

# CRISES COLLIDING

THE MASS INFLUX OF VENEZUELAN INTO THE DANGEROUS  
FRAGILITY OF POST-PEACE AGREEMENT COLOMBIA

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# CONTENTS

## **4 SUMMARY**

## **5 RECOMMENDATIONS**

## **7 BACKGROUND**

The Regional Response in Latin America  
Cartagena Declaration

## **9 THE INFLUX OF VENEZUELAN INTO COLOMBIA**

## **10 COLOMBIA'S BORDER AND REGULARIZATION POLICIES**

The Realities of Access to Work and Services  
Gaps in Registration and Regularization

## **14 LACK OF REFUGEE PROTECTION**

## **15 TARGETED RESPONSES FOR VULNERABLE GROUPS**

## **16 INTERNATIONAL SUPPORT FOR THE COLOMBIAN RESPONSE TO THE VENEZUELAN INFLUX**

## **18 TWO CRISES CONVERGE**

## **19 INTERNATIONAL SUPPORT NEEDED FOR THE COLOMBIAN HUMANITARIAN CRISIS**

**19 COORDINATION OF THE TWO RESPONSES**

**22 CONCLUSION**

# SUMMARY

Living under the government of President Nicolás Maduro, Venezuelans face political repression, extreme shortages of food and medicine, lack of social services, and economic collapse. Three million of them – or about 10 percent of the population – have fled the country.<sup>1</sup> The vast majority have sought refuge in the Americas, where host states are struggling with the unprecedented influx.

Various actors have sought to respond to this rapidly emerging crisis. The UN set up the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, introducing a new model for agency coordination across the region. This Regional Platform, co-led by the United Nations Refugee Agency (UNHCR) and the International Organization for Migration (IOM), has established a network of subsidiary National Platforms in the major host countries to coordinate the response on the ground. At the regional level, the Organization of American States (OAS) established a Working Group to Address the Regional Crisis of Venezuelan Migrants and Refugees. Latin American states have come together through the Quito Process – a series of diplomatic meetings designed to help coordinate the response of countries in the region to the crisis. Donors, including the United States, have provided bilateral assistance.

Nevertheless, the emergency has not received international attention and donor support commensurate with its magnitude. Moreover, although many host governments in the Americas have made commendable efforts to accommodate arriving Venezuelans, they have yet to fully realize a regional approach to what is very much a regional crisis. Requirements for entry differ across host countries, shared standards for residence and work permits do not exist, and there is no coordinated system for family reunification across borders.

At the end of 2018, Refugees International (RI) launched the first in a series of missions to assess the situation of Venezuelan refugees and migrants in various host countries. An RI team first traveled to Colombia, the country most affected by the crisis. Colombia has received more than one million Venezuelans. The government's response has been both impressive and commendable. This is particularly true at a time when an increasing number of nations around the world are closing their borders to refugees and migrants. Colombia has offered temporary legal status and the right to work to hundreds of thousands of Venezuelans there. Still, many remain without regular status and unable to access essential services.

Moreover, despite a 2016 peace agreement, Colombia continues to suffer from internal conflict. Almost 8 million Colombians remain internally displaced and the number of civilians affected by the internal violence is once again on the rise.<sup>2</sup> For years, the UN Office for the Coordination of Humanitarian Affairs (OCHA) has led the international effort to meet humanitarian needs resulting from the civil war. However, OCHA began winding down its presence in 2016. Now, the influx of Venezuelan refugees and migrants has accelerated this shift of resources away from Colombia's conflict-affected and internally displaced persons (IDPs), as international donors and humanitarians mobilize to respond to the new challenges.

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1. [International Organization for Migration](https://www.iom.int/news/number-refugees-migrants-venezuela-reaches-3-million), "Press Release, Number of Refugees, Migrants from Venezuela Reaches 3 Million," November 9, 2018, <https://www.iom.int/news/number-refugees-migrants-venezuela-reaches-3-million>.

2. Refugees International, "A Battle Not Yet Over: Displacement and Women's Needs in Post-Peace Agreement Colombia," December 2016, <https://www.refugeesinternational.org/reports/2016/colombia>.



However, as Venezuelans arrive in areas dominated by armed groups, the lines between at-risk populations have blurred and the humanitarian consequences exacerbated for all. Although the joint leadership of UNHCR and IOM in the regional response is a positive step, reducing OCHA's presence in Colombia at this time is misguided. Many humanitarians with whom RI spoke warned that a vacuum would be left, denying essential attention and resources for the victims of Colombia's continuing internal conflict.

As these two crises collide, all three UN bodies will need to work together to coordinate and integrate their collective efforts to reduce suffering. OCHA should reverse its decision to reduce its presence in Colombia. Donors and humanitarians should reinvigorate support for Colombians affected by the civil war. At the same time, a major injection of donor support for Colombia's overstretched social services and the UN's regional funding appeal are essential to ensure that state's generous approach toward Venezuelans can be sustained.

## RECOMMENDATIONS

### *The Colombian government should:*

- Continue to play a leading role in international efforts to achieve a truly regional approach to the Venezuelan refugee and migrant crisis. Specifically, engagement in the ongoing Quito Process should lead to the development of stronger integration efforts, harmonized entry requirements, shared standards for residence and work permits, and a coordinated system to enable family reunification across borders.
- Apply the Cartagena Declaration definition of refugees on a prima facie basis to Venezuelans fleeing to Colombia, in concert with neighboring host countries. This regional declaration, to which Colombia is a party, broadens the definition of a refugee beyond that of the 1951 Refugee Convention and its 1967 Protocol to cover those fleeing a series of additional circumstances, including those "which have seriously disturbed public order." In parallel, the government must also strengthen its asylum system.
- With or without formal application of the Cartagena Declaration, open a continuous registration and regularization process for all Venezuelans who have sought refuge in Colombia. The government should provide clear information to Venezuelans on how to register and to both Venezuelans and Colombian host communities on what rights and responsibilities regularization accords. The government must work with local partners to disseminate this information.
- Increase support for vulnerable groups who have been displaced by the crisis in Venezuela. Targeted assistance is needed particularly for indigenous groups such as the Wayuu and Yukpa.

### *The international donor community should:*

- Fund the UN's recent request for \$738 million to respond to the Venezuela situation, as presented in the Global Humanitarian Appeal for 2019.

- Support ongoing regional efforts to achieve a more harmonized approach to the Venezuelan refugee and migrant crisis. This includes providing diplomatic, financial, and technical support to Colombia as it plays a leadership role.
- Increase funding to meet the humanitarian needs of the rising number of victims of new outbreaks of violence in Colombia's ongoing armed conflict, as well as the needs of the almost 8 million people who remain internally displaced. Support the state entities charged with organizing this response.

*The United Nations should:*

- Ensure that sufficient resources are directed to victims of the ongoing Colombian armed conflict. The fact that resources are being increasingly directed to Venezuelans at the expense of displaced Colombians needlessly exacerbates suffering. Public awareness of this trend could stoke xenophobia and undercut the peace agreement.
- Reverse the decision to reduce OCHA's staffing in Colombia. With humanitarian indicators worsening, OCHA's capacity and expertise are essential for sustaining the attention and resources needed to address Colombia's internal humanitarian crisis.
- Establish a dotted reporting line for the new National Platform in Colombia to the United Nations Humanitarian Country Team in order to strengthen the coordination and integration of relief efforts for Venezuelans and conflict-affected Colombians in areas where these populations co-exist.
- Ensure that the National Platform engages with civil society organizations in close coordination with the government; rely on independent field-based information management systems to develop appeals; and play a strong advocacy role with the Colombian government.
- Ensure that international nongovernmental organizations (INGOs) working in Colombia to assist Venezuelans provide support for integration in urban areas.
- Include more development-focused agencies in the National Platform in order to support the focus on longer-term integration.

## BACKGROUND

At home, Venezuelans face mounting repression; a dramatic decline in social services; the failure of state institutions; widespread violence; exorbitant inflation; and a severe shortage of basic goods, including food and medicine. So it comes as no surprise that the exodus of Venezuelans from their own country has escalated over the past year. The UN Refugee Agency (UNHCR) and the UN Migration Agency (IOM) announced in November 2018 that there were 3 million Venezuelan refugees and migrants worldwide.<sup>3</sup> That figure is expected to continue rising, so that “an estimated 3.6 million people will be in need of assistance and protection [in 2019], with no prospects for return in the short to medium term.”<sup>4</sup> The vast majority of Venezuelans have sought refuge within the region, creating an unprecedented challenge. As UNHCR’s regional representative for the United States and the Caribbean explained, “In its modern history, Latin America has never experienced an exodus of this dimension.”<sup>5</sup>

In October 2018, Refugees International (RI) launched the first in a series of missions to assess the situation of Venezuelan refugees and migrants in various host countries. An RI team first traveled to Colombia, the country most affected by the crisis. During its mission, the RI team visited Bogotá; Riohacha and Maicao, coastal cities on the northeastern border with Venezuela; Pasto and Ipiales, on Colombia’s southwestern border with Ecuador; and Cúcuta, another northeastern border city in Norte de Santander department and a focal point of the response. The team met

with representatives of the national and local governments; multiple UN agencies; international and national non-governmental organizations (NGOs); and affected persons, including Venezuelans, displaced Colombians, and members of the Yukpa indigenous group.

## The Regional Response in Latin America

The Colombian government is playing a leading role in calling for a regional agreement on a more harmonized approach to this crisis. An official of Colombia’s Ministry of Foreign Affairs told RI, “We want to show the world this is possible – not to respond like the United States and Europe. We are working on agreeing on principles, such as that no one should close their border without informing and agreeing with the others.”

The Quito Process has an important role to play in this. In September 2018, the governments of Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Panama, Paraguay, Peru, and Uruguay met in Quito, Ecuador to exchange information and best practices regarding the crisis of Venezuelan refugees and migrants in the region. The meeting led to the adoption of the *Declaration of Quito on Human Mobility of Venezuelan Citizens in the Region* (“Quito I”), a commitment laying the foundations for a more coordinated response.<sup>6</sup> After a subsequent meeting on November 22 and 23, 2018 (“Quito II”), Argentina, Chile, Colombia, Costa Rica, Ecuador, Paraguay, Peru, and Uruguay adopted a regional Plan of Action, by which they committed, inter alia, to facilitate Vene-

3. [International Organization for Migration](#), “Press Release.”

4. Stephanie Nebehay, “U.N. Seeks \$738 Million to Help Venezuela’s Neighbours Handle Migrant Flood,” *Reuters*, December 4, 2018, [https://uk.reuters.com/article/uk-venezuela-migration-un/u-n-seeks-738-million-to-help-venezuelas-neighbours-handle-migrant-flood-idUKKBN1O30XI?utm\\_source=NEWS&utm\\_medium=email&utm\\_content=2nd+section+1st+story+reuters&utm\\_campaign=HQ\\_EN\\_therefugeebrief\\_external\\_20181205](https://uk.reuters.com/article/uk-venezuela-migration-un/u-n-seeks-738-million-to-help-venezuelas-neighbours-handle-migrant-flood-idUKKBN1O30XI?utm_source=NEWS&utm_medium=email&utm_content=2nd+section+1st+story+reuters&utm_campaign=HQ_EN_therefugeebrief_external_20181205).

5. Teresa Welsh, “Venezuela Crisis Is ‘On the Scale of Syria,’ UNHCR says,” *Devex*, September 19, 2018, <https://www.devex.com/news/venezuela-crisis-is-on-the-scale-of-syria-unhcr-says-93465>.

6. Ministerio de Relaciones Exteriores y Movilidad Humana, el Gobierno de Ecuador, “Noticias: Declaración de Quito sobre Movilidad Humana de ciudadanos venezolanos en la Región,” September 4, 2018, <https://www.cancilleria.gob.ec/declaracion-de-quito-sobre-movilidad-humana-de-ciudadanos-venezolanos-en-la-region/>.



zuelans' social and economic integration in the region by improving regularization processes.<sup>7</sup> While a promising show of good will, this process will only prove meaningful insofar as participating states act to implement the regional plan and as more states agree to its adoption.

For certain, the ad hoc nature of the response to date has had significant consequences for Venezuelans. Each government has its own policies, often with different parameters for granting legal entry, residency, and access to basic services. Moreover, these policies frequently change with little or no notice. As a result, Venezuelans face a complex landscape of shifting requirements and opportunities, complicating their ability to make informed decisions in seeking ref-

uge. Furthermore, some host countries have recently begun to make it more difficult for Venezuelans to apply for legal status.<sup>8</sup> These changing standards are particularly problematic for families trying to reunite. Children are often stranded because they suddenly lack the necessary documentation to reach their relatives in other countries.

The challenge is readily on display in Colombia. For example, the RI team witnessed firsthand the impact of Peru's announcement that Venezuelans arriving after October 31, 2018, would no longer be eligible for Peru's one-year temporary residence and work permit.<sup>9</sup> The news spurred a sudden mass movement of Venezuelans through Colombia to the Ecuadorian border, where they sought to continue onward to Peru before the dead-

7. Ministerio de Relaciones Exteriores y Movilidad Humana, el Gobierno de Ecuador, "The II International Meeting of Quito concludes with the signing of the Action Plan on Human Mobility of Venezuelan citizens in the region," November 23, 2018, <https://www.cancilleria.gob.ec/en/the-ii-international-meeting-of-quito-concludes-with-the-signing-of-the-action-plan-on-human-mobility-of-venezuelan-citizens-in-the-region/>.

8. Human Rights Watch, "The Venezuelan Exodus: The Need for a Regional Response to an Unprecedented Migration Crisis," September 3, 2018, <https://www.hrw.org/report/2018/09/03/venezuelan-exodus/need-regional-response-unprecedented-migration-crisis>.

9. Superintendencia Nacional de Migraciones, Ministerio del Interior, Perú, "Permiso Temporal de Permanencia para ciudadanos venezolanos," <https://www.migraciones.gob.pe/index.php/ptp-venezolanos-3/>.



line. The RI team observed chaotic scenes in Ipiales, a crossing point on Colombia's border with Ecuador, on October 28, 2018. About 4,000 to 5,000 people – more than double the usual daily numbers – were estimated to be in line to depart Colombia. Afraid to miss their chance, many braved hypothermia while waiting outside overnight rather than give up their place in line to find shelter. The scenes recalled a similar problem that arose in August 2018, when Ecuador changed its entry requirements.

To address these challenges, countries in the region should harmonize entry requirements, develop regional agreements on principles and standards for residence and work permits, and facilitate family reunification across borders. Importantly, the requirements should be flexible enough to account for the reality that many Venezuelans are unable to obtain or renew their passports. Expired passports, identity cards (*cédulas*), or other official documents should be broadly accepted at border crossing and registration points.

## Cartagena Declaration

Although some Venezuelans are fleeing targeted political persecution, a large proportion is escaping dire economic and social conditions. This latter group may not be eligible for international protection under the United Nations 1951 Convention Relating to the Status of Refugees (Refugee Convention) and its 1967 Protocol.<sup>10</sup> However, they are likely to be eligible under the 1984 Cartagena Declaration on Refugees. Like the Refugee Convention, it calls on states party to provide “protection of and assistance to refugees,

particularly in the areas of health, education, labour and safety,” programs that promote the self-sufficiency and integration of refugees, and a guarantee against involuntary returns or transfers of refugees.

However, the Cartagena Declaration goes beyond the Convention by also recognizing as refugees those individuals who “have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.”<sup>11</sup> Citing the domestic situation in Venezuela, UNHCR encouraged states in March 2018 to apply the Cartagena Declaration definition in the case of Venezuelan asylum seekers.<sup>12</sup> Governments in the region have so far resisted taking this step, despite the fact that many – including Colombia – have incorporated the Cartagena Declaration into their national legislation.

## THE INFLUX OF VENEZUELAN INTO COLOMBIA

Colombia has received the largest number of Venezuelans by far. More than 1 million now live there, and tens of thousands continue to cross the border into Colombia every day. Most are “pendular migrants,” who arrive to access basic goods and services and then return home. However, according to a UNHCR estimate in October 2018, more than 4,000

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10. The 1951 Refugee Convention defines a refugee as a person with a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.”

Office of the United Nations High Commissioner for Refugees, “Convention and Protocol Relating to the Status of Refugees,” <https://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html>.

11. “Cartagena Declaration on Refugees, Colloquium on the International Protection of Refugees in Central America, Mexico and Panama,” adopted November 22, 1984, [https://www.oas.org/dil/1984\\_cartagena\\_declaration\\_on\\_refugees.pdf](https://www.oas.org/dil/1984_cartagena_declaration_on_refugees.pdf).

12. United Nations Refugee Agency (UNHCR), “Guidance Note on the Outflow of Venezuelans,” March 2018, <https://www.refworld.org/docid/5a9ff3cc4.html>.

Venezuelans who enter Colombia every day did not return.<sup>13</sup> The Colombian government estimates that about half of these arrivals intend to transit through Colombia and move on to other countries, and about half intend to remain.

The Venezuelans flowing across the border are a diverse group. The earliest waves largely brought higher-income, highly educated individuals, but those who have arrived more recently are more vulnerable and in greater need of services. The World Bank recently concluded that, although the Venezuelan influx could bring long-term economic benefits, the short-term economic impacts have been negative.<sup>14</sup> This conclusion is particularly valid in border and other poorer communities. Heightened competition for jobs and the strain on social services are beginning to fuel xenophobia. A Venezuelan man living in Cúcuta told RI that some employers turned job seekers away as soon as they heard their Venezuelan accents. One humanitarian agency told RI, “We’re at risk of creating a war between poor peoples here; poor Colombians will start to resent seeing the country’s limited social services being diverted away from them to support Venezuelans.”

## COLOMBIA’S BORDER AND REGULARIZATION POLICIES

In 2016, the administration of former Colombian president Juan Manuel Santos put in place measures to better manage the migratory flows across the border. The move reflected a recognition that having a large population of immigrants without legal status can both be destabilizing and leave productive potential untapped. This approach has continued under the current administration of President Iván Duque Márquez, who took office in August 2018. As Colombia’s current Director of Migration told RI, “I want people legalized here – it’s good for us as well as them.”

As a first step, in late 2016 Colombia began to offer temporary border-crossing permits (*Tarjeta de Movilidad Fronteriza*, or TMF) to Venezuelans living in the border region. These permits enabled Venezuelans to cross legally and stay within the border area for up to seven days, regularizing a prevailing migratory flow that had long supported Venezuelans’ livelihoods, educations, and relationships. The government went on to issue some 1.6 million of these passes before suspending the program in February 2018. In a positive move, in November 2018, the Colombian government announced the reopening of the program, as well as a new permit that allows transit through Colombia for 10 days.<sup>15</sup>

13. Marta Martínez, “UNHCR to Intensify Aid to Venezuelans in Colombia,” UNHCR, October 8, 2018, <https://www.unhcr.org/news/latest/2018/10/5bbbb36c4/unhcr-intensify-aid-venezuelans-colombia.html>.

14. The World Bank, “Migración desde Venezuela a Colombia: Impactos y estrategias de respuesta en el corto y mediano plazo,” October 2018, [https://openknowledge.worldbank.org/bitstream/handle/10986/30651/13147\\_2SP.pdf?sequence=3&isAllowed=y](https://openknowledge.worldbank.org/bitstream/handle/10986/30651/13147_2SP.pdf?sequence=3&isAllowed=y).

15. Migración Colombia, Ministerio de Relaciones Exteriores, “Comunicado oficial: Cancillería, Migración Colombia y la Gerencia de Frontera, se en el CONPES que define la ‘estrategia para la atención de la migración desde Venezuela,’” November 24, 2018, <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/noviembre-2018/8905-cancilleria-migracion-colombia-y-la-gerencia-de-frontera-se-articulan-en-el-conpes-que-define-la-estrategia-para-la-atencion-de-la-migracion-desde-venezuela>.



Passport control on the Simón Bolívar Bridge, a primary crossing point between Venezuela and Colombia's northeastern border just outside Cúcuta. Photo by Refugees International.

In 2017, the Colombian government also introduced temporary residence permits, or PEPs (*Permiso Especial de Permanencia*), for Venezuelans.<sup>16</sup> These permits are valid for 90 days at a time but renewable for up to two years. They grant access to basic health services, education, and work. In 2017, the government issued 182,000 PEPs. However, only Venezuelans with valid passports who had entered at official entry points were eligible, leaving out the growing number who had crossed into Colombia irregularly. Therefore, from April to June 2018, the Colombian government conducted the *Registro Administrativo de Migrantes Venezolanos* (RAMV), a registration exercise for undocumented Venezuelans. In a July decree, the 442,000 individuals who registered were offered the opportunity to regularize their status by applying for PEPs.



A Venezuelan woman discusses her PEP-RAMV papers with a Red Cross worker. Photo by Refugees International.

16. Migración Colombia, Ministerio de Relaciones Exteriores, “Comunicado de prensa No. 41, “Cancillería y Migración Colombia anuncian resolución para regularizar venezolanos en Colombia,” July 28, 2017, <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2017/julio-2017/5091-cancilleria-y-migracion-colombia-anuncian-resolucion-para-regularizar-venezolanos-en-colombia>.





Venezuelans wait in line for food at a community kitchen for the migrant population in Riohacha. The kitchen is funded by the World Food Program and staffed by the Red Cross. Photo by Refugees International.

According to a World Bank Group report citing government figures, as of September 2018, about 464,428 Venezuelans had obtained a visa or residency permit, and thus enjoyed regular status in Colombia. About 361,399 Venezuelans were in the process of being regularized.<sup>17</sup> Another 105,766 were estimated to have irregular status. The report notes, however, that the latter figure is likely underreported.

## The Realities of Access to Work and Services

There is confusion among both the Venezuelan and Colombian populations about the rights conferred by the PEP and the obligations involved. The RI team interviewed many Venezuelans who had not understood the various steps required in the process and, as

a result, were unable to access essential services. Further, interpretation of what the PEP includes appears to differ from municipality to municipality.

### *Livelihoods:*

Although the PEP confers the right to work legally, many obstacles remain for Venezuelans in accessing decent employment. Several Venezuelans with a PEP told the RI team that Colombian employers refused to hire them out of concern that it would lead to problems with the authorities. Moreover, 93 percent of Venezuelans who do find work do so in the informal sector, and labor exploitation is rife.<sup>18</sup> The Colombian government has taken steps to address this issue by requiring employers to register foreign workers whom they hire.<sup>19</sup> However, the policy's effectiveness remains unclear.

17. The World Bank, "Migración desde Venezuela a Colombia," p. 15.

18. The World Bank, "Migración desde Venezuela a Colombia."

19. "RUTEC: Trabajadores extranjeros en Colombia tendrán que registrarse," Colombia.com, October 19, 2018, <https://www.colombia.com/actualidad/nacionales/rutec-trabajadores-extranjeros-en-colombia-tendran-que-registrarse-208717>.



### *Health Care:*

All people in Colombia – including undocumented foreigners – are entitled to emergency health care. However, what constitutes an “emergency” remains unclear. Childbirth and antenatal care, for example, were approved only recently for coverage, thanks to a Colombian court ruling. Moreover, although Venezuelans with PEPs are able to access Colombia’s public health system, many are unaware that they must register separately with health officials and undergo a medical assessment before they can do so.

### *Education:*

Primary education is supposed to be available to all children in Colombia, regardless of their legal status. However, in practice, space and resource shortages prevent schools from accommodating extra pupils. The Jesuit Refugee Service (JRS) reports that having a PEP has made it easier for parents to access education for their children through ninth grade.<sup>20</sup> However, obtaining a certificate of graduation is possible only for those with a student visa or stamped passport.

## **Gaps in Registration and Regularization**

The Colombian government’s efforts to grant regular status to Venezuelans are commendable. However, several flaws have limited their reach and effectiveness. As noted, PEPs were initially only available for Venezuelans who had entered at official border crossings with the necessary documents. More recently, they were offered only to undocumented

Venezuelans who registered through the RAMV from April to June 2018. Most registration points were in large towns, where some were unable to access them, and a lack of information discouraged participation. The government had not made clear at the start that those registering would become eligible for regularization and many Venezuelans mistakenly feared that they could face legal repercussions if they made their status known. For example, JRS reports that some families in Pasto decided to register only one family member to reduce the risk to the whole family.<sup>21</sup>

In addition, Venezuelans who arrived or were born in Colombia after the RAMV are unable to obtain a PEP even if their family members have PEPs. Many Venezuelan children waited to finish their school year before joining their families in Colombia in June – after the registration period had ended. These children are unable to register or have their presence in Colombia regularized.

Finally, the government set a deadline of December 2, 2018, for RAMV registrants to have their PEPs issued. However, many did not receive this information or did not understand the required next step. In fact, as of early December, only around 272,000 registrants – about 60 percent – had acquired a PEP.<sup>22</sup> The Migration Directorate announced on December 2, 2018, that it would extend the deadline to December 21, 2018. Even with a concerted effort to contact more registrants, however, it was unlikely that all those eligible would receive their PEP.

Ultimately, these gaps in registration processes have limited the effectiveness of the

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20. Servicio Jesuita a Refugiados-Colombia, “Informe: Balance de la medida Permiso Especial de Permanencia-PEP-a la luz del Registro Administrativo de Migrantes Venezolanos-RAMV-,” <http://www.sjrcolombia.org/web/wp-content/uploads/2018/11/INFORME-PEP-RAMV-2018.pdf>.

21. Servicio Jesuita a Refugiados-Colombia, “Informe.”

22. Migración Colombia, Ministerio de Relaciones Exteriores, “Comunicado Oficial, Se amplía plazo para que los venezolanos registrados en el RAMV saquen su PEP,” Migración Colombia, Ministerio de Relaciones Exteriores, December 4, 2018, <http://190.60.248.86/index.php/es/noticias/380-asi-ven-los-medios-a-mc/prensa/comunicados-2018/diciembre-2018/9039-se-amplia-plazo-para-que-los-venezolanos-registrados-en-el-ramv-saquen-su-pep>.

Colombian government's positive efforts to afford regular status to Venezuelans. In what appears to be a welcome recognition of this fact, the government announced on December 21, 2018, that all Venezuelans who had entered the country before December 17, 2018, through an official entry point and had their passport stamped could apply for a PEP. Those who qualify can apply until April 2019. The government expects this to benefit more than 300,000 Venezuelans in Colombia.<sup>23</sup> However, the government would do best to open a continuous registration and regularization process for Venezuelans. It should also ensure that future processes include clearer information to Venezuelans and the Colombian host community on how and why to register and regularize their status, and which rights and obligations this effort involves.

## LACK OF REFUGEE PROTECTION

Despite its generous policies, the Colombian government's response to the Venezuelan crisis has lacked a robust refugee protection component. Although the PEP does provide short-term relief for Venezuelans, its two-year validity renders their futures uncertain and integration much more difficult. Few who fled Venezuela are likely to be prepared to return home within that time. A Colombian national who had returned after years of living in Venezuela told RI, "It took 20 years to destroy what we had in Venezuela. I think it will take at least 30 years to rebuild." Venezuelans with whom RI spoke shared that pessimism.

One Venezuelan woman living in Pasto expressed her wish to return – "My body is [in Colombia] but my spirit is [in Venezuela]," she told RI – but said she would only do so if conditions inside the country changed. None of the Venezuelans interviewed by RI expected this to be forthcoming.

However, by treating the Venezuelan influx as purely a migrant challenge, the Colombian government has failed to fully address the international protection needs of many Venezuelans. Although most Venezuelans RI interviewed in Colombia initially stated that they left because of a lack of essential goods, it often became clear that their decision to flee was related to political persecution or violence from which the state was unable or unwilling to provide protection. These are circumstances that should qualify them as refugees.

However, the Colombian asylum system does not function well. Historically a refugee-sending country, Colombia lacks either a comprehensive migration or refugee policy, instead governing through a series of presidential decrees.<sup>24</sup> Asylum applications are submitted to the Ministry of Foreign Affairs and can take more than two years to resolve. During that time, asylum seekers are not permitted to work or move from the area where they applied. As a result, relatively few apply for asylum. Of those, only a small percentage are granted refugee status because of the government's restrictive application of asylum, despite the fact that it has adopted the Cartagena Declaration definition of refugees in its national policy.<sup>25</sup>

23. Migración Colombia, Ministerio de Relaciones Exteriores, "Comunicado Oficial: Venezolanos que hayan entrado a Colombia hasta el 17 de Diciembre, sellando su pasaporte, podrán solicitar el PEP", December 21, 2018, <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2018/diciembre-2018/9396-venezolanos-que-hayan-entrado-a-colombia-hasta-el-17-de-diciembre-sellando-su-pasaporte-podran-solicitar-el-pep>

24. Cancillería de Colombia, "Recognition of Refugee Status," Accessed 21 December 2018, <http://www.cancilleria.gov.co/en/content/recognition-refugee-status>.

25. Ministerio de Relaciones Exteriores, República de Colombia, "Decreto No. 1067 de 2015," May 26, 2015, <https://www.acnur.org/fileadmin/Documentos/BDL/2016/10819.pdf>.



The Yukpa, a binational indigenous community, have been driven to move to Colombia, where they lack their own land. Photo by Refugees International.

Ideally, Colombia would respond to the Venezuelan crisis primarily as a refugee crisis, granting *prima facie* refugee status to Venezuelans already or newly arriving in Colombia “*unless* there is evidence to the contrary in the individual case.”<sup>26</sup> This approach would facilitate vulnerable Venezuelans’ access to international protections without imposing an unmanageable load on Colombia’s asylum system. It would also heed the guidance issued by UNHCR in March 2018.<sup>27</sup> However, Colombian foreign ministry officials told RI that the government would consider applying the Cartagena Declaration definition only if other host countries would do the same.

This policy underscores the need for a truly regional response.

## TARGETED RESPONSES FOR VULNERABLE GROUPS

The government’s response has failed to adequately address the particular protection needs of certain vulnerable groups, including women, unaccompanied children, the chron-

26. “1. A *prima facie* approach means the recognition by a State or UNHCR of refugee status on the basis of readily apparent, objective circumstances in the country of origin [...]. A *prima facie* approach acknowledges that those fleeing these circumstances are at risk of harm that brings them within the applicable refugee definition. 2. Although a *prima facie* approach may be applied within individual refugee status determination procedures [...] it is more often used in group situations, for example where individual status determination is impractical, impossible, or unnecessary in large-scale situations.”

United Nations Refugee Agency (UNHCR), “Guidelines on International Protection No. 11: *Prima Facie* Recognition of Refugee Status,” June 5, 2015, <https://reliefweb.int/report/world/guidelines-international-protection-no-11-prima-facie-recognition-refugee-status>.

27. UNHCR, “Guidance Note on the Outflow of Venezuelans,” March 2018, <https://data2.unhcr.org/en/documents/details/63243>.

ically ill and disabled, the elderly, LGBTQI individuals, and indigenous communities. The latter community includes binational indigenous groups that traditionally live across the Colombian-Venezuelan border. Many, such as members of the Wayuu and Yukpa communities, have been driven by conditions in Venezuela to move to Colombia. There, social marginalization, threats to traditional lifestyles, poor health, and poverty complicate their integration and leave them in a particularly vulnerable situation. Their plight is largely underreported and misunderstood, and they have failed to receive the required differentiated attention to their needs.

Another vulnerable group is the walkers, or *caminantes*. They are Venezuelans in transit who have undertaken the eight to 15 day walk across Colombia to reach neighboring countries. They travel through dangerous areas run by armed groups, and in some cases where low temperatures create risks of pneumonia. It is estimated that there are about 12,000 *caminantes* per month, of whom some walk all the way to Ecuador. The Red Cross provides some very limited basic assistance for them along the route. At the time of the RI mission, IOM had plans to set up assistance points in coordination with UNHCR. Ideally, transport would be provided to reduce the risks to people in transit. However, humanitarian agencies are permitted to provide transport only to people who have the appropriate documents to enter Ecuador). There are exceptions for only a very small number of the direst cases.

## INTERNATIONAL SUPPORT FOR THE COLOMBIAN RESPONSE TO THE VENEZUELAN INFLUX

In January 2018, the UN issued a Supplementary Appeal that contained “initial requirements for its response to [the] ‘Venezuela Situation’ in the eight countries and the sub-region most affected [...]”<sup>28</sup> By November 2018, 83 percent of the \$46 million sought for the year was funded.<sup>29</sup> In early December 2018, the UN issued an annual global humanitarian appeal that for the first time included the Venezuela situation. It seeks \$738 million for 2019.<sup>30</sup> Donors must answer this call, as Colombia needs a significant increase in financial resources to continue supporting arriving Venezuelans without neglecting its own people’s needs. Failing to do so will not only put lives at risk but may trigger xenophobia among Colombians who feel they must compete with the new arrivals for limited resources and opportunities.

Indeed, the level of need and implications for Colombia’s public sectors are significant, as deteriorating conditions inside Venezuela increasingly drive out individuals with fewer means, thinner support networks, and poorer health. Many Venezuelans flee because of the lack of medicines and medical treatment, especially for chronic illnesses such as diabetes, cancer, and HIV. Colombia’s Director of Migration stated that, “In 2017,

28. UNHCR, “Venezuela Situation: Responding to the Needs of People Displaced from Venezuela, Supplementary Appeal, January-December 2018,” March 2018, <https://www.unhcr.org/partners/donors/5ab8e1a17/unhcr-2018-venezuela-situation-supplementary-appeal-january-december-2018.html>.

29. UNHCR Division of External Relations, UN High Commissioner for Refugees, “Funding Update: Venezuela Situation as of 26 November 2018,” <http://reporting.unhcr.org/sites/default/files/2018-11-26%20Venezuela%20Situation%20Funding%20Update.pdf>.

30. Kristy Siegfried, “The Refugee Brief – 5 December 2018,” UNHCR, December 5, 2018, <https://www.unhcr.org/refugeebrief/the-refugee-brief-5-december-2018/>.





Venezuelans line up to go through border controls at Rumichaca in Ipiales, on Colombia's border with Ecuador. Humanitarian organizations provide emergency services. Photo by Refugees International.

we treated nearly 100,000 Venezuelans for health emergencies. In 2015, the figure was only 1,450.” The RI team visited a hospital in Norte de Santander, where hospital administrators stated that 68 percent of the patients were Venezuelans, and one in La Guajira where 42 percent of the patients were reported to be Venezuelans. There also has been a rise in communicable diseases, including tuberculosis, malaria, and diphtheria. Some of these diseases had been previously eradicated in Colombia.

Lack of shelter is an enormous problem in border towns. In La Guajira, the lack of adequate shelter has resulted in hundreds of Venezuelans sleeping in the streets, parks, and public spaces. Venezuelans even rent spaces in parking lots for their families to sleep.

Colombia's Migration Department states that 57 percent of Venezuelans now live in cities around the country. According to UN and Facebook data, 23 percent of Venezuelans

in Colombia now live in Bogotá. Some of the worst abuses and exploitation take place in cities, underscoring the need for service provision and integration support for Venezuelans in urban areas. In fact, the Colombian government is calling on INGOs newly arriving in the country to direct their assistance toward the majority of Venezuelans who have settled in Colombian cities.

Despite the magnitude of the influx and scale of these needs, the humanitarian operation is minimal. One senior UN humanitarian official told RI, “You shouldn't underestimate the limitations of the humanitarian operation in Colombia.” However, agencies report that they could scale up their operations if increased funding were available. Local Colombian government officials told RI of valiant attempts to respond to the influx of Venezuelans, at the same time bemoaning the lack of budget and other resources they need to be effective. Others emphasized the need for both immediate humanitarian assistance and longer-term development aid

to enable a response to what is likely to be a protracted crisis.

The Colombian government acknowledges the long-term nature of the situation and the resulting need to invest in development for both its own population and Venezuelans. Nevertheless, its strained institutions and temporary measures like the PEP are not prepared to meet these challenges. The international community must therefore inject major funding into the government's social protection systems.

## TWO CRISES CONVERGE

The Venezuelan influx is only the latest humanitarian crisis that Colombia has endured. For decades, its government, civil society, and international humanitarian agencies have been responding to displacement and suffering caused by the country's civil war. In 2016, the government signed a peace agreement with the Revolutionary Armed Forces of Colombia (FARC), formally bringing an end to a civil war that had raged for decades. However, the country remains in a fragile period of peace consolidation. Moreover, the FARC was just one of several armed groups operating in the country. Thus, despite progress in establishing peace and making reparations for the victims, the internal conflict and its effects persist.

There are still 7.7 million IDPs in Colombia, and humanitarian indicators are deteriorating. OCHA reports that 2018 has seen a 113 percent increase in the number of Colombians who had to flee their homes in mass displacements and a 32 percent increase in attacks against the civilian population by armed actors, compared to 2017. Other armed groups, like the National Liberation Army (ELN), are taking over the territory the FARC previously occupied, fighting among themselves, and growing in

strength on both sides of the Colombian-Venezuelan border. There has also been a spike in coca production where the armed groups operate, particularly along the Venezuelan border.

Most Venezuelans arrive in these areas of ongoing internal armed conflict, often via dangerous routes. There are seven official border crossings from Venezuela to Colombia but more than 200 informal crossing-points, or *trochas*. The latter offer the only points of entry for many Venezuelans, who are no longer able to obtain or renew passports at home. However, the *trochas* are often run by illegal armed groups, creating high risks of extortion, rape, and theft for vulnerable Venezuelans.

No official data exist on the numbers of people using the *trochas*. However, RI was informed that the daily flow at one crossing point in Norte de Santander was as high as 1,200 people. Having taken great risks to enter, the vast majority of those who cross irregularly stay in Colombia. Humanitarian agencies report that many of these undocumented Venezuelans find no option other than working for the armed criminal groups - recruited into cultivating coca, transporting drugs, or exploited as sex workers.

In short, the influx of Venezuelan refugees and migrants appears to be exacerbating Colombia's internal conflict by fueling armed groups' illicit activities, such as coca production. At the same time, the Colombian internal conflict creates great dangers for arriving Venezuelans. RI was told that in Arauca, Venezuelans reportedly died in clashes between the Colombian army and armed groups. In Nariño, illegal armed groups have recruited Venezuelans waiting to cross the border. In Putumayo, armed group activity and coca cultivation are both up, and there are reports of recruitment of Venezuelans by armed groups, especially to work in coca fields.

The growing intersection between these two crises does not bode well for Colombia's stability. One senior UN official observed to RI that, "The costs of reparations under the peace process lead to tensions with the costs of hosting migrants. One condition of the peace process was access to health care for ex-FARC combatants. That health care is now going to migrants." The government's failure to adhere to the conditions of the peace agreement and facilitate reintegration of ex-combatants as civilians could have dangerous consequences for the country and the region. The two issues should not have to compete.

## INTERNATIONAL SUPPORT NEEDED FOR THE COLOMBIAN HUMANITARIAN CRISIS

It is of great concern that relief efforts have shifted away from Colombia's internal humanitarian needs. Many aid providers told RI that they were now able to dedicate only 20 to 30 percent of their resources to IDPs and other Colombians affected by the conflict. This shift began in 2016, even before the height of the Venezuelan influx. Following the peace agreement, donors concluded that there was no need to continue the same level of humanitarian funding. However, the Colombian government and humanitarian agencies are now no longer resourced to respond to the expanding crisis caused by armed conflict.

One agency warned, "There's no budget for emergencies, but all the reasons for the war still exist." A representative from one UN agency said, "We are concerned that we may lose focus on the peace process, on which my agency had previously worked

for many years. We need resources for both IDPs and Venezuelans, especially now that Venezuelans are being recruited into armed groups."

In a positive step, in October 2018 the position of the UN Humanitarian Coordinator was extended for an additional year, based on the recommendation of the UN Humanitarian Country Team (HCT). However, the 2016 decision by OCHA's leadership to wind down its involvement in Colombia is extremely concerning. For nearly two decades, OCHA has led the overall international humanitarian response in Colombia. Under the current plan, OCHA will reduce its presence in Colombia to a single humanitarian advisor in Bogotá, with no field presence, by the end of 2019.

Many relief groups expressed deep concern to RI about the prospect of winding down OCHA's presence. One UN agency official observed that IDP issues are already becoming sidelined and expected this trend to accelerate as OCHA downsized. An official from the Norwegian Refugee Council (NRC) told RI, "We need OCHA – their independence, their needs-based approach, and their information-management. We're losing the information-management structure that took years to build."

## COORDINATION OF THE TWO RESPONSES

In addition to adequate funding, the Colombian government and international community must ensure that an efficient and effective system is in place to coordinate efforts to respond to the two crises. This system must be able to cope with both the needs of Venezuelan refugees and migrants, and the victims of internal conflict.

As outlined above, the UN has set up the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela<sup>31</sup> (hereafter, “the Regional Platform”) to coordinate a regional approach. Refugees International supports this approach, which reinforces the push by the Colombian government for the regional harmonization of the response. The Regional Platform is co-led by UNHCR and IOM with a joint UNHCR-IOM ambassador. It currently consists of 40 organizations, including 17 UN agencies, 14 NGOs, five donors, two international financial institutions, and the Red Cross. Within each host country, the Regional Platform is meant to take shape at the national level as a National Platform, via local coordination mechanisms and in collaboration with the government.

Colombia is unique in the region in that it already had a well-established humanitarian coordination system. Led by OCHA, the UN cluster system in Colombia is based on decades of relief efforts designed to meet humanitarian needs during the country’s civil war. It consists of a UN Humanitarian Country Team (HCT) with five operational clusters at the national level and a network of local coordination committees (ELC, in Spanish) at the local level. The latter address humanitarian and development issues, and peace support.

The National Platform in Colombia was established alongside the HCT. It is active in geographic areas where there are significant numbers of Venezuelan refugees and migrants, such as along the border with Venezuela. The HCT is mostly active in areas where there are populations displaced or otherwise impacted by Colombia’s conflict, as well as by natural disasters. The challenge arises in areas where both Venezuelans and IDPs are present in significant numbers, and both the National Platform and the HCT are attempting to coordinate relief activities. This can be particularly challenging for NGOs and

other aid groups engaged in “area-based” programming – i.e. relief efforts that target all vulnerable populations in an area regardless of origin. In such areas, the two mechanisms may overlap in their efforts to coordinate what are many of the same aid groups.

There have been attempts to reconcile the mandates of the two coordination systems. For example, the National Platform and the HCT try to hold “Back-to-Back” coordination meetings – or right after the other – in an effort to reduce duplication and improve synergies across the relief efforts. However, RI’s interviews with humanitarians in Colombia reveal that these efforts have not been fully successful. Many NGOs participating in the National Platform complained of the inefficient duplication this overlap creates. Agencies trying to develop area-based approaches are concerned about these new structures hampering their ability to do so.

INGOs welcomed the National Platform meetings as a means for sharing information about their activities. However, many question their effectiveness as coordination mechanisms and cite inefficiencies created by the National Platform in circumventing the existing HCT cluster leadership. They also bemoan the National Platform’s lack of accountability, inclusive data analysis, and joint strategy development. An NRC official noted to RI, “There used to be a very collective and joint assessment about geographic and sectoral priorities and strategies, with information collected directly from the field. Now we are seeing a more top-down approach with UNHCR and IOM setting the priorities and providing figures, with less participation from the NGOs.” NGO representatives also expressed concern that UNHCR and IOM were becoming the main liaisons with the government. The NGO representatives further observed that these agencies are sometimes unable or unwilling to advocate on contentious issues.<sup>32</sup>

31. UNHCR, “Operational Portal: Refugee Situations: Venezuela Situation,” <https://data2.unhcr.org/en/situations/vensit>.

32. This text includes a correction to language that appeared in the original version of this report.



# VENEZUELA COMMUNITY ORGANIZATION

Yanira came to Colombia from Venezuela two years ago. She said that her decision to leave was driven by her fears for her children's futures, given the crisis in Venezuela. She used to work as a tour operator in Venezuela. She was impressed by the welcome she received in Colombia and was determined to contribute to her new community in Pasto. She now runs a Venezuelan community organization there – Colvenz – that is present in several cities in Colombia. It has 800 members in Pasto and is growing daily. It is run entirely by volunteers. She says that this organization is “Venezuelans working for Venezuelans. We know how to help Venezuelans, as we know our community. We can help with making sure that information reaches Venezuelans. This is the first time that most of them have traveled. They need to know their duties, not just their rights. We give advice and information, as well as bags of food and clothes for the new arrivals, and help them find lodgings. Businesses call us asking for Venezuelan employees, and we pass on information to the community. We also help *caminantes* walking along the route from 7 a.m. to 8 p.m. most days – giving out shoes and clothes.

“A community in Cali sent us clothes to distribute. Venezuelans have received great solidarity, but the fear is that people will get tired of us. We have to make sure that Venezuelans contribute here. We want to support and learn from Colombians, too. The *Defensoria* office worked with us to arrange a meeting with IDP[s] and Venezuelans – that turned out very well. If you don't attend [to] IDPs, it could increase xenophobia. We will help IDPs if we get funds to do so.”



Yanira González, Coordinator of Colvenz in Nariño. Photo by Refugees International.

There are a few options for reconciling the two coordination systems. The first option to be considered was the inclusion of OCHA as a co-lead alongside UNHCR and IOM in the National Platform in Colombia in order to liaise between the National Platform and the HCT. This option was supported by UNHCR, IOM, and OCHA at the field level, but was reportedly rejected at UN headquarters following months of discussion.

A second option would be for the Regional Platform to establish a dotted reporting line to the HCT at the national level and to the ELCs at the local level. This would allow for coordination for Venezuelan refugees and migrants to be better integrated into the HCT and the existing cluster system and to strengthen the accountability of the humanitarian response. This dotted reporting line would be secondary to the direct reporting relationship of the National Platform to the Regional Platform. However, it would be particularly important in

areas where the relatively large numbers of displaced Venezuelans and conflict-affected Colombians co-exist. In light of earlier unsuccessful and bureaucratically painful attempts to pursue the first option, many aid officials interviewed by RI were partial to the second option as the best way to integrate the Regional Platform and the HCT.

## CONCLUSION

“My body is [in Colombia] but my spirit is [in Venezuela];” despite this powerful sentiment, the Venezuelan woman who expressed it did not expect conditions at home to be good enough to allow her return for decades, even if the political situation changed immediately. This pessimistic outlook was shared by most of the other Venezuelans with whom RI spoke in Colombia. The reality underscores the importance of developing a comprehensive response that addresses the acute humanitarian and protection needs of Venezuelans; prepares for the possibility of an expanded and sustained influx of Venezuelans; and preserves national and regional stability by mitigating the exacerbating effects of Colombia’s colliding crises.

To achieve these goals, Colombia needs significant international assistance and attention to both crises, and the appropriate institutions to implement them. Without these supports, there are serious risks of undermining the peace agreement and Colombia’s ability to continue to respond effectively to the needs of Venezuelan refugees and migrants.

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# ABOUT REFUGEES INTERNATIONAL

Refugees International advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises around the world. We are an independent organization and do not accept any government or UN funding.



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