

Bogotá, November 14, 2019

Ministers
Ministries of Foreign Affairs
States Party to the Quito Process

Ref. Civil society's statement in the framework of the V Meeting of the Quito Group - November 14 and 15, Bogotá, Colombia.

Greetings.

The undersigned Latin American civil society organizations, members of the Working Group on Venezuelan Human (GTMHV by its acronym in Spanish) – composed of more than 40 organizations in 12 countries in the region – appeal to you in regards to the V International Technical Meeting on Human Mobility of Venezuelan Citizens in the Americas to be held on November 14 and 15 of this year in Bogotá, Colombia. On October 30, 2019, we submitted to the Colombian Ministry of Foreign Affairs a letter requesting a space to participate in this meeting, which, to date has not been answered.

We understand that the Quito Process has been constituted as a technical, intergovernmental space. It has been accompanied and supported by United Nations agencies, such as UNHCR and IOM, which in turn have led a valuable effort to respond to the issue of Venezuelan forced migration, in coordination with other agencies and some non-governmental and faith-based organizations. However, there is a group of civil society organizations - outside of these spaces - which, due to their proximity to the affected population and the work they carry out, have a comprehensive, technical knowledge of the challenges of migration in the region, as well as the possible solutions to be implemented.

Considering the foregoing and in order to strengthen and improve an adequate response to the challenges arising from Venezuelan forced migration, the **GTMHV REQUESTS that future Quito Process engagements establish clear mechanisms that allow for the effective participation of the region's civil society. As a result of their direct work with migrants and refugees, civil society organizations can contribute technical knowledge and experience so that States can implement a coordinated regional response that is grounded in the principle of shared responsibility and a human rights perspective. Finding solutions to current regional challenges is only possible with clear, timely, and fluid communication between all actors involved in the response.**

Due to the fact that we did not receive any response to our request to participate in this meeting, we present this document indicating our concerns regarding: (1) channels for obtaining regular immigration status, (2) strengthening refugee systems and protection mechanisms, (3) the integration of Venezuelans in their host countries, (4) the changing demographic profile of the migrating population, and (5) the need to apply differentiated responses in supporting s the migrant and refugee population.

With regard to **channels for regularizing migration status**, our experience in the field shows that it is urgent that countries in the region establish permanent measures to access to such channels. Emergency

and temporary have reached an institutional and social limit. Temporary residence permits and extraordinary regularization programs are not available for most migrants in an irregular situation. Additionally, their implementation generates setbacks for public administration.

On the other hand, the unilateral measures to restrict the entry and regular stay of Venezuelans taken by States in the region are regressive and increase levels of irregularity. These restrictive measures inhibit the entry of people in need of international protection and promote xenophobia and the exclusion of this population. They can lead to expulsion, deportation, or criminalization, and have a direct impact on children and adolescents who have been separated from their parents or legal guardians or forced to cross countries and borders alone, hoping to find their relatives. Thus, it is necessary to promote regional harmonization and the coordination of regularization processes, which, despite being part of the Quito Plan of Action, have not been prioritized.

In addition, any planning related to the Venezuelan displacement crisis must take into account the barriers to access to legal identity documents issued by the country of origin. Millions of Venezuelans are often unable to undertake the procedures by which to obtain the documents required by countries of destination and even transit countries. This further limits the possibility of carrying out regularization processes for this population.

States must seek structural, long-term migration solutions that have a human rights-centered approach and regional character. To this end, we suggest adopting measures such as the extension of existing visas or residence permits and more flexible requirements for the documentation required, such as passports. We also recommend applying to Venezuelan citizens the Residence Agreement for Nationals of Mercosur Member States and Associate Countries, as is already a solution implemented in Argentina and Uruguay. Likewise, it is key to define and broaden the concepts of the family unit, humanitarian cause, and work criteria so that they can be applied to the reality of Venezuelan migration.

The focus on developing regularization channels must be complemented by the strengthening of refugee systems and protection mechanisms, especially taking into account the situations of violence faced by people in need of international protection before, during, and after transit.

The Inter-American system of law establishes that obligations arising from the right to seek and be granted asylum apply to persons who meet the criteria of the extended definition of the Cartagena Declaration. In this regard, it is worth recalling the commitment assumed by States within the framework of the Quito Process, which calls on them to “*guarantee access to the refugee status determination procedure for those who so request*” (Action Plan, 1.1.1.b). It established January 2019 as the target implementation date.

We call upon States to comply with their international obligations and guarantee, without any discrimination and in accordance with international standards, Venezuelans’ right to seek and be granted asylum. Likewise, we ask that they respect at all times the principle of *non-refoulement*, which includes the prohibition of rejection at the border and non-admission to the territory of persons in need of international protection. Finally, we urge States to heed UNHCR's call for group-based recognition of refugee status for Venezuelans, most of whom have a clear need for international protection.

With regard to the living conditions faced by the Venezuelan population and its **integration** into host countries in the region, we have found that measures adopted by States thus far are temporary in nature. Given that the phenomenon of Venezuelan human mobility will continue in the medium and long term, it is urgent that wide-ranging measures aimed at integrating the Venezuelan population in host communities be implemented. To achieve this goal, it is urgent to promote the shared responsibility of national and local governments, the international community, the private sector, and civil society to respond.

To this end, we suggest the following measures be implemented: **a) facilitation and flexibility of the processes necessary to access residency and nationality; b) investment in productive opportunities, income-generating projects or livelihoods that integrate and benefit both migrants/refugees and the host population; c) comprehensive psychosocial support in accessing processes that allow for adaptation and better relations between migrants/refugees and host communities, thereby seeking to decimate demonstrations of discrimination, xenophobia, and/or aporophobia in the territories, and to strengthen the capacity for resilience.**

In addition, we warn of the risk faced by the Venezuelan population of being victims of violent acts and, in some cases, of suffering human rights violations that put their lives at risk. Due to their vulnerable condition, many people have arrived into violent environments and in some cases territories where illegal armed actors are present. Thus, the state and regional response must take on gender- and age-differentiated approaches for prevention and the protection of the life, dignity, and integrity of refugees and migrants.

In this regard, we reiterate the recommendation of the GTMHV included in its plan of action, according to which the **specific factors of each population group that expose them to violence, discrimination, neglect, and/or invisibility must be taken into account in order to design public policies with a differential approach that help prevent human rights violations.**

For this, it is important to consider that the profile of people fleeing from Venezuela is changing. For example, in the case of Peru, in recent months, 58% of migrants have been women, of whom 59% travel as head of family. More than half of these include one or more children. Of all migrants, only 35% have a passport and a low level of education (only 35% have higher technical or university education). This trend holds in all countries where more than one Displacement Tracking Matrix (DTM) was conducted, as seen in Ecuador, Argentina, and Brazil. There is also an increasing number of unaccompanied children and adolescents and elderly people travelling with their grandchildren, often without documents. This trend, which will surely prevail in the future, indicates that we are facing a situation of family reunification. However, it is not only not being facilitated, but it is happening precisely at a time when countries have imposed more barriers to entry at their borders. States' restrictive measures are particularly affecting the most vulnerable, unprotected populations, that have fewer resources and more limited agency.

Therefore, we reiterate the demand issued in our Action Plan regarding the need to **(a) develop a safe mechanism for family reunification—this mechanism must have the necessary tools to ensure that the person with whom a child or adolescent is reunited is indeed a family member or legal guardian, and (b) provide assistance and support to separated families and unaccompanied children to ensure family reunification and security for all families.**

We reiterate to the States of the region that the response to aid and protect the migrant population must include gender- and age-differentiated approaches. This includes recognizing the impact of human mobility on women and the exercise of their autonomy when migrating, so that power relations or gender roles are

not overlooked. In this context, it is necessary to bear in mind that women, especially girls and adolescents, and people from the LGBTI community, are at particularly high risk of gender-based violence, mainly sexual violence and trafficking.

We also note a deep public health concern over the absence of comprehensive care for migrants living with HIV, including expectant mothers, men who have sex with men, and transgender people. It is urgent that these people receive immediate attention for viral load screening, access to medicines, and prevention of stigma and discriminatory practices.

For this reason, States should implement integrated care pathways for these populations that include measures for violence prevention, assistance for victims, and access to sexual and reproductive health services. They must also include effective access to protection mechanisms and to immediate and adequate assistance and reparation, so as to ensure the implementation of transformative models that facilitate survivors' inclusion in the host communities.

In addition, we express our concern about the proposal to create a "single migratory card" for the mobility of Venezuelans that does not grant them regular status. This card involves the collection of a series of personal data on migrants, which would be made available to state officials, including in health centers and schools. Considering migrants' fear of being expelled or deported, this card is likely to become a barrier to the exercise of rights.

Finally, we urge the States party to this process to share with civil society, in an open and transparent manner, the results, agreements, and decisions taken within the framework of the Quito Process, as well as to establish mechanisms for the effective participation of civil society to guarantee the protection of the Venezuelan migrant and refugee population in the region.

Sincerely,

Name of Organization	Country
Caribe Afirmativo	Colombia
Centro de Derechos Humanos Universidad Católica Andrés Bello (CDH UCAB)	Venezuela
Centro de Estudios de Derecho, Justicia y Sociedad (Dejusticia)	Colombia
Centro de Estudios Legales y Sociales (CELS)	Argentina
Centro por la Justicia y el Derecho Internacional (CEJIL)	Regional
Clínica Jurídica de Migrantes y Refugiados de la Universidad Diego Portales	Chile
Clínica Jurídica de Migrantes, Facultad de Derecho Universidad de los Andes	Colombia

Comisión Argentina para Refugiados y Migrantes (CAREF)	Argentina
Conectas Direitos Humanos	Brasil
Consultoría para los Derechos Humanos y el Desplazamiento (CODHES)	Colombia
Plan International	Regional
Red Jesuita con Migrantes LAC (RJM-LAC)	Regional (headquartered in Mexico)
Refugees International	International (headquartered in United States)
Servicio Jesuita a Refugiados para Latinoamérica y el Caribe (JRS LAC)	Regional
Servicio Jesuita a Refugiados - Venezuela (JRS - Venezuela)	Venezuela
The International Institute for Race Equality and Human Rights	International
WOLA	United States
Women's Link Worldwide (WLW)	Regional (headquartered in Colombia)