CARTA INTERNACIONAL

ASSOCIAÇÃO BRASILEIRA DE RELAÇÕES INTERNACIONAIS

The politicization of (im)migration in South America: innovative responses and the weakness of legal frameworks regulating mobility[1]

A politização da (i)migração na América do Sul: respostas inovadoras e a fragilidade das estruturas legais que regulam a mobilidade

La politización de la (in)migración en Sudamérica: respuestas innovadoras y la debilidad de los marcos jurídicos que regulan la movilidad

João Carlos Jarochinski Silva[2]
Jorge Macaísta Malheiros[3]

Abstract

This article discusses, based in a literature review and the norms produced by South American countries, how, despite the discourse of being a welcoming destination for

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2   Doutor em Ciências Sociais pela PUC/SP com ênfase em Relações Internacionais. Diretor do Centro de Ciências Humanas (CCH/UFRR) e Professor Adjunto do curso de Relações Internacionais e do Programa de Pós-Graduação em Sociedade e Fronteiras (PPGSOF). (joao.jarochinski@ufrr.br).
ORCID: https://orcid.org/0000-0002-9510-216X.

3   Doutor em Geografia pela Universidade de Lisboa. Pesquisador e membro da direção do Centro de Estudos Geográficos do IGOT (Universidade de Lisboa). (jmalheiros@campus.ul.pt).
ORCID: https://orcid.org/0000-0002-0976-044X.

immigrants, the region is characterized by institutional xenophobia, difficulty for migrants to access rights, profusion of "ad hoc" instruments for certain mobilities, and difficulty in building integrated regional responses. This process highlights the politicization of the arrival of certain nationalities. In methodological terms, the article uses a reflexive process based on bibliographic and documentary analysis that focuses essentially on the contemporary situation (post-1990), preceded by a brief historical contextualization.

Keywords: Migration Policy, South America, Politicization.

Resumo

Este artigo discute, a partir da revisão de literatura e das normas produzidas pelos países da América do Sul, como, apesar do discurso relativo à posição enquanto destino acolhedor de imigrantes, a região é caracterizada pela xenofobia institucional, dificuldade dos migrantes em acessarem direitos, profusão de instrumentos "ad hoc" para determinadas mobilidades e dificuldade em construir respostas regionais integradas. Este processo evidencia a politização da chegada de certas nacionalidades. Em termos metodológicos, o artigo recorre a um processo reflexivo baseado em análise bibliográfica e documental que se centra essencialmente na situação contemporânea (pós-1990), procedido por uma breve contextualização histórica.

Palavras-Chave: Políticas Migratórias, América do Sul, Politização.

Resumen

Este artículo discute, a partir de la revisión bibliográfica y de las normas producidas por los países sudamericanos, cómo, a pesar del discurso de ser un destino acogedor para los inmigrantes, la región se caracteriza por la xenofobia institucional y la dificultad de acceso a los derechos para los migrantes. Este proceso pone de manifiesto la politización de la llegada de determinadas nacionalidades. En términos metodológicos, el artículo utiliza un proceso reflexivo basado en un análisis bibliográfico y documental que se centra esencialmente en la situación contemporánea (posterior a 1990), precedido por una breve contextualización histórica.

Palabras clave: Política migratoria, América del Sur, Politización.

Introduction

The United Nations estimate that there were approximately 15 million international migrants in Latin America & the Caribbean in 2020, a figure that duplicates the numbers observed 15 years before and corresponds to the largest relative continental increase in the world (UNDP 2023). Despite the slackening in the growth of these numbers due to the barriers to international mobility as a result of the COVID-19 pandemic between 2020 and 2022 (Mcauliffe e Triandafyllidou 2022), the mobility of Venezuelans, the largest migrant group inside Latin America, continued to grow, reaching more than 7 million people (R4V 2023).

Focusing only on South America, the information on the international mobility of Brazilians and Argentines, respectively the first and third largest national groups in the southern region of the American continent,[4] continues to grow, and the number of crossings between Colombia and Panama at the Darién Gap also increased significantly (OIM 2023), contributing to the total of almost 18 million South Americans living outside their country of origin in 2020. According to IOM data, about 70% of all this immigration occurs inside the region (Sant'ana 2022). In addition, the arrivals of migratory groups from the Caribe, such as the Haitians, and also from Asia and Africa, are accelerating (Fernandes 2015), as well as the use of the region as a transit point to North America (Yates e Bolter 2021).

This regional scenario highlights an increasing diversity of migrants and a dynamic marked by a variety of international mobility formats, whether they are border, single-life, intra or extra-regional, return, forced, transit, labor, refugee, climate (Prieto-Rosas e Bengochea 2023), or resulting from hypermobility movements (Iorio e Peixoto 2011), making the topic increasingly important in the political and social debate. It is not that the theme does not have historical relevance for the region, quite the contrary (Seyferth 2002). However, the awareness that South America is fully inserted in the context

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[4]   Regarding these movements of people leaving the South American continent, which are often carried out by populations with higher levels of education, there is the consolidation of a state rhetoric that presents them as a brain drain, which end up establishing return policies (Prieto-Rosas & Bengochea, 2023). This, in most cases, has been presenting very modest results in terms of volume of returns.

of what has been called the *Migration Era* (Castles e Miller 2009) has brought about a rethinking of the human mobility processes in the region since the colonial period, besides establishing a political context already very present on the European continent and in the United States. Nowadays, in several South American countries, the political discourse around migration policies have on one side the supporters of an increasingly aggressive national regulation, in order to meet the supposed state interests or the dominant political group and, on the other, entities that defend regulations of a multilateral nature, in which agreements between the different actors involved in the theme would be prioritized (Peixoto 2019). However, the lines separating these groups are often unclear, to the point that there are parties of the right and left that advocate similar programs (Jarochinski Silva 2020), even when these are incoherent with the rest of their platforms, but which seem to make sense to their voters or support groups.

Based on this changing reality, the text proposes to look at the South American scenario in order to contribute to understand the reasons why migration policies are constructed from certain repertoires that, often, do not seem to be coherent with: a) the locations that are, for the most part, both origin and destination places for migratory movements; b) the permanence of a view that reaffirms a colonial logic in the way the theme is dealt with; c) the existence of xenophobia and racism in many of these countries towards migrants; d) the difficulties of these groups to access *de facto* rights, even if these are formally attributed. The overall goal is to identify and discuss the politicization of certain flows, which end up generating, on many occasions, state responses that are called "exemplary", receiving the typically colonial label of *good practices*, but which are applied only to a few nationalities, not being assumed as generalizable. standards These inconsistencies, that incorporate an implicit discriminatory element towards certain immigrant groups, can be observed in the way countries manifest themselves in the defense of their nationals living in other States, while demonstrating enormous weakness in structuring their immigration policies and in thinking about holistic and long-term responses to more intense flows, as the case of the Venezuelans shows (Jarochinski Silva e Baeninger 2022).

To fulfil its goals, the article starts with a very brief reflection on the history of mobility in the region and the ways in which the different authorities in these countries have established policies and dealt with the issue in order to reflect on whether the region can be seen as a welcoming place – as it likes to self-proclaim – that respects the rights of migrants. This section is based in a synthetical literature review aiming to set the context for the deeper contemporary analysis of international migration in South America and the political responses provided in successive political contexts along the 21st century. Then, the bulk of the article explores specific responses given in the region, both in terms of the regulatory instruments and its effective implementation, establishing some comparisons with the international responses to immigration, because we want to reflect on the image that the South American authorities wish to project of their institutions, not only in the face of restrictive scenarios, such as the creation of barriers for their nationals in European and North American countries, but particularly in the face of challenging situations in the region, such as the Venezuelan exodus, the increasing presence of some non-South American nationalities, and the intensity of a refuge-seeking dynamic (Fernandes 2015, Jubilut e Jarochinski Silva 2020b). Methodologically, this part takes on reflections supported by specialized bibliography, to which are added elements of legislative analysis (Residence Agreements of Foreigners between countries in Latin America, Regularization Agreements, Reforms of Immigration Laws, accession to international instruments directed for global management of migration such as the UN *Global Compact for Safe and Orderly Migration*) and its application, assuming "*Acolhida* Operation" implemented in Brazil and directed towards Venezuelan migrants as a particularly illustrative case.

International Migration to South America: selective immigration and the consolidation of the new independent states

The history of modern migration in South America traces back to the colonial period, marked by the influx of Europeans for mining, agriculture,

and administrative roles, alongside the forced migration of millions of enslaved Africans. Following the independence of most South American countries in the nineteenth century, specific migration policies emerged aimed at replacing slave labor, ensuring territorial occupation, and promoting population whitening (Acosta 2018; Moya 2021). These policies reflected a notion of civilization that excluded indigenous and African descendants.

During the 19th and early 20th centuries, there was a significant migration of Europeans to countries like Argentina, Brazil, and Uruguay, driven by economic and civilizational motives (Seyferth 2002). These migrants were seen as ideal and contributing to the development of the "new" countries. However, other migrant groups, notably Asians, faced barriers and discrimination that devalued their presence.

Historically, immigration was viewed as beneficial, particularly when migrants were European. It contributed to nation-building by creating an "ideal" population and effectively occupying the territory. Economically, it led to technical innovation and increased production, supporting capitalist expansion. However, migrants involved in political or union activities often faced expulsion, revealing limitations to the notion of "free political participation" and "melting pot" (Seyferth 2002; Simai and Baeninger 2011; Grimson and Guizardi 2023)

Mobility in South America during the second half of the 20th century: from immigration to emigration and the progressive regionalization of international migration

Since the Independence of the former Spanish and Portuguese colonies, international migration to South America has been a crucial element shaping the political, economic, and social landscape of the region, a trend that persisted throughout the twentieth century. The process of industrialization and urbanization, particularly from the 1950s onwards, facilitated internal mobility within countries, followed by intra-continental international migration, ushering in a new migratory dynamic. While European migration

declined significantly, South American countries progressively became origins or destinations for migrants in the region. Economic hardships, dictatorial regimes, and political instability further fueled emigration from the region to other continents, consolidating South America as both a source and transit point for migrants, both within the region and beyond (Prieto-Rosas e Bengochea 2023).

Immigration from Europe in the 20th century dwindled significantly after World War II, with only a few exceptions like Portuguese migrants seeking refuge from poverty and the Salazar regime in Brazil until the early 1960s. Meanwhile, South American countries increasingly saw themselves as emigration countries, with migrants primarily heading to the United States and Europe, particularly Spain and Portugal, from the 1980s onwards (Izquierdo-Escribano, López de Lera e Martínez-Buján 2003; Malheiros 2007; Pujadas-Rúbies, Bayona-i-Carrasco e Avila-Tàpies 2018). Amidst political and economic instability, regional migration patterns emerged, including the economic migration of Bolivians, Colombians seeking refuge in neighboring countries and political dissidents fleeing to other parts of the continent or abroad. Notably, Venezuela saw significant migration in the 1960s and 1970s due to relative political stability in *Punto Fijo*[5], with migrants escaping conflicts and dictatorships in their home countries (Góis e Jarochinski Silva 2021; Grimson e Guizardi 2023).

During the 20th century, the concept of refugee emerged in the international context, becoming a part of human mobility in South America (Jubilut e Jarochinski Silva 2020a). Even before the Geneva Convention, there were small numbers of individuals who fit the definition of a refugee in the South American context. However, it was not until the New York Protocol of 1967 that part of the human mobility in South America could be formally defined as refuge, eliminating temporal and geographic limits. While asylum was already prevalent, there remains a distinct normative difference between

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5   The *Punto Fijo* Pact was a broad political arrangement initiated on October 31, 1958, with the end of the dictatorship of Marcos Pérez Jimenez, articulated by the main parties of the country, the Democratic Action – AC and the Committee of Independent Electoral Political Organization – COPEI, destined to guarantee Venezuelan political stability through a consented alternation between them, under the agreement of respecting the rules of the democratic game. The period also marked the Venezuelan economic increment as a result of the international increase in oil prices in the 1970s.

refuge and asylum, with asylum being a discretionary decision by state authorities. Political instability in many regions made it difficult to determine the persecuted, resulting in severe violations of human rights (Jubilut e Jarochinski Silva 2020a). In this context, Colombia played a significant role in expelling people from the country or forcibly displacing them within its territory (Cuervo-Ramírez, Barbieri e Rangel-Rigotti 2018).

Because of that, South America was an important part of the expansion of the concept of Refugee, for its relevant participation in the 1984 Cartagena Declaration, which expanded the definition of refugee to include, beyond the concept defined internationally in 1951 in the Geneva Convention, those who leave their country as a result of situations of severe and generalized human rights violations – because their life, safety, or freedom are threatened – or by generalized violence, foreign aggression, internal conflicts, massive human rights violations, or other circumstances that have seriously disturbed public order (Cartagena Declaration on Refugees 1984).

In concrete terms, if the massive volumes of forced migrants registered in Central America were the first justification to enlarge the concept of refugee in the Cartagena Declaration, the reality of dictatorships that existed in South America back in the 1960s and 1970s also influenced the outcome of the decision-making process, as well as the movement of people persecuted by those dictatorial regimes to Venezuela.

Finally, at the end of the 20th century, some countries, such as Argentina, became the destination of more significant migratory movements, namely Bolivians and Paraguayans. Identifying the presence of these groups, especially when a long cycle of economic decline was beginning in Argentina, brought public attention to the theme, mainly because poverty was associated with immigration. "*Bolivianization* of poverty had the effect of increasing the visibility of immigrants in Argentina in the 1990s: the previously excluded had become foreignized." (Grimson e Guizardi 2023, 209). Therefore, in the 90s, Argentina was a pioneer in South America in the public debate on the issue of immigration, after years of being ignored or dominated only by a securitization perspective. In the other countries of the region, this issue only entered the public debate in the 21st century.

The 21st century:
human mobility as a topic in the political agenda

The 21st century represents, at least from a political point of view, the moment when the countries of South America reassume the theme of human mobility as a fundamental element in the legal and political fields (Sant'ana 2022). The production of data, which has become more common, revealed that the migratory features of this continent had changed when compared to the situation observed in the previous century, with the emergence of migratory routes on which many migrants circulated, over great distances and able to cross several countries (Dias, Jarochinski Silva e Silva 2021). Furthermore, the increasingly significant presence of extra-regional groups such as Haitians, Cubans, Africans, and Asians has made the events more evident in the eyes of the media and society, causing governments to begin to address the issue more intensively (Fernandes 2015; Prieto-Rosas e Bengochea 2023). Recognizing themselves as countries of destination and transit was paramount. It is also important to point out that the discussions with authorities from the global north, as was the case of the regional reaction to the Return Directive[6] established by the European Union in 2008, also brought light to the theme, since the protection of nationals abroad became the agenda. In addition, part of the civil society organizations, and some political groups implicated in the migration issues took advantage of the appearance of the subject to politically influence the construction of new migration policies at the regional level. (Sant'ana 2022; Prieto-Rosas e Bengochea 2023)

All this is reflected in the increase of State debates related to migration in this period. In the years before this political shift in South America, poverty and social inequality were considered the main reasons for migration flows. In addition, emerged a discourse suggesting that the region's countries were suffering from a brain drain (Sant'ana 2022) that led, among other things, to justify a discourse simultaneously of critique (to the receiving countries of Europe and North America) and connection to the national Latin American

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6   Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008, on *common standards and procedures in Member States for returning illegally staying third-country nationals* (published in the Official Journal of the European Union on the 24 December 2008).

communities forming abroad, claiming their contribution to the development of origin countries. Internationally, relevant attitudes could be seen when *Mercosur* countries referred to the South-North dynamics, criticizing northern countries for their barriers to immigrants and refugees. These countries had a discursive logic that pointed to the need to receive migrants, besides demanding a historical trade-off in many cases, claiming that the region has received several immigration flows over the decades, mostly from Europe. However, a completely different narrative is seen when there is a South-South mobility dynamic, especially if the number of people coming from other places is substantial (Gandini 2023; Villarreal Villamar 2023).

South-South movements (Jarochinski Silva e Baeninger 2021) have reconfigured the dynamics of mobility and reception in the border areas of South America, among other things, due to the already mentioned scenario of increasingly intense restrictions on the entry of migrants from the South into the Global North. It transformed the continent's borders in areas beyond the daily transit, established in a context of transnational living, marked by the regional circulation of people already belonging to the South American Continent. This picture changed with the growing presence of Caribbean immigrants and African refugees, in addition to consolidating itself as a transit area to other destinations, whether in the country itself or abroad. Undoubtedly, in the face of this South-South mobility, the countries of the region have weaknesses and contradictions in their policies, actions, norms, and rhetoric, which have grown stronger at a later stage (Jarochinski Silva e Baeninger, 2021; Villarreal Villamar 2023).

Another point to be problematized is that countries in the region, due to the consolidation of reactive practices, are often not attentive to specific protection needs, mainly for refugees. The emerging complexity of migration spaces, now marked by mixed migratory flows (Crisp 2007; Betts e Collier 2017; Jarochinski Silva, Bógus e Silva 2017) leads countries to privilege only one aspect of the flows that operate there, ignoring distinctive dynamics that would justify the need for focused public policies targeting certain groups, in a way that should expand beyond the binomial categories of migrant and refugee (Jarochinski Silva e Pérez Velásquez 2021), contemplating also other possible vulnerabilities such as gender, age or belonging to an indigenous group (Jubilut e Jarochinski Silva 2020a).

The actions of South American states have brought difficulties to all actors -governments, civil society entities or international organizations – that work with international mobility, because no effective mechanisms have been properly developed, and in many cases, there is no political will to address specific vulnerabilities and protection needs. Since the end of the first decade of the 21st century, prolonged crises have occurred in which Haitians, Venezuelans, and Cubans in mobility are increasing the number of refugee applications received by South American countries, that join to "classical" economic migrants. In addition, there is a change in the profile of the migrants that incorporate more and more women, as well as children and the elderly (Prieto-Rosas e Bengochea 2023). This general picture is aggravated by the fact that there are:

> Negative attitudes from natives toward immigration, poor housing, and labor conditions among migrants, and the collapse of the refugee system are some of the most worrisome features of this current situation in which vulnerable migrant and refugee populations in the region face inequality and struggle to achieve social inclusion (Prieto Rosas e Bengochea 2023, 62).

Within this context, some initiatives to deepen economic integration involving the Mercosur countries, Bolivia, and Chile, have facilitated intra-regional movement, such as the so-called Mercosur visas. The Mercosur Residence Agreement, as well as other projects of regional movement facilitation, that included the discussion of the issue in the framework of Unasur, made that at the beginning of the 21st century, before the Venezuelan exodus, the regional initiatives sought the creation, according to Diego Acosta (2018), of a liberal legislation based on the human rights approach. However, as the experience points out, there was a lot of resistance in the application of these legislation by the countries in more complex situations. States would prefer to adopt a reactive response, that is to say, the countries act on a case-by-case basis, according to their ability to manage the flows and considering their internal and external political interests (Jarochinski Silva e Pérez Velásquez 2021). In situations such as the recent Venezuelan mobility across the continent, there was the implementation of migratory measures aimed at preventing this movement, which often reproduced the containment measures practiced by the Global North that involve the use of technology to control the mobility

of people. However, even with this approach, there is a significant increase of a logic of intra-regional circulation that was partially facilitated by elements incorporated in the legislative advances in the migratory theme.

According to Sant'ana (2022), one of the elements that can explain the dynamics of intra-regional movements was the concentrated effort of South American countries to adopt legal instruments that facilitate both the movement of people in the region, mainly by signing agreements that allow transit with the mere possession of national identity documents, such as the Agreement on travel and return documents of the member states of Mercosur and associated states, and the granting of residence in a simplified manner to South American nationals, exemplified by the Residency Agreement of Mercosur and its associates. However, the role played by an easier regularization process must be problematized, particularly because South American intra-regional mobility functions as a facilitating element and a generator of opportunities in a context marked by inequalities and a variety of socioeconomic and political circumstances that cyclically affect different countries. Actually, restrictions on entry and settlement in the territory remain and end up requiring a reinforcement in the adaptation of migratory strategies.

a) *Pink Tide years (the late 1990s and the 2000s)*

The ideological convergence of the so-called *Pink Tide* in South America, in which a first cycle of political domination by so-called progressive sectors occurred, was fundamental for the establishment of the foundations of a rationale that presupposed the free movement of people in intra-regional dynamics, besides the fact that progressivism allowed for greater activism on the part of Civil Society, which demanded the reorganization, based on human rights precepts, of the countries' migration policies (Villarreal Villamar 2023). This advance has created a dynamic of re-reading the migratory trajectories of these countries, reinforcing the historical importance that immigration had in its socio-political formation and economic development, recreating a pro-migrant and pro-refugee narrative, which has culminated in laws, such as Law 25.871 of Argentina and Law 18.250 of Uruguay. that are much more favorable to the migrants, in terms of refuge, statelessness, transit, combat to human trafficking, and immigrant smuggling (Prieto-Rosas e Bengochea

2023; Villarreal Villamar 2023). All these were highlighted and used as elements of Foreign Policy when criticizing the countries of the Global North for establishing control policies towards immigrants from the Global South, including nationals of South American countries.

Villarreal Villamar (2023) also points out that during this period, several South American States assumed the status of countries of emigration and this contributed to support a narrative of transnational connection to the "expatriated nation" that included initiatives to push for their rights abroad[7] and also the construction of public policies to gradually promote and guarantee the rights of immigrants. However, although we agree with the author, we must point out that progress in this later domain has been relatively incipient, as the example of two of the most prominent countries in South America, Brazil and Argentina, shows. Both have changed their laws, Argentina in the early 2000s, Brazil in the second decade of the century, but since this new legislation came into force, relevant difficulties in its effective implementation have been observed, resulting in a scenario of xenophobia, labor exploitation, increasing economic and social vulnerability and difficulty in accessing public policies. In fact, when we look to the international indices that aim to measure the quality of the policies targeting the integration of immigrants, such as MIPEX, we see that South American countries, namely Argentina and Chile, are more or less positioned in the middle of the ranking. Brazil occupies a more favorable place, but still below the positions of the North American neighbors and some European and Oceania states. And, remember, this only ranks the quality of laws, not its effective application.

Besides the difficulties in implementing what was established in law, there were differences between discourse and practice. First, it was clear that no rights were guaranteed, especially no migratory regularization, when these migrants came from regions outside the continent; the securitization of the migratory legislation remained in many of the provisions, and, socially, no work was developed to think about the integration and the valorization of these

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7   The *Agreement between the Federative Republic of Brazil and the Portuguese Republic about the Reciprocal Hiring of Nationals*, also popularly known as *Lula Agreement*, signed by the Brazilian and Portuguese governments in July 2003 that opened an "window of opportunity" for the regularization of Brazilians in Portugal and Portuguese in Brazil in the second half of 2003, is an example of such initiatives.

immigrants, who continued to suffer, in various parts of the continent, with social and institutional xenophobia (Ventura 2017; Jubilut e Jarochinski Silva 2020b). It also maintained processes of expulsion and deportation, in a perspective of criminalizing these migratory movements (Villarreal Villamar 2023). Therefore, despite the rhetoric and some concrete results in legal terms, the panorama on immigration did not advance much, especially if we consider that from the regional point of view, there was a discourse geared towards humanitarian perspectives and marked by the aforementioned ideological proximity.

As a result of this dubious action, in many places, the theme of human mobility has been taken up by sectors linked to conservatism and the extreme right, inflaming discourses against migration, based on the fact that there was an enormous ignorance about the theme that allowed the construction of various narratives that blame immigrants for part of the social ills, mainly related to unemployment and insecurity (Bauman 2017; Jarochinski Silva 2020). As an example, a survey conducted in Brazil asked people what was percentage of immigrants in the resident population. From the responses provided, it become clear that Brazilians overestimate the number of immigrants in the country, as respondents pointed out that their perception was that 30% of the population was made up of immigrants, at a time when the official data pointed out that this number was 0.4% (Ipsos 2019). Data collected for Peru, Colombia, Argentina, and Chile also show this biased perception[8].

b) *The winds from the Right and the Venezuelan exodus (the 2010s)*

With the end of the *Pink Tide* and the rise of political groups that defend more restrictive migration policies, in which the supposed national interest must prevail to the point of suggesting the imposition of immigrant quotas, the increase and technological development of border controls, the repression of irregular immigration and its consequent deportation, based mainly on the perception of part of their electorate and the media's use of some events related to immigrants and refugees (Bauman 2017), part of the advances that should have occurred after the change in legislation stopped being developed when they did not suffer effective setbacks (Jarochinski Silva 2020).

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8 Very interesting data is provided by the Public Perceptions Laboratory on Migration, available at: https://laboratoriomigracion.iadb.org/#/en/

Even the defense of emigrants from South American states has suffered a setback, as the deportations of their nationals who were in the United States are no longer questioned by the authorities of some of these countries. Due to this predominantly nationalist approach, the utilitarian view of the migratory phenomenon becomes more latent and must primarily contemplate the interest of the country to the detriment of a dynamic that considers these migrants and refugees as people with rights that must be integrated into the place where they are arriving.

It is worth mentioning that this political movement occurred precisely when the Venezuelan exodus became more expressive, and countries took the opportunity to establish reactions to this intense flow according to government interests. The regional dynamics that had been established during the *Pink Tide* were replaced, especially in the 2010s decade, by internal interests or by the construction of new regional dynamics that excluded or hindered the participation of countries in which progressive rulers were present, such as the Lima Group (Góis e Jarochinski Silva 2021; Jarochinski Silva e Pérez Velásquez 2021). The association of the causes of this movement with the political precepts of left-wing parties was quite significant, maintaining a utilitarian logic in migratory movements, in this case, to attack opposing political groups in the domestic sphere[9].

The political, economic and social situation in Venezuela has led to a massive exodus (Gandini 2023) and forced millions of citizens to leave the country, many of them fleeing to neighboring countries or other countries in the region, as they were escaping to the lack of food, medicines and other essential products, as well as the generalized violence that makes Venezuela one of the most violent places in the world (Baeninger, Jarochinski Silva et al. 2018; Páez 2019).

The magnitude of the Venezuelan exodus has no precedent in regional terms, as shown by data collected in some destination countries (R4V 2023). It is impressive that this mobility has a significant impact on most countries on the continent, from Colombia, located in the north of South America and

9   As can be seen in this Brazilian governmental message. Socialism excludes, Brazil welcomes (*O Socialismo exclui, o Brasil acolhe* – in Portuguese). https://www.gov.br/casacivil/pt-br/assuntos/noticias/2020/janeiro/o-socialismo-exclui-o-brasil-acolhe.

neighboring to Venezuela, to Argentina and Chile, located at the other extreme. Migrants and refugees of Venezuelan origin head to countries that in recent years have been predominantly characterized as countries of origin for flows, such as Colombia, Ecuador, and Peru (Jarochinski Silva, Castro e Sampaio 2021; Prieto-Rosas e Bengochea 2023).

In this regard, some countries, such as Colombia and Peru, have established special systems and regulations to deal with the arrival of Venezuelans. In contrast, others, such as Brazil and Ecuador, have used and adapted their existing regulations to cope with this situation (Jarochinski Silva, Castro e Sampaio 2021; Gandini 2023). But in general, what has been observed is the promotion of actions that seek to create regulations for those who migrated, such as extraordinary regularizations. These, after regularizing those already present in the national territory, develop mechanisms to prevent the entry of new Venezuelans, in a response centered on a management of the flow that prioritized "national protection measures", hindering the advancement of regional propositions that have also been worked on, as the specific application for cases of severe and generalized violation of human rights. This only belatedly begins to be applied to specific cases by Colombia, or by Brazil. In this case, it takes place after more than 3 years of intense flow (Jubilut e Jarochinski Silva 2020a) and it is not applied *prima facie*, but as a simplified procedure, situation that led to the non-recognition of more than 10,000 Venezuelans as refugees in the Conare meeting of March 2023. Actually, even with the recognition of the Serious and Generalized Violation of Human Rights, Brazil remains as one of the countries with more Venezuelans awaiting the analysis of their requests for recognition as refugees[10].

To a greater or lesser extent, the countries of South America justify the option of not governing their responses to this flow strictly based on their legislation or international documents, by stating that it is a massive and emergency flow. In the face of this position, it is impossible not to question the role of such norms, because when the situation occurs and requires the application of these measures, countries seek to establish practices that, although in some cases may be valid, try to create mechanisms for non-application,

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10   In 2023, Brazil aimed to shorten the processing time for asylum requests. By November 20, 2023, there were 103,713 Venezuelan refugees and 37,245 Venezuelan asylum seekers. (R4V, 2023).

especially of rules that may be more favorable and protective to migrants (Jarochinski Silva Castro e Sampaio 2021). *"Acolhida Operation"* [11] *in Brazil.*

In the case of Brazil, the Bolsonaro government's opposition to the Maduro government and the attempt to link this ruler to the Workers' Party (PT – *Partido dos Trabalhadores*), Lula da Silva's party, led the government to maintain the "*Acolhida* Operation" during the four years in office, despite this action being contradictory to the speech that Bolsonaro held as a candidate and even as president. In fact, Brazil left the UN *Global Compact for Safe and Orderly Migration* [12] and, on some occasions, Bolsonaro even said that it is better to be a migrant than a Brazilian, because the legislation was very protective. Other interests were present in maintaining the "*Acolhida* Operation", such as the fact that Brazil was severely criticized (Amnesty International 2021) in relation to its human rights policies, environmental preservation and protection of indigenous peoples, and its migration and refugee policy is an oasis in the face of these criticisms, since it received the seal of Good Practice. In addition, the Operation ensured a lot of protagonism and importance to the Armed Forces, the sector from which Bolsonaro comes. However, it is still surprising that a ruler with such a negative view of migration and asylum has maintained an action that has a significant value for the Brazilian budget and that part of his electorate does not support. Despite the eventual attrition with part of the electorate, the geopolitical gain of maintaining the *Acolhida* Operation has been significant.

In this regard, it is surprising that during the Bolsonaro's government, the number of refugees recognized by Brazil jumped from approximately 11 000 in about 20 years to more than 50 000 in just two years, mainly under the recognition of the serious and widespread violation of Human Rights in Venezuela, following the parameter created by the Declaration of Cartagena. Compared with previous governments, these are impressive numbers. Nevertheless, the contradiction of this policy became evident with Covid 19, because even though the Serious and Generalized Violation of Human Rights in Venezuela was recognized, the first land border to be closed was precisely with Venezuela. This position goes against not only international norms and

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11   Some texts in English use "Welcome Operation."

12   It returned to the *Global Compact* in January 2023, under the Lula government.

the Brazilian government's recognition of the vulnerability of these people (Jubilut e Jarochinski Silva 2020a), but also against the denialist policy that was carried out by that same government, with terrible results in terms of number of deaths.

Covid 19, on the Venezuela-Brazil border, was used as a justification for closing the border and preventing the entry of these people. It is also important to point out that due to the growing number of requests for asylum, the Brazilian government reinforced tactics that would lead people to seek other forms of regularization, mainly the residence permit, which, if requested by the person, would lead to the process of extinguishing the request for refuge, demonstrating that the interest was not with the agenda of protection of these people, within the development of the institute of refuge, but in meeting the wishes of the Brazilian State and its rhetoric regarding the subject. It is important to point out that even with these contradictions and misuses, there is no way to ignore some good results, such as the sheltering of people, access to documentation and, the internalization of these people to other parts of Brazil, in figures that already exceed 120,000 people. However, today there is a debate whether the "*Acolhida* Operation" should serve all nationalities or whether it should only address Venezuelans, reinforcing our argument of the political use of it.

Final considerations

The reading of the responses provided, like so many others offered by the South American States, reinforces the prevalence of an "ad hoc" position in relation to the Venezuelan and other flows, such as Haitians, making it challenging to create minimum standards of protection and subject to the interest or not of governments in establishing welcoming and integration policies. The historical dynamics of South American countries, whose socio-political construction was largely supported by former European immigration and today is also marked by immigration from the continent itself and other spaces of the Global South, is not enough to guarantee that these countries are in fact committed to the dynamics of regionalization of common themes, such

as human mobility. Actually, it suffers from the traditional ideological link that characterizes most regional initiatives, that is, when the leading group of these blocs is not politically aligned with a certain government, the latter withdraws from the initiative, when it does not seek to create another alternative bloc, as the case of the Lima Group and the deconstruction of Unasur illustrate. The deconstruction of regional initiatives also weakens the State's commitment to the issue, as there is no charge for not maintaining commitments.

Today, in South America, there is the *Pink Tide* return (late 2010s/early 2020s) in some countries, which must take ownership of the migratory theme to highlight its commitments to Human Rights and human dignity, as these governments, even due to their historical and ideological narrative, should emphasize a more protective and welcoming attitude towards migrants, guaranteeing their rights and pushing for social integration. This is something that goes beyond the colonialist standards stipulated by entities and countries that prioritize a vision favoring the return to their origins as the most adequate response to mobility.

If this progressive vision asserts itself and resists the counter-trends that have established in Argentina and are emerging in Peru or even Chile, it is hoped that they will assess the mistakes committed in the period in which they were predominant in the first decade of the 21st century and carry out actions that are actually committed to the theme. However, we know that this process will require reflections and adaptations of postures, as there are contextual factors that can be problematic. First, the resumption of normal diplomatic relations with Venezuela poses a great challenge, since the application of the Cartagena declaration, as some countries have done, has obvious diplomatic impacts, which can make dialogue difficult with a government that minimizes migration or defines the people who left the country as traitors. Another complex point is to stop privileging certain nationalities in reception and to exclude others, in a kind of *schengenization* of reception practices and document facilitation, which excludes and makes many of these migrants vulnerable. Another element to be highlighted is that despite the rhetoric valuing migration, advances in terms of citizenship and participation are still limited.

Another important aspect is to note that even with the legislative advances that marked the 21st century in most of these countries, it is challenging to

implement the established measures, mainly in the face of a rhetoric that alleges that the costs of receiving migrants and refugees are high, even more for countries like those in the region, where autochthonous citizens also experience high levels of economic and social vulnerability and also demand from the state to achieve dignity in their survival (Betts 2010). It is important to note that both right-wing and left-wing groups use this discourse, since it has electoral potential (Bauman 2017; Jarochinski Silva 2020), as evidenced by several elections worldwide. This instability reinforces the option for measures that are taken reactively, according to the state's interest in that mobility, weakening rights, and the consolidation of governance.

Laws, by themselves, are not enough to ensure compliance with what is established there. It is necessary to build a practice that overcomes the utilitarian view still in vogue on migration in the region, because, only in this way, migratory actions will be effective state policies, capable of reverberating beyond borders and strengthening appropriate regional practices. Furthermore, it is necessary to allocate financial, technological and human resources for the implementation of actions on such a crucial topic, as the world reality and the region itself demonstrate. Only in this way will the region have the coherence to demand certain positions from other countries and value its own.

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