

University of Mississippi

eGrove

Honors Theses

Honors College (Sally McDonnell Barksdale
Honors College)

Spring 5-14-2023

Un País Invertido: The Current Immigration Regime of Colombia

Magdalena Hendrickson
University of Mississippi

Follow this and additional works at: https://egrove.olemiss.edu/hon_thesis



Part of the [Immigration Law Commons](#), [Latin American Studies Commons](#), and the [Latina/o Studies Commons](#)

Recommended Citation

Hendrickson, Magdalena, "Un País Invertido: The Current Immigration Regime of Colombia" (2023).
Honors Theses. 2843.
https://egrove.olemiss.edu/hon_thesis/2843

This Undergraduate Thesis is brought to you for free and open access by the Honors College (Sally McDonnell Barksdale Honors College) at eGrove. It has been accepted for inclusion in Honors Theses by an authorized administrator of eGrove. For more information, please contact egrove@olemiss.edu.

UN PAÍS INVERTIDO: THE CURRENT IMMIGRATION REGIME OF COLOMBIA

By Magdalena Hendrickson

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

Oxford, MS

March 2023

Approved by

Advisor: Dr. Doug Sullivan-Gonzalez

Reader: Dr. Jesse Cromwell

Reader: Dr. Julio Acuna Garcia

Acknowledgments

I would like to thank my thesis advisor, Dr. Doug Sullivan-Gonzalez, for his guidance in this endeavor. His wisdom was paramount to this project's success, and I would not have been able to finish everything on time without his support. I would also like to thank the faculty and staff of the Sally McDonnell Barksdale Honors College for their continuous support throughout the years, and for giving me the opportunity to challenge myself in my academic career and beyond. Most importantly, I want to thank the family and friends who encouraged me to keep writing through tough times—without them, this thesis would not exist.

Abstract

Throughout its turbulent history, Colombia has seen drastic changes in structure and administration. From military coups to shaky coalitions, the country's infamous instability has long forced its citizens to find better prospects elsewhere. However, with the rise of the Maduro administration in Venezuela, Colombia faced a massive new flow of migrants and was forced to rectify current circumstances without properly addressing its internal issues beforehand. Despite its historical status as a nation of emigrants, Colombia marks a new norm for the rest of the globe. As new issues like climate change and increased armed conflict grow worldwide, countries on the fringes of these problems must confront the inevitable influx of refugees. Using a mix of qualitative and quantitative methods, this thesis analyzes the current immigration regime in Colombia and its feasibility. Colombia provides a clear example of the capability a nation has to welcome large numbers of migrants, but their solution is imperfect. Nevertheless, Colombia sets a compelling example of immigration policies and refugee aid and serves as a cautionary tale of the dangers of introducing too much too soon.

TABLE OF CONTENTS

Cover Page	i
Acknowledgements	ii
Abstract	iii
Table of Contents	iv
Introduction: From <i>Migrantes</i> to <i>Anfitriones</i>	1
Chapter 1: Migration, A Brief Summary	4
Chapter 2: The Historic Roots of Citizenship in Colombia	12
Chapter 3: Current Policies Surrounding Immigration	25
Chapter 4: <i>La Gente y La Inmigrante</i>	38
Chapter 5: The Venezuelan Crisis	48
Conclusion: <i>Un País Invertido</i>	60
Bibliography	65

Introduction: From *Migrantes* to *Anfitriones*

With the rise of globalization and internal conflicts, many individuals have taken to migration as a solution to problems they may face in their countries of origin. Latin America is no exception to the constant flow of immigration. The region has seen a drastic rise in migrants, even as far back as the early 20th century. Although the region suffers from similar issues, some nations have become hosts to millions of migrants as situations become unlivable. In recent times, however, rates have increased even further, and previously wealthy countries have fallen victim to economic downturns. In short, the Latin American sphere is changing rapidly, and one of the nations at the forefront of this change stands out among the rest. *La Republica de Colombia* has long been known for its exports, including its heavy emigration rates due to internal turmoil. However, the past decade has ushered in a new era for the nation, with high incoming rates prompting the government to overhaul its immigration regime to meet demand.

Although the nation was notoriously known for its outflow of citizens in the late 1900s, Colombia has recently become one of the top refugee recipient countries in the world. According to the International Organization for Migration, an intergovernmental organization in the United Nations system, Colombia ranked 17th in the world for the most migrants received in country-to-country corridors in 2020.¹ In 2020, the country boasted a total of 1.9 million migrants.² Since then, a little over 2.2 million refugees have come from Venezuela, and approximately 900,000 are returning Colombian citizens.³ As time goes on, migration rates into

¹ International Organization for Migration, “*World Migration Report 2022.*” 2021. Geneva, Switzerland: International Organization for Migration. <https://publications.iom.int/books/world-migration-report-2022>, 27.

² Ibid.

³ Herrera and Gomez, *Migration in South America* (Springer Nature, 2022), 5.

the nation continue to rise, especially now that the Coronavirus pandemic has slowed.⁴ Faced with these radical changes, the government has leaned into its immigrant-positive stance, leading to a direct conflict with a growing number of constituents.

Colombia provides an incredibly relevant example, especially as globalization and migration become more common across the world. As such, the following breaks down Colombia's current immigration regime as a point of contrast, to better understand how higher migration rates affect a nation and how a state may tackle these issues. Starting with a summary of current migration patterns and policy in Latin America, the subsequent sections address the nation's history, current policy, public sentiments, and its reaction to the Venezuelan crisis. Though many aspects of the regime are unique to the country's history, many more apply to the world, primarily due to how recently these changes occurred. In many ways, Colombia marks a new norm for the rest of the globe. As new issues like climate change and increased armed conflict grow worldwide, countries on the fringes of these problems must confront the inevitable influx of refugees. Its unique concept of citizenship and willingness to cooperate with international organizations lays an intriguing stage for migration reform.

Throughout its turbulent history, Colombia has seen drastic changes in structure and administration. From military coups to shaky coalitions, the country's infamous instability has long forced its citizens to find better prospects elsewhere. However, with the rise of the Maduro administration in Venezuela, Colombia faced a massive new flow of migrants and was forced to rectify current circumstances without properly addressing its internal issues beforehand. Despite its historical status as a nation of emigrants, Colombia marks a new norm for the rest of the globe. As new issues like climate change and increased armed conflict grow worldwide,

⁴ Unidad Administrativa Especial Migración Colombia, Flujos Migratorios, 2022, <https://public.tableau.com/app/profile/migraci.n.colombia/viz/FlujosMigratorios-2022/Inicio>.

countries on the fringes of these problems must confront the inevitable influx of refugees. Using a mix of qualitative and quantitative methods, this thesis analyzes the current immigration regime in Colombia and its feasibility. Colombia provides a clear example of the capability a nation has to welcome large numbers of migrants, but their solution is imperfect. Nevertheless, Colombia sets a compelling example of immigration policies and refugee aid and serves as a cautionary tale of the dangers of introducing too much too soon.

Chapter 1: Migration, A Brief Summary

Historically, South America has experienced a wide variety of migratory flows. The 20th century was chiefly characterized by migratory outflows, with many individuals choosing to leave the continent altogether. However, internal issues began forcing many out of their homes, and migration across the continent began to shift. At the start of the 21st century, more migrants began to settle in Latin America, primarily due to an inability to continue to previous destinations. Thus, Colombia became a hotspot for migrants, especially once Venezuelans began leaving their country of origin in earnest. The following chapter details how migration flows have changed over time and the overarching effect these circumstances have had on the region at large. Many nations have moved to more restrictive policies, which have only increased following the Coronavirus pandemic. Though the sudden spike in migration directly opposes previous norms, Colombia has implemented more inclusive policies in response, differentiating the nation from others in the region.

Though Colombia had experienced a fair amount of migratory outflow for well over a century, the 1960s ushered in an era of unprecedented emigration. Much of this increase was due to the political and economic landscape of the time. Colombia was far from isolated in its newfound migration rates. As authors Gioconda Herrera and Carmen Gómez note in the 2022 book, *Migration in South America*, the latter half of the 20th century established three main migration patterns across Latin America. The first, “South-North migration,” refers to the migration of Latin American nationals to the United States and Canada, with the vast majority originating from Andean countries such as Colombia, Ecuador, and Peru.⁵ However, many

⁵ Herrera and Gomez, 3.

Colombians elected to migrate to neighboring Venezuela during the 1970s and onwards.⁶

Authors G. Herrera and C. Gomez refer to this migration flow as “cross-border and intra-regional labor migration,” another primary type of migration seen in the late 20th century. Finally, Latin America experienced a fair amount of extra-continental migration from African and Asian countries. The trend truly gained traction after the turn of the century, with most migrants settling in Brazil, Chile, and Argentina.⁷

Overall, Latin Americans were continuously moving. These patterns would continue well into the 21st century despite the relative political stability of the continent. Migration patterns remain unchanged due to the lack of economic opportunity in the region, later exacerbated by the 2008 economic crisis. Intra-regional migration increased even further in the 21st century as more northern countries introduced restrictive immigration policies.⁸ Herrera and Gomez note that Venezuela and Argentina were the primary receiving countries during this time. The majority of the inflow consisted of Andean labor migrants.⁹ However, as Venezuela began experiencing severe economic and political issues in 2015, Chile, Colombia, and Peru saw increasing migrant populations, particularly from Venezuela. Chile in particular reached a population of 1,492,522 migrants as of 2019, and the authors state that there were “1,742,927 Venezuelans and 980,000 Colombian returnees living in Colombia, and 1,095,914 in Peru” as of May 2021.¹⁰ While emigration remains the primary form of migration, immigration rates are at an all-time high in

⁶ International Organization for Migration, “Colombia Migration Profile: IOM,” Accessed 25 November 2022. <https://www.iom.int/news/colombia-migration-profile-iom>.

⁷ Herrera and Gomez, 3.

⁸ Ibid., 3.

⁹ Ibid., 4.

¹⁰ Ibid., 5.

nations like Argentina and Chile.¹¹ That said, current trends are subject to change, especially as forced migration remains the norm.

Although economic turmoil was previously the predominant factor driving migration rates, current trends may exacerbate the issue further. Herrera and Gomez note that South America is facing “an economic slowdown due to the fall of commodity prices.”¹² Because a vast majority of intra-regional migration is labor-based, many receiving countries are seeing a new kind of migrant labor worker. More specifically, there is a distinct segmentation between native workers and migrants in nations with more formal economies, such as Argentina and Chile. As for countries with more informal labor markets like Peru and Ecuador, or even in nations with niche markets like Ecuador and Colombia, the increase in migrant workers has put the precarious balance between sectors in jeopardy.¹³ Extractive industries (primarily mining, oil production, and agricultural work) have become increasingly dangerous for migrants. Over time, stronger competition for available jobs has pushed many into illegal labor and terrible work conditions.¹⁴ Furthermore, inequality and poverty rates are rising, especially following the Coronavirus pandemic.¹⁵ In other words, migration is at an all-time high regionally, but the uncertainty of economic stability amongst Latin American countries makes predicting the ramifications of these increases exceptionally arduous.

The three aforementioned trends (extra-continental migration, intra-regional migration, and South-North migration) brought about a new migratory dynamic: pendular transit migration. Essentially, instability has discouraged migrants from moving more frequently. In the past, many

¹¹ Migration Data Portal, “Migration Data in South America,” last updated on October 26, 2021.

¹² Herrera and Gomez, 6.

¹³ Ibid., 7.

¹⁴ Ibid., 8.

¹⁵ Ibid., 7.

migrants would move depending on work availability. However, the increasing fragility of economic prospects leads numerous immigrants to settle in certain areas indefinitely. Pendular transit migration refers to these prolonged, unexpected stays. Today, Chile, Brazil, Ecuador, Peru, and Colombia are current hotbeds for pendular transit migration. This type of migration is prominent for refugees from Venezuela, with well over 300,000 individuals currently residing in locations they initially intended to pass through.¹⁶ Ultimately, the United Nations established an inter-agency platform known as the Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, or R4V, to coordinate aid for the steadily accruing population. However, the future of migrants caught in transit is uncertain at best—the rise of Coronavirus prevented many individuals in unstable economies from moving. “During the pandemic, these prolonged transits took on new shapes and we witnessed a return migration of Venezuelan populations due to evictions, fear of contagion, and lack of jobs resulting from stay-at-home orders.”¹⁷ As situations worsened, individuals moved to locales with the most availability, leaving many stranded in the circumstances they sought to escape.

The pandemic presents a convincing case, especially considering the varying reactions across the continent. The majority of states implemented more restrictive policies, citing health concerns as the primary reason behind these decisions.¹⁸ These policies mark a departure from previous norms, which emphasized welcoming migrants and returning citizens. Herrera and Gomez state that “migration policies in South America were focused on strengthening political ties with emigrants through various policies focused on connecting emigrants to their countries of origin.”¹⁹ Essentially, migrants are welcome to travel and work abroad, but they remain in the

¹⁶ Herrera and Gomez, 9.

¹⁷ Ibid.

¹⁸ Ibid., 12.

¹⁹ Ibid., 11.

care of their nations. However, the increasing inequality rates of the mid-2010s raised many concerns about the economy's capacity to admit more workers into the labor market. Thus, many citizens began to push toward limiting migration to protect what little opportunities were available, leading many nations to reform their immigration policies. Thus, the Coronavirus pandemic provided a legitimate reason to do so with little repercussions. That said, not every nation joined this widespread trend. Herrera and Gomez note that a significant number of countries introduced immigrant-protective policies during the pandemic.²⁰

According to IOM data, while much of Southern Latin America introduced more restrictive travel measures, some countries only regulated immigration.²¹ Coupled with the previous increase in migration before the pandemic, these regulations further cemented certain areas as receiving countries.²² Indeed, many of these newly minted receiver countries have introduced temporary protections for refugees or simplified their application processes, but there is little permanence in any of these actions. Thus, much of the current response to migration appears “fragmented and arbitrary.” Instead, there is a heavy reliance on international organizations and NGOs, which have taken over managing migration.²³ While their involvement has affected positive change in many nations, they have also severely limited the impact of internal regulations. Notably, Herrera and Gomez point out that many governments use legislation as “a protective measure, but selectively and temporarily, that is, according to national origin and, connected to this, to the geostrategic position of the receiving State vis-à-vis the expelling State in a given period.” They also mention Brazil and Ecuador as primary examples,

²⁰ Herrera and Gomez, 12–13.

²¹ International Organization for Migration, “World Migration Report 2022” (IOM, 2021), 33–34, <https://publications.iom.int/books/world-migration-report-2022>.

²² International Organization for Migration, 3.

²³ Herrera and Gomez, 14.

which, given the number of refugees they received in 2020 (1,079,708 and 784,787, respectively), presents a pressing concern about the future.²⁴

However, Colombia has become an outlier in terms of policy. While Gomez and Herrera note that the strong presence of international organizations in the nation is cause for concern, the policies themselves are fairly accessible, if shortsighted.²⁵ These policies largely stem from the nation's response to the Venezuelan crisis and create a streamlined process for individuals to apply for refugee status. With an estimated foreign-born population of 1.9 million as of 2020, the Colombian government quickly addressed the drastic increase in migrants. While the pandemic exacerbated the need for regulation, the nation had plenty of cause to act beforehand. According to the OECD, the number of labor migrants totaled over 21,000.²⁶ Thus, policymakers were tasked with regulating both fronts, leading to an influx of legislation in the latter half of the 2010s, later discussed in Chapter 3. Moreover, the OECD notes that Colombia began cooperating with many neighboring countries to restart migration. In August of 2021, the nation opened its borders with Peru, Ecuador, Brazil, Panama, and Venezuela to help mitigate pendular transit migration internally and abroad.

Furthermore, the government entered an agreement with Panama to hopefully reestablish migration flows between the two and the rest of the globe.²⁷ Colombia currently has the second-largest population of immigrants in South America.²⁸ Though the gradual easement of pandemic regulations may further increase these numbers, internal issues threaten the nation's capability to accept more refugees. In 2021, the OECD reported that native-born Colombians

²⁴ Migration Data Portal, "Migration Data in South America."

²⁵ Herrera and Gomez, 14.

²⁶ OECD, *International Migration Outlook 2022* (OECD iLibrary, 2022), <https://www.oecd-ilibrary.org/sites/9343c98b-en/index.html?itemId=/content/component/9343c98b-en> (accessed February 5, 2023), 223.

²⁷ Ibid.

²⁸ Migration Data Portal, "Migration Data in South America."

have an employment rate of 64.4% compared to the 69.2% rate for foreign-born residents.²⁹ As of October 2022, el *Ministerio de Relaciones Exteriores* has reported 5,623,592 entries and departures from the country, an increase of over two million from the year prior (2,978,602).³⁰ Migration rates are rising again, which may worsen economic opportunities for native-born citizens and potentially even contribute to growing issues already within the nation. Nonetheless, Colombia's influx of migration is far from over. Although the nation has already seen its fair share of changes from the current state of migration flows, the government's previous willingness to reform systems may introduce even more.

South America has long been a prime location of migration, with millions of citizens leaving the continent every year. Since the mid-1900s, three types of migration dominated the region—South-North migration, intra-regional migration, and extra-continental immigration from Africa and Asia. As economic prospects worsened in the early 21st century, many turned to the North for better opportunities. However, internal unrest and instability halted many migrants during their journeys, establishing the current dominant type of migration: pendular transit migration. The Venezuela crisis changed how many countries approached immigration and asylum as a whole, leading many countries to begin to restrict inflows. Colombia worked closely with international organizations like the UNHCR and IOM and began to accept more migrants. While the move was praised internationally, there are concerns regarding further inflows for citizens. Nevertheless, the move to more inclusive policies and the increase in accepted migrants marks Colombia as an outlier among its contemporaries and a drastic change to its previous predominately emigration-based migratory flow.

²⁹ OECD, *International Migration Outlook 2022*, 223.

³⁰ Unidad Administrativa Especial Migración Colombia, *Flujos Migratorios*, 2022.

Chapter 2: The Historic Roots of Citizenship in Colombia

Since its founding in 1819, the nation of Colombia has undergone many different variations, both in size and style of government. Every iteration of the country has distinctly shaped what it is today, especially in terms of policy. While this thesis addresses how Colombia came to be, its history alone would be enough to comprise an entire dissertation. Thus, the following chapter gives a generally brief overview of critical political moments and acting laws that helped shape immigration policy in Colombia. More specifically, the chapter relates legislative and constitutional changes seen throughout the nation's existence to the historical events that heavily influenced or even directly caused them. Overall, Colombia's turbulent history has definitively compelled policymakers and leaders to reform the nation's concept of citizenship, distinguishing the country from its contemporaries through legal structure and national sentiments. Over its long history, Colombia has shaped its concept of citizenship based on historic events and political movements, allowing for a more plastic definition in the modern day. As such, the country remains an outlier in immigration policy and politics, much of which can be traced back to the country's beginnings.

In 1819, the nation of Gran Colombia, led by President Simón Bolívar, established itself as one of the most prestigious countries in Latin America. The nation was formerly the *Virreinato de Nueva Granada*, a large Spanish colony in northern South America. The land spanned the entirety of present-day Ecuador, Venezuela, Panama, and Colombia. Due to its former status under Spanish rule, many of the ideas surrounding citizenship came directly from Spanish laws surrounding citizenship for individuals born in colonies. More specifically, one of the most impactful aspects of Colombian citizenship laws is the distinction between *nacionalidad* and *ciudadanía*, which can be traced back to the Spanish Constitution of 1812. The

Constitución de Cádiz, the nation's first constitution, names “[t]odos los hombres libres nacidos y avecindados en los dominios de las Españas, y los hijos de estos” as citizens, and grants an avenue for naturalization for foreigners.³¹ The latter phrase, “los hijos de estos,” marks the formal introduction of *ius sanguinis* nationality, nationality based on descent.³² The emphasis on lineage legitimized the monarchy and Spanish rule outside its borders, especially in its increasingly discontent colonies. Nevertheless, these policies quickly spread to all Spanish territories, including the *Virreinato de Nueva Granada*. Despite the area's upcoming departure from the empire, many of these thoughts carried over into the new nation as a means to distinguish itself from its former ruler.

The desire for clear-cut independence is best exemplified in the *Constitución de Cúcuta*, one of Gran Colombia's first acts of sovereignty. In her 2016 report on citizenship law in Colombia, author Cristina Escobar explains that Gran Colombia's first constitution created a centralist, unitary government that governed over the entirety of the state. Much like the Spanish Constitution in force at the time, it partially defined citizenship using the notion of *ius sanguinis*. However, it primarily focused on *ius soli*, or citizenship based on place of birth: “The Cucuta constitution... defined as Colombians all free men born in the territory and their descendants, those who were already settled in Colombia, provided they remained faithful to the cause of independence, and ‘those born abroad who were naturalised.’”³³ In other words, the *Constitución de Cúcuta* established the concept of *nacionalidad*, regardless of bloodline. While the Spanish constitution also codified *ius soli* as a valid means of citizenship, it mainly focused on including territories outside of direct control, leading to a heavier emphasis on descent. In contrast, the

³¹ Cortes de Cádiz, *Constitución de Cádiz*, (Spain, 1812), https://digitalcommons.csumb.edu/hornbeck_spa_4/18, Section 2, Article 5.

³² Cristina Escobar, “Review of Report on Citizenship Law: Colombia,” (The European University Institute, 2015), 1.

³³ *Ibid.*, 2.

Constitución de Cúcuta focused more on birthplace and citizenship, which served to distance the new nation from Spanish rule and further legitimize its sovereignty.

It was not until the 1832 Constitution of New Granada that the concept of *ius sanguinis* became more definitively included in citizenship law. While the concept was originally introduced in the 1830 Constitution of Gran Colombia, Escobar notes that the body of law only lasted until the dissolution of Gran Colombia a few years later. Nevertheless, the idea of *ius sanguinis* remained largely the same across both constitutions. Per *ius sanguinis* rules, individuals could claim *nacionalidad* by birth if they were the child of a free man born in the territory (which only spanned present-day Colombia and Panama), even if they were born abroad.³⁴ The introduction of *ius sanguinis* citizenship was a marked change from Latin American norms of the time and was much more akin to typical imperialist state norms. Additionally, “[t]he constitution did grant citizenship (*nacionalidad*) by birth to those born of the territory of foreign parents, but it set the condition of domicile in the territory.”³⁵ Essentially, the Constitution still allowed for *ius soli* citizenship claims, even if an individual’s parents were not nationals. In other words, *ius soli* and *ius sanguinis* citizenship were not mutually inclusive, though the Constitution mostly emphasized the former. However, citizenship law starting from the Constitution of 1832 was a combination of *ius sanguinis* and *ius soli*. Therefore, a wider range of individuals could establish Colombian citizenship by bloodline, birth on the nation’s soil, or both.

The importance of the two principles would often change with the different constitutions of New Granada (of which there were three), with one taking precedence over the other. In the intervening years, distinctive groups would be included or excluded based on political context.

³⁴ Escobar, 2.

³⁵ Ibid, 3.

For example, the 1863 Constitution extended *nacionalidad* to anyone born in the Hispanic Republics so long as they resided in the territory and wished to become Colombian.³⁶ However, slowly growing tensions within the nation came to a head as political groups began actively seeking their ideal form of government. The two factions originated from the contention between the original president of Gran Colombia, Simon Bolivar, and his vice president, Francisco de Paula Santander. Whereas Bolivar and his constituents favored a more unitary, centralist rule of the entire country, Santander and his allies wished to separate power under a federal system. As he explains in his article “The Attempt to Integrate Santo Domingo into Gran Colombia (1821-1822),” author German A. de la Reza explains that the Bolivian party initially won with the *Constitution of Cúcuta*. Even so, Gran Colombia ultimately operated as a pseudo-confederacy. Thus, each department possessed individual powers and operated independently.³⁷

As a result of this in-fighting, the government of New Granada enacted a new centralist regime in 1886 and renamed itself *La Republica de Colombia*. This new regime was called the “Regeneración,” or regeneration, and its primary intention was to mend political fractures in the government. The freshly established Congress of the Republic introduced legislation surrounding *nacionalidad* and immigration, creating new criteria for citizenship. As Escobar explains, the Constitution brought about three distinct types of *nacionales colombianos*: nationals by birth, called *naturales*; nationals by origin and vicinity, *de origen y vecindad*; and nationals by naturalization, *de adopción*.³⁸ Much like previous iterations, *nacionales naturales* and *nacionales*

³⁶ Ibid.

³⁷ Germán A. de la Reza, “El Intento de Integración de Santo Domingo a La Gran Colombia (1821-1822),” *Secuencia*, no. 93 (2015): 74, https://www.scielo.org.mx/scielo.php?pid=S0186-03482015000300004&script=sci_arttext, (accessed November 20, 2022).

³⁸ Escobar, 4.

de origen y vecindad included individuals who qualified under *ius sanguinis* or *ius soli* and did not emphasize one over the other. This new constitution also explicitly distinguished the difference between *nacionalidad* and *ciudadanía* by providing for a loss of citizenship: “*La ciudadanía se pierde de hecho cuando se ha perdido la nacionalidad.*”³⁹ Although there had been a distinction between the two since the Constitution of 1821, the deliberate separation expounded the contrasts between the categories. Regardless, the two would not become legitimate legal statuses until the 1992 Constitution. Nonetheless, the distinction between *nacionalidad* and *ciudadanía* brought about one of the most important additions to the nation’s next constitution.

The 1886 Constitution explicitly named minority populations—including indigenous peoples, women, and former slaves—*nacionales*. Up to this point, previous constitutions had granted these groups *ciudadanía*. That is, the notion guaranteed civil and some political rights, but minorities were not *nacionales* under the law. Instead, they were treated similarly to foreigners and enjoyed the same fundamental rights as nationals but did not have access to all the rights afforded to *nacionales*. By the 1843 constitution, all minorities but slaves were considered nationals in the word of law. However, as Escobar states, “...the rights they were granted, and those they subsequently struggled for, were often not respected.”⁴⁰ The struggle for recognition and equal treatment would last long into the nation’s future, lasting even to modern times. With the abolition of slavery in 1852, recently freed slaves also enjoyed their newfound status as Colombian nationals, but the lack of enforcement created a sharp distinction between *nacionalidad* and *ciudadanía*. Once again, most guarantees were solely nominal for new *nacionales*, and many fundamental rights required specific traits to exercise them.⁴¹

³⁹ Asamblea Nacional Constituyente, Constitución Política 1 de 1886, (Bogotá, Bogotá D.C., Colombia, August 8, 1886), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=7153>, Article 14.

⁴⁰ Escobar, 5.

⁴¹ Ibid.

Nevertheless, the *Regeneración* further established these ideas with supplementary laws and defined requirements for citizenship for newly freed slaves based on *ius soli* and *ius sanguinis* principles.

The regime also focused heavily on immigration projects to bring new potential citizens through naturalization while restricting the types of immigrants allowed into the country. Originally, nacionalidad was freely given and achievable through marriage, property ownership, and/or residency under the naturalization law first established in Gran Colombia.⁴² As of the *Regeneración*, however, immigration was far more restricted as a response to outside events in neighboring countries. A new naturalization law was introduced in 1888 that “reiterated the 1866 distinction between transient and domiciled foreigners and granted the executive with the power to issue naturalisation identification cards (*cédulas de extrangería*) to those who requested them...”⁴³ The executive branch’s new selective ability played a central role in the forthcoming demographics of the migrant population. While it was now more manageable for individuals to attain citizenship through marriage, the government would eventually use this power to prevent certain groups from gaining residency. Overall, the *Regeneración* fleshed out many issues surrounding immigration and nationality in Colombia during the late 19th century and set the stage for legislation on the horizon.

However, the 1886 Constitution’s firm stance as a centralist government proved to be a tipping point for the nation. Though much of the former debate was already incredibly violent, the new regime led to the infamous *Guerra de los Mil Días* (1899-1902). The war was extremely bloody and ultimately led to the secession of Panama in 1903. In his book *Una nación a pesar de sí misma*, author David Bushnell notes that the secession of Panama left Colombians reeling and

⁴² Escobar, 6

⁴³ *Ibid.*, 8.

forced them to recognize “*la necesidad de trascender la tradicional división entre los partidos y de trabajar conjuntamente por cierto tiempo en la inconclusa labor de construcción de la nación.*”⁴⁴ The dedication to bipartisan reconstruction brought about a fairly stable political state and increases in economic productivity. President Rafael Reyes Prieto reestablished foreign relations with its neighbors and rolled out major economic reforms. Nevertheless, Reyes primarily dedicated himself to party reconciliation and included members of both political leanings in his cabinet.⁴⁵ While immigration also saw widespread reform, its changes were far more focused on restricting who could enter the country.

Before the start of Reyes’ presidency, the *Ley de Residencia*, or Law of Residency, was introduced by executive order in 1902. Tobias Schwarz explains in his article “*Políticas de inmigración en América Latina: el extranjero indeseable en las normas nacionales, de la Independencia hasta los años de 1930*” that aliens can be deported should their conduct “*comprometa la seguridad nacional o perturbe el orden público.*”⁴⁶ By the end of Reyes’ tenure, a new law, the *Ley de Defensa Social* further restricted accepted classes of potential migrants, mostly as a reaction to concurrent policies of its foreign allies and investors, such as the United States.⁴⁷ Both laws drastically impacted how many people could enter the country and gave majority preference to Europeans and Hispano-Americans. By the 1920s, immigration laws would begin explicitly naming race as a reason for exclusion, ultimately leading up to the introduction of an immigration quota system and different requirements for certain

⁴⁴ David Bushnell, *Colombia: Una Nación a Pesar de Sí Misma*, (Crítica Colombia, 2021), 212–213.

⁴⁵ Bushnell, 217.

⁴⁶ Tobias Schwarz, “Políticas de Inmigración En América Latina: El Extranjero Indeseable En Las Normas Nacionales, de La Independencia Hasta Los Años de 1930,” *Procesos. Revista Ecuatoriana de Historia*, no. 36, (October 2017): 51, <https://doi.org/10.29078/rp.v0i36.23>, (accessed November 20, 2022).

⁴⁷ *Ibid.*, 52.

nationalities.⁴⁸ More specifically, Congress introduced laws to mitigate the large number of Chinese, Turkish, and Syrian immigrants coming to work on the Panama Canal.⁴⁹ The 1936 naturalization laws saw similar changes, once again giving preference to Hispano-Americans while impeding the efforts of minority groups. Despite these harsher policies, Colombia saw a time of relative peace and economic progress, or as Bushnell names it, *La Nueva Era de Paz y Cafe* (The New Era of Peace and Coffee).⁵⁰

After the end of World War II, Liberal candidate Jorge Eliecer Gaitán was set to follow in the footsteps of the three previous presidencies and continue the faction's decade-long rule. Gaitán was wary of the newly reunited Partido Liberal, as they were of him. Eventually, he decided to split ties with the rest of the party. Seeing the break as an opportunity, *el Partido Conservador Colombiano* named Mariano Ospina Perez their candidate, who promptly won the 1946 election due to the split liberal vote.⁵¹ Nevertheless, the majority of the votes were liberal, leading to mass discontent amongst citizens. Bushnell explains that by 1948, violent protests and rising tensions eventually led to the infamous *el 9 de abril*: “*El infierno se desató el 9 de abril, cuando Gaitan fue asesinado en las calles de Bogotá al salir de su oficina.*”⁵² What came next was *el bogotazo*, or massive riots in Bogota protesting Gaitain's assassination. Eventually, the skirmishes spread out to the countryside, leading to the bloodiest war in the nation's history, *la Violencia*.

The next ten years of Colombia's history would see devastating blows to infrastructure and almost 200,000 deaths.⁵³ Much of the fighting was carried out by guerilla groups, with each

⁴⁸ Escobar, 9.

⁴⁹ Schwarz, 58–59.

⁵⁰ Bushnell, 215.

⁵¹ *Ibid*, 276.

⁵² *Ibid*.

⁵³ *Ibid.*, 280.

side of the political schism supporting different groups as a method to further their agendas. However, the battle for territory under the guise of political motives often served more individual economic purposes: “*Un terrateniente codicioso o una banda de campesinos atropellados bien podía acosar a otros campesinos miembros del partido opuesto con el fin ostensible de vengar alguna atrocidad, pero en realidad para usurpar las tierras de las víctimas.*”⁵⁴ Colombia was quickly devolving into a country for the armed, leaving citizens to migrate on a level never before seen by the nation. Many internally displaced residents fled to the city, leading to substantial increases in urban populations.⁵⁵ The subsequent expansion of urban development would continue long into the latter half of the 20th century.

While the Constitutional Amendment of 1957 officially ended the war and began the *Frente Nacional* coalition government, the violence was far from over.⁵⁶ *La Violencia* saw the rise of many guerilla groups, but none left as lasting of an impact as the *Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo*, or FARC. The Leninist-Marxist group was famous for its use of terror and illegal economic activities to fund its operations. Since it operated primarily in rural areas, the countryside was embroiled in the growing cocaine trade and its residents faced constant danger, further encouraging individuals to flee to increasingly overcrowded cities.⁵⁷ Eventually, similar groups would spring up as well, such as the *Ejército de Liberación Nacional* (ELN), the *Ejército Popular de Liberación* (EPL), and the *Movimiento 19 de Abril* (M19). The government would struggle with the groups for the better part of the next 50 years, especially as right-wing groups rose to fight the guerilla groups. As such, violence continued rising in rural areas. The resulting lack of economic opportunities led to an increase in

⁵⁴ Bushnell, 280–281.

⁵⁵ *Ibid.*, 283.

⁵⁶ *Ibid.*, 306.

⁵⁷ *Ibid.*, 330–331.

emigration beginning in the 1960s, setting a trend that would not change until 2016.⁵⁸ Increasing violence also affects migration rates, as the 1970s saw the rise of complex warfare tactics and politically-charged assassinations. The various successes of these guerilla groups severely impacted public sentiments toward the government and caused a general polarization of political ideologies overall (Bushnell 335-336). Naturally, the violence also impacted the amount of attention devoted to immigration and citizenship law, leaving it relatively unchanged. All of the issues would lead to calls for widespread constitutional reform, and the 1989 “*guerra de la droga*” would be the government’s breaking point.

The 1991 Constitution was the result of a constituent assembly brought about by the student-led movement *Todavía podemos salvar a Colombia*. One of its members, Fernando Carillo, proposed the idea of a *séptima papeleta*, which would allow equal representation for all parties. The move gained rapid traction, and many guerilla groups approved of the solution. It paved the way for a potential end to the violence, leading to even more popularity.⁵⁹ The new Constitution of Human Rights provided for many civil rights and reformed standing citizenship and immigration regimes. However, it did not introduce a completely new system; instead, the new regime was a true return to the 1886 Constitution, simplified the requirements for citizenship, and introduced dual citizenship (*doble nacionalidad*). The different types of citizenship also remained largely the same, except for nationals *de origen y vecindad*, which was removed.⁶⁰ These changes intended to promote immigration over emigration and establish the country in the rapidly globalizing world. This pattern continued with Law 43 of 1993, which set

⁵⁸ International Organization for Migration, “Colombia Migration Profile: IOM.”

⁵⁹ Carmen Alicia Mestizo Castillo, “La gestación de la Constitución de 1991. Papel de la soberanía popular y debates en torno a ella.” (Master 's Thesis, Pontificia Universidad Javeriana, 2012), 52.

⁶⁰ Escobar, 10.

out the requirements for naturalization and “the principle of reciprocity” through international treaties.⁶¹ Overall, the country was legally poised to attract new migrants to help the economy.

That said, one of the most vital reforms brought about by the 1991 Constitution was the extension of *ciudadanía* to foreigners. Essentially, all foreigners residing in the country have access to the same civil liberties as citizens, thus granting them a similar status to that of minority groups prior to the 1886 Constitution.⁶² The constitution does reserve the nation’s right to limit these rights through later legislation and explicitly states that foreigners do not have access to political rights, though it also provides for a potential change of policy in the future.⁶³ These rights also apply to all territories of the nation, once again barring any later restrictions. Nonetheless, the 1991 guaranteed rights for all foreigners residing in the country, and Congress would later expand on the exact terms of these freedoms within the decade. As for citizens, the Constitution’s new standard policy of *doble nacionalidad* allowed individuals to leave the country but retain their *nacionalidad*. More importantly, the policy served as an incentive for immigrants, allowing them to permanently reside in Colombia and enjoy the majority of rights granted to full citizens. Overall, the 1991 Constitution reaffirms the nation’s elastic concept of citizenship, and makes migration easier for individuals intending to permanently reside in Colombia.

The turn of the millennium saw a final push against terrorism, leading to an official peace treaty between the FARC and the Álvaro Uribe administration in 2008. However, congressional

⁶¹ Ibid., 11.

⁶² Congreso de la República de Colombia, Constitución Política de Colombia 1991, (Bogotá, Bogotá D.C., Colombia, 1991), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=4125#0>, Section 3, Article 100.

⁶³ Ibid.

approval would take an additional eight years.⁶⁴ Overall, the country looked to be on the rise for the first time in nearly fifty years. However, its neighbor, Venezuela, was about to embark on a disastrous future. The country had previously welcomed many Colombian migrants seeking shelter or economic opportunities.⁶⁵ Nevertheless, the rise of autocrat Hugo Chavez and his successor Nicolas Maduro, paired with the steady decline in oil prices, has rapidly decimated the standard of living in the nation.⁶⁶ Therefore, many Venezuelans have fled to Colombia since 2017 (around 1.7 million as of early 2022), and numbers continue to rise. Additionally, many Colombian citizens who previously emigrated to Venezuela are returning, with a total of over 900,000 individuals so far.⁶⁷ These newfound trends have brought about even more new laws, declarations, and executive orders to structure arrival and protection for refugees, with more on the horizon.

The Venezuelan refugee crisis marks a change for Colombia and has turned the previously emigration-heavy flow of migrants into a predominantly refugee-based system. Despite the outright reversal of norms, the immigration regime at the time intended to allow for increased migration. Additionally, Colombia has been working closely with the UNHCR to accept and place newcomers and continues to meet rising demands.⁶⁸ Each step of the nation's turbulent history and corresponding legislation has led to its success today, especially in terms of flexibility and regulatory framework. Furthermore, foreigners have enjoyed many of the same rights as *nacionales* since 1991, making Colombia an attractive destination for migrants across

⁶⁴ BBC News, "Colombia in New Peace Deal with Farc," November 13, 2016, sec. Latin America & Caribbean. <https://www.bbc.com/news/world-latin-america-37965392>.

⁶⁵ International Organization for Migration, "Colombia Migration Profile: IOM."

⁶⁶ Amelia Cheatham, Rocio Cara Labrador, and Diana Roy, "Venezuela: The Rise and Fall of a Petrostate," <https://www.cfr.org/background/venezuela-crisis>, (accessed November 9, 2022).

⁶⁷ Herrera and Gomez, 5.

⁶⁸ United Nations High Commissioner for Refugees, "Country - Colombia." n.d. [Data.unhcr.org. https://data.unhcr.org/en/country/col](https://data.unhcr.org/en/country/col).

the board. Though the country still faces its fair share of issues, it continues to set an example for other Latin American countries facing the Venezuelan crisis. It provides millions with, at the very least, a place to go. While the regime's potential applications have yet to be seen, Colombia has most certainly established a possible solution to emergency migration worldwide.

Chapter 3: Current Policies Surrounding Immigration

Following the 1991 Constitution, law-making bodies in Colombia expanded the nation's citizenship and immigration regime, and further incentivized migration to the nation. As the Venezuelan Refugee Crisis continued to intensify, lawmakers moved to keep pace with the large inflows. Over the past 30 years, Congress and the executive branch have introduced a significant number of laws refining its immigration policies and have codified the fair amount of official orders issued by the executive branch. All in all, Colombia has cemented itself as a heavily immigrant-positive country, accounting for numerous possibilities and necessities for all potential migrants. Thus, this chapter aims to detail the current regime through standing legislation, looking at both *ley* and *decreto*, which are equally binding in the eyes of the law. Generally, more recent legislation expands on principles created by older law, meaning that each new iteration addresses a concept initially introduced in the 1991 Constitution. Nevertheless, these explanations make the overall immigration and naturalization process incredibly clear, further promoting migration to Colombia.

Much like the 1991 Constitution, *Ley 43* lays out the two possible paths for citizenship, *por nacimiento* and *por adopción*. The law emphasizes the role of both *ius sanguinis* and *ius soli* nationality and reaffirms the corresponding articles of the 1991 Constitution. *Ley 43* also reiterates the validity of *doble nacionalidad*, so long as the individual retains their *tarjeta de identidad* or *cédula de ciudadanía* through the *Registraduría Nacional del Estado Civil*.⁶⁹ As for naturalization, the law thoroughly details the requirements to obtain *nacionalidad*, listing out a fairly streamlined process. Potential citizens will be evaluated extensively by the *Departamento*

⁶⁹ Congreso de la República de Colombia, *Ley 43 de 1990*, (Bogotá, Bogotá D.C., Colombia, December 13, 1990), https://www.mineducacion.gov.co/1621/articles-104547_archivo_pdf.pdf, Articles 2–3.

Administrativo de Seguridad and must provide certain documents with their applications. A separate evaluation of the Spanish language is also required for approval, and the process ends with a final revision of documentation carried out by the *Ministerio de Relaciones Exteriores*. The Governor or Mayor over the applicant's current residence then issues *la Carta de Naturaleza*, usually at an official ceremony.⁷⁰ Newly minted citizens do not have to renounce their former citizenship in the process, but they can choose to do so during their oath ceremony.⁷¹ They can also choose to extend naturalization to their dependents, though they would have to reapply for citizenship upon reaching majority age.⁷² The law then lists reasons for cancellations or reasons for rejection, mostly regarding fraud in the application process.⁷³

Ley 43 goes on to address *doble nacionalidad* for naturales and potential methods for regaining citizenship. The law also creates all necessary committees and official positions to evaluate applications, especially for Colombians currently residing outside the country. Most importantly, *Capítulo VIII* limits the normally guaranteed constitutional rights given to *nacionales*—more specifically, it lists out what political offices they cannot hold. The restriction exists for all public offices “*que determine la ley*,” for all branches of government.⁷⁴ Nevertheless, naturalized citizens are still expected to carry out constitutionally-mandated duties, such as military service, unless otherwise exempted.⁷⁵ Over time, *Ley 43* has seen many amendments clarifying and refining the naturalization process, but the system has remained predominantly straightforward and accessible since its original introduction. Later legislation

⁷⁰ *Ibid.*, Articles 9–13.

⁷¹ *Ibid.*, Article 14.

⁷² Congreso de la República de Colombia, *Ley 43 de 1990*, Article 17.

⁷³ *Ibid.*, Article 20.

⁷⁴ *Ibid.*, Article 28.

⁷⁵ *Ibid.*, Section 10.

would further add to the immigrant-friendly structure *Ley 43* set forth, once again signaling Colombia's return to its immigration policies of 1886.

Indeed, the nation's new immigration project would follow a mere three years later and outline the various types of residencies and visas available to potential immigrants. *Decreto Numero 2371 de 1996* is incredibly immigrant-positive, boasting a four-part application process. In total, an applicant must present a passport and a copy, an application form corresponding to the visa they request, attach any additional requirements based on the type of visa, and a medical certificate.⁷⁶ This incredibly simplified process is fully evaluated and approved within months, depending on the type of visa sought, with possible exceptions or reasons for cancellations. The rest of the declaration lists the twenty-six temporary and five permanent visas available to applicants. Each class of visa is clearly defined and has its additionally required documentation and permissible duration of stay listed, if applicable. Most temporary visas applied to workers, with many allowing for up to two years of residency in between applications. Permanent visas, though much fewer in number, are also broadly applicable; for example, the general *Visa de Residente Pensionado* only requires a ten-month stay and proof of the intention for permanent residency (usually via proof of salary) in order to apply.⁷⁷

In addition to these widely achievable standards for normal immigrants, *Decreto Numero 2371 de 1996* also provided a permanent visa for refugees. As a party and signing member of the 1951 UNHCR Convention on the Status of Refugees and its 1967 Protocol Relating to the Status of Refugees, Colombia codified the rights granted to qualifying individuals through this avenue for legal residency. Though the exact requirements for refugee status would not be fully defined

⁷⁶ Congreso de la República de Colombia, Decreto Numero 2371 de 1996, (Bogotá, Bogotá D.C., Colombia, December 27, 1996), <https://www.oas.org/dil/Migrants/Colombia/Decreto%20N%C2%B0%202.371%20de%2027-12-1996.pdf>, Article 19.

⁷⁷ Congreso de la República de Colombia, Decreto Número 2371 de 1996, Article 136.

for another decade, *Decreto Numero 2371* created the foundation for their admittance under the discretion of the *Ministerio de Relaciones Exteriores*.⁷⁸ After a formal review, potential refugees were assigned the status, assuming they fulfilled all requirements. The official ruling was used in place of an ordinary visa and granted the same rights and liberties as other visas in the same class.⁷⁹ Despite the later additions to refugee policies, the visa granted in *Decreto Numero 2371* remains in force today.

Later that same year, Colombia, alongside Ecuador, Perú, and Bolivia, introduced the *Tarjeta Andina Migratoria*, or the TAM. Originally established in 1969, *la Comunidad Andina* (CAN) was a way for these nations to trade freely with each other.⁸⁰ Essentially, the TAM acts as a visa for citizens and residents of member states.⁸¹ The TAM was intended to promote tourism among member states but has since become the basis for *circulacion*, or the general entry and departure of Andian citizens.⁸² While the primary role of the TAM would change as Colombia began to accept Venezuelan refugees later on, its primary use during the beginning of the 21st century would remain largely unchanged. At any rate, the TAM further exemplified Colombia's dedication to increasing its immigration rates and goodwill efforts, leading later leaders, such as President Uribe, to further expand the nation's migration policies and solidify the nation's refugee protocols.

Almost a decade after *Decreto Numero 2371* and the TAM, the Uribe administration introduced *Decreto 4503 de 2009* and overhauled the process for determining refugee status. The

⁷⁸ Ibid., Article 141.

⁷⁹ Ibid., Article 142.

⁸⁰ Comunidad Andina, “¿Quiénes Somos? – Comunidad Andina.” n.d. <https://www.comunidadandina.org/quienes-somos/>, (accessed November 29, 2022).

⁸¹ Comité Andino de Autoridades de Migración, Decision 397. (Lima, Peru, September 16, 1996), <http://www.sice.oas.org/trade/junac/decisiones/dec397s.asp>, Articles 1–3.

⁸² Secretaría General de la Comunidad Andina, Decisión No. 878. (Lima, Peru, May 12, 2021), <https://www.comunidadandina.org/DocOficialesFiles/Gacetitas/Gaceta%204239.pdf>, Article 3.

law outlines the new application process, which ultimately grants a *salvoconducto*, or guaranteed safe residence in Colombia for three months.⁸³ Although the *Ministerio de Relaciones Exteriores* still monitored the process, it severely limited what refugees could do, especially regarding ensuring a more permanent stay. That is to say, the only way to obtain permanent residency was by applying for a visa while still on a valid *salvoconducto*. However, the short time frame and unexpected migration meant that refugees were often left scrambling to properly supplement their applications. Furthermore, the procedures outlined were intricate and required an individual to apply for a *salvoconducto* within 60 days of entry. Moreover, migrants must send their applications to either the *Despacho del Viceministro de Asuntos Multilaterales del Ministerio de Relaciones Exteriores* or the UNHCR High Commissioner. As an alternative, the law suggested presenting a completed application to border police immediately upon entry to the country.⁸⁴ While the system appeared accommodating on paper, the lack of clarity overshadowed the necessary steps. All in all, the process required a fair amount of prior planning to understand—a luxury that most refugees do not have.

Thus, in 2013, then-president Juan Manuel Santos Calderon once again reformed the system. Although many factors remain the same, such as the application itself, *Decreto 2840 de 2013* resolved clarity issues across the board. For example, individuals are to present applications for refugee status to migration authorities upon arrival, who are to respond within twenty-four hours. However, instead of immediately receiving refugee status, individuals are granted a *salvoconducto* while their application is evaluated.⁸⁵ As for the review itself, the law

⁸³ Congreso de la República de Colombia, Decreto 4503 de 2009, (Bogotá, Bogotá D.C., Colombia, November 19, 2009), <https://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=52df87754>, Article 8.

⁸⁴ Congreso de la República de Colombia, Decreto 2840 de 2013, Article 2.

⁸⁵ *Ibid.*, Article 9.

provides for a new commission, known as *la Comisión Asesora para la Determinación de la Condición de Refugiado*, or *Conare*. The commission has many different responsibilities, such as overseeing the new interview process for status assignment. The interviews intend to validate an individual's application and confirm that they wish to remain in the country for an extended period.⁸⁶ *Decreto* 2840 also provides for individuals who cannot present an application immediately upon entry, stating that they should send their petitions directly to *Conare* within two months of their arrival.⁸⁷

Additionally, the law lists the guarantees refugees can expect throughout the process. Most notably, *Conare* promises full confidentiality, equal consideration, appellate remedies, and prompt, open communication. The law also protects against refoulement, or the forced return to one's country of origin, as per the 1951 Refugee Convention.⁸⁸ Though there are caveats to these rights, such as adherence to Colombia's laws and the United Nations principles, their existence helps assure that the process remains humanitarian and easily understood. Finally, *Decreto* 2840 lists the potential reasons for a denial or removal of refugee status. As per UN conventions, individuals fleeing from criminal charges, especially for war crimes, cannot qualify as refugees, and *Conare* will revoke their status should they find evidence of these wrongdoings. That said, most of the provisions for revocation involve voluntariness on the individual's part. For instance, *Conare* will revoke the refugee status of an individual should they obtain a new nationality and its protections or willingly return to their country of origin. Overall, the system supported a standard flow of refugees, which was relatively small, considering Colombia's historic emigration rates.

⁸⁶ *Ibid.*, Article 11.

⁸⁷ *Ibid.*, Article 13.

⁸⁸ Congreso de la República de Colombia, *Decreto* 2840 de 2013, Section VI.

As for immigration projects on the whole, Congress turned to its emigrant population. *Ley 1565 de 2012* intended to incentivize the return of *nacionales* who left during the rampant armed conflict of the late twentieth century. Essentially, Colombians who have resided outside of the country for three years can qualify for tax deductibles for the relocation, especially for business necessities. Compensation depends on the type of return the applicant chooses. *Ley 1448 de 2011* from the previous Congressional year lists out the possible methods of return, which include: *el retorno solidario, el retorno humanitario, el retorno laboral, el retorno productivo, and el retorno académico*.⁸⁹ As long as an individual maintains residency in the country and registers with the *Registro Unico de Retorno*, they can reapply for benefits or change their return status until they are economically stabilized.⁹⁰ With the smallest deductible totaling 2,400 *Unidad de Valor Tributarios*, or 91,209,600 *pesos*, these incentives are astonishingly lucrative. Nevertheless, the possible economic effects of *Ley 1565 de 2012* were very quickly overshadowed by growing tensions in Venezuela. As the situation deteriorated, individuals fled the nation, with the vast majority heading to Colombia seeking refuge.

The crisis came with two major issues. Firstly, the sheer number of individuals fleeing Venezuela overwhelmed the standing migration procedures. The overly-burdened system experienced a drastic reduction in productivity, leading to many refugees choosing to forego the process entirely. Eventually, large groups of migrants settled in slums in urban areas; however, the continued inflow of refugees made the conditions of these settlements inhumane, especially as the Coronavirus Pandemic made its way to the nation. Thus, Congress introduced *Ley Numero 2044 de 2020* to protect undocumented immigrants and to support the nation's lower

⁸⁹ Congreso de la República de Colombia, *Ley 1565 de 2012*, (Bogotá, Bogotá D.C., Colombia, July 31, 2012), https://www.cancilleria.gov.co/sites/default/files/Normograma/docs/ley_1565_2012.htm, Article 4.

⁹⁰ Congreso de la República de Colombia, *Ley 1565 de 2012*, Article 2.

socio-economic classes in city slums.⁹¹ The ultimate goal of the law is to nationalize the undeveloped slums (*bienes baldíos urbanos*). These government-owned properties, *bienes fiscales*, or *bienes fiscales titulables* if primarily composed of undocumented immigrants, were to be inventoried through the *Oficina de Registro* so that residents could properly receive government aid.⁹² However, Covid-19 safety measures were not the only resource granted. The rest of *Ley Numero 2044 de 2020* outlines plans to connect these slums to the public services system, which included basic utilities and access to “*educación, salud, bienestar, recreación, seguridad y transporte*” for all residents, regardless of status.⁹³ Much like the overall immigration system, there is an application process to receive these benefits.

To qualify for nationalization, the “*entidad territorial*” must identify its status and submit to a property survey. Then, it must report its lack of status to the local *Oficina de Registro de Instrumentos Publicos* and declare itself a bien válido per the characteristics set out by *Ley 2044*.⁹⁴ However, this law does not pardon any penal, civil, legal, or administrative responsibilities undocumented immigrants have incurred through illegal immigration.⁹⁵ Nonetheless, they may apply without risking an investigation of illegalities surrounding their residences. The final article of *Ley 2044* declares that the law will only apply to already-existing settlements upon its approval, leaving no recourse for later-established neighborhoods. Even with this limitation, *Ley 2044* creates countless opportunities for undocumented immigrants and the impoverished alike and guarantees humane living conditions for all residents of Colombia. The

⁹¹ Congreso de la República de Colombia, Ley Numero 2044 de 2020, (Bogotá, Bogotá D.C., Colombia, July 30, 2020), https://minvivienda.gov.co/sites/default/files/normativa/ley-2044-del-30-de-julio-de-2020_0.pdf, Article 1.

⁹² Congreso de la República de Colombia, Ley Número 2044 de 2020, Article 5.

⁹³ Congreso de la República de Colombia, Ley Número 2044 de 2020, Article 16.

⁹⁴ *Ibid.*, Article 3.

⁹⁵ *Ibid.*, Article 28.

law also shows Colombia's continued willingness to provide refuge for those in need, a stark contrast to expectations considering the country's limited resources. Nevertheless, the nation's generosity in *Ley 2044* was far from a singular instance.

In a landmark declaration, President Iván Duque introduced “*el Estatuto Temporal de Protección para Migrantes Venezolanos*” in February 2021. The emergency mechanism was the second result of the Venezuelan Refugee Crisis, and its objective is “*permitir el tránsito de los migrantes venezolanos que se encuentran en el país de un régimen de protección temporal a un régimen migratorio ordinario.*”⁹⁶ The *Estatuto* protects migrants coming to the country and also alleviates much of the burden the current migration system carries. The order also allows for further migration increases, and the protection it grants lasts for ten years. The outreach of the *Estatuto* is unheard of in Latin America, making it one of the most exemplary humanitarian acts the continent has ever seen.⁹⁷ The new status completely bypasses the overtaxed *salvoconducto* system and grants Venezuelan immigrants access to benefits enjoyed by holders. That said, the declaration is a massive undertaking, and so it has been broken into two phases.

The first phase addressed undocumented Venezuelans already in the country. Migrants must provide proof of residence through typical migratory documentation or verification of stay before January 31st, 2021. This phase also applies to Venezuelans who cannot immediately prove their residency and extends to new arrivals for up to two years from the time of the *Estatuto*. Over the next two years, the government will implement the second phase, which

⁹⁶ *Ministerio de Relaciones Exteriores*, “Abecé Del Estatuto Temporal de Protección Para Migrantes Venezolanos,” https://www.cancilleria.gov.co/sites/default/files/FOTOS2020/ok_esp_abc_estatuto_al_migrante_venezolano_05mar-2021.pdf, (accessed October 24, 2022).

⁹⁷ Natalia Chaves-González and Diego Banulescu-Bogdan, “What Comes Next Now That Colombia Has Taken a Historic Step on Migration?,” <https://www.migrationpolicy.org/news/colombia-historic-legalization-what-next>, (accessed October 24, 2022).

involves the creation of a universal migrant registry. Overall, the government intends to integrate Venezuelan refugees into their legal and economic system and provide humanitarian aid for those in need. Nevertheless, there are still some complications with the *Estatuto*. Namely, the requirements to establish status are a bit burdensome, especially for individuals who do not have access to new information and requirements.⁹⁸ The resources required to maintain such a system are also concerning, particularly considering other issues Colombia faces today. Either way, *el Estatuto Temporal de Protección para Migrantes Venezolanos* is unique in its generosity and paves the way for further aid.

Despite the influx of refugees, the *Ministra de Relaciones Exteriores* has continued to invest in increasing the nation's immigrant population. Alongside its efforts to accept refugees, the *Ministra* introduced *Resolución 5477 del 22 de julio de 2022*, which went into effect in October of 2022. The resolution reaffirms many policies introduced during the Venezuelan Refugee Crisis and establishes new types of visas for different classes of workers.⁹⁹ Additionally, *Resolución 5477* further simplifies visa categorization, making the process more accessible and easy to understand.¹⁰⁰ However, this more balanced system resulted from concessions on both sides. Therefore, while certain types of visas are more accessible, potential residents have less flexibility in how and when they apply for permanent residency. Overall, *Resolución 5477* introduces significant changes for both immigrants and *Ministra* workers.

⁹⁸ Natalia Chaves-González and Diego Banulescu-Bogdan, “What Comes Next Now That Colombia Has Taken a Historic Step on Migration?”

⁹⁹ *Ministra de Relaciones Exteriores*, *Resolución 5477 de 2022*, (Bogotá, Bogotá D.C., Colombia, July 22, 2022), <https://www.cancilleria.gov.co/sites/default/files/FOTOS2020/5477%20del%2022%20de%20julio%20de%202022.pdf>, Article 73.

¹⁰⁰ *Ministra de Relaciones Exteriores*, *Resolución 5477 de 2022*, Section 1.

Firstly, the resolution implements a number of temporary work visas, including visas for seasonal agricultural workers¹⁰¹ and distance workers for foreign companies, called *Nomadas digitales*.¹⁰² *Resolución 5477* also emphasizes skilled workers, allowing individuals with graduate degrees in STEM-related fields and their families to stay for up to two years.¹⁰³ As for individuals seeking permanent residency, *Resolución 5477* specifically lists out requirements and deadlines based on visa type, including refugees under the protection of *el Estatuto Temporal de Protección para Migrantes Venezolanos*.¹⁰⁴ In terms of processing, the overall timeline remains the same as previous declarations. However, the resolution grants *Ministra* workers thirty calendar days to process applications and issue decisions.¹⁰⁵ The new time frame will lessen the current burden on the *Ministra de Relaciones Exteriores*, especially as they begin implementing the second phase of the *Estatuto Temporal*. That said, the new longer processing period means that the application process has stricter timelines, which could put certain individuals, including those looking to apply for permanent residency, at a distinct disadvantage.

Decreto Número 2371 de 1996 states that individuals whose visas have been revoked have “*treinta (30) días calendario siguientes a la ejecutoria del acto administrativo*” before the *Ministra de Relaciones Exteriores* takes legal action against them.¹⁰⁶ The exclusion of weekends is more forgiving and allows individuals to solve any issues that may arise in a timely manner. However, *Resolucion 5477* states that individuals now have thirty calendar days to either find a new visa or leave the country. On paper, thirty days is a sufficient amount of time and once again lessens the burden on the *Ministra de Relaciones*. However, where *Decreto Numero 2371*

¹⁰¹ Ibid., Article 40.

¹⁰² Ibid., Article 46.

¹⁰³ Ibid., Article 55.

¹⁰⁴ Ibid., Section 4, Article 2.

¹⁰⁵ Ibid., Article 13.

¹⁰⁶ Congreso de la República de Colombia, *Decreto Número 2371 de 1996*, Article 202.

implemented an indefinite visa for permanent residency, *Resolucion 5477* now requires permanent residents to reapply for their visas every five years.¹⁰⁷ Unlike temporary visa holders, permanent residents have fully established themselves in the country. Solely granting thirty days to renew visas for holders and beneficiaries could discourage individuals from moving to Colombia, but the overall effects of this move remain uncertain.

As numbers for both refugees and immigrants have increased, governing bodies in Colombia have risen to the occasion. Since the 1991 Constitution, *el Congreso*, *la Ministra de Relaciones Exteriores*, and the executive have steadily introduced immigrant-friendly policies. From sanitation rights for undocumented migrants to incentives for returning citizens, the government has continuously granted rights to these groups. The current immigration regime stands out amongst the nation's contemporaries, showcasing many possibilities for future immigration policies across the globe. That said, as more immigrants enter the country, the nation must devote more of its time and resources to the ever-increasing population. As numbers steadily rise, *nacionales colombianos* have begun to express their concerns about a potential lack of opportunity, leading to more restrictions, as seen in *Resolucion 5477*. Nevertheless, the nation's doors remain wide open for many, setting a compelling example for others to follow.

¹⁰⁷ Ministra de Relaciones Exteriores, Resolución 5477 de 2022, Article 86.

Chapter 4: *La Gente y La Inmigrante*

For most of the nation's history, emigration accounted for the vast majority of Colombian migration. As such, there is little data about previous public perceptions of immigrants. However, that is not to say that their sentiments are unknown. Survey data, government actions, and local news articles provide insight into the ever-shifting opinions regarding immigrants in Colombia. While each showcases different views—that often contradict each other—the primary focus of this section lies on the public. Thus, the direct data on their sentiments will be given the most weight. Regardless, the three factors combined paint a notable picture of how Colombian nationals receive immigrants and whether their opinions have changed as the Venezuelan migrant crisis continues. As the situation worsens, Colombians are growing steadily more anti-immigrant, a sharp contrast to their initial support of the refugees. These changing ideals come in direct opposition to the increasingly inclusive government policy of the last five years, with new legislation further encouraging immigration as the norm once again. These two opposing forces present an uncertain future for immigrants, especially as numbers continue to rise.

Recent survey data reinforces the contradiction between current public sentiment and government actions. The World Values Survey recorded 1,520 responses from Colombia in the 2017-2022 wave, the group's most recent. Individuals were surveyed in 2018, and the group was primarily composed of citizens. According to the question "G027A.- Respondent immigrant," only 2.9% of respondents identified as immigrants, a two percent increase since the 2010–2014

wave.¹⁰⁸ The overall total also increased from the 1,512 responses of the 2010–2014 wave.¹⁰⁹

Looking at the results grants an intriguing look into the changing sentiments of Colombians, both socially and in terms of policy. For context, according to “WVS A124_06.- Neighbours: Immigrants/foreign workers,” less than 20% of surveyed individuals reported having immigrant neighbors since 2010; the number peaked at 14.1% in the 2017–2022 wave.¹¹⁰ Thus, while the survey undoubtedly cannot account for the overall situation in the country today, what it does show is a definitive departure from previous norms. As the number of immigrants in Colombia continues to increase, the public has shifted their sentiments. All questions regarding immigrants have seen some change in responses, positively and negatively.

Although the WVS only recently began to poll Colombians on “WVS Q34.- Jobs scarce: Employers should give priority to (nation) people than immigrants” in the 2017–2022 wave, the results are distinct. 54.7% of respondents agreed that employers should prioritize nationals when jobs are scarce, and an additional 14.2% choose the “Agree Strongly” option.¹¹¹ However, looking solely at this question fails to reveal the reality of the situation. The previously used question, “C002.- Jobs scarce: Employers should give priority to (nation) people than immigrants (3 categories),” has been in place since 2010. Since then, responses have grown immigrant-positive. The “Agree” response has gone down 11.4%, going from 80.3% to 68.9%.¹¹² In contrast, the “Disagree” response has grown from 12% to 24.1% between the two waves.¹¹³

¹⁰⁸ C. Haerpfer, R. Inglehart, A. Moreno, C. Welzel, K. Kizilova, J. Diez-Medrano, M. Lagos, P. Norris, E. Ponarin & B. Puranen et al, “World Values Survey: Round Seven – Country-Pooled Datafile,” (Madrid, Spain & Vienna, Austria: JD Systems Institute & WVSA Secretariat, 2020), doi.org/10.14281/18241.1, Accessed January 11, 2023.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

Interestingly, the other two options, “Neither” and “Don’t know” have remained the same, staying at 7% and 0%, respectively.¹¹⁴ The results predate the arrival of the bulk of the Venezuelan refugees, but the positive trend is noteworthy. Though the overall results were unfavorable to immigrants, the changing sentiments indicate that more Colombians are willing to overlook immigration status in the workforce. While this does not signal a complete welcome of migrants, Colombians are growing used to their presence in economic areas.

Nevertheless, public sentiments toward immigrants are not exceedingly positive. In “Q121.- Impact of immigrants on the development of the country,” participants were asked to choose between five options: “Rather bad,” “Quite bad,” “Neither good, nor bad,” “Quite good,” and “Very good.” The latter two were the least chosen options, representing 4% and 5.7% of the responses, respectively.¹¹⁵ Next are the “Rather bad” and “Quite bad” categories, accounting for 24% and 23.1% of total responses.¹¹⁶ Finally, “Neither good, nor bad” responses comprised the remaining 43.2%.¹¹⁷ Overall, negative choices received 3.9%, or about 60, more than the total number of neutral responses. Thus, the results of “Q121” show that although Colombians may welcome immigrants in the workforce to an extent, they also fear their impact on the nation’s development overall. These totals may have arisen because of the significant number of migrant laborers that come to Colombia seasonally—citizens may accept their participation in hard labor sectors but ultimately do not want these immigrants to settle in the country permanently. Either way, both questions provide a clearer image of the current relations between the two groups.

¹¹⁴ C. Haerpfer et al, “World Values Survey: Round Seven – Country-Pooled Datafile.”

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

However, the World Values Survey asked questions on immigration as a whole and does not entirely account for the influx of Venezuelan refugees. Their migration has revolutionized how Colombia approaches immigration, meaning that the public's sentiments have also changed to meet the new inflows. In 2020, *Proyecto Migración Venezuela* gathered data from an *Encuesta Invamer*-led Gallup Poll regarding public opinion on Venezuelans in Colombia. Much like the World Values Survey results, responses have steadily grown more negative. Though Colombians were initially receptive to Venezuelans, 2019 marked a change in public opinion. In 2018, 58% of the thousand surveyed chose “*De acuerdo*” when asked “*¿Está usted de acuerdo / desacuerdo con que el gobierno colombiano acoja a los venezolanos que ingresan a Colombia, dada la situación en Venezuela?*”¹¹⁸ However, 54% chose “*En desacuerdo*” in 2020, rising from 39% since the beginning of the survey.¹¹⁹ In contrast, “*De acuerdo*” fell sixteen percent to 42% by 2020.¹²⁰ The third option, “*No sabe/No responde,*” remained widely the same, varying between two and four percent throughout the survey. These results emphasize the impact of continuous immigration on the public and how citizens have become more disapproving in general as the crisis wears on.

That said, as with immigration overall, Colombians have not had overwhelming positive views of Venezuelans, especially those who choose to stay in the nation. The question “*¿Tiene usted una opinión favorable o desfavorable de los venezolanos que han llegado a Colombia para quedarse?*” had a close margin at the very beginning of the survey, with 52% of respondents choosing “*Desfavorable*” and 42% selecting “*favorable.*”¹²¹ By 2020, the margin would

¹¹⁸ Proyecto Migración Venezuela, “Percepción de La Integración de Los Migrantes En Colombia En Tiempos de Coronavirus,” https://s3.amazonaws.com/semanaruralvzla/documentos/1590818285_boletin_discriminacion2020pdf, (accessed December 1, 2022), 2.

¹¹⁹ Proyecto Migración Venezuela, “Percepción,” 2.

¹²⁰ Ibid.

¹²¹ Ibid., 3.

quadruple, resulting in an eighty-one to fifteen percent split.¹²² Once again, the “*No sabe/No responde*” remained relatively stable.¹²³ The sharp increase in negative feedback coincides with the steadily decreasing rate of “*Salidas*” for Venezuelans, as reported by the *Ministra de relaciones exteriores* in 2019 and 2020. Until August 2019, the number of arrivals and departures remained about equal.¹²⁴ However, before the nation closed its borders in March 2020, more and more Venezuelans began to stay in Colombia. The number peaked in January 2020, with only 65,239 departures (compared to the 76,323 arrivals of that same month).¹²⁵ The number of long-term residents started increasing, and public approval grew thin as a result.

The most telling responses addressed migrant access to the welfare system, including education, healthcare, and the labor market. For each question, respondents were asked whether or not they agreed with the statement “*Es necesario facilitar que los migrantes accedan a servicios de salud y education.*”¹²⁶ The overall response in 2020 was positive, with 72% agreeing.¹²⁷ However, this was an eight percent drop from 2019, which saw 80% of respondents agree.¹²⁸ The statement regarding the labor market, “*Brindar documentos legales a todos los migrantes para que puedan trabajar y acceder a servicios en igualdad de condiciones que los colombianos,*” showed a similar, albeit more dramatic, shift. In 2019, 58% of respondents agreed with the statement.¹²⁹ The number fell fifteen percent in 2020.¹³⁰ The graph included different age

¹²² Proyecto Migración Venezuela, “Percepción,” 3.

¹²³ *Ibid.*, 3.

¹²⁴ Unidad Administrativa Especial Migración Colombia, Flujos Migratorios, 2019, <https://public.tableau.com/app/profile/migraci.n.colombia/viz/FlujosMigratorios-2019/Inicio>

¹²⁵ Unidad Administrativa Especial Migración Colombia, Flujos Migratorios, 2020, <https://public.tableau.com/app/profile/migraci.n.colombia/viz/FlujosMigratorios-2020/Inicio>

¹²⁶ Proyecto Migración Venezuela, “Percepción,” 4.

¹²⁷ *Ibid.*, 4.

¹²⁸ *Ibid.*, 4.

¹²⁹ *Ibid.*, 4.

¹³⁰ *Ibid.*, 4.

ranges for potential migrant workers, with each showing similar drops in support.¹³¹ Much like their opinion of Venezuelans, Colombians are becoming disapproving in their sentiments toward these migrants. While they have yet to outright oust Venezuelan migrants, the tide is changing, especially as the government continues to support refugees.

Colombia has a long-standing tradition of accepting immigrants, barring certain groups and events. This pattern of inclusivity began at the nation's inception, with the first constitution establishing a less limited standard for citizenship. Though the *Constitucion de Cucuta* was meant to be a departure from Colombia's former ruler, many of the ideas surrounding citizenship, including the use of *ius sanguinis* nationality, originated from Spanish tradition. However, the *Constitucion* also introduced *ius soli* nationality and broke away from Spanish reliance on bloodlines to extend sovereignty over their colonies.¹³² Similarly, over 150 years later, the Republic of Colombia changed the remaining barriers to full *ciudadania* for foreigners and established *dobles nacionalidad* as a standard practice. These changes came after student-led protests and were meant to emphasize civil rights. After over thirty years of violence, the move was widely accepted and breathed fresh life into the country. All that said, Colombia's policies have been informed by its political climate since it declared independence in 1819, and the modern day is no different.

Though constitutional provisions are the most evident examples, the nation's legislature has introduced several laws intended to achieve specific results or respond to a rapidly progressing issue. For example, Congress proposed *Resolución 5477 del 22 de julio de 2022* and *Estatuto Temporal de Protección para Migrantes Venezolanos* to address a growing facet of immigration within months of one another. Both acts incentivized migration to a certain extent.

¹³¹ Ibid., 4.

¹³² Escobar, 2.

By revising the existing visa system, *Resolución 5477* made immigrating to Colombia easier to understand. Moreover, it gave individuals more ways to immigrate legally, which, in turn, may lead to a further rise in immigration. As for the *Estatuto Temporal*, the law completely overhauled the *salvoconducto* system. The new process simultaneously encouraged Venezuelan migrants to register themselves with the *Ministerio de Relaciones Exteriores* and lessened the department's existing burden. In conjunction, the two acts present an immigrant-positive front and are the most recent in the long line of pro-immigration legislation, which originally began in 1996 with *Ley 43*.

The government's actions do not solely depend on internal forces. Since Venezuelans began migrating to Colombia in large waves, organizations such as the UNHCR and IOM have supported government aid for refugees. In addition to publicly supporting recent legislation, the UNHCR sent monetary donations to supplement growing costs. In 2021, the organization sent \$66,242,084 to aid in resettlement programs, which accounted for 16% of all funds sent to the Americas for the fiscal year.¹³³ For reference, the largest percentage of the budget was Mexico to fund similar projects and totaled 17% of the available endowment.¹³⁴ The IOM has also provided a fair share of support, though its aid is volunteer-based. In January 2020, *Migración Colombia*, working with the IOM, launched an event in Bogotá to help Venezuelans register for protection under the *Estatuto Temporal*. A local newspaper, *La Opinión*, reported that the operation was the first of five, with concurring events set to begin in Cali, Cúcuta, Medellín, and Barranquilla shortly.¹³⁵ The direct support from these organizations has reinforced the government's

¹³³ Global Focus, "Budget and Expenditure," <https://reporting.unhcr.org/budget-expenditure?year=2021>, (accessed February 5, 2023).

¹³⁴ Ibid.

¹³⁵ "Entregarán 60 Mil Permisos Del Estatuto a Migrantes En Bogotá," *La Opinión*, January 25, 2022, final edition, <https://www.laopinion.com.co/migracion/entregaran-60-mil-permisos-del-estatuto-migrantes-en-bogota>, (accessed September 28, 2022).

pro-immigration stance and allows them to carry through their ambitious plans. However, internal unrest on the horizon could inhibit current actions and bolster public disapproval of immigration as a whole.

As of 2021, over six million Colombians have been internally displaced.¹³⁶ While many issues have contributed to this number, two stand out among the rest—the internal conflict between armed groups and labor issues. While less impactful than the former, the latter is particularly concerning when considering the number of immigrants coming to the nation. Historically, most workers participated in the nation’s informal economy due to the strict measures of the formal market.¹³⁷ In 2022, jobs in the informal market accounted for 60% of all employment.¹³⁸ This, paired with the country’s 14.3% unemployment rate (as of 2021), led many individuals to seek work elsewhere and perpetuates the nation’s emigration rates.¹³⁹ However, leaving Colombia has become incredibly difficult with the rise of armed guerrilla groups.

Though the 2008 peace agreement with the FARC was a landmark moment in Colombia’s history, the treaty was far from solving the problem. Because most of the fighting took place in the countryside, many fled to cities or left the nation altogether.¹⁴⁰ This not only impacted the economy but also threatened the infrastructures in place. With the influx of Venezuelan refugees, fighting is becoming even more of a threat—and lowering public opinion

¹³⁶ Global Focus, “Colombia Situation,” <https://reporting.unhcr.org/colombiasituation>, (accessed February 5, 2023).

¹³⁷ Rex A. Hudson and Library of Congress, *Colombia: A Country Study*. 5th ed. Area Handbook Series. (Federal Research Division, 2010), 202.

¹³⁸ OECD, “Tackling Informality in Colombia with the Social and Solidarity Economy - OECD,” <https://www.oecd.org/cfe/leed/social-economy/tackling-informality-in-colombia-with-the-social-and-solidarity-economy.htm>, (accessed February 5, 2023).

¹³⁹ The World Bank, “Unemployment, Total (% of Total Labor Force) (Modeled ILO Estimate) - Colombia | Data,” <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=CO>, (accessed February 5, 2023).

¹⁴⁰ Bushnell, 283.

of the group even further. In March of 2022, Human Rights Watch reported that a concerning number of conflicts began springing up at the Colombia-Venezuela border between the vestiges of the FARC and the ELN. “Guerrilla fighters from both sides, which had previously operated as allies, have committed a range of abuses including killings, forced recruitment, including of children, and forced displacement.”¹⁴¹ To make matters worse, members of Venezuela’s standing military, the *Fuerza Armada Nacional Bolivariana*, and the national guard cooperated with some of the former ELN groups to carry out these abuses.¹⁴² These developments paint a grim picture of guerilla conflict and add to the public’s growing concerns about Venezuelans overall. As situations develop, the government will have to choose its priorities, and many Colombians want to put their fellow citizens first.

The shift from emigration to immigration has had a distinct effect on public sentiments in Colombia. Many citizens that were initially welcoming of immigrants, including Venezuelan refugees, have since become wary of the constant inflows. Internal issues are a cause for concern for many Colombians, especially with the nation’s current economic instability and constant armed conflict. In contrast, the government has retained its pro-immigrant stance and continues to introduce legislation aimed at incentivizing migration to Colombia. Additionally, organizations such as the IOM and UNHCR bolster the government’s actions through direct and monetary aid. Nevertheless, the government will have to rectify the public’s growing disapproval. Though the pandemic impacted the number of individuals entering the country, lifting restrictions will see the floodgates open once more. Immigrants will inevitably be caught in the middle of this growing conflict, the results of which remain to be seen.

¹⁴¹ Human Rights Watch, “Colombia/Venezuela: Border Area Abuses by Armed Groups,” March 28, 2022, final edition, (accessed September 28, 2022).

¹⁴² Ibid.

Chapter 5: The Venezuelan Crisis

As a neighbor of the country, Colombia has been a direct witness to the notorious collapse of the oil-giant Venezuela. Though its rise in wealth was almost as rapid as its fall, Venezuela gained international notoriety for its relative economic abundance, making its decline all the more noteworthy. As internal situations worsened, immigration rates skyrocketed. Eventually, most migrants would make a desperate flight across the border to Colombia. Wrought with its own issues, the nation attempted to accommodate as many Venezuelans as possible. However, the influx of migrants only served to emphasize internal problems though they had little effect on conditions overall. As such, Venezuelans are frequently associated with the worst aspects of society and only marginally improve their circumstances. Public perceptions continue to worsen as more migrants enter the country, and the government struggles to keep up with the continuous stream of refugees. Although recent legislation intends to alleviate the worst of these burdens, Venezuelan migrants face constant problems at the hands of the current system with little signs of change on the horizon.

The Venezuelan crisis was a perfect storm in many respects. Since the discovery of rich deposits in 1922, oil has been the backbone of the Venezuelan economy.¹⁴³ What followed was a rocky history of prosperity and sparsity that reflected the price of oil over time. After foreign oil companies struck metaphorical gold in the nation, the government redirected the profits from reserves with the *Punto Fijo* Act in 1958.¹⁴⁴ Venezuela would also join the Organization of the Petroleum Exporting Countries (OPEC) two years later. Once the 1973 embargo following the

¹⁴³ Amelia Cheatham, Rocio Cara Labrador, and Diana Roy, “Venezuela: The Rise and Fall of a Petrostate.”

¹⁴⁴ Ibid.

Yom Kippur War went into effect, prices quadrupled. Venezuela quickly became the Latin American nation with the highest per-capita income, which led to widespread corruption.¹⁴⁵ The decade also saw the full nationalization of the oil industry under then-President Carlos Andres Perez. Though the company, *Petróleos de Venezuela*, was government-owned, it largely ran as an independent business with little government influence.¹⁴⁶ However, the reliance on oil rapidly soured once prices fell in the 1980s, making way for the next component of the coming storm—the Bolivarian revolution.¹⁴⁷

Before he was elected to office in 1998, Hugo Chavez promised to reduce inequality if elected. Under his campaign of “*Chavismo*,” he planned to fulfill his goals using the nation’s oil profits. Although his strategy did manage to reduce poverty by 20%, his actions followed alongside the continual decline of oil prosperity.¹⁴⁸ In addition to his authoritarian decisions (such as taking control of the Supreme Court and ending term limits), Chavez’s administration paved the way for Nicolas Maduro’s rise to power in 2013.¹⁴⁹ The two presidents alienated the rich and the poor during their time in office. Both administrations are characterized by their corruption and autocratic tendencies. The economy continued to decline under both regimes, leading to soaring hyperinflation and unsupportable amounts of debt. According to Reuters, the annual inflation was 1,945.% in 2022, though the official number reported by the government was just over a quarter of that figure at 531.2%.¹⁵⁰ Likewise, the estimated state debt is \$150 billion, with

¹⁴⁵ Amelia Cheatham, Rocio Cara Labrador, and Diana Roy, “Venezuela: The Rise and Fall of a Petrostate.”

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

¹⁴⁸ *Ibid.*

¹⁴⁹ *Ibid.*

¹⁵⁰ *Reuters*, “Venezuela Monthly Inflation Slowed to 7.1% in September-Central Bank,” <https://www.reuters.com/article/venezuela-inflation/venezuela-monthly-inflation-slowed-to-7-1-in-september-central-bank-idUSL1N2R50HY>, (Accessed February 23, 2023).

little signs of a decrease in the future.¹⁵¹ These issues, paired with the international sanctions for drug trafficking and terrorism,¹⁵² pushed many to look beyond national borders.

In their 2022 report “Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia,” the International Crisis Group noted that migration occurred in three waves. The first was composed of affluent Venezuelans who could afford to move in the wake of Chavez’s socialist regime.¹⁵³ The subsequent wave saw the departure of numerous middle-class families. They primarily migrated to other Latin American countries during 2016 and 2017.¹⁵⁴ The final wave began in 2018 and consisted of the steadily-growing lower class: “people lacking resources to travel and often without passports have headed out on foot, becoming known as *los caminantes* (the walkers).”¹⁵⁵ More Venezuelans fled as conditions worsened, with the vast majority settling in other Latin American countries. Since 2018, approximately 7,131,435 Venezuelan refugees have remained abroad (with 5,986,946 staying in the region).¹⁵⁶ As Venezuela’s most direct neighbor, Colombia has received the bulk of refugees and reported the arrival of 2,477,588 migrants. The next largest population of Venezuelan migrants resides in Peru, which reported a total of 1.5 million in 2022.¹⁵⁷

¹⁵¹ Steven T. Kargman, “Venezuela: Prospects for Restructuring Sovereign Debt and Rebuilding a National Economy against the Backdrop of a Failing State,” <https://blogs.law.ox.ac.uk/business-law-blog/blog/2021/10/venezuela-prospects-restructuring-sovereign-debt-and-rebuilding>, (Accessed February 23, 2023).

¹⁵² Diana Roy, “Do U.S. Sanctions on Venezuela Work?,” (Council on Foreign Relations, November 4, 2022), <https://www.cfr.org/in-brief/do-us-sanctions-venezuela-work>, (Accessed February 23, 2023).

¹⁵³ International Crisis Group, “Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia.” (International Crisis Group, August 9, 2022), <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia-venezuela/hard-times-safe-haven-protecting-venezuelan>, (Accessed February 23, 2023).

¹⁵⁴ *Ibid.*

¹⁵⁵ *Ibid.*

¹⁵⁶ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, “Refugees and Migrants from Venezuela | R4V,” (RV4, December 12, 2022), <https://www.r4v.info/en/refugeeandmigrants>, (Accessed February 23, 2023).

¹⁵⁷ *Ibid.*

The high volume of migration, paired with the Coronavirus pandemic, forced the governments of these nations to decide on their approach to the growing crisis. While migration is very common in Latin America overall, the pendular transit migration trend best fits the Venezuelan crisis.¹⁵⁸ Although Venezuela's deterioration was particularly infamous because of the nation's previous wealth, it was far from the only country in Latin America experiencing an economic and political downturn. Thus, governments balanced aid for incoming populations with the needs of their citizens, leading to a diverse body of migration regimes across the region. According to the International Labour Organization and United Nations Development Programme, most Latin American nations tend to focus on internal change despite the relatively wide range of destination countries for Venezuelans.¹⁵⁹ As mentioned earlier, most countries used the pandemic to implement more restrictive migration policies. Similarly, citizens of these countries supported the reforms because they prevented more migrants from entering the already-dwindling job market. That said, much of Latin America has begun relaxing travel measures, but economic and political issues continue to affect the region. Either way, the future outlook for migration is decidedly uncertain.

Nevertheless, Colombia's response to the situation has been incredibly complex, to say the least. Initially, the overall response was positive, with the government and community banding together to address the situation. The legislature had already begun introducing immigrant-friendly laws and reforms by the start of the crisis. Adding on additional refugee-specific sections was a natural and necessary action, and netted no negative opinions

¹⁵⁸ Herrera and Gomez, 9.

¹⁵⁹ Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela, "Migration from Venezuela: Opportunities for Latin America and the Caribbean Regional Socio-Economic Integration Strategy." 2021. https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_775183.pdf, (Accessed February 23, 2023), 6.

from the public. However, by the time the executive branch issued *el Estatuto Temporal de Protección para Migrantes Venezolanos*, Colombian nationals were wary of further protections for refugees. The economic and political situation in Colombia is just as precarious as the rest of the region. Although the circumstances outside the migration sphere have not outright worsened, there are many causes for concern. Namely, inequality is once again on the rise, as is public debt. Thousands of individuals have been displaced by armed conflicts, and emigration rates still outpace immigration rates by over two million people as of December 2022.¹⁶⁰ Public support for inclusive policies is rapidly deteriorating, and the Coronavirus pandemic has only exacerbated negative opinions.

To make matters worse, Colombia's ruling party has once again switched. With former M-19 member Gustavo Petro now in office, Colombia is set to enter its first truly leftist regime. However, concerns for the current administration lie within its similarities to Hugo Chavez. In an article released shortly after his first attempt at the presidency in 2018, authors Helen Murphy and Luis Jaime Acosta explain that "[s]ome fear his efforts to shift wealth from rich to poor could turn Colombia into another Venezuela."¹⁶¹ Now in office, Petro has made statement-worthy decisions, including fully opening the border between Colombia and Venezuela as of January 1st, 2023. *El País*, a newspaper in Bogotá, reported that trade between the two nations was already rising. Approximately twenty-six million USD worth of cargo has crossed the border since September 2022, and numbers continue to increase.¹⁶² So far, the Petro administration has

¹⁶⁰ Unidad Administrativa Especial Migración Colombia, *Flujos Migratorios*, 2022.

¹⁶¹ *Reuters*. 2018. "Colombia's Leftist Petro, the Candidate Who Wants to Upset the Status Quo," May 24, 2018, sec. Emerging Markets. <https://www.reuters.com/article/us-colombia-election-petro-idUSKCN1IP22P>, (Accessed February 23, 2023).

¹⁶² "Colombia Y Venezuela: Así Avanza Su Relación Comercial Desde La Llegada de Petro a La Presidencia," Cali, Casa Editorial *El País*. January 9, 2023, final edition, <https://www.elpais.com.co/economia/colombia-y-venezuela-asi-avanza-su-relacion-comercial-de-sde-la-llegada-de-petro-a-la-presidencia.html>, (Accessed February 23, 2023).

partially lived up to the fears surrounding its tenancy. In contrast to its growing ties with Venezuela, the nation's 2022–2026 development plan, “Colombia, Potencia Mundial de la Vida,” pushes migrants to the wayside.

Despite his emphasis on changing Colombia for the better, Petro never explicitly stated how he would address the migration issues during his candidacy. His platform, “Colombia humana hacia una era de paz,” listed his plans to address climate change, inequality, gender-based and ethnicity-based violence, and police brutality, among other topics.¹⁶³ The nation's four-year development plan reflects most of these promises and largely overlooks the growing Venezuelan migrant population. Across the 238-page report, migrants are mentioned three times. Fortunately, the current goals for the group are positive. Essentially, the Petro administration intends to enforce anti-discrimination laws¹⁶⁴ and ensure that all individuals have access to a “vida digna.”¹⁶⁵ The plan also specifically mentions protecting children and guaranteeing their access to education.¹⁶⁶ However, unlike other topics in the report, very little about these goals is explained. The most detailed is the protection for children, which lists the organizations related to the objectives raised. Otherwise, the exact way the government plans to execute these changes is uncertain. The intended actions are indisputably a good sign, but the lack of specificity is troubling. As with most current events, the ultimate consequences of such

¹⁶³ “Colombia humana hacia una era de paz,” https://www.podion.org/apc-aa-files/3ae8193eec5593e17a1b4bd8d2f13fbb/plan_de_gobierno_gustavo_petro.pdf, (Accessed February 23, 2023).

¹⁶⁴ Departamento Nacional de Planeación, “Plan Nacional de Desarrollo Construido Con La Gente: ‘Colombia, Potencia Mundial de La Vida.’” (February 6, 2023) <https://www.dnp.gov.co/Paginas/gobierno-presento-el-primer-plan-nacional-de-desarrollo-construido-con-la-gente-colombia-potencia-mundial-de-la-vida.aspx>, (Accessed February 23, 2023), 96.

¹⁶⁵ *Ibid.*, 109.

¹⁶⁶ *Ibid.*, 196.

moves remain ambiguous at best. Nevertheless, the impact these decisions have on Venezuelan refugees is abundantly clear.

Even before Petro took office, Venezuelan migrants were having issues integrating into Colombian institutions. Although *Resolución 5477 de 2022* grants refugees a right to work automatically with their visas,¹⁶⁷ many factors are preventing these migrants from actually finding jobs. Firstly, much of Colombia's commerce occurs within the informal market, meaning that most jobs technically do not fall within the scope of "legal" work *Resolución 5477* guarantees. In 2021, *El Tiempo* reported that about 90% of all employed Venezuelan refugees worked in the informal sector.¹⁶⁸ This staggering number was mostly due to the former system—work permissions were not automatically included with refugee visas before 2022.¹⁶⁹ Nonetheless, jobs in the informal market are still much easier to find due to their relative abundance compared to jobs in the formal economy. However, these jobs often come with little to no regulations, and conditions are far from ideal.

Of the 58% of Venezuelan migrants with jobs, 41% work over 48 hours a week.¹⁷⁰ The government only permits an individual to work 42 hours a week under *Ley 2101 de 2021*.¹⁷¹ However, the amount was still above the previous legal limit of 48 hours before *Ley 2101* went into effect this year (2023). Even more, Venezuelan migrants make considerably less than their Colombian counterparts. The International Crisis Group notes that "[i]n the construction

¹⁶⁷ Ministra de Relaciones Exteriores, Resolución 5477 de 2022, Article 73.

¹⁶⁸ Casa Editorial *El Tiempo*, "¿En Qué Trabajan Los Migrantes Venezolanos En Colombia, Por Lo General?" *El Tiempo*. November 9, 2021, final edition, <https://www.eltiempo.com/politica/en-que-trabajan-los-migrantes-venezolanos-en-colombia-por-lo-general-631211>, (Accessed February 23, 2023).

¹⁶⁹ Congreso de la República de Colombia, Decreto 2840 de 2013.

¹⁷⁰ *El Tiempo*, "¿En Qué Trabajan Los Migrantes Venezolanos En Colombia, Por Lo General?"

¹⁷¹ Congreso de la República de Colombia, Ley Número 2101 de 2021, (Bogotá, Bogotá D.C., Colombia, 2021), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=166506>, Article 161.

industry, for example, a Colombian employee can earn up to 70,000 Colombian pesos (\$17.5) a day, while a Venezuelan is paid about 30,000 pesos (\$7.5), even if he is similarly skilled.”¹⁷² The rates are worse still for migrant women in the labor market, who make 26.5% less than Venezuelan men on average.¹⁷³ In 2022, around 44.97% of migrants were women,¹⁷⁴ and the majority were the primary income for their households.¹⁷⁵ Despite these disparities, Venezuelans are still faced with hostilities from Colombian nationals, particularly unemployed citizens looking for work. Many locals have gone as far as working with guerrilla groups to prevent Venezuelan migrants from obtaining jobs like coca leaf picking.¹⁷⁶ Regardless, refugees have practically no negative impact on job opportunities, and in fact, have helped expand the overall economy.¹⁷⁷ Nevertheless, unfavorable sentiments persist.

Unfortunately, troubles within the labor market extend far beyond the treatment Venezuelans face within the workforce. Most Venezuelans have settled in major cities like Bogotá and Medellín. Aside from the more competitive job market, living in cities presents major issues for refugees, especially for the 24% of refugees without work.¹⁷⁸ Formal work in Colombia comes with two major benefits—access to healthcare and housing. Currently, many Venezuelans live in *pagadarios*, or pay-per-day, accommodations due to a lack of stable income or legal stay permits.¹⁷⁹ Conditions in *pagadarios* are abysmal, with entire families forced to

¹⁷² International Crisis Group, “Hard Times.”

¹⁷³ Ibid.

¹⁷⁴ Unidad Administrativa Especial Migración Colombia, *Flujos Migratorios*, 2022.

¹⁷⁵ International Crisis Group, “Hard Times.”

¹⁷⁶ Ibid.

¹⁷⁷ *Semana*. 2021. “Venezolanos No Les Están Quitando El Trabajo a Colombianos Como Dice Claudia López.” *Semana*. March 11, 2021, final edition, <https://www.semana.com/economia/macroeconomia/articulo/venezolanos-no-les-estan-quitando-el-trabajo-a-colombianos-como-dice-claudia-lopez/202107/>.

¹⁷⁸ International Crisis Group, “Hard Times.”

¹⁷⁹ Ibid.

share single rooms.¹⁸⁰ The instability of these living conditions worsened further during the height of the Coronavirus pandemic. Because most of the families in *pagadarios* relied on selling goods on the streets, most were out of a job during the lockdown. Thus, many returned to the countryside, while many more began the journey back to Venezuela.¹⁸¹ Though the end of the lockdown has largely reversed the trend, the lack of stable housing continues to plague Venezuelan migrants in the city.¹⁸²

As for access to healthcare, coverage is virtually nonexistent for the majority of Venezuelan migrants. Under *Ley 100 de 1993*, all legal residents of Colombia are required to have some sort of health insurance, which can be obtained through the *Servicio Público de Seguridad Social*.¹⁸³ However, obtaining access is far from actually receiving benefits. Although 97% of citizens were covered by 2010, socio-economic status and location limit actual access to resources for most Colombians.¹⁸⁴ High drug costs and sparse facilities trouble the current system, making coverage widespread but wildly unequal. Venezuelan migrants deal with much of the same if they can even access coverage in the first place. Currently, migrants have a right to emergency healthcare regardless of status.¹⁸⁵ However, the same cannot be said for general coverage, which is only guaranteed for legal residents. Thus, migrants have no benefits short of certain situations and can be turned away if their issue does not qualify as an emergency. As for migrants with legal residency, integrating into the system is a task unto itself. The government is already working on affiliating 945,000 Venezuelans with public insurance but had only managed

¹⁸⁰ International Crisis Group, “Hard Times.”

¹⁸¹ Ibid.

¹⁸² Ibid.

¹⁸³ Congreso de la República de Colombia, Ley Número 100 de 1993, (Bogotá, Bogotá D.C., Colombia, 1993), <https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=5248>, Article 4.

¹⁸⁴ P. C. Webster, 2012, “Health in Colombia: A System in Crisis.” *Canadian Medical Association Journal* 184, no. 6 (March): E289–90. <https://doi.org/10.1503/cmaj.109-4124>.

¹⁸⁵ International Crisis Group, “Hard Times.”

to accept 427,000 by December 2021.¹⁸⁶ Once again, Venezuelans within the system face many of the same issues as Colombians. Overall, coverage does little to alleviate the issues they may have.

Combined, these issues contribute to a rapidly growing predicament in Colombia. Unable to find work in other areas, many Venezuelan migrants have turned to crime to support themselves. In the cities, many refugees have become drug runners for prominent gangs, while others have found their income as contract killers, or *sicarios*.¹⁸⁷ Migrants also work in the lower echelons of organized crime, with leaders often forcing loyalty by inducing drug addiction among Venezuelan members.¹⁸⁸ Likewise, armed groups in the countryside have begun targeting the vulnerable population with promises of shelter and salaries, though the latter is often fake.¹⁸⁹ According to a local gang leader in Bogota, ““It’s better to work with any immigrant. It’s cheaper, they do what’s required and they don’t get as much jail time as [a Colombian].””¹⁹⁰ In other words, migrant recruitment is a lucrative approach for gang leaders across the nation. However, this affiliation with crime has only worsened situations for Venezuelans. As newcomers to the country, most refugees do not know the implicit practices of citizens. Consequently, many migrants risk grievously injuring themselves with hidden landmines in the countryside or getting caught in the crossfire of gang wars in cities.¹⁹¹ Women are a particularly vulnerable population, especially to human traffickers. Criminal groups often lure women and minors into the system by offering jobs, but ultimately “[force] them into sexual exploitation and

¹⁸⁶ Ibid.

¹⁸⁷ International Crisis Group, “Hard Times.”

¹⁸⁸ Ibid.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid.

¹⁹¹ Ibid.

[retain] their passports, often saying they will divulge compromising pictures to family members to secure compliance.”¹⁹²

In general, Venezuelans are continuously forced into the less savory roles of society. As a result, Colombian perceptions are growing more hostile. From stigmatizing social media posts to higher incarceration rates for petty crime,¹⁹³ Colombians are becoming more suspicious of Venezuelan migrants. While relations between Colombia and Venezuela continue to improve, many citizens are wary of issues crossing the newly opened border alongside migrants and cargo. As time goes on, Venezuelans are increasingly painted as violent and threats to national security.¹⁹⁴ Even the current mayor of Bogotá, Claudia López, has spoken negatively about Venezuelans in the city, stating “No quiero estigmatizar a los venezolanos, pero hay unos inmigrantes metidos en criminalidad que nos están haciendo la vida cuadritos.”¹⁹⁵ Although her overall point was that information and assistance for migrants should be more widespread, her comment reflects the increasingly common sentiment toward Venezuelans. Sadly, the intricacies of the situation are lost within the overwhelmingly negative picture of Venezuelan refugees.

From the outset of the Venezuelan crisis, most governments had to contend with internal issues and could not address the plight of migrants in general, let alone refugees. Venezuela’s fall from grace has affected Latin America significantly, but none more so than Colombia. Despite the positive legal treatment of Venezuelan refugees since the beginning of the

¹⁹² Ibid.

¹⁹³ Dany Bahar, Meagan Dooley, and Andrew Selee. 2020. *Venezuelan Migration, Crime, and Misperceptions: A Review of Data from Colombia, Peru, and Chile*. Washington, DC: Migration Policy Institute and Brookings Institution.

¹⁹⁴ Catalina Lobo-Guerrero, “Expulsiones: El Lado Oscuro de La Política Migratoria Colombiana.” 2021. November 7, 2021. <https://armando.info/expulsiones-el-lado-oscuro-de-la-politica-migratoria-colombiana/>.

¹⁹⁵ *El Espectador*. 2020. “‘No quiero estigmatizar a los venezolanos, pero unos nos hacen la vida cuadritos’: Claudia López.” *El Espectador*. October 30, 2020, final edition, <https://www.elespectador.com/bogota/no-quiero-estigmatizar-a-los-venezolanos-pero-unos-nos-hacen-la-vida-cuadritos-claudia-lopez-article/>.

crisis, situations for these migrants continue to devolve in the nation. Many migrants have poor labor prospects, live in inadequate housing, and have little access to public benefits. More still are forced into illegal ventures by guerrilla groups and inner-city gangs to survive, leading to increasingly negative perceptions from citizens and officials alike. The Petro administration presents a unique challenge as well, seeing as many conservatives in the nation fear Colombia may become the next Venezuela. For now, government treatment of Venezuelan migrants remains positive, with plans to hopefully help more individuals settle in the country safely and alleviate stigmatization. Nevertheless, these issues persist and threaten to jeopardize the already-vulnerable migration population even further.

Conclusion: *Un País Invertido*

Colombia began this century with a predominantly emigrant-based migration pattern. Internal unrest and worsening economic prospects pushed people to migrate internally and externally. In short, it was a nation characterized by outward movement. Before the turn of the millennium, its government began pushing pro-immigrant reforms and even began incentive programs to encourage its citizens abroad to return. That said, these policies were slow-moving, and meant to gradually become more popular. Thus, when an unprecedented number of immigrants began crossing the border from Venezuela, the *Ministra de Relaciones Exteriores* and the government were woefully underprepared. Despite this drastic change in migration pattern, the government began working to accommodate the growing population of refugees. The Colombian government introduced landmark policies, much to the approval of major organizations across the globe. Nevertheless, long-standing problems within the nation came to a head during the Coronavirus pandemic, turning welcoming citizens into wary nationals. Although the situation in Colombia is still unfolding, its actions over the past twenty years provide insight into how to approach high volumes of immigrants—and the dangers of doing too much too quickly.

Before the Venezuelan crisis, migration patterns in Colombia reflected those of Latin America. North-South migration was the most common by far, with most Colombians fleeing to the United States or Spain.¹⁹⁶ However, once Venezuela began profiting from its oil reserves in the early 1970s,¹⁹⁷ migrants elected to move there instead and benefit from the economic upturn. As intra-regional migration continued to increase, economic turmoil skyrocketed. A new type of

¹⁹⁶ Herrera and Gomez, 3.

¹⁹⁷ Amelia Cheatham, Rocio Cara Labrador, and Diana Roy, “Venezuela: The Rise and Fall of a Petrostate.”

migrant worker became the norm, and exploitative industries saw an increase in willing employees.¹⁹⁸ The lack of stability also led to a new type of migration. Pendular transit migration saw prolonged, unexpected stays as the norm, with Colombia as one of the primary hosts of these settlements. Venezuelans were especially vulnerable to this migration flow, forcing many to begin the journey back to Venezuela.¹⁹⁹ The Coronavirus emboldened many nations to implement restrictive reforms and close their borders.²⁰⁰ Nonetheless, Colombia was an outlier and furthered protections for Venezuelan migrants. Alongside strengthening international ties, Colombia continuously addressed the growing issues within its borders, all the while accommodating the steady influx of migrants.

Indeed, Colombia has a history of inclusion for immigrants, though this has not been without caveats. With the nation's original establishment in 1819, the *Constitución de Cúcuta* set the original standard for *nacionalidad*. The requirements for citizens relied on birthplace, separating the nation from its origins as a Spanish colony.²⁰¹ The defining characteristics of *nacionalidad* would continue to change throughout the decades and often reflected current events. As tensions began to rise, legal issues were thrown to the wayside. The *Guerra de los Mil Días* marked the beginning of Colombia's violent history and resulted in an emphasis on bipartisanship.²⁰² These changes coincided with more restrictive immigration policies,²⁰³ but all were undercut by the bloodiest war in the nation's history, *La Violencia*. The fighting led to the rise of armed guerrilla groups, which remain the largest source of unrest in the nation today. Nevertheless, these events helped inspire the 1991 Constitution, and the social movements

¹⁹⁸ Herrera and Gomez, 7.

¹⁹⁹ Ibid., 9.

²⁰⁰ Ibid., 12.

²⁰¹ Escobar, 2.

²⁰² Bushnell, 212–213

²⁰³ Schwarz, 51.

surrounding its ratification encouraged lawmakers to introduce more inclusive policies, especially as Venezuelan migration increased.

Beginning with *Ley 43*, Congress began steadily defining the bounds of citizenship and naturalization. The following law, *Decreto Numero 2371* established a visa system and refugee application in 1996, which would later be refined in 2009²⁰⁴ and 2013.²⁰⁵ Incentives for returning citizens also became a focal point, with the government introducing tax deductibles for *nacionales* who would contribute to the economy in some way.²⁰⁶ *Ley 2044* and *el Estatuto Temporal de Protección para Migrantes Venezolanos* saw Colombia break away from the rest of Latin America during the Coronavirus pandemic. Both laws increased refugee protections, guaranteeing them protections and streamlining the migration process for Venezuelan refugees. The subsequent year saw the introduction of *Resolución 5477 del 22 de julio de 2022*, which completely overhauled the visa system, both alleviating the burden on the *Ministra de Relaciones Exteriores* and making the immigration process simpler for every type of migrant.²⁰⁷

Nevertheless, the government's positive treatment of immigrants has begun to wear down the patience of its constituents. What began as a blanket welcome in 2018 has devolved into extreme caution and stigmatization from vulnerable populations within Colombia.²⁰⁸ The same holds for perceptions of Venezuelan migrants, albeit more dramatically.²⁰⁹ This contrast to the government's persisting positivity is further exemplified by the nation's continuous internal unrest. Six million Colombians have been internally displaced by armed conflict and economic

²⁰⁴ Congreso de la República de Colombia, Decreto 4503 de 2009.

²⁰⁵ Congreso de la República de Colombia, Decreto 2840 de 2013.

²⁰⁶ *Ibid.*

²⁰⁷ Ministra de Relaciones Exteriores, Resolución 5477 de 2022.

²⁰⁸ C. Haerper et al, "World Values Survey: Round Seven – Country-Pooled Datafile."

²⁰⁹ Proyecto Migración Venezuela, "Percepción."

issues,²¹⁰ and high unemployment rates continue to plague the nation.²¹¹ Additionally, armed conflict remains prevalent in the countryside, despite the nation's peace deal with the FARC in 2008. As the number of Venezuelan refugees continues to rise, Colombians are growing more cautious of the population, much to its detriment.

Venezuela's recent fall from wealth has been at the forefront of Latin American news. Much like Colombia, its migration patterns completely changed. Though the immigration movement originally began with the wealthy,²¹² the remaining migrants have fled despite their lack of resources.²¹³ Currently, about 2.5 million Venezuelans have settled in Colombia.²¹⁴ Though the government has maintained its support of the population, the Petro administration has thrown the movement's support into uncertainty.²¹⁵ To make matters worse, Petro's decision to re-establish ties with Venezuela has soured the opinions of many citizens, who fear Colombia will follow the same disastrous path as its neighbor. Unfortunately, these are far from the only issues troubling Venezuelan refugees. From unsafe working conditions and unsuitable housing to poor access to healthcare and entanglement with criminal activity, refugees face constant danger. The future of the migrant population is as bleak as it is uncertain, though government treatment of the group remains positive for now.

At any rate, Colombia is doing significantly more to attract immigrants and help refugees than most countries with robust economies. While there are still problems in the nation, what it has done so far is nothing to brush aside. As external issues continue to emerge, Colombia's actions provide an excellent example of positive steps to take, especially compared to the actions

²¹⁰ Global Focus, "Colombia Situation."

²¹¹ The World Bank, "Unemployment."

²¹² Amelia Cheatham, Rocio Cara Labrador, and Diana Roy, "Venezuela: The Rise and Fall of a Petrostate."

²¹³ International Crisis Group, "Hard Times."

²¹⁴ Ibid.

²¹⁵ Departamento Nacional de Planeación, "Colombia, Potencia Mundial de La Vida."

of other countries facing similar influxes of refugees. More specifically, Colombia's reaction shows that states can handle large influxes of refugees humanely and efficiently. However, the nation's success is just as much a cautionary tale as it is a positive one. Overextending the government's economic and bureaucratic capabilities has caused many citizens to oppose the decisions meant to support an incredibly vulnerable population in its time of greatest need. The eventual outcome of Colombia's actions remains far in the future. Nevertheless, the rest of the world stands to learn much from the situation and aid millions in need across the globe.

Bibliography

Primary Sources:

- Asamblea Nacional Constituyente, Constitución Política 1 de 1886. Colombia, 1886.
- Asamblea Nacional Constituyente, Constitución Política de Colombia 1991. Colombia, 1991.
- Cali, Casa Editorial *El País*. 2023. “Colombia Y Venezuela: Así Avanza Su Relación Comercial Desde La Llegada de Petro a La Presidencia.” January 9, 2023. *Elpais.com.co*.
<https://www.elpais.com.co/economia/colombia-y-venezuela-asi-avanza-su-relacion-comercial-desde-la-llegada-de-petro-a-la-presidencia.html>.
- Casa Editorial *El Tiempo*. 2021. “¿En Qué Trabajan Los Migrantes Venezolanos En Colombia, Por Lo General?” *El Tiempo*. November 9, 2021.
<https://www.eltiempo.com/politica/en-que-trabajan-los-migrantes-venezolanos-en-colombia-por-lo-general-631211>.
- Comité Andino de Autoridades de Migración, Decisión 397. Perú, 1996.
- Congreso de la República de Colombia, Constitución Política de Colombia. Colombia, 1991.
- Congreso de la República de Colombia, Decreto 2840 de 2013. Colombia, 2013.
- Congreso de la República de Colombia, Decreto 4503 de 2009. Colombia, 2009.
- Congreso de la República de Colombia, Decreto Número 2371 de 1996. Colombia, 1996.
- Congreso de la República de Colombia, Ley 1565 de 2012. Colombia, 2012.
- Congreso de la República de Colombia, Ley 43 de 1990. Colombia, 1990.
- Congreso de la República de Colombia, Ley Número 100 de 1993. Colombia, 1993.
- Congreso de la República de Colombia, Ley Número 2044 de 2020. Colombia, 2020.
- Congreso de la República de Colombia, Ley Número 2101 de 2021. Colombia, 2021.
- Cortes de Cádiz, Constitución de Cádiz. Spain, 1812.
- Departamento Nacional de Planeación. “Gobierno Presentó El Primer Plan Nacional de Desarrollo Construido Con La Gente: ‘Colombia, Potencia Mundial de La Vida.’” 2023. *Dnp.gov.co*. 2023.
<https://www.dnp.gov.co/Paginas/gobierno-presento-el-primer-plan-nacional-de-desarrollo-construido-con-la-gente-colombia-potencia-mundial-de-la-vida.aspx>.

- El Espectador*. 2020. ““No quiero estigmatizar a los venezolanos, pero unos nos hacen la vida cuadritos”: Claudia López.” *El Espectador*. October 30, 2020.
<https://www.elespectador.com/bogota/no-quiero-estigmatizar-a-los-venezolanos-pero-uno-s-nos-hacen-la-vida-cuadritos-claudia-lopez-article/>.
- Haerpfer, C., Inglehart, R., Moreno, A., Welzel, C., Kizilova, K., Diez-Medrano J., M. Lagos, P. Norris, E. Ponarin & B. Puranen et al. (eds.). 2020. World Values Survey: Round Seven – Country-Pooled Datafile. Madrid, Spain & Vienna, Austria: JD Systems Institute & WVSA Secretariat. doi.org/10.14281/18241.1
- Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela. “Refugees and Migrants from Venezuela | R4V.” December 2022. [Www.r4v.info](http://www.r4v.info).
<https://www.r4v.info/en/refugeeandmigrants>.
- Ministra de Relaciones Exteriores, Resolución 5477 de 2022. (Colombia, 2022).
- OECD (2022). *International Migration Outlook 2022*. OECD Publishing, Paris.
<https://doi.org/10.1787/30fe16d2-en>.
- Secretaría General de la Comunidad Andina, Decisión No. 878. Perú, 2021.
- Semana*. 2021. “Venezolanos No Les Están Quitando El Trabajo a Colombianos Como Dice Claudia López.” *Semana*. March 2021.
<https://www.semana.com/economia/macroeconomia/articulo/venezolanos-no-les-estan-quitando-el-trabajo-a-colombianos-como-dice-claudia-lopez/202107/>.
- Unidad Administrativa Especial Migración Colombia, Flujos Migratorios. Bogotá, Bogotá D.C., Colombia. 2019–2022.
- Unidad Administrativa Especial Migración Colombia. 2019. “Tarjeta Andina Migratoria (TAM) - Migración Colombia.” [Migración colombiana.gov.co](http://migracioncolombiana.gov.co). Migración Colombia. May 15, 2019.
<https://www.migracioncolombia.gov.co/informacion-general/tarjeta-andina-migratoria?highlight=WYJ0YXJqZXRhIiw5YW5kaW5hIiwidGFyYamV0YSBhbmRpbmEiXQ==>.
- “¿Quiénes Somos? – Comunidad Andina.” n.d.
<https://www.comunidadandina.org/quienes-somos/>.
- “Budget and Expenditure.” n.d. Global Focus. Accessed February 5, 2023.
<https://reporting.unhcr.org/budget-expenditure?year=2021>.
- “COLOMBIA HUMANA HACIA UNA ERA de PAZ.” n.d.
https://www.podion.org/apc-aa-files/3ae8193eec5593e17a1b4bd8d2f13fbb/plan_de_gobierno_gustavo_petro.pdf.

- “Colombia Migration Profile: IOM.” n.d. International Organization for Migration. <https://www.iom.int/news/colombia-migration-profile-iom>.
- “Colombia Situation.” n.d. Global Focus. <https://reporting.unhcr.org/colombiasituation>.
- “Country - Colombia.” n.d. Data.unhcr.org. <https://data.unhcr.org/en/country/col>.
- “Entregarán 60 Mil Permisos Del Estatuto a Migrantes En Bogotá.” n.d. Noticias de Norte de Santander, Colombia y El Mundo. Accessed September 28, 2022. <https://www.laopinion.com.co/migracion/entregaran-60-mil-permisos-del-estatuto-migrantes-en-bogota>.
- “Migration Data in South America.” 2021. Migration Data Portal. October 26, 2021. <https://www.migrationdataportal.org/regional-data-overview/migration-data-south-america>.
- “Percepción de La Integración de Los Migrantes En Colombia En Tiempos de Coronavirus.” 2020. Proyecto Migración Venezuela. 2020. https://s3.amazonaws.com/semanaruralvzla/documentos/1590818285_boletin_discriminacion2020pdf.
- “Tackling Informality in Colombia with the Social and Solidarity Economy - OECD.” July 22, 2022. www.oecd.org. <https://www.oecd.org/cfe/leed/social-economy/tackling-informality-in-colombia-with-the-social-and-solidarity-economy.htm>.
- “Unemployment, Total (% of Total Labor Force) (Modeled ILO Estimate) - Colombia | Data.” n.d. Data.worldbank.org. <https://data.worldbank.org/indicator/SL.UEM.TOTL.ZS?locations=CO>.
- “*World Migration Report 2022*.” 2021. Geneva, Switzerland: International Organization for Migration. <https://publications.iom.int/books/world-migration-report-2022>.

|

|

|

Secondary Sources:

- Bahar, Dany, Meagan Dooley, and Andrew Selee. 2020. *Venezuelan Migration, Crime, and Misperceptions: A Review of Data from Colombia, Peru, and Chile*. Washington, DC: Migration Policy Institute and Brookings Institution.
- BBC News*. 2016. "Colombia in New Peace Deal with Farc," November 13, 2016, sec. Latin America & Caribbean. <https://www.bbc.com/news/world-latin-america-37965392>.
- Bushnell, David. 2021. *Colombia: Una Nación a Pesar de Sí Misma*. Crítica Colombia.
- Chaves-González, Natalia, and Banulescu-Bogdan, Diego. 2021. "What Comes Next Now That Colombia Has Taken a Historic Step on Migration?" *Migrationpolicy.org*. February 17, 2021. <https://www.migrationpolicy.org/news/colombia-historic-legalization-what-next>.
- Cheatham, Amelia, Rocio Cara Labrador, and Diana Roy. 2021. "Venezuela: The Rise and Fall of a Petrostate." Council on Foreign Relations. December 29, 2021. <https://www.cfr.org/backgroundunder/venezuela-crisis>.
- Collier, RB, & Collier, D. (2015). *Shaping the political arena: Critical junctures, the labor movement, and regime dynamics in Latin America*. Retrieved from <https://escholarship.org/uc/item/8qr1z7gc>
- de la Reza, Germán A.. 2015. "El Intento de Integración de Santo Domingo a La Gran Colombia (1821-1822)." *Secuencia*, no. 93: 65–82. https://www.scielo.org.mx/scielo.php?pid=S0186-03482015000300004&script=sci_arttext.
- Escobar, Cristina. 2015. *Review of Report on Citizenship Law: Colombia*. Cadmus. Italy: The European University Institute. <https://cadmus.eui.eu/handle/1814/35997>.
- Herrera, Gioconda, and Carmen Gómez. 2022. *Migration in South America*. Springer Nature.
- Hudson, Rex A, and Library of Congress. Federal Research Division. 2010. *Colombia: A Country Study*. 5th ed. Area Handbook Series. Washington, D.C.: Federal Research Division, Library of Congress.
- Inter-Agency Coordination Platform for Refugees and Migrants from Venezuela. "Migration from Venezuela: Opportunities for Latin America and the Caribbean Regional Socio-Economic Integration Strategy." 2021. https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_775183.pdf.
- International Crisis Group. "Hard Times in a Safe Haven: Protecting Venezuelan Migrants in Colombia." International Crisis Group. August 2022.

- <https://www.crisisgroup.org/latin-america-caribbean/andes/colombia-venezuela/hard-times-safe-haven-protecting-venezuelan>.
- International Monetary Fund. Western Hemisphere Department. 2020. Colombia: Selected Issues. Imf Staff Country Reports. Washington, D.C.: International Monetary Fund. doi:10.5089/9781513540641.002.
- Kargman, Steven T. “Venezuela: Prospects for Restructuring Sovereign Debt and Rebuilding a National Economy against the Backdrop of a Failing State.” University of Oxford. October 2021.
<https://blogs.law.ox.ac.uk/business-law-blog/blog/2021/10/venezuela-prospects-restructuring-sovereign-debt-and-rebuilding>.
- Lobo-Guerrero, Catalina. “Expulsiones: El Lado Oscuro de La Política Migratoria Colombiana.” 2021. November 7, 2021.
<https://armando.info/expulsiones-el-lado-oscuro-de-la-politica-migratoria-colombiana/>.
- Mestizo Castillo, Carmen Alicia. 2012. Review of *La Gestión de La Constitución de 1991. Papel de La Soberanía Popular Y Debates En Torno a Ella*. Edited by Álvaro Augusto Oviedo Hernández. Master’s Thesis, Pontificia Universidad Javeriana.
<https://doi.org/10.11144/javeriana.10554.2444>.
- Reuters*. “Colombia’s Leftist Petro, the Candidate Who Wants to Upset the Status Quo,” May 2018, sec. Emerging Markets.
<https://www.reuters.com/article/us-colombia-election-petro-idUSKCN1IP22P>.
- Reuters*. “Venezuela Monthly Inflation Slowed to 7.1% in September -Central Bank,” October 2021, sec. Economic News.
<https://www.reuters.com/article/venezuela-inflation/venezuela-monthly-inflation-slowed-to-7-1-in-september-central-bank-idUSL1N2R50HY>.
- Roy, Diana. “Do U.S. Sanctions on Venezuela Work?” Council on Foreign Relations. November 2022. <https://www.cfr.org/in-brief/do-us-sanctions-venezuela-work>.
- Schwarz, Tobias. 2012. “Políticas de Inmigración En América Latina: El Extranjero Indeseable En Las Normas Nacionales, de La Independencia Hasta Los Años de 1930.” *Procesos. Revista Ecuatoriana de Historia* 0, no. 36 (October 2017): 39-72.
<https://doi.org/10.29078/rp.v0i36.23>.
- Webster, P. C. 2012. “Health in Colombia: A System in Crisis.” *Canadian Medical Association Journal* 184, no. 6 (March): E289–90. <https://doi.org/10.1503/cmaj.109-4124>.

“Abecé Del Estatuto Temporal de Protección Para Migrantes Venezolanos.” n.d.
https://www.cancilleria.gov.co/sites/default/files/FOTOS2020/ok._esp-_abc_estatuto_al_migrante_venezolano-_05mar-2021.pdf.

“Colombia/Venezuela: Border Area Abuses by Armed Groups.” Human Rights Watch. March 2022.
<https://www.hrw.org/news/2022/03/28/colombia/venezuela-border-area-abuses-armed-groups>.

“Colombia - Citizenship, Emigration, Immigration & Nationality” in: Foreign Law Guide, Edited by: Marci Hoffman. September 2022.
http://dx.doi.org.umiiss.idm.oclc.org/10.1163/2213-2996_flg_COM_054091

|