red Cross Movement, trust-based organizations, and civil society.

Coupled with the Cartagena declaration on refugees in 1984, which gave a broad meaning to refugees through the 1951 UN Convention on the Status of Refugees and the 1967 Protocol. From that point, Venezuelan immigrants should get protection.

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