

**2023 OHCHR REPORT**

To Dr. Felipe González Morales, United Nations Special Rapporteur on the Human Rights of Migrants, in response to the call for inputs

“Report on how to expand and diversify regularization mechanisms and programs to enhance the protection of the human rights of migrants”

February 2023

**Migration, Gender, and Regularization in the context of Venezuela**

by the Center for Migration, Gender, and Justice (CMGJ) and Centro de Justicia y Paz (CEPAZ)

As of December 2022, 7.1 million migrants have left Venezuela out of which 5.96 million migrated within Latin America and the Caribbean (LAC) (R4V, 2022b; UNHCR, 2022). The estimated number of residence and regular stay permits granted for Venezuelans is 4.2 million globally and the top five destination countries with the highest rates of residence permits are Colombia, Peru, Argentina, Brazil, and Ecuador (R4V, 2022c). Low rates of residence permits and regular status are particularly noticeable in Caribbean countries which have imposed visa restrictions on Venezuelans. As of most recently (2021), Aruba and Curaçao require Venezuelans to have a visa prior to entering (R4V, 2021a). This trend towards restrictive visa requirements, which informs irregular entry, has also been seen in other transit- and destination countries in the region such as Chile, the Dominican Republic, Panama, and Trinidad and Tobago (R4V, 2021a). Adding to this, globally, around 1 million Venezuelans have pending asylum-applications while only around 212, 000 Venezuelans have been recognized as refugees (R4V, 2022a).

The legal limbo and lack of regular status for many Venezuelans comes with limited access to social protections and enjoyment of human rights. For example, according to a 2021 study by the IOM and R4V, main risks identified for Venezuelan migrants in the Caribbean due to lack of regular status include detention and deportation, labor exploitation, and limited health resources and services. All of these risks are interconnected and carry gendered implications.

In the Caribbean, Venezuelans who enter through irregular routes and/or don’t have documentation are often hesitant to seek out regularization processes as they fear detention and deportation. A further factor that heightens this fear concerns economic situations, which render those who enter irregularly and lack financial resources more vulnerable to exploitation, not least labor exploitation. This is particularly the case for Venezuelan migrant women as poverty and low labor market participation raise concerns about human trafficking. In 2019, 70% of human trafficking victims in five Caribbean countries were Venezuelans (IOM and R4V, 2021, p.22). Mostly exposed to human trafficking were women and teenage girls who are left with limited alternatives to provide for themselves and their families. Similarly, gendered implications of irregular status can be identified regarding limited health resources and services. A point in case here is Aruba where Venezuelan migrant women giving birth have to pay an “unpayable debt” to hospitals (Ibid., p.17).

Another key issue with regards to legal limbo and lack of regular status for Venezuelans has to do with evictions. As a regional study by the R4V (2021b), including Brazil, Colombia, Ecuador, and Peru shows, more than half of the surveyed Venezuelan migrants without a visa or residence permit have been evicted while 41.7% are at risk of eviction (p. 25). There is a high level (73%) of informality of housing contracts which presents another challenge for those without a visa or residence permit. The study further finds that those who entered irregularly tend to engage in verbal contracts or have no agreement to inhabit a dwelling (Ibid., p. 19). This points to the fact that “irregular entry into destination countries by refugees and migrants from Venezuela is associated with more precarious housing contracts and even the impossibility of signing them due to the lack of documentation or requirements that refugees and migrants from Venezuela cannot meet,” including financial ones (Ibid.). Indeed, the study demonstrates that those with irregular status and/or lack of documentation have “more informal housing tenure contracts and generally live in housing without contracts or authorizations or are households living in informal settlements” (Ibid., p. 49). These precarious living conditions carry gendered implications.

Out of those surveyed, Venezuelan migrant women were more likely to not have a visa or residence permit and nearly 80% of the women noted that they face risks of eviction (Ibid., p. 41). This is of particular concern as more than 85% of women surveyed indicated that they are in “another type of agreement that is different from verbal and written contracts” (Ibid.). Furthermore, the study revealed that around 80% of Venezuelan migrant women “do not have any agreement or authorization to be on the housing or land they are currently inhabiting, which means that they may possibly be living in informal settlements or occupations of public spaces” (Ibid.). The four most common types of housing of Venezuelan migrant women were identified as: 1) rented apartments or houses (68%), 2) housing schemes through housing systems or daily paid accommodation (18%), 3) family and/or friends’ houses/rooms (5.5%), and 4) private land (5%). These precarious housing conditions have significant consequences for the livelihoods of Venezuelan migrant women in Brazil, Colombia, Ecuador, and Peru such as high food and nutrition insecurity as well as financial and medical concerns (more than 92% of households headed by Venezuelan migrant women have children in their homes; 20% of Venezuelan migrant women are pregnant or breastfeeding; more than 60% of Venezuelan migrant women require a referral to a specialized service) (Ibid., p. 42). Additionally, the survey highlights that 65% of those that reported being survivors of physical, psychological and/or sexual violence or abuse are Venezuelan migrant women heads of household and 19% are their daughters (Ibid).

In all four countries included in the R4V study on evictions, alarms about the high levels of GBV experienced by Venezuelan migrant women have been raised. For example, lack of regular status is emphasized as a key risk factor for GBV in Ecuador as per a 2022 Amnesty International report. The report highlights the difficulties that Venezuelans face in meeting requirements for regularization programs and the subsequent limited protections for Venezuelan migrant women survivors of GBV. Based on fieldwork conducted in in the cities of Huaquillas, Machala, and Quito between June and September 2022, including a total of 99 people (i.e. survivors of GBV, representatives of civil society organizations, members of international organizations, and representatives of government entities), Amnesty International finds that “authorities are failing to provide Venezuelan women with information on the protection mechanisms available and the institutions that provide care pathways for survivors of gender-based violence” (Ibid., p. 4).

This is particularly worrisome as a study by Plan International (2021) showed that 72% of Venezuelan women surveyed said that they have faced some form of GBV in Ecuador, with psychological violence in public and private spaces (51%) being most prevalent, followed by sexual harassment at work (41%), physical assault within the home (32%), and income control (10%) (Ibid., p. 11; see also: Plan International 2021).

In seeking resources and services as GBV survivors, Venezuelan migrant women are thus confronted with limited protections based on irregular status and lack of information on existing complaint mechanisms (Ibid., p. 22). Furthermore, fear of going to the authorities to report instances of GBV and to seek support is compounded by several factors as exemplified in the experience of Liseth, a Venezuelan trans woman migrant interviewed in Machala:

“*I have no faith in any state institution, I am traumatized since Colombia. In Colombia I did try to make a complaint at the Attorney General’s Office and they told us, ‘And why the complaint?’ Because we need to be supported, because [experiencing violence] is not right. They told us, ‘Yes, but is it right for you to be here?’ So then I left that institution*” (Ibid., p. 24).

Liseth’s account, especially the fact that GBV occurs along the migration continuum (origin-, transit-, and destination countries), demonstrates the pervasiveness of GBV experienced by Venezuelan migrant women and the interconnected factors, notably lack of regular status, that heighten the risks of GBV as also seen in Colombia, Brazil, and Peru.

In Colombia, GBV against Venezuelan migrant women increased by 71% between 2018 and 2021 (Amnesty International, 2021). This includes GBV targeted against those with gender identities and sexual orientations beyond binary and heteronormative conceptions for whom regularization processes often pose additional obstacles such as having official documents that match their gender identity (Amnesty International, 2022c). While Colombia’s Temporary Statute of Protection (TPS) allows trans people to obtain documents that reflect their gender identity, “in order to obtain this documentation in practice trans people must go through extra procedures that generate additional costs and therefore limit effective access to this documentation” (Ibid; see also: Fundación Karisma, 2022). Amnesty International further warns that in border areas, risks of trafficking and violence affect “those whose gender expression is diverse and different from conventional binary norms in a differentiated way” (Ibid.; see also: Caribe Afirmativo, n.d.).

Similarly in Peru, heightened risks of violence against women, girl, LGBTQIA+ and Venezuelan gender diverse migrants have been identified, notably as GBV against Venezuelan migrant women increased by 31% between 2019 and 2021 (Amnesty International, 2021). While Peru has implemented various regularization programs (see below), access to healthcare remains restricted (Amnesty International, 2022b). This specifically impacts sexual and reproductive health (SRH) (see also: CEPAZ, 2022). The implications of these restrictions, coupled with general obstacles to gain regular status, is exemplified in the experience of Alixe, a Venezuelan trans woman refugee:

 “*We have friends with poisoned bodies, people who die of heart attacks because they get blood clots from self-medicating, trans friends who have problems in their uterus due to testosterone use*” (Amnesty International, 2022f).

Also important to highlight are the risks of GBV for indigenous women from Venezuela for whom gaining regular status presents a persistent challenge. As found in a situation report (2022) by UN Special Rapporteur on Violence Against Women, Reem Alsalem, indigenous women and girls from Venezuela “face a disproportionate risk of experiencing gender-based violence during the migration route, transit and in host countries” (p. 2). Irregular entry and migratory routes are identified as factors that expose indigenous women to sexual harassment, sexual assault, and rape, and “women travelling by themselves and with children reported situations of kidnapping, sexual violence, and torture at the hands of human traffickers” (Ibid.).

More concretely, the Special Rapporteur notes:

“*Lack of access to regularization processes and to the recognition of the refugee’s status, linked to language barriers, absence of specific regularization routes for indigenous populations, costs, and lack of information increases exposure to risks of labor exploitation, including sexual exploitation some of which also includes sexual violence. Women-headed households and widows have faced particular challenges in registering the births of their children, either in the host country or the country of origin leaving their children deprived of basic and specialized medical services and presenting a further risk of statelessness*” (Ibid.).

As part of the UN Special Rapporteur’s report, in Brazil, indigenous women from Venezuela shared that “intimate partner violence has increased with displacement and COVID-19” and that they are not “aware of services or entities to approach when in need” (Ibid., p. 5). Additionally, the report points out that “indigenous women don’t have access to subsidies provided to the government,” which further informs economic precarity due to irregular status that then heightens risks of labor and sexual exploitation (Ibid.).

In this context, it is again important to emphasize that women who are forced to take irregular migration routes are far more likely to suffer from sexual violence and gender-based discrimination (CEPAZ, 2022). Personal testimonies by Venezuelan migrant women confirm the high levels of GBV faced along migratory routes and in destination countries as evidenced in CEPAZ’s publication “[Las voces de ellas](https://cepaz.org/wp-content/uploads/2021/12/Las-voces-de-ellas-Situacion-de-las-mujeres-venezolanas-en-movilidad.pdf).” For example, “Betty” who did not have access to regular routes of safe passage relied on safety provided by ‘friends’ she made along the journey Due to lack of funds and other resources, Betty and her ‘friends’ had to sleep in spaces (including on the street) with limited protections from GBV (CEPAZ, 2021). This lack of protections for Venezuelan migrant women was found to have contributed to a rise in rates of femicide: the Digital Observatory of Femicides by CEPAZ (2022) found that on average, there was a frustrated femicide committed against a Venezuelan migrant woman every ten days in the month of March 2022 alone.

The noted gendered implications of irregular status and lack of documentation in transit- and destination countries in the region have occurred against the backdrop of the Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela (RMRP), including national and sub-regional efforts to facilitate regularization of sorts, and the Los Angeles Declaration.

The Refugee and Migrant Response Plan for Refugees and Migrants from Venezuela (RMRP) is a mechanism to coordinate response efforts through the Regional Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela (R4V) in LAC. Since its establishment in 2018, the RMRP has been regularly updated, responding to the evolving needs and challenges of Venezuelan migrants and expanding to now include 17 countries and bringing together more than 200 partners (i.e. national governments, UN Agencies, donors, I/NGOs, civil society) (R4V, 2022b). Within these broader coordination efforts, the regional strategy for socioeconomic integration lists regularization as one of seven areas of concern and a regional Working Group on GBV as well as country-specific GBV sub-sectors have been created (UNDP & ILO, 2021; R4V, 2022b).

In the most recent version of the response plan (RMRP 2023-2024), R4V support for regularization programs continues to be prioritized in national and sub-regional platforms (R4V, 2022e). In this context, the Response Plan highlights that “ambitious state-led regularization programmes require complementary support to ensure that refugees and migrants from Venezuela not only receive regularization documentation but are fully integrated into host countries and gain access to essential services” (Ibid., p. 22). The importance of this complementary approach is evident in the above outlined prevailing challenges faced by Venezuelan migrant women in accessing necessary resources and services, especially with regards to health (SRH).

To address these challenges and in further prioritizing access to effective asylum procedures as well as regularization and documentation programs, the RMRP 2023-2024 Protection Sector (at the regional level) seeks to “contribute to the exchange of good practices and gaps in existing mechanisms” and to provide technical assistance to local and national governments with a focus on most affected groups, notably Venezuelan women and girls (Ibid., p. 70). This includes facilitating documentation issuance and renewal at border locations (Ibid., p. 105). These regional efforts follow an integrated framework with identification and dissemination of good practices in regularization emphasized in the Integration Sector and the Child Protection Sub-Sector aiming to “adapt and improve protection services and regularization and documentation mechanisms to register children born to refugee and migrant parents and/or those who do not have valid documentation so that they can access specialized services” (Ibid., p. 71 & 74).

In terms of national level efforts as part of the RMRP 2023-2024, regularization is addressed in Brazil, Chile, Colombia, Ecuador, and Peru. According to the Response Plan, in Brazil, regularization continues to be a priority in the following sectors: Border Management and Documentation; Shelter and Assistance; and Integration (R4V, 2022i). Furthermore, as part of the Protection Sector, Brazil aims to “strengthen effective access to territory, asylum procedures, and regularization pathways by facilitating access to documentation issuance and renewal and border locations and within the interiorization context” (Ibid., p. 105). In Chile, regularization processes, access to the formal labor market, health, and education also remain top priorities to be addressed as part of the RMRP 2023-2024 (R4V, 2022j). In this context, particular attention is paid to women, GBV survivors, LGBTQI+, and “other vulnerable populations” (Ibid.). For example, the Protection Sector response includes strengthening institutional factors such as through “foster[ing] direct technical assistance, supporting an unhindered and adequate access to regularization mechanisms…” (Ibid., p. 117-118).

In Colombia, the process of regularizing Venezuelan migrants by providing access to formal employment through the Special Residency Permit (PEP) began in 2017. PEP allows Venezuelan migrants to live and work in the country for two years (UNDP & ILO, 2021). Subsequently, in February 2021, the Colombian government announced the implementation of Temporal Protection Status (TPS) for Venezuelan migrants, which provides residency in the country for 10 years (UNHCR, 2021). As part of the RMRP 2023-2024, Colombia continues to prioritize the regularization of Venezuelans migrants through TPS by focusing on the approval of higher education degrees and employability, taking into consideration the country’s need for a differentiated approach due to the high labor market informality, income equality, and rising levels of unemployment (R4V, 2022e).

Similarly, in Ecuador, several regularization mechanisms have been introduced that will be continued under the RMRP 2023-2024 (R4V, 2022e). For example, the regularization ‘exercise’ announced by the Government of Ecuador in September 2022 is set to “advance solutions for refugees and migrants from Venezuela in Ecuador as part of a broader socio-economic integration and social inclusion strategy” (Ibid., p. 162). This includes “disseminating and strengthening the scope and coverage of the registration and regularization processes” (Ibid., p. 171). In Peru, improving access to documentation and regularization procedures is listed as one of four cross-cutting needs identified by the National R4V Platform as part of the Response Plan (Ibid., p.184). In this context, providing legal counseling and orientation on regularization mechanisms as well as strengthening regularization and documentation as “key facilitators of access to decent work and socio-economic integration” are emphasized (Ibid., p. 184 & 190).

At the sub-regional level of the Caribbean, the Response Plan repeatedly stresses the limited regularization and documentation efforts, notably in the context of Aruba and Trinidad and Tobago (R4V 2022e, p. 203-204). In fact, the first priority listed as part of the Integration Sector of the Caribbean subregion is to “provide capacity support to authorities with existing regularization processes, through workshops and specific courses in Aruba, Curaçao, Trinidad and Tobago, and Guyana” (Ibid., p. 210). Similarly, under the Protection Sector, “access to regularization for Venezuelans in an irregular situation through regular pathways, such as registration and residence permits, as well as access to asylum systems, including access to territory, and respect for the principle of non-refoulement” constitutes the first priority (Ibid., p. 213).

In other sub-regions, namely Central America and Mexico as well as the Southern Cone, regularization is also addressed by the RMRP 2023-2024. At the sub-regional level of Central America and Mexico, emphasis to support regularization and documentation is noted in the Protection Sector as those with irregular and undocumented statuses are considered to be “at the core of many protection risks” (Ibid., p. 228). In Costa Rica, this is set to take the form of campaigns of “up-to-date and reliable information for refugees and migrants in-transit on services, regularization, and the risks of irregular movements” whereas in Mexico, this is set to take the form of technical and capacity support to relevant authorities as well as access to individual legal assistance (direct representation and orientation) regarding regularization (Ibid., p. 237). Similarly at the sub-regional level of the Southern Cone, a focus on “facilitating regular access to the territories as well as promoting regularization or access to international protection and documentation, strengthening border monitoring networks, providing information about protection-related issues, direct legal assistance and counselling” is listed as part of the Protection Sector (Ibid., p. 251). In this context, the high rate of Venezuelans in an irregular situation in Bolivia is emphasized with corresponding prioritization of regularization mechanisms (Ibid., p. 258).

Another key international framework to note in regards to regularization of Venezuelan migrants involves the Los Angeles Declaration initiative, presented during the Ninth Summit of the Americas in June 2022, and followed up most recently in October 2022 (US Department of State, 2022a). At the “Lima Ministerial Meeting on the Los Angeles Declaration on Migration and Protection” on October 23, 2022, endorsing countries agreed on priority areas for “safe, orderly, and humane migration,” including temporary protection and regularization under Pillar 1 “Stability and Assistance for Communities.” Key work streams were identified as part of these priority areas to “develop shared lines of policy action” and efforts for temporary protection and regularization (Pillar 1.2) are listed to be led by Colombia with participants Ecuador, El Salvador, and Haiti. Notable here is Ecuador’s advancement of existing commitments, namely that regularization of approximately 200,000 Venezuelans who entered irregularly will commence in early 2023 (US Department of State, 2022b).

Despite these efforts across institutional levels, regularization remains a prevailing challenge for Venezuelan migrants with decisive gendered implications as noted above. Civil society organizations, national human rights institutions, and other stakeholders have been imperative in addressing these prevailing challenges.

Civil society efforts, through the provision of services, facilitation of community spaces, and information-sharing, are essential in addressing challenges in attaining regular status and documentation, and in understanding relevant procedures. To support these efforts across borders, the Center for Justice and Peace - CEPAZ, has developed a line of work around the human rights of Venezuelan refugees and migrants, with special emphasis on the differentiated affectation to women and girls in mobility. This work has centered on strengthening the *Red Internacional de Activistas Ciudadanos por los Derechos Humanos* (REDAC Internacional), considering both the collaborative work of the network and the individual actions of organizations and activists within it. Collaborative documentation from activists in +14 cities have made possible four testimonial reports on the situation of Venezuelan persons in mobility, one of them centered on women and girls victims of violence (referenced above). At the individual organization level, CEPAZ has supported the work of those striving to provide solutions and aid to Venezuelan migrants, by directly contributing to their activities and also, by advocating for their inclusion in host-country response plans.

One such organization is Venezuelans and Immigrants Aid (VIA), which has been leading such efforts for years for Venezuelan migrants in New York and surrounding areas. The organization has reached up to 300,000 people through social media engagement, informing them of available resources and services. VIA regularly hosts workshops on important migration policies, such as the Temporary Protected Status (TPS) program and the implications of these policies. In addition, the organization offers resources to address mental health and psychosocial impacts of migration as well as language programs (VIA, 2023). All of these efforts tie into VIA’s advocacy as the organization has also launched various campaigns, including with regards to considerations regarding forced displacement (in response to discourse and politics on economic migration) and by highlighting the positive contributions Venezuelan migrants have made to destination countries (VIA, 2021).

Relatedly, Venezolanas Globales, a civil society organization dedicated to building a global community of Venezuelan migrants for support and advocacy, also active in REDAC Internacional, has continuously vocalized the need to recognize migration as a human right. As per a 2022 Press Release, the organization reaffirms that migration has always been a reality and that to discriminate against migrants would not only go against international human rights, but human history. Migration should not be seen as a problem to be resolved and restricted as this informs migratory processes becoming more dangerous and dehumanizing migrants (Venezolanas Globales, 2022).

As authors of this report, the Center for Migration, Gender, and Justice (CMGJ), has been addressing prevailing challenges regarding GBV prevention, mitigation, and response in the context of Venezuela through research, advocacy, and education since 2020. These efforts are now part of our new Spotlight Project “Migration, Peace, and Security” which seeks to monitor Regional Refugee Response Plans (RRPs) and Regional Migrant Response Plans (MRPs) in regards to gender-responsiveness with a focus on GBV and to provide recommendations to stakeholders as it concerns operational and funding structures. In analyzing operational and funding structures on GBV-related programming and funding streams, the project aims to address a critical gap at the migration-peace-security nexus, namely to implement response measures targeted and specific to the needs and challenges of women, girl, LGBTQIA+, and gender diverse migrants (CMGJ., n.d.).

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