

VOICES

THAT MUST BE HEARD

TESTIMONIES AND ANALYSIS
OF VENEZUELAN MIGRANTS
AND REFUGEES FACING THE SITUATION OF HUMAN
MOBILITY DURING THE PANDEMIC



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ABOUT THE INTERNATIONAL ACTIVISTS NETWORK

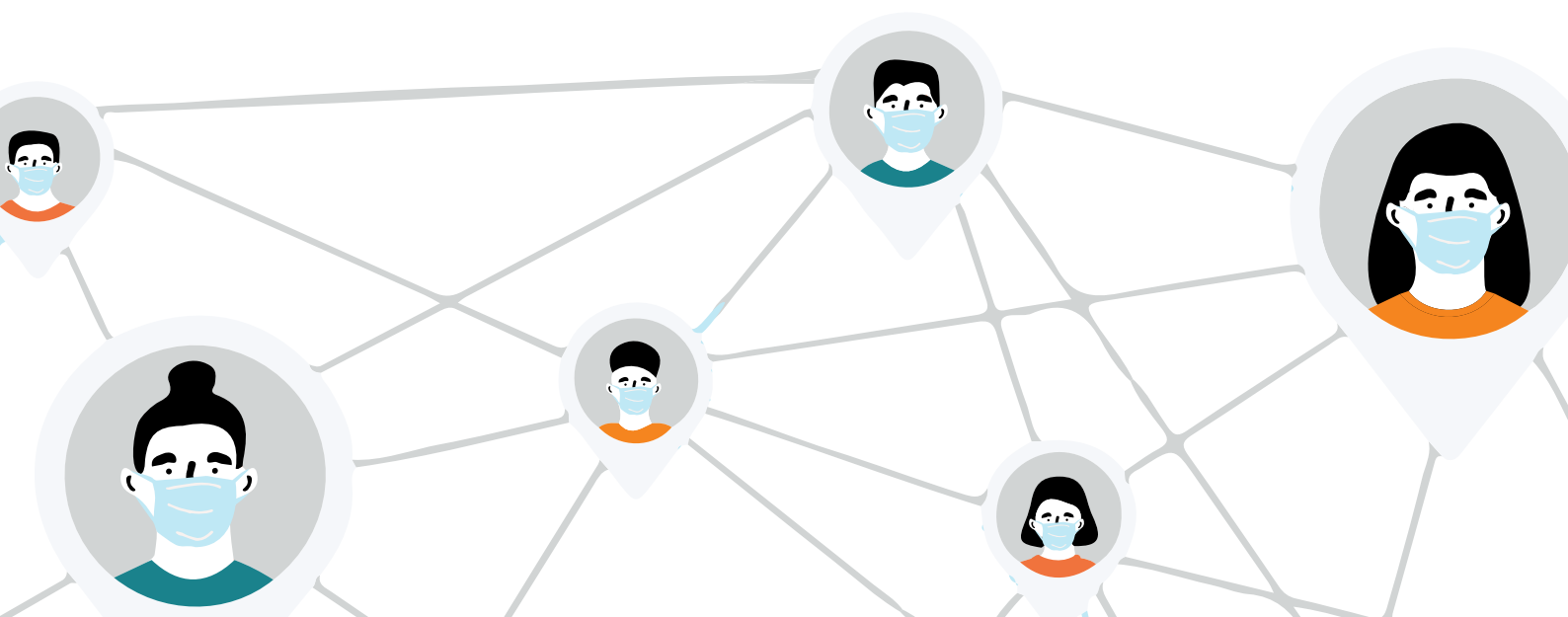
The Network of Citizen Activists for Human Rights, according to its acronym in Spanish REDAC², is a space in a network of action for human rights, horizontal in nature, without a preconceived structure and organized in such a way that it allows an effective defense of human rights through a greater inclusion of citizens and voluntary organizations and the use of documentation, dissemination and reporting. REDAC was born in Venezuela by the promotion of the human rights organization, Center for Justice and Peace - CEPAZ in 2015, as a way to promote citizen activism for human rights in a restrictive environment.

REDAC seeks to strengthen citizen awareness through the possibility of connecting people and organizations, seeking to enhance their capacities to mobilize, act and make changes.

As a result of the human mobility crisis, many Venezuelan REDAC activists found themselves forced to migrate. In the same way, REDAC did, we understood the need to create networks outside of Venezuela. Thus, in 2019 International REDAC was born, as a platform for empowerment and connection that generates the mechanisms and methodologies that allow us to internationalize REDAC proposal, in order to channel voluntary efforts anywhere in the world for human's rights work in an experience of citizen activism, which has been highly successful and sustainable focused on local and integrated on global aspects.

The importance of International REDAC is in the fact that most of its current activists have focused their actions on defending their rights in this new reality that identifies them as migrants and refugees, and with their actions they have become important voices of the human mobility crisis, seeking not only to document what happens to the Venezuelan population but also to provide solutions to the different problems they face. REDAC has a unique added value and it is that problems, reflections and recommendations come from the live voice of activists, who suffer from difficulties but at the same time, actively propose possible solutions.

By 2020, we are still present in more than 10 countries: Argentina, Chile, Colombia, Ecuador, Mexico, Peru, Spain, Italy, the Netherlands and the United States, in total we have a presence in 14 cities with more than 20 activists.





PURPOSE OF THE REPORT

In 2019, REDAC International promoted a structured meeting between our activists and different actors from civil society in Argentina, Chile, Colombia, Peru, Spain and the United States, where they addressed the issue of migration and refuge, with special emphasis on the Venezuelan humanitarian crisis from a reflection of Venezuelans with a human rights approach. This activity concluded with a memoir on the human mobility.³

In 2020, International REDAC carried out different activities, including newsletters, training and training activities, proving to be a participatory, horizontal space, where activists and new organizations that are willing to connect and learn more about their rights. For example, in February an activity called “Know your human rights as an immigrant” was carried out together with Niurka Meléndez, from VIA, Venezuelans and Immigrants Aid, part of REDAC International, with the aim of providing Venezuelans in the United States, tools necessary to identify their rights, document in case of violation, asylum, refuge, right to international protection and TPS. Another training and education event was held in March of this year called “Migrant Rights”, its purpose was to build tools for Venezuelans outside our borders to defend their human rights. In August, a discussion was held called “A call to citizen action”, an initiative proposed as an alliance by Niurka Meléndez, from VIA, part of REDAC International. Moreover, an international newsletter was held in September called “Venezuelans in the world against Covid-19” which includes the look of defenders in different places in the Americas.

To conclude with the 2020 activities, and given the situation of the pandemic, it was decided to present this report, which was carried out first by documenting the situation of Venezuelan migrants and refugees in some of the countries where the network is present. particularly in Argentina, Chile, Colombia, Ecuador, Spain, Peru and the United States. Subsequently, through a technical questionnaire and a virtual discussion call, the activists identified the violated rights, in particular with the aim of mapping the situation of Venezuelan people in a situation of human mobility in times of pandemic and their particular effects and differentiated with a human rights perspective.

Although this study aims to show a general panorama of the situation of Venezuelan people in human mobility, in particular, it seeks to add their voices to the discussion and ensure they are heard.



INTRODUCTION

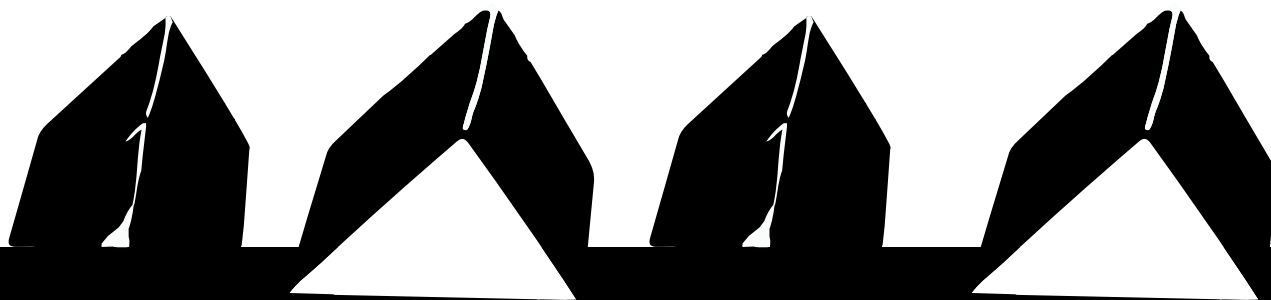
In January 2020, the World Health Organization (WHO) made known the existence of the SARS COVID-19 virus that originated in the city of Wuhan in China. Months later the WHO declared this virus as a pandemic, at that time the dynamics of the world changed radically.⁴ The measures implemented by the States, such as confinement, the closure of commercial premises, the closure of borders and the prohibition of travel, extended the health crisis to an economic and social crisis with incalculable consequences to date. Additionally, and like any crisis, the most obvious impacts are on the part of people in vulnerable situations, such as migrants, women, indigenous women, children, especially unaccompanied. With COVID-19, this reality is not different.

Regarding migrants and according to the International Organization for Migration (IOM), it is estimated that in the world there are about 272 million international migrants.⁵ Venezuela is among the countries in the region with the highest number of migrants due to the complex humanitarian crisis that the country is going through. For example, in 2018, Venezuelan nationals were the main country of origin for asylum seekers in the world according to the IOM.⁶ The health and economic crisis, inflation, institutional collapse, lack of access to electricity and water services have forced Venezuelans to leave by land for other countries in the region.⁷ The complex humanitarian emergency makes it more important that the international protection standards already established and necessary for the Venezuelan population on the move are applied, since most Venezuelans require international protection.⁸

Migrants and refugees who, due to the regulations of the countries, the imposition of visas, find themselves with an irregular migratory status, usually live hiding, and have no other option than to work in the informal sector. In addition, for fear of being deported or losing their jobs, they do not report and do not have protection from the authorities. All of this generates a space of impunity, reaching levels of labor exploitation, discrimination, trafficking and marginalization. In times of a pandemic, this situation has been exacerbated, Venezuelan people in human mobility have been victims of different violations of their human rights, including the right to seek refuge, international protection, as well as evictions, detention and deportation, acts xenophobic on the part of people and public authorities.⁹ The violation of the

rights of Venezuelan migrants and refugees has also been evident in the case of those who, as a consequence of the loss of work, evictions and the lack of opportunities in the country of destination, have made the difficult decision to return to Venezuela.¹⁰

Next, we will detail the rights and events that activists and defenders of REDAC International have documented in the framework of the COVID-19 pandemic and Venezuelan human mobility in the light of those who report.



IV

SITUATION OF VENEZUELAN MIGRANT POPULATION REPORTED BY ACTIVISTS

From the reports collected, it is clear that several rights have been violated in times of pandemic, including the right to issue identity documents, housing, work, health, the principle of non-refoulement, arbitrary detentions, the right to a life free of violence, among others. Here are some findings:

a. Right to issue identity documents

In accordance with the Convention on the Status of Refugees, the States on the Convention “shall issue identity documents to any refugee who is in the territory of such States and who does not possess a valid travel document.”¹¹ However, as a result of the declaration of the COVID 19 pandemic, activists have verified that the right of Venezuelan people to process, renew and in general, the issuance of their documents in the receiving country has been further complicated.

In the case of **Brazil**, on April 20th, 2020, the Government reported that the migration deadlines have been suspended from March 16th, 2020, which also applies to the deadlines

for foreign visitors. The deadlines for the expiration of protocols, cards and other documents related to Immigration Regularization activities are also extended, including certificates to instruct procedures, a situation that will continue until the end of the public health emergency situation or the disclosure of new orientation of the Federal Police.¹² Those deadlines will be re-computed from the termination of the public health emergency through new guidelines from the Immigration Police. Although the authorities have affirmed that the renewal of documents should not be required by migrants and refugees and must be recognized even if the date has expired, on many occasions this guideline is applied in a discretionary manner as we will see later.¹³

In **Spain**, the state of alarm product of the COVID-19 pandemic was dictated by the executive on March 14th, 2020, but it is until May 2nd, 2020, when the Ministry of the Interior allows asylum seekers to access aid public. It should be noted that, due to the mobility prohibitions of the state of alarm decree, those who were in Spanish territory and wished

to request asylum, could not express their will in person, as it is in the law, because they did not have access to the relevant offices. Nor did the immigration authorities allow the procedures to be initiated electronically, leaving these people in legal limbo. With the entry into force of the regulations on May 2nd, those who wish to access reception resources for applicants for international protection should contact the first reception entity such as CEAR, Red Cross or ACCEM.¹⁴

Additionally, the Ministry of Health through a Ministerial Order established that all residence and/or work authorizations that expired during this period are automatically extended and valid for six months from the lifting of the State of Alarm, without the need for issue an individual resolution for each of them at the Immigration Office.¹⁵ In the same way, the extensions of those authorizations are extended through this norm, promoted by the General Directorate of Migration in order to prevent foreign citizens from being, involuntarily and as a consequence of the suspension of administrative deadlines, in a situation of unexpected irregularity.¹⁶

In the **United States**, on April 13th,

Carlos Romero, an activist in **Spain**, commented that: *“the international protection system for years has been collapsing due to high demand. When you have a red card for an asylum seeker, few recognize its validity or even that it exists, which makes it difficult to open a bank account, or to work even when you are given permission to work. Then the appointments are very difficult to get, the system collapses and then between the application and the document there are weeks that pass and you are left without any document that justifies that your resident status is temporary.”*¹⁷

2020, an alert was issued through the United States Citizenship and Immigration Service regarding the delays in the presentation of the extension and change of status due to COVID-19¹⁸. This regulation is aimed at workers and non-immigrants who must regularly leave the territory to reapply to renew the visa, with that resolution they could involuntarily stay in the United States for more than the authorized time while the situation is regularized and as long as they do the online renewal extension request.

In **Argentina**, As **Nicole Hernández** reports, there is a delay in the



processing of documents to obtain temporary and permanent residence in the country due to the suspension of procedures since the declaration of a health emergency. All this

“resulted in the fact that, despite having declared the extension of expired identity documents, in practice Venezuelan migrants report that for certain procedures before private and / or public organizations they have rejected their national identity document for not be current.”¹⁹

In the case of **Chile**, the activists Carlos Carrasco and Blanca Medina report that, as of April 1st, 2020, the government decreed the extension of identity cards for foreigners expired during 2019 and for a period of one year to counting from the expiration date of identity cards for foreigners that have expired or expire during 2020. However, **the decree is not complied with by public officials or private entities, which results in a discretionary application of the regulations.**

b. Right to protection

Activists and defenders identify Venezuelan people in a situation of human mobility with an irregular immigration status or even with an immigration document, are not included in public policies, special plans or economic, social or employment recovery, help to entrepreneurs, informal work or access to humanitarian

aid in destination countries. Few States have issued regulations within the COVID-19 emergency in favour of people in situations of human mobility. For example, the Solidarity Income in Colombia, the Emergency Family Protection Bonus in Ecuador and the Universal Family Bonus in Peru are resources that are not available to migrants or refugees.²⁰

Colombia, prepared a six-point plan for the care of the migrant population, focused on migrant groups in vulnerable situations, they have arranged to guarantee the highest standards in response to this contingency. The responses to this emergency seek the well-being of all residents in Colombia, regardless of their nationality.²¹

In the case of **Chile**, policies to serve the population in the context of the health emergency have focused on deliveries of food boxes and transfers of special bonus. For migrants to access this type of help, they must be registered and have a Chilean identity document, called RUT. In the case of the Venezuelan migrant and refugee population in Chile with the greatest need, they cannot access the benefits.²²

Another area of concern identified by activists **Carlos Carrasco and Blanca Medina** in **Chile** is the lack of measures on the part of the Chilean State that allow family reunification, since the procedures for the democratic responsibility visa of children of parents in Chile or of the fathers or mothers of people in Chile, they

are not being granted as a family way but separately, which makes it difficult to protect the family unit. On the other hand, they emphasize that the illegal and arbitrary rejection of refugee applications by immigration authorities at the border is frequent, which require and need international protection.²³

In **Argentina** in the same way, to be able to access social plans, permanent residence is required, for example, in the case of Emergency Family Income, through which a monetary benefit is granted to reduce income, this can only be accessed by Venezuelans with more than two years after the temporary residence, then to access the Emergency Family Income, there are many migrants who could not benefit from the plan.²⁴ Many Venezuelans affirm that even after two years in Argentina they have not been able to access this aid.²⁵

Adriana Flores identifies that,

“the procedures to legalize the immigration process are simple and the treatment of Venezuelan migrants is generally good.”²⁶

In the **United States**, **Karina Saab**, highlights that her greatest concern

“is that there is no direct response to the migratory situation of thousands of Venezuelans and politics has weakened that possibility”²⁷

In the case of older adults it is extremely worrying, **Natalia Matamoros** in **Mexico** reports that older adults who have migrated to other countries in search of a social health system that protects them have not been able to do so. Joining the labor market in order to survive has been a challenge, due to their age and the lack of support networks. Older adults in many cases do not have financial stability abroad in terms of pension or medical assistance, which they so badly need.²⁸

c. Right to Health

Venezuelan people in a situation of human mobility with an irregular migratory status or under the figure of asylum or refuge have difficulties in accessing health. Activists and defenders in Peru, Ecuador, Chile, and Colombia confirm that access to health care for migrants with irregular immigration status is precarious and that there are obstacles to their access.

In the case of the city of Boa Vista in **Brasil**, the team of the United Nations High Commissioner for Refugees (UNHCR) worked to have adapted spaces for the reception of refugees to provide them with the appropriate health care. As for refu-

gees and migrants living in informal settlements on the streets of Boa Vista, they are also benefiting from increased health security where UN-HCR continues to identify spaces to house the largest number of people in the shelters it manages through partners. However, no actions are identified by Brazil for the protection of migrants and refugees at the border.

In **Colombia**, according to the In-vamer Gallup-Poll Survey carried out during COVID-19, it reflects the perception of Colombians about Venezuelan migrants as competitors in labor, health and education. This coupled with the non-existent labor protection for not being within the formal system, together with an irregular migratory status, leads to them not being registered in the health system. These are some of the obstacles that can arise for access to health care, including *“the impossibility of isolating themselves and being quarantined because their livelihood depends on what they achieve every day, the increase in overcrowding in homes and even the loss of place of accommodation, increase the risk factors of infection.”*²⁹

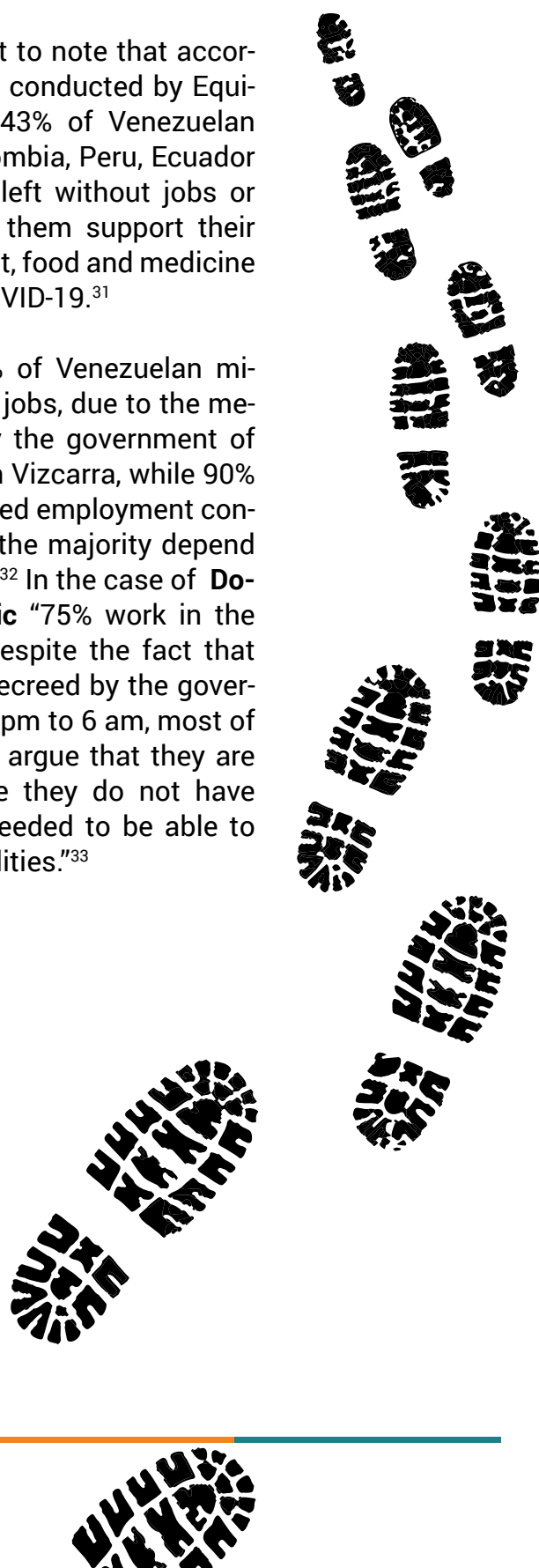
d. Right to work

The members of International RE-DAC identified that the right to work is one of the most affected rights. Venezuelan people on the move were fired from their jobs without access to labor compensation or having the

right to aid or pension programs from the States. Having lost their sources of income, this translates into the impairment of other rights such as housing, food and medicine.³⁰

It is important to note that according to a survey conducted by Equilibrium CenDE, 43% of Venezuelan migrants in Colombia, Peru, Ecuador and Chile were left without jobs or income to help them support their expenses for rent, food and medicine as a result of COVID-19.³¹

In **Peru**, “33% of Venezuelan migrants lost their jobs, due to the measures taken by the government of President Martín Vizcarra, while 90% do not have a fixed employment contract, therefore, the majority depend on daily income.³² In the case of **Dominican Republic** “75% work in the informal area, despite the fact that the restriction decreed by the government is from 5 pm to 6 am, most of the compatriots argue that they are worried because they do not have the resources needed to be able to fulfill responsibilities.”³³



Our activists in the **United States** report that

*“many compatriots lost their jobs even with regular immigration status. (...) Those who have their authorization to work and have already declared taxes have access to financial aid (...). This has allowed them to survive and wait until the companies where they worked resume operations since in many cases the loss of employment was not due to dismissal but due to temporary closure of the establishment. Those who do not have such a work permit have been without any income for three to four months.” The biggest worries they face is not being able to pay their rents and later not having money to buy food, pay for transportation or other services.*³⁴

In **Chile**, according to the Pontifical Catholic University of Chile, the unemployment rate of migrants rose 14.8%, this represents more than 100,000 migrants who lost their jobs.³⁵

In **Mexico**, Venemex a Civil Association, worked on a survey in which 262 people who live in Mexico City, the State of Mexico and Nuevo León participated. The consultation revealed that 38% of those interviewed were fired from their jobs and 21%

commented that their employment status was temporarily interrupted, while the country's economic situation improved. The study also showed that 80% of those surveyed urgently require support and a job that allows them to meet their basic needs in terms of food, medicine and housing.³⁶

In **Argentina**, there is a difficulty in entering the work market, even before the pandemic, despite the fact that many of the migrants have a university degree, it was estimated that by 2019, 71% of Venezuelans in Argentina were in the informal market. Faced with the pandemic, layoffs were prohibited by decree, however, in practice this was not followed.³⁷

On the other hand, for **Heidi Sánchez** in **Ecuador** there is still a lot of need for the most positive cultural adaptation programs to be received and created around the migration of Venezuelans in Ecuador, since xenophobia is a problem. In addition, it affirms that

*“Venezuelans are hired without a visa to pay them little for their work and in many cases, abusing their immigration status, nor are they paid for their work”*³⁸

e. Right to housing

From REDAC it is pointed out that Venezuelan migrants and refugees have been illegally evicted from their homes that they had rented for non-payment, and even from migrant shelters.

Activists in **Chile, Peru, Ecuador**, report that despite the fact that the States adopted a measure to prohibit evictions, it has not been followed. In the case of **Colombia**, it was reported that Venezuelan migrants and refugees have not been able to work, so some have been evicted for not paying their rent in Cucuta, Colombia. It is important to understand that the majority of Venezuelan migrants and refugees live from day to day and a percentage of these have decided to return to Venezuela. It is estimated that between 500 and 600 people are crossing the humanitarian corridor daily.³⁹

In **Peru**, eviction was also common, it is estimated that more than 500 Venezuelan migrants have been evicted from their rented spaces. This was denounced by Carlos Scull, representative of Venezuela in Peru, indicating that this occurs despite the fact that the Peruvian Ombudsman's Office set a position and said that no person could be evicted from their home without a court order, *"If they are evicted, they fail to comply with legislation. We have seen people to this position, and this problem has become bigger. There are Peruvians evicted too"*.⁴⁰

Ecuador is not far behind in evictions, on August 4th, 2020, a group of more than 50 Venezuelans who spent the night on the banks of the Tahuando River were forcibly evicted by police officials from the City of Ibarra, Ecuador. The mayor of Ibarra, Andrea Scacco, authorized the eviction of the group of Venezuelan migrants who were installed on the

banks of the river.⁴¹ Additionally, José González, a Venezuelan journalist who lives in **Ecuador** and reported that during the pandemic he was evicted from where he lived with his family, despite the decree prohibiting evictions.⁴² Despite the actions to prevent evictions, the lack of work, the precariousness of wages, has led many Venezuelan migrants to decide to return to Venezuela.⁴³

The state of New York in the **United States** decreed a moratorium on evictions, even the federal government has extended it until the end of the year. These measures protect the Venezuelan migrant community. However, it does not prevent the accumulation of debt.⁴⁴

f. Prohibition of expulsion and return

Venezuelans are fleeing a complex humanitarian crisis and, consequently, States cannot, in accordance with article 33 numeral 1 of the Convention on the Status of Refugees "1. No Contracting State may, by expulsion or return, in any way place a refugee on the borders of the territories where his life or freedom is endangered because of his race, religion, nationality, membership of a particular social group, or his opinions on politics."⁴⁵

This prohibition of expulsion or principle of non-return has been violated by **Trinidad and Tobago**. This State has expelled at least 165 Venezuelans until August 2020. According to the statements of Louise Tillotson, researcher for the Caribbean at Amnesty International, *"the*

authorities of Trinidad and Tobago criminalize irregular entry into the country, which is the opposite to international human rights standards. However, expelling Venezuelans and returning them to the humanitarian and human rights emergency from which they were fleeing, in the midst of a pandemic, is an outrageous violation of Trinidad and Tobago's obligations under international law. No person should be returned to a place where they are at risk of serious human rights violations."⁴⁶ Recently, Trinidad and Tobago deported 16 children to Venezuela, due to a flagrant violation of the human rights of children and in violation of the principle of non-return.⁴⁷

In the case of **Chile**, the policies that discriminate the entry of Venezuelans in a situation of human mobility are of concern, since these laws that make it difficult for migrants to enter do not protect their rights and also create an illicit and illegal market to enter the country, this places the migrant and refugee in a situation of extreme vulnerability. On the contrary, creating regular and safe access routes for migrants and refugees contributes to the reduction of precarious informal labor markets and the reduction of human trafficking. Activists in Chile point out with concern the threats from the Chilean State to deport all those migrants who have entered Chile by irregular means.⁴⁸

In the case of **Ecuador**, as **Heidi Sánchez** points out,

"the positive thing about the legislation in Ecuador is that migratory offenses are administrative offenses. Currently in Ecuador a draft reform of the Human Mobility Law is under discussion, which raises a fundamental change that has to do with the deportation of foreign citizens who break the law or are considered a threat or risk to public safety. it is worrying and we will have to remain vigilant".⁴⁹

g. Irregular arrests

Venezuelan migrants and refugees were detained as a result of irregular migration status despite enjoying the right to refuge, others were detained despite not being in proceedings for irregularity. It is important to highlight that the detention of people in a situation of mobility should be used as a last resort when there is no other alternative.

In March 2020, the Regional Inter-agency Coordination Platform estimated that there were 16,500 Venezuelans in **Curaçao**, but it was unknown how many of them were in immigration detention. The organization urged Curaçao to release all migrants and asylum seekers who are detained for their immigration status and grant them access to health services. Amnesty International visited Curaçao in 2018 and 2019, and documented the appalling detention conditions, including poor hygiene, overcrowding, among others.

As of March 30th, 2020, the Caribbean island of Curaçao restricted entry to its territory to all people who wanted to enter until April 12th. Therefore, Érika Guevara-Rosas, Director for the Americas at Amnesty International, said: *“The Curaçao authorities also frequently detain migrants and asylum seekers from Venezuela, denying them access to international protection”*.⁵⁰

On the other hand, **Trinidad and Tobago** expressed its concern about the implications for the health security of the country of the interception, by the Coast Guard, of a boat with 32 citizens of Venezuela on board in territorial waters of the Caribbean country. In turn, the medical director of the Trinidad and Tobago Department of Health, Roshan Parasram, in the daily virtual press conference on the Covid-19 pandemic, said that, while the detention of Venezuelans is a security issue, the health component is essential at this time, so the detainees will be medically evaluated.⁵¹

The UN Refugee Agency (UNHCR) on Friday urged all states to release all refugees and asylum seekers who are illegally and arbitrarily detained and who are at high risk of contracting COVID-19. Additionally, he called on States **to take immediate measures to help prevent a catastrophic outbreak of COVID-19** in detention centers.

h. Right to return to the country of origin

Venezuelan people in a situation

of human mobility do not have, on the one hand, humanitarian flights to return to Venezuela, and on the other hand, those who have been able to reach the Colombian-Venezuelan border are allowed to enter Venezuelan territory in inhumane conditions.⁵²

On March 15th, 2020, Nicolas Maduro, ordered the mandatory quarantine throughout the country as a measure to face the health crisis due to COVID-19. On March 13th, the state of alarm had been decreed, in the decree measures were taken to declare the health system in permanent emergency for the prevention and care of cases that may arise, the general restriction to circulation for all people, except in exceptional cases such as buying food or medicine; Flights to or from Venezuelan were also suspended for the time deemed convenient.

Regarding the prohibition of the entry of people from other countries, we find the Colombian-Venezuelan border crisis with the compatriots who have decided to return to the country. On April 4th, 2020, the agglomeration of a group of Venezuelans who wished to return to the country through “Las Tienditas” bridge and “San Antonio” Passenger Terminal, located in the state of Táchira in Venezuela, returned motivated by the loss of their jobs in Colombia as a result of the pandemic. According to the newspaper “El Impulso”, the people there would not be receiving food, medicine, nor did they have the necessary hygienic conditions to avoid the spread of Covid-19.⁵³

On April 13th, 2020, the government of Apure state in Venezuela, decided to close its borders, thus making it impossible for Venezuelan migrants seeking return to their country. This triggered, in turn, the refusal to receive the same migrants in the Colombian border departments with Apure and close the humanitarian channel because, according to the Governor of Arauca, they fear becoming infected with Coronavirus.⁵⁴ Nicolás Maduro criminalized and stigmatized the returnees, classifying them as “Biological Weapons” since he considers that allowing them to enter would aggravate the pandemic. In addition to these statements, the criminalization spread from the official Twitter account of the Armed Forces, where it requests the population to anonymously denounce people who have returned to Venezuela through irregular roads, while in other tweets they classify “bioterrorists” returned migrants⁵⁵.

At the same time, on the same April 24th, 2020, at least 320 Venezuelan migrants, made up of a large number of the elderly and children, protested in the town of Chia, Bogotá, demanding that Migration Colombia approve a travel permit to leave the country. Due to the fact that, due to the quarantine, they lost their jobs and no longer had income to pay rents. The Venezuelans disposed of their savings and managed to rent nine buses to be able to leave Colombia, but the authorities prevented them from crossing.⁵⁶

On the other hand, on May 1st,

2020, three Venezuelans died after being run over by a tanker on the Panamericana North highway, Barranca Province, Peru on their way to Venezuela. The information was confirmed by the representative of Venezuela in Peru, Carlos Scull, through his Twitter account detailing the facts, and pointing out that they will provide the greatest support necessary to save the injured.⁵⁷

Nicolas Maduro’s “No Return” policy has affected thousands of Venezuelans who have not had the possibility of returning to the country, since they are in distant countries where humanitarian flights are required to return. As noted in a report by “El Pitazo”,⁵⁸ Venezuelans are in this situation in Spain, Mexico, the United States, Argentina, Uruguay, Chile, Costa Rica, Italy, El Salvador, Bolivia, the Dominican Republic, Aruba or Saint Martin. Venezuelan migrants and refugees who wish to return because due to COVID-19 the economic situation in the receiving countries has entered a crisis, they have been left without work, they have been evicted from their homes, among other difficult situations. In the same report, it is seen how the consular representatives of Nicolas Maduro respond to the Venezuelan migrants, pointing out that they do not consider that what they are experiencing is part of one of the causes to generate a humanitarian flight, and that they await other indications from the Foreign Ministry.

In the case of **Chile**, at the beginning of the pandemic there was no

response from the Venezuelan State, to whom the Chilean government offered the possibility of a humanitarian flight. Subsequently, with the announcement of the “Vuelta a la Patria” (return to the country) program, Venezuelans at the doors of the Embassy since the pandemic began increased from 15 people, to a total of 600 people.⁵⁹ In August 2020, it was reported that there were around 85 Venezuelans stranded in Peru who have not been able to make repatriation flights. Their situation is very worrying since “part of the group left behind in **Peru** lives in rented rooms, with the impossibility of sustaining the payment of these in the long term. Others are staying with friends, acquaintances or relatives in confined spaces to sleep.”⁶⁰

Approximately 200 Venezuelans are also stuck in **Argentina** without the possibility of returning, as flights have been insufficient and expensive.⁶¹ In different cities in **Spain**, it is estimated that around a thousand tourists have not been able to board the planes allowed by the Venezuelan government, given the number of passengers on the waiting list.⁶² In the case of Venezuelans in the **United States** who cannot return due to the absence of flights, it was considered not to penalize those “overs-tays” that were exceeded in the stay if the person requests a visa extension.⁶³

It is important to highlight that many Venezuelan migrants and refugees return because the conditions in their country of destination make their migration impossible, not be-

cause the complex humanitarian crisis has ceased, on the contrary, it has worsened. However, for the processes to be truly voluntary they should be provided with information on their return.⁶⁴

i. Right to live a life free of violence

Violence against migrant women implies the risk of being a victim of different forms of violence, including acts of physical, sexual and psychological violence contemplated in the Inter-American Convention to Prevent, Punish and Eradicate Violence against Women “Convention of Belém do Pará”⁶⁵. In the case of migrant and refugee women and girls, they are at serious risk of being victims of trafficking, sexual exploitation, sexual violence and reproductive violence. In the context of COVID 19 and the response of States to the closure of borders has exacerbated the vulnerabilities of women and girls.

In the case of sexual and reproductive health, the barriers to accessing these health services are even greater. **Selene Soto** highlights that

“these barriers translate into the absence of contraceptive methods, deficiencies in maternal and child health care, lack of access to voluntary interruption of pregnancy, and lack of application of the protocol for care for victims of sexual violence. North of Santander is one of the departments most affected by its characteristics as a border zone and armed conflict.”⁶⁶

Health services are prioritizing care for patients with COVID-19 and neglecting other essential services

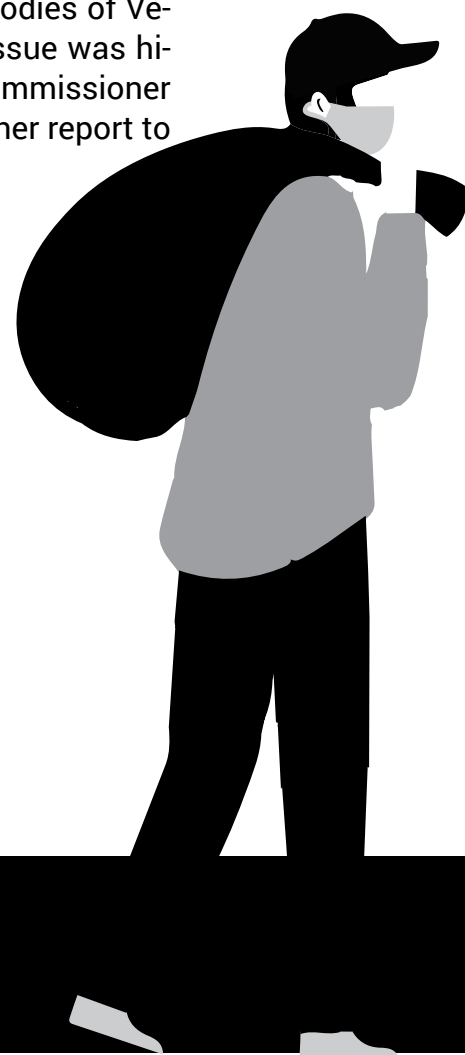
for women, including sexual and reproductive health. For example, Women's Link learned of the case of a Venezuelan woman in an irregular migratory situation, pregnant, who requested care for delivery in a public hospital in Cucuta. The woman was treated but when she was discharged, she was very underweight, indicating malnutrition. Although she felt very weak in the hospital, they decided to let her go and a few days later she passed away.⁶⁷

Murder and violence against Venezuelan migrant women and girls abroad have been on the rise in recent years, especially in the Americas. In **Peru**, our activist reported to us the case of a 24-year-old Venezuelan woman who was slit her throat by a man who allegedly harassed her, who took his own life by committing the crime.⁶⁸ In **Argentina**, they reported to us the case of a Venezuelan woman who worked in the informal market who was a victim of rape.⁶⁹ In **Chile**, femicides of Venezuelan women have been reported in years prior to the pandemic.⁷⁰

A representative case of violence against migrant women that combine more than one factor of vulnerability was the case of Diana, a Venezuelan migrant in **Peru**, who suffered a spontaneous abortion on July 3rd, 2020 and as a consequence was admitted to the hospital. Diana de-

nounced to her husband that health personnel were intimidating her by reporting her to the authorities, despite having a miscarriage. Two days later Diana commits suicide after pressure and threats from health personnel.⁷¹ This case represents the situation of vulnerability of migrant and refugee women in access to sexual and reproductive rights combined with situations that are an important factor in the mobile population, such as xenophobia.

Another issue highlighted by our activists, Tibusay in Peru, Adriana in Argentina and Karina in the United States, is the hyper-sexualization and exploitation of the bodies of Venezuelan women. This issue was highlighted by the High Commissioner at the United Nations in her report to the UN Human Rights Council.⁷²



V RECOMMENDATIONS OF THE ACTIVISTS OF INTERNATIONAL REDAC

Having recognized and identified the difficulties in accessing the rights of Venezuelan migrants and refugees, the activists of REDAC International, who have likewise experienced firsthand the difficulties faced by Venezuelan people in the destination countries, make the following recommendations:



For **Carlos Carrasco**, it is necessary that the differences that exist between Executive Decrees and public services be eliminated, and that the regulations be applied thus avoiding discretion. For Carlos it is also vital to understand, in the case of Chile, the magnitude of human mobility of Venezuelans and the complex humanitarian crisis that Venezuelans are going through, since by not understanding the dimension of the crisis the measures taken by Chile does not protect Venezuelan migrants.



For **Blanca Medina** it is vital that there is greater cooperation between all State institutions to address the migration crisis, from the judiciary, the executive branch, and law enforcement officials. Additionally, Blanca thinks, it is important that Chile is taken into account as a priority country to respond to the Venezuelan migration crisis and the growing flow of Venezuelans to Chile.



In the case of **Karina Saab**, she believes that it is important that the Venezuelan opposition, beyond carrying out political work, also safeguards the rights of migrants. Karina also believes that it is vital that the community of Venezuelans in receiving countries organize and support migrants in the future so that their migration adaptation path is easier.



Adriana Flores speaks to migrants, particularly young people, says that technology education could improve their immigration status and will also be an added value for the destination countries.

For **Tibisay Betancourt**, strengthening the training of nongovernmental or-



ganizations, public officials and United Nations agencies is vital to guide Venezuelan migrants in their migration process. It points out that there is still much ignorance about the regularization processes and this makes it more difficult for migrants to find employment.



Heidi Sánchez believes that, in the case of Ecuador, the country receiving migrants should understand that the Venezuelan arrived to settle in this country. Ecuador must invest in solutions to integrate Venezuelans into the economy and social system with inclusive policies that do not come from fear, exclusion and xenophobia.



Carlos Romero, like Heidi, believes that Spain needs a plan for the integration of migrants, which it promised when adopting the Global Compact for Safe, Orderly and Regular Migration, but lacks an implementation guideline.



For **Selene Soto**⁷³, a comprehensive response to the migrant population with a focus on human rights and gender is necessary. Country policies must be far-reaching, and special protection for migrant women victims of gender-based violence such as trafficking and sexual violence is vital.



Finally, **Beatriz Borges**, reminds us that although the complaint and documentation are fundamental for the construction of a comprehensive response to the human mobility crisis, the direct humanitarian assistance and aid that migrants and refugees may receive is just as important. The response of the United Nations and international protection and assistance organizations must prioritize and strengthen this area. The needs are extreme and the human drama immense. Likewise, in the States there must be co-responsibility and coordination in an adequate response to the dimensions of this tragedy.



VI

RECOMMENDATIONS OF INTERNATIONAL ORGANIZATIONS TO GUARANTEE THE RIGHTS OF MIGRANTS IN THE COVID-19 PANDEMIC

Organization of American States (OAS)

The Inter-American Commission on Human Rights created SACROI-COVID19 in order to monitor the human rights situation in member countries. The first resolution issued by this new office was No. 1/2020⁷⁴, where certain recommendations regarding migrants, asylum seekers, refugees, stateless persons, victims of human trafficking and internally displaced persons were highlighted.

Its main recommendations to member states in Resolution 1/2020 are:

1. Avoid the use of immigration detention strategies and other measures that increase the risks of contamination and spread of the disease generated by COVID-19 and the vulnerability of people in situations of human mobility such as deportations or collective expulsions, or any form of return. They must quickly implement mechanisms to provide for the

release of people currently in detention centers.

2. Refrain from implementing measures that may hinder, intimidate and discourage the access of people in situations of human mobility to the programs, services and policies of response and attention to the COVID-19 pandemic.

3. Guarantee the right of return and return migration to the States and territories of origin or nationality.

4. Implement measures to prevent and combat xenophobia and stigmatization of people in situations of human mobility in the framework of the pandemic.

5. Expressly include populations in a situation of human mobility in the economic recovery policies and actions that are necessary at all times of the crisis generated by the pandemic.

United Nations (UN):

The UN speaks through the recommendations made from the office of the High Commissioner for Human Rights on March 25th, 2020, in which governments were asked to take urgent measures to protect the health and safety of people who are detained or held in other closed facilities, as part of the general efforts being carried out to stop the COVID-19 pandemic. In addition, it has called on governments and competent authorities to move quickly to reduce the number of inmates to prevent the spread of the virus in prison facilities.

World Health Organization (WHO):

The WHO recommendations focused on the actions that States should take to control the pandemic in border areas. Among its recommendations was to apply travel or trade restrictions to countries with outbreaks of COVID-19.⁷⁵

International Organization for Migration (IOM):

For its part, the IOM made recommendations associated with the treatment of migrants and refugees in situations of pandemic, economic crisis, etc., by expanding the scope of its Strategic Preparedness and Response Plan (SPRP) by including essential interventions that seek to mitigate the severe impacts socioeconomic and health aspects of the pandemic that affect the migrant population.

As a complement to this Plan, the

United Nations Network on Migration

made a call⁷⁶ on States, in collaboration with relevant stakeholders, to:

1. Stop new arrests of migrants for immigration reasons, or for health reasons and introduce a moratorium on the use of immigration detention.
2. Expand and urgently implement non-custodial community alternatives to immigration detention in accordance with international law.
3. Release all migrants detained in the community without alternative custody, following the appropriate safeguards.
4. Improve conditions in places of immigration detention, while alternatives are being expanded and implemented.

United Nations High Commissioner for Refugees (UNHCR):

UNHCR on March 11th, 2020, recommended⁷⁷ the following actions to the governments:

1. Include refugees and persons of concern in national preparedness and response plans. Calculate the needs for medicines, personal protective equipment, pharmaceuticals, auxiliary supplies and laboratory diagnostics.
2. Monitor the evolution of the epidemic, carry out an active search for cases, trace contacts and investigate alerts, in collaboration with ministries of health, WHO and partners.

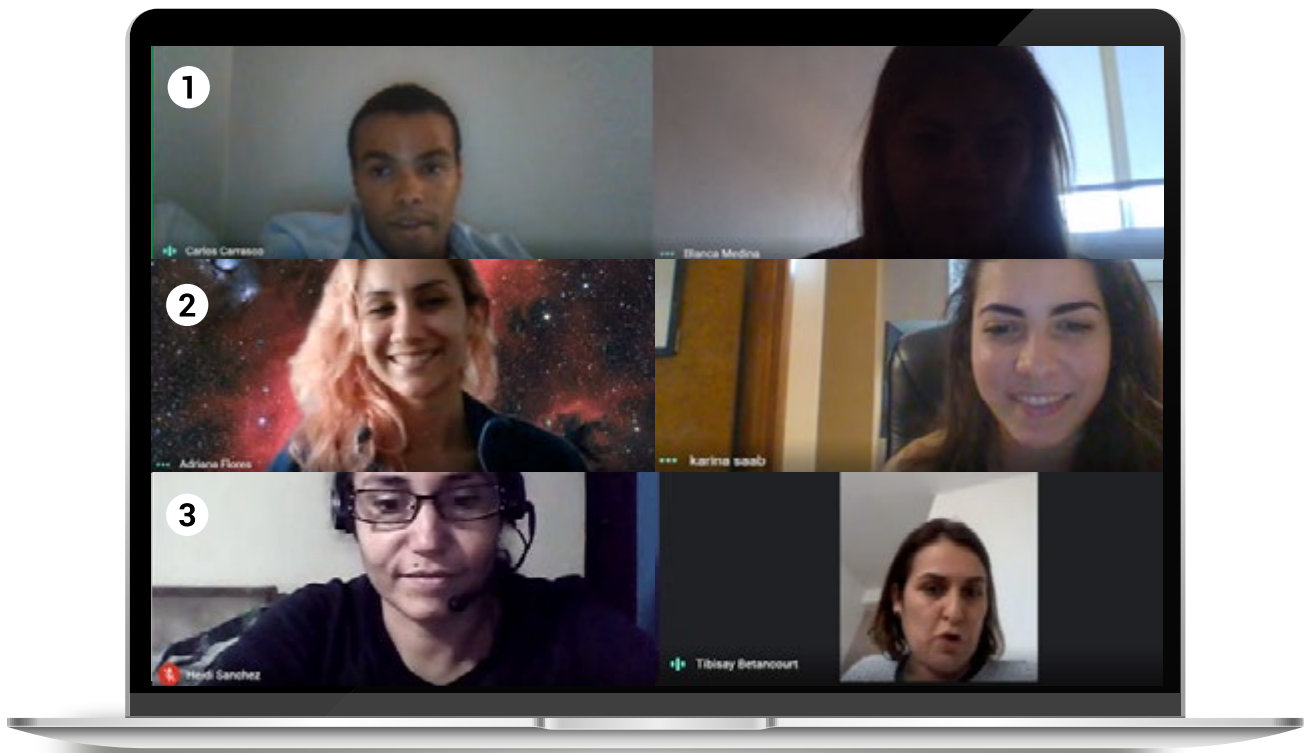
3. Assess the capacity of UNHCR's health services to respond in the event of an outbreak in refugee camps and settlements.

4. Train health workers in the settlements to attend to the population in case someone contracts the virus.

5. Inform the population through communication materials.



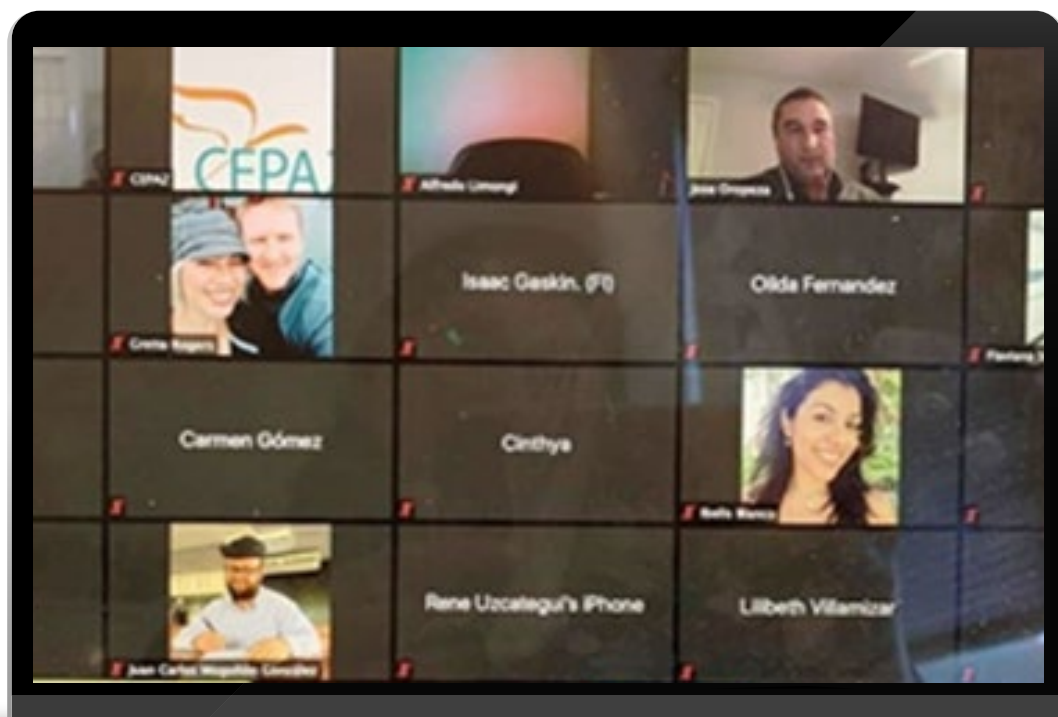
ANNEXES: TRAINING AND CALLS WITH ACTIVISTS



1. Blanca Medina and Carlos Carrasco, november 30th, 2020.

2. Adriana and Karin, december 1st, 2020.

3. Heidi and Tibisay, december 2nd, 2020.



Immigrants Aid

CONVERSATORIO: UN LLAMADO A LA ACCIÓN CIUDADANA



Con la abogada y directora de la organización Derechos Humanos con DR.

Damarys Rangel

y, el abogado y coordinador de la Red de Activistas Ciudadanos, REDAC.

Juan Carlos Mogollón

**Miércoles 26 de agosto
7:00 PM
via Zoom y Facebook LIVE**




Venezuelans and Immigrants Aid



CONOCE TUS DERECHOS HUMANOS COMO INMIGRANTE

Entre otros temas a discutir estarán:

La identificación de los DD.HH. Universales y la documentación de los casos cuando estos sean vulnerados. El asilo como un DD.HH., los Venezolanos en su carácter de refugiados y el "Principio de la No Devolución," Protección Internacional y el TPS.

**Jueves 27 de Febrero
6:00 pm a 8:00 pm**
Women's Lab, Centre for Social Innovation
601 West 26th St, suite 325-102, Manhattan.
Actividad sin costo. Entrada libre.









FOOT NOTES

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