

**Between Institutions and Politics:  
Understanding Divergent Policy Responses to Venezuelan Forced Displacement in  
Colombia and Peru**

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I hereby declare that this dissertation is entirely my own work. I have fully cited all sources and aids used in its preparation, and I affirm that I have authored this work independently, based solely on the resources and aids indicated. This dissertation has not been submitted for acceptance or rejection in any previous doctoral procedure.

*To my friend Lena*

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## List of Abbreviations

ALBA	<i>Alianza Bolivariana para los Pueblos de Nuestra América</i> [Bolivarian Alliance for the Peoples of Our America]
ALCA	<i>Área de Libre Comercio de las Américas</i> [Free Trade Area of the Americas]
APCI	<i>Agencia Peruana de Cooperación Internacional</i> [Peruvian Agency for International Cooperation]
APRA	<i>Alianza Popular Revolucionaria Americana</i> [American Popular Revolutionary Alliance]
BMO	Borders Management Office [ <i>Gerencia de Fronteras</i> ]
CNM	<i>Consejo Nacional de la Magistratura</i> [National Council of the Judiciary]
CONPES	<i>Consejo Nacional de Política Económica y Social</i> [National Council for Economic and Social Policy]
ELN	<i>Ejército de Liberación Nacional</i> [National Liberation Army]
ETPV	<i>Estatuto Temporal de Protección para Migrantes Venezolanos</i> [Statute for Temporary Protection for Venezuelan Migrants]
FARC	<i>Fuerzas Armadas Revolucionarias de Colombia</i> [Colombian Revolutionary Armed Forces]
FDP	Forcibly displaced person
GDP	Gross Domestic Product
GIFMM	<i>Grupo Interagencial de Flujos Migratorios Mixtos</i> [Interagency Group for Mixed Migratory Flows]
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i> [German Agency for International Development]
GTRM	<i>Grupo de Trabajo sobre Personas Refugiadas y Migrantes</i> [Refugee and Migrant Working Group]
IACHR	Inter-American Court for Human Rights
ICC	International Criminal Court
ILO	International Labour Organization

INEI	<i>Instituto Nacional de Estadística e Informática</i> [National Institute for Statistics and Informatics] (Peru)
IOM	International Organization for Migration
IOP-PUCP	<i>Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú</i> [Public Opinion Institute of the Pontifical Catholic University of Peru]
JEP	<i>Jurisdicción Especial para la Paz</i> [Special Jurisdiction for Peace]
MINJUSDH	<i>Ministerio de Justicia y Derechos Humanos</i> [Ministry of Justice and Human Rights]
MSSD	Most Similar Systems Design
NGO	Non-governmental Organization
OAS	Organization of American States
OECD	Organization for Economic Cooperation and Development
PEP	<i>Permiso Especial de Permanencia</i> [Special Permit to Remain]
PLO	Palestine Liberation Organization
PPK	<i>Peruanos por el Cambio</i> [Peruvians for Change]
PPT	<i>Permiso de Protección Temporal</i> [Temporary Protection Permit]
PTP	<i>Permiso Temporal de Permanencia</i> [Temporary Stay Permit]
RAMV	<i>Registro Administrativo de Migrantes Venezolanos</i> [Administrative Registry of Venezuelan Migrants]
RMRP	Refugee and Migrant Response Plan
RSS	<i>Red de Solidaridad Social</i> [Social Solidarity Network]
RUMV	<i>Registro Único para Migrantes Venezolanos</i> [Single Registry for Venezuelan Migrants]
RUV	<i>Registro Unificado de Víctimas</i> [Unified Registration System of Victims]
SUNAT	<i>Superintendencia Nacional de Aduanas y Administración Tributaria</i> [National Superintendence of Customs and Tax Administration]
TA	Thematic Analysis
TMF	<i>Tarjeta de Movilidad Fronteriza</i> [Border Mobility Card]
TPS	Temporary Protected Status

UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations International Children's Emergency Fund
USAID	United States Agency for International Development
ZIF	<i>Zonas de Integración Fronteriza</i> [Border Integration Areas]

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## Summary

This thesis investigates the reasons behind divergent policy responses of Peru and Colombia to Venezuelan forced displacement. Specifically, it aims to explain why two countries with similar histories of international migration, political and economic systems, and relations with the sending country, have adopted different approaches to a comparable phenomenon in terms of demographic composition, scale and duration. Under President Iván Duque, Colombia introduced the *Estatuto de Protección Temporal para Migrantes Venezolanos* (ETPV) in 2021, an unprecedented liberal policy which provides Venezuelans with a 10-year stay permit and a pathway to permanent residency. In contrast, Peru, under President Martín Vizcarra, shifted from an initially welcoming stance to a more restrictive approach by imposing a visa requirement known as the Humanitarian Visa on Venezuelans in 2019 to control their entries.

To address the reasons behind these divergent policy responses I employ outcome-explaining process-tracing and comparative analysis in a Most Similar Systems Design. I triangulate data from 65 interviews with policy-makers and experts, surveys, legal documents, public statements from parliamentary debates and media, and secondary literature. I analyse this data using abductive Thematic Analysis based on a codebook.

I argue that the contrasting policies in these countries primarily stem from variations in their policy-making processes. The study identifies relevant differences in the authorities involved – whether politicians or bureaucrats –, the nature of political considerations – domestic versus foreign affairs – and the presence or absence of cost-benefit analyses. My findings show that Colombia’s adoption of the ETPV resulted from a policy-making process that involved both politicians and bureaucrats, prioritised foreign affairs considerations and included a comprehensive cost-benefit analysis. In contrast, Peru’s Humanitarian Visa was formulated by a more limited group of political actors, including the President and key ministers, with minimal bureaucratic input, focusing on domestic concerns and lacking an informed cost-benefit analysis.

The study also highlights the importance of political and institutional contexts in shaping variations in policy-making. In Colombia, foreign affairs considerations are prevalent due to the salience of Venezuela in its political agenda – rooted in historical ties and the role of Venezuela in Colombia’s armed conflict –, as well as the executive’s damaged international reputation resulting from its stances on the armed conflict. Conversely, Peru’s focus on domestic concerns is driven by the executive’s vulnerability amid a political crisis and its strained relations with the parliament. Furthermore, Colombia’s well-established institutional capacities, developed through prolonged conflict and internal forced displacement crises, enabled a robust bureaucratic response and an informed cost-benefit analysis. In contrast, Peru, lacking similar institutional experience and facing political instability, exhibited weaker bureaucratic capacities, leading to a more politically driven approach.

This research advances the forced displacement and migration policy fields by examining the role of policy-making, including the involved authorities and their considerations, and of bureaucracies and knowledge in forced displacement policies in the Global South – aspects thus far largely overlooked in the existing literature. While supporting established theoretical assumptions regarding the impact of the relations between sending and receiving countries and domestic concerns, the study provides new insights into why certain considerations – whether related to foreign or domestic affairs – are prioritised in specific contexts, beyond factors tied to the nature of the exodus itself. Furthermore, it explores how determinants deemed important by the literature, such as regime type, executive vulnerability, and previous institutional frameworks, interact to shape policy. The study introduces the concept of established institutional capacities as a crucial determinant of policy-making, expanding the understanding of how political instability and historical legacies affect policies on forced displacement. Departing from studies in other regional contexts, it reveals the limited role of social contexts and ethnic kinship in explaining policy differences within Latin America. By drawing parallels with countries of the Global North and contrasting them with those of the Global South, my results challenge the traditional South/North divide prevalent in the literature.

Finally, my research suggests several implications for future policy-making on forced displacement. Centralising migration responsibilities within a single department, incorporating trained bureaucrats, and relying on evidence-based practices can enhance policy effectiveness. Furthermore, increased international collaboration, learning from international experiences and establishing stable, legally enshrined policies can address the complexities of forced displacement more effectively. This perspective not only advocates for policies that respect migrants' rights but also enhances positive outcomes for receiving countries and societies.



## Zusammenfassung

Die vorliegende Arbeit befasst sich mit den divergierenden politischen Reaktionen Perus und Kolumbiens auf die venezolanische Zwangsvertreibung. Im Folgenden soll erörtert werden, warum zwei Länder mit einer ähnlichen Migrationsgeschichte, mit ähnlichen politischen und wirtschaftlichen Systemen sowie Beziehungen zum Herkunftsland unterschiedliche Ansätze gewählt haben, auf ein Phänomen von ähnlicher demografischer Zusammensetzung, Umfang und Dauer zu reagieren. Im Jahr 2021 führte die Regierung Kolumbiens unter Präsident Iván Duque das "Estatuto de Protección Temporal para Migrantes Venezolanos" (ETPV) ein, welches Venezolanern eine zehnjährige Aufenthaltsgenehmigung sowie die Möglichkeit eines Daueraufenthalts bietet. Diese Politik ist in ihrer Liberalität beispiellos. Im Gegensatz dazu vollzog Peru unter Präsident Martín Vizcarra eine Kehrtwende in der Migrationspolitik und verfolgte von Anfang an einen restriktiveren Ansatz. Dies äußerte sich in der Einführung einer Visumpflicht für venezolanische Staatsbürger im Jahr 2019, welche als humanitäres Visum bekannt ist. Dadurch sollte die Einreise dieser Personengruppe kontrolliert werden.

Um die Ursachen für diese unterschiedlichen Reaktionen zu ergründen, kombiniert diese Studie eine ergebnisorientierte Prozessanalyse (outcome-explaining process tracing) mit einer vergleichenden Analyse in einem Most Similar Systems Design. Dazu werden Daten aus 65 Interviews mit politischen Entscheidungsträger\*innen und Expert\*innen, Umfragen, Rechtsdokumenten, öffentlichen Stellungnahmen aus Parlamentsdebatten und Medien sowie Sekundärliteratur trianguliert und mithilfe einer abduktiven thematischen Analyse auf der Grundlage eines Codebuchs analysiert.

Die Hauptthese meiner Arbeit lautet, dass die divergierenden Politiken in diesen Ländern in erster Linie auf Unterschiede in den jeweiligen politischen Entscheidungsprozessen zurückzuführen sind. Die Studie identifiziert relevante Unterschiede in den beteiligten Akteuren (d. h. Politiker\*innen oder Bürokrat\*innen), in der Art der politischen Erwägungen (d. h. innenpolitisch oder außenpolitisch) sowie im Vorhandensein oder Fehlen von Kosten-Nutzen-Analysen. Die Ergebnisse der Studie legen nahe, dass die Verabschiedung des ETPV in Kolumbien das Resultat eines politischen Entscheidungsprozesses war, an dem sowohl Politiker\*innen als auch Bürokrat\*innen beteiligt waren. Dabei spielten außenpolitische Erwägungen eine übergeordnete Rolle, und es wurde eine umfassende Kosten-Nutzen-Analyse durchgeführt. Im Gegensatz dazu wurde das peruanische humanitäre Visum von einer begrenzten Gruppe politischer Akteure, darunter der Präsident und wichtige Minister, formuliert, wobei die Beteiligung bürokratischer Akteure minimal war. Der Schwerpunkt lag auf innenpolitischen Belangen, eine fundierte Kosten-Nutzen-Analyse wurde nicht durchgeführt.

Die Studie verdeutlicht zudem die Relevanz des politischen und institutionellen Kontexts für die Ausgestaltung divergierender politischer Entscheidungen. Außenpolitische Erwägungen spielen in Kolumbien eine übergeordnete Rolle, da Venezuela einen hohen Stellenwert in der politischen Agenda des Landes einnimmt. Dies lässt sich auf die historischen Beziehungen sowie die Rolle Venezuelas im bewaffneten Konflikt in Kolumbien zurückführen. Zudem hat die Exekutive durch ihre Haltung zum bewaffneten Konflikt einen geschädigten internationalen Ruf erlitten.

Im Gegensatz dazu wies Peru, das über keine ähnliche institutionelle Erfahrung verfügte und mit politischer Instabilität konfrontiert war, schwächere bürokratische Kapazitäten auf, was zu einem stärker politisch geprägten Ansatz führte.

Die vorliegende Forschungsarbeit leistet einen Beitrag zum Forschungsstand, indem sie die Rolle der Politikgestaltung, einschließlich der beteiligten Behörden und ihrer Erwägungen, sowie der Bürokratie und des institutionellen Wissens in der Zwangsvertreibungspolitik im globalen Süden untersucht. Diese Aspekte wurden in der bestehenden Literatur bisher nur unzureichend berücksichtigt. Die Studie stützt etablierte theoretische Annahmen über die Auswirkungen von Beziehungen zwischen Entsende- und Aufnahmeländern sowie innenpolitischer Belange. Darüber hinaus liefert sie neue Erkenntnisse darüber, warum bestimmte Erwägungen – unabhängig davon, ob sie sich auf außen- oder innenpolitische Angelegenheiten beziehen – in bestimmten Kontexten Vorrang haben. Hierbei werden Faktoren berücksichtigt, die über die Art des Exodus selbst hinausgehen. Des Weiteren wird analysiert, wie die in der Literatur als wesentlich erachteten Einflussfaktoren, darunter die Art des Regimes, die Anfälligkeit der Exekutive sowie frühere institutionelle Rahmenbedingungen, interagieren und die Politikgestaltung beeinflussen. Die Studie führt das Konzept der etablierten institutionellen Kapazitäten als entscheidende Determinante der Politikgestaltung ein und erweitert das Verständnis dafür, wie sich politische Instabilität und historische Hinterlassenschaften auf Vertreibungspolitik auswirken.

Im Gegensatz zu Studien in anderen regionalen Kontexten weist sie nach, dass die Bedeutung sozialer Kontexte und ethnischer Verwandtschaft für die Erklärung politischer Unterschiede innerhalb Lateinamerikas begrenzt ist. Die gezogenen Parallelen zu Ländern des globalen Nordens sowie der Kontrast zu denen des globalen Südens werfen die Frage auf, ob die in der Literatur vorherrschende traditionelle Süd/Nord-Unterscheidung weiterhin Gültigkeit besitzt.

Aus den dargelegten Forschungsergebnissen lassen sich schließlich mehrere Implikationen für die künftige Politik im Bereich der Zwangsvertreibung ableiten. Die Bündelung der Zuständigkeiten für Migrationsfragen in einer einzigen Abteilung, die Einbeziehung geschulter Bürokrat\*innen sowie die Anwendung evidenzbasierter Verfahren können zu einer Steigerung der Effektivität politischer Maßnahmen beitragen. Zudem können verstärkte internationale Zusammenarbeit, das Lernen aus internationalen Erfahrungen sowie die Einführung einer stabilen, gesetzlich verankerten Politik helfen, die Komplexität von

Zwangsvertreibung effektiver anzugehen. Eine solche Perspektive setzt sich nicht nur für eine Politik ein, die die Rechte der Migranten achtet, sondern fördert zudem positive Ergebnisse für Aufnahmeländer und -gesellschaften.

# CHAPTER 1 : INTRODUCTION

## 1.1. Empirical Puzzle and Research Question

Over the last twenty years,<sup>1</sup> more than 7.5 million Venezuelans (almost 30% of the country's population) had to leave their country due to a multi-dimensional humanitarian crisis and 80% of them are living in other Latin American countries, mainly in Colombia (2.8 million), Peru (1.5 million) and Brazil (500,000). The situation has become protracted, as a majority of Venezuelan migrants have no intention of returning to their country (Mejía-Matilla et al., 2024),<sup>2</sup> while the number of migrants continues to rise every year (R4V, 2024; UN High Commissioner for Refugees [UNHCR], 2024c). Hyperinflation, basic needs shortages, but also insecurity and crime, human rights violations and curtailment of freedoms by Nicolás Maduro's regime contribute to explaining this unprecedented, large-scale and abrupt exodus in Latin America (Gouveia, 2022). Even though it has received far less attention than other crises, the Venezuelan exodus represents the largest forced displacement in the region's modern history and the second largest exodus of people in the world after the Syrian exodus (Pirovino & Papyrakis, 2023; UNHCR, 2023).

The response of the main recipient countries to the Venezuelan forcibly displaced persons (henceforth, FDPs<sup>3</sup>) has varied across time. Initially, the reception of FDPs was generous, with many countries extending existing residence permits to them, such as Uruguay and Argentina through Mercosur, or creating *ad hoc* permits, as seen in Peru and Colombia (Selee et al., 2019). Despite this initial generosity, the regional consensus around the importance of promoting and respecting migrants' human rights began to be contested (Finn & Umpierrez de Reguero, 2020). Whereas most of the countries receiving high numbers of migrants have imposed restrictions on Venezuelans (e.g. Panama, Ecuador and Chile), other countries have remained welcoming. For instance, Brazil started to grant *prima facie* refugee status<sup>4</sup> to Venezuelans in 2019 based on the Cartagena Declaration,<sup>5</sup> granting them refugee status (Brumat & Geddes, 2023). The differences in responses and their

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<sup>1</sup> Migration from Venezuela began in the 2000s with the arrival of Chávez in power, initially involving mostly middle-class individuals, who primarily moved to Europe and the United States due to nationalisations and political polarisation. A second wave started in 2012 due to the commodities crisis, and it evolved in 2015 into a humanitarian crisis after Nicolás Maduro assumed power in 2013 in a new phase known as 'Migration of Despair' (Paez & Vivas, 2017).

<sup>2</sup> According to a Mejía-Matilla et al., report (2024), 81% of surveyed Venezuelan migrants in Chile want to stay, 65.5% in Ecuador, 95.5% in Colombia, and 76.4% in Peru.

<sup>3</sup> See key terms below (section 3) for an extensive discussion on this term.

<sup>4</sup> *Prima facie* refugee status is granted to all people with Venezuelan nationality without needing to provide further evidence or documentation.

<sup>5</sup> See key terms below (section 3) for definition of the Cartagena Declaration.

evolution are particularly clear in the cases of the two main recipient countries: Peru, which has embraced a restrictive policy, and Colombia, which exhibits a more liberal or open approach.<sup>6</sup>

Peru initially adopted an inclusive approach, granting Venezuelans in 2017 a two-year stay permit under the Kuczynski administration (2016–2018). This policy was accompanied by a discourse promoting the country as a ‘democratic nation welcoming our brothers and sisters from Venezuela’ (‘PPK y su anuncio a venezolanos en Perú...[PPK and his announcement to Venezuelans in Peru...],’ 2017). However, it eventually shifted towards restrictions. Notably, in June 2019, with more than 800,000 migrants (R4V, 2024), the government imposed a visa – euphemistically identified as the Humanitarian Visa – on Venezuelans who wanted to enter the country, a measure not required from the nationals of any other Latin American country, with the aim of restricting entries. Former President Martín Vizcarra announced the measure at Lima airport, next to the Minister of the Interior, in front of a group of undocumented Venezuelan migrants who were being deported under the ‘Plan of Safe and Ordered Migration’, by stating: ‘Here [in Peru] we won’t allow the entry of criminals [...] there will be a safe and ordered migration in order to guarantee the basic rights of our own population’ (Lavado, 2019). This framing of the decision represented Venezuelan FDPs as a threat to (national) security – thus illustrating the complete turnaround in Peru’s policy (Aron Said & Castillo Jara, 2022; Freier & Luzes, 2021).

In contrast, Colombia, the country hosting the largest number of Venezuelan FDPs, showed a completely different evolution in its response. Initially, in 2018, the country offered Venezuelans a two-year stay permit similar to the Peruvian one, but with fewer benefits (see description and comparison in sections 4 and 5 below) (Selee & Bolter, 2022). However, in February 2021, with more than 1.5 million FDPs (R4V, 2024), former President Duque announced the adoption of a ten-year stay permit, much more generous than the previous permit, through the Statute for Temporary Protection for Venezuelan Migrants (the ETPV, *Estatuto Temporal de Protección para Migrantes Venezolanos*), declaring ‘the need to take measures which are not based on fear and rejection’. The ETPV allows Venezuelans to legally reside, work, access public services, and, later, apply for a permanent resident visa in Colombia. It applies to migrants who were in the country upon its adoption, regardless of their migratory status, and to those who legally entered the country in the next two years (until May 2023). By December 2023, almost 1.9 million Venezuelans received this permit (Colombia, Migración [Colombia Migration], 2023b). This response stands out as an exception in the region, with Brazil being the only other comparably welcoming country currently extending refugee status to Venezuelans. It has extensively praised by third countries and international organisations (e.g. UN Colombia, 2021), such as UNCHR High Commissioner, Filippo Grandi, who was part of the permit’s announcement and described it as

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<sup>6</sup> See key terms below (section 3) for an extensive discussion on the nature of policies, liberal and restrictive.

'brave and unprecedented' and 'hoped for other countries to follow the Colombian example' (Colombia, Cancillería [Ministry of Foreign Affairs], 2021).

The differences between the responses given by Colombia and Peru in the period under study are especially puzzling bearing in mind their similarities regarding various aspects that typically shape FDP policy. These aspects include the nature of the phenomenon (Mencütek, 2019), the characteristics of their economic and political systems (Jacobsen, 1996; Milner, 2009), current political affairs and their history of migration (Secen, 2021).

Despite both countries experiencing a significant influx of Venezuelans, it is particularly striking that the country hosting the largest number remains more welcoming to Venezuelan FDPs (R4V, 2024). The exodus has become protracted, with a growing number of vulnerable immigrants arriving in both Colombia and Peru (Acosta et al., 2019; Freier & Aron Said, 2022; Freier & Luzes, 2021; Gandini et al., 2020), resulting in similar complexities associated with the phenomenon. Peru and Colombia share significant commonalities, such as language and religious traditions shaped by their history under Spanish colonialism. Additionally, they exhibit similarities in their political and economic systems, featuring limited yet well-established democracies (Alizada et al., 2021),<sup>7</sup> weak political party systems (Dargent & Muñoz, 2011; Levitsky & Cameron, 2003), middle-income economies (World Bank Group, 2023), and a considerable proportion of labour informality (Organisation for Economic, Co-operation and Development [OECD], 2022; Statista Research Department, 2023). Despite Colombia being larger in terms of population size (with 20 million more inhabitants than Peru), both countries are comparable in territorial size: Colombia covers 1,142,000 km<sup>2</sup> and Peru 1,285,000 km<sup>2</sup>, with the Amazonas region encompassing a vast area in both nations. These characteristics altogether imply a similar hosting capacity. Importantly, from the beginning of the exodus, the governments of both countries under the study period adopted a confrontational stance towards Maduro's regime, potentially influencing their reception policies in a similar direction (Barbieri et al., 2020).<sup>8</sup> Finally, prior to this phenomenon, both Peru and Colombia had historically been sending countries, with no experience hosting large immigration flows until the onset of the Venezuelan exodus (Caicedo, 2022; Ciurlo, 2015; Freier & Aron Said, 2022).

In the light of these similarities, this PhD thesis aims to answer the following question: **What explains the different responses to the Venezuelan exodus in Peru and Colombia?** This research question is embedded within a broader research question addressed by the existing literature on comparative political

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<sup>7</sup> Peru is currently experiencing a period of democratic decline following an attempted self-*coup d'état* by former President Pedro Castillo in December 2022, coupled with the failure of its former Vice-President, now President, Dina Boluarte, to call elections since then. Nevertheless, it is important to note that Peru has been a democracy since the end of Fujimori's mandate and maintained it throughout the period under study.

<sup>8</sup> See Annex 1 with a description of the governments under the study period in Colombia and Peru.

science and, specifically, on FDPs (Abdelaaty, 2021): **Why do different countries react divergently to a similar phenomenon?**

This chapter is structured as follows: Firstly, it discusses the main theoretical, empirical and practical contributions of the thesis. After describing the main concepts of the thesis, it examines the evolution of the responses, further illustrating the differences within cases across time and between the two cases and their enduring impacts on each country's overall approach, highlighting the relevance of the FDP policies under study and the justification of the time frame. Finally, it outlines the argument of the thesis and its structure.

## 1.2. Main Contributions

This thesis contends that the divergent responses of Colombia and Peru to the Venezuelan exodus stem primarily from the distinct nature of their policy-making processes. Specifically, two key aspects of policy-making affect the nature of decisions in Colombia and Peru: on the one hand, the type of the political considerations driving the decision – whether they pertain to foreign or domestic affairs – the involvement of bureaucrats, and policy-makers' ability to conduct informed cost-benefit analyses, on the other. While the nature of policy-making serves as the most direct explanation behind divergent responses, this study also accounts for the broader political and institutional contexts in which these decisions are made.

Examining the nature of policy-making represents a departure from the previous literature on FDP policy determinants, as it has remained a significant lacuna due to mistaken assumptions attached to Southern countries (Natter & Thiollet, 2022)<sup>9</sup> and to the difficulties in accessing decision-makers (Abdelaaty, 2021; Mencütek, 2019). This approach thus seeks to contribute to the literature on the determinants of migration and FDP policy (e.g. Abdelaaty, 2021; Hollifield, 1992; Jacobsen, 1996; Mencütek, 2019; Milner, 2009; Natter, 2018) from a South American perspective. Rather than viewing the state or government as a unified actor, it identifies the various actors within the state and examines the role of each in shaping policy. Unpacking policy-making enables a deeper understanding of how determinants operate and interact with one another to shape the nature of policy. Firstly, it tests well-established explanations of FDP policy and further develops the conditions under which foreign affairs and domestic considerations operate in one of the most important receiving regions of FDPs in the Global South.<sup>10</sup> Secondly, it refines explanations that have received limited attention in existing studies, such as the importance of institutional frameworks, the effect of having a poor international reputation

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<sup>9</sup> Notably, Southern countries are perceived as having weak institutions for policy formulation and being highly dependent on international actors. Consequently, the study of policy-making process has not received enough attention (Natter & Thiollet, 2022).

<sup>10</sup> See key terms below (section 3) for the discussion on the Global South and Global North categories.

or the salience of the receiving country in the political agenda. Thirdly, it suggests new determinants that warrant further investigation in other contexts, such as established capacities derived from previous emergencies (institutional legacies). Lastly, it delves into the ways in which these different determinants interact within the realm of policy-making.

Moreover, this research makes a contribution to the literature on migration bureaucracies in policy-making, which, despite their prominent role, remains largely unexplored (Paquet, 2020; Wakisaka, 2022) due to the common yet artificial division that regards politicians as policy-makers and bureaucrats as executors (Alesina & Tabellini, 2004). This gap is particularly pronounced in Southern countries, where bureaucracies are perceived as weaker (Natter & Thiollet, 2022). Specifically, it describes the conditions under which bureaucrats and their knowledge influence policy-making and how they shape the nature of FDP policy. In doing so, it brings together two strands of the literature: one on the role of bureaucrats and knowledge in policy-making (Boswell, 2009) and the other on FDP policy determinants (Jacobsen, 1996). Moreover, it sheds light on the functioning of bureaucracies and the role of policy-making in Latin American, thereby contributing to the studies on bureaucracies in the region (e.g. Zuvanich & Iacoviello, 2011).

In this way, it addresses a crucial bias in the literature on migration governance: although the Global North receives only 24% of all forcibly displaced people (UNHCR, n.d), existing studies have largely focused on Northern countries (Adamson & Tsourapas, 2020; Müller-Funk et al., 2023). Moreover, most of the work on the Global South treats its cases as sending countries or, if receiving, as partially ineffective in dealing with migration, adding up to what Natter and Thiollet (2022) identify as an artificial South-North divide.

Research on the Middle East, Northern Africa and the Horn of Africa in forced displacement governance has increased in recent years forming a separate branch of migration governance literature (Adamson & Tsourapas, 2020). These studies have identified key determinants of FDP policy operating in Southern contexts, such as ethnic affinity, security concerns and relations between the sending and receiving countries (Abdelaaty, 2021; Altioç & Tosun, 2020; Aras & Mencütek, 2015; Geha & Talhouk, 2019; Mencütek, 2019; Müller-Funk et al., 2023; Secen, 2021).

In spite of the large number of exoduses present in the region (e.g. the Venezuelan, the Nicaraguan, and the Central American diasporas), theory-informed and explanatory studies in Latin America remain rare (Fernández-Rodríguez & Freier, 2024). Several studies have analysed the reasons behind the liberalisation trend of migration policy during the 2000s in countries such as Argentina, Brazil, Ecuador and Uruguay, and its coexistence with more restrictive approaches in countries like Chile. These studies consider the role of ideologies (Hammoud-Gallego & Freier, 2023), bureaucracies' ideas (Brumat & Vera Espinoza, 2023), binding and non-binding legal commitments (Brumat & Geddes, 2023; Nicolao, 2011) and institutions (Melde & Freier, 2022; Norambuena et al., 2018; Norambuena & Matamoros, 2016). Although some studies address certain



policy determinants, these are often not central, lack empirical testing and neglect important empirical questions, such as the one posed by this study (Fernández-Rodríguez & Freier, 2024).

Setting migration policy aside, only a few studies make important contributions in the specific field of the determinants of FDP policy. For instance, Basok (1990) explains Costa Rica's divergent responses to Salvadorans and Cubans based on the relations between the receiving and respective sending countries. Aron Said and Castillo Jara (2022) and Malo (2022), for their part, explain the evolution of the Peruvian and Ecuadorian responses to the Venezuelan exodus based on foreign affairs and domestic policy. While these studies are useful to generate hypotheses, they lack a more explicit engagement with the literature on FDP determinants, and their nature as single-case studies does not allow the power of their explanations to be tested.

Against this background, Colombia and Peru exhibit unique characteristics related to the determinants of migration and FDP policy identified by previous studies conducted outside the region, such as regime type and institutional capacity. For instance, the study of Peru, characterised by hyper-presidentialism but a weak separation of powers, challenges studies positing the influence of democracy versus authoritarianism on FDP policy in a binary manner. Colombia's experience with a long-standing armed conflict and its resulting internal forced displacement crisis has profoundly influenced its ability to address the Venezuelan exodus, suggesting a new determinant that has not been identified by the existing literature (Fernández-Rodríguez & Freier, 2024).

This PhD research aims to build a more inclusive theory, contributing to overcoming the existing South-North divide in the literature of migration governance and the bias towards the Middle East and Africa in the forced displacement literature. In doing so, it reveals the shared characteristics that Colombia and Peru exhibit alongside other countries in the Global North, Global South and Latin America, and as distinct and unique cases. Furthermore, it critically examines the applicability of migration policy theory to forced displacement, establishing connections between two strands of the literature – that of migration policy and that of FDP policy – that have evolved independently and applied to different contexts.

This research has important policy implications. While a detailed efficacy analysis of FDP policies is beyond this study's scope, several key recommendations emerge from the findings to inform future policy-making. These recommendations include allocating migration policy responsibilities – operational and policy formulation – within the same state department to enhance coordination and avoiding placing them within departments in charge of internal (or external) security, in order to reduce the risks of security-dominated approaches; incorporating trained bureaucrats and non-political considerations to ensure evidence-based policy-making; engaging with international aid to bolster domestic efforts and leverage external expertise; improving coordination between state sectors and governance levels through centralised advisory boards; building on institutional legacies from other emergency responses; investing in border management and registration systems for better resource allocation and policy implementation; studying foreign experiences to

learn from other countries' responses to similar crises; addressing root causes of political considerations to align domestic concerns with evidence-based policies; establishing durable solutions by enacting FDP policies into law to ensure stability and accountability; and ensuring stability of migration bureaucracies to accumulate relevant experience. These recommendations aim to create more effective, comprehensive and humane FDP policies that respond to the complexities of forced displacement in Latin America and beyond.

To this end, this PhD research combines process-tracing and comparative analysis. It therefore draws on elite and expert interviews, public statements, official documents, and academic literature on both countries. Specifically, it analyses and compares the processes leading to the ETPV in Colombia and the Humanitarian Visa in Peru. The two policies under study are selected for three reasons: 1) they represent a clear departure from previous approaches and mark new ones that continue to influence FDP policy the present day; 2) they have significant effects on Venezuelans; 3) they constitute comparable decisions that together form an empirical puzzle of two countries facing a similar exodus but responding differently. In the case of Colombia, the study period begins in 2015, coinciding with the earlier onset of the exodus, and extends until 2021, when the ETPV was adopted. Since the study analyses the determinants behind the Humanitarian Visa, the study period for Peru spans the period from the onset of the Venezuelan exodus to the country in 2017 until the adoption of the decision 2019. In the following two sections, we illustrate the evolution of FDP policy in Colombia and Peru, justifying the selection of the two measures.

### 1.3. Key Terms

#### *Forced Displacement/Forcibly Displaced Person*

Following Müller-Funk et al. (2023), I understand forced displacement as the movement of people from their home country to another, driven by factors such as violent conflict, persecution, natural or man-made disasters, economic collapse or other effects of development projects. Venezuelan refugees and migrants are considered here as FDPs, as they are fleeing a multifaceted crisis in Venezuela. Notably, they are forced to leave as a consequence of economic collapse (marked by hyperinflation, low salaries, shortages of food and medicines), insecurity and, occasionally, political persecution from the Venezuelan regime (Freier et al., 2022).

I therefore focus on *international* forced displacement, instead of on *internal* forced displacement occurring within the borders of a country. This distinction is critical in the context of Colombia, which has historically experienced large-scale internal forced displacement as a result of its armed conflict (1960–present), with more than 8 million affected people (Internal Displacement Monitoring Centre, 2023). This is the case of Peru, too, but to a lesser extent, with over half a million internally displaced people stemming from its internal

conflict (1980–2000) (Comisión de la Verdad y Reconciliación [Truth Commission], 2003). The Venezuelan displacement constitutes the first time that both countries have to deal with the complexities of international forced displacement. Four characteristics distinguishing international from internal forced displacement are relevant for understanding state responses: a) it highly impacts two separate countries, the sending and receiving countries, and their relations; b) it affects a society which might significantly differ – at least culturally – from the receiving one, which can result in more societal opposition; c) FDPs are protected by international human rights that are considered ‘hard law’, that is, binding on states (e.g. the principle of non-refoulement<sup>11</sup>); d) it concerns the international community to a greater extent, due to potential spillovers into other countries and impact on the human rights of FDPs.

As forced displacement concerns the movement of people beyond a country’s borders, I view it as a form of international migration. However, I employ the term *forced displacement* rather than *migration* to underscore the *involuntary* nature of the phenomenon under study. Its involuntary nature implies that migrants are compelled to leave their country due to a lack of viable alternatives. This is the case among many Venezuelan migrants, whose fundamental rights were violated and are unable to sustain themselves and their relatives in their homeland (Freier et al., 2022; Gandini et al., 2019; UNHCR, 2024b), and their case highlights the increasingly blurred distinction between forced migration and economic migration (Castles, 2003b). I believe that its involuntary nature carries significant implications for policy determinants, setting it apart from the factors driving policies related to more *voluntary* forms of migration, which involve more than one option for individuals to consider. I will delve deeper into this aspect in the chapter on theoretical implications.

To avoid its legal connotation and existing controversies, I resort to *forced displacement* instead of *refugee*. Refugees are associated with the concept outlined in the Geneva Convention of 1951 and its Latin American version in the Cartagena Declaration of 1984 which extends the definition to ‘persons who have fled their country because their lives, security or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order’. The classification of Venezuelan FDPs as refugees has sparked debate. Aligned with UNHCR recommendations (Throssell, 2019), Freier et al. (2022) contend that Venezuelans should be considered as refugees. They argue that the crisis in Venezuela has caused generalised violence, massive violation of human rights and other circumstances disturbing the public order, falling within the Cartagena Declaration’s definition of refugee. However, most Latin American states, excluding Mexico and Brazil, have refrained from applying this concept, possibly due to the long-term obligations it entails. Given the blurred distinction between refugees and economic migrants, and the complexities surrounding the Venezuelan exodus,

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<sup>11</sup> This principle, enshrined in art. 33 of the Geneva Convention, prohibits states from sending an asylum applicant or a refugee to a territory where their life or freedom are threatened or where they risk persecution. It has become a *ius cogens* principle that obliges all countries and not just the signatories of the Convention.

international organisations, such as the International Organization for Migration [IOM] and the UNHCR, have opted to describe them simultaneously as *migrants* and *refugees* (R4V, 2024). Despite not using the concept of refugee, I contend that much of the literature on refugee policy determinants remains applicable to my cases. Whether formally recognised as refugees or not, those suffering forced displacement share key attributes with refugees: a) individuals flee due to humanitarian reasons, underscoring the involuntary nature of the phenomenon; b) it often involves a large-scale movement of people in situations of vulnerability, rather than individuals seeking improved living conditions.

### *FDP Responses/Policy*

I define FDP responses – my dependent variable – as the set of measures adopted by the state to address the phenomenon of forced displacement. These measures encompass actions related to FDPs' access to the state's territory, their regularisation – including FDPs' rights and obligations in the receiving country – as well as integration policies. My focus (dependent variable) is on *de jure* policies rather than on their *implementation*. The literature commonly assumes that Southern countries suffer from implementation gaps, an understanding which has served as a justification not to study such policies in these regions (Adamson & Tsourapas, 2020; Natter & Thiollet, 2022). However, in line with Blair et al. (2022a), I contend that FDP policies on the Global South are intentional and often serve to affirm the countries' agency. Furthermore, these policies have tangible effects on FDPs, regardless of the existence of implementation gaps – which also occur in Northern contexts (Czaika & De Haas, 2013). These two characteristics make the study of policy significant from a political science perspective.

### *Global South/Global North*

The classification of countries as *Southern* and *Northern* has been predominantly employed in studies on migration flows within human development research. The classification is not solely based on geographical considerations but rather on variables such as human capital, income levels and economic vulnerability (Campillo Carrete, 2013). While there is no universally accepted delineation for the countries falling into each category, for the purpose of this research, I consider Latin American countries – including Peru and Colombia – to be Southern. Recognising the potential risk of essentialising the division between these two hemispheres, this study examines this classification critically. On the one hand, it serves the purpose of identifying the existing bias and common assumptions attached to each of these contexts in the literature. On the other hand, it allows deconstruction of the established divide by challenging those assumptions and building a more inclusive theory on the determinants of forced displacement that transcend these binary categories, as Natter and Thiollet (2022) suggest. The cases of Peru and Colombia are particularly suitable for those purposes due to a combination of characteristics present in Northern and Southern contexts and specific to the Latin American context that are relevant for FDP policy. For instance, their political systems share important features with liberal democracies

(e.g. periodic elections), but present certain illiberal traits (e.g. practices of clientelism) and particularities (e.g. fragmented party systems).

### *The Nature of FDP Policy: Liberal and Restrictive*

The nature of FDP policy can be considered as liberal or restrictive, depending on its stance on migrants' freedom of movement, access to territory, public services, and rights (to work, to own property), as well as other aspects of integration. While liberal policies expand migrants' rights (including freedom of movement) and promote integration, restrictive policies limit their entry and access to rights (including freedom of movement and public services) (Blair et al., 2022b). These measures have also been conceptualised as inclusive or exclusive (Abdelaaty, 2021; Finn & Umpierrez de Reguero, 2020), as welcoming or unwelcoming (Shrider, 2018), and as open or restrictive (De Haas et al., 2018). Restrictive policies can include actions such as putting FDPs in camps, which restricts their freedom of movement; implementation of border controls, including the imposition of visas as a requirement to enter the country; and limitations on employment rights. In contrast, liberal policies may entail regularisation measures, granting access to services (such as public healthcare on a par with nationals) or investment in resources for integration, like professional training programs. Additionally, policies can be positioned along a spectrum ranging from restrictive to liberal approaches. In this framework, the liberalisation of policy designates the process of transitioning from restrictive to more liberal policies.

## **1.4. The Liberalisation of the Colombian Response**

Until 2015, Colombia was predominantly considered as a sending country, with 5 million Colombian migrants, and the United States, Spain, Venezuela and Ecuador served as their primary destinations. Emigration resulted from economic challenges and the ongoing armed conflict since 1980, with armed groups forcing many to seek asylum in neighbouring countries (Ciurlo, 2015). In contrast, Colombia was not an attractive destination for immigration until 2015, hosting around 150,000 immigrants (0.34% of the overall population), mainly from Venezuela, Italy, Spain and Germany (*Colombia - Inmigración*, n.d.). Factors included economic challenges, its armed conflict and historically restrictive immigration policies, aimed at protecting the domestic labour market, and the fact that it was remarkably underdeveloped (Aya Smitmans et al., 2010; Ciurlo, 2015). Immigrants faced bureaucratic obstacles to access visas and, before the Venezuelan exodus, the country relied on two legal decrees for immigration and refugees (Decrees 834/2013 and 2840/2013, respectively) until the compilation of all current regulations – except for those governing visas and residence, which are regulated under Resolution 6045 – into a single decree (Decree 1067/2015) (Caicedo, 2022).

The onset of the Venezuelan exodus in Colombia can be traced back to the deportations of 1,500 Colombian migrants on the Colombian-Venezuelan border dividing the cities of San Antonio de Táchira (Venezuela) and Cúcuta (Colombia). The Venezuelan regime accused them of paramilitary activities against the Venezuelan army. This decision resulted in an exodus of more than 20,000 Colombians living in Venezuela, fearing persecution. Since most of the migrants were Colombian returnees, the primary response treated the phenomenon as one of repatriation and as an emergency at the border. In August 2018, the government granted the Venezuelan partners of deported Colombians a 180-day visa, enabling them to obtain nationality (via Decree 1814/2015). Additionally, the National Civil Registry implemented an exceptional process to dispatch birth registrations for Venezuelans born to Colombians. In addition, in the Norte de Santander (the region on the Colombian-Venezuelan border), the Colombian government established a Unified Command, a coordination mechanism for emergencies headed by the Risk Management Unit.

After the 2015 incident, the number of people crossing the border from San Antonio to Cúcuta increased dramatically due to precarious living conditions in Venezuela (e.g. scarcity of work, low salaries). While keeping their residence in Venezuela, people were crossing to Cúcuta in search of basic products, access to public services (such as hospitals) and work. From August 2015 to 2016, there were, on average, 37,000 people entering Colombia from Venezuela per day and 35,000 leaving (Mojica et al., 2020). These people were crossing through irregular paths (known as *trochas*) controlled by guerrillas and other criminal groups until the official bridges ‘Simón Bolívar’ and ‘Francisco Santander’ reopened in August 2016. As a result, the state focused its response on addressing an emergency at the border. Upon the re-opening of the border, the government created the Border Mobility Card (TMF, *Tarjeta de Movilidad Fronteriza*), which allowed Venezuelans to enter Colombia without a passport and remain in its border region for seven consecutive days (Decree 1325/2016).

In response to the increasing number of Venezuelan migrants overstaying in Colombia, mirroring Peru’s example (see description of the first stay permit of Peru below), the government created the Special Permit to Remain (PEP, *Permiso Especial de Permanencia*) (via Resolution 5797/2017) in August 2017.<sup>12</sup> This initiative provided Venezuelan FDPs with a temporary two-year permit, granting them the right to stay, work and access public services. While a step towards liberalising FDP policies, the PEP had important limitations. It applied solely to Venezuelans present in the country upon its adoption. Moreover, it required legal entry with a passport through an official crossing – a requirement which many Venezuelans who did not have passport or had entered irregularly through the *trochas* could not meet. Additionally, the permit had a two-year duration and did not provide access to residency visas upon its expiration.

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<sup>12</sup> Note that Venezuelans could legally stay in Colombia for six months without a visa, by entering through a legal control and getting their passport stamped.

To tackle some of the issues resulting from those limitations, the government extended the PEP on nine occasions (seven phases of expedition and two of renewal) and, in April 2018, introduced an administrative registration system to register irregular migrants – such as those who had entered irregularly without passport. A third round of the PEP (PEP-RAMV, *Registro Administrativo de Migrantes Venezolanos*) adopted via Resolution 6370/2018 in August 2018, before the end of Juan Manuel Santos’s second mandate (2014–2018), allowed the regularisation of status for those irregular migrants registered. As a result of the shortcomings of these regulations and the continuing FDP arrivals, a considerable number of Venezuelans remained with irregular status: in June 2020, only 44% of Venezuelan migrants in Colombia were regularised (Colombia, Presidencia de la República [Presidency of the Republic], 2020).

Additionally, Venezuelans in Colombia refrained from seeking asylum, as reflected in the numbers of applications. In spite of being the first recipient of Venezuelans, Colombia only received 24,600 applications, a low number compared to that in Peru, which received 537,600 applications, the highest rate in the region (R4V, 2024). The differences are possibly explained because Colombia’s asylum process does not grant the right to work.

In parallel to these measures, Colombia implemented border control initiatives, reflecting the coexistence of restrictive and liberal approaches. The government suspended the Migratory Mobility Card between March and November 2018 (Decree 543/2018) and reinstated passports as a requirement to cross the border. In February 2018, it established the Special Migration Group in February 2018, comprised of diverse state institutions, including the police, with the aim of controlling public spaces and the appropriate usage of entry and stay permits (Barbieri et al., 2020; Caicedo, 2022). In short, the Santos administration in Colombia exhibited restrictive traits and a short-term vision, prioritising immediate solutions.

Under Iván Duque’s administration (2018–2022), Colombia’s approach shifted towards liberalisation. In 2018, he adopted the CONPES 3950,<sup>13</sup> a official policy document which determined the objective of aiding and integrating immigrants and reinforcing institutions for a coordinated response.<sup>14</sup> The document contained the flexibilisation of regularisation mechanisms for Venezuelans. This measure transformed the electoral promise of developing new regularisation mechanisms, conceived as the previous step for integration, into a formal goal that competent authorities should work towards. It therefore reflects a change in the perception of FDPs from a temporary to a long-lasting phenomenon and an emphasis on socio-economic integration of FDPs, absent from previous policies.

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<sup>13</sup> Those documents are adopted by the National Council for Economic and Social Policy, a key advisory body of the Colombian government.

<sup>14</sup> This is aligned with the National Development Plan for 2018–2022 (Pact for Colombia, Pact for Equity), which established the social and economic integration of migrants as a priority.

In February 2021, the Duque administration announced the adoption of the ETPV (via Decree 216/2021). The measure was accompanied by a welcoming speech, which contrasted with Peru's restrictive approach when adopting the Humanitarian Visa. Prior to signing the decree regulating the measure, President Duque expressed:

This is a special morning, in which we remember feelings of brotherhood and reflect on the world we live in and the one we want to build [...] We, as the Colombian people, are aware of the tragedy that has struck millions of Venezuelans [...] We cannot remain passive and stand by, nor have a short-term reaction; we must strive for excellence, knowing that we are not a wealthy country, but that does not limit us in fraternity or in recognising the pain of those who have arrived in our territory with cold in their bones, hunger, and desolation, seeking refuge. This feeling of brotherhood is not sudden; it is part of the DNA of our nation. (Colombia, Presidencia de la República [Presidency of the Republic], 2021).

The ETPV comprises a registration system (RUMV, *Registro Único para Migrantes Venezolanos*), alongside a stay permit (the PPT, *Permiso de Protección Temporal*), granting migrants the right to work, stay in the country and access public services. The new permit included important aspects that distinguished it from the previous measures, reflecting its more liberal nature. Firstly, akin to the PEP-RAMV, it offered flexible requirements, allowing Venezuelans who entered irregularly until January 2021 to access the permit. Secondly, it extended eligibility to Venezuelans arriving in Colombia after its issuance, up to May 2022. Thirdly, it granted access to permanent visas, providing a period of ten years to apply for such visas after the adoption of the measure. The ETPV came with additional measures aimed at improving the access of its holders to rights and services, including resolutions for the validation of professional certificates (via Res. 0971/2021) and for recognising the validity of the PPT to access systems of social protection (via Res. 1178/2021). These aspects suggest a forward-looking approach to forced displacement and signify a clear step towards policy liberalisation. The ETPV represented an unprecedented generous response to forced displacement globally, contrasting with the restrictive shift of other countries in contexts of high numbers. By December 2023, almost 1.9 million Venezuelans had received the PPT, 2 million its authorisation and 2.2 million were registered (Colombia, Migración [Colombia Migration], 2023b).

In August 2021, emerging from a legal project jointly presented by the government and the Congress, Colombia approved a new migration law, replacing previous decrees (Law 2136/2021), which some international and civil society organisations recognised as an important advance (*Política Integral Migratoria (PIM)*... [*Comprehensive Migration Policy (PIM)*...], 2021). The law includes coordination mechanisms for migrants' protection and procedures for obtaining nationality, visas, passports, and outlines migrants' rights and duties. The legal reform suggests that Colombia's liberal approach to forced displacement is having long-term, lasting effects.



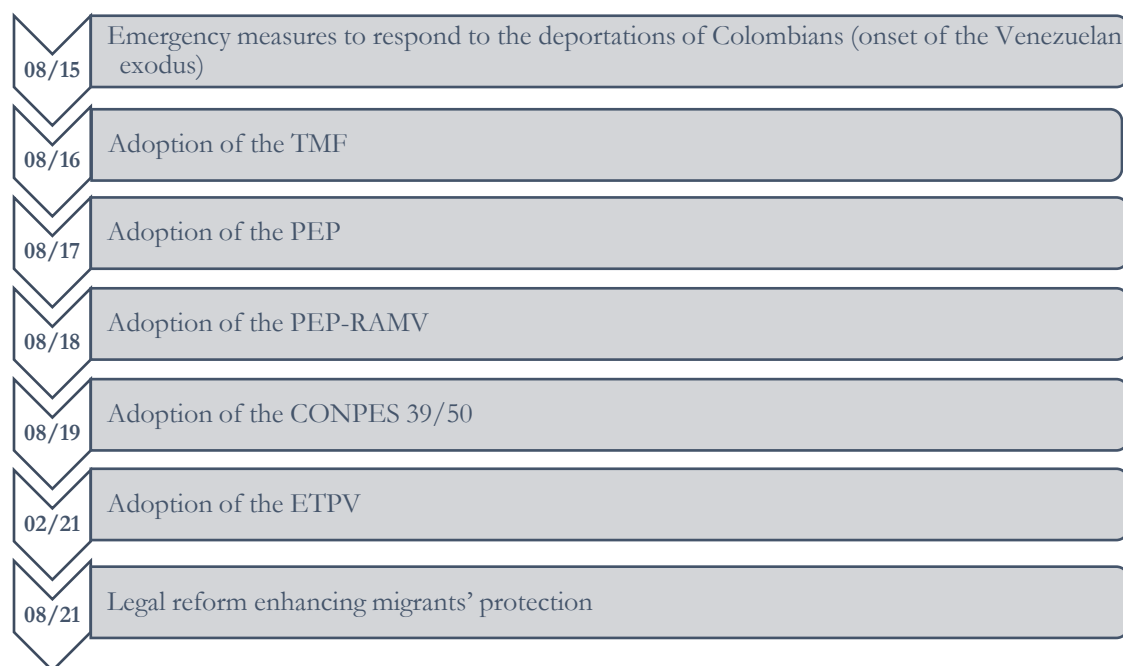
After the period studied in this research, the Gustavo Petro administration (August 2022–present) underwent a significant shift in its approach concerning Venezuelan FDPs. Rhetorically, he emphasised a phenomenon of return, although this did not align with the existing data regarding the intentions of Venezuelans to leave Colombia.<sup>15</sup> Moreover, Petro underscored his intention to *desvenezolanizar* migration – meaning to dissociate Venezuelan migration from the broader migration phenomenon – despite the fact that Venezuelans constituted 90% of the migrant population in the country (Colombia, Datos abiertos [Open Data], n.d.). The shift in the discourse concerning Venezuelan FDPs has also translated into practice. The frequency of joint operations between the police and Colombia Migration for migration control through the Special Migratory Group has risen. Several Venezuelans have been denied their PPT without justification or avenues for appeal (Restrepo, 2023). Moreover, the government recently assessed the possibility of requiring Venezuelans to have passports to enter the country (Penagos, 2024). However, President Petro did not completely reverse Duque’s approach, centred on the ETPV, as he did not revoke the decree, despite his ability to do so through another decree, and carried on with its implementation. Since the deadline to apply for the PPT passed, the government has presented a draft decree in June 2024 for a temporary stay permit for legal representatives or guardians of Venezuelan children and adolescents (Robayo, 2024).

In sum, the evolution of Colombia’s response reflects a transition from a pragmatic approach under the Santos administration, focused on managing the emergency at the border, to a more liberal approach under the Duque administration, as reflected in the adoption of the ETPV. This view underlies a long-term vision of FDPs and a subsequent focus on their integration. This shift has led to legal reforms indicating that Colombia’s approach to forced displacement is having a long-term impact. Colombia’s liberal response stands out as an exception in the context of large-scale displacement, the reasons for which will be explored further in this thesis.

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<sup>15</sup> For instance, a 2022 survey revealed that 60% of Venezuelan respondents residing in Colombia expressed their intention not to return to Venezuela, regardless of the restoration of relations between the two countries (Cifras y Coceptos, 2023).

**Figure 1: The Evolution of FDP and migration policy in Colombia**



Source: own data

## 1.5. The Evolution of the Peruvian Response: From a Liberal Approach to Restrictions

Until the Venezuelan exodus, Peru was traditionally a country sending migrants. The political turmoil during the 1980s and '90s, marked by economic instability, insecurity and the violence associated with the Shining Path guerrilla and counter-state violence (1980–2000), prompted many to leave the country (Barbieri et al., 2020). By the year 2000, 649,111 Peruvians, out of a population of 26.4 million, were living abroad, with the United States, Chile and Spain being their primary destinations (*Perú-Emigrantes totales [Total emigrants]*, n.d.). During the same period, Peru was not perceived as a welcoming country towards immigrants. It had an obsolete and restrictive migration law (Legislative Decree 703/1991), in which a vision of national security prevailed over migrants' rights, leading to frequent violations of migrants' rights (Blouin, 2021; Freier & Aron Said, 2022). In 2000, the country only hosted 56,732 immigrants, mainly from Argentina, the United States and Chile. This number increased to 154,774 immigrants in 2015 amidst economic growth, followed by the approval of a more liberal migration law (Legislative Decree 1350/2017), but the migration balance remained negative (*Perú - Emigrantes totales [Total emigrants]*, n.d.).

Despite not having a strong immigration tradition, in January 2017, with over 47,000 Venezuelan migrants (Perú, Instituto Nacional de Estadística e Informática [National Institute of Statistics and Informatics] [INEI], 2018), the government of Peru, under the mandate of Pedro Pablo Kuczynski (July 2016 – March 2018), issued the Temporary Permit to Remain (PTP, *Permiso Temporal de Permanencia*), which made Peru the first country to offer a legal form of stay to Venezuelans. This permit allowed Venezuelans to legally stay and work in Peru for two years, with the possibility of applying for permanent residence after its expiration. The PTP was relatively easy to obtain, as it did not require clean police records from Venezuela and allowed migrants to apply with an identity card – more accessible than the passport, which many of them did not have (Blouin, 2021). Brazil, Colombia and Chile followed the Peruvian example and adopted other forms of legal stay to Venezuelans, with slightly different characteristics (Selee et al., 2019). The deadlines to apply for the PTP were extended twice by two legal decrees (Supreme Decrees 023-2017-IN and 001-2018-IN). The latest decree, issued in January 2018, stated that migrants entering Peru before December 2018 could apply for the PTP until June 2019. This constituted a significant difference from previous permits and from other *ad hoc* permits adopted in the region, such as the PEP in Colombia, as it extended eligibility to migrants who were not yet in the country at the time of its issuance, reflecting a liberal approach towards Venezuelan FDP.

Although not applying the Cartagena Declaration to Venezuelans, and in spite of the PTP having some disadvantages compared to other forms of legal stay (for example, it does not grant a foreign resident's card, as the holders are not recognised as residents, limiting their access to public services), international organisations and academia welcomed the efforts of the Peruvian executive to host Venezuelans and often labelled its decisions 'open-door' policies (Selee et al., 2019).

In March 2018, Kuczynski was succeeded by his Vice-President, Martín Vizcarra, under whose presidency, and in a context of growing numbers of FDPs, Peru started to impose restrictions towards Venezuelan FDPs. In August 2018, the government required Venezuelans to have passports<sup>16</sup> and clean criminal records to enter Peru (Peru, Ministerio de Interior [Ministry of the Interior], 2018) and brought forward the deadline to apply for the PTP from June 2019 to December 2018 (Supreme Decree 007-2018-IN). However, Venezuelan FDPs without passports continued to enter Peru by applying for asylum at the Ministry of Foreign Affairs' office located at the border (Selee et al., 2019). After December 2018, Venezuelans only had the option to apply for asylum to regularise their status in Peru once their period as tourists was over. As a result of these increasing restrictions, asylum applications increased dramatically, from 33,100 in 2017 to 190,500 in 2018, the highest number of applications in Latin America (UNHCR, n.d.). Although in theory

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<sup>16</sup> The imposition of the passport requirement led to a legal conflict, initiated by a *habeas corpus* petition from the National Coordinator of Human Rights. Initially, this resulted in the partial suspension of the requirement; however, subsequent to a successful appeal by the Ministry of the Interior and the Superintendency of Migration, the passport requirement was reinstated in January 2019.

asylum applicants were allowed to work in Peru, in practice employers did not accept the permit as a valid document (Blouin, 2021).

In May 2019, the Ministry of Foreign Affairs issued an order to the Ministry of the Interior to impose the so-called Humanitarian Visa on Venezuelans as a requirement to enter Peru (OF.RE (MIN) 2-10/9) and, on 7 June, announced the decision through an official press release (Perú, Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs], 2019). The Humanitarian Visa provides access to the Humanitarian Category provided by art. 59 of the Migration Law once a person is in Peru, which allows holders to work in the country and access public services. However, the visa functioned more as a barrier to limit entries than the protection mechanism that was foreseen in the Migration Law. According to the resolution adopted by the Superintendency implementing the measure (Res. 0177-2019-Migration), from 15 June onwards, Venezuelans who wanted to migrate to Peru needed to have a visa, which they could only apply for in the Peruvian Consulates in Venezuela or, in exceptional cases, in Ecuador and Colombia; only pregnant women, old people and unaccompanied children were exempted from the requirement. As Freier and Luzes (2021) contend, these exemptions indicate the restrictive nature of the visa.

Apart from the exemptions, the visa has several implications that reflect its restrictive nature. First, it functions as an entry requirement which does not apply to nationals of any other Latin American country and prevents Venezuelans from applying for the Humanitarian Category in Peru, deviating from its intended nature as outlined in the Migration Law (Blouin, 2021; Briceño et al., 2020; Freier & Luzes, 2021). Second, the requirement of a passport, which is very difficult to obtain in Venezuela (due to its monetary and bureaucratic costs), and the difficulties in getting an appointment in the Peruvian Consulates<sup>17</sup> to apply for the visa prevented many Venezuelans from accessing it (Blouin, 2021; Freier & Luzes, 2021). Last but not least, the decision was explicitly framed as a restriction: when President Vizcarra announced the imposition of the Humanitarian Visa at Lima airport, he identified the security of the Peruvians as its main goal and it was announced in the context of immigrant deportations (Blouin, 2021). Moreover, the resolution implementing the measure explicitly states the aim to “prevent or address any threat that endangers national security, public order, or internal order” (Res. 0177-2019-Migration). Freier and Luzes (2021) explain the distortion of the Humanitarian Visa in the case of Peru, as follows:

[The Humanitarian Visa] is used as a euphemism to implement restrictive policies [which] instead of supporting the protection of vulnerable migrants in need of international protection, gravitate towards militarization, securitization, and the internationalization of border control and migration management. (p. 288–289)

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<sup>17</sup> According to Freier and Luzes (2021), a passport costs more than 200 euros, when the monthly salary of Venezuelans on average ranges from 5 to 20 euros per month and they face month-long waiting times in the Consulates of Venezuela, Colombia and Ecuador. They can access passports on the black market, which cost them 800 euros.

Further measures adopted in the subsequent months consolidated the restrictive approach towards Venezuelan forced displacement in Peru. In January 2020, the government created a Special Brigade against Foreign Criminality, further stressing the nexus between migration and crime (Perú, Ministerio de Interior [Ministry of the Interior], 2020). During the COVID-19 pandemic, aligned with other countries within the region, the government closed its frontiers and deployed the military to its land borders with Ecuador in April 2020 and in January 2021 to prevent migration through irregular pathways (Castilla et al., 2023). Furthermore, it stopped granting the Humanitarian Visa, leaving the Humanitarian Category for asylum applicants (via Resolution 207/2021).

Despite these restrictions, Venezuelans continued to migrate to Peru in the subsequent years. The numbers kept rising due to the deteriorating situation in Venezuela and people's desire to reunite with their relatives (R4V, 2024). The adoption of the Humanitarian Visa heightened irregularities, as only a few migrants could access it (Blouin, 2021), and strained further the overwhelmed asylum system – the only regularisation mechanism available until October 2020 (Briceño et al., 2020; Freier & Luzes, 2021). Despite the implementation of a subsequent regularisation process (Supreme Decree 10/2020) for Venezuelan FDPs already in the country – initially designed for a one-year duration and offering access to resident categories – it did not significantly reduce irregularity. Only 150,666 Venezuelans accessed the permit,<sup>18</sup> leaving more than half of the 1.5 million Venezuelans in Peru with an irregular status ('Most Foreigners in Peru...' 2023). Moreover, the prolonged closure of the land borders for two years, until February 2022, resulted in the emergence of multiple irregular pathways, heightening insecurity at the border (Castilla et al., 2023).

In the most recent years, after the period studied, the restrictive approach towards Venezuelan FDPs persisted. In April 2023, the Dina Boluarte administration (2022–present) militarised land borders in response to migrants returning from Chile to Peru. In this context, the President drew clear-cut connections between those migrants and crime, while announcing the government's intention of reforming its migration law:

Those who commit daily assaults, robberies and other criminal acts are foreigners. This is why we have to reformulate our migration law [...] there were 800,000 Venezuelans and some other Haitians entering the country who are the ones committing those acts. This is why we should unequivocally discuss migration with human insecurity. (Gómez, 2023).

This approach led to a legal reform in November 2023 (via Legislative Decree 1582/2023), enabling the swifter deportation of irregular migrants within twenty-four-hour deadlines. International NGOs, including Amnesty International, raised concerns about the potential effects of this reform on the rights of migrants and refugees, particularly regarding due process and non-refoulement principles (Amnesty International, 2023). In

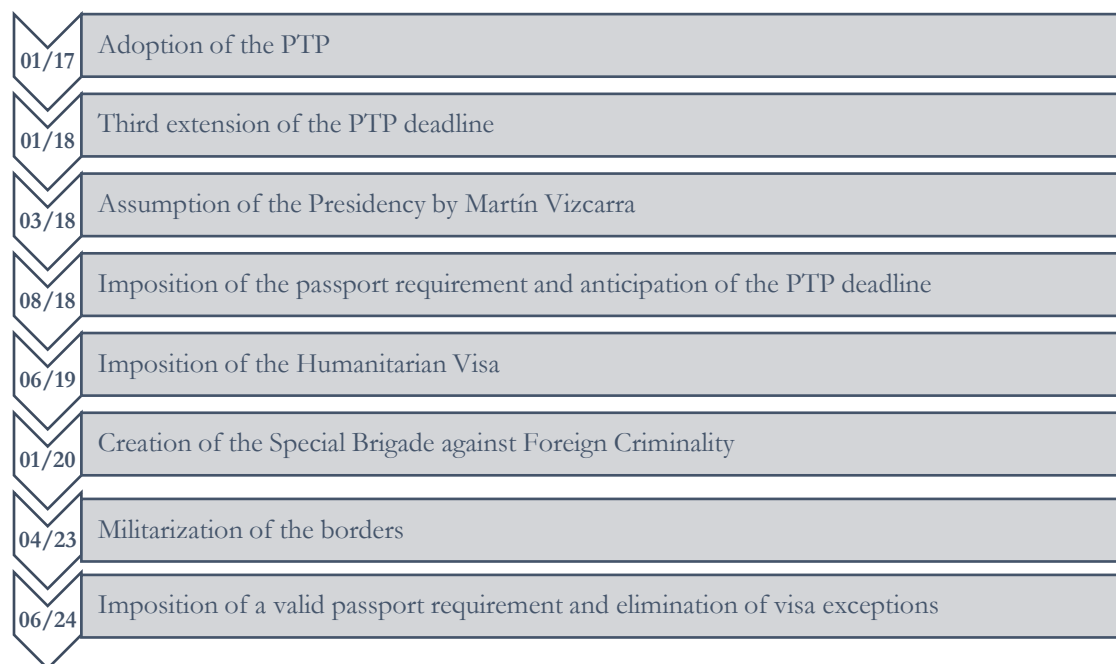
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<sup>18</sup> Given the minimal 5% of CPP holders who applied for a resident category upon the CPP's expiration, the government decided to extend it for two years (via Supreme Decree 008/2022).

June 2024, the government decided to revoke the resolution implementing the humanitarian visa in 2019 (via Res. 0121-2024-Migration) to further restrict the entries. The new requirements mandate a passport valid for at least six months – a change from the previous resolution which also accepted expired passports – and eliminate exceptions for vulnerable groups, reflecting a much more restrictive turn.

In sum, the introduction of the Humanitarian Visa in June 2019, followed by several restrictive measures, represented a shift in Peru's policy approach towards Venezuelan FDPs. The measure had important implications for Venezuelans, as it reduced significantly their opportunities to regularise their status in the country, thereby impacting their access to rights and socio-economic integration. Increasing restrictions, coupled with a discourse establishing a clear nexus between migration and crime, solidified over the years under various presidencies, resulting in a reform of its legal framework for migration that extends beyond the scope of Venezuelan forced displacement and may have enduring implications.

**Figure 2: The Evolution of FDP and migration policy in Peru**



Source: own data

The following table summarises the main features of the permits adopted in Peru and Colombia during the period under study:

Table 1: The features of stay permits for Venezuelans FDP in Colombia and Peru

	Permit	Nature	Time in force	Duration	Coverage	Site of application	Relevant requirements
PERU	Temporary Stay Permit (PTP)	<i>liberal</i>	January 2017– December 2018	1 year + Access to residency visa	Irregular FDPs Future FDPs	Host country	Cost 42 soles Clean criminal record from Peru
	Humanitarian Visa (entry requirement)	<i>restrictive</i>	June 2019– March 2020	Until the situation of vulnerability ends	Future FDPs	Sending country (exceptionally third countries)	Passport Clean criminal record from Venezuela
COLOMBIA	Permanent Stay Permit (PEP)	<i>liberal</i>	February 2017– 2021	2 years	Irregular FDPs	Host country	Stamped passport (exceptionally PEP- RAMV) Clean criminal record from Colombia
	Temporary Protection Permit (PPT)	<i>liberal</i>	June 2021– 2031	9–10 years + Access to residency visa	Irregular FDPs Future FDPs	Host country	Clean criminal record from Colombia

Source: own data

## 1.6. Argument and Structure

The thesis contends that divergent responses of Colombia and Peru can be directly attributed to variations in their policy-making processes. These variations include: a) the authorities who participate in the process, whether politicians and/or bureaucrats or type of politicians; b) the type of political considerations at play, whether domestic policy or foreign affairs; and c) the inclusion or exclusion of cost-benefit analysis (non-political considerations).

Firstly, Colombia's adoption of the ETPV – with a liberal nature – resulted from a policy-making which, besides politicians also incorporated bureaucrats, who conducted a comprehensive cost-benefit assessment of the potential effects of FDP policies to understand their benefits for the country (non-political

considerations). In contrast, Peru's adoption of the Humanitarian Visa – with a restrictive nature – exclusively involved politicians (the President, the Minister of Foreign Affairs and the Minister of the Interior) and lacked a comprehensive cost-benefit assessment of the effects of potential FDP policies, showing a strictly political standpoint.

Secondly, whereas in Colombia political considerations predominantly focused on foreign affairs, those in Peru were influenced by domestic policy agendas. Consistent with the existing literature, this research shows that while domestic considerations contribute to restrictive measures towards FDPs, foreign affairs considerations, in the context of unfriendly relations with the sending country, contribute to liberal ones and partly account for the success of bureaucracies aligned with such policies in Colombia.

Furthermore, this thesis emphasises the importance of political and institutional contexts in which policy-making processes are embedded. For that purpose, it delves deeper into two aspects: firstly, it examines the rationale behind the type of political considerations – of domestic or foreign affairs – playing a role in the policy-making processes; secondly, it investigates the reasons behind the diverging nature of policy-making processes as twofold – both bureaucratic and political – in Colombia, or as exclusively political in Peru.

First, it argues that the role of foreign affairs considerations in Colombia is shaped by the salience of its relations with Venezuela, marked by historical ties and security concerns, as well as by the executive's damaged international reputation driven by its stance on the internal armed conflict. In contrast, domestic considerations are more prominent in Peru due to the vulnerability of its executive amidst a political crisis marked by a confrontation between the parliament and the executive (which, in turn, is influenced by the characteristics of its regime). The analysis presented here contributes to a deeper understanding of certain conditions highlighted as determinants of FDP policy in the literature, including regime vulnerability, international reputation and salience of the sending country in the receiving state's agenda.

Second, this study contends that the divergent nature of the policy-making processes is driven by the role of established capacities (or their absence), derived from institutional legacies originating from past emergency situations. In Colombia, such capacities have contributed to form a robust bureaucracy and allowed for the conduct of an informed cost-benefit analysis guiding the policy-making process, resulting in the ETPV. They result from institutional legacies mainly established during its protracted armed conflict (from 1960 to the present) and the subsequent internal forced displacement crisis. In particular, Colombia leverages the following capacities shaping its policy-making process: obtaining and managing international aid; effective coordination among national, international and local authorities; comprehensive population registration; analysis of foreign experiences and knowledge of its borders. In contrast, Peru, in the absence of such a large-scale armed conflict and within a context of political instability, exhibits weaker institutions. This study thus reveals a determinant of policy-making process which has not been examined by the existing literature.



My research shows that social contexts, including negative societal perceptions regarding forced displacement, do not significantly explain the different policies between the two countries. Similarly, ethnic kinship between the sending and receiving societies do not appear to be a determinant factor. While certain aspects regarding the ideology of the government or the nature of the relations with the sending country do play a role, their impact is nuanced and only influential under specific conditions.

This thesis is structured as follows. Chapter 2 conducts a literature review on the determinants shaping the nature of FDP policy. Specifically, it explores institutionalist and actor-driven explanations focused on domestic and foreign affairs interests and the factors contributing to shaping a shift from one type of concerns to the other. In addition, it discusses the potential application of these explanations to the specific cases under study and identifies those serving as control variables. After describing the methodology of the study in Chapter 3, Chapter 4 describes policy-making processes leading to the Humanitarian Visa and the ETPV. In doing so, it shows the different nature of the policy-making processes along with the array of considerations at play, reflecting on the interplay between some of the determinants suggested by the existing literature. Chapter 5 examines the factors related to the political context influencing the different types of considerations at play in policy-making by comparing the two cases across three variables: the salience of the relations with Venezuela in the political agendas, executives' international reputation and domestic strength. Chapter 6 elucidates the role of established capacities (or the absence thereof) in shaping the nature of policy-making and traces their origins to previous emergency crises. In particular, it identifies the obtaining and management of international aid, effective coordination among national, international and local authorities, comprehensive population registration, analysis of foreign experiences and knowledge of its border regions. Finally, Chapter 7 outlines the theoretical implications of the thesis for the literature on determinants and migration bureaucracies, and Chapter 8 concludes the thesis by summarising the argument and key contributions, describing the current policy scenario in Colombia and Peru and discussing its limitations and providing policy recommendations and avenues for future research.

# CHAPTER 2. : LITERATURE REVIEW ON THE DETERMINANTS OF FORCED DISPLACEMENT POLICY

## 2.1. Introduction

Rooted in the principle of sovereignty, migration governance has reflected states' deliberative actions. Such a principle traces its origins to the Westphalian Treaties of 1648 and underscores states' authority to control their territory and population. The nature of migration policies – liberal or restrictive – has been fundamentally shaped by the interests of states. Nevertheless, the once-absolute nature of state sovereignty has diminished, given the growing impact of external forces, such as liberal international regulations, economic markets, or globalisation, increasingly constraining their actions. Within this dynamic interplay of interests and constraints, the formulation of migration policy reflects complex interactions on both national and global scales.

The literature has made increasing efforts to understand such complexity, reflecting the dynamics of global migration. From a neo-institutionalist perspective, Hollifield (1992) initiates a tradition of explaining migration governance, with a primary focus on migrant-receiving countries in the Global North. In particular, he advances the 'liberal paradox' as a way of explaining the open nature of migration policies within liberal democracies. The author argues that liberal norms, as well as economic forces (i.e. markets), which encourage trade and the free flows of goods and labour force, drive towards greater openness, while political forces (i.e. public preferences) push towards restrictions. Consequently, states often maintain a restrictive discourse towards migration, while letting a considerable number of migrants enter and stay in their territories. In subsequent studies, Soysal (1994) and Joppke (1998) identify norms from the liberal order, such as individual rights and the principle of non-discrimination, as significant drivers behind increasingly liberal migration policies. Taking a political economic approach, Freeman (1995) argues that migration policies, largely excluded from electoral politics, respond to the vested interests of groups benefiting from liberal policies, e.g. large business companies seeking cost-informed labour. According to the author, these influential groups wield greater capacity to organise and shape policies compared to those bearing the cost of restrictions (e.g. low-skilled workers).

More recently, scholars point to a growing tendency in liberal democracies towards security-based policies and restrictions, which they attribute to – predominantly constructed – security concerns (Boswell, 2007; Huysmans, 2000; Ibrahim, 2005). Contributing to a more nuanced perspective, De Haas et al. (2018)

show, nevertheless, that the observed trend of increasing restrictions only refers to entry and exit policies, but not to the ones concerning migrants' integration, which, in contrast, have become more liberal over time.

These studies suggest the existence of two types of determinants of migration policy. On the one hand, actor-centric explanations focus on the interests of diverse actors shaping policy-making, encompassing executives, interest groups, political parties, international organisations and public opinion (Freeman, 1995; Huysmans, 2000; Ibrahim, 2005). On the other hand, institutionalist explanations focus on the role of norms, institutional culture and ideas in shaping migration policy (Joppke, 1998; Sassen, 1996; Soysal, 1994). Most of the studies incorporate a blend of both perspectives. For instance, neo-institutionalist studies such as those conducted by Hollifield (1992), Joppke (1998) and Soysal (1994) refer to international norms as the determinants of liberal migration policy, while examining the role of specific actors in migration policy-making, including interest groups, the judiciary and international organisations, respectively.

Recent scholarship has examined the application of these theories to the Global South, specifically to the Middle East and Latin America. Notably, Natter (2018) shows that authoritarian regimes often adopt more liberal policies than liberal democracies due to a diminished accountability to the public, giving rise to what is termed the 'illiberal paradox' in reference to Hollifield's liberal paradox. In the Latin American context, Acosta & Freier (2015) describe a trend toward liberalisation of migration policy; contrary to Northern countries, this approach is particularly prominent in discourses, shaping a 'liberal paradox'. Altogether, these studies challenge the Northern bias of the literature and highlight the specificities associated with regional ideologies or regime type influencing migration policy, which allow the construction of a more inclusive migration policy theory. However, despite these advances, theory-informed and explanatory studies on migration policy within Southern contexts remain relatively scarce (Adamson & Tsourapas, 2020; Natter, 2018; Natter & Thiollet, 2022).

The aforementioned studies focus mainly on immigration policy rather than on forced displacement, or they address refugee policies within the context of broader immigration policies (Acosta & Freier, 2015; Hollifield, 1992; Müller-Funk et al., 2023; Natter, 2018). While some of the actor-centric explanations and institutional drivers of migration policy apply to FDP policy, the latter has distinct characteristics that alter the determinants influencing responses (see Introduction). In contexts of forced displacement, legal obligations, impact on the host country and society, public perceptions, institutional capacities and states' interests differ from those associated with voluntary migration. These specificities have given rise to a strand of the literature relatively independent from immigration policy (Adamson & Tsourapas, 2020).

Initially also centred on the Global North (Castles, 2003a; Zolberg et al., 1989), the literature on FDP policies shifted relatively early – when compared to studies about migration policies – towards Southern countries (Adamson & Tsourapas, 2020; Basok, 1990; Jacobsen, 1996; Milner, 2009). This is explained by the fact that Southern countries receive the vast majority of FDPs (UNHCR, n.d.). Existing studies have shown

how some determinants are relevant across diverse contexts (e.g. the nature of the relations between the receiving and sending country), deconstructing a somewhat artificial South-North divide, while others remain tied to the characteristics of receiving countries (e.g. donors' influence).

In the present chapter, I aim to conduct a comprehensive review of the literature on migration and FDP policy determinants. It will include theoretical accounts grounded on both Southern and Northern cases. For this purpose, this chapter is structured in six more sections: sections 2 and 3 describe actor-driven explanations by focusing on foreign and domestic interests respectively; section 4 examines the determinants shaping a shift from one type of interests to the other, including factors related and unrelated to forced displacement; section 5 incorporates institutionalist accounts; blending actor-centred and institutionalist accounts, section 6 discusses the potential role of bureaucracies and their considerations in FDP policy, specifically referring to Latin American bureaucracies. Each section provides illustrative examples, a detailed review of existing studies within the Latin American region and a discussion on how the determinants could apply to the cases under study. Finally, section 7 summarises the determinants that serve as control variables and those that will be further tested and developed in the rest of the dissertation.

## 2.2. Foreign Policy Interests

Forced displacement involves individuals fleeing from one country to another, making it inherently a subject of international relations. Responses to this phenomenon constitute ways of recognising (or denying) that the sending state fails to provide adequate living conditions for its people, with the subsequent effects for its reputation. At the same time, they can encourage or discourage migration, which affects the stability of the sending country. Moreover, FDP policies can affect migration flows to third countries and garner the attention of international organisations dedicated to refugee and migration matters. Finally, FDPs are subjected to higher protection standards than voluntary migrants, as they are safeguarded by the principle of non-refoulement,<sup>19</sup> making them a greater concern for the international community. Moorthy & Brathwaite (2019) describe the transnational nature of the migration phenomenon and FDP policy as follows:

Considering that refugees are citizens of one country seeking access to transit or resettle (temporarily or permanently) in another country, a state's refugee policies are inherently transnational with the potential to impact states other than the refugee origin or host countries. This is not only because refugee transit deals with transnational issues associated with crossing national boundaries, but also because the status and treatment of

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<sup>19</sup> See *forced displacement* on key terms above (section 3 of the Introduction).

refugees commonly involve interaction with international institutions or the acceptance of international agreements. (p. 133)

Similarly, Jacobsen (1996) further stresses the transnational nature of forced displacement, aligning with the perspective presented by Moorthy & Brathwaite (2019):

Few other issues are as transnational in their subject matter as refugee policies. Refugees are manifestations of the problems of another country which suddenly becomes the problems of one's own. The extralegal crossing of people from one country to another usually affects international relations between those governments, thereby drawing the attention of other governments with interest of the region. International organisations also become involved, both with the refugees and in relations between the concerned governments. (p. 662)

Due to the transnational nature of forced displacement, policies addressing such issues can be influenced by foreign policy interests. Such interests may be categorised into two distinct types: the first involves the relations between the sending and receiving countries, while the second pertains to interactions between the receiving country with the broader international community, encompassing third states, donors and international organisations.

#### *Relations between the Sending and Receiving Countries*

The role of the relations between sending and receiving countries has been one of the most studied determinants by the existing literature (Abdelaaty, 2021; Altıok & Tosun, 2020; Aras & Mencütek, 2015; Aron Said & Castillo Jara, 2022; Basok, 1990; Cucu & Panon, 2023; Freier & Parent, 2019; Jacobsen, 1996; Malo, 2022; Mitchell, 1989; Moorthy & Brathwaite, 2019; Müller-Funk et al., 2020; Natter, 2018; Salehyan & Rosenblum, 2008; Teitelbaum, 1984; Zolberg et al., 1989). The first studies revealing this connection showed the US's inclination to host FDPs coming from communist countries, including Vietnam, Cuba and the Soviet Union, in the context of the Cold War (Mitchell, 1989; Teitelbaum, 1984; Zolberg et al., 1989). Teitelbaum (1984) highlights the definition of a refugee under American law from 1952 to 1980 as individuals fleeing communist-dominated countries or the Middle East, reflecting the US's Cold War-era foreign policy perspective on refugee issues. Aligned with this, Zolberg et al (1989) explain the US's predisposition to host Cubans as follows:

The United States had an established admission policy that gave preference to 'defectors' from Communist countries. US policy for this initial period [...] was consistent with the established practice for Eastern European exiles and their perceived role in the global struggle against Communism [...] In the Cuban case, US government refugee policy was deeply conditioned by the more general objectives of its Cuban policy [...] They became 'symbols around which to engage in building legitimacy to justify foreign actions'; 'they constituted fertile ground to recruit for the CIA's clandestine armies; and they offered means for encouraging "resistance to Communism

in Cuba” as well as for damaging the island’s economy’. It is clear that for many years, Washington created a refugee-warrior community using the Cubans as policy objects. (p. 188–189)

Zolberg et al (1989) further juxtapose the US’s decisions to accept Cubans as refugees – coming from an unfriendly, communist country – while rejecting Haitians – coming from a non-communist, authoritarian country – as a strategy to destabilise Cuba and reverse its socialist revolution. They identify this phenomenon as the ‘Haitian-Cuban’ syndrome. The study suggests that friendly relations between sending and host countries contribute to restrictive policies towards FDPs, whereas unfriendly relations result in liberal responses.<sup>20</sup> The nexus between foreign and asylum policy has been empirically tested in both single case studies and cross-case comparisons in diverse contexts, including Europe (Cucu & Panon, 2023; Moorthy & Brathwaite, 2019), Latin America (Aron Said & Castillo Jara, 2022; Basok, 1990; Malo, 2022) and the Middle East (Abdelaaty, 2021; Altıok & Tosun, 2020; Aras & Mencütek, 2015). For instance, Cucu & Panon (2023) reveal European states’ propensity to admit more refugees during periods of deteriorating diplomatic relations with the country of origin.

Thus, this literature suggests that ideology plays a prominent role in the nature of FDP policy. Notably, Jackson & Atkinson (2019) contend that ideological rivalry holds a more prominent role in shaping liberal responses compared to other forms of rivalry, such as spatial conflicts rooted in territorial disputes or struggles over prestige within the international community. The authors argue that FDP policies serve as means to enhance moral reputation against the sending state, with symbolic elements playing a prominent role.

Abdelaaty (2021) advances existing theory by formulating the possible foreign policy goals lying behind selective approaches towards FDPs from different origins. First, FDP policies might weaken or preserve the sending country’s stability: whereas liberal policy encourages people to leave, restrictive ones dissuade them.<sup>21</sup> Second, FDP policies might contribute to undermining the reputation of the sending state, insofar as the recognition of migrants as FDPs through liberal policies implies that the sending state does not respect human rights or is unable to provide adequate life conditions to its people. Third, they might enhance or prevent opposition towards the sending country by allowing migrants to speak out against the regime, to finance the opposition or to engage in cross-border guerrilla activity, a reason already identified by Teitelbaum (1984).

Most of these studies usually refer to the recognition of refugee status, which involves the receiving state acknowledging that FDPs are fleeing political persecution. However, granting FDPs a temporary status

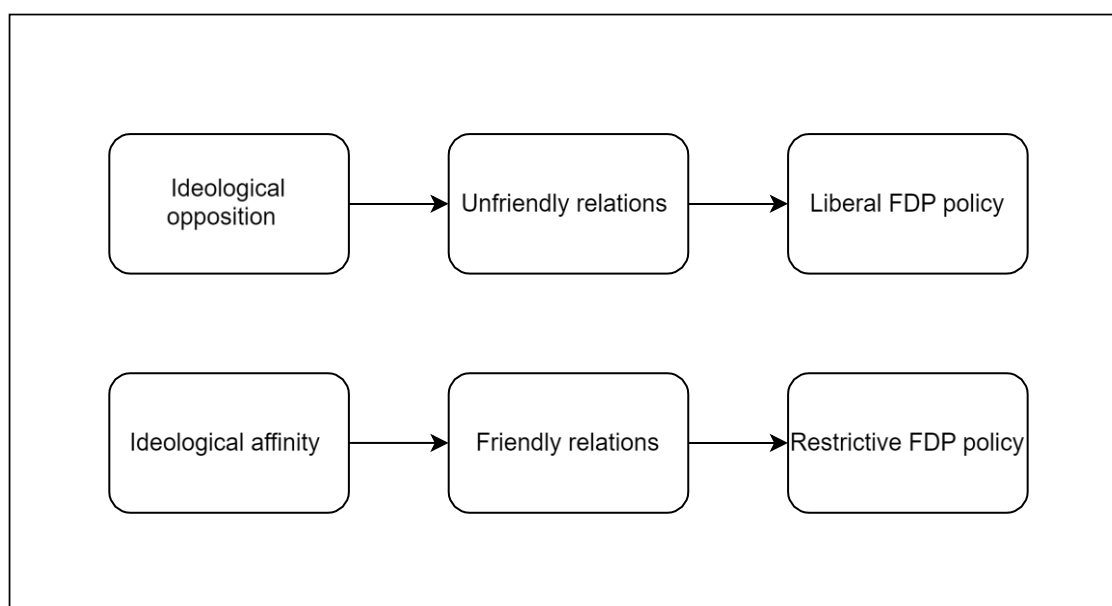
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<sup>20</sup> Somewhat differently, Jacobsen (1996) argues that unfriendly relations can lead to rejection if the host government identifies FDPs with the sending state. However, recent evidence shows little support for that hypothesis (see, for instance, Abdelaaty’s (2021) cross-national comparison).

<sup>21</sup> This argument could be contested as it refers to forced displacement scenarios, where people do not have the option of staying in the country. However, it may still be the case that potentially receiving countries do not acknowledge the forced displacement nature of the phenomenon and use policies for the purpose of encouraging people to leave from their country, weakening the state of origin.

on humanitarian grounds also suggests that the sending state is unable to protect its constituents, contributing thereby to its embarrassment. Notably, Secen (2021) and Mencütek (2019) illustrate this phenomenon by attributing Turkey's open-doors policy to the confrontational dynamics between the Turkish government and the Bashar Al-Assad regime, positioning it as a humanitarian effort to assist 'Syrian brothers' from the repression of the regime. It is noteworthy that Turkey has a geographical limitation to the application of the 1951 Geneva Convention concerning the Refugee Status and its 1967 Protocol, which specifies that the Convention is only applicable to individuals seeking asylum from European countries. As a consequence, it does not grant refugee status to Syrian FDPs.

**Figure 3: Summary of the theory on the impact of the relations between sending and receiving countries on FDP policy**



Source: own literature review

In Latin America, the literature has also found evidence for this hypothesis. Basok (1990) explains Costa Rica's decision to host Nicaraguans, while rejecting Salvadorians as a form of counteracting the left-wing Sandinista revolution in Nicaragua.

In the context of the Venezuelan exodus, several studies affirm the relevance of such determinants (Acosta et al., 2019, 2019; Aron Said & Castillo Jara, 2022; Barbieri et al., 2020; Drewski & Gerhards, 2024; Freier & Parent, 2019; Malo, 2022; Selee et al., 2019; Williams, 2023). Aron Said and Castillo Jara (2022) attribute Peru's initial welcoming stances to Venezuelan FDPs to Kuczynski's confrontational approach towards Maduro's regime, whereas Malo (2022) links a shift from restriction to relative openness to the evolution of bilateral relations with Venezuela. This shift progressed from a friendly relationship during the mandate of Correa (2007–2017), who embraced twenty-first-century socialism, to an unfriendly one under the leadership

of Moreno (2017–2021), who distanced himself from such an ideology as reflected in the abandonment of the Alianza Bolivariana para los Pueblos de Nuestra América [Bolivarian Alliance for the Peoples of Our America][ALBA] trade organisation. Drewski and Gerhards (2024) describe how the Chilean right-wing government of Sebastián Piñera used the ‘Visa of Democratic Responsibility’<sup>22</sup> to host Venezuelans, portraying itself as a regional model and an anti-socialist example. Barbieri et al (2020) attribute Colombia’s increasingly liberal policies to its executive’s transition from a ‘soft [foreign] policy’ to a ‘hard policy’ stance towards Venezuela. Lastly, Williams (2023) posits that both Duque’s and Petro’s approach towards Venezuelan FDP – liberal and restrictive – were shaped by their respective stances towards Venezuela. Whereas the former sought to confront Maduro, the later hoped to restore relations with the neighbouring country. All this work emphasises the role of the executive’s ideology in shaping binational relations, which, in turn, influence the nature of the responses. However, most of the studies fall short in engaging with the literature on the determinants of FDP policy in other contexts, thus limiting their contributions to existing theories beyond the specific cases examined (Fernández-Rodríguez & Freier, 2024).

As determined by previous research, foreign relations with the sending country might have played an important role in shaping Colombia’s and Peru’s welcoming approaches. However, these relations cannot explain, alone, the divergent responses between the two countries, as both the governments under which the Humanitarian Visa and the ETPV were adopted were critical of the Venezuelan regime. Following the theory’s logic, this opposition would lead to openness in both cases, but it did not in Peru. A less deterministic interpretation of the theory could, nevertheless, contribute to explaining the differences. Such an interpretation would consider the relative importance of these relations in the foreign policy agendas and understand them in a continuum running from ‘friendly’ or ‘unfriendly’, rather than in a binary way. This might, at the same time, help explain why other considerations (e.g. domestic concerns) may matter more for one response than for the other. Moreover, this variable should not be regarded as single explanation, but rather as one facilitator interacting with others.

#### *Relations between the Receiving State and the International Community*

In addition to the relations between the receiving and sending countries, other literature shows how FDP policy is significantly influenced by interactions with various stakeholders within the international community (Blair et al., 2022a; Jacobsen, 1996; Mencütek, 2019; Milner, 2009; Soysal, 1994; Whitaker, 2020). These stakeholders include other states, international organisations, and donor entities in the context of the liberal normative regime. In some of these studies, states are portrayed as either passively influenced by these

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<sup>22</sup> Note that this visa in reality constituted a way of restricting the arrival of Venezuelans, who had not needed to apply for a visa to enter the country before (Acosta et al., 2019).



actors (see Figure 4), while, in others, they are depicted as strategically resorting to FDP policies to enhance their reputation or obtain gains from them (see Table 2).

One of the first studies acknowledging the impact of these interactions is Soysal (1994). The author argues that international organisations play a crucial role in disseminating a global culture underpinned by norms that advocate the rights of individuals, including migrants and refugees. According to this work, states actively participating in these organisations and embracing diffusion practices – usually liberal democracies – are more likely to adopt liberal FDP policies.

In contrast to this study, a more recent trend of the literature suggests that authoritarian states, commonly found in the Global South, also adopt liberal FDP policies as a way of enhancing their international reputation. This strategic move serves as a means to deflect attention from ongoing human rights abuses while demonstrating a symbolic commitment to liberal international norms (Blair et al., 2022a; Drewski & Gerhards, 2024; Müller-Funk et al., 2020; Natter, 2018; Whitaker, 2020). Drewski and Gerhards (2024) show how Uganda used its open refugee policy not only to gain international acknowledgement but also to counterbalance international criticism directed at its authoritarian regime. Müller-Funk et al. (2020) describe how the Libyan regime pursued an open-door policy towards migrants to enhance its international status vis-à-vis the key players of the Libyan sanctions regime: the US and European countries, notably Italy. They also identify Uganda and Jordan as examples of states seeking recognition by implementing liberal policies, with Uganda allocating agricultural land to FDPs and Jordan integrating FDPs in the job market. Furthermore, Natter (2018) illustrates how the adoption of anti-human trafficking laws in Morocco and Tunisia signals adherence to the liberal order.

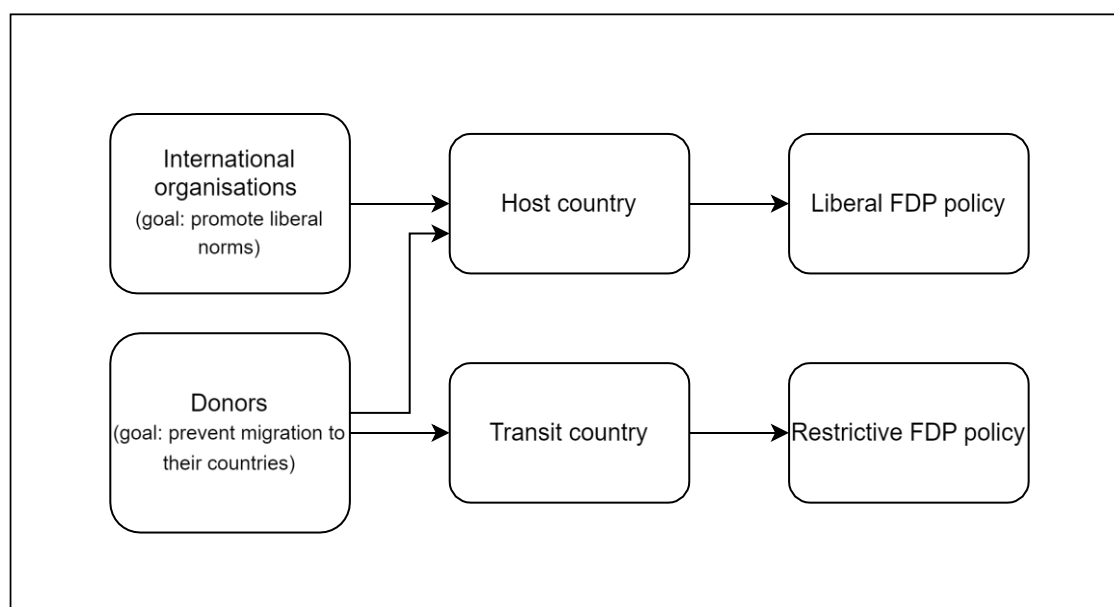
The adoption of liberal migration policies by Southern countries is often motivated by a desire to highlight their generosity, while exposing the more restrictive policies towards their emigrants in Northern countries (Acosta & Freier, 2015; Brumat & Freier, 2021; Hammoud-Gallego & Freier, 2023; Milner, 2009; Natter, 2018). Notably, Natter (2018) shows how Morocco's liberal immigration policies constitute a strategic component of its emigration policy, seeking to demonstrate to European countries the feasibility of a better treatment of immigrants. In the Latin American context, Acosta and Freier (2015), Hammoud-Gallego and Freier (2023) and Brumat and Freier (2021) associate the trend towards liberalisation of migration policies and discourses, particularly by left-wing governments, with their intention of challenging restrictive European and US policies towards their emigrants.

Somewhat differently, the literature shows how Southern states can use FDP policy as a tool to showcase their geopolitical influence. Aras and Mencütek (2015) and Tolay (2016) emphasise Turkey's geostrategic interest in asserting its power in the Middle East and positioning itself as a regional leader amidst complex crises as the motivations behind its initial open-doors approach towards Syrian FDPs. Similarly, Natter (2018) explains Morocco's liberalisation of migration policies as a strategic move to cultivate a Moroccan

geopolitical culture more directed towards Africa, coinciding with trade agreements and efforts to rejoin the African Union.

The international community also shapes FDP policies by providing financial support to receiving countries (Greenhill, 2016; Jacobsen, 1996; Mencütek, 2019; Milner, 2019; Whitaker, 2020). Donors often promote the adoption of liberal policies in Southern countries as a way of encouraging FDPs to stay there and prevent them from migrating to their territories. However, they also promote restrictions of migrants' entries in transit countries as a way of preventing arrivals to their territories, as Natter (2018) shows for the case of Europe with Sub-Saharan migrants in Morocco. This literature suggests that Southern countries, especially those reliant on international aid, find themselves vulnerable to the influence of donors or the international community (Blair et al., 2022a). Aligned with the agent-recipient theory, providing assistance implies that donors have an influence on state's decisions, exerting external pressure. Müller-Funk et al. (2020) attribute the impact of the UNHCR on liberal FDP policies in Ethiopia and Sudan to foreign aid, underlining the crucial role played by external assistance in shaping the policies of nations that have been longstanding hosts to FDPs.

**Figure 4: The influence of international stakeholders in FDP policy**



Source: own literature review

Some scholars have warned against overestimating the influence of international aid agencies and donors on FDP policies. They show, instead, that receiving states keep significant autonomy vis-à-vis the international community (Jacobsen, 1996). Some of them have analysed the phenomenon of states' seeking funding in contexts of forced displacement. Those studies portray Southern countries not merely as passive recipients, but rather as active negotiators with Northern countries, capable of leveraging responses to FDPs to their advantage (Freier et al., 2021; Geha & Talhouk, 2019; Kelberer, 2017; Tsourapas, 2019). In the context

of the Syrian exodus, countries such as Turkey, Lebanon and Jordan have used FDPs as resources to engage in bargaining strategies with Northern countries and achieve economic and political benefits from them, as Mencütek (2019) highlights:

Turkey and Jorda turned into opportunistic states [...] and used the refugee crises as an opportunity to negotiate with the international institutions [...] Turkey and Jordan are not passive policy receivers of the EU's externalization of its border control. Instead, they acted as agents during negotiations with the EU who believed that these states have the necessary authority to protect borders, if they have the will and motivations to do so. (p. 263)

These opportunistic moves result in both restrictive or liberal policies, contingent upon the adherence of negotiation counterparts to their respective commitments. A parallel dynamic exists in African countries, as demonstrated by Milner (2009), where the presence of refugees becomes a tool to leverage a regime's capacity against the international community to secure its survival.

**Table 2: Strategic goals of FDP policy vis-à-vis the international community**

Strategic goals of FDP policies (based on Southern countries)	Nature of FDP policy
Enhancing international reputation (while deflating criticism)	
Delegitimising security-based policies in the Global North	
Asserting geopolitical influence	<i>Liberal</i>
Seeking funding	

Source: own literature review

The Latin American context remains largely unexplored in this regard. This gap might be partly attributed to the lower international attention given to the Venezuelan forced displacement, especially when compared to others exoduses such as the Syrian one.<sup>23</sup> Exceptionally, a cross-regional comparative study by Freier et al. (2021) sheds light on Colombia's practices of rent-seeking during the Duque administration. The study highlights how Colombia persuaded the US to lend financial support by using the argument that, without Colombia's open-doors policy, the challenges posed by Venezuelan forced displacement could potentially spill over into the US. At the same time, the study shows that Duque used FDP policy as a means to present himself as part of the Global North and to partner with these countries. While Duque employed his own FDP policies for rent-seeking purposes, this does not explain why Peru opted for a different strategy. This study analyses to what extent Colombia's policy responds to foreign affairs vis-à-vis the international community and, if that is

<sup>23</sup> In this regard, Bahar & Dooley (2021) show the gap when it comes to funding from the international community to assist the receiving countries. Whereas it has invested \$3.15 per Syrian, it has given only \$2.65 per Venezuelan FDP.

the case, which of these goals were being pursued, and why this type of consideration held greater importance for Colombia than for Peru.

### 2.3. Domestic Policy Interests

Forced displacement significantly influences the domestic dynamics of the destination country, particularly if it becomes a salient issue in public agendas, a phenomenon termed as the politicisation<sup>24</sup> of migration (Van der Brug et al., 2015). The arrival of a new population wave – often different in cultural, economic and social terms from the receiving society – is perceived to have an impact on multiple spheres of the receiving country, including national security, economy, labour market, public services, and social structures. Within the domestic landscape, key actors including the media, public opinion, opposition parties, interest groups, local NGOs and executives themselves formulate perspectives on how FDPs affect their interests. These viewpoints are strategically framed in the public sphere, thereby advocating specific policy directions.

Existing literature identifies security concerns as a crucial determinant of FDP policy. These concerns manifest as either being based on the real impacts of FDPs or as constructed by specific actors (Basok, 1990; Jacobsen, 1996; Mencütek, 2019; Milner, 2009; Whitaker, 2020). Particularly in Northern countries, several studies have systematically analysed the securitisation of migration, characterising it as the process of transforming migrants into threats to security, drawing a distinct line between the host state and society (referred to as ‘us’) and migrants (identified as ‘them’) (Bourbeau, 2011; Ceyhan & Tsoukala, 2002; Huysmans, 2000; Ibrahim, 2005). These analyses underscore the inherently constructed nature of the phenomenon, to which several actors, including the media, opposition parties, the state and the receiving society contribute (Buonfino, 2004). These processes are facilitated by two types of societal fears identified within the domain of social psychology: material fears, revolving around perceived competition between migrants and natives over scarce resources, and symbolic fears, centred on a potential loss of cultural and societal identities (Sides & Citrin, 2007). Therefore, security concerns regarding FDPs are understood in a broad sense, as encompassing various realms, including national security, crime, services provision, the labour market and culture. Those prevailing fears and processes of securitisation often prompt or even entail the implementation of restrictions as measures to address perceived threats in these areas (D’Appollonia, 2015; Gattinara & Morales, 2017).

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<sup>24</sup> Note that, for certain scholars, politicisation requires polarisation or the existence of different camps with opposing views in addition to importance of the issue in the public agendas (Van der Brug et al., 2015). However, we here rely on Zürn’s (2019) broad definition of the term as ‘the act of transporting an issue or an institution into the sphere of politics – making previously unpolitical matters political’ (p. 977–978).

A first set of concerns refers to national security. Some scholars argue that forced displacement from war-torn countries may pose threats such as spillover effects, including guerrilla activities or terrorist attacks. Jacobsen (1996) particularly highlights the potential for refugee camps to function as hiding places for guerrillas or their relatives. She illustrates how, during the Cold War, some camps even harboured potential ‘fifth columns’, housing fighters within the receiving countries. In the Syrian civil war context, Secen (2021) highlights incidents like car bombings or terrorist attacks led by ISIS in Turkey in 2013, leading to civilian casualties and affecting the perception of Syrian refugees as threats to security. Milner (2009) and Whitaker (2020) point to the association of Somali refugee populations with terrorism from Al-Shabaab originating in Somalia, which perpetrated various terrorist attacks in Kenya. This association led to heightened security concerns, prompting the Kenyan government to confine Somali refugees to remote camps and periodically close the border to prevent arrivals. This scholarship argues that refugees are often unjustly blamed for these attacks, as evidenced by instances where the perpetrators were of Kenyan origin.

Next to the spillovers of the crisis, a recurrent security concern associated with the presence of FDPs and resulting in restrictions is an increase in crime levels (Mencütek, 2019; Milner, 2009; Whitaker, 2020). In the South African context, Whitaker (2020) identifies the nexus between migration and crime as the primary security concern, in the absence of threats of a military attack from a neighbouring country or an armed insurgency. Shifting focus to Latin America, heightened crime levels have been emphasised as the main fear prompting shifts to restrictions towards Venezuelans in main recipient countries, including Chile, Ecuador and Peru (Aron & Castillo, 2022; Finn & Umpierrez de Reguero, 2020; Malo, 2022). Malo (2022) sheds light on a critical incident in Ecuador, where the murder of a woman in Ibarra committed by a Venezuelan acted as a turning point, shifting the orientation of FDP policy in Ecuador. This eventually led to the implementation of the Humanitarian Visa requirement for Venezuelans in Ecuador in June 2019. Those studies highlight that restrictions are based on constructed fears rather than on substantiated evidence demonstrating an actual rise in crime linked to the presence of Venezuelans.

A second set of concerns refer to the competition for material resources between FDPs and the receiving society, so-called ‘material threats’ (Jacobsen, 1996; Mencütek, 2019; Milner, 2019). FDPs are often perceived as utilising the resources without necessarily contributing to creating them. Milner (2009) connects restrictive policies in Tanzania with perceived physical and environmental damage (including water depletion) because of the large-scale arrival of Burundian and Rwandan refugees in the country during the 1990s. These effects justified Tanzania’s shift in asylum policy, transitioning from a focus on local settlement to repatriation, ultimately resulting in the expulsion of Rwandans in 1996. Moreover, in contexts of limited resources, where international aid is allocated to refugees, grievances tied to the perceived preferential treatment often cause conflicts between the receiving and sending societies. Continuing with the example of Tanzania, Milner (2009) shows how inhabitants of Kibondo (a district near the Tanzania’s border with Burundi) resented having to pay

for services like education and healthcare, while refugees received those services for free, a perception that further served the government in justifying the implementation of restrictions.

In addition to competing for scarce resources, such as land, water or food, FDPs can also be perceived as a threat to the labour market. Concerns may arise from the assumption that, in their vulnerable position, FDPs might accept lower-paying jobs, leading to a decline in job quality and to a replacement of native workers. Aron Said and Castillo Jara (2022) identify this concern as one of the reasons behind the restrictions implemented by the Peruvian government towards Venezuelan FDPs. Milner (2009) also points to a perceived deterioration of job conditions associated with Burundian and Rwandan FDPs in Tanzania, particularly in rural areas, as the reason behind the adoption of restrictions. Finally, in contexts of profound inequalities, natives resent the economic success of migrants, as Whitaker (2020) illustrates for the case of Somali migrants in South Africa.

Alongside the prevailing perception of migrants 'stealing jobs', there is another popular belief identified in the South African context that Black migrants are 'stealing romantic partners' (Tafira, 2014 and 2018). In the context of the Venezuelan forced displacement, Pérez and Freier (2023), for instance, describe the hypersexualisation of immigrant women in Peru and how they are blamed for 'stealing the husbands of Peruvian women'.

A last security concern is related to the socio-cultural dimension, where FDPs are perceived as potential disruptors of local culture and societal harmony, termed 'symbolic threats'. For instance, there is a widespread fear that migrants undermine local cultural values, as seen in public attitudes towards Muslim migrants in Europe (Gusciute et al., 2021; McLaren & Johnson, 2007). The literature suggests that symbolic fears form the primary basis for negative attitudes towards migrants in Europe (Sides & Citrin, 2007). It remains unclear whether they are similarly prevalent in Southern countries. In such contexts, there is greater resource scarcity, on the one hand, and (often) more pronounced cultural similarities between receiving and sending societies, on the other, as FDPs often opt for destinations close to their countries of origin. Drawing on a qualitative study, Fernández-Rodríguez (2023) shows that negative attitudes towards Venezuelan migrants in Peru are more rooted in material rather than in symbolic fears. This aligns with the findings from Oxfam International (2019), revealing that the fear about competition for scarce resources, followed by fears of physical insecurity, were the most prominent beliefs shaping negative attitudes of receiving societies in Peru, Colombia and Ecuador towards Venezuelans.

The propensity of the public to develop and experience such fears is rooted in ordinary psycho-sociological mechanisms of inter-group competition over limited resources (Campbell, 1965) or of developing a social identity that contributes to self-esteem (Tajfel & Turner, 2004). However, those fears are often exacerbated by media narratives or political groups, which tend to portray immigrants as a threat to security in

order to capture the public attention, gain popular support or delegitimise the incumbent government (Buonfino, 2004; Eberl et al., 2018). Far-right parties in Northern countries are the most prominent actors capitalising on societal fears towards migrants (e.g. Lazaridis & Skleparis, 2016), but their influence has pushed mainstream parties, such as Christian Democrats or even Social Democratic parties to adopt anti-migration stances to maintain support (e.g. Abou-Chadi & Krause, 2020; Bale et al., 2010). An illustrative example is observed in Germany in the context of the Syrian exodus. In 2015, the far-right party *Alternative für Deutschland* seized upon some New Year's sexual assaults in Cologne, where incidents were attributed to asylum seekers, to criticise the incumbent government for its open-doors policy towards Syrians refugees. This criticism ultimately led the Merkel administration to promote the externalisation agreement between the European Union and Turkey in March 2016 (Bialasiewicz & Maessen, 2018; Kosnick, 2019), which marked the end of Germany's welcoming approach towards Syrians.

Moreover, executives often resort to FDPs to 'scapegoat' prevailing economic and security issues, aiming to secure the support of the population (Barbero, 2015; Goodfellow, 2020; Kudrnáč et al., 2024; Milner, 2009; Whitaker, 2020). Aron Said and Castillo Jara (2022) illustrate this phenomenon by examining President Vizcarra's strategy in Peru, demonstrating how he blamed Venezuelan FDPs for unemployment and insecurity, and subsequently imposed restrictions to address those concerns.

Besides security concerns, there can also be other types of domestic considerations, albeit less powerful ones, pushing towards liberal policies. Arguing for a growing tendency within liberal democracies towards open policies, Freeman (1995) theorised the influence of interest groups with vested economic interests in migration in shaping such tendency. The author contends that actors favouring migration, such as employers in labour-intensive industries and business that benefit from population growth, are more able to organise themselves in order to advocate liberal migration policies than those adversely affected by migration, such as minorities competing for scarce jobs. Aligned with this, Teitelbaum (1984) illustrates how economic sectors in the US organised against restrictive policies, as they rely on labour provided by undocumented migrants. Even though these types of considerations is usually not addressed in forced displacement scenarios, it can contribute to explain interest groups' support for liberal policies.

Finally, human rights groups, including local non-governmental organisations, can be also active advocates for liberal policies (Natter, 2018; Whitaker, 2020). Natter (2018) illustrates the role of Moroccan civil society organisations in shaming the government for its restrictive policies towards Sub-Saharan migrants, influencing the adoption of a human rights-based migration policy in 2013. As FDPs flee from countries in which their rights are violated, human rights groups, such as local NGOs, may promote better treatment of FDPs and push for the state to comply with liberal international norms, which in the case of refugees constitute

instances of ‘hard law’.<sup>25</sup> Whitaker (2020) explains how human rights organisations in Kenya challenged the closure of refugee camps in May 2016 in the courts, leading to a decision of the High Court to block the government’s plan.

**Table 3: Summary of the impact of domestic interests and actors on FDP policies**

Perceived impacts of migration/FDP	Actors	Nature of migration/FDP policies
Spillovers of the civil conflict in the sending country (security concerns)	The media, the political opposition, executives (‘scapegoating’), public opinion (ordinary socio-psychological processes)	<i>Restrictive</i>
Competition over scarce resources, i.e. jobs, services, or ‘material threats’ (security concerns)		
Disruption of social and cultural identities or ‘symbolic threats’ (security concerns)		
Increase of labour supply, higher demand for certain goods and services	Business interest groups	<i>Liberal</i>
Fulfilment of human rights’ standards	Local NGOs	

Source: own literature review

Previous studies have associated Peru’s restrictive policy with domestic concerns, including perceived strain on public services, job competition, deteriorating labour conditions and rising criminal activity (Aron Said & Castillo Jara, 2022; Williams, 2023). This raises the question of why similar concerns have apparently not shaped Colombia’s response, which remains more liberal towards Venezuelan FDPs. The empirical chapters will examine whether Colombia’s liberal policy can be attributed to a lower prevalence of perceived security threats within Colombian society, the influence of other domestic interests (such as those of business or NGOs), or simply the exclusion of those interests in decision-making process regarding Venezuelan FDPs. The study aims to explore the underlying reasons for such differences with regards to the Peruvian case.

## 2.4. The Determinants behind the Transition of FDPs from Being an Issue Associated with Foreign Affairs into One of Domestic Policy

In the initial stages of an exodus, the receiving state often perceives FDPs as a matter of foreign affairs affecting its relations with the sending country. However, as the situation unfolds, it may become politicised in the domestic spheres, developing into a matter of domestic policy. Given the negative nature of politicisation,

<sup>25</sup> See *forced displacement* in key terms above (section 3 of the Introduction)



the transformation of FDPs into an issue of domestic policy often results into the imposition of restrictions. Zolberg et al. (1989) describe this transformation as the reasons behind increasing restrictions implemented by the US in the 1970s towards Cuban migrants;<sup>26</sup> Mencütek (2019) shows the trend in Turkey, which shifted from an open-doors policy towards Syrians, reflecting foreign policy interests, to a restrictive approach, because of domestic concerns; finally, in Latin America, Aron Said and Castillo Jara (2022), Freier and Parent (2019) and Malo (2022) explain the evolution of the responses to the Venezuelan exodus from openness to restrictions as the transformation of the issue from a matter of foreign affairs into one of domestic policy in Peru and Ecuador, respectively.

The following sections elaborate on the conditions that mark the transformation of FDPs from a foreign affairs issue into one of domestic policy: regime type, the nature of the exodus, absorption capacity and the salience of the sending country in the receiving states' political agenda.

#### *The Nature of the Exodus: Numbers, Duration and Socio-economic Profile*

Many authors identify an increase in numbers, the protracted nature of an exodus and, in some cases, the increasing vulnerability of migrants leaving the country as key factors driving the implementation of restrictions (Aron Said & Castillo Jara, 2022; Crisp, 2000; Malo, 2022; Mencütek, 2019; Milner, 2009; Rutinwa, 2002; Secen, 2021). As the crisis provoking the exodus endures, high numbers of FDPs may lead to an increased visibility and awareness of the exodus and concerns related to economic, social and cultural impacts. At the same time, the host state might perceive that it lacks the capacity to absorb such a large number of FDPs, fostering a belief that the burden is unending.

In line with this, Milner (2009) identifies the protracted nature of crises as a primary rationale for the adoption of restrictive policies in both Kenya and Tanzania. Gibney (2004) highlights a similar dynamic in the European context. While numbers and the protracted nature alone do not fully account for restrictions, they contribute, in connection with the emergence of security concerns, to the transformation of FDPs into a matter of domestic concern resulting in restrictions.

Aron Said and Castillo Jara (2022) show this pattern in Latin America, highlighting an increase in the number of FDPs as a key factor shifting the focus from foreign affairs to domestic concerns during Vizcarra's mandate. They also highlight shifts in the social and economic demographics of Venezuelan FDPs towards

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<sup>26</sup> This policy shift was particularly prominent upon the arrival of the Marielitos in 1980, after the Cuban government opened Mariel harbour to 125,000 Cubans who wanted to leave the country for the US. In response, Washington tried to reach an agreement with Cuba and opened a third-country resettlement plan, five weeks after passing a refugee act under which each person applying for political asylum should do it individually and not as a group, as had been the case for Cubans up to that moment. The US had to eventually let the Marielitos enter the country but many were held in prison, a controversial move that gave the impression that the US did not have control over its borders, and continued to tighten migrants' admissions.

lower education, greater impoverishment and vulnerability as reasons for increasing restrictions. This change in socio-economic profile has similarly been identified in other contexts as driving domestic concerns, thus transforming FDPs into a domestic policy issue (e.g. Müller-Funk et al., 2020).

**Table 4: The influence of the evolution of the exodus on the nature of FDPs as an issue**

Evolution of the exodus	View of FDPs	Nature of FDP policy
Larger-scale Protracted Influx of increasingly vulnerable people	Transformation of the issue into a matter of domestic affairs	Restrictive

Source: own literature review

In the context of these established theories, the case of Colombia remains puzzling. Despite being the primary destination for Venezuelans since the beginning of the exodus, it adopted the EIPV with over 1.7 million FDPs present in the country – nearly one million more than when Peru implemented its Humanitarian Visa. Moreover, in Colombia the arrivals started in 2015, in comparison with Peru, where they only started in 2017. The protracted nature of the exodus is therefore more pronounced in Colombia, especially in the context of a shared border. The demographic composition of the exodus is similar in both countries (Mejía-Matilla et al., 2024). Although it has included more vulnerable groups over time in both contexts (Freier & Luzes, 2021; P. Rossiasco & De Narváez, 2023), the FDPs of working age are more numerous than the local populations, with an average age of thirty-four in both countries, and their level of education is slightly higher to that of the locals (Mejía-Matilla et al., 2024).<sup>27</sup> Therefore, these variables seem to function as control variables in the present research.

### *Regime Type*

Several scholars argue that the nature of FDP policy is influenced by the type of regime (Blair et al., 2022a; Mencütek, 2019; Milner, 2009; Müller-Funk & Natter, 2023; Natter, 2018b). Building on the ‘liberal paradox’ theory (see Introduction), they argue that in more democratised regimes, there is greater responsiveness to domestic pressures, which in turn limits the regime’s autonomy to determine its own preferences. In these contexts, the politicisation of FDPs in the domestic sphere drives the transformation of FDPs into a matter of domestic policy, compelling these regimes to adopt responses that resonate with domestic actors’ preferences. To illustrate this theory, Gibney (2004) shows that democratisation in Northern

<sup>27</sup> For instance, the percentage of migrants with no education in Colombia is 2%, which is 1 point less than that of natives, whereas in Peru, less than 1% of the migrants have no education compared to 3% of the locals.

countries has diminished states' autonomy in shaping migration policy and that it is constrained by the media, public opinion and the political opposition, usually critical of liberal policies.

In the African context, Milner (2009) asserts that democratisation increased government accountability over societal fears towards migrants. It also highlights that Guinea's ability to maintain an open-doors policy towards refugees when compared to Tanzania and Kenya is based on its lower levels of democratisation. Examining the Tanzanian scenario, Whitaker (2020) illustrates how, after the legalisation of opposition political parties in 1992, the government faced increasing pressure to enforce restrictions towards refugees, who were blamed for the country's economic challenges by the opposition parties. Finally, Natter (2018) refers to foreign policy interests as guiding the implementation of liberal policies in the context of authoritarian or semi-authoritarian regimes, such as Morocco's monarchy since 2013, Ghaddafi's regime in the 1990s or Uganda since 2006. This hypothesis has not yet been tested in the Latin American context.

The degree of democratisation is not the only trait regarding regime type that can influence the nature of FDP policies. States' vulnerability, which can take the form of weakened executive powers, fragmented governments, or high voting volatility, can also have a significant impact on the nature of FDP policies (Aron Said & Castillo Jara, 2022; Milner, 2009; Secen, 2021). Somewhat in contradiction to the 'illiberal paradox', these studies argue that vulnerable governments, associated with democratic limitations, are more susceptible to imposing restrictions on FDPs in response to domestic pressures and as a way of asserting control over their territory and population. According to Secen (2021), voting volatility, defined as the shifts in voting behaviour based on refugee policies, explains the imposition of restrictions to Syrian refugees in Lebanon in 2015.<sup>28</sup> Here, opposition parties put significant pressure on the incumbent government to align its refugee policy with the preferences of targeted social groups. Milner (2009, p. 176) provides insight into African states, highlighting the vulnerability of regimes to internal pressures. In the case of Somali refugees in Kenya and Burundian refugees in Tanzania, he observes that portraying all refugees as security concerns justifies putting them in camps, enabling weak governments to demonstrate control and address domestic pressures in the context of democratisation.

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<sup>28</sup> Those restrictions refer to 2015 January policy, which placed restrictions on refugees' entry into Lebanon and the renewal of residency permits. In particular, they put Syrian refugees under two categories: those who were registered with the UNHCR and those who needed to find a sponsor if they wanted to remain in Lebanon (Secen, 2021).

**Table 5: The influence of regime type on the nature of FDP and resulting policies**

Regime type	Effect	Nature of FDP	Nature of FDP policies
Autocratic regimes	Lack of accountability to societal demands / accountability to interest groups	Transformation of migration into a matter of domestic affairs OR remaining as a matter of foreign affairs	<i>Liberal or restrictive</i>
Democratic regimes	Accountability to societal demands	Transformation of migration into a matter of domestic affairs	<i>Restrictive</i>
Vulnerable/limited democracies	Dependence upon societal preferences		

Source: own literature review

Turning to the Latin American context, Brumat and Vera Espinoza (2023) posit that public opinion plays a limited role in government's decisions on migration policy. In the context of forced displacement, Aron Said and Castillo Jara (2022) point to the existence of an internal crisis between the executive and legislative branches in Peru as the reason behind the transformation of the Venezuelan crisis from a matter of domestic interest into one of foreign policy, resulting in the imposition of restrictions. The authors suggest that the government's preoccupation with internal issues left little bandwidth for foreign policy considerations. Similarly, Williams (2023) links Peru's shift to restrictions to its history of political instability, which triggered a politicisation process of migration and the subsequent adoption of restrictions.

Even though these studies link Peru's political instability with its shift towards restrictive policies, they fail to examine the underlying mechanisms behind this relation or discuss alternative explanations. The existing literature also overlooks the specific differences between the Colombian and the Peruvian political systems broadly characterised as electoral democracies with fragmented political party systems (Dargent & Muñoz, 2011; Levitsky & Cameron, 2003).

#### *Economic and Social Absorption Capacities*

Various scholars emphasise the importance of economic absorption capacity as a determinant of FDP policy (Basok, 1990; Jacobsen, 1996b; Mencütek, 2019; Neumayer, 2005; Whitaker, 2020; Yoo & Koo, 2014). As highlighted by Jacobsen (1996), factors such as land availability, employment and infrastructure significantly affect the nature of FDP policy. Apart from available resources in the host country, economic capacity is influenced by the volume and the duration of the exodus, as well as by the reception of international aid and assistance (Jacobsen, 1996; Milner, 2009).

These studies suggest that economic capacity not only facilitates meeting the demands and needs of refugees, but also alleviates concerns within receiving societies resulting from competition for resources. Conversely, a lack of economic capacity may exacerbate societal conflict over those scarce resources, leading

to increasing negative attitudes towards FDPs. The evidence for the effects of economic capacity on FDP policy is somewhat mixed. Neumayer (2005) shows a correlation between period of elevated unemployment in Western Europe and a decline in recognition rates for full-protection refugee status. Conversely, Yoo and Koo (2014), in their analysis spanning the period from 1982 to 2008 across various countries, fail to identify any significant influence of GDP per capita and welfare regime – both indicators of economic capacity– on the recognition rates of refugee status.

Another dimension of absorption capacity refers to its socio-demographic component (Jacobsen, 1996). The ease of assimilating refugees becomes more likely when they share the same ethnicity as the local community. Ethnicity refers to identity cleavages that are significant and politically relevant within a particular country, which might be linguistic, racial or religious. The existing literature suggests that receiving societies usually accept refugees who share a common identity with them (Abdelaaty, 2021). Conversely, challenges arise in contexts of pre-existing ethnic conflicts, where incoming refugees come to play a role, or where refugees belong to a different ethnicity from the receiving society (Jacobsen, 1996; Milner, 2009). A pre-existing or an emerging ethnic conflict may further contribute to the domestic politicisation of the issue Abdelaaty (2021) exemplifies this with the case of Lebanon. The support for the predominantly Sunni Syrian asylum seekers has been polarised along sectarian lines, with Lebanese Sunnis, including the country's prime minister, extending a welcoming hand to refugees, while the Maronite Christians aligned themselves with the Syrian regime.

This is somehow related to the ethnic affinity between the receiving and sending societies, identified as a key determinant of refugee policy, mainly in Africa and the Middle East (Abdelaaty, 2021; Blair et al., 2022a; Milner, 2009). The alignment of ethnic identity between FDPs and the host government tends to foster openness, while their belonging to different ethnic groups is connected with restrictions. Somewhat related, in the context of Europe, Yoo and Koo (2014) maintain that social networks in the host country also lower the costs associated with welcoming asylum seekers, resulting into higher levels of receptiveness.

Table 6: The influence of absorption capacity on the nature of FDP

Absorption capacity	Degree of absorption capacity	Nature of FDP	Nature of FDP policies
Economic capacity	High	The issue remains a matter of foreign affairs	<i>Liberal or restrictive</i> (depending on foreign affairs considerations)
	Low	Transformation of migration into a matter of domestic affairs	<i>Restrictive</i>
Ethnic affinity between the sending and receiving society	High	The issue remains a matter of foreign affairs	<i>Liberal or restrictive</i> (depending on foreign affairs considerations)
	Low (and persisting ethnic conflicts)	Transformation of migration into a matter of domestic affairs	<i>Restrictive</i>

Source: own literature review

In the context of Latin America, where ethnic divides play a lesser role in politics than in Africa or the Middle East, this determinant has not been yet explored in depth. Rendon (2020) argues that the sustained approach of welcoming Venezuelan FDPs in Colombia is attributable to more positive reception attitudes derived from historical ties, a dynamic that diminishes in places like Peru where such historical connections are absent. This perspective has been challenged by Williams (2023), who does not find this determinant relevant. Given the contradictory findings from comparative studies, it remains pertinent to investigate whether social ties played a role in the prevalence of foreign policy considerations in Colombia, contrasting with the situation in Peru. On the surface, Venezuelan FDPs share ethnic commonalities with both the Peruvian and Colombian societies. However, the affinity appears more pronounced with Colombians, owing to historical ties such as shared borders during the era of the Great Colombia, higher migration exchanges,<sup>29</sup> and greater physical

<sup>29</sup> Whereas Venezuela hosted 44,126 Peruvians in 2010, there were 721,000 Colombians registered in Venezuela in 2011. However, it is estimated that the actual number of Colombians is even higher, with many of them fleeing from the armed conflict (*Perú-Emigrantes totales [Total emigrants]*, n.d.); Venezuela, Instituto Nacional de Estadística [National Institute of Statistics], 2011).

similarities resulting from mestizaje with people of African descent and a comparatively lower proportion of Indigenous people than in Peru.<sup>30</sup>

Finally, Peru and Colombia do not seem to present remarkable differences in terms of economic capacities. Even though Colombia has a higher GDP and a lower proportion of labour informality than Peru (World Bank Group, 2023),<sup>31</sup> it has received the largest number of FDPs from Venezuela (R4V, 2024). Moreover, the economic impact of FDPs on both countries is similar (e.g. an increase of labour informality in the short run, economic growth in a medium run).<sup>32</sup> A noteworthy difference between the countries is the existence of a pendular migration<sup>33</sup> in the cities at the Colombian-Venezuelan border, which puts pressure on health care and education public services, which would, according to the theory, make liberal policies even more unlikely in Colombia. Therefore, economic capacity will function as a control variable.

#### *Salience of the Sending Country in the Political Agenda of the Host State*

Although not explicitly addressed as a determinant, Zolberg et al. (1989) suggest an additional factor behind the transformation of FDPs into a matter of domestic policy: the salience of the sending country in the political agenda of the host state. If there is a change in foreign policy goals and FDP policies no longer serve these purposes – especially in a context where domestic concerns related to refugees gain salience – it is highly probable that FDP issues will be transformed into a matter of domestic affairs. Zolberg et al. (1989) illustrate this phenomenon by examining the evolving US stance towards Cuban FDPs (outlined above). The US decision to impose restrictions by the end of the 1970s reflects the diminishing importance of Cuba in the US foreign affairs agenda. On the one hand, as the Cold War waned, the US retreated from its role as a dominant power in the American hemisphere. On the other hand, Cuba reduced its efforts to expand the revolution in Latin America, becoming a less significant threat to US interests. This shift in geopolitical dynamics, in a context of increasing numbers and emerging societal fears, contributed to the transformation of Cuban FDPs into a matter of domestic affairs and resulted in restrictions.

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<sup>30</sup> According to national censuses conducted before 2010, Peru's population consists of 26% Indigenous people and only 2.3% Black. In contrast, Colombia has 3.3% Indigenous people and 10.6% Black, while Venezuela has 2.8% Indigenous people and 55% Black (World Bank Group, 2015, 2023).

<sup>31</sup> According to the World Bank Group (2023) Colombia's GDP for 2021 was 314,46 billion dollars, whereas Peru's was 223,25 billion dollars. The proportion of informal labour in Colombia is 60%, whereas in Peru is 68.4% (OECD, 2022; Statista, 2023).

<sup>32</sup> For short-run effects on informality, see Caruso et al. (2021) and Vera & Jiménez (2022). For the impact on economic growth see Licheri & Mejía (2021) and World Bank Group (2018b).

<sup>33</sup> Pendular migration refers to a pattern of movement where individuals regularly travel back and forth between two locations, typically for work, education, or other reasons.

The comparison between Peru and Colombia provides an opportunity to explore and develop this variable implicitly suggested by Zolberg et al. (1989). The aim is to assess the extent to which this variable might have contributed to the transformation of FDPs into an issue of domestic affairs in Peru, but not in Colombia.

## 2.5. Institutional Account

Beyond considerations tied to foreign affairs and domestic issues, often emanating from rationalistic, actor-centred perspectives, other research has identified institutionalist determinants influencing the nature of FDP policy as liberal or restrictive. These institutionalist factors encompass international norms, historical experiences with refugees, bureaucratic frameworks and state capacities. Historical experiences with refugees have been identified as a relevant variable by recent studies (Lenner, 2020; Mencütek, 2019; Secen, 2021); in contrast, empirical tests indicate that international norms exhibit limited explanatory power (Drewski & Gerhards, 2024; Yoo & Koo, 2014). The realms of institutionalist frameworks and state capacities remain relatively underdeveloped in the existing literature. Further research is needed to enhance our understanding of how these factors shape the nature of FDP policy.

### *Legal Frameworks*

Neo-institutionalist and legalistic studies point to the importance of international norms as a determinant in shaping the liberal nature of both migrant and FDP policies (Blair et al., 2022a; Hollifield, 1992; Joppke, 1998; Soysal, 1994; Whitaker, 2020). According to Soysal (1994), the post-World War II era witnessed the emergence of a liberal culture emphasising individual rights, transcending considerations of ethnic, national and racial affiliations. This cultural shift paved the way for the adoption of human rights treaties that are legally binding and that oblige host governments to behave in a certain way towards migrants. This is particularly pronounced in the case of refugees and FDPs, where irrespective of their formal recognition, they are protected by the *ius cogens* principle of non-refoulement or no return as recognised in the 1951 Geneva Convention about the Refugee Status and its 1967 Protocol (Drewski & Gerhards, 2024).

In a more legalistic account, Joppke (1998) describes a trend towards the liberalisation of international legal binding frameworks, challenging the sovereignty of liberal democracies to adopt restrictive policies, resulting in more liberal migration policies. Notably, these investigations contend that the inclination towards liberalisation is prominently observable in Northern countries that not only self-identify as liberal but are also bound to specific treaties and international regulations (Hollifield, 1992; Joppke, 1998; Sassen, 1996; Soysal, 1994). In contrast, Natter (2018), drawing on the cases of Tunisia and Morocco, argues that autocratic regimes also face constraints and the diffusion of liberal norms. For instance, Morocco signed the ILO convention on



migrant workers' rights in 1991, hoping it would result in more rights for Moroccan migrants. This was later used by civil societal organisations to advocate for more migrants' rights. This pressure is indirect, primarily manifesting in the realm of politics (see relations between the receiving country and the international community), rather than through legal instruments.

Existing empirical studies present mixed evidence for this hypothesis. Yoo and Koo (2014)'s cross-national study reveals a positive and significant impact of democracy and human rights on asylum recognition rates. Notably, their findings indicate that countries ratifying the UN non-refoulement treaty (the 1967 Protocol) and high-profile nations endorsing human rights treaties are more likely to accept a greater number of asylum applications compared to non-signatories of such instruments. However, challenging the hypothesis on norms, they find that national legislation on refugees does not consistently result in more refugees being accepted.

In the Latin American context, some studies have analysed the impact of regional laws in migration policies (Nicolao, 2011; Silva Cardoso & Oliveira Moreira, 2022). For instance, Nicolao (2011) examines the influence of regional integration mechanisms and international agreements on Argentina's Migration Law (Act 28.571). Conversely, existing studies on Venezuelan FDPs show that countries refused to apply the regional definition of refugees of the Cartagena Declaration to Venezuelans, despite its incorporation in their domestic laws, suggesting that regional liberal norms do not have an impact on the nature of responses (Aron Said & Castillo Jara, 2022; Drewski & Gerhards, 2024; Freier et al., 2022; Malo, 2022; Pinheiro de Castro, 2023). For instance, Drewski and Gerhards (2024) demonstrate that the willingness to accept Venezuelans in Chile is marked by its opposition towards the Venezuelan regime, rather than by the country's obligations under the Cartagena Declaration.

Both Peru and Colombia are signatories of the Geneva Convention and the Cartagena Declaration and include this definition in their domestic refugee regulations (Freier & Fernández-Rodríguez, 2021). They have also signed the Inter-American Convention on Human Rights and the International Convention on the Protection of the Rights of All Migrant Workers from 1990. In sum, they are bound by the same international agreements concerning migrants and refugees. However, Colombia had a less developed migration framework than Peru. Peru has had a refugee law in place since 2002 (Law 27891/2002) and a comprehensive migration law since 1991 (Legislative Decree 703/1991), replaced in 2017 by a more progressive law (Legislative Decree 1350/2017) (Freier & Aron Said, 2022). In contrast, Colombia regulated these matters through two legal decrees, one concerning migration and the other refugees (Decrees 0834/2013 and 2840/2013, respectively), compiled later in one single regulatory decree (Decree 1067/2015) (Caicedo, 2022) until the enactment of its comprehensive migration policy under Law 2136/2021. Under this legal framework, one would anticipate more

liberal policies in Peru than in Colombia. Therefore, international and domestic legal frameworks on migration and refugees serve as control variables.

### *Historical Experiences with Refugees*

According to various scholars, historical legacies concerning refugees might result in liberal or restrictive policies contingent upon the benefits or costs associated with the past impact of refugees (Lenner, 2020; Mencütek, 2019; Milner, 2009; Müller-Funk et al., 2020; Secen, 2021; Whitaker, 2020). Instances where refugees posed security challenges in the past may lead to restrictive policies in the future, even in the face of an exodus with different characteristics. Secen (2021) and Mencütek (2019) illustrate this phenomenon by showing how Lebanon's experience with Palestinian refugees in the aftermath of the 1948 Arab-Israeli War shaped its approach towards Syrians. The authors argue that the refugee camps where Palestinians were resettled were used by Al-Fatah and the PLO for recruitment, particularly throughout the Lebanese Civil War lasting fifteen years and resulting in 120,000 deaths. Memories of past insecurity problems in refugee camps formed a perception of insecurity towards Syrian refugees, resulting into a restrictive approach.

In contrast, if hosting refugees in the past resulted in political or economic benefits for the host state and local community, coupled with sustained engagement of the international community, memories may result in liberal policies. Milner (2009) and Whitaker (2020) highlight how Tanzania's welcoming approach results from its experience with Burundian and Somali Bantu refugees in the 1970s, which fostered the country's regional and international image and attracted a considerable amount of resources. Finally, the memories also refer to the effectiveness of previous responses. For instance, Jordan decided to welcome Iraqi and Syrian refugees and grant them access to public services to prevent the emergence of opposition groups that could destabilise the ruling regime, as witnessed in the past with Palestinians (Müller-Funk et al., 2023).

Drawing on path dependency theory, Müller-Funk et al. (2023) and Lenner (2020) make a somewhat different argument that could explain the Tanzanian case. In their view, a state's historical self-image as a host country contributes to a liberal approach towards FDPs. Making the same case but for the opposite outcome, Skleparis (2017) associates European restrictive policies during the Syrian crisis with established securitisation approaches emerging from the 9/11 terrorist attacks. Rather than memories of material gains or losses arising from previous experiences with refugees, what matters for these authors, particularly for Müller-Funk et al. (2023), are the prevailing ideas and beliefs within institutions responsible for formulating FDP policy.

Turning attention to Latin America, some studies analyse the role of memories in shaping the nature of migration policy. Acosta (2018) argues that restrictive exclusionary migration policies in South America date back to the late nineteenth century and are reinforced by policies adopted by dictatorial regimes in the 1970s and 1980s. Norambuena et al. (2018) trace Chile's restrictive policies to security-driven institutions established

during Pinochet's dictatorship, while Melde and Freier (2022) and Norambuena and Matamoros (2016) attribute Argentina's liberal laws to facets of institutional identity. Brumat and Vera Espinoza (2023) explain continuity in policy orientation in Argentina, Brazil and Chile by grounding their analysis in prevailing public philosophies. These philosophies portrayed the countries as 'open to immigration', while Chile and Brazil specifically emphasise a stance in favour of controlled and orderly migration. Aligned with Müller-Funk et al. (2023), those studies underline the importance of institutional ideas and identity the historic trajectory of migration policies. The literature on Latin America has not yet resorted to these explanations to elucidate current responses to forced displacement.

Both Peru and Colombia were primarily migrant-sending countries. While the 2005 census recorded 3.38 million Colombian migrants and 969,999 in Peru, neither country experienced a significant influx of immigrants during subsequent years. In 2015, Peru hosted 154,000 immigrants and Colombia had less than 140,000 immigrants (Ciurlo, 2015; (*Perú-Emigrantes totales [Total emigrants]*, n.d.). Neither nation positioned itself as particularly immigrant-friendly. Until the adoption of a migration law in 2017 (via Legislative Decree 1350), Peru had a restrictive migration law from 1991 with a security-based outlook, which led to significant human rights violations of migrants (Barbieri et al., 2020; Blouin, 2021; Freier & Aron Said, 2022). Colombia's immigration policies were also remarkably restrictive, focusing on safeguarding the domestic labour market, and were notably underdeveloped (Aya Smitmans et al., 2010; Ciurlo, 2015). Given the absence of past histories of FDPs and Peru's and Colombia's historic self-portrayal as unwelcoming countries for immigrants, it is unlikely that this variable explains the differences between the two countries. Instead, it functions as a control variable.

### *Institutional Frameworks*

Several studies identify institutionalist frameworks as determinants of the nature of FDP and migration policy (Jacobsen, 1996; Joppke, 1998; Müller-Funk et al., 2023; Natter, 2018). Institutional frameworks are understood as the authorities responsible for the formulation of FDP policy. Jacobsen (1996) indicates that these bureaucratic choices influence FDP policy orientation, as liberal or restrictive. Two aspects have been considered relevant regarding responsible authorities: their degree of specialisation and their institutional culture. With respect to the former, Jacobsen (1996) argues that low-level migration-specialised agencies tend to promote liberal FDP policies, as they benefit from them, whereas high-level departments, such as ministries, are more restrictive, due to the prioritisation of other issues. Concerning institutional culture, Jacobsen (1996) contends that the involvement of the army or the police in decision-making processes leads to more restrictive policies. Drawing on the case of Morocco, Natter (2018) illustrates how the National Council of Human Rights created in 2011 as an independent body headed by a former political refugee, contributed to the formulation of

a liberal policy. At the same time, the author shows how institutional turf battles and the diverging worldviews of state actors are crucial to understanding the nature of migration policy, as follows:

Ministries of Interior will mostly follow a security-driven agenda, privileging an approach that maximizes control over human mobility, while Ministries of Foreign Affairs will be tempted to use migration as a diplomatic tool – ready to sacrifice policy coherence over time if required by circumstances –, and Ministries of Health will be more sympathetic to opening services to foreigners given the imperative of securing public health. These diverging visions on immigration can initiate turf wars that are familiar from countries such as France, Germany or Spain. (p. 14)

In contrast to some of the determinants previously examined, this one lacks empirical testing within the realm of forced displacement and in the Global South. According to Abdelaaty (2021) and Mencütek (2019), challenges in accessing bureaucratic elites contribute to explaining this lacuna. Moreover, Natter & Thiollet (2022) argue that assumptions about Southern countries having weak institutions have led researchers to show less interest in studying these determinants in those contexts.

Examining the Latin American context, Brumat and Vera Espinoza (2023) analyse the role of bureaucratic ideas in shaping migration policy change in Argentina, Brazil and Chile. Specifically, they contend that the entry of ‘securitist’ actors into migration policy-making processes, notably from the Ministries of the Interior, Security and Defence, led to the adoption of restrictive policies during the period from 2015 to 2019. The authors argue that the influence of such institutions is rooted in the dictatorial origins of South American democracies, where the military still holds a privilege role in policy-making. In the context of forced displacement, only Selee and Chaves-González’s policy report (2022) suggests that the existence of an office at the presidential level specialising in migration matters in Colombia, the *Gerencia de Fronteras* (Border Management Office; hereinafter BMO, for its English acronym), contributed to shaping the state’s liberal approach. However, the work does not engage with theoretical accounts.

Both Colombia and Peru did not have previous significant experience with immigration but with emigration. As a result, the competences for policy-making in migration matters were in both countries allocated in the Ministries of Foreign Affairs (Decree 1067/2015 and Legislative Decree 1582/2017, respectively). However, three key differences between the two cases could explain the diverse outcomes, which will be further explored in subsequent chapters.

First, in Peru, the Ministry of the Interior is formally responsible for formulating migration policy (art. 4.1 Legislative Decree 1582/2017). In contrast, in Colombia, the Ministry of the Interior’s role in migration is limited to matters affecting security and public order (Decree 2893/2011). Second, operational migration authorities are located in different departments: whereas in Peru the so-called ‘Superintendency of Migration’ is part of the Ministry of the Interior, its counterpart in Colombia, ‘Colombia Migration’, falls under the Ministry

of Foreign Affairs. Additionally, the Superintendency of Migration of Peru has formal policy formulation competences (art. 4.1 Legislative Decree 1582/2017), whereas Migration Colombia's responsibilities are confined to migration control and surveillance of migration (art. 30 Decree 4062/2011). Third, as Selee and Chaves-González (2022) point out, the Government of Colombia created in 2018 an advisory institution attached to the presidency specialised in the Venezuelan issue, the BMO. Since 2011, Peru had a Multisectoral Board for Migration Management composed of members from different state sectors aimed at updating migration regulations, but ascribed to the Ministry of Foreign Affairs (Supreme Decree 67/2011) (Freier & Aron Said, 2022). This different allocation of competences, with a more prominent role for the Ministry of the Interior in Peru and the presence of a specialised advisory institution in Colombia, may help explain Colombia's more liberal migration policy.

## **2.6. Blending Actor-centred Explanations and Institutionalist Accounts: The Role of Bureaucracies and Non-political Considerations**

### *The Role of Bureaucrats and Knowledge*

So far, the literature on policy determinants has predominantly focused on political considerations, including foreign policy and domestic interests, highlighting the role of political actors, notably governments, in shaping FDP policies. However, institutional accounts propose that other state actors can also shape the nature of policy with their ideas, namely bureaucrats. Brumat and Vera Espinoza (2023) argue that national bureaucracies – the Ministries of the Interior – played a crucial role in shaping the restrictive nature of migration policies in Argentina, Brazil and Chile. Despite their partially institutionalist approach, these authors emphasise the agency of bureaucrats, who leverage their technical expertise to propose and implement programmatic ideas and policy initiatives. However, the authors do not analyse the origins of these ideas, revealing a gap in understanding their role in policy-making.

Policy bureaucrats have received limited attention in the literature on migration policy, despite the prominent role that they often play in policy-making (Boswell, 2007; Paquet, 2020; Wakisaka, 2022). Existing studies have rather focused on street-level bureaucracies and their role in policy implementation, reflecting a common but artificial division between politicians as policy-makers and bureaucrats as executors (Alesina & Tabellini, 2004). Traditionally, bureaucrats have been perceived as neutral and carrying out the choices of elected politicians (Bach, 2021). In fact, while participating in policy-making, bureaucrats must align to a certain extent with the given mandate (if there is one) and anticipate that the designed alternatives will be accepted by politicians (the so-called 'shadow of hierarchy') (Mayntz & Scharpf, 1975). However, political mandates are

often broad, granting bureaucrats considerable discretion to shape the substance of the decisions with non-political considerations (Bach, 2021; Paquet, 2020).

Compared with politicians, bureaucrats operate with lower visibility, as they are supposed to be appointed based on their expertise and it is assumed they will retain their positions irrespective of changes in the political leadership.<sup>34</sup> Consequently, bureaucrats are motivated by career prospects, leading to a focus on enhancing competence and maintaining autonomy (Alesina & Tabellini, 2004). As a result, they can influence policy by introducing non-political considerations alongside political ones. Their expertise and knowledge, particularly among middle-rank officials with first-hand experience, often grant them authority that transcends existing political-administrative hierarchies (Bach, 2021; Boswell, 2009; Page & Jenkins, 2005). Unlike politicians, bureaucrats are arguably less concerned with public opinion and the mass media as sources of legitimisation. They typically prioritise long-term sustainability objectives over short-term political gains, relying on expert knowledge. In their book applied to Western democracies, Aberbach et al. (2009) explain the considerations brought by bureaucrats as compared to those of politicians within decision-making:

[Bureaucrats] bring facts and knowledge; politicians, interests and values. [Bureaucrats] bring neutral expertise – will it work? while politicians bring political sensitivity – will it fly? [Bureaucrats] thus emphasise the technical efficacy of policy, while politicians emphasise its responsiveness to relevant constituencies. (p. 40)

In the field of forced displacement, those considerations involve diagnosing the impacts of FDPs in different fields across various sectors, including the economy, labour market, public services and security. These impacts are linked to the arrival of a new population with a different socio-economic, cultural and demographic background compared to the native population. Consequently, non-political considerations based on knowledge aim to adopt strategies to mitigate the adverse effects of forced displacement while maximising their positive outcomes. The following table outlines potential effects of forced displacement that can be addressed as non-political considerations during policy-making.

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<sup>34</sup> The appointment's focus on expertise does not preclude the fact that some of them are also appointed based on trust and political alignment.

**Table 7: Potential non-political considerations regarding negative and positive effects of FDP**

	Higher tax revenues
	Higher public expenditure from the state
<b>Economy and labour market</b> (Alvarez et al., 2022; Arena et al., 2022; Calderón-Mejía & Ibáñez, 2016; Dadush & Niebuhr, 2016; Ianchovichina & Ivanic, 2014; Melo-Becerra et al., 2020; Valdiglesias, 2018; Peñaloza-Pacheco, 2022; Rossiasco & De Narváez, 2023)	Increase of labour supply and demand (i.e. through the demand for additional goods and services)
	Diversification of labour
	Reduction of labour shortages
	Deterioration of labour conditions
<b>Public and services provision</b> (Dadush & Niebuhr, 2016; Ianchovichina & Ivanic, 2014; Melo-Becerra et al., 2020; Milner, 2009)	Overburdening of public services
	Improvement of services (e.g. through new employers, higher tax revenues)
	Housing, food, water shortages?
<b>Security</b> (Akbulut-Yuksel et al., 2024; Dadush & Niebuhr, 2016; Knight & Tribin, 2023; Milner, 2009)	Spillovers of crisis in the country of origin
	Conflicts between natives and FDPs
	Increase in crime (FDPs as victims) <sup>35</sup>

Source: literature review

While the literature has extensively examined the relationship between political interests and the nature of policies, it has largely overlooked the connection between non-political considerations, based on knowledge, and the nature of policies. Drawing on the studies on the policy effects, one can anticipate how informed cost-benefit analysis could influence the nature of policy. Those studies usually posit the ineffectiveness of restrictive policies to restrict migration<sup>36</sup> and address the negative impacts of migration in the receiving country (Castles, 2004) (Czaika & De Haas, 2013; Czaika & Hobolth, 2016),<sup>37</sup> as well as the positive effects of liberal policies

<sup>35</sup> The impact of FDPs on crime is widely debated. Studies on crime associated with FDPs or migration in general show mixed results: whereas some suggest a gap between perceptions of increased crime and factual evidence (Light & Miller, 2018), others show a correlation between rising FDP numbers and crime, without determining whether this rise should be attributed to FDPs or to natives (Akbulut-Yuksel et al., 2024). In the context of the Venezuelan exodus, existing studies demonstrate that FDPs do not increase crime, despite prevailing negative social perceptions (Bahar et al., 2020; Castro & Mejía, 2020). Moreover, a study by Knight & Tribin (2023) shows that the increase of homicides correlating with FDPs in Colombia stems from the increased number of FDPs as victims.

<sup>36</sup> Migrants' choices are driven by pull factors such as historical, economic and familial ties that are largely beyond the control of policy-makers. Those pull factors are particularly prominent in forced displacement scenarios, where individuals are fleeing from war or economic collapse, leading to constrained migration choices that are less influenced by policy. An important pull factor beyond the control of policy-makers is personal networks (Thielemann, 2012).

<sup>37</sup> For instance, they contribute to the proliferation of irregular paths, thereby fuelling human trafficking and making border dynamics more complex (Czaika & De Haas, 2013; Czaika & Hobolth, 2016).

that orient themselves towards the socio-economic integration of migrants.<sup>38</sup> Therefore, an informed cost-benefit analysis would consider the limited impact of restrictive policies targeting FDPs in shaping their actual behaviours and the adverse impacts on the receiving country. Such analysis could help prevent overly restrictive measures and contribute to the adoption of liberal policies.

However, not all bureaucracies have the technical capacity to incorporate informed cost-benefit analysis in the form of non-political considerations, resulting in the most informed FDP policy for the country, as the scarce literature on bureaucracies and policy-making shows. For instance, Wakisaka (2022) illustrates how entrenched migration bureaucracies in Japan, lacking first-hand experience with migration, hinder the development of informed policies. Similarly, Brumat and Vera Espinoza (2023) highlight that securitising actors within bureaucracies in Chile, Brazil and Argentina often adopt policies driven by their own ideas rather than by expert knowledge.

In addition to knowledge gaps and their own perspectives on migration, bureaucracies can be swayed by political interests rooted in systems of patronage, where appointments, promotions, and other forms of support are based on political loyalties, personal relationships or political connections rather than merit or qualifications across diverse contexts (see e.g. Auers (2015) on the politicisation<sup>39</sup> of bureaucracies in the Baltic countries; Bach et al. (2020) on the European Union). In these cases, the distinction between politicians and bureaucrats in policy-making becomes blurred, as their considerations often overlap. Furthermore, even when bureaucrats operate with relative autonomy, they may be still constrained by political preferences and only assert their influence in policy-making when aligned with those of politicians. In the migration field, Boswell (2009) argues that bureaucrats' knowledge tends to serve a symbolic role in policy-making, legitimising politicians' preferences or substantiating arguments that go against politicians' preferences, rather than actually informing the process. From this perspective, bureaucrats may have a limited role in shaping the nature of FDP policy.

Moreover, bureaucrats can be influenced by interest groups advocating policies (Albareda & Braun, 2019), distancing themselves from considerations guided by expert knowledge. For instance, some labour unions may oppose liberal policies, arguing that the number of FDPs or migrant workers will depress wages and reduce job opportunities for native workers (Afonso et al., 2020). If those groups wield significant influence within bureaucracies, the latter may overlook other considerations, such as the positive economic contributions migrants make through increased consumption and filling labour shortages.

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<sup>38</sup> By enabling migrants to integrate into the labour market, liberal policies promote higher tax contributions and safeguard existing labour conditions (Bahar et al., 2021; Ibañez et al., 2020). Social and labour integration also reduces vulnerability, diminishing reliance on social resources. Moreover, it benefits public services, such as health-care, as it allows FDPs to contribute to the system and use ordinary services rather than emergency provisions, which are more resource-intensive (Ibañez et al., 2020; Rossiasco & De Narváez, 2023).

<sup>39</sup> Note that 'politicisation' in this context refers specifically to the influence of political interests within bureaucracies, which differs from its use in the 'domestic interests' section.



Therefore, the incorporation of informed cost-benefit analysis in policy-making depends on bureaucrats' skills, views, and neutrality. The existing literature on migration and bureaucracies leaves the role of bureaucrats vis-à-vis politicians in policy-making unclear, as well as the considerations they prioritise – whether technical knowledge, ideas, or political interests. Consequently, their influence on the nature of policy, potentially advocating either liberal or restrictive policies, remains unpredictable. It is necessary to discuss the particularities of bureaucracies within Latin American contexts to make any type of prediction.

### *Bureaucrats in Latin America*

Most of the studies focusing on migration policy bureaucrats examine Northern countries (Boswell, 2009; Boucher, 2020; Paquet, 2020; Wakisaka, 2022), which are perceived as having stronger and more capable bureaucracies (Natter & Thiollet, 2022). This perception aligns with the literature on bureaucracies in Latin America, which generally portrays them as weak (Zuñanic & Iacoviello, 2011). This weakness is often attributed to high levels of politicisation and instability – or low professionalisation – among bureaucrats in the region. Specifically, Latin American bureaucracies are often seen as instruments of political control, lacking independence and influenced by corporate interests and patronage practices (Llano, 2017). According to these perspectives, bureaucrats in Latin America are less likely to contribute to FDP policy with non-political considerations but instead reflect the political interests of the elites who control them.

However, Zuñanic & Iacoviello (2011) highlight the coexistence of those clientelistic bureaucracies (*burocracias clientelistas*), characterised by a low level of autonomy from politicians and lack of technical capacities, with other type of bureaucracies across countries and within countries among agencies. Specifically, they refer to meritocratic bureaucracies (*burocracias meritocráticas*), characterised by selection procedures based on technical expertise and merit, with clearly defined roles in policy-making due to more robust regulatory frameworks. These bureaucracies contribute to policy-making by combining autonomy with technical expertise. Although such meritocratic structures are isolated cases in the region, they can be found in sectors like taxation (Garavaglia, 2012), exemplified by the SUNAT in Peru. However, these consolidated bureaucratic structures are less likely to be found in the field of migration in Colombia and Peru, due to their limited prior experience with immigrants.

Next to clientelistic and meritocratic bureaucracies, the authors identify a prevalent type of bureaucracy referred to as parallel bureaucracies (*burocracias paralelas*), whose creation is facilitated by the flexibility of Latin American bureaucratic systems. Parallel bureaucracies consist of technical teams and professionals recruited based on their expert knowledge, but through flexible and *ad hoc* contracts, limiting their autonomy due to their dependency on political support. Operating outside formal structures (ministries), they serve as technical advisors close to the executive and play a crucial role in policy-making. This type of bureaucracy in Latin America may contribute to policy-making with their knowledge and non-political considerations, while still

being somewhat aligned with the preferences of the politicians who appoint them. In the field of migration and forced displacement, these *ad hoc* advisors with first-hand experience are able to promote innovative approaches, distancing themselves from long-serving civil servants holding more conservative ideas (Wakisaka, 2022).

In sum, we currently have limited understanding of how bureaucrats shape the nature of policy and the considerations they prioritise, particularly in the Latin American context. However, the different nature of bureaucracies in Colombia and Peru could explain divergent policies. Peru's bureaucratic system is characterised by significant politicisation in selection, promotion and dismissal processes, often driven by arbitrary practices associated with incumbent politicians. In contrast, Colombian bureaucracies have increasingly adopted meritocratic principles through new legal frameworks, albeit facing challenges related to compliance with established norms and the influence of clientelist networks (Zuñanic & Iacoviello, 2011).

Against this backdrop, the Colombian government established the BMO to address the consequences of the Venezuelan exodus, in a form of parallel bureaucracy. Composed of a group of experts, the BMO operates outside the traditional definition of career civil servants, highlighting a broader conception of bureaucrats that includes advisors appointed based on expertise from open recruitment systems. Subsequent empirical sections will further explore the role of such bureaucracy in shaping policy and the differences with Peru, which lacks a similar bureaucratic structure.

## 2.7. Concluding Remarks

The literature on migration and FDP policy determinants, spanning global perspectives from both the North and the South, offers potential variables for understanding divergent FDP policies towards the Venezuelan exodus in Colombia and Peru. At the same time, it shows the strength of the comparison, as the cases allow for controlling key variables that often exert significant influence on policy: The overarching assumption throughout this thesis is that the variables discussed do not operate deterministically but rather as contributing factors, interacting with each other to shape diverse outcomes. These variables, therefore, will not be approached in a binary manner, but viewed along a continuum, enabling a more nuanced understanding of the underlying mechanisms.

Based on the existing literature on the determinants of migration and FDP policy, Colombia's and Peru's different responses could be explained by the pursuit of distinct goals, whether in the realms of foreign affairs or domestic policy. In addition, they can be explained by the incorporation of non-political considerations, based on ideas, knowledge or other interests. The table below outlines potential goals for both countries (hypotheses) based on the existing theory.

Table 8: Potential goals behind Colombia's and Peru's responses to the Venezuelan exodus

Countries/Goals	Foreign affairs goals	Domestic affairs goals	Non-political considerations
Colombia ( <i>liberal policy</i> )	Embarrass the sending state (hostile relations between the sending and receiving country)		Mitigate the negative impacts of FDPs (knowledge-based)
	Enhance its international reputation	Respond to the pressures of businesses' and NGOs' interests	Profit from the positive impacts of FDPs (security, economy and labour market, service provision) (knowledge-based)
	Delegitimise Northern countries		Reflect human rights-based ideas (of responsible bureaucracies)
	Assert geopolitical influence in the region		
	Respond to donors' pressures		
Rent-seeking			
Peru ( <i>restrictive policy</i> )	—	Respond to societal preferences (material, symbolic fears)	Mitigate the negative impacts of FDPs (e.g. by reducing arrivals) (uninformed?)
		Respond to the pressure from the media or the political opposition	Reflect securitising ideologies (of responsible bureaucracies)
		'Scapegoat' prevailing problems onto FDPs	

Source: own literature review

According to the literature, the predominance of one type of goals over another may be influenced by the economic, social, political and institutional contexts. The table below illustrates the determinants associated with these contexts, providing potential explanations as well as control variables that will be further developed in the subsequent chapter on the research design.

**Table 9: Potential determinants and control variables**

<b>Potential determinants</b>	<b>Control variables</b>
Regime vulnerability	Regime type
Salience of the sending country in the host state's political agenda	Nature of the exodus (volume, duration, socio-economic composition)
Ethnic affinity between the sending and the receiving society	Relations between the sending and receiving country (hostile)
Institutional frameworks	Historical experiences with refugees
	Legal frameworks

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Source: own literature review

## CHAPTER 3. RESEARCH DESIGN

### 3.1. General Overview

My research design combines two methodologies: process-tracing and comparative analysis methodologies.

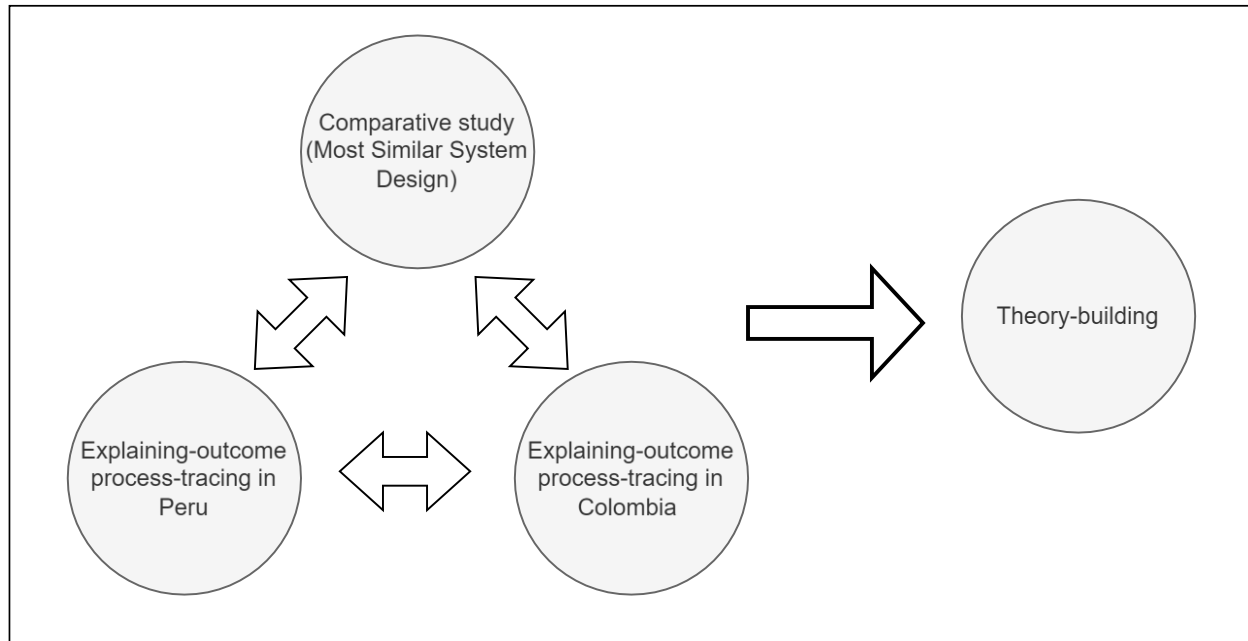
Regarding the first methodology, I trace the process leading to the Humanitarian Visa in Peru adopted in 2019 and to the ETPV in Colombia adopted in 2021. For this purpose, I rely on outcome-explaining process-tracing, which aims at crafting a minimally sufficient explanation (Beach & Pedersen, 2019). As process-tracing entails unpacking causal mechanisms within a single case, it is conducted separately for each case. This step of the research design allows the specifics of each process to be unpacked, extracting the elements that are relevant for explaining the nature of FDP policies and the way they interact with one another.

Based on the empirical results of the process-tracing and on existing theory, I compare the differences between the two processes and discuss the explanations behind them. In particular, I resort to a Most Similar Systems Design (MSSD), in which the cases are similar in certain variables (see control variables below), but differ in their outcomes (Seawright & Gerring, 2008). For that purpose, I rely on existing explanations outlined in the literature, combined with others developed in a more inductive manner, based on the empirical data. Both the process-tracing and the comparative study proceed iteratively; during each instance of process-tracing, I document the differences between the two processes that subsequently inform the rest of the process-tracing and comparative study.

Both the process-tracing and the comparative study employ a triangulation of diverse data collection methods, encompassing elite and expert interviews, political statements retrieved from media sources and parliamentary debates, official documents, online speeches, academic articles and ethnographic notes. Interviews and political statements are subsequently analysed using abductive thematic analysis (TA) using a codebook, which integrates both inductive and deductive approaches and involves the development of a coding frame, a codebook, and themes (Braun & Clarke, 2022; Thompson, 2022).

After obtaining the results of the empirical study, I explore the extent to which the explanations derived from my two cases could be applied to other contexts of forced displacement, informing existing theory. In particular, I discuss the validity of existing explanations, unpack how they operate, and suggest new determinants that warrant further examination in similar contexts across the region or globally. The figure below illustrates the various parts of this research design and how they are interrelated:

**Figure 5: Main Steps of the Research Design**



Source: own research design

This chapter offers a detailed description of the initial steps of the research design outlined above. Additionally, it presents the different methods employed for data collection and analysis, providing a more comprehensive overview of the research approach. For both data collection and analysis, it discusses the challenges encountered during the research and the ways of overcoming such challenges. The chapter concludes by summarising the methodology and the limitations of this research design.

## 3.2. Methodologies

### *Outcome-explaining Process-tracing*

I rely on outcome-explaining process-tracing to unpack causal mechanisms, defined as ‘complex systems, which produce an outcome by the interaction of a number of parts’ (Glennan, 1992, cited by Beach & Pedersen, 2019, p. 4) to craft a minimally sufficient explanation for the decisions of the Humanitarian Visa and the ETPV, separately. Unlike in other variants of process-tracing (i.e. theory-testing or theory-building process-tracing), the aim of outcome-explaining process-tracing is not to build or test a general theory but rather to explain an outcome, reflecting a more case-centred than theory-oriented methodology and an

understanding of the social world as complex, multifaceted and context-specific. However, unlike purely historical analyses, outcome-explaining process-tracing ultimately seeks to inform general theory, going beyond the explanation of the single case. This type of process-tracing combines both systematic and non-systematic forms of evidence, acknowledging the complexity of social processes. Whereas existing theory serves as heuristics to help build the best possible explanation, the analysis requires case-specific elements of empirical evidence. It, therefore, constitutes an iterative strategy, combining deductive and inductive approaches, akin to abduction. Achieving a minimal explanation involves an assessment of the model, including an analysis of potential alternative explanations (Beach & Pedersen, 2019).

In my study, the outcomes of the process-tracing ('X') are the nature of FDP policies, liberal in Colombia and restrictive in Peru. The literature offers insights into potential variables that can explain the outcomes in each case – mainly taking the form of political considerations during policy-making – which will be examined in the first steps of the process-tracing, while looking into policy-making (see Table 10 below). Given my primary interest in understanding the outcomes rather than the role of any particular factor, as well as the multiple factors that could be at play (such as domestic security or foreign affairs concerns, see Chapter 2), I remain receptive to empirical revelations and anticipate that the outcomes may result from a combination of variables. In sum, outcome-explaining process-tracing enables assessment of some of the explanations highlighted in the literature, their individual impact and interrelations, and the uncovering of new variables which have not been yet identified by the extant studies. These components collectively form the minimally sufficient explanation.

The process-tracing initially focuses on the policy-making processes leading to the Humanitarian Visa and the ETPV. The primary determinant of each decision's nature is the policy-making process, which encompasses factors anticipated and unanticipated in the existing literature. These factors may relate to the authorities involved in the process and to the considerations that such authorities bring to the process. The following table includes the authorities and considerations potentially explaining the decisions in Peru and Colombia, highlighted by the literature in Chapter 2.

Table 10: Potentially relevant aspects of policy-making extracted from the literature

Considerations/Process-tracing on policy-making	Colombia	Peru
Nature of the decision ('X' values)	<i>Liberal</i>	<i>Restrictive</i>
Responsible authorities within policy-making extracted from the literature review in Chapter 2	<p>Low level specialised authorities (the BMO, Colombia Migration?) (Jacobsen, 1996)</p> <p>Ministry of Foreign Affairs, Ministry of Health and Social Protection (Natter, 2018)</p>	<p>High level authorities (Jacobsen, 1996)</p> <p>Ministry of the Interior or Ministry of Foreign Affairs, Ministry of Defense (Brumat &amp; Vera Espinoza, 2023; Natter, 2018)</p> <p>Old bureaucrats (Wakisaka, 2022)</p>
Considerations within policy-making extracted from the literature review in Chapter 2	<p><b>Foreign affairs:</b> Delegitimise sending country (context: unfriendly relations), address pressure from international organisations and donors, enhancing international reputation, delegitimising security-based policies, asserting geopolitical influence, rent-seeking (Abdelaaty, 2021; Mencütek, 2019; Tsourapas, 2019)</p> <p><b>Domestic affairs:</b> Meet human rights standards, achieve economic growth, address pressure from local NGOs or the business sector (Freeman, 1995; Natter, 2018)</p> <p><b>Non-political considerations:</b> Mitigate negative effects and capitalise on the positive effects of FDPs (economy and the labour market, service provision and security) (<i>knowledge-based</i>), reflect human rights-based ideas</p>	<p><b>Foreign affairs:</b> Support sending country (context: friendly relations) (Abdelaaty, 2021).</p> <p><b>Domestic affairs:</b> Address security concerns (regarding material and symbolic threats) and/or pressure from the media, the political opposition, public opinion, 'scapegoating' (Aron Said &amp; Castillo Jara, 2022; Mencütek, 2018; Milner, 2009)</p> <p><b>Non-political considerations:</b> Mitigate negative effects and capitalise on the positive effects of FDPs (economy and the labour market, service provision and security) (<i>uninformed?</i>); reflect securitising ideas</p>

Source: own literature review

Key distinctions in policy-making concern the type of authorities involved (bureaucratic and political, domestic and foreign affairs) and the type of political considerations at play (political and non-political, domestic and foreign affairs). After exploring those differences, I identify explanatory factors from the political



and institutional contexts that drive these distinctions, drawing on both theoretical frameworks and empirical evidence. Theoretical factors include regime vulnerability, ethnic affinities, and institutional frameworks, while empirical ones encompass established capacities derived from institutional legacies.

Given that this research extends beyond single-case empirical puzzles to divergences in outcome between the two cases, transitioning from within-case analysis to comparative analysis becomes crucial throughout the process.

### *Comparative Case Analysis*

The empirical research puzzle addressed in this thesis follows a Most Similar Systems Design (MSSD), a type of comparative research design initially developed by John Stuart Mill in his book *A System of Logic* (1843), in which the case studies share similarities in important aspects but differ in the phenomena under study (Seawright & Gerring, 2008). However, this research design does not strictly adhere to the conventional version of MSSD, which mandates similarity across all variables except for the one being tested – something that is extremely difficult to achieve in a Social Sciences research design. Instead, it adopts a more flexible interpretation, aiming to provide insights into the empirical puzzle rather than to test a specific variable, by recognising that the solution lies not in a single variable but in a combination of different factors (Anckar, 2008).

The Colombian and Peruvian cases share important similarities that have been mentioned in the introduction to present the empirical puzzle and further discussed in the literature review to show their relevance for FDP policy. At the same time, the literature review discussed the determinants in which the two cases exhibit differences, serving as potential explanatory factors. Below (Table 11) is a summary of both the shared and distinct attributes for each case, informing the MSSD research design:

However, since this research follows an abductive strategy, the comparative analysis does not limit itself to examining those determinants. Similar to the process-tracing approach, it remains open to considering additional ones revealed by the empirical material.

The comparative method is firstly applied to uncovering the differences between the policy-making processes. Later on, it serves to explain the role of other factors (either theoretically or empirically derived) from the political and institutional contexts that potentially shape these differences, delving into a deeper explanatory level.

Table 11: MSSD comparative study

Variables	Colombia	Peru	
<i>Nature of the FDP responses (or phenomena 'X')</i>	Liberal	Restrictive	
<i>Potential factors ('Y')</i>	Regime vulnerability	Strong executive	Weak executive
	Salience of sending country in the political agenda	High	Medium-low
	Ethnic affinity between the receiving and sending societies	High	Medium-low
	Institutional frameworks	Location of Colombia Migration within the Ministry of Foreign Affairs, creation of the BMO	Ministry of the Interior's formal competences, location of the Superintendency of Migration within the Ministry of the Interior
<i>Control variables</i>	Nature of the exodus	Large-scale, protracted, impoverished flows	
	Economic capacity	Low	
	Broad regime type	Electoral democracies	
	Nature of the relations with the sending country	Rivalry	
	Historical experiences with refugees	None (mostly sending countries)	
	Legal frameworks	Signatories of Cartagena Declaration, Human Rights and migration rights' conventions (etc.)	

Source: own literature review

### 3.3. Data Collection

#### *Fieldwork in Peru and Colombia*

The study has relied on extensive fieldwork in Peru and Colombia, investigating the principal actors involved in the policies under study and gaining an essential contextual knowledge of both cases.

For the case of Peru, my fieldwork spanned a period from October 2021 to September 2023. Since fieldwork in Peru took place at an early stage of the research, it was conducted in two phases, with the second phase aimed at gathering additional information identified as relevant following the examination of the Colombian case. Despite the challenges posed by the COVID-19 pandemics, fieldwork was successfully conducted online. Prior research experience in Peru from September 2018 to June 2019 before starting the

thesis provided valuable contextual knowledge on Venezuelan FDP policies and contributed significantly to understanding the case.

For the case of Colombia, fieldwork began in September 2022 and concluded in February 2023. I undertook a research stay from October 2022 to February 2023 in both Cúcuta, a city situated at the Venezuelan-Colombian border and the primary entry point for most of Venezuelan FDPs, and the capital city of Bogotá. This stay not only facilitated interviews but also provided important insights into the local context, crucial for understanding the process leading to the ETPV and the explanations behind it. Whereas Bogotá afforded access to policy-makers, Cúcuta enabled a better understanding of the dynamics unfolding at the border, an important factor explaining the differences between Colombia and Peru. Living with Colombian natives – in particular with a professor with expertise on the border – and being hosted by a local university in Cúcuta contributed significantly to these endeavours.

### *Interviews*

The main source of empirical material is elite interviews aimed at reconstructing policy-making processes and uncovering the drivers behind the FDP responses. Based on Harvey (2011) and Li (2022), I consider elites as individuals holding considerable amount of power within policy-making. Interview partners comprised primarily stakeholders closely involved in policy-making processes on Venezuelan FDP, such as politicians, policy advisors, civil servants (bureaucrats) of the institutions intervening in policy-making or informed about it. While interviews focused on the Humanitarian Visa and the ETPV policy-making, actors involved in other FDP policy-making processes were also interviewed given their familiarity with relevant institutions and context.

Due to the nature of the research, which targets a political decision, I employed a purposive sample strategy. This involved deliberately selecting individuals considered to be ‘information-rich’, thus maximising the understanding of the phenomenon (Braun & Clarke, 2022). The sample includes representatives of key state institutions for FDP policy-making. Given the different institutional landscapes of each case, key institutions varied accordingly. In Peru, they included the Superintendency of Migration, the Ministry of the Interior and the Ministry of Foreign Affairs, and also involved the Vice-Chancellery, the Directorate of Human Rights, the Refugee Commission and the Directorate of Consular Affairs. In Colombia, they comprised the Presidency, Colombia Migration, the Borders Management Office, the Ministry of Foreign Affairs, also involving the Vice-Chancellery of Multilateral Affairs and the Directorate of Consular and Migration Affairs, and the High Commissioner for CONPES compliance.<sup>40</sup> Members of adjacent institutions – such as the Ministry of Justice

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<sup>40</sup> The High Commission for CONPES compliance is tasked with ensuring compliance with the directives adopted by the CONPES (National Council for Economic and Social Policy). Given the approval of a specific directive (CONPES 3950/2018) developing a strategy for the assistance of Venezuelan Migrants, the High Commissioner played a crucial role in FDP policy.

and Human Rights and the Congress in Peru and the Ministry of Education and the Mayoralty of Cúcuta and Bogotá in Colombia – were also interviewed to gain supplementary insights and/or access to members of key institutions, despite not directly participating in policy-making.<sup>41</sup>

In addition, I conducted interviews with experts, including members of international organisations (namely the UNHCR and the IOM), international aid agencies, NGOs and think tanks dedicated to migration matters, former civil servants, members of the academic community and of the Venezuelan opposition and journalists who were familiar with the policy-making process, the political, social, and institutional factors surrounding it and/or the various elements that play a role in explaining different responses. Experts were particularly important in the initial stages of the data collection, where their insights improved my understanding of the context and granted me access to policy-makers. They were also crucial in later phases, where their expertise contributed to a deeper understanding of the political and institutional contextual factors shaping the differences in policy-making.

I conducted a total of sixty-five interviews, forty-one for the case of Colombia and twenty-four for the case of Peru. In both cases, I exceeded the initially planned number of twenty interviews per country, that I thought necessary for reconstructing the process. The high number of interviews conducted in Colombia is explained by a particular dynamic in that case. Firstly, the ETPV in Colombia constitutes a more complex decision involving a higher number of institutions than that of the Humanitarian Visa in Peru. Secondly, the five-month on-site fieldwork granted me access to high-ranking officials, including President Duque, which was not feasible for Peru. Thirdly, it is likely that Colombian authorities, adopting a liberal policy, were more inclined to talk to someone from academia, typically aligned with liberal approaches, than Peruvian authorities who adopted a restrictive one.<sup>42</sup> However, the interviews conducted in Peru, which cover representatives from all the relevant institutions, were sufficient to reconstruct the policy-making process and elucidate the underlying factors. Additionally, supplementary desk research in the case of Peru, combined with additional sources (as detailed below), served to compensate for the smaller number of interviews and potential information gaps regarding the institutional and political contexts.

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<sup>41</sup> See Annex 2 with organigrams of the responsible authorities for FDP policy-making, their roles and their formal responsibilities in Colombia and Peru.

<sup>42</sup> This observation was made by several experts, who mentioned, in particular, President Duque's predisposition to talk to someone from the academia to uphold his legacy before international audiences.

Table 12: Overview of interviews in Peru<sup>43</sup>

Type of interviewee	Institutions	Numbers
Policy-makers (elites)	Ministry of Foreign Affairs	5
	Superintendency of Migration	5
	Other Ministries (Ministry of the Interior, Ministry of Justice and Human Rights)	2
	Media	2
Experts	Venezuelan Embassy	1
	International organisations (UNHCR, OIM)	5
	Think tanks, NGOs (Equilibrium CenDE, Amnesty International, Haciendo Futuro, Oxfam)	4

Source: own research

Table 13: Overview of interviews in Colombia<sup>44</sup>

Type of interviewee	Institutions	Numbers
Policy-makers (elites)	Presidency	1
	Borders Management Office	7
	Ministry of Foreign Affairs	5
	Colombia Migration	5
	Other Ministries (Ministry of Education and High Commission for CONPES compliance)	2
	Local authorities (municipalities of Cúcuta and Bogotá)	6
Experts	Media ( <i>El Colombiano</i> )	3
	Academia (Rosario University, Simón Bolívar University)	2
	International organisations (UNHCR, OIM)	4
	NGOs, international aid agencies (Unicef, USAID, GiZ)	3
	Venezuelan opposition (National Assembly)	1
Former civil servants	2	

Source: own data

I identified institutions responsible for migration by looking at the formal distribution of competences in official documents, such as legal decrees. To find who is the person in charge of each institution, I then looked at the websites of the ministries. Since responsible authorities do not always hold formal conferences

<sup>43</sup> For a more detailed version including the names and positions of all the interviewees (except the ones preferring to remain anonymous), see Annex 3.

<sup>44</sup> *Ibidem*.

on migration, I identified additional policy-makers by examining political statements on Venezuelan FDPs in the media. I established initial contact with potential interview partners via e-mail addresses obtained from the official websites of their respective institutions or through personal social networks, such as LinkedIn. In those formal e-mails, I introduced myself and my research topic, clarified their role in my study, outlined the basic interview parameters and offered them the flexibility of deciding the date and time and the interview mode (online or on-site, for participants in Colombia). Initial contact via e-mail turned to be more fruitful in the case of Peru than Colombia.<sup>45</sup> In addition, I employed the snowball technique to connect with additional interviewees, following up references from previous interviews. In particular, I resorted to academic professors and members of international organisations – considered experts within my research – and local elites as gatekeepers of policy-makers at the national level. I frequently reached out to elites and experts via WhatsApp, a platform many of them preferred over e-mail due to its capacity for more fluid communication and making less demand on their time.

To improve access to certain policy-makers – one of the main challenges of elite interviews (Adler & Adler, 2003; Li, 2022) – I often referenced other interviews I had conducted with elite persons to highlight the credibility and importance of my research. This approach typically motivated policy-makers to participate alongside their colleagues, enabling them to share their perspective and receive recognition for their contribution to their decisions, especially in the case of Colombia, where many policy-makers took pride in the ETPV. In the case of Peru, I struggled with key policy-makers who initially agreed to do the interviews but repeatedly failed to follow through. In such cases, I found it useful to wait until I was referred to them by other interviewees with close connections.

I followed the guidelines of Harvey (2011) for conducting elite interviews. I provided all interviewees with a consent form outlining the research's purpose and the interview's parameters, including its duration, one or two weeks in advance via e-mail or WhatsApp. In addition, I asked them for their consent, oral or written, to record, transcribe, analyse, use the content of the interviews without needing further authorisation and to mention their names while quoting them in my dissertation.<sup>46</sup> While some, typically politicians, authorised the use of their names, others declined, normally members of international organisations or civil servants who have confidentiality agreements. In certain cases, even with authorisation, I chose to anonymise the interviewee when their opinions were controversial and could jeopardise their employment (e.g. civil servants giving information about the conflicts between ministries). Moreover, some interviewees requested a copy of the quotes cited in the thesis to authorise its use, which was provided in the weeks prior to the dissertation submission. The

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<sup>45</sup> A colleague of mine who has conducted research on China–Latin America relations also encountered greater challenges in accessing Colombian elites compared to their counterparts in Chile and Brazil. This disparity could stem from a broader mistrust within elites within a context marked by over four decades of armed conflict.

<sup>46</sup> See consent form in Annex 4.

interviews lasted from approximately thirty minutes to one hour, depending on the availability of the interview partner and the length of their answers.

Prior to each interview and in order to build trust, I introduced myself transparently, outlining the research objectives and the specific aims of the particular interview. Emphasising my affiliation with a German research institution and my professional status as a doctoral researcher was crucial, as it conveyed a sense of impartiality and contributed to counterbalance power asymmetries (Li, 2022). Expressing gratitude for their time, I explained to each interviewee why talking to them was important for my research, and I assured them of the option of halting recording if they felt uncomfortable at any time during the interview. Before delving into content-related questions, I either asked them informal or biographical questions, including their current roles, based on whether they seemed to prefer a more relaxed or serious tone. Besides providing context for the interview, this practice helped me build trust with them. When introduced through mutual contacts, establishing trust with the interviewee usually proved to be less challenging.

The interviews followed a semi-structured format, combining open-ended questions with follow-up probing questions. This interview approach is the more fitting for the epistemological lenses adopted, which see the outcome of the process as a complex and multi-causal phenomenon, and for an abductive methodology, which remains open to empirical revelations (Adeoye-Olatunde & Olenik, 2021; Glas, 2021). It is, as well, the most appropriate format for interviews with elites and experts, who usually expect to be able to properly develop their perspectives and show their knowledge during an interview (Harvey, 2011; Li, 2022).

Fixed questions covered basic information about the interview partner, the policy-making processes and the political and social factors explaining the decision. Some questions were informed by existing literature on the determinants of FDP policy, including the role of foreign affairs, domestic policy and institutions. As the research evolved, the interview guidelines incorporated questions inspired by insights from previous interviews. Additionally, each interview allowed for spontaneous questions arising from the discussion, pertinent to the subject matter (see Annex 5 with one questionnaire example from Colombia and one from Peru). The formulation of the questions did not follow a particular order; rather it depended on the natural flow of the conversation. With the exception of two interviewees who preferred not to be recorded, all interviews were recorded, stored on a secure device and transcribed by a second partner.

Some respondents were highly supportive of my research and open in their answers, even offering themselves to be consulted at a later point of the research. However, others were rather elusive, a common challenge in elite interviews (Mason-Bish, 2019). Policy-makers often reproduced political narratives, instead of providing the 'real' reasons behind their decisions. For instance, members of the Colombian elites excessively invoked benevolent ('humanitarian') reasons behind their approach, while hiding other types of considerations. In those cases, it was important for me to emphasise my attempt to be neutral and my role as a researcher,

instead of as a journalist whose articles would reach a broader audience. Civil servants and bureaucrats were often more open in their answers – although they sometimes were also constrained by confidentiality agreements. In general, Colombian elites were more interested in discussing the ETPV, as a liberal policy, displaying a sense of pride; in contrast, Peruvian elites were more defensive and hesitant to discuss the Humanitarian Visa, as a restrictive policy, with the significant exception of those who were critical during the policy-making. Maintaining a stance of impartiality and refraining from expressing personal opinions or judgements was useful for encouraging interviewees to provide true responses. This was important even in instances where I strongly disagreed with the interviewee (e.g. regarding their view on FDPs) or found justifications for the answers lacking. Additionally, supplementing elite interviews with expert insights, often more neutral than policy-makers, along with other empirical evidence, contributed to obtaining a more comprehensive picture of the study cases.

Some elites and experts initiated the interview by giving a monologue on the topic of Venezuelan migration, sharing information they deemed important without waiting for my questions. In such cases, I had to either interrupt them – only possible in cases where there was a certain level of trust – or strive to gather all necessary answers after they finalised their speech, at the end of the interview. In other instances, interviewees declined to answer some questions due to constraints imposed by their current positions. For instance, the former head of the BMO – now the Director of the Inter-American Development Bank – was not allowed to enter into political considerations. These interviews had to be supplemented with others with people who collaborated with them, requiring an additional effort during the data analysis phase to extract the most important insights from their responses.

Another challenge that I often encountered, especially with high-profile political figures was their tight schedules. Similar to what Mason-Bish (2019) describes in her research, I was allocated specific time slots and informed that they could only spare thirty minutes due to other meetings. In those cases, sticking to the interview guidelines more rigorously was helpful.

I believe that being a Spanish researcher had both negative and positive implications during my interviews. On the one hand, it facilitated my access to certain interviews and gave me an appearance of neutrality. A Venezuelan colleague from a German institution conducting similar research in Colombia mentioned to me that she had faced difficulties securing some interviews that I managed to obtain. I believe that elites' predisposition to speak to me and perceived neutrality stemmed not only from my not being Peruvian, Colombian or Venezuelan – that is, the people affected by the decisions I study – but also from being a white European, who they perceived as well educated. On the other hand, the neutrality of being a foreigner occasionally worked against me, as certain interviewees seemed to assume that I lacked contextual understanding, leading to unnecessary explanations and delays. Although there could have been a potential anti-



Spanish sentiment that might have posed disadvantages for me, I did not get the impression that this sentiment was present among elites, particularly in the Colombian context where most of them have a European background.

Additionally, being a young woman had mixed implications. While I believe it often helped in building trust and accessing interviews (a perception of proximity that men often lack) (Manderson et al., 2006), it also exposed me to age- and gender-based power imbalances. I sometimes felt that certain older male interviewees, especially in powerful political positions, wanted to display a superior knowledge on the areas of my research than me, a phenomenon documented in the literature (Li, 2022; Mason-Bish, 2019; Pini, 2005). For instance, some individuals dismissed my explanations, called my questions irrelevant or even took it upon themselves to advise me on how I should be framing my thesis. This had an impact on how secure I felt during the interview, which resulted in me potentially not asking the right questions. Since I was less confident about the quality of the information that I obtained in those interviews, I corroborated it with other interviewees who collaborated with them.

#### *Other Sources*

In order to gain a better understanding of the political, institutional and social context surrounding the decision, I resorted to additional sources of information: official documents, including relevant legal regulations, political debates retrieved from parliamentary records and in the media, public opinion surveys, reports on Venezuelan FDPs, online speeches and ethnographic notes taken during fieldwork. This was particularly important and more detailed for the case of Peru, to compensate for the lower number of interviews conducted in this case.

In Peru, official documents encompassed legal regulations of FDP permits, migration and relevant institutions, legislative projects, and official communications announcing decisions regarding Venezuelan FDPs. The views on Venezuelan FDPs and the justifications of policy expressed by politicians and bureaucrats in their discourse contributed to my gaining of an understanding of the decisions leading to different FDP policies. Some of these official documents were identified in newspaper articles or in reports issued by think tanks or international organisations (e.g. Briceño et al., 2020, from Equilibrium CenDE). Political debates were sourced from the official website of the Congress by reviewing all meeting minutes between January 2017 and July 2019 and selecting the ones containing the keywords ‘Venez’ and ‘migra’. This effort yielded a total of twelve political statements, suggesting the issue’s limited salience within the parliament, possibly attributable to the *presidentialisation* of FDPs (Pecho González, 2020).<sup>47</sup>

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<sup>47</sup> Pecho González (2020) argues that the management of Venezuelan FDP was predominantly handled by the executive branch, a strategic maneuver of Kuczynski aimed at mitigating its politicisation.

Political statements were extracted from two widely read newspapers, *Ojo* and *El Comercio*. These newspapers were selected based on their representativeness and prominence. Both *Ojo* and *El Comercio* are prominent newspapers in Peru with a right-wing orientation, reflecting the broader trend in Peru's digital and printed media. They differ in their levels of sensationalism, with *Ojo* being highly sensationalistic and *El Comercio* less so. I identified the articles on FDPs by entering the keywords 'Venezuelan', 'migrant' and 'foreigner' in the search engines in the same time period. Subsequently, I extracted quotes from politicians, bureaucrats and members of the international community regarding Venezuelan FDPs from those articles, yielding a total of forty-seven statements. Complementarily, I retrieved speeches by public figures in which they presented decisions on FDPs (e.g. the announcement of the Humanitarian Visa by President Vizcarra). The purpose of these data was to reconstruct the public discourse surrounding the decisions, thereby contributing to an understanding of the underlying reasons behind it.

In addition to these documents, other sources were used to understand the societal context surrounding FDP responses. I relied on public opinion surveys on societal attitudes towards Venezuelan FDPs and policy, including those conducted by Ipsos-El Comercio (e.g. 2018), Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú [Public Opinion Institute of the Pontifical Catholic University of Peru] [IOP-PUCP] (e.g. 2018) and Oxfam International (i.e. 2019), and on qualitative studies (Fernández-Rodríguez, 2023). Finally, I complemented the information retrieved from the previous sources with reports from international organisations (e.g. Rossiasco, 2019), academia (e.g. Valdiglesias, 2018) and state sectors (e.g. MINJUSDH, 2019) on the impact of Venezuelan FDPs in the country or the role of the media, to deepen my understanding of the context. I further relied on additional sources on topics that were found to be relevant at later stages of the research process, such as Peru's political instability or the nature of its relations with the US (e.g. McClintock & Vallas, 2003).

In Colombia, official documents included legal regulations of FDP permits, migration and relevant institutions, policy documents (the so-called CONPES) and reports issued by the government (e.g. Colombia, Presidencia de la República [Presidency of the Republic], 2020), identified in a similar manner to those in Peru. The following table includes some of the official documents that I have relied on for the cases of Peru and Colombia:

Table 14: Key official documents

Peru	Colombia
Legislative Decree 1582/2023 modifying the migration law	Law 2136/2021 regulating a comprehensive migration policy
Supreme Decree 10/2020 creating a regularisation mechanism (CPP)	CONPES 4100/2022 developing a strategy for the integration of the Venezuelan Population
Resolution 0177/2019 from the Superintendency implementing the Humanitarian Visa	Decree 216/2021 creating the ETPV
Official Press Release 5/2019 of the Ministry of Foreign Affairs announcing the creation of the Humanitarian Visa	CONPES 3950/2018 developing a strategy for the assistance of Venezuelan Migrants
Supreme Decree 7/2018 anticipating the deadline to apply for the PTP	Resolution 6370/2018 creating the PEP-RAMV
Supreme Decree 1/2018 extending the deadline to apply for the PTP	Resolution 5797/2017 of the Ministry of Foreign Affairs creating the PEP
Supreme Decree 2/2017 creating the PTP	Resolution 1220/2016 of Colombia Migration regulating border transit
Legislative Decree 1350/2017 regulating migration	Decree 4062/2011 creating Colombia Migration
Legislative Decree 1130/2012 creating the Superintendency of Migration	

Source: own data

I sourced political debates from the official website of the Congress, particularly within the minutes of the sessions of the Second Commission of the House of Representatives, responsible for international affairs, borders, and migration by searching ‘migrant’ and ‘Venez’ as keywords in the minutes from the period between January 2017 and July 2021. Out of 167 minutes scrutinised, I identified a total of thirty-four relevant debates. In addition, I extracted political statements from a widely read newspaper, *El Tiempo*.<sup>48</sup> I identified articles on FDPs by entering, as in Peru, the keywords ‘Venezuelan’, ‘migrant’ and ‘foreigner’ in the search engines in the same time period. Subsequently, I extracted quotes from politicians, bureaucrats and members of the international community regarding Venezuelan FDPs, yielding a total of 150 statements. And I retrieved speeches of public figures in which they presented decisions on FDPs (e.g. President Duque’s speech during the signing of the ETPV in Presidency of Colombia, 2021).

<sup>48</sup> *El Tiempo* is the most widely read newspaper today in Colombia and considered a newspaper of reference, with a centre-right-wing stance, aligned with the prevailing trend in the Colombian media. Founded in 1911 by a liberal figure Alfonso Villegas Restrepo, it stands as a representative example of Colombia’s press emerging in the twentieth century (Reporteros sin Fronteras & Federación Colombiana de Periodistas, 2015).

In addition to these documents, I relied on public opinion surveys on societal attitudes towards Venezuelan FDPs and responses, including Gallup (e.g. Invamer, 2021), Xenophobic Barometer (e.g. 2020) and Oxfam International (i.e. 2019), and academic studies (Allen et al., 2024). I complemented the information retrieved from the previous sources with reports from international organisations (e.g. World Bank Group, 2018b), from academia (e.g. Caruso et al., 2021), and from state sectors (e.g. Melo-Becerra et al., 2020) on the impact of Venezuelan FDPs in the country to understand the context surrounding the Venezuelan exodus. I resorted to additional secondary sources on topics that were found relevant at later states of the research process, such as Colombia's institutional framework to address forced displacement (e.g. Ibáñez & Velásquez, 2008).

During fieldwork, I also recorded pertinent observations. These included insights from informal conversations before and after the interviews on relevant aspects on the policy-making process. They also encompass social perceptions towards Venezuelan FDPs expressed by my students, as well as by the residents from Cúcuta and Bogotá that I encountered. Additionally, I documented first-hand observations on the border's dynamics, such as the presence of armed groups and binational Indigenous groups, supplemented by explanations provided by local inhabitants, including social researchers on the border. These notes were particularly useful at initial stages of my research to generate ideas on the potential differences between the two cases under study.

**Table 15: Overview of key sources, their roles and purposes**

Role	Sources	Purpose
Main Source	Elite interviews	Reconstruct policy-making process, identify and understand relevant differences
	Expert interviews	Identify and understand relevant differences
Secondary sources	Political statements retrieved on the media	Identify relevant differences and gain context knowledge
	Political statements retrieved from parliamentary debates	Gain contextual knowledge
	Public opinion surveys	Gain contextual knowledge
	Official documents (legislation)	Identify relevant differences
	Official reports	Gain contextual knowledge
	International organisations' and think tanks' reports	Gain contextual knowledge, understand relevant differences
	Academic studies	Understand relevant differences
	Online speeches	Identify relevant differences
	Ethnographic notes	Identify relevant differences, gain contextual knowledge

Source: own data

### 3.4. Data Analysis

To analyse the data, I employ the Codebook Thematic Analysis (TA) method, which is adaptable to various methodologies and data-collection techniques, including interviews and political statements retrieved from the media and parliamentary debates. Codebook TA involves structured coding using a coding frame, theme development and a conceptualisation of themes as topic summaries. While aiming at objectivity, it acknowledges researcher subjectivity and allows for induction while being guided by existing theory (Braun & Clarke, 2022). In this study, I follow abductive thematic analysis which engages with empirical data and theory concurrently. Rather than approaching the research with complete openness, I am guided by existing theory on migration and FDP policy determinants (see literature review in Chapter 2). However, at the same time, I remain receptive to unexpected findings that contribute to answering my research question and have not yet been explored by the existing literature. Under this form of analysis, the codebook serves the purpose of reflecting on the coding choices (labelling, definitions), rather than on objectively measuring the data (Thompson, 2022).

To conduct Codebook TA, I follow some of the steps outlined by Thompson (2022) for abductive TA. After receiving the transcripts from a third party, I imported the interview and parliamentary debate transcriptions into MaxQDA software. In a first step, I familiarised myself with the data by reading the transcripts twice and I applied preliminary codes in a first round of coding. Some codes were informed by existing theory on the determinants of FDP policy (e.g. ‘foreign affairs policy’), while others were derived from their importance in the data to explaining the outcome, i.e. FDP policies (e.g. ‘the nature of the border’). In a second round of coding, I refined the coding frame by identifying patterns across the data. In this second step, I carried out a cleaning process, merging similar codes (e.g. ‘foreign affairs with Venezuela’ and ‘international relations with Venezuela’), removing non-pattern codes (e.g. no impact of foreign affairs’ which only appeared once) and organising them hierarchically in the coding frame (e.g. ‘political factors’ > ‘foreign affairs with Venezuela’ > ‘conflict between the executives’).

Subsequently, in a third step, I developed a codebook summarising the meaning of each of the codes, delineating the kind of information falling under each code (and the factors that did not) and providing examples (see full codebook in Annex 6). In the following table I provide two examples of code descriptions – one developed deductively and the other inductively – that appear in the codebook:

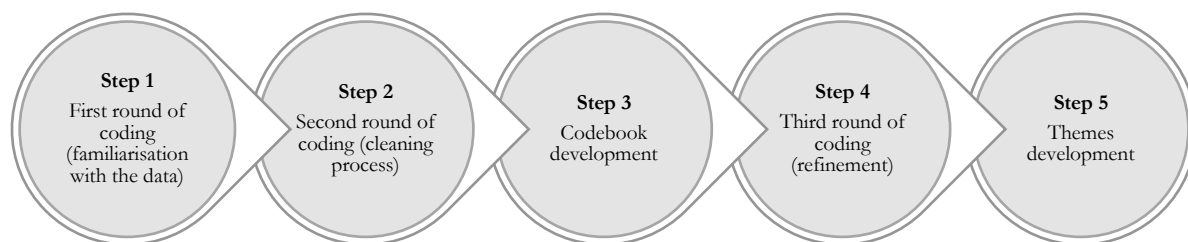
**Table 16: Codebook excerpt**

Code	Description (‘what it is’)	Example of coded text
Foreign affairs with Venezuela <i>(deductive)</i>	It refers to the use of FDP policy as a diplomatic tool with Venezuela. In other words, it refers to the role that the relations with Venezuela play in determining the nature of FDP policies.	‘I believe that everything has a political side because it [the ETPV] was also a way of sending a political message to Maduro.’
Lack of cooperation mechanisms <i>(inductive)</i>	This sub-code refers to instances where there is an inadequate establishment or functioning of coordination mechanisms within institutions that handle migration management in Peru. It highlights cases where the available institutional spaces for addressing migration issues are either insufficient or weakened, lacking the necessary authority or effectiveness to facilitate meaningful collaboration for FDP policy-making.	‘there are few [coordination] institutional spaces to address these issues, and when they do exist, they are weakened spaces that lack power within the structure. The Intersectoral Board for Migration Management table has been around for a long time [however], these structures have little power within the ministries.’

Source: own codebook

In a fourth step, I ensured accurate coding attachment. In a fifth and last step, I developed the themes reflecting the relationship between the different codes and articulating the narrative that I aimed to convey and that guided the writing process (e.g. ‘Established capacities from institutional legacies in Colombia and their absence in Peru contribute to explaining the different nature of policy-making processes’) (see list of themes in Annex 7).

**Figure 6: The origins and impact of registering the population in Colombia**



Source: own research design

I conducted TA separately for the cases of Peru and Colombia, as each follows a distinct process-tracing method and the data collection took place at different points in time (see fieldwork in Peru and Colombia above). The initial analysis of Peru thus informed the one of Colombia. Based on the analysis of Colombia, in a second step, I expanded the codes for the Peruvian case (e.g. ‘the nature of borders’). In particular, many of these codes referred to elements that are absent in the Peruvian case, but whose absence contributed to explaining diverging FDP policies in Colombia and Peru. For instance, the institutionalisation developed during the internal forced displacement crisis in Colombia fostered capacities which were crucial in adopting the ETPV and are absent in Peru. Those are reflected in the codebook for the case of Peru as, e.g., ‘institutional weakness’ > ‘competence dispersion’.

Interpreting elite interviews and political statements during the analysis phase posed significant challenges. As described in the previous section, several policy-makers refrained from disclosing the real motivations behind their decisions. Additionally, the interview material reveals significant contradictions about the role of the different authorities in policy-making. To reconstruct the actual process, it was therefore essential to be aware of the incentives driving individuals not to tell the truth and to compare the various accounts provided by all policy-makers. For example, the interviews reveal important inconsistencies regarding the controversies emerging in the debates on the ETPV in Colombia. Both the BMO and Colombia Migration interview partners argued that they advocated for the maximum duration of the permit, while each contended

that the other did not. In the end, I relied on the version provided by the BMO, as it aligned with the narratives offered by other participants that were more neutral about it, such as the Vice-Minister of Multilateral Affairs.

Finally, some of the empirical material, including legal regulations or speeches, and relevant secondary sources were triangulated at a later stage with the interviews and political debates that had undergone systematic analysis through abductive TA. These sources served to reinforce the conclusions drawn from the primary analysis and are integrated into the final written work. While the diversity and richness of the empirical material proved valuable, they also posed challenges for maintaining systematicity. Difficulties emerged in standardising the various sources of information. Adopting a single codebook for both primary and secondary data, official documents and speeches, proved unfeasible. I addressed this issue by prioritising interviews and political statements as the main sources of information, with other sources serving to reinforce the conclusions. In fact, those additional sources rarely contradicted the results retrieved from the main sources.

### **3.5. Concluding Remarks**

To sum up, my research design integrates process-tracing with a comparative method of difference. This approach allows an in-depth understanding of each individual case to be reached, while explaining an empirical puzzle consisting of two similar cases displaying different outcomes (i.e. FDP policies). Although guided by existing literature, this research remains receptive to empirical evidence, employing an abductive approach that blends inductive and deductive approaches. It draws primarily from elite and expert interviews conducted during online and onsite fieldwork in Colombia and Peru. This enables the reconstruction of policy-making processes, addressing a gap identified by the existing literature on FDP policy determinants. In order to understand the different decisions, however, the analysis triangulates other sources of information, including official documents, speeches, academic work, ethnographic notes, online speeches, reports from international organisations and think tanks. Finally, thematic analysis based on a codebook helps to make sense of the bulk of the empirical data collected. This combination of methodologies and data collection and analysis methods makes possible nuanced explanations and a deep understanding of each case. At the same time, it lends itself well to theory-building purposes. The main challenges of this research design included limited access to Peruvian elites in the absence of fieldwork, the elusiveness of the elites within the interviews and problems systematising the diverse sources of information.



## **CHAPTER 4. Policy-making Processes Leading to the ETPV and the Humanitarian Visa**

### **4.1. Introduction**

This chapter analyses policy-making processes leading to the ETPV in Colombia and to the Humanitarian Visa in Peru, opening the black box of policy-making regarding FDPs in Southern countries (Abdelaaty, 2021; Mencütek, 2019). To achieve this, the analysis first describes each case and identifies the responsible authorities. It then examines the political and non-political considerations influencing each decision and concludes with a comparison and tracing these considerations back to their respective institutional frameworks.

The analysis identifies significant variations that shape the distinct nature of FDP policy between Colombia and Peru. In Colombia, political considerations focus on foreign policy agendas, complemented by non-political considerations including cost-benefit analysis, involving bureaucrats and foreign affairs authorities. Conversely, Peru's policy is primarily driven by domestic political considerations, particularly through the Ministry of the Interior, with limited involvement of bureaucrats and non-political considerations. These differences lead to two distinct policy-making processes shaping different responses: a dual approach in Colombia involving both politicians and bureaucrats, blending non-political and political considerations, and an exclusively political approach in Peru, characterised by the absence of bureaucrats and non-political factors

Before separately assessing each case, starting with Colombia and followed by Peru, this chapter provides a description of the different phases of policy-making and distinguishes between politicians and bureaucrats. Then, for each case, it first provides background information including the evolution of FDP numbers and a brief overview of the political and societal contexts. Following this background, the chapter describes policy-making processes by identifying responsible authorities. It then discusses the political and non-political considerations influencing policy-making, drawing on interviews with policy-makers and experts. It also examines considerations that appear not to influence the process in each case. Finally, the chapter compares the different characteristics of policy-making, regarding responsible authorities and type of considerations, and trace these considerations back to their respective institutional frameworks.

## 4.2. Key Terms: Policy-making and Policy-makers

Policy-making can be defined as the process through which the government identifies specific societal problems, propose and deliberate potential solutions, and ultimately choose a course of action. Combining the model proposed by Ingram & Smith (2011) with other specific descriptions of migration policy-making (Paquet, 2020), I identify the following stages through which policy-making regarding FDP typically unfolds:<sup>49</sup>

- a) *Problem identification*: recognising and defining issues or challenges that require attention and political intervention. In the present field, it refers to the arrival of FDPs and their real, perceived and potential impacts in the receiving country.
- b) *Agenda setting*: determining that the issue (i.e. FDPs) will receive attention and priority within the policy-making process.
- c) *Initiative and mandate*: defining the broad objectives of the policy alongside identifying the authorities responsible for its formulation. These broad objectives encompass the primary goal of the FDP measure, such as whether to regularise or restrict FDPs' rights, and designate authorities whose competences in the field of FDPs may be less clearly delineated than in other fields due to its sudden, large-scale and unprecedented nature.
- d) *Policy design and development*: developing potential strategies to tackle the identified issues and discussing alternative solutions.<sup>50</sup> For instance, to attain regularisation of FDPs, strategies may encompass options such as short- or long-term permits, the expansion of existing legal categories or the establishment of specialised categories.
- e) *Decision-making*: choosing among various alternatives, involving negotiation, compromise or decisions usually by high-ranking authorities.

Policy-making regarding FDPs is primarily handled by the executive branch rather than the parliament, as it usually constitutes a response to a sudden phenomenon that requires a swift and an *ad hoc* response, especially in contexts where it has an unprecedented nature. This is the case of the processes leading to the Humanitarian Visa in Peru and the ETPV in Colombia. Therefore, this research distinguishes between two types of policy-makers within the executive branch: politicians and bureaucrats.

Within democratic systems, *politicians* have been traditionally understood as the democratically elected officials. Expanding this classic definition, I also consider politicians those politically appointed individuals who

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<sup>49</sup> Note that this encompasses the policy-making phase of the public policy cycle, focusing exclusively on *de jure* policies and excluding their implementation aspects.

<sup>50</sup> FDP policies often take the form of a piece of legislation. This is clearly the case of the ETPV, but not the Humanitarian Visa. However, in both cases, policy design often includes drafting a proposal of the strategy that is to be discussed and ultimately adopted by the actors involved in policy formulation.

share ideological alignment with elected leaders. Their political survival and career trajectories are closely intertwined with elected leaders, compelling them to align with political leadership goals. This broader definition encompasses not only the president and the members of the cabinet (the executive), but also their vice-ministers.

Similarly, this research expands the traditional definition of bureaucrats, which exclusively concerns career civil servants (Bach, 2021; Wakisaka, 2022) to include advisors appointed *ad hoc* (see section 6 in Chapter 2) based on their previous expertise through open recruitment systems, akin to parallel bureaucracies (Zuwanic & Iacoviello, 2011). Additionally, policy bureaucrats encompasses both elite bureaucrats and middle-rank officials, which can also play an important role in policy-making (Page & Jenkins, 2005; Paquet, 2020).

### 4.3. Policy-making in Colombia

#### 4.3.1. *Political and Social Background*

The early years of the Venezuelan exodus occurred during Juan Manuel Santos's presidency (August 2010–August 2018). A liberal politician, he ran for the presidency as a candidate of the 'U Party', founded by former President Álvaro Uribe (2002–2010), who later became his main political opponent.<sup>51</sup> His mandate was characterised by the signing of the peace agreement in 2016 with the FARC (*Fuerzas Armadas Revolucionarias de Colombia*), a leftist guerrilla group that had been a main actor in Colombia's long-standing armed conflict (1960–present), resulting in 450,000 deaths and 7.7 million internally displaced people by 2018 (Chevalier, 2022; UNHCR, 2018). In this political context and given his other priorities, Santos took a pragmatic approach towards the Venezuelan forced displacement seeking to address its effects without politicising it (Barbieri et al., 2020).

In August 2017, his government adopted an *ad hoc* policy to regularise Venezuelan FDPs, the PEP, a special permit granting Venezuelans the right to stay, work and access public services in the country (see Introduction, section 4). In response to continued arrivals, the government issued and renewed the PEP several times and created an advisory institution at the presidential level, the BMO, to coordinate the state response across different levels of governance. Initially applicable only to Venezuelans who entered the country regularly (i.e. with passports through border controls), the government extended the permit to include irregular FDPs already in the country, provided they registered under a census (Selee & Bolter, 2022). Despite these efforts, more than half of Venezuelans remained irregular (Colombia, Presidencia de la República [Presidency of the

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<sup>51</sup> Due to his stance on the armed conflict and his promotion of a peace agreement with the guerrillas, Santos's presidency was marked by a serious confrontation with Uribe, who became the main opponent of his government.

Republic], 2020). During Santos's mandate, the number of Venezuelans was increasing significantly each month, rising from 600,000 in February 2018 to almost 1 million in August 2019 (R4V, 2024).

After Santos's mandate, Iván Duque became president as the candidate of Centro Democrático, the party founded and led by former President Álvaro Uribe (2002–2010), which opposed Santos's stance on the armed conflict and the 2016 peace agreement with the FARC. Before assuming the presidency, Iván Duque had promised a welcoming policy towards Venezuelan FDP by easing the requirements to stay in the country. His welcoming discourse towards Venezuelans was aligned with his confrontational discourse towards Maduro's regime, left-wing and ideologically opposed to his conservative, right-wing ideas.<sup>52</sup>

During his mandate, the number of Venezuelans continued to grow significantly from almost one million at the start of his mandate, in September 2018, to more than 1.7 million two years later (R4V, 2024). Rising numbers coincided with an increase in opposition to liberal policies among Colombian citizens. Since October 2018, the number of those opposed to Venezuelan migration in the country surpassed the number of Colombians in favour, with anti-migration sentiment reaching 69% in February 2021. Furthermore, during the same period, 66% of the population were against giving Venezuelans temporary permits (Invamer, 2021). Despite certain statements reflecting prevalent negative public sentiment,<sup>53</sup> the Duque administration pursued a liberal policy amidst worsening relations between Venezuela and Colombia.<sup>54</sup> In February 2021, he adopted the ETPV, a ten-year stay permit, conceived and praised internationally as one of the most generous permits of the world in a context of large-scale forced displacement (UN Colombia, 2021). The next section will discuss the policy-making process that led to this decision.

### ***4.3.2. The Origins of the ETPV and Policy-makers***

The origins of the ETPV are rooted in CONPES 3950 'a Strategy for the Attention of Venezuelan Migrants', adopted by Duque's government in November 2019. The CONPES defined the goals of FDP policy and foresaw the flexibilisation of regularisation mechanisms for Venezuelans. Based on this mandate, in December 2018, Margarita Manjarrez, the Director of Consular and Migration Affairs, the authority responsible for migration policy formulation within the Ministry of Foreign Affairs,<sup>55</sup> prepared a draft of a new regularisation mechanism, alongside the Director of Colombia Migration, Christian Krüger. Located within the Ministry of Foreign Affairs, Colombia Migration is the authority responsible for migration control. However,

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<sup>52</sup> See, for instance, the presidential debate against his left-wing rival, Gustavo Petro, at Rosario University (Rosario University, 2018).

<sup>53</sup> Duque was accused of xenophobia for suggesting that vaccines would come later for Venezuelan migrants, reflecting the prevailing negative public opinion (Mercado, 2020).

<sup>54</sup> These relations will be further discussed in Chapter 5.

<sup>55</sup> See art. 4.17, Decree 869/2016 for the allocation of responsibilities regarding migration policy.

since the onset of the exodus and due to the lack of experience in the Directorate of Consular and Migration Affairs, it actively participated in FDP policy formulation. The draft that emerged from these discussions was inspired by the US Temporary Protected Status.<sup>56</sup> In December 2019, President Duque accepted the proposal for the new regularisation instrument and asked the newly appointed Director of Colombia Migration, Juan Francisco Espinoza, to continue with the task of further developing the mechanism.

With the emergence of the COVID-19 pandemics in March 2020, discussions on the new regularisation mechanism were suspended at the political level. The topic of FDPs only came back onto the agenda when Antonio Sanguino, a Senator from the Green Party, started to denounce the vulnerability of Venezuelan FDPs, associated with their condition of irregularity. In September 2020, the head of the BMO (the advisory authority established during Santos's mandate to coordinate the state response), the Vice-Chancellor, the Directors of Consular and Migration Affairs and Colombia Migration, and their legal advisors got together to discuss a new project developed by the legal officer of Colombia Migration, Guadalupe Arbeláez, with the ideas of the BMO's legal advisor, Ana María Moreno.<sup>57</sup> This regularisation mechanism was more liberal than the one developed in 2019, by far, and accepted by the President.<sup>58</sup>

Policy-makers participating in those meetings could not reach an agreement on crucial aspects due to differing views. These aspects include the computation of the PEP for permanent visa applications, the compatibility of the ETPV with refugee protection, and the duration of the permit. The Director of Consular Affairs and some Colombia Migration officers held more restrictive views, while other Colombia Migration officers, including their head, planning officer, and legal advisor, and especially BMO officers, advocated more liberal approaches.<sup>59</sup> In January 2021, High Commissioner Alejandra Botero, at the presidential level, was asked to get involved in the discussion to solve some of these controversies. Eventually, by putting forward arguments related to cost-benefit analysis (see section 3.4 below), policy-makers advocating for the new regularisation mechanism imposed their views on their opponents (mainly from the Directorate of Consular and Migration Affairs and Colombia Migration).<sup>60</sup>

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<sup>56</sup> The Temporary Protected Status is a permit that allows migrants coming from countries that are considered unsafe by the US government the right to stay and work in the US (US Citizenship and Immigration Services, 2024).

<sup>57</sup> Interviews with Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022) and Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>58</sup> Besides a biometric registration, the version proposed by the Director of Consular Affairs did not tackle most of the issues associated with the PEP. In contrast, Arbeláez's project extended its duration (from 5 to 10 years), foresaw the possibility of applying for a permanent resident visa after certain years, and gave access to the permit to irregular FDPs and to those that entered regularly in the following years.

<sup>59</sup> Interviews with Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022), Lucas Gómez, former head of the BMO (21-11-2022), Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022), Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>60</sup> Interviews with Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022), Lucas Gómez, former head of the BMO (21-11-2022) and Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

High Commissioner Alejandra Botero presented President Duque a draft of the ETPV, along with several open questions on certain issues upon which the different participant institutions could not agree on. After considering the various arguments presented by policy-makers, the President resolved all the issues in the way that was most favourable for Venezuelan FDPs.<sup>61</sup> Ana Maria Moreno, the BMO's legal advisor, insisted on Duque's willingness 'to listen to the experts, to the technocrats', instead of to the restrictive sentiments prevalent in the population.<sup>62</sup>

Policy-making in Colombia involved the active engagement of both politicians and bureaucrats. The President formulated a strategy aimed at 'flexibilising' regularisation requirements. Its broad nature allowed middle-rank bureaucrats, namely the legal advisors of the BMO and Colombia Migration, to craft a much more liberal measure than the one previously envisaged at the political level, anticipating a favourable reception from politicians. The agenda-setting responsibility was taken up by the Vice-Chancellor, the head of the BMO and the Director of Colombia Migration, who organised the meetings to deliberate on the proposal put forth by Colombia Migration. Politicians, high-rank and middle-rank bureaucrats participated in policy-making, while the ultimate decision rested with the President.

The Ministry of Foreign Affairs played a leading role in policy-making. The Vice-Chancellor of Multilateral Affairs, Adriana Mejía, actively participated in the adoption of the ETPV by virtue of her role as Colombia's representative of various regional and international multilateral organisms on Venezuelan FDP and the political crisis in Venezuela.<sup>63</sup> According to Ana María Moreno, former legal officer of the BMO, her willingness and active involvement facilitated the resumption of these discussions in the context of the COVID-19 pandemic.<sup>64</sup>

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<sup>61</sup> *Ibidem*.

<sup>62</sup> Interview with Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022).

<sup>63</sup> Interview with Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022) and Andrés Segura, former BMO officer (online, 9-9-2022).

<sup>64</sup> Interview with Ana María Moreno, former legal officer from the BMO (Bogotá, 25-11-2022).

Table 17: Most relevant policy-makers in Colombia for the ETPV

Migration Authority	Office holder	Type of authority	Original competence over migration	Role in the adoption of the ETPV
President	Iván Duque (Aug. 2018–Aug. 2022)	Political	Deciding on migration policy	Mandate formulation, policy-making
Vice-Minister of Multilateral Affairs	Adriana Mejía (Sep. 2018–Jun. 2021)	Political	(no competence – representation of Colombia in multilateral organisations)	Agenda setting, policy formulation, decision-making
Head of the BMO	Lucas Gómez (Oct. 2020–Aug. 2022)	Bureaucratic	Coordinating migration authorities and advice the President	Agenda setting, policy formulation, decision-making
Director of Consular and Migration Affairs	Fulvia Benavides (Feb. 2020 – March 2023)	Bureaucratic	Formulating migration policy	Policy formulation, decision-making
Director of Colombia Migration	Juan José Espinoza (Jan. 2020–Sep. 2022)	Bureaucratic	Controlling migration	Policy formulation, decision-making
High Commissioner for the CONPES' compliance	Alejandra Botero (Aug. 2018–Aug. 2021)	Bureaucratic	(no competence – CONPES compliance)	Decision-making
Legal advisor of Colombia Migration	Guadalupe Arbeláez (Feb. 2017–Sep. 2022)	Bureaucratic	Legal assistance of Colombia Migration	Policy formulation, decision-making
Legal advisor of the BMO	Ana María Moreno (Jan. 2020–Dec. 2022)	Bureaucratic	Legal assistance of the BMO	Policy formulation, decision-making

Source: own data

### 4.3.3. Political Considerations: Venezuelan FDPs as a Matter of Foreign Affairs

The political considerations that guided the adoption of the ETPV were related to foreign affairs. On the one hand, the government perceived the ETPV as an opportunity to enhance its reputation within the international community and to improve its relations with international aid agencies, particularly with UN agencies and other countries mainly from the Global North. On the other hand, the government viewed it as a means of embarrassing the Venezuelan regime, an adversary of the Colombian government under Duque's mandate. In the context of hostile relations with the foreign country, the view of Venezuelans as a matter of foreign policy resulted into a liberal policy.

Political authorities were aware of the potential of managing Venezuelan FDPs as a way of improving relations with international aid agencies and of gaining prestige within the international community. Upon assuming the presidency, Duque requested the UN to designate an expert on Venezuelan FDPs to coordinate the response. In September 2018, the UN appointed Eduardo Stein, former Chancellor of Guatemala, as the coordinator of the R4V platform and the UN's Special Representative for Venezuelan Migrants and Refugees.<sup>65</sup> Politicians were aware that extending a welcoming response would be positively received by third states, both for humanitarian and strategic reasons (i.e. preventing FDPs from migrating to their territories). For instance, with the arrival of Biden as US President, it was anticipated that the measure would be well received as a humanitarian gesture towards FDPs.<sup>66</sup> Funded by international aid, the BMO served as a crucial intermediary between the government and international aid agencies.<sup>67</sup>

A clear example of how the government used migration policy to build its reputation is found in its approach toward the OECD. Under Santos's mandate, migration authorities had strategically employed the PEP to support their accession.<sup>68</sup> Following their membership in 2020, the Duque administration resorted to the ETPV to improve its reputation within the organisation, showcasing the outcomes of the regularisation programme, as reflected by High Commissioner Alejandra Botero:

They considered us as a model in the OECD agenda shortly after our entry in the organisation. In the light of other countries' statistics, Colombia had something interesting to show. Migration policy was a way of entering the OECD, something that positioned us on the international agenda with unique contributions to significant global issues.<sup>69</sup>

Furthermore, Colombian authorities strategically timed the announcement of the ETPV during the visit of the UN High Commissioner for Refugees, Filippo Grandi, in February 2022. According to the interviewees, negotiations started in September but had stalled for several months due to disagreements on specific issues, such as the duration of the permit.<sup>70</sup> High Commissioner Alejandra Botero referred the decision upwards to the President in December, ensuring the timely announcement of the ETPV for Filippo Grandi's visit to Colombia. During his visit, Filippo Grandi described the ETPV as 'an extraordinary and meaningful

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<sup>65</sup> Interview with Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>66</sup> Interviews with former UNHCR officer in Colombia (online, 8-2-2023) and BMO officer (anonymous) (online, 5-12-2022).

<sup>67</sup> Interview with Felipe Muñoz, former head of the BMO (online, 19-12-2022), Lucas Gómez, former head of the BMO (21-11-2022), Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), and former UNHCR officer in Colombia (online, 8-2-2023).

<sup>68</sup> Interview with Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>69</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

<sup>70</sup> Interviews with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022) and Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022).



display of humanity and commitment with human rights' (Echevarría Niño, 2021). The choice of announcing the ETPV at this point suggests that the measure constituted an attempt by Duque's government to improve its image before the international community. Inviting the UN Representative in Colombia, the US Ambassador and the Ambassador of the European Union to the event (Colombia, Cancillería [Ministry of Foreign Affairs], 2021a) further suggests those intentions.

A key goal of the ETPV was to set a compelling example for other nations and position Colombia as a leader committed to the rights of the Venezuelan people, as emphasised by Alejandra Botero:

There was an important component [of the decision], which was to give example to the rest of the region. At that time, other countries were closing their borders in response to a growing influx of migrants. Peru and Ecuador had closed their borders, while Chile was attempting to limit their entry. I clearly recall our deliberations: 'Let's implement the ETPV' and the President said, 'I want to do it with these characteristics, I want it to be ambitious, I want Filippo Grandi to come. I really want this to be a model for the rest of the world, demonstrating that we can proactively integrate solidarity into our economy through these instruments. Hopefully, it will inspire other nations to approach this with solidarity.'<sup>71</sup>

In fact, upon the announcement of the ETPV, Duque presented the measure by contrasting it with the responses of other countries which were driven by xenophobia. He used the policy to position Colombia as a point of reference both within the Latin American region and globally:

'Unlike other countries, where there is xenophobia, we respond with fraternity and brotherhood. We must set the example because we cannot endlessly wait for international aid for that population [...] this represents migration policy of the twenty-first century – an emblematic symbol of peace in global migration policy. We are showing the world that our nation is leaving an indelible mark.' (Mercado, 2021b).

Furthermore, Duque strategically took advantage of global forums to showcase Colombia's response as exemplary. A notable instance occurred during a March 2021 forum at the Organisation of American States (OAS), dedicated to discussing the ETPV. The OAS General Secretary, Luis Almagro, praised Duque's decision, describing it as a 'an additional step in the leadership' he had demonstrated in managing the challenges faced by those fleeing hunger, misery, and repression in Venezuela (Organización de los Estados Americanos. [Organization of American States], 2021). Duque further emphasised his commitment towards Venezuelan FDPs during the International Conference for Donors in Solidarity with Venezuelan Migrants and Refugees in June 2021, hosted by Canada, by stating:

'The only way to protect human rights is through concrete, incontrovertible, and unquestionable actions, and Colombia has shown the world that its migration policy, with the Temporary Protection Status for Venezuelan

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<sup>71</sup> *Ibidem*.

Migrants [ETPV], is the greatest testimonial, a commitment of our nation to human rights that can be verified and scrutinised.’ (Colombia, Cancillería [Ministry of Foreign Affairs], 2021c)

The conference was attended by high-ranking members of international organisations, such as the UN Secretary General, Antonio Guterres, the OAS Secretary General, Luis Almagro, the UNHCR High Commissioner, Filippo Grandi, and the IOM General Director, Antonio Vitorino. Filippo Grandi described Colombia’s response as ‘brave and unprecedented’, expressing pride in having been present during the ETPV’s announcement and encouraging other countries to follow Colombia’s example (Colombia, Cancillería [Ministry of Foreign Affairs], 2021b). In June 2022, during the Ninth Summit of the Americas, Duque also extended an invitation to Latin American countries to follow Colombia’s lead, emphasising the possibility of a ‘solidarity-driven, fraternal and inclusive migration policy’. These speeches reflect the underlying considerations driving Duque’s response to Venezuelan FDPs, as suggested by a journalist covering migration topics in a Colombian newspaper:

President Duque strategically used migration as a governmental policy, which helped him have a positive image. When we talk about Duque at the international level there is positive image of him, precisely because of the migration topic. This is why, as journalists, we started covering the topic, not just because there was an exodus, but also because it was a topic that was part of the government’s agenda. The ETPV emerged as a political flagship actively promoted on the international stage.<sup>72</sup>

In addition to enhancing its international reputation, the government adopted this measure with the intention of obtaining more support from the international community in terms of funding (the so-called rent-seeking phenomenon).<sup>73</sup> This intention is evident in Duque’s previous statement referencing the impracticality of ‘waiting endlessly’, suggesting that the efforts of international aid up to that point were insufficient. An OIM officer also reflects this idea:

The government’s decision to regularise immigrants constituted a call for ‘Please, give me more resources, we are doing our part, we are trying to regularise but you could do your part; we cannot hide the fact that this is a prolonged emergency. We need more resources to effectively address and solve the ongoing challenges in Colombia.’<sup>74</sup>

During the Duque administration, the relations between Colombia and Venezuela became increasingly hostile (see Chapter 5 for further details). Both the President and the Vice-Chancellor of Multilateral Affairs brought these political considerations to the policy-making that resulted in the ETPV. Margarita Manjarrez,

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<sup>72</sup> Interview with a journalist from a Colombian newspaper (anonymous) (online, 18-1-2023).

<sup>73</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), an IOM officer (anonymous) (online 16-10-2022), Dayron Castro of Unicef (Cúcuta, 14-10-2022), and an IOM officer (online, 26-10-2022).

<sup>74</sup> Interview with an IOM officer (anonymous) (online, 16-10-2022).

former Director of Migration and Consular Affairs, described the ETPV as an attempt by Duque to act in consistency with its adversarial rhetoric employed towards Maduro's regime:

The governments of Colombia and Venezuela were not talking at that point since the diplomatic relations were cut. They were at opposite poles. Of course, if we said that the population was leaving their country because their government was destroying the economy and also violating human rights; that there were no opportunities and, in addition to criticising that government, Colombia was advancing a campaign of political pressure at all levels, especially regional and multilateral, how could we say that we did not receive in our territory the migrants who were victims of an anti-democratic regime that we criticised and that violated the rights of its population? And one cannot forget that Colombia manages migration prioritising humanitarian aspects.<sup>75</sup>

Going a step further, former Vice-Chancellor Adriana Mejía considers that the ETPV constituted a way of embarrassing Maduro's regime:<sup>76</sup>

[With the ETPV,] we hoped to exhibit the dramatic standard of living that these people had in Venezuela because of a regime which not only does not respect their civil and political rights, but also leaves people in misery and in a humanitarian crisis which forced them to leave the country; it was a call to the international community that we should do something in this regard.<sup>77</sup>

By hosting Venezuelan FDPs through the ETPV, Duque's government sought to bring visibility to the situation of Venezuelan people and show that Maduro was failing to grant his citizens their rights and suitable living conditions in their home country, forcing them to leave.<sup>78</sup> Upon the announcement of the ETPV alongside Filippo Grandi, Duque connected humanitarian migration crises with 'disgraceful dictatorships' and referred to the Venezuelan exodus as 'the most severe migration crisis in the world'. Subsequently, he suggested the failure of both its political and economic models, characterising the situation in Venezuela that had led to the crisis as follows:

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<sup>75</sup> Interview with Margarita Manjarrez, former Director of Migration and Consular Affairs (Ministry of Foreign Affairs of Colombia) (online, 24-01-2023).

<sup>76</sup> Other interviews also reflect this intention (interviews with Nataly Contreras, former officer of the BMO, online, 14-10-2022; a journalist from a Colombian newspaper, anonymous, online, 18-1-2023; Lucas Gómez, former head of the BMO, Bogotá, 21-11-2023; Victor Bautista, former Director of Borders, Ministry of Foreign Affairs of Colombia, Cúcuta, 20-2-2023)

<sup>77</sup> Interview with Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022).

<sup>78</sup> Interview with a former leader of the Venezuelan opposition in Colombia (anonymous) (online, 13-12-2022), Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022), Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia), Cúcuta, 20-2-2023), Lucas Gómez, former head of the BMO (Bogotá, 21-11-2023) and Margarita Manjarrez, former Director of Migration and Consular Affairs (Ministry of Foreign Affairs of Colombia) (online, 24-01-2023).

‘Over 6 million Venezuelans have left the country not only because of its dictatorship, but also because of poverty. We clearly see how, in 2020, inflation was 3,700% [...] we see that the minimum wage does not reach 10 dollars, which means poverty of 90% according to certain indicators. We are hurt by these circumstances.’ (Mercado, 2021a)

Going a step further, some testimonies suggest that the ETPV was, in fact, a way of encouraging migration from Venezuela, exerting pressure on a government which had lost about 20% of its population (R4V, 2023). In this way, the Colombian government would host migrants in their country who could potentially act as a force of opposition to the Venezuelan regime.<sup>79</sup> However, there is not sufficient evidence indicating that this was one of the intentions of Duque’s government. A former leader of the Venezuelan opposition in Colombia describes the adoption of the ETPV as a result of ‘cogs in a migratory, humanitarian, and undoubtedly diplomatic and geopolitical conflict’.<sup>80</sup>

It is worth noting that some interviewees also minimised the role of foreign politics – and politics in general – in the ETPV, describing policy-making as ‘technical’ or ‘legal’.<sup>81</sup> However, these perspectives were commonly expressed amongst bureaucrats. In contrast, politicians openly acknowledged the also ‘political’ nature of the measure. This dual nature of the decision can be attributed to the different levels of negotiation. Following the presidential mandate of liberalising migration policy, Colombia Migration, the operational migration authority, and the BMO initiated negotiations with different actors, adopting a more technocratic approach, but, ultimately, the decision rested with the President, who also considered political factors (as outlined in section 3.2).

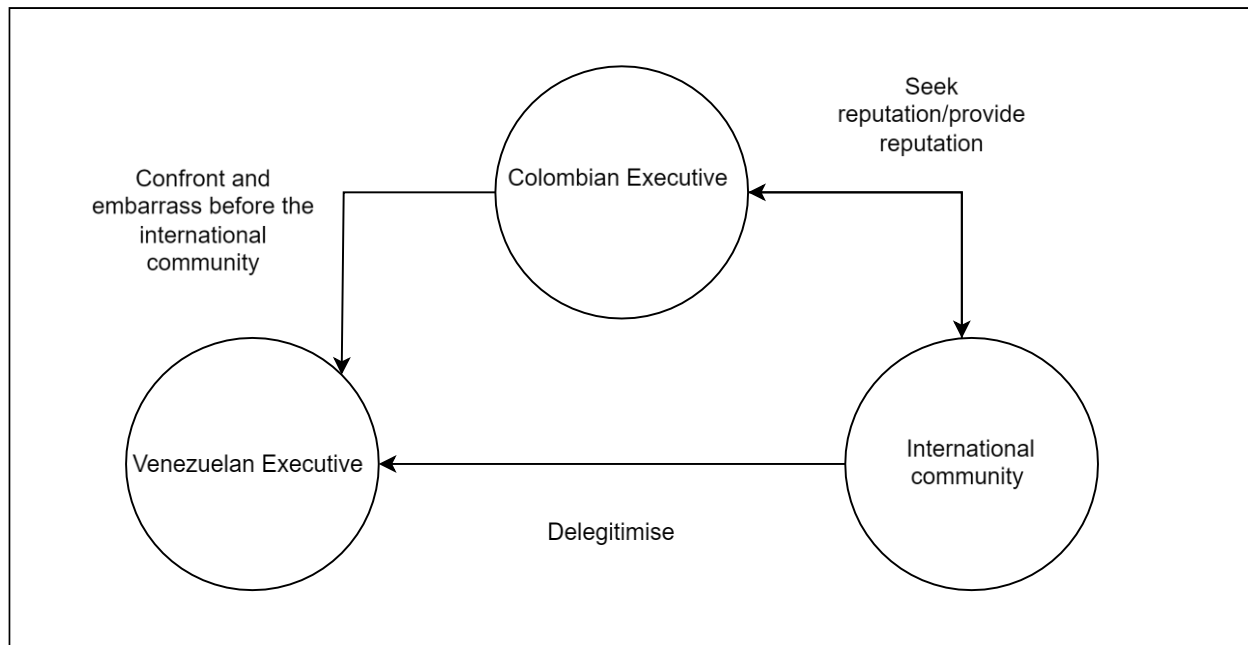
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<sup>79</sup> Informal conversations with a former officer of the BMO.

<sup>80</sup> Interview with a former leader of the Venezuelan opposition in Colombia (anonymous) (online, 13-12-2022).

<sup>81</sup> Interviews with Andrés Segura, former BMO officer (online, 9-9-2022), Alejandro Arias, an officer of the Ministry of Education responsible for migration matters (online, 16-11-2022), Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022) and Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021).

Figure 7: Interplay of foreign actors and the Colombian executive shaping political considerations behind the ETPV



Source: own data

*Could the ETPV Have Served as a Political Measure Aimed at Addressing Domestic Audiences?*

Typically, liberal FDP policies such as the ETPV are associated with foreign affairs considerations rather than domestic pressures. However, given that some empirical data suggests the ETPV was also used to address domestic audiences, this question needs examination.

In the context of the 2018 elections, the anti-Maduro rhetoric played a prominent role in Duque's campaign (F. Manetto, 2018), as evidenced in political debates (e.g. Rosario University, 2018). Duque used the Venezuelan example of communism or 'Castro-Chavism' as means of preventing citizens from voting for his left-wing rival, Gustavo Petro, a strategy commonly employed by right-wing politicians in Latin America against the left (Stefanoni, 2020). A liberal policy such as the ETPV could thus have constituted a way of reinforcing an anti-Maduro discourse to domestic audiences, as suggested by certain interviewees.<sup>82</sup> In this regard, Ronal Rodríguez, a professor of the Venezuelan Observatory at the Rosario University, who focuses on bilateral relations between Venezuela and Colombia and on Venezuelan migration, expressed this idea:

<sup>82</sup> Interview with Ronal Rodríguez, Professor on Venezuelan migration from Rosario University (online, 12-9-2022), former UNHCR officer in Colombia (anonymous) (online, 8-2-2023) and Víctor Bautista Víctor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 20-2-2023).

We should remember that President Duque arrived to the presidency saying that we will become like Venezuela and, at that moment, in the 2018 campaign, Petro was portrayed as the candidate closest to the Venezuelan regime, and not electing Duque was framed as a potential path to a similar fate. This is important because it is what justifies President Duque's discourses, being the migration phenomenon the clearest evidence of the failure of the Bolivarian Revolution.<sup>83</sup>

However, there are certain elements that questioned the interpretation of migration policy as a matter of domestic politics. At the moment that the ETPV was adopted, there were increasing levels of xenophobia amongst the population. As noted before, since October 2018, opposition to Venezuelan migration in the country outweighed the number of Colombians in favour, with anti-migration sentiment reaching the majority of the population in February 2021. Migration authorities were aware of that and knew that the ETPV was not going to be a popular measure amongst the populace, but rather encounter opposition. Policy-makers describe their meetings as 'hermetic' to avoid potential negative reactions from other sectors, public opinion or third countries that were shifting towards restrictions.<sup>84</sup> Today, most Colombians do not know about the existence of the permit: in a survey conducted in 2022, 65% of the native population did not know what the ETPV was (Cifras y Conceptos, 2023). Even though the measure was one of the milestones of Duque's mandate – acknowledged as such by himself and other interviewees<sup>85</sup> – in his own book there is barely any reference to this policy, occupying only one page (Duque, 2022). All this evidence suggests that the ETPV was politically more aligned with Colombia's foreign affairs agenda than with the government's domestic one.

In addition, business interest groups which are often behind liberal migration policies do not seem to have played any role in the adoption of the ETPV (Freeman, 1995; Teitelbaum, 1984). Only regional business groups, primarily those focused on commercial bilateral relations with Venezuela, were involved in FDP policy at the local level.<sup>86</sup> At the national level, however, business associations only occasionally meet with policy-makers and did not influence the adoption of the ETPV. Former BMO officer Andrés Segura describes their limited role as follows:

Their intervention was very sporadic because FDP policy was not on their radar. They favoured regulation in economic terms, as having such tools is beneficial for hiring and conducting business, which helps prevent

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<sup>83</sup> Interview with Ronal Rodríguez, Professor on Venezuelan migration from Rosario University (online, 12-9-2022)

<sup>84</sup> Interviews with Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021), Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023) and Ana María Moreno, former legal officer of the BMO (Bogotá, 25-11-2022).

<sup>85</sup> Interview Iván Duque (Bogotá, 2-2-2023) and Andrés Segura, former BMO officer (online, 9-9-2022).

<sup>86</sup> Andrés Segura, a former BMO officer, refers to the Santo Domingo group's initiatives to attain FDP's socio-economic integration in Barranquilla, and to several entrepreneurs in Cúcuta who participated in coordination spaces to achieve inclusion and maintain binational commercial relations with Venezuela (Interview with Andrés Segura, former BMO officer, online, 9-9-2022).

informality. However, they did not engage in advocacy on this issue, partly due to a lack of knowledge and because it was not a priority for them.<sup>87</sup>

#### ***4.3.4. Non-political Considerations: Informed Cost-benefit Analysis***

The adoption of the ETPV resulted from a cost-benefit analysis of the decision in the country, informed by sound technical assessments. On the one hand, policy-makers conceived the ETPV as a solution to what they saw as a crisis affecting multiple sectors of the state and society. On the other hand, they recognised the potential opportunity presented by the arrival of Venezuelan FDPs in the country. With Venezuela enduring a prolonged economic, political and humanitarian crisis, and sharing a border with Colombia, it became evident that trying to prevent Venezuelan migration was not a feasible option. The authorities understood that a significant proportion of the 1.7 million FDPs already in Colombia in 2020 (R4V, 2024) would likely remain in the country and saw regularisation as the preferred approach. A BMO officer acknowledges the non-political considerations that guided the Colombian response:

There is no way of preventing migration influxes from Venezuela, so we did something pragmatic: it is better to have them regularised than irregular and marginalised. The benefits of regularisation were proved during the different phases of the PEP. Venezuelans' conditions have improved in terms of access to labour market, justice [...] we followed a pragmatic path. If we cannot prevent them from entering and staying, it is better to have them identified and regularised.<sup>88</sup>

Policy-makers acknowledged the weakness of the previous regularisation mechanism, the PEP (Permit of Permanence): its lack of credibility, short duration and limited coverage. Based on internal studies, they found out that the PEP's self-managed nature allowed for frequent falsification, leading to reduced trust across various institutions (including in banks and hospitals).<sup>89</sup> The two-year duration did not suit the situation of Venezuelan FDPs in Colombia, many of whom intended to stay longer or permanently. The constant renewal involved high logistic costs for the state. Additionally, those who entered the country after its adoption could not access the permit, and its fragmented nature<sup>90</sup> hindered applications. According to the data of Colombia Migration, in September 2019, the number of irregular migrants was greater than that of regular migrants and,

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<sup>87</sup> Interview with Andrés Segura, former BMO officer (online, 9-9-2022).

<sup>88</sup> Interview with a BMO officer (anonymous) (online, 5-12-2022).

<sup>89</sup> Venezuelan FDPs that met the requirements would apply for the permit on the website of Colombia Migration and obtain a permit through e-mails that they could print themselves.

<sup>90</sup> The PEP consisted of 9 rounds of expeditions and 4 renewal phases. Within the 9 rounds of expedition, one focused on undocumented migrants with a job offer (PEP-FF) and another targeted the military (PEP-military). Prior to the adoption of the ETPV, the Ministry of Education was in the process of issuing a permit tailored to the education sector, the PEP-E, and the Permit for Training and Recognition of Prior Learning (Colombia, Presidencia de la República [Presidency of the Republic], 2020).

prior to the adoption of the ETPV, 56% Venezuelans had an irregular status.<sup>91</sup> Consequently, authorities identified the need for a more comprehensive solution to address these specific problems.

In addition, migration authorities believed that identifying and regularising FDPs under the ETPV would alleviate the negative effects associated with their presence. One crucial benefit would be to easing the burden on public services, particularly healthcare. Relying on existing studies from experts and the Ministry of Finance, authorities were aware that irregularity was preventing FDPs' integration into regular healthcare system,<sup>92</sup> often resulting in strain and the collapse of emergency services, especially in border regions, where many Venezuelans sought care unavailable in their home country. Regularisation would thus contribute to the incorporation of FDPs into the formal healthcare system. Moreover, integrating FDPs into the contributory healthcare regime as part of the formal workforce would not only entail lower costs but also contribute to financing the service. Those arguments in favour of the ETPV were in line with existing studies (Ibáñez et al., 2022; P. Rossiasco & De Narváez, 2023), further reflecting policy-makers' engagement in informed cost-benefit analysis. High commissioner Alejandra Botero refers to these considerations:

We rely on analyses conducted by health experts and experts from the Ministry of Finance. The biggest cost we incurred due to illegal migration was in emergency healthcare centres. This is because hospitals in border areas were overwhelmed, and when a patient enters through emergency it costs the country the average plus 2 percentage points. If they enter with health insurance even if it's through the subsidized health system, it's cheaper. [...] The argument here was very strong because as migrants become regularised, they could access healthcare services and enter the subsidised system rather than through emergency, which was costlier.<sup>93</sup>

Moreover, a second set of arguments invoked during policy-making concerned the labour-market and the economy. Based on previous studies (e.g. Bahar et al., 2021; Ibáñez et al., 2022), authorities were aware that regularisation would reduce the prevalence of informal work, which negatively impacted native workers' wages and resulted in less tax being paid.<sup>94</sup> Furthermore, they conceived regularisation as a necessary step toward socio-economic integration and, subsequently, as an opportunity for economic growth. In this regard, former High Commissioner Alejandra Botero stated: 'it is beneficial to incorporate migrants into the labour market in a productive and strategic manner, as it can yield positive impacts on the Colombian economy in the medium and long term'.<sup>95</sup> To substantiate those arguments, authorities relied on internal working reports from the

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<sup>91</sup> Interview with Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>92</sup> According to Ibáñez et al., (2022), irregular migrants were 43 to 46 points less likely to be integrated into the healthcare system compared to regular migrants.

<sup>93</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

<sup>94</sup> Interviews with Lucas Gómez, former head of the BMO (21-11-2022), Felipe Muñoz former head of the BMO (online, 19-12-2022), former President Iván Duque (Bogotá, 2-2-2023), Nataly Contreras, former officer of the BMO (online, 14-10-2022), former BMO officer (anonymous) (online, 5-12-2022) and Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

<sup>95</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).



Ministry of Finance and from international organisations (e.g. Arena et al., 2022; Rossiasco & De Narváez, 2023) indicating that migration could lead to an increase of the GDP in the medium term and in the long run.<sup>96</sup> Moreover, they believed that this socio-economic integration would reduce FDPs' reliance on social assistance.<sup>97</sup>

Responsible authorities also acknowledge that the socio-economic profile of Venezuelan FDPs, most of whom are young and of working age, could help address labour shortages in specific fields and bridge a demographic gap caused by an ageing Colombian population.<sup>98</sup> Only 0.5% of migrants are 65 or older, compared to 8.1% among Colombians (Arango, 2021). The eighty-eight-question survey in the ETPV process was aimed at identifying the characteristics and skills of Venezuelan FDPs, thereby maximising their potential contributions. Former Director of Consular Affairs, Margarita Manjarrez, represents a view that is prominent amongst Colombian authorities:

We have come to understand that migrants play a valuable role in our society and it's important to explore how we can mutually benefit. Migration cannot be managed only under the focus of security it has to take into consideration humanitarian aspects plus social and economic aspects. We understood that migrants are not just recipients of state support or involved in criminal activities, as some people think. Migrants want to contribute. Most of them aspire to enrich our society and attain a respectable life where their work is duly appreciated. We have to take advantage of that. Migrants have knowledge, skills, experiences that we should capitalise on. While Colombia faces obvious constraints, given our challenges in managing our own population, [FDPs] represent a chance and this is what we have experienced.<sup>99</sup>

In addition, security concerns also informed the adoption of the ETPV. Colombia's criminal system mandates full identification of defendants for proper processing.<sup>100</sup> After Venezuelan consulates in Colombia closed, obtaining this information on undocumented immigrants from Venezuelan authorities became more challenging. As a consequence, irregular migrants who committed a crime could not be adequately processed, leading to a sense of them having impunity among the native population and it was occasionally exploited by criminals to evade conviction. The biometric registration, a core aspect of the ETPV, played a crucial role in

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<sup>96</sup> Interviews with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), Margarita Manjarrez, former Director of Migration and Consular Affairs (Ministry of Foreign Affairs of Colombia) (online, 24-01-2023), Lucas Gómez, former head of the BMO (21-11-2022), Felipe Muñoz, former head of the BMO (online, 19-12-2022), Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023) and Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia).

<sup>97</sup> *Ibidem*.

<sup>98</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023) and Lucas Gómez, former head of the BMO (21-11-2022).

<sup>99</sup> Interview with Margarita Manjarrez, former Director of Migration and Consular Affairs (Ministry of Foreign Affairs of Colombia) (online, 24-01-2023).

<sup>100</sup> See Code of Criminal Procedure (Law 906/2004).

convincing migration authorities of its benefits.<sup>101</sup> Guadalupe Arbeláez, former legal officer of Colombia Migration, reflects these considerations:

We work with other bodies, and whenever there is a foreign citizen of any nationality involved, they call Colombia Migration to investigate whether they are legal or illegal or what status they are in. From there, we somehow see that many times they were citizens that we couldn't tell if they were Colombian or Venezuelan or of another nationality because they themselves discard their papers or whatever. So, it was also a way to be able to identify them for good.<sup>102</sup>

Relying on existing studies (e.g. Bahar et al., 2020), authorities were aware that Venezuelan FDPs did not increase crime rates in Colombia. However, they considered that migrants' identification and regularisation would make them less vulnerable to human trafficking or forced recruitment of armed groups,<sup>103</sup> as suggested by a BMO officer:

Considering the recruitment of migrants by armed groups at the border, we thought that with the more alternatives they have, they will develop a life that has access to income, to a job ladder, to education, so they are less vulnerable to falling into criminal hands, so that was also one of the rationales of integration.<sup>104</sup>

Up to December 2023, approximately 1.9 million Venezuelans were regularised under the ETPV, with 2.2 million registered biometrically, out of an overall population of 2.5 million Venezuelans in the country (Colombia, Migración [Colombia Migration], 2023b). Bureaucratic authorities from the BMO and Colombia Migration, many possessing first-hand expertise and with resources, conducted their own research or took advantage of research networks, significantly influencing policy-making. The measure was based on the understanding that forced displacement is inevitable and can be embraced for mutual gain, reflecting a considerable degree of pragmatism. The following table summarises the non-political considerations that lead to the adoption of the ETPV.

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<sup>101</sup> Interviews with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023), with Lucas Gómez, former head of the BMO (21-11-2022) and Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>102</sup> Interview with Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>103</sup> Interviews with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023), Humberto Velásquez, former officer of Colombia Migration (Bogotá, 21-1-2023), Lucas Gómez, former head of the BMO (21-11-2022), Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022) and Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>104</sup> Interview with a BMO officer (anonymous) (online, 5-12-2022).

Table 18: Non-political considerations within policy-making in Colombia

<b>Economy and Labour Market</b>	Reduction of unemployment and informality Avoidance of deterioration of labour conditions Increase of tax revenues (economic growth)
<b>Public Services</b>	Integration in the regular healthcare system (avoidance of emergency system's collapse)
<b>Security</b>	FDPs relying less on social assistance programmes Identification of criminals Reduction of criminality

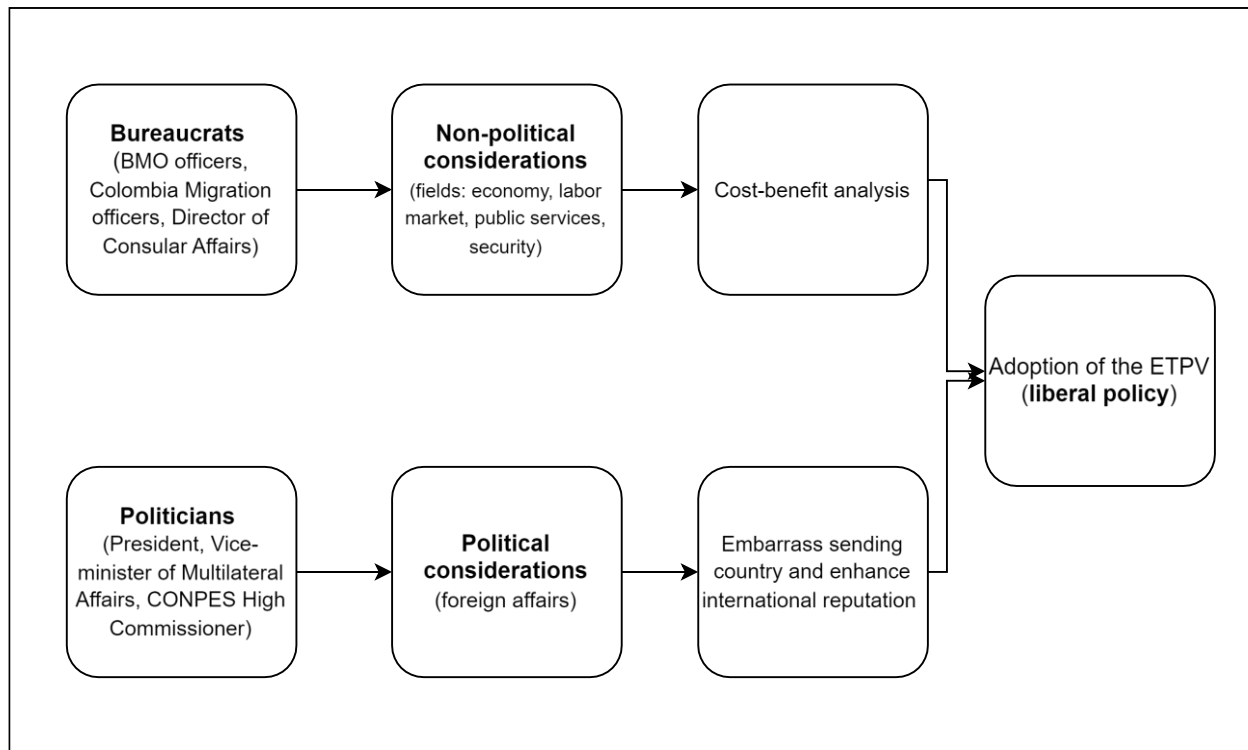
Source: own empirical data

#### ***4.3.5. Summary of the Policy-making Leading to the ETPV***

The adoption of the ETPV was a result of collaborative efforts between politicians and bureaucrats in the policy-making process. Whereas the President provided the mandate to introduce more flexible regularisation mechanisms for Venezuelan FDPs, it was mainly bureaucrats, including officers of Colombia Migration and the BMO, together with the Vice-Minister of Multilateral Affairs who set the agenda to formulate the permit during a period stalled by other priorities related the COVID-19 pandemic. Given the broad nature of the presidential mandate, bureaucrats, including the legal officers from the BMO and Colombia Migration, had significant leeway to design the characteristics of the permit, playing a crucial role in shaping the liberal policy.

The liberal nature of the ETPV reflects political considerations related to foreign affairs, including the desire to embarrass the sending country amidst hostile relations between the Colombian and Venezuelan governments and to enhance international reputation. These political motives are connected with the prominent role of foreign affairs authorities, including the Vice-Minister of Multilateral Affairs. Furthermore, the liberal nature of the policy also results from bureaucrats' incorporation of cost-benefit analyses to mitigate the negative effects and capitalise on the positive effects of FDP in the country, particularly in the fields of the economy, the labour market, public services, and security fields. The following figure represents the dual nature of policy-making in Colombia, including policy-makers and considerations at play:

Figure 8: The dual nature of policy-making in Colombia



Source: own empirical data

## 4.4. Policy-making in Peru

### 4.4.1. Social and Political Background

The early years of the exodus occurred in Peru during Pedro Pablo Kuczynski's presidency (July 2016–March 2018). An economist and liberal politician, Kuczynski won the election under the banner of his own party, PPK, defeating Keiko Fujimori, the daughter of former right-wing dictator Alberto Fujimori (July 1990–November 2000). His government encountered fierce opposition from *Fuerza Popular*, Keiko Fujimori's party, which held a majority in the Congress.

The Kuczynski administration assumed regional leadership against Maduro's regime, reflected in its initiative to create the Lima Group, a multilateral effort by Latin American leaders to find a peaceful solution to the political crisis in Venezuela. This confrontational stance towards Maduro's regime led Kuczynski to adopt a welcoming approach towards Venezuelans (see Introduction, section 5), making him the first Latin American president to offer them a stay permit allowing them to work and access public services in the country – a policy later replicated by Colombia (Aron Said & Castillo Jara, 2022; Freier & Parent, 2019). He renewed this permit

up to two times and extended it to Venezuelans who had not yet entered the country (Supreme Decrees 023-2017-IN and 001-2018-IN). In a context of still relatively low numbers (fewer than 100,000 Venezuelans (R4V, 2024)), these liberal policies towards Venezuelans enjoyed widespread support among the population. In July 2017, a survey showed that 78% of the Peruvians were in favour of granting migratory facilities to Venezuelans. In a similar survey conducted in February 2018, 57% of the respondents favoured the extension of the deadline to apply for the PTP (Alayo Orbegozo, 2018).

Due to intense opposition from the Congress and amid corruption allegations, Kuczynski stepped down from the presidency in March 2018. Martín Vizcarra, his former Vice-President who shared his political ideals but was not affiliated to any political party, succeeded him. Throughout his term (March 2018–November 2020), Vizcarra continued to face strong opposition from the Congress, which intensified over time.

By July 2018, the number of Venezuelans in Peru had almost reached 400,000, making Peru the second-largest recipient of Venezuelan FDPs, despite not sharing a border with Venezuela. As these numbers grew, public sentiment shifted against welcoming policies, which was similar to what happened in Colombia. A survey conducted between August and September 2018 found that 56% of respondents considered that the government should apply strict limits to migrant arrivals and 14% that they should prohibit entry (IOP-PUCP, 2018). Media coverage highlighting crimes committed by Venezuelans and conflicts between migrants and locals likely contributed to these negative opinions (Freier et al., 2021).

Facing increasing societal and political pressures, Vizcarra's government adopted restrictive measures in August 2018, including the requirement for a passport to enter the country and the anticipation of the deadline to apply for the PTP (Supreme Decree 007-2018-IN). As numbers and public opposition to FDP grew,<sup>105</sup> the government continued on its restrictive path, culminating in the adoption of the Humanitarian Visa in 2019 – a requirement that does not apply to any other Latin American nationals. This measure was announced at Lima airport, in front of a group of migrants faced deportation, and presented as a measure to safeguard the national security of Peruvian citizens (Aron Said & Castillo Jara, 2022; Freier & Luzes, 2021).

#### ***4.4.2. The Origins of the Humanitarian Visa and Policy-makers***

Although the policy-making process resulting in the Humanitarian Visa remains quite opaque, the idea seems to have originated in meetings headed by the Vice-Minister of Foreign Affairs and with representatives of the Ministry of the Interior and the National Police at the end of 2018.<sup>106</sup> In these meetings, the

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<sup>105</sup> In a survey conducted by 'IOP-PUCP' in November, the percentage of respondents who defended the prohibition of entry increased by ten percentage points, reaching 24% (IOP-PUCP, 2018).

<sup>106</sup> Interviews with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2022), Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of

disagreements between the Ministry of the Interior and the Police on the one hand, advocating restrictions, and the Director of Human Rights and representatives of the Refugee Commission (Ministry of Foreign Affairs) on the other, opposing them, seemed to be quite evident. Members of the Ministry of the Interior and the Police brought to the table different intelligence reports showing new violent forms of crime that did not exist before and that were attributed to Venezuelan FDPs. ‘For them [the National Police], all migrants were criminals’, stated a civil servant of the Minister of Foreign Affairs with direct information from the conversations.<sup>107</sup>

Although the broad idea of restricting entry was generated in those meetings, the decision leading to the Humanitarian Visa was predominantly made at the political level. The Minister of the Interior, Carlos Morán, took the initiative by submitting a motion to the President to adopt a visa requirement for Venezuelans.<sup>108</sup> The discussion surrounding the imposition of the visa took place solely among the Minister of the Interior, the Minister of Foreign Affairs and the President, without the involvement of any other authority. In an interview with the newspaper *Gestión*, the Minister of Foreign Affairs revealed how decisions regarding Venezuelan FDPs were collaboratively being made with the Minister of the Interior:

‘We are assessing the measure that we will adopt to better manage Venezuelan migration, we are about to conclude it. This is a process that we do together with [the Superintendency of] Migration and the Ministry of the Interior, to decide the next step that we will take [...] There are different aspects to consider [...] what we want is, first, to avoid irregular entries of migrants. Second, we want better identification, because of the chaotic situation in Venezuela, and that perhaps requires the imposition of visas.’ (‘Canciller Popolizio...[Foreign Minister Popolizio...], 2019).

Even though the Minister of Foreign Affairs mentioned the Superintendency, its members denied their participation in designing the Humanitarian Visa and described the measure as strictly political. Interviews reveal that bureaucrats from both the Superintendency and the Refugee Commission disagreed with the decision,<sup>109</sup> as highlighted by Armando García, former Director of Operations within the Superintendency:

The Superintendency had nothing to do [with the decision]. That was came from a higher level in the context of violence, but was not the right decision because, technically, all of those that have expertise on migration know

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Peru) (online, 17-12-2021) and with Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021).

<sup>107</sup> Interview with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021).

<sup>108</sup> *Ibidem*.

<sup>109</sup> Interviews with Fernando Parra, former director of Migration Policy of the Superintendency of Migration of Peru (online, 9-12-2021), Armando García, former Director of Operations of the Superintendency of Migration of Peru (online, 15-2-2022) and officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021).

that our border is porous and the people would enter anyways, that informality cannot be avoided. It was definitely a decision in which we did not have a say, but we simply had to implement it.<sup>110</sup>

During the policy-making process, disagreements were not limited to the bureaucratic level, but also took place at the political level. The Minister of Foreign Affairs, in line with the position of other members of his Ministry, was opposed to restrictions, in an approach at odds with the Ministry of the Interior.<sup>111</sup> Former Director of Human Rights, Gonzalo Guillén, described and explained the diverging approaches regarding FDPs between the Ministry of the Interior and the Ministry of Foreign Affairs:

For them [the Ministry of the Interior], the priority is security, which is normal, as they are part of the police. On the contrary, we tend to be quite naïve, because for us the respect of human rights is important. In Congress's discussions, Interior's position was like 'we should stop these people', 'we should be stricter', and our vision was like 'okay, yes, maybe we should be more severe [with criminals], but not in particular with Venezuelans'.<sup>112</sup>

The Humanitarian Visa's alignment with the Ministry of the Interior's restrictive stance indicates that the former played a more prominent role in the policy-making compared to the Ministry of Foreign Affairs.<sup>113</sup> Its prominent role vis-à-vis the Ministry of Foreign Affairs can also be attributed to President Vizcarra's predisposition and alignment with the Minister of the Interior's views on FDP policy and with the political climate, discussed in the next chapters. Former Vice-President Mercedes Aráoz describes Vizcarra's preference for restrictions:

His [Vizcarra's] ideas were populist, characterising migrants as criminals who should be deported. His approach to politics in that area was simplistic. I argued that there were doctors, nurses, workers, and other people who could contribute positively and integrate into our society, but he was unwilling to consider such policies.<sup>114</sup>

As the decision originated from the presidential level, other Ministries, including the Ministry of Justice and Human Rights and the Ministry of Women, did not oppose the restrictive measure.<sup>115</sup> Aware of the support that the imposition of the visa enjoyed in the cabinet, the Minister of Foreign Affairs, Néstor Popolizio, asked the Director of Human Rights, Hubert Wieland, to come up with vulnerable groups of people that should be

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<sup>110</sup> Interview with Armando García, former Director of Operations of the Superintendency of Migration of Peru (online, 15-2-2022).

<sup>111</sup> Interviews with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021), Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021) and Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022).

<sup>112</sup> Interview with Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022).

<sup>113</sup> Interviews with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021), Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021) and Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021).

<sup>115</sup> Interview with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021).

exempted from the visa. Subsequently, Néstor Popolizio discussed the exceptions with the President, Martín Vizcarra, and assumed responsibility for the decision on the visa.

In May 2019, without enacting legal measures, the Ministry of Foreign Affairs gave the Ministry of the Interior the task of implementing the visa (Oficio OF.RE (MIN) 2-10/9).<sup>116</sup> On the 6 June, the Ministry of Foreign Affairs released an official announcement of the measure (Perú, Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs], 2019), while President Martín Vizcarra and the Minister of the Interior, Carlos Morán, publicly disclosed the decision at Lima airport. Therefore, the introduction of the Humanitarian Visa was officially a decision of the Ministry of Foreign Affairs, but developed by the Minister of the Interior.

Furthermore, the exclusion of bureaucrats from the policy-making process, aside from their involvement in later phases to design exceptions, suggests the fundamentally political nature of the policy-making. It reveals that the decision was made at the highest, political executive level, overlooking dissenting opinions from bureaucrats, such as the Director of Human Rights, the head of the Refugee Commission and the members of the Superintendency of Migration.

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<sup>116</sup> Interview with an officer from the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021) and Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021).



Table 19: Most relevant policy-makers in Peru involved in the Humanitarian Visa

Migration Authorities	Office holder	Nature of the authority	Original competence with respect to migration	Role in the adoption of the Humanitarian Visa
President	Martín Vizcarra (Mar. 2018–Nov. 2020)	Politician	Defining, formulating migration policy	Policy-making
Minister of Foreign Affairs	Néstor Popolizio (Apr. 2018–Sep. 2019)	Politician	Defining, formulating migration policy	Policy formulation, policy-making
Vice-Minister of Foreign Affairs	Hugo de Zela (April 2018 – 2019) /Jaime Pomareda (Apr. 2019–Jul. 2020)	Politician	Defining, formulating migration policy	No role
President of the Refugee Commission	Hubert Wieland (Apr. 2017–Jan. 2020)	Bureaucrat	Deciding upon refugee applications	Limited; policy formulation
Executive Secretary of the Refugee Commission	Patricio Rubio (throughout the period under study)	Bureaucrat	Deciding upon refugee applications	Limited; policy formulation
Minister of the Interior	Carlos Morán (Oct. 2018–Apr. 2020)	Politician	Migration control	Agenda-setting, policy formulation, decision-making
Superintendent of Migration	Roxana del Águila (Mar. 2019–Sep. 2021)	Bureaucrat	Migration control	No role

Source: own empirical data

#### 4.4.3. *Political Considerations: Venezuelan FDPs as a Matter of Domestic Affairs*

Thus, Peruvian authorities underwent a significant shift in their approach, transitioning from considering Venezuelan FDPs as a matter of foreign affairs to one of domestic policy. At the beginning of the Venezuelan exodus in 2017, the Kuczynski government's opposition towards Maduro was translated into liberal policies, which materialised in a stay permit, the PTP.<sup>117</sup> However, as the number of Venezuelan FDPs grew and fears emerged in the society, existing authorities started to perceive Venezuelan FDPs as a matter of domestic policy, driven by political considerations. Guided by the Ministry of the Interior and aligned with the President's preferences, the executive decided to impose the Humanitarian Visa as a means to appease the

<sup>117</sup> Interviews with Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021) and Mercedes Aráoz, former Vice-President of Peru (online, 2-12-2021).

increasing fears within the population and to gain popularity, as acknowledged by most of the interviewees, some of whom were involved in policy-making.<sup>118</sup>

The main societal concern that the Humanitarian Visa aimed to tackle was the perception of an increase in crime (domestic security), as stated by Daniel Sánchez, former Vice-Minister of Human Rights: ‘[the executive] wanted to send a message that Peru will deport criminals and that we are not absolutely open. ‘Let’s put some restrictions in place’. That’s the message that [the executive] wanted to send, due to the amount of pressure that the government received from the Peruvian population and from other sectors’.<sup>119</sup> Given their nature, it was the Minister of the Interior who brought those domestic concerns to policy-making and promoted the adoption of the Humanitarian Visa. The President’s announcement of the measure at Lima airport, next to the Minister of the Interior, amid the deportation of a group of irregular migrants, and its stated objective of ‘safeguarding the security of its citizens’ both during the announcement and in the resolution implementing the Visa (Res. 0177-2019-Migration) suggests the importance of security concerns behind the measure.

The Humanitarian Visa was a response less to domestic security than to societal concerns regarding the deterioration of the conditions in the labour market.<sup>120</sup> The measures responded to citizens’ fear of losing their jobs in the face of migrant competitors and of a worsening of the working conditions, as highlighted by Fernando Parra, former Director of Migration Policy within the Superintendence: ‘One condition that pushed the reformulation of migration policy is definitely the increasing number of migrants [...] because many people had the idea that migrants would come to take their jobs’.<sup>121</sup> Those statements refer to domestic perceptions instead of to the real impact of FDPs, suggesting that the restrictions were predominantly aimed at targeting (appeasing) societal fears rather than at addressing a potential real impact.

The pressures to restrict came from the media, public opinion, local leaders, and the political opposition. The media, in particular, played a crucial role in influencing the executive to adopt restrictions, portraying Venezuelan FDPs initially as competitors and later as criminals. Initially these portrayals included minor robberies or conflicts between natives and FDPs over resources or informal employment, but later included more severe forms of crime (for example, violent crimes such as the murder of women and homicides)

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<sup>118</sup> Interview with Fernando Parra, former Director of Migration Policy of the Superintendency of Migration of Peru (9-12-2021), Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (17-12-2021), Jorge del Castillo, former congressman from APRA (8-12-2021), Rosario Grados, officer of Amnesty International (2-12-2021), Marta Castro, former member of equilibrium CenDe think tank (16-12-2021), Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021), Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (27-12-2021), leader of the Venezuelan opposition in Peru (anonymous) (9-12-2021).

<sup>119</sup> Interview with Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (17-12-2021).

<sup>120</sup> Interviews with Fernando Parra, former Director of Migration Policy in the Superintendency of Migration of Peru (online, 9-12-2021) and Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021).

<sup>121</sup> Interview with Fernando Parra, former Director of Migration Policy in the Superintendency of Migration of Peru (online, 9-12-2021).

(Castro & Mejía, 2020; Freier et al., 2021; MINJUSDH, 2019). In the meetings where the initiative of the Humanitarian Visa originated, the police was precisely bringing reports or media news in which Venezuelans appeared as perpetrators of these kinds of crimes. According to the interviews, the media's role was decisive in instilling fears of insecurity within public opinion and in channelling these fears to the executive.<sup>122</sup> Armando García, former Director of Operations in the Superintendency of Migration, described the role of the media in this process:

The media has a lot to do with that [the Humanitarian Visa]. While statistics indicate that violence committed by Venezuelans constituted less than 5% of the total incidents, the media portrayed these crimes in very harsh ways, emphasising the violence they employed. This fuelled widespread fears [...] and you know that in politics one must listen at what the media says and respond. Why? Because the media wield considerable influence over public opinion and the collective consciousness.<sup>123</sup>

Indeed, in 2019 public opinion started to show stronger opposition towards Venezuelan FDPs. In April 2019, when the Humanitarian Visa was being discussed, public opinion data show an increase of negative attitudes towards Venezuelan migrants, in particular the perceived threat of migrants to physical security. In a survey of 'Ipsos-el Comercio' conducted in Lima, 67% of the respondents considered that Venezuelan migration had a negative impact (12 and 25 points above February and September 2018, respectively) and 54% of the respondents attributed the negative impact to an increase of crime (almost twice the percentage of September, 26%); 46% of the respondents attributed it to the replacement of Peruvians in the labour market and 36% to the removal of public services from Peruvians. These negative perceptions of migration's impact in Peru seem to have translated into a more negative image of Venezuelans: only 34% considered that Venezuelans had a positive impact because they contributed to a cultural exchange and 31% because they offered a good service. Marta Castro, a former member of the think tank Equilibrium CenDE, describes the impact of unfavourable public opinion on the Humanitarian Visa as follows:

Rather than stemming from political convictions, [the issuance of the Humanitarian Visa] was a response to societal concerns, particularly regarding criminality, which were deeply ingrained within the population. The measure reflects a reactive stance towards this prevailing sentiment, rather than being driven by actual evidence of criminal behaviour among Venezuelans.<sup>124</sup>

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<sup>122</sup> Interviews with Rosario Grados, officer of Amnesty International (2-12-2021), former UNHCR officer (anonymous) (21-12-2021), Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021), Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights) (17-12-2021) and Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022).

<sup>123</sup> Interview with Armando García, former Director of Operations of the Superintendency of Migration in Peru (online, 15-2-2022).

<sup>124</sup> Interview with Marta Castro, former member of equilibrium CenDe think tank (16-12-2021).

The liberal approach towards Venezuelan FDPs also started to face more criticism from the opposition.<sup>125</sup> Local authorities stressed the pressure of migrants on public services, particularly on border regions;<sup>126</sup> parties on the left (like New Peru or Broad Front) emphasised the negative impact on the labour market (an increase of informality and replacement of Peruvian workers);<sup>127</sup> finally, the right, even the party that designed the PTP (the PPK), linked migration with crime and insecurity.<sup>128</sup> For instance, in a debate in Congress, a member of Popular Alliance, a liberal party which had initially shown solidarity with Venezuelans and criticised Maduro's dictatorship, stated:

Insecurity, crime, assaults on banks, pharmacies, *pollerías* have increased and this increase is caused by the fact that the government has allowed the entry, with no control, of more than 700 heads of criminal organisations, highly dangerous, of Venezuelan origin. Who is meant to monitor borders? Which government allows the indiscriminate entry of Venezuelans? The government of Vizcarra.<sup>129</sup>

In April and May, two legal projects explicitly attributed an increase in crimes to Venezuelan migrants in their explanatory statements (Legal Projects 4139/2018-CR and 4336/2018-CR),<sup>130</sup> which put additional pressure on the executive to move towards restrictions. Hubert Wieland, former Director of Human Rights, reflected on the increasing political pressure that Vizcarra's government was facing at this point:

The infamous criminal group 'the Aragua Train' exacerbated fears among a segment of the population. The opposition capitalized on this, asserting 'We live in a climate of insecurity, fearful and it's the fault of Venezuelans' [...] This narrative gained traction across various political forces in the Congress, making the president's tenure very difficult.<sup>131</sup>

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<sup>125</sup> Interview with Rosario Grados, officer of Amnesty International (2-12-2021).

<sup>126</sup> See, for instance, the following political statements on the news: The Mayor of Tumbes requests that his municipality be declared in a state of emergency due to the arrival of Venezuelans [...] 'the arrival brings more harm than benefits' declared the authority or Governor of Huaraz demands that Venezuelans leave due to street fights. 'We cannot allow these people to stay for another day,' said the Huaraz authority (Carrión, 2018).

<sup>127</sup> Interviews with Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (27-12-2021) and Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022); statement of congressman Galarreta Velarde (Popular Force) (Congressional Record, 4-04-2019).

<sup>128</sup> Interview with Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (27-12-2021); Statements of congressperson Justiniano Apaza (Broad Front) (Congressional Record 4-04-2019) and congressperson Huilca Flores (New Peru) (Congressional Record 29-11-2018).

<sup>129</sup> Statement of congressperson Luz Cruz Tévvez (Popular Alliance) (Congressional Record, 4-06-19).

<sup>130</sup> The first, issued by Fuerza Popular, was aimed at increasing criminal penalties for foreigners, and the second, issued by the PPK, prohibited the entry of migrants with criminal records and deported criminals who committed intentional crimes. Whereas the first called attention for being openly discriminatory towards migrants, the fact that the second was presented by the PPK, Kuczynski's political party – which came up with the 'open-door' policy towards Venezuelans and emphasised the need for solidarity towards Venezuelan migrants in the past – was even more astonishing.

<sup>131</sup> Interview with Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021).

Other interviews suggest that the adoption of the Humanitarian Visa was not solely a response to societal and political pressures.<sup>132</sup> According to these views, President Vizcarra employed scapegoating strategies, attributing prevailing issues in the country, such as insecurity or labour informality, to Venezuelan FDPs. A UNHCR officer describes this strategy as follows:

Crime has always existed [...] that made the government unable to effectively combat common crime in an informed fashion – though it predominantly involves Peruvians, not just Venezuelans – and they sought to shift blame. By attributing criminal activity to Venezuelans, they evaded responsibility, claiming, ‘We cannot do much about those crimes because we do not have their criminal records and means of identification’. Vizcarra wanted to downplay his administration’s accountability for issues of violence, crime and insecurity, which are major concerns for Peruvians [...] and this is why the more favourable [FDP] policies were sidelined.<sup>133</sup>

His testimony even declares that the executive, particularly under the mandate of the Ministry of the Interior, Carlos Morán (October 2018–April 2020), contributed to fuelling existing fears by leaking videos of Venezuelans stealing and killing to the media. According to these interpretations, Vizcarra’s goal was to divert public attention from other matters (e.g. corruption) and gain the support of the population by imposing restrictions, in a context of increasing fears.<sup>134</sup> A former UNHCR officer reflects these views:

Vizcarra was an artist in misinformation [...] we have evidence, and can prove before the government, that the Ministry of the Interior and the Police provided the media with disinforming videos. It was not the media that generated this information about robberies committed by Venezuelans; it was the police who recorded these videos and leaked them to the press.<sup>135</sup>

The figure below illustrates the interplay among domestic actors and the influences leading to the adoption of the Humanitarian Visa by the executive. Material fears regarding FDPs, such as concerns about the deterioration of labour conditions, emerge within society and are reinforced by the media and political statements echoing such fears. The media also portrays FDPs as criminals, heightening fears of insecurity revolving around an increase of criminality and fostering stronger opposition to liberal FDP policies. The media channels this societal opposition into the political sphere, where both the executive and the political opposition respond to these pressures, leveraging them to gain support from the people, resulting in the adoption of the Humanitarian Visa.

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<sup>132</sup> Interviews with a UNHCR officer (anonymous) (21-12-2021) and Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (17-12-2021).

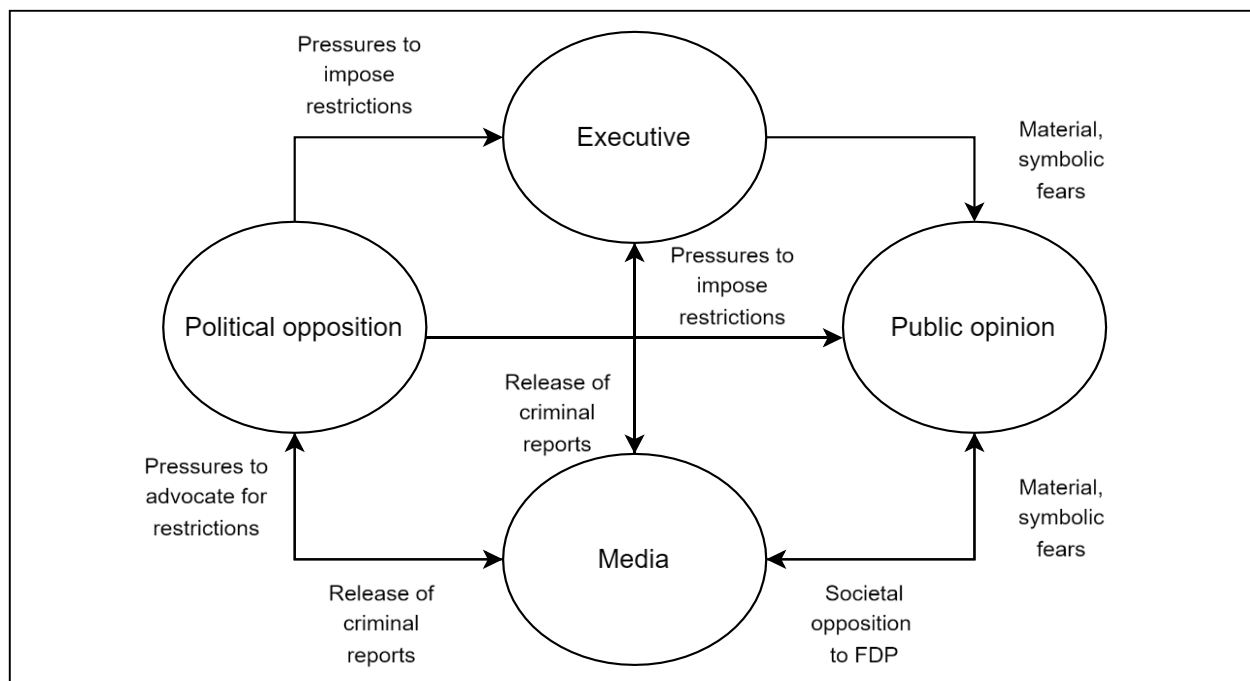
<sup>133</sup> Interview with a UNHCR officer in Peru (anonymous) (21-12-2021).

<sup>134</sup> See also interview with Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021).

<sup>135</sup> *Ibidem*.

Note that symbolic fears – or perceived threats to cultural and social identity – do not seem to play a role in the adoption of restrictions in Peru, according to the interviews.<sup>136</sup> Moreover, concerns about spillovers from the Venezuelan crisis into Peru seem insignificant in the absence of a civil conflict in Venezuela and due to geographical distances. Another interesting element differentiating the Peruvian context from others is that parties on the left, even more than on the right as is in the case of Europe, advocate restrictions.

Figure 9: Interplay between domestic actors shaping political considerations behind the Humanitarian Visa



Source: own empirical material

### *Could the Humanitarian Visa Have Served Foreign Affairs Purposes?*

It is a possibility that a change in the position towards the Venezuelan regime, towards acceptance, could have also triggered restrictions as a way of avoiding confrontation with Maduro's regime or embarrassing a political ally (Abdelaaty, 2021; Teitelbaum, 1984; Zolberg et al., 1989). Maduro's regime has been denying the high number of people leaving Venezuela or blaming the international sanctions for the economic crisis in

<sup>136</sup> Interviews with Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021), Mercedes Aráoz, former Vice-President of Peru (online, 2-12-2021), Paulina Facchin, Venezuelan activist in Peru (online, 13-12-2021), Jorge del Castillo, former congressman from APRA (online, 8-12-2021) and a leader of the Venezuelan opposition in Peru (anonymous) (9-12-2021).

Venezuela. In such a context, welcoming measures, as a sign of solidarity, would contradict the political message that Maduro wants to convey (Restrepo, 2023).

Nevertheless, like his predecessor, Vizcarra and his administration continued to show opposition towards Maduro's regime. In 2018, Peru, along with five other countries, urged the International Criminal Court to investigate Maduro's regime for crimes against humanity and human rights abuses. In his speech before the UN General Assembly in the same year, he condemned the fracturing of the democratic order in Venezuela and expressed solidarity with its people, emphasising the role of the Lima Group in denouncing the human rights violations of Maduro's regime (*Vizcarra dice que Perú ... [Vizcarra says that Peru...]*, 2018). Following a resolution of the Lima Group in January 2019, Peru denied entry to Nicolás Maduro and ninety-nine members of his government to Peru. Subsequently, along with other eleven members of the Lima Group, Peru officially recognised Juan Guaidó as the interim president in Venezuela and appointed Carlos Scull as ambassador for the interim presidency. Hugo de Zela, former Vice-Chancellor, suggests the continuity in Peru's stance towards Venezuela:

The government of Vizcarra continued with the same policy [towards Maduro]. We should not forget that Vizcarra served as Vice-President [during Kuczynski administration] and, even though he was not directly involved in foreign affairs matters, he was aware of them. In broad terms, it can be said that his administration maintained a consistent approach towards Venezuela.<sup>137</sup>

#### ***4.4.4. Non-political Considerations: Absence of Cost-benefit Analyses***

In contrast to the ETPV in Colombia, the adoption of the Humanitarian Visa was not informed by cost-benefit analyses. Despite alleged political considerations during policy-making, the authorities did not rely on technical studies and mostly disregarded experts' recommendations, ultimately adopting a measure with adverse effects on the issues that it claimed to be addressing.

Peruvian authorities refer to the rapidly increasing numbers of Venezuelan FDPs as a significant factor behind the imposition of the Humanitarian Visa. Specifically, they expressed concerns about the country's limited capacities to handle high numbers of immigrants. Those alleged reasons suggest that policy-makers viewed the Humanitarian Visa as a measure to discourage immigration towards Peru. An officer of the Ministry of Foreign Affairs highlighted this intention: 'When they analysed the visa, they [the competent authorities] said: "No, we cannot continue receiving immigrants, because we do not have the capacity: they have to start going to other countries", that was the argument of some sectors'.<sup>138</sup> However, the authorities responsible did

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<sup>137</sup> Interview with Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021).

<sup>138</sup> Interview with an officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2022).

not assess whether the measure would contribute to reducing arrivals or address the issues associated with FDPs in an informed way.

Peruvian authorities argued that Venezuelan FDPs were putting strain on multiple state sectors, with security being the most severe concern. Some authorities – mainly from the Ministry of the Interior – claimed that Venezuelan FDPs were increasingly involved in criminal activities, while others asserted that, although crime rates did not necessarily rise, they brought in more severe forms, such as cases of *sicariato* (‘hired hitmen’).<sup>139</sup> Some even accused Maduro’s government of intentionally releasing prisoners to destabilise unfriendly neighbouring countries, likening it to Cuba’s past action towards the US.<sup>140</sup> Nevertheless, these discourses contradict existing studies, reflecting the absence of informed analyses on the impact of Venezuelan FDPs (Bahar et al., 2020 and Castro & Mejía, 2020). Lastly, there is no evidence supporting the accusations against Maduro’s regime. Aligned with those studies, some bureaucrats, whose opinions were not considered during policy-making, acknowledge the unsubstantiated links between Venezuelan migration and an increase in insecurity, constructed by the press.<sup>141</sup>

A lesser concern raised by the interviewees was the mounting strain Venezuelan FDPs were placing on public services, namely health care and education.<sup>142</sup> This is particularly pronounced in the overpopulated capital, Lima, where 84% chose to settle in 2019 (Rossiasco, 2019). Adverse effects on the labour market, namely a rise in informality and a decline in native workers’ salaries, were also alleged.<sup>143</sup> Former Vice-Minister of the Interior, Esteban Saavedra, highlights the perceived disruptive impact of Venezuelans on Peruvian infrastructure and society:

[Venezuelan FDPs] disrupted ordinary life here. It was already quite chaotic, but became more when overnight we received fifteen times more [immigrants], 910,000 from 2017 to 2019. Our security infrastructure was not ready for this, nor our social infrastructure. This unexpected volume of people would cause distortions in whatever timeframe they arrive in.<sup>144</sup>

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<sup>139</sup> Interviews with Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021), an officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs) (online, 10-1-2021), Esteban Saavedra Mendoza, former Vice-Minister of Internal Order and of Public Security (Ministry of the Interior of Peru) (online, 20-1-2022) and Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022).

<sup>140</sup> Interviews with Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021) and Mercedes Aráoz, former Vice-President (online, 3-12-2021) and Jorge del Castillo, former congressman from APRA (online, 8-12-2021).

<sup>141</sup> Interviews with Fernando Parra, former Director of Migration Policy in the Superintendency of Migration of Peru (online, 9-12-2021) and Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021).

<sup>142</sup> Interviews with a former officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs) (online, 10-1-2021) and Mercedes Aráoz, former Vice-President of Peru (online, 2-12-2021).

<sup>143</sup> Interviews Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021) and Hugo de Zela, former Vice-Minister (Ministry of Foreign Affairs of Peru) (online, 22-11-2021).

<sup>144</sup> Interview with Esteban Saavedra Mendoza, former Vice-Minister of Internal Order and Vice-Minister of Public Security of Peru (Ministry of the Interior of Peru) (online, 20-1-2022).



Several studies show that Venezuelan migration contributed, indeed, to an increase of informality and a deterioration of natives' working conditions (Vera & Jiménez, 2022; Valdíglesias, 2018). However, aligned with research on migrants' impact on other contexts (e.g. Guerrero Ble et al., 2020), they also suggest that restrictive measures reinforce these negative effects, as they compel irregular migrants to work in the informal market.

Based on existing studies, some bureaucrats also acknowledged the economic potential of Venezuelan FDPs.<sup>145</sup> However, their recommendations were not taken into consideration during the policy-making that resulted in the visa. In general, the decision was not backed by sound technical considerations.<sup>146</sup> Policy-makers did not properly assess whether the Humanitarian Visa was an effective way of reducing the numbers and mitigating the perceived negative effects caused by Venezuelan FDPs. In fact, some of the authorities recognise the 'porous' nature of the border and the impossibility of controlling it.<sup>147</sup> Migration authorities rather describe the decision of imposing the Humanitarian Visa mainly as 'political' (see section 4.3 on political considerations above). For instance, Fernando Parra, an officer of the Superintendency of Migration, describes the measure as follows:

The visa and passport requirements were means of identifying immigrants coming to Peru, but they [the authorities] did not realise that they opened a Pandora's box. In reality, the border is porous, and if the people can't enter through the main door, they will enter through the window, five metres away. I can attest to this because last weekend, while I was in Tumbes, I saw people entering right in front of me, even though I was wearing my Superintendency of Migration uniform. I believe [the Humanitarian Visa] was a measure aimed at appeasing the populace but was not strategically thought through.<sup>148</sup>

The Humanitarian Visa could have reduced the incentive for Venezuelans to come to Peru, as they could have opted for alternative destinations. Nevertheless, the reduction of arrivals did not happen to the extent that authorities had hoped, given the ongoing crisis in Venezuela, increasing restrictions in other Latin American countries and the presence of nearly 800,000 Venezuelans already in their country.<sup>149</sup> After the

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<sup>145</sup> Interviews with Mercedes Aráoz, former Vice-President of Peru (online, 2-12-2021), Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021), Fernando Parra, former director of Migration Policy of the Superintendency of Migration of Peru (online, 9-12-2021), and Daniel Sánchez, former Vice-Minister of Human (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021).

<sup>146</sup> Interview with Fernando Parra, former Director of Migration Policy of the Superintendency of Migration of Peru (online, 9-12-2021) and an officer of the Special Refugee Commission (anonymous) (Minister of Foreign Affairs of Peru) (online, 10-1-2021).

<sup>147</sup> Interview with Fernando Parra, former Director of Migration Policy of the Superintendency of Migration of Peru (online, 9-12-2021), Hubert Wieland, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 27-12-2021), and an officer of the Special Refugee Commission (anonymous) (online, 10-1-2021).

<sup>148</sup> Interview with Fernando Parra, former Director of Migration Policy of the Superintendency of Migration of Peru (online, 9-12-2021).

<sup>149</sup> Family reunification is an important factor in determining migrants' choice of destination (Carroll et al., 2020; Crawley & Hagen-Zanker, 2019). The relatives of Venezuelans living in Peru might have chosen Peru as a destination, regardless of the restrictions.

imposition of the visa, migration authorities still witnessed 1,200 to 1,300 migrants arriving per day, of which approximately 70% stayed in Peru, while the remaining 30% travelled onwards to Bolivia or Chile.<sup>150</sup> Although there is no official data, NGO representatives noted that the number of Venezuelans being smuggled into Peru substantially increased. With the Ecuadorian-Peruvian border closed to Venezuelan migrants and the impossibility of applying for asylum at the border, the IMO identifies on average, between 2021 and 2022, 35,880 people entering through irregular paths per month (IOM, 2023). This is aligned with Hammoud-Gallego's findings (Hammou Hammoud-Gallego, 2024), according to which the introduction of the visa in Peru, Ecuador and Chile increased the likelihood of irregular entry by 38 percentage points, compared to the countries where this had not happened.<sup>151</sup> In this context, the dynamics at the border became increasingly complex, resulting in insecurity, human trafficking and corruption, and even cases of *sicariato*,<sup>152</sup> as attested by an officer of the UNHCR based at the border in Tumbes:

Women, men, older people and kids cross through the *trochas* [irregular paths]. They pay around two or three dollars to the *marcas* [a criminal group]. They take them in trolleys at certain times of the day so they cannot be seen by the military and police. Sometimes it is the military and the police who ask migrants for money, so they let them pass. I have not seen that in person, but we know these dynamics exist, so it is not safe place: gender violence, child neglect, human trafficking [...] it is a very dangerous area and in the last few years it has got worse. Groups operating them have connections in Colombia and Ecuador and with Mexican drug cartels.<sup>153</sup>

Moreover, Venezuelans without the Humanitarian Visa continued to enter Peru by applying for asylum at the border, an option facilitated by the Human Rights Commission in the Ministry of Foreign Affairs. These responses exacerbated the strain on the already burdened asylum system.<sup>154</sup> Peru now has the highest rate of Venezuelans applying for asylum in the world (approximately 51%) (R4V, 2024), even though the country is not granting them refuge based on the Cartagena definition. In July 2023, in spite of regularisation processes, only 42% of those Venezuelans who formally entered Peru registered by the Superintendency of Migration had a regular status. While the official number of Venezuelan FDPs according to the Superintendency of Migration stands at 1.5 million, officers of the IOM estimate that the actual number might be 2 million.<sup>155</sup>

The imposition of the Humanitarian Visa was officially stated as an effort to reduce the numbers of Venezuelan FDPs, with the goal of mitigating the pressure that Venezuelan FDPs were placing on security,

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<sup>150</sup> *Ibidem*.

<sup>151</sup> According to an OIM officer, the OIM makes this calculus based on weekly observations at the Peruvian-Ecuadorian border (Interview with Jorge Baca, chief of the OIM Mission in Peru, online, 1-9-2023).

<sup>152</sup> Interview with Alexis Serrano, journalist, author of a report on the Peruvian-Ecuadorian border (online, 31-1-2023).

<sup>153</sup> Interview with an officer from the UNHCR (anonymous) (26-2-2023).

<sup>154</sup> Interview with an officer of the Special Refugee Commission (anonymous) (Minister of Foreign Affairs of Peru) (online, 10-1-2021).

<sup>155</sup> Interview with Jorge Baca, chief of the IOM Mission in Peru (online, 1-9-2023).

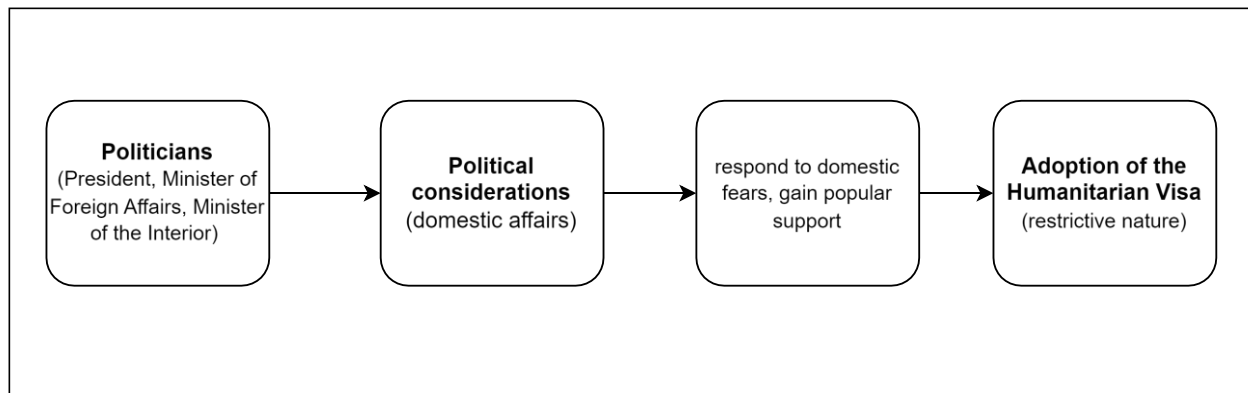
labour and public services. However, the decision was not a success, and suggests a lack of comprehensive technical analysis in policy-making, acknowledged by migration authorities themselves.

#### ***4.4.5. Summary of the Policy-making Leading to the Humanitarian Visa***

The Humanitarian Visa was adopted primarily by political authorities, including the Ministry of the Interior, the Ministry of Foreign Affairs, and the President. While the Ministry of the Interior set the agenda and designed most of the policy, the final decision was made collaboratively by all three authorities. However, there were differences between the Ministry of the Interior and the Ministry of Foreign Affairs, with the former ultimately imposing its more restrictive views. Bureaucratic involvement was limited, with only the Director of Human Rights and the Executive Secretary of the Refugee Commission from the Ministry of Foreign Affairs designing some of the exceptions.

Lacking a cost-benefit analysis, the adoption of the Humanitarian Visa aimed to gain public support by addressing public fears, particularly regarding perceived increases in crime associated with Venezuelan FDP. The following figure represents the predominantly political nature of policy-making resulting in the Humanitarian Visa in Peru:

**Figure 10: Peru's politically driven approach to policy-making**



Source: own empirical data

## **4.5. Discussion: Comparison between Policy-making in Peru and Colombia**

Thus, this chapter shows that the divergent nature of responses in Colombia and Peru is connected with the nature of policy-making, namely the authorities involved in the processes and the type of considerations at play. On the one hand, the adoption of the Humanitarian Visa in Peru was predominantly

aimed at addressing domestic concerns (a fear of insecurity), championed primarily by politicians including the Minister of the Interior. In essence, it reflects an exclusively political policy-making process of prioritising domestic politics, in which foreign affairs considerations or cost-benefit analyses are absent. On the other hand, the adoption of the ETPV was guided by a rigorous cost-benefit analysis, wherein bureaucrats with a long-term vision evaluate the costs and benefits of the decision for the country. Additionally, foreign affairs political considerations – the search for international reputation and embarrassment of the Venezuelan regime – contribute to the necessary political will to facilitate the decision, contrasting with the absence of these considerations in the Peruvian case.

Political considerations can offer some insight into the prominent role that bureaucrats and non-political considerations played in Colombia. The convergence of political and non-political considerations towards a liberal stance may have empowered bureaucrats' involvement in policy-making (fulfilling knowledge's legitimacy function) (Boswell, 2007). In contrast, in Peru, where bureaucrats and politicians held divergent views, their influence appears to have been diminished. However, while these political factors are important, they do not fully explain bureaucrats' own initiative of even going beyond presidential mandates in Colombia. Chapter 7 will examine how the institutional contexts further contribute to bureaucrats' empowerment and enhance their expertise in Colombia, drawing comparisons with the Peruvian case.

The following tables summarise the differences in policy-making processes between Peru and Colombia. Table 20 outlines the various types of authorities involved in each process, while Table 21 summarises the different considerations.

**Table 20: Types of authorities involved in policy-making in Peru and Colombia**

<b>Types of Authorities involved</b>	<b>Peru</b> (Policy-making resulting in the Humanitarian Visa)	<b>Colombia</b> (Policy-making resulting in the ETPV)
Bureaucrats	No, limited	Yes
Politicians	Yes	Yes
Ministry of the Interior	Yes	No
Ministry of Foreign Affairs	Yes, but weak	Yes

Data: own empirical data

Table 21: Comparison of the considerations behind policy-making in Peru and Colombia

	Humanitarian Visa (Peru)	ETPV (Colombia)
<b>Political Considerations</b>	<i>Domestic concerns:</i> responding to the pressures of public opinion (channelled by the media) and the political opposition, gaining the support of the population, scapegoating FDPs for domestic problems	<i>Foreign affairs:</i> gaining international reputation, rent-seeking, confronting and embarrassing Maduro's regime
<b>Non-political considerations</b>	None	Maximising the benefits and reducing the costs in the fields of the labour market, public services, security and the economy

Source: own empirical data

### *Institutional Frameworks*

Previous institutional frameworks offer partial explanations for the type of political considerations at play, of foreign affairs in Colombia and of domestic policy in Peru.<sup>156</sup> In both countries, the Ministry of Foreign Affairs is responsible for the formulation, orientation, implementation, and evaluation of migration policy (as provided by art. 4.17, Decree 869/2016 for Colombia and art. 4, Law 29357/2018 and art. 4.1. Legislative Decree 1582/2017 for Peru). Situated within the Ministry of Foreign Affairs in both contexts, the Directorates of Consular Affairs are tasked with formulating migration policy (as provided by art. 21 Decree 869/2016 for Colombia and arts. 115 and 116 Supreme Decree 135/2010 for Peru), despite lacking prior experience in immigration matters, as their focus traditionally centred on emigration and issuing visas.<sup>157</sup> In addition, in Peru, there is a Multisectoral Board for Migration Management ascribed to the Ministry of Foreign Affairs, responsible for promoting and updating legal regulations (art. 6 Supreme Decree 67/2011), but without political

<sup>156</sup> See Annex 2 with the organigrams of the responsible authorities for FDP policy-making, their roles and their formal responsibilities in Colombia and Peru.

<sup>157</sup> Interviews with Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022), Andrés Segura, former BMO officer (online, 9-9-2022) and an officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021).

power (Freier & Aron Said, 2022). Due to these authorities' lack of experience with FDPs, other institutions took on responsibilities for FDP policy formulation during the Venezuelan exodus.<sup>158</sup>

In Peru, the Ministry of the Interior played a more prominent role in FDP policy than in Colombia, where it was absent from the process and the Ministry of Foreign Affairs maintained a leading role. This difference can be attributed to three reasons related to differences on their institutional frameworks.

Firstly, in Peru, the Ministry of the Interior has formal responsibilities for migration policy formulation (art. 4.1 Legislative Decree 1582/2017), whereas, in Colombia, its role is limited to issues impacting security and public order (Decree 2893/2011).

Secondly, whereas Colombia Migration is part of the Ministry of Foreign Affairs (Decree 4062/2011), the Superintendency of Migration of Peru is located within the Ministry of the Interior (Legislative Decree 1130/2012).<sup>159</sup> Both operational entities have formal competences regarding migration policy formulation (art. 3 Decree 4062/2011 for Colombia and art. 4.1. Legislative Decree 1582/2017 for Peru). Given their first-hand experience with migration, these operational entities assumed crucial roles in shaping policy since the onset of the exodus in both countries.<sup>160</sup> This organisational distinction, with migration expertise housed within the Ministry of the Interior in Peru and the Ministry of Foreign Affairs in Colombia, likely contributed to the varying levels of influence of the respective ministries on migration policy.<sup>161</sup>

Thirdly, the establishment of the BMO also contributed to the exclusion of the Ministry of the Interior from policy-making. The BMO coordinated the diverse needs of various sectors, including those related to domestic security, making the involvement of the Ministry of the Interior redundant. Its hierarchical position at the presidential level also conferred substantial authority above other ministries, something that the Multisectoral Board for Migration Management in Peru, ascribed to the Ministry of Foreign Affairs, lacked (see Chapter 6 for further details on these differences). Felipe Muñoz, former head of the BMO, describes the influence of Colombian institutional framework in policy-making:

The formulation of migration policy is significantly influenced by its institutional placement, with various countries situating migration institutions under the Ministry of the Interior and others under the Ministry of

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<sup>158</sup> Interviews with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia), (Cúcuta, 20-2-2023), Andrés Segura, former BMO officer (online, 9-9-2022) and an officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2021).

<sup>159</sup> This institution was established in 2011 subsequent to the dissolution of the Administrative Department of Security amidst allegations of corruption (via Decree 4062/2011), which had previously held competence over migration control.

<sup>160</sup> Interviews with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia), (Cúcuta, 20-2-2023), Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023), Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023) and Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023)

<sup>161</sup> Interview with Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights of Peru) (online, 17-12-2021).

Foreign Affairs. Here, the regulatory focus of the migratory topic was a matter of bilateral relations with Venezuela, so the first respondent was the Ministry of Foreign Affairs. Later, it also becomes a challenge of domestic policy, with a limited role played by one unit of the Ministry of Interior. However, migration policy was always led more by the Ministry of Foreign Affairs and Colombia Migration. Of course, this depends of the country... in other countries the Ministry of the Interior or of Public Security plays a more crucial role because they are the ones leading these types of decisions.<sup>162</sup>

The next chapters further explore the political and institutional contexts that explain the different nature of policy-making processes.

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<sup>162</sup> Interview with Felipe Muñoz, former head of the BMO (online, 19-12-2022).

## CHAPTER 5. The Political Factors Driving Domestic and Foreign Affairs Considerations

### 5.1. Introduction

As outlined in Chapter 4, the divergent responses to the Venezuelan FDPs in Colombia and Peru can be partly attributed to the different types of political considerations at play. Beyond previous institutional frameworks, the reasons behind these considerations remain puzzling. Despite experiencing similar trends in the large-scale and protracted nature of the exodus to both countries, as well as increasing social opposition, why did the matter of Venezuelan FDPs become an issue of domestic policy in Peru but remain one of foreign affairs in Colombia? Chapter 2 offered three explanations related to the political and social contexts for addressing this question extracted from the literature: the different vulnerability of the regimes in power, different levels of ethnic affinity between the receiving and sending societies and the salience of the sending country within the state's executive agenda.

This chapter discusses not only the potential influence of these political factors, but also other determinants identified during the empirical analysis of the cases. Delving deeper into the chain of causality, it shows that the type of political considerations underlying FDP policy – domestic or foreign affairs matters – are explained by three key factors related to the political contexts in which the decisions take place: 1) the importance of Venezuela in the executives' political agendas, influenced by historical relations and its impact on domestic issues (i.e. security) and, to a lesser extent, by geostrategic alliances; 2) the international reputation of the executives, shaped by their stances on human rights (amidst armed conflicts) and the legacies of their predecessors regarding human rights; 3) the strength of the governments, determined by the political systems, support and ongoing domestic crises. This analysis of the political context is essential for doing justice to the complexity of the cases and for understanding how determinants operate and interact with one another and at different levels.

This chapter is structured in five further sections. The first section explores Venezuela's salience in the political agenda of Peru and Colombia, tracing the evolution of relations between receiving and sending countries. The second section examines the international reputation of the two executives based on the legacies of their predecessors and on their stances on certain issues related to human rights. This analysis is more extensive for Colombia due to its higher complexity. The third section describes each executive's strength, by presenting elements of the political system, political support and domestic politics. It conducts a more in-depth



analysis of Peru due to the complexity of its domestic crisis. An additional section discusses ethnic affinity as an alternative explanation, followed by the concluding remarks synthesising the results.

## 5.2. Venezuela's Salience in the Executives' Political Agenda

### 5.2.1. *The Persistent Salience of Venezuela in Colombia's Political Agenda*

Venezuela consistently holds a prominent position on Colombia's political agenda, exerting a significant influence on FDP policy. This influence is deeply rooted in historical and economic ties, but particularly in Venezuela's role in Colombia's security landscape amidst the ongoing armed conflict. Venezuela's ties and ideological alignment with the FARC and the ELN<sup>163</sup> (*Ejército de Liberación Nacional*) guerrillas transformed it into an important actor within the armed conflict. Depending on Colombia's approach, whether to negotiate with the guerrillas (as under Santos) or fight them (under Uribe and Duque), securing Venezuela's support as a mediator or confronting it as an adversary have been crucial for Colombian governments. During the Duque administration, escalating tensions between Venezuela and Colombia leading to a near-warlike situation contributed to explaining the importance of foreign affairs considerations behind the adoption of the ETPV. After describing the historic and economic ties between Colombia and Venezuela, the following subsections show the evolution of Colombian-Venezuelan relations through the century, by distinguishing between Uribe's, Santos's and Duque's mandates. A final reflection on current Petro's mandate is also included, serving to discuss the role of ideology in Venezuela's salience in Colombia's political agenda.

#### *Historic and Economic Ties between Venezuela and Colombia*

Colombia and Venezuela share a 2,341-kilometer-long border and have historical ties dating back to their shared Spanish colonial past (1499–1819). They attained their independence under the leadership of Simón Bolívar, resulting in the establishment of Greater Colombia (1819–1831), a republic encompassing today's Ecuador, Venezuela, Panama and Colombia. Greater Colombia was dissolved in 1831 giving way to Ecuador, Venezuela and New Granada (today's Colombia and Panama). In the context of this shared history, the relations between the two countries have transitioned from cooperation to a state of conflict and tension. Colombia and Venezuela maintained a relationship primarily characterised by substantial commercial exchange and energetic cooperation (Arroyave, 2008). By the 2000s, these economic ties intensified, culminating in a record-breaking

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<sup>163</sup> The *Ejército de Liberación Nacional* (National Liberation Army), a left-wing guerrilla group that emerged in 1964 inspired by the Cuban revolution, has been a major actor in the Colombian armed conflict and continues to operate today.

exchange of 7.2 billion dollars in 2008 (Colombia, Ministerio de Comercio, Industria y Turismo [Ministry of Trade, Industry and Tourism], 2023).

Additionally, both Colombia and Venezuela have significant socio-economic and cultural relations built by the transnational communities along their shared border, with notable concentrations in cities such as Cúcuta (Colombia) and Táchira (Venezuela), considered the most active border in Latin America (Pabón et al., 2016). Speaking to the Chamber of Representatives, in May 2020, in a debate on the political crisis in Venezuela, Chancellor Holmes Trujillo reflected the role of these ties in explaining the prominence of Venezuela in Colombia's political agenda:

The situation in Venezuela is an issue of utmost priority in Colombia's foreign affairs. It is a neighbouring country, it is a country with which our commercial exchange has reached seven billion dollars. It is a country with which we share a long history. It is a country with which we share an extensive border. It is a country with which we share border-related issues that demand attention in the interest of our nation. It is in the national interest to engage in a normalisation process through a transparent and comprehensive democratic transition in Venezuela. This sets the stage for a collaborative relationship, allowing the implementation of bilateral mechanisms addressing security, commerce and multiple matters relating to neighbouring countries. (Colombia, Cámara de Representantes [House of Representatives], 2020)

*The (Ideological) Antagonism between Uribe and Chávez in the 2000s*

Tensions between the Chávez and the Uribe administrations emerged due to conflicting ideological and geopolitical agendas and Venezuela's involvement in Colombia's armed conflict. Colombia, under a right-wing government, pursued a security-oriented approach, in alignment with the US, to combat the left-wing guerrillas of the FARC and the ELN, and narco-trafficking. In contrast, under the title of Socialism of the Twenty-first Century, Chávez confronted the US's influence in Latin America through the creation of multilateral bodies such as the Bolivarian Alliance for the Peoples of Our America (ALBA) (Arroyave, 2008).<sup>164</sup>

Strains between the two administrations escalated over allegations of Venezuela's support for Colombian guerrillas. Since the beginning of his mandate, Chávez had declared himself as neutral in the Colombian armed conflict, displaying a friendly attitude towards the ELN and the FARC, even tolerating their presence in Venezuela (Insight Crime, 2020). Incidents such as Colombia's granting of asylum to the interim president during the *coup d'état* against Chávez, Colombia's incursion into Venezuela and Ecuador to capture

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<sup>164</sup> The creation of the ALBA with Cuba in 2004 sought to counteract the Free Trade Area of the Americas (ALCA, *Área de Libre Comercio de las Américas*) in the 1994 promoted by the US, which included all American countries except for Cuba. Comprising its founders, Bolivia and other Caribbean States, the ideas behind the ALBA were to consolidate regional economic integration based on social welfare and to promote multilateralism (Cusack, 2018).

and kill FARC leaders,<sup>165</sup> and Uribe's cancellation of Venezuela's role as a mediator with guerrillas<sup>166</sup> heightened tensions, often leading to ruptures in diplomatic relations and border closures. Both sides often accused each other of acting against their interests: whereas Colombia blamed Venezuela for harbouring guerrilla elements and militarising the border, Chávez alleged Uribe had connections with paramilitarism and narco-trafficking.

*Santos's Approach to Venezuela: from Reconciliation to Rising Tensions*

The Santos administration's top priority was negotiating peace with the FARC. In this context, having Venezuela's support was crucial. Upon his appointment and despite significant ideological differences,<sup>167</sup> Santos referred to Chávez as his 'new best friend' as an attempt to improve Colombian-Venezuelan relations ("Mi Nuevo Mejor Amigo", llamó Juan Manuel Santos a Hugo Chávez [My New Best Friend, is how Juan Manuel Santos called Hugo Chavez], 2010). As a neighbouring country with historical ties to Colombia and connections with armed groups, Venezuela played a crucial role in peace-building efforts by facilitating dialogue and fostering trust between the conflicting parties. In 2012, Venezuela started its formal role in the Colombia peace-building process as an accompanying country. However, mutual distrust persisted, especially after Maduro succeeded Chávez as the Venezuelan President upon the latter's death in 2013 (Holguín, 2021).<sup>168</sup>

In 2015, the Venezuelan regime closed the Colombian-Venezuelan border dividing the cities of San Antonio (Venezuela) and Cúcuta (Colombia), deporting 1,500 Colombian migrants with accusations of paramilitarism against the Venezuelan army and smuggling.<sup>169</sup> This decision resulted in an exodus of more than 20,000 Colombians living in Venezuela, fearing persecution from the regime (see Introduction). Testimonies recount numerous human rights violations from the Bolivarian Guard during this episode, including instances where Colombian migrants' houses were marked, their Venezuelan identity cards forcibly broken, and their belongings thrown away.<sup>170</sup> The incident constituted a turning point in Colombian-Venezuelan relations,

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<sup>165</sup> In 2004, Colombian forces captured the FARC guerrilla leader Rodrigo Granda in Venezuela, prompting Venezuela to denounce Colombia for violating its sovereignty. This led to the suspension of diplomatic and commercial relations and a temporary border closure. In 2008, following Colombia's incursion into Ecuadorian territory to kill the FARC leader Raúl Reyes in Operation Fénix, Chávez once again broke diplomatic relations with Colombia. The operation uncovered evidence of connections between the FARC and the Venezuelan government, particularly in the provision of arms.

<sup>166</sup> In 2007, Uribe cancelled Venezuela's mediation role in a prisoner exchange amid the armed conflict, alleging that Chávez violated the agreement by engaging in talks with the FARC leader.

<sup>167</sup> Santos served as Minister of Defence under Uribe's mandate. Although they had broken relations, Santos, being a liberal politician from the Colombian elite, remained a figure whom Chávez deeply distrusted. Their alliance was more based on convenience.

<sup>168</sup> For instance, Santos's reception of the opposition leader Henrique Capriles was regarded by Maduro as unacceptable, further exacerbating the strained diplomatic ties (Zamorano, 2013).

<sup>169</sup> According to journalists and experts, this episode consisted of 'a propagandistic move' to cover up the problems of security and scarcity that Venezuela started to face in that moment. (Interview with Txomin de las Heras, Venezuelan journalist, Bogotá, 13-1-2023).

<sup>170</sup> Interviews with Liliana Suárez, member of the GIZ (Cúcuta, 12-10-2022) and with Txomin de las Heras, Venezuelan journalist (Bogotá, 13-1-2023).

increasing their mutual distrust and animosity. Nevertheless, Venezuela's role in the peace negotiations between the FARC and Colombia dissuaded Santos from taking a more confrontational stance towards Maduro's regime.

After the 2015 incident, the number of people crossing the border from San Antonio to Cúcuta increased dramatically due to precarious living conditions in Venezuela (see Introduction). However, in the context of the peace agreement, the Colombia government remained discrete about the crisis at the border, as the former Director of Borders, Victor Bautista, suggests:

There were very important issues, such as the signing of the peace agreement and the start of negotiations with the ELN, which were directly related to Venezuela since some of those actors involved were in Venezuelan territory. [...] It was very challenging for Colombia to manage both issues simultaneously.<sup>171</sup>

After the signing of the peace agreement between Colombia and the FARC in 2016, relations between Santos and Maduro deteriorated. As Colombia relied less on Venezuela's mediation, Santos intensified his criticism of the autocratic trends unfolding in Venezuela. In 2017, he described the elections for the Constituent National Assembly<sup>172</sup> as 'the end of democracy in Venezuela' and withdrew the Colombian ambassador, leaving only a representative for commercial affairs (Holguín, 2021). During this period, military tensions escalated, marked by instances such as espionage by the Venezuelan police and military incursions by Venezuelan soldiers at the border.<sup>173</sup>

Regarding the response to the increasing numbers of Venezuelan FDPs, in August 2017, the government adopted the PEP. Unlike Kuczynski in Peru, Santos remained discrete about the permit. Despite the worsening relations with Venezuela, he was not interested in exploiting the FDP crisis politically against the Venezuelan regime, given its past role in the peace negotiations.<sup>174</sup> Furthermore, the Venezuelan government could still be an important ally for a successful implementation of the agreement.

### *Colombian-Venezuelan Relations under Duque: Escalating towards a Warlike Scenario*

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<sup>171</sup> Interview with Victor Bautista, former Director of Frontiers (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022)

<sup>172</sup> In March 2017, the Venezuelan Supreme Court, controlled by 'Chavism', issued rulings that stripped the opposition-majority National Assembly of its powers, marking the breaking of the constitutional order in Venezuela.

<sup>173</sup> In August, exiled members of the Venezuelan opposition denounced a case of espionage from the Venezuelan police at the border in the Colombian parliament, pointing to cases of political persecution and violation of Colombian sovereignty (Colombia, Cámara de Representantes [House of Representatives], 2017). In December, the Colombian authorities detected a military incursion of Venezuelan soldiers in Arauquita – a small Colombian village – without the authorisation of the Colombian government (Castillo, 2017).

<sup>174</sup> Interview with Andrés Segura, former BMO officer (online, 9-9-2022).

During Duque's mandate, relations with Venezuela became increasingly hostile, leading to a warlike situation at certain points. Duque, representing the Centro Democrático party founded by former President Uribe, signalled a significant shift in Colombia's approach to its neighbour. This shift stemmed from Duque's distinct approach to the armed conflict and security matters, which was less inclined to negotiation with guerrillas. Throughout his political campaign, he sharply criticised the Venezuelan regime, using it as a cautionary tale against his opponents (F. Manetto, 2018). Upon his election, he opted to leave Unasur, a regional bloc closely associated with the Bolivarian ideals of Chávez. Military tensions also increased from the beginning. In response to Duque's call for a diplomatic offensive against Maduro during the 'Venezuelan Refugees and Migrants' meeting at the UN General Assembly in September 2018, Maduro mobilised his troops along the Colombian border, setting off alarms for the Colombian authorities. A congressman from the Conservative Party, Jaime Felipe Lozada, reacted as follows:

In the face of Maduro's recent statements, it is our duty, as a Congress, to equip our public forces with the necessary tools to safeguard our national sovereignty [...] Maduro has mobilised troops against the Colombian government [...] we do not have the logistic and military capacity to defend ourselves against a potential attack from the Venezuelan dictatorship, so it is necessary, and count on me, to approve 1.1 billion pesos to get anti-aircraft missiles to defend our national sovereignty. (Colombia, Cámara de Representantes [House of Representatives], 2018)

Following Venezuela's presidential elections in 2018, declared illegitimate by the OAS, Duque, along with sixty other national executives, officially recognised Juan Guaidó, the head of the Venezuelan Assembly controlled by the opposition, as the interim President of Venezuela (Chiquiza, 2019). In February, the Venezuelan opposition, the US and Colombia coordinated the delivery of humanitarian aid from Colombia to Venezuela, which they initially stored in Cúcuta. The aim was to bolster the legitimacy of Guaidó's interim presidency and pressure the Venezuelan military. A concert called the Venezuelan Live Aid was organised in Cúcuta, attended by right-wing regional leaders and by Guaidó himself. The increasing tensions between Colombia, the US and Venezuela during these days alarmed the citizens of Cúcuta, who feared a potential attack from Maduro's regime (Hernández-Mora, 2019). Despite mounting pressure, Maduro blocked the entry of humanitarian aid on the next day, labelling the operation as 'a plan of invasion' from the US. In response, he broke consular relations with Colombia and closed land borders. When asked about whether he could foresee Maduro's severing of diplomatic relations after the event, President Duque justified the delivery of humanitarian aid as follows:

It was obvious that that would happen because that was a threat, but we had to defend the stability of the region and the transition to democracy in Venezuela. This is why I do not regret my actions, because even though many

criticised the ‘diplomatic isolation’, it was the best way of exposing to the world the injustices committed by Maduro.<sup>175</sup>

The delivery of humanitarian aid was part of a political strategy of the Venezuelan opposition to create a dedicated army for an incursion against Maduro’s regime; however, among the 1,700 men seeking refuge in Colombian settlements in Venezuela, only 163 eventually crossed from Venezuela to Colombia (J. L. Manetto Francesco, 2020). Towards the end, the Colombian government refused to take part in these plans. Ronal Rodríguez, expert on Colombian-Venezuelan relations, describes the underlying purpose behind the Colombian and the US actions in Cúcuta:

The US President and Duque asked Venezuelan military forces to betray the regime and align with Guaidó. During the delivery of humanitarian aid, members of the National Guard and military personnel crossed to the Colombian side, which added complexity to the situation, although the regime was not overthrown [...] I had a conversation with government officers and there was huge pressure for the regime to step down. This did not happen and all these military personnel stayed on the Colombian side. Through these conversations, I learnt that a government officer believed there was huge pressure because they thought that they would create a militia or guerrilla force against the Venezuelan regime and in the end the Colombian State said that they would not allow this and they went through many problems.<sup>176</sup>

Therefore, the close relationship between the Duque and the Trump administrations contributed to these tensions, given President Trump’s outspoken stance on Venezuela, including hints at military intervention.<sup>177</sup> Likewise, Duque’s close ties with the Venezuelan interim president and his party, Popular Will (*Voluntad Popular*), whose members supported military intervention from the US to overthrow Maduro’s regime, further demonstrate and explain the rivalry. A member of the Venezuelan opposition in Colombia described those entangled alliances:

I personally believe that the Venezuelan opposition and Duque were very influenced by the US’s global strategy on Venezuela. Trump’s security interests in Colombia centred on initiating a transition process, ‘the Venezuelan transition’. Trump said that he would not invade Venezuela but promote free voting and let the new authorities decide, but he later hinted at undisclosed measures by saying ‘not all the cards are on the table’ and weeks later

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<sup>175</sup> Interview with Iván Duque, former President of Colombia (Bogotá, 2-2-2018).

<sup>176</sup> Interview with Ronal Rodríguez, Professor from the Observatory of Venezuela (University of Rosario), expert in Venezuelan-Colombian relations (online, 12-9-2022).

<sup>177</sup> In 2017, President Trump stated that he did not rule out military intervention in Venezuelan: ‘We have many options for Venezuela, including a possible military option if necessary’ (Mars, 2017).

started to have military exercises in Colombia,<sup>178</sup> seemingly in an attempt to intimidate the Venezuelan regime, but it did not work.<sup>179</sup>

During these years – after the demobilisation of the FARC and the arrival of Maduro as president – the ELN increased its presence on the Venezuelan-Colombian border, particularly in the southern mining region, exerting a high level of control in its areas of operation. A report by Insight Crime on the ELN in Venezuela describes the nexus between Maduro’s regime and the ELN as follows:

The ELN has been tolerated by Venezuelan authorities for years, and there are signs that Maduro’s government increasingly sees it as a strategic ally in the face of mounting international pressure. The group is able to operate with near-total impunity thanks to its close ties with the security forces and local government in some parts of Venezuela’s border region, and in the Orinoco mining arc. While it is unlikely the ELN has been formally integrated into any Venezuelan defense strategy, there are signs that the Maduro government may be seeking closer collaboration with the group. (Insight Crime, 2020)

In July 2019, Maduro welcomed dissident FARC guerrilla fighters Jesús Santrich and Iván Márquez in his territory during the Sao Paulo Forum by referring to them as ‘peace leaders’ (‘Maduro,’ 2019). In response, Duque replied:

‘What I believe is that Nicolás Maduro’s true colours are becoming more evident. What we are seeing here is that not only has he been harbouring Colombian terrorists for many years, but once again, he is reaffirming that Venezuela is a sanctuary for terrorists and drug traffickers.’ (Colombia, Cancillería [Ministry of Foreign Affairs], 2019)

After the creation of the FARC dissident group ‘Second Marquetalia’, its leaders Santrich and Márquez presumably sought refuge in Venezuela. In May 2020, Guaidó’s former intelligence advisor, Iván Simonovis, disclosed that Santrich was clandestinely residing in Venezuela under Maduro’s protection (‘Jesús Santrich y la protección de Maduro en Venezuela [Jesús Santrich and Maduro's protection in Venezuela]’, 2021). Whereas Santrich was killed in 2021, presumably during a Colombian army operation in Venezuela, Márquez is believed to remain hidden in Venezuela. In this context, Duque’s government perceived Maduro’s regime as a challenge for its national security,<sup>180</sup> as reflected by a leader of the Venezuelan opposition in Colombia:

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<sup>178</sup> The interviewee is referring to the military exercises sent to Colombia in June 2020, a mission of 53 military personnel comprising a Security Force Assistance Brigade (SFAB), to, in theory, support efforts in the ‘fight against drug trafficking’ but interpreted by many as a threat against Venezuela.

<sup>179</sup> Interview with a leader of the Venezuelan opposition in Colombia (anonymous) (online, 13-12-2022).

<sup>180</sup> Interviews with Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022) and Iván Duque, former President of Colombia (Bogotá, 2-2-2018).

The Santrich case marked a significant escalation in the political tensions between the Colombian state and Venezuela because Maduro gave refuge in his country to a man facing prosecution in Colombia. Santrich fled from Colombia to Venezuela because that was the only country where he could find refuge. Consequently, Duque maintained his war with Venezuela because it was threatening the security of its country.<sup>181</sup>

This led Venezuela to become a priority in Duque's political agenda, as he himself suggested in his interview:

Maduro is the promotor of terrorism there; he is hosting terrorism. He is involved in very dangerous money laundering. Maduro has worked in espionage against Colombia. The Venezuelan mining arc is now associated with criminality. These actions have an impact on Colombia.<sup>182</sup>

Subsequent military incidents further exacerbated the threat. In 2020, in response to Colombia's accusations to Venezuela before the OAS for sheltering the FARC dissidents and the ELN, Maduro initiated military deployments along the Colombian border. In May 2020, he accused Colombia of orchestrating 'Operation Gideon', a maritime incursion from Colombian territory with the aim of overthrowing Maduro's regime.<sup>183</sup>

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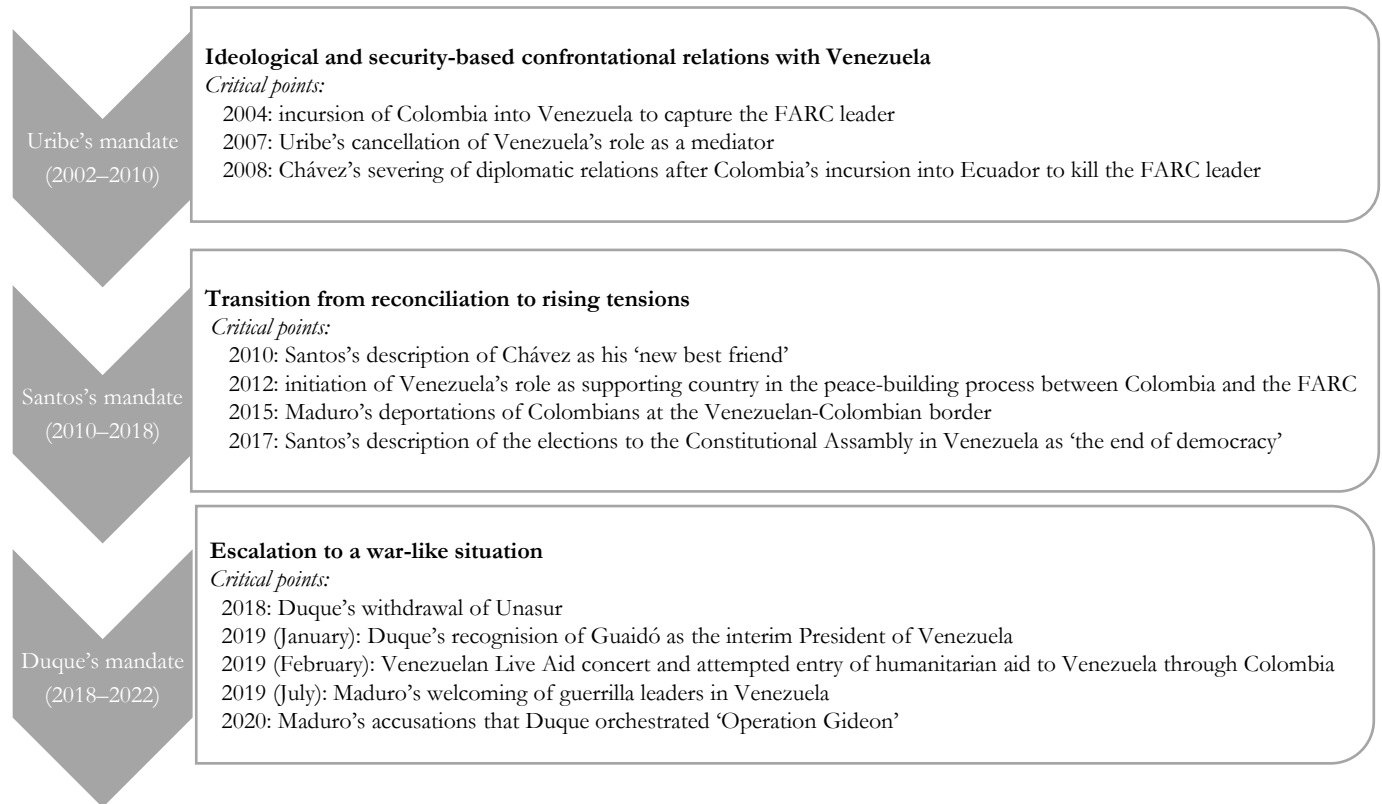
<sup>181</sup> Interview with a leader of the Venezuelan opposition in Colombia (anonymous) (online, 12-12-2022).

<sup>182</sup> Interview with Iván Duque, former President of Colombia (Bogotá, 2-2-2018).

<sup>183</sup> 'Operation Gideon' was a maritime incursion from Colombian territory involving Venezuelan military dissidents in exile in Colombia, led by Goudreau, a former US soldier and representative of the Silvercorp security company. Those dissident military personnel were allegedly trained on Colombian soil, but Colombian authorities repeatedly denied cooperation. Despite existing reports indicating that the Colombian government rejected involvement in the plot, doubts persisted regarding whether a sector of Colombian intelligence associated with former President Uribe knew about the operation and had his approval (J. L. Manetto Francesco, 2020).



Figure 11: Timeline of the Venezuelan-Colombian relations in the twenty-first century



Source: own data

### 5.2.2. The Contingent Role of Venezuela in Peru's Political Agenda

Venezuela and Peru both also share a common history dating back to Spanish colonialism. However, their paths to independence from Spanish rule diverged, with Venezuela achieving independence in 1811 and Peru in 1824. Together with Colombia, they were both members of the Andean Community organisation, from which Venezuela later withdrew. The geographical distance between Peru and Venezuela contributed to less interdependence than between Colombia and Venezuela. Over the years, their diplomatic relations have experienced fluctuations from cooperative efforts to confrontational stances. During the exodus, Venezuela's salience in Peru's political agenda was notably high during the Kuczynski administration, but it diminished under Vizcarra's mandate. This dynamic suggests that Venezuela's prominence in Peru's political agenda is influenced by the specific administration in power, rather than being a constant factor tied to a critical issue such as security amidst an armed conflict, as it is in Colombia.

*Peruvian-Venezuelan Relations before the Exodus*

During the *self-coup d'état* by the right-wing President Alberto Fujimori in 1992, the Venezuelan government broke off diplomatic relations with Peru. Following Chávez's attempted *coup d'état* against Carlos Andrés Pérez in 1992, ninety-three coup perpetrators loyal to Chávez were received in Peru with the assistance of Vladimiro Montesinos, former presidential advisor to Fujimori, with strong connections to the Venezuelan military. Despite ideological differences, Chávez maintained friendly relations with Fujimori and supported his victory in 2000, which was strongly questioned by the OAS and the US. In 2001, accusations that Venezuela was hosting Montesinos and subsequent operations by the Peruvian police in Venezuela to capture him escalated into a diplomatic conflict, resulting in mutual withdrawal of ambassadors (Aznárez, 2001).

During the Toledo administration, Peru and Venezuela normalised bilateral relations, but tensions resurfaced toward its end, leading to the withdrawal of the Peruvian ambassador from Caracas. During the 2006 Peruvian presidential elections, Chávez endorsed Ollanta Humala's left-wing candidacy against Alan García, a more moderate leftist, hoping to build a like-minded coalition of Latin American governments. Despite their ideological differences,<sup>184</sup> President García resumed diplomatic relations with Venezuela during his mandate, fostering increased energy and commercial cooperation (Latin America Digital Beat, 2007). When Humala assumed the presidency in 2011, bilateral relations improved significantly, resulting in various agreements in commercial, educational, social and economic sectors, including a framework agreement committing both countries to liberalise their exportable goods. However, under increasing pressure from his political opposition in 2015, Humala distanced himself from the Venezuelan regime, becoming a vocal critic of Maduro's authoritarian turn and condemning the detention of the opposition leader Leopoldo López, former mayor of Chacao.

Therefore, the relations between Peruvian and Venezuelan governments were marked by ideological alignments and disagreements, intertwined with underlying geostrategic alliances. They did not concern topics of domestic security or national sovereignty – with the exception of the incident during Montesinos case – contrasting with Colombian-Venezuelan relations.

*Peruvian-Venezuelan Relations during the Exodus*

With the arrival of Kuczynski as president in 2016, Peru's position towards Venezuela became, nevertheless, strongly confrontational. During his term, Kuczynski gave paramount importance to Venezuela in his foreign affairs agenda. He sought to build a regional leadership against the authoritarian left, represented

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<sup>184</sup> Chávez supported the candidacy of Ollanta Humala against García, hoping to make Peru part of its left-wing Latin American coalition along with Bolivia, Cuba and Ecuador. Chávez had called García a 'thief and lapdog of Washington' and García had referred to Chávez as 'a loser with psychological problems'.

by the Venezuelan regime,<sup>185</sup> and to strengthen ties with the US. This focus was evident in his FDP policy towards Venezuelans and the constitution of the Lima Group, both strategically aligned with these objectives. During his term, Peru displayed the most antagonist stances towards the Venezuelan regime within the Latin American region – far more than Colombia under Santos, who had recently concluded peace negotiations with the FARC, with Venezuela playing a mediator role.

Kuczynski emphasised Venezuela's breaking with democratic order in official statements and in regional forums. In October 2016, the Ministry of Foreign Affairs issued a statement condemning Venezuela's violation of the Democratic Charter of the OAS (Perú, Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs], 2016). On the same month, at the Twenty-fifth Ibero-American Summit, he urged Latin American leaders to condemn the authoritarian turn in Venezuela and advocated invoking the OAS Democratic Charter against it ('Kuczynski en la Cumbre', n.d.). In March 2017, following the Venezuelan Supreme Court's taking over the powers of the National Assembly, which was controlled by the opposition, the Kuczynski administration withdrew Peru's ambassador from Venezuela, echoing similar actions taken by Colombia under Santos ('Perú anuncia el retiro definitivo... [Peru announces the definitive withdrawal]', 2017).

Against the backdrop of strained relations, Kuczynski displayed 'solidarity' towards a growing diaspora arriving to Peru due to the economic and political crisis in Venezuela, with the number of people reaching 10,000 in 2016. In his speech 'Mensaje a la Nación', commemorating Peru's Independence Day on 28 July, he characterised Venezuelans as 'brothers' and integrated the announced measure as part of 'the defence of our democracy is one of the basic principles of our foreign policy'. He expressed Peru's commitments to regional efforts aimed at preventing the continued erosion of democracy in Venezuela and to solving the crisis within that country. The Venezuelan government criticised the Peruvian executive by labelling it interventionist (Aron Said & Castillo Jara, 2022).<sup>186</sup> This welcoming approach was connected with both the adversarial approach towards Venezuela and Peru's alliance with the US,<sup>187</sup> as Daniel Sánchez, former Vice-Minister of Human Rights, suggests:

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<sup>185</sup> Even before his mandate, Kuczynski was member of the 'Amigos de Venezuela' group, which reflected his personal concern with the situation of human rights and democracy in Venezuela. *Amigos de Venezuela* (Friends of Venezuela) was a group formed by members of the Peruvian elite who engaged in discussions about the situation in Venezuela and offered support for a democratic solution to its political crisis.

<sup>186</sup> Interviews an officer of the Special Refugee Commission (anonymous) (Ministry of Foreign Affairs of Peru) (online, 10-1-2022), Mercedes Aráoz, former Vice-President of Peru (online, 3-12-2021), Jorge del Castillo, former congressman of APRA (online, 8-12-2021), Hugo de Zela, former Vice-Chancellor (online, 22-11-2021) and Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights) (online, 17-12-2021).

<sup>187</sup> Interviews with Daniel Sánchez, former Vice-Minister of Human Rights (online, 17-12-2021) and Hubert Wiener, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 21-12-2021).

The decision was political. I think there were geopolitical factors at play. There was a very close relationship between Kuczynski and the US governments to exert strong pressure on the Venezuelan government to shift regional geopolitics.<sup>188</sup>

In August 2017, Kuczynski hosted a meeting of Latin American leaders in Lima,<sup>189</sup> resulting in the Lima Declaration. This declaration ‘condemned the fracturing of the democratic order in Venezuela’ (Perú, Ministerio de Relaciones Exteriores [Ministry of Foreign Affairs, 2017]) and led to the formation of the Lima Group, comprising fourteen countries aiming to find a peaceful solution to the crisis and advocating the release of political prisoners and free elections. Kuczynski, with the support of the Lima Group, decided to revoke President Maduro’s invitation to the Eighth Summit of the Americas. The government’s liberal FDP policy reflected Venezuelan-Peruvian relations at this point and Peru’s leadership of the Lima Group, as suggested by former Vice-President, Mercedes Aráoz:

We pursued a strong foreign policy concerning Venezuela, because we wanted, through the Lima Group, to find a solution to the humanitarian crisis in Venezuela, because we were seeing that it was not just a crisis of democracy, but a truly humanitarian crisis that was hurting the population, with high levels of poverty, hunger... and Peru decided initially to have a relatively open-doors policy.<sup>190</sup>

Under the Vizcarra administration, Peru’s approach to Venezuela exhibited a degree of continuity. As the Kuczynski’s former vice-president, Vizcarra held a similar ideology to his predecessor, even though he did not belong to his political party (see further details on the ideology on section 5). Moreover, he maintained a confrontational stance towards Maduro (see section 4 on Chapter 4). In spite of the unfriendly relations towards the Venezuelan regime, for Vizcarra the situation in Venezuela occupied a less prominent place in his political agenda. According to former Vice-President Mercedes Aráoz, the recognition of Juan Guaidó was not immediate. It was only after other countries within the region decided in favour of recognition that her government took the step, seeking to avoid direct confrontation with the Venezuelan regime. Former Vice-Minister of Foreign Affairs, Hugo de Zela, attributes the reduced prominence of Venezuela during Vizcarra’s term to the decline of the Lima Group.<sup>191</sup> He explained the reasons behind this falling off as follows:

[With the Lima Group], there was an informed coordination with European countries, especially with those within the European Union. Several coordination meetings between the European Union and the Lima Group

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<sup>188</sup> Interview with Daniel Sánchez, former Vice-Minister of Human Rights (Ministry of Justice and Human Rights) (online, 17-12-2021).

<sup>189</sup> Signatory countries included Canada, Mexico, Brazil, Chile, Colombia, Peru, Paraguay, Panama, Haiti, Ecuador, El Salvador, Honduras, Paraguay and Costa Rica.

<sup>190</sup> Interview with Mercedes Aráoz, former Vice-President of Peru (online, 3-12-2021).

<sup>191</sup> Interviews with Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021) and Marta Castro, former member of Equilibrium CenDE (online, 16-12-2021)

took place. What were their effects? We transformed a regional issue into a global one, because there was awareness everywhere that the Venezuelan issue could strongly affect Latin American relations, so it deserved international attention. These were the results of multiple meetings [...] the international community facilitated the dialogue between the two sides, Maduro's government and the opposition. This is when there was a proactive movement to recognise Guaidó as a legitimate President of Venezuela, as President of the Assembly. However, when the government of Vizcarra arrived [...] that process had not advanced sufficiently and certain voices were suggesting that the process was leading nowhere, that there should be rather sanctions and eventually an intervention, even an armed one, in Venezuela. This led to a division within the Lima Group, between the North American and the European views. Therefore, the scope of action narrowed and the activity [of the Group] started to diminish. There are two factors at play: the change in the international circumstances and the natural deterioration of every negotiated process.<sup>192</sup>

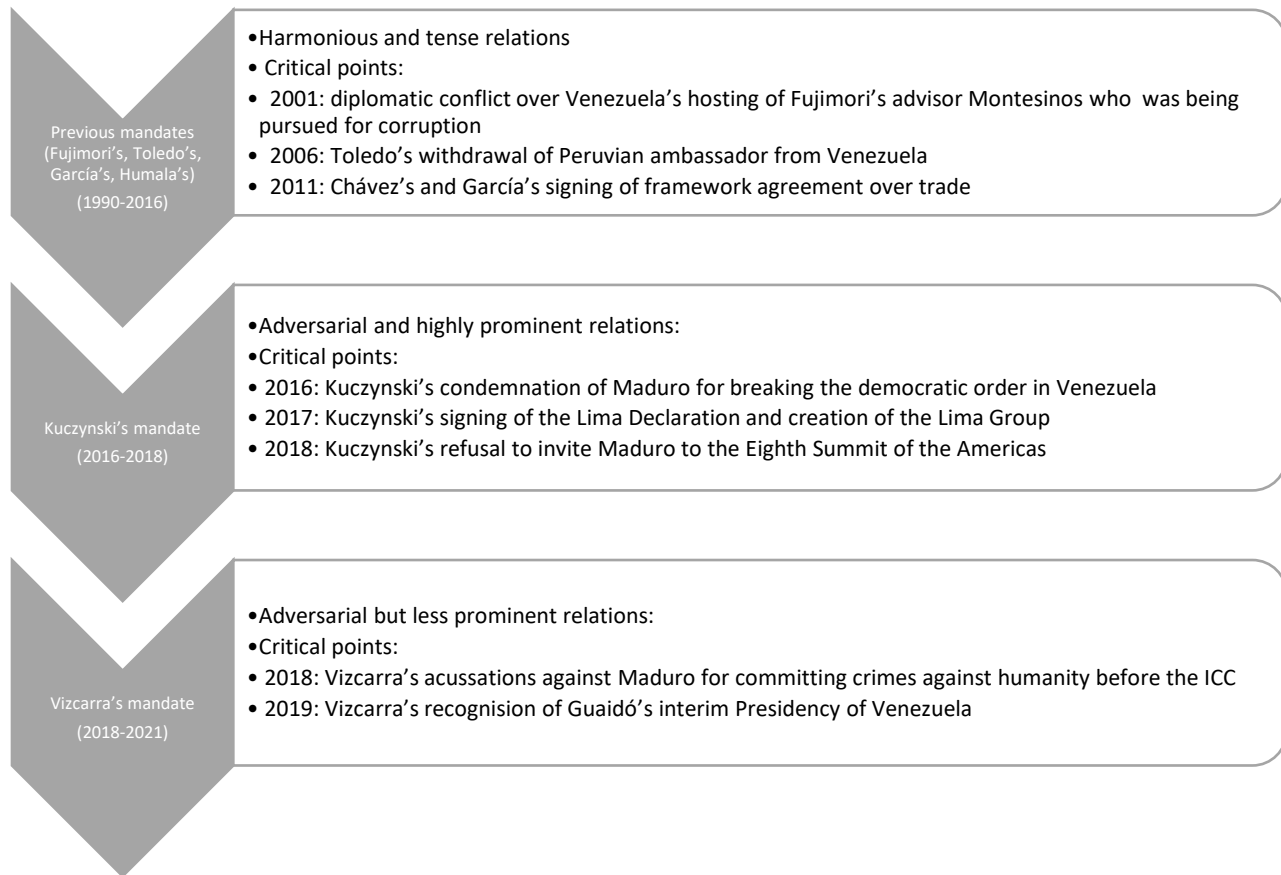
Initially formed as an anti-interventionist group, the Lima Group lost its original purpose when some of the members, specifically a part of the Venezuelan opposition, started to advocate an armed intervention, especially after Trump's suggesting that possibility. Moreover, as time passed and Maduro remained in power, the limitations of diplomatic efforts also became more evident. Other interviewees also indicated that Vizcarra had, in general, a lower interest in foreign affairs, given his personal concerns and the country's complex situation at a domestic level (see further details on section 5). According to former Vice-President Mercedes Aráoz, when Vizcarra became President, 'the Lima Group lost the leadership of Peru [...] for Vizcarra, foreign policy was not a central issue'.<sup>193</sup> In a context of growing numbers of migrants, his FDP policy became more connected to domestic affairs and lacked a clear alignment with his foreign policy interests, as was evident in the absence of a connection between his discourses on policies and the situation in Venezuela.

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<sup>192</sup> Interview with Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021).

<sup>193</sup> Interview with Mercedes Aráoz, former Vice-President of Peru (online, 3-12-2021).

**Figure 12: Timeline of Venezuelan-Peruvian relations in the twenty-first century**



Source: own data

### ***5.2.3. Comparison: The Role of the Venezuela's Saliency in Political Agendas in Shaping Peruvian and Colombian FDP Responses***

As has been stated before, the saliency of Venezuela in the political agenda played a role in determining whether FDP policy was guided by foreign affairs or domestic concerns.

In Colombia, relations with Venezuela have always occupied a prominent position on the agenda. On the one hand, this is due strong historical and economic ties marked by a long, shared, 'lively' border, but, on the other, to the role of Venezuela as an important actor within Colombia's own armed conflict, either as a supporter of guerrillas or as a key negotiator. As a result, relations with Venezuela have largely determined the nature of FDP policy under Santos's, Duque's and Petro's<sup>194</sup> mandates in different directions. In addition, the

<sup>194</sup> In spite of an ideological affinity between Petro and Maduro, foreign affairs with Venezuela continued to shape FDP policy. The restoration of diplomatic relations with Venezuela came with a more restrictive approach towards Venezuelan FDPs (see Introduction). Like Santos, Petro perceived Venezuela as a key ally for the peace-building process with the

situation under Santos and Petro, marked by less confrontational stances towards Venezuela given its role as mediator in the armed conflict, resulted in a more cautious FDP policy, which would not affect the relations with the sending country. On the other hand, Duque, who perceived Venezuela as a security threat given its support of guerrillas and the military tensions, as well as its geostrategic interests, adopted a liberal policy to embarrass Maduro.

In contrast, the importance of Venezuela's relations in the Peruvian political agenda is contingent upon the administration in power. Even though both Kuczynski and Vizcarra were ideologically opposed to Maduro's regime, Venezuela's salience in the political agenda and its role on FDP policy differed between the two. For Kuczynski, Venezuela held a more prominent position, shaping the initial welcoming approach towards Venezuelan migrants in the context of low numbers of migrants. On the contrary, for Vizcarra, Venezuela – and in general foreign policy – occupied a less central position on his agenda and, as a consequence, it did not shape his FDP policy.

In summary, Venezuela's importance in the political agendas of both countries, strong during Duque's administration and weak during Vizcarra's, helps explain the significant emphasis on foreign affairs in Colombia's FDP policy compared to its absence in Peru's. While circumstantial elements – such as a strong ideological confrontation – may play a role, constant elements regarding bilateral relations seem more determinant, particularly historic and economic ties and Venezuela's relevance amidst the armed conflict. In the latter case, importance is strongly tied to national security. The following table illustrates the role of this determinant and their elements in shaping the type of considerations at play behind the adoption of FDP policies in Colombia and Peru.

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ELN guerrillas, the top priority of his government, even asking Maduro to be a guarantor and host of peace negotiations (International Crisis Group, 2022). Therefore, it was important for him not to embarrass Maduro with a liberal FDP policy underscoring the exodus.

**Table 22: Impact of the salience of Venezuela in the political agenda on the type of political considerations behind the ETPV and the Humanitarian Visa**

Country	Salience of Venezuela in the political agendas (Under the Vizcarra and the Duque administrations)	Causes	Outcome
Colombia	High – constant	<b>Constant</b> Venezuela as a relevant actor in the armed conflict, strong historic and economic ties	Foreign affairs considerations (embarrass the Venezuelan regime) behind the decision
		<b>Circumstantial</b> Venezuela as a threat to security (due to its support of guerrillas) and to geopolitical interests (in the context of a high ideological confrontation)	
Peru	Low – contingent	<b>Constant</b> No role of Venezuela in an internal crisis, weaker historic and economic ties	Absence of foreign affairs considerations behind the decision
		<b>Circumstantial</b> Decline of the Lima Group Domestic crisis (see section 4 below)	

Source: own data

### 5.3. International Legitimacy

#### 5.3.1. Colombia's Diminished International Standing

Duque's government faced challenges in terms of international legitimacy. On the one hand, he inherited the international image of his predecessor, President Uribe, whose administration was criticised for alleged human rights violations and for its opposition to the peace agreement with the FARC, widely supported by the international community. On the other hand, during his mandate, he developed his own peace-building logic, creating obstacles to the implementation of the peace agreement which further undermined his relations with international aid agencies in the country. The Venezuelan exodus provided Duque with an opportunity to improve his image and relations with international aid agencies. In addition, it represented a way of shifting the international attention from the country's implementation of the peace-agreement to its FDP policy, displaying Colombia's generosity and humanity toward the Venezuelan population. To understand the impact of international legitimacy on the type of considerations behind FDP policy, the following sections describe



President Uribe's legacy, in terms of international reputation, and the impact of Duque's approach to peace-building on his international image.

*Uribe's Legacy: Strained International Relations amidst Armed Conflict Management and Peace Agreement Opposition*

During his mandate, Álvaro Uribe disputed the characterisation of Colombia's situation as an armed conflict, instead labelling it as 'generalised violence' perpetrated by criminal groups and a 'terrorist threat', drawing parallels with the September 11 attacks (Pardo, 2021). This constituted a way of denying the political nature of the violent groups and equating them with common criminals involved in narcotrafficking. This view clashed with the perception of the international community, which widely recognised the existence of an armed conflict.<sup>195</sup> This recognition justified the application of Humanitarian International Law and the presence of humanitarian bodies in the country, such as the UNHCR, the UN High Commissioner of Human Rights and the International Committee of the Red Cross. Uribe's interpretations thus raised scepticism among international aid agencies and foreign nations.

Pursuant to his perception of a 'terrorist threat', in 2003 Uribe launched the 'Democratic Security' plan to combat guerrillas and narcotraffickers. His policy of '*mano dura*' (firm hand) led to important victories for the Colombian army, forcing guerrillas to leave urban and central areas for the periphery, a phenomenon referred to as the peripheralisation of the armed conflict (Ríos, 2019), and it significantly reduced homicides and kidnappings.<sup>196</sup> Despite garnering him domestic support,<sup>197</sup> the implementation of the plan also sparked controversies surrounding human rights violations, raising concerns within the international community.

The most well-known atrocity committed by the state forces under Uribe's mandate was the so-called 'false positives'. The incidents involved extrajudicial executions, in which members of the Colombian National Army orchestrated the killings of civilians, deceitfully portraying them as members of the guerrilla groups or paramilitaries. In certain instances, civilians were lured with false promises of employment by the army and subsequently murdered, reflecting a premeditated plan. The purpose was to showcase the army's success and increase benefits, such as bonuses or holiday privileges, derived from an incentive system authorised by the

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<sup>195</sup> The international community adhered to the definition outlined in the Geneva Protocol II: regardless of their legitimacy, guerrilla groups exerted control over parts of the Colombian territory, under unified commands, allowing them to execute recurrent operations (art. 1).

<sup>196</sup> Homicides were reduced by 74% and kidnappings from 2,882 to 282 cases and instances of common violence fell (Colombia, Observatorio de Derechos Humanos y Derecho Internacional Humanitario [Human Rights and International Humanitarian Law Observatory], 2008); Uribe, 2022).

<sup>197</sup> Álvaro Uribe concluded his term with an unprecedented 80% approval from the Colombian population ('Presidente Álvaro Uribe termina su gestión con 80% de aprobación [President Álvaro Uribe ends his term with an 80% approval rating]', 2010).

Ministry of Defence under Decree 020 of 2005. These allegations were documented in the annual reports of 2007, 2008 and 2009 of the Colombian Office of the High Commissioner for Human Rights (UN High Commissioner for Human Rights, 2008, 2009, 2010).<sup>198</sup>

Organisations like Human Rights Watch have considered the ‘false positives’ an unprecedented human rights violation in the world and criticised Uribe for a distortion of the facts (Saavedra, 2021). Despite Uribe’s domestic support, these multiple human rights abuses and accusations prompted many international organisations to assert a significant deterioration of the rule of law in Colombia during his administration (Vivanco & Pappier, 2016).

During his mandate, Uribe reached an agreement with the largest paramilitary group, the United Self-Defence Forces of Colombia, resulting in its dissolution. However, the process was criticised by international sectors for giving former paramilitary too many benefits and led to the emergence of smaller, fragmented, paramilitary cells (‘Firman acuerdo de paz... [Peace agreement signed...]', 2010). Notably, the 2006 report of the UN High Commissioner for Human Rights asked the government to amend the 2005 Law of Justice and Peace (975/2005) due to its insufficient provision of reparation to the victims of the paramilitary (UN High Commissioner for Human Rights, 2006). Finally, accusations of connections between members of Centro Democrático and paramilitaries, including Uribe,<sup>199</sup> further eroded his international reputation.

Once in the political opposition, Uribe’s critical stance towards the 2016 peace agreement between President Santos<sup>200</sup> and the FARC further damaged his international reputation. Leading the campaign against the agreement during the country’s referendum, Uribe justified his stance on grounds of the impunity and political eligibility of guerrilleros who committed crimes against humanity<sup>201</sup> and on the negative impact of

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<sup>198</sup> In December 2019, the Special Jurisdiction for Peace (JEP, for its Spanish acronym) discovered the first mass grave of in Dabeiba (Antioquia), revealing the potential presence of civilians presented as guerrilleros. The civilians were allegedly killed by the Forth Brigade of Medellín between 2006 and 2008. The JEP’s latest report documents 6,402 victims, although this is not definitive; there is currently an ongoing judicial case at the JEP establishing responsibilities (under ‘Case 03’) (*Caso 03*, 2023). Despite the fact that 78% of these cases occurred during Uribe’s mandate, he denies the accusations and characterises the JEP report as ‘biased’ (‘Falsos positivos en Colombia... [False positives in Colombia...]', 2021)

<sup>199</sup> Notably, Carlos García, the former President of the U Party and of Congress, was accused of financing his campaign with funds from paramilitaries (Giordano, 2022; Relea, 2008). Currently, Uribe faces legal proceedings for procedural fraud and bribery involving former paramilitary members who have testified against him, alleging his connection with the massacres perpetrated by the paramilitary while he was Governor of Antioquia (Bernat, 2023).

<sup>200</sup> Santos served as the Ministry of Defence under the Uribe administration and was the presidential candidate endorsed by him, but they broke relations due to divergent views on the armed conflict and the pursuit of the agreement by Santos – a possibility rejected by Uribe (Wallace, 2014).

<sup>201</sup> The agreement allowed the high commands (not only of the FARC, but also of the paramilitary) to evade convictions for crimes including child recruitment, terrorist attacks, kidnapping and homicides, contingent upon the confession of these crimes. They would instead face minimal restrictions on their rights and be compelled to engage in social services. Notably, the agreement incorporates the notion of ‘responsibility of command’ which allows high commands to evade their responsibilities for crimes committed by their subordinates (Acuerdo de Paz [Peace Agreement], 2016)

collectivisation for the economy.<sup>202</sup> His campaign succeeded by a narrow margin of votes (50.21% versus 49.78%), mainly from urban areas not affected by the conflict. Widely supportive of the peace negotiations and agreement (Barreto, 2014), the international community greeted the results with disappointment (see Chapter 6 regarding the participation of the international community in the peace agreement in the section *Analysing Foreign Experiences*).

After his defeat, Santos engaged in negotiations with Uribe and his party to save the agreement. However, their objections, including the use of the term ‘armed conflict’, political eligibility, prison for the guerrilla leaders and the elimination of a special court for transitional justice were not included in the final agreement. Following the agreement’s final approval, Uribe continued criticising ‘impunity’ within the agreement and peace institutions, portraying them as biased towards the left and tailored to the FARC’s interest. He also initially refused to cooperate with the Truth Commission regarding allegations of crimes under his mandate, only doing so in 2021 to deny any responsibility (Duzán, 2021).

Uribe’s steadfast opposition to the peace agreement and his ongoing criticism of its implementation further strained his international reputation, highlighting his role as a polarising figure in Colombian politics, and affecting that of his successor Iván Duque.

#### *Duque’s Weakened Reputation during the Peace Agreement Implementation*

As a Senator and vocal advocate for Uribe’s policies, Duque had played crucial role in opposing the 2016 peace agreement between President Santos and the FARC, serving as one of the leaders of the ‘no’ campaign and key negotiator. As he transitioned into the presidency, Duque faced the daunting task of balancing Uribe’s legacy with the country’s international image. Despite announcing upon his election that he would not ‘destroy or tear apart the agreement’ and defending it before international audiences,<sup>203</sup> he deviated from its approach, undermined the efforts of peace institutions and created significant obstacles for its implementation.

Throughout his mandate, Duque refrained from making explicit references to the peace agreement, instead promoting a narrative of ‘peace with legality’, which distanced him from Santos. In early 2019, he objected to six articles of the law about the court for transitional justice.<sup>204</sup> Despite the Constitutional Court’s

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<sup>202</sup> Drawing on comparisons with the economic policies of Castro and Chávez, he argued that the agreement would lead to the collectivisation of the rural areas and the destruction of the production (Uribe, 2016)

<sup>203</sup> He defended the agreement before international audiences and asked the UN to extend its Verification Mission for the agreement (Manetto & Torrado, 2018).

<sup>204</sup> The objections centred around concerns regarding perpetrators’ obligation to compensate the victims, reduced attributions to the High Commissioner for Peace in identifying armed groups covered by the peace-building agreement and the state’s abandonment of criminal prosecution for crimes against humanity (Forero, 2019).

rejection of the objections, their formulation caused significant delays in the operations of peace institutions, exacerbated by Duque's denial of requested funding from the institutions.<sup>205</sup> These actions fuelled scepticism about his commitment to the peace process, amplified by his abstention from attending the Truth Commission report presentation in June 2022 and his dismissal of it as a 'post-truth' account.

The implementation of the peace agreement during Duque's mandate drew criticism from international organisations, particularly regarding the significant number of deaths among former combatants. By January 2021, 315 signatory ex-combatants had been killed, leading the Constitutional Court to declare an unconstitutional state of affairs. Additionally, Duque faced criticism for escalating violence against social leaders and the population in rural areas. Between 2017 and 2020 the murders increased 44.4% and the victims of forced displacement in 478.7%, positioning Colombia as the country with the largest number of leaders' deaths in the world (Varela, 2022). In August 2020, the UN issued a statement expressing concern about the violence against ex-combatants and social leaders, urging state authorities to address the issue (UN Colombia, 2020). A 2021 report by Human Rights entitled 'Left Unprotected' highlighted the government's ineffective control over certain areas and the lack of an adequate justice system, economic opportunities and access to public services contributing to the violence (Pappier, 2021).

Throughout his mandate, Duque tightened the conditions for peace negotiations with the ELN, the remaining guerrilla group in Colombia.<sup>206</sup> He insisted that negotiations could only proceed if the ELN ceased kidnapping, attacking state infrastructure, and targeting military forces – conditions that the guerrilla group never accepted. Following a car bombing orchestrated by the ELN in front of a cadet school in Bogotá, resulting in twenty-three people dying, Duque terminated negotiations with the ELN, suspending the lifting of the capture warrant for ten ELN members who were part of the peace delegation in Havana.

The obstacles hindering the implementation of the peace agreement, coupled with a reluctance to engage in peace negotiations with the ELN, damaged Duque's reputation among international agencies present in the country for peace-building purposes (Beltrán & Ortega, 2021). However, his welcoming approach towards Venezuelan FDPs mitigated the damage to the country's international image. Josef Merkx, former representative of the UNHCR in Colombia, concerned with both the internal forced displacement resulting from the armed conflict and the Venezuelan exodus, described the relations between the UNHCR and Duque regarding those two matters:

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<sup>205</sup> In particular, the JEP, in charge of victim reparation, experienced a five-month delay in its operations until the constitutional decision. Duque denied the allocation of 30 billion pesos that several congressmen had requested for its operations in 2021, further complicating its work regarding victim protection ('La JEP expresa "preocupación... [JEP expresses concern"...]', 2020).

<sup>206</sup> These talks were initiated by Santos in an exploratory phase in Havana.

To be honest, with Santos, as the government who initiated the law of victims regarding internal forced displacement, it was easier to work on internal displacement. Initially, Duque did not want to recognise the humanitarian problems of internal forced displacement in remote and isolated areas like El Chocó. For the UNHCR and other agencies working on internal displacement it was difficult to work [...] he thought that it would be an issue that would eventually disappear but it did not. [...] On the other hand, it was way easier to work with Duque's government on Venezuelan refugees [...] those are indirectly political topics.<sup>207</sup>

In the context of dissatisfaction and increasing pressure from the international community on the implementation of the agreement, the Duque administration resorted to the Venezuelan exodus to shift attention from one issue to the other and restore his international prestige.<sup>208</sup> A former officer of the BMO highlights Duque's foreign affairs considerations behind the liberal approach towards the Venezuelan exodus and specifically the ETPV adoption:

I think there was a political component in all of this. Duque's government was receiving a lot of pressure because of the lack of implementation of the peace agreements, social protests,<sup>209</sup> or the killing of social leaders. I believe that the ETPV was a strategic move – a way of shifting the conversation towards protection of migrants. Duque said that the most significant peace gesture by the government was to receive and regularise Venezuelans. This shift aimed to reframe the human rights discourse, highlighting Colombia's efforts to safeguard the rights of Venezuelans within its borders. That gave Duque a lot of international reputation and occurred in a moment when the government was significantly under pressure.<sup>210</sup>

A quest for international legitimacy explains the predominance of foreign affairs over domestic considerations behind the ETPV. In his interview, Duque himself recognised that the adoption of the ETPV and his stances on the Venezuelan exodus more generally contributed to improving his relations with international agencies:<sup>211</sup>

[Relations] improved. Ecuador followed the steps of Colombia, other countries from Central America did so too. To a certain extent, the United States has seen that this is possible. The EU agencies have taken note of Colombia's international aid efforts and its solidarity managing one of the most painful phenomena of the world, without any reservations [...] Colombia managed to address this phenomenon, through solidarity, and the

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<sup>207</sup> Interview with Josef Merckx, former Representative of the UNHCR in Colombia (online, 27-9-2022).

<sup>208</sup> Interview with Ronal Rodríguez, Professor on Venezuelan migration from Rosario University (online, 12-9-2022).

<sup>209</sup> This might refer to the 'Colombian Social Outburst'. However, these protests took place between April 2021 and July 2022, after the adoption of the ETPV, and, as a result, they could not have played a role in the FDP policy under analysis.

<sup>210</sup> Interview with a former officer of the BMO (anonymous).

<sup>211</sup> In addition to President Iván Duque and Alejandra Botero, this is also reflected in the interviews to Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021) and Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022).

creation of opportunities. I think that Colombia's migration policy stands as a major example of how to treat migrants without being xenophobic or indifferent.<sup>212</sup>

### ***5.3.2. Vizcarra's Moderate yet Positive International Profile***

In contrast to Duque, Vizcarra was relatively unknown internationally, inheriting a positive standing and a moderate image from his predecessor, President Kuczynski. Kuczynski's stances on the Venezuelan crisis, criticising the regime while rejecting military intervention, bolstered his reputation as a defender of democratic principles and a peaceful leader. With moderate ideological stances and a background in economics from the US, Kuczynski projected an image of a technocrat capable of increasing Peru's development. As a liberal technocrat, he advocated free markets, while defending basic public services, and maintained progressive stances in social matters (Meléndez, 2019). Although his ideology remains somewhat ambiguous, Vizcarra appeared to lean towards liberal positions in both economic and social realms, reflecting a certain continuity with the moderation of his predecessor.

His lack of party affiliation shielded him from association with the recently discredited Peruvian political elites for corruption allegations on *Lava Jato* scandal, which led to the downfall of his predecessor's administration (see section 4.1 below). Upon assuming office, Vizcarra firmly committed himself to combating corruption and promised a complete restructuring of the cabinet, distancing himself from his predecessor's administration and political party, the PPK. He undertook political reform aimed at addressing structural issues that contributed to corruption, which positioned him as a champion of institutional stability. Its success gave him credibility, especially in a political landscape marred by numerous corruption scandals (see details of this reform in the section 4.2. below), and kept him out of the spotlight internationally.

Throughout his mandate, Vizcarra bolstered his international image as anti-corruption leader. In April 2018, he hosted the Eighth Summit of the Americas, promoting the adoption of the Lima Compromise, a comprehensive agreement including 57 measures aimed at combating corruption. Later, in September 2018, he reaffirmed his support for the Lima Commitment (*Compromiso de Lima*) before the UN General Assembly, presenting his political reform as a viable solution to Peru's political and institutional crisis. Additionally, Vizcarra criticised Maduro's regime for its human rights violations (Press, 2018), highlighting his commitment to democratic principles.

Furthermore, his opposition to a party with a damaged international legitimacy further contributed to his own positive reputation. His main political rival, Keiko Fujimori, was associated with her father, Alberto Fujimori, the former dictator incarcerated for crimes against humanity during the armed conflict (1990–2000).

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<sup>212</sup> Interview with Iván Duque, former President of Colombia (Bogotá, 2-2-2022).

She initially upheld the legacy of her father, emphasising his successes in defeating terrorism and achieving economic growth. Despite human rights violations during the Fujimori regime,<sup>213</sup> she and her party, Fuerza Popular, denied the existence of an armed conflict (see Fuerza Popular's manifesto), attributing violence solely to the terrorist group Shining Path and discrediting peace institutions (Villalba, 2022). Her international reputation suffered further when she was arrested for alleged money laundering in 2018 (Fowks, 2018a).

In general, in contrast to both Duque in Colombia and his predecessor Kuczynski, Vizcarra adopted a more restrained international profile, prioritising diplomatic stability amidst the ongoing political crisis within the country.<sup>214</sup> Unlike his predecessors, he placed a greater emphasis on securing domestic support, a strategy that I will discuss in the following section.

To sum up, Vizcarra, inheriting a moderate image from his predecessor and known for his anti-corruption stance and opposed to a delegitimised Fujimorist leader, managed to avoid controversies on the international stage. With no negative reputation to contend with and minimal personal investment in international standing (only as anti-corruption leader), foreign affairs did not play any role in the adoption of the Humanitarian Visa. In contrast, Duque inherited a controversial legacy from Uribe, including his management of the armed conflict, human rights violations and opposition to the peace agreement, which eroded his international image. Additionally, Duque's own management of peace-building efforts further complicated relations with humanitarian aid agencies responsible for peace-building. Unlike Vizcarra, Duque faced pressure to establish and maintain an international image, making foreign affairs considerations pivotal in shaping the adoption of the ETPV. The following table compares the impact of international reputation on the type of political considerations behind FDP policy in Peru and Colombia.

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<sup>213</sup> This strategy entailed declarations of state of exception, the militarisation of civilians and excessive use of intelligence services, including strategic military units like the so-called 'death squads'. Eventually, he dissolved both the Congress and the Judicial Power, ultimately resulting in a self-coup (Meléndez, 2019).

<sup>214</sup> Interview with Hugo de Zela, former Vice-Chancellor of Peru (online, 22-11-2021).

**Table 23: Impact of international reputation on the type of political considerations behind the Humanitarian Visa and the ETPV**

Country	International image (of the Duque and the Vizcarra administration)	Causes	Outcome
Colombia	High profile (amidst the peace-agreement implementation); negative reputation	Predecessor's legacy (management of the armed conflict, incl. human rights violations, opposition to the peace agreement)  Management of the armed conflict, limited implementation of the peace agreement	Foreign affairs considerations (enhancing international reputation) behind the adoption of the ETPV
Peru	Low profile; positive reputation	Predecessor's legacy (moderate, technocrat)  Independence (lack of political affiliation and commitment to anti-corruption policies)  Controversial opposition leader (linked to a former dictator)	Absence of foreign affairs considerations behind the adoption of the ETPV

Source: own data

## 5.4. The Executive's Strength and Domestic Politics

### 5.4.1. *Peru's Executive Weakness amidst a Political Crisis*

In recent years, Peru has undergone political instability stemming from its weak separation of powers, marked by a strong confrontation between the executive and the Congress. This crisis affected both the Kuczynski and Vizcarra administrations, but it had a particular impact on the latter, due to Vizcarra's status as a non-elected President without party affiliation. The subsequent sections describe the political crisis marked by a weak separation of powers and the confrontation between the executive and legislature, weakening both Kuczynski and Vizcarra's governments and leading to the shift towards prioritising domestic over foreign affairs in FDP policy-making under the latter.



*Peru's Political Crisis: a Stark Confrontation between the Executive and the Legislature*

Kuczynski's presidency marked a shift in Peru's power balance between the executive and the legislature. Formerly Minister of Economy under Toledo's mandate, Kuczynski won the 2016 elections by a slim margin of 50.12%, defeating Keiko Fujimori. His party, 'Peruanos Por el Kambio' (PPK),<sup>215</sup> offered a centre-right, liberal, technocratic alternative to Fujimori's populist conservatism. The elections revealed stark polarisation between Fujimorist and anti-Fujimorist supporters, with PPK representing the latter. Fujimorists – mainly from rural areas and low social strata – defended the legacy of former dictator, Alberto Fujimori, while anti-Fujimorists – mainly from urban areas and middle social strata – rejected its authoritarianism and conservatism, perceiving Fuerza Popular as part of a corrupt political elite (Meléndez, 2019).

In the congressional elections of that year, Fuerza Popular obtained a majority, winning a plurality of the votes (39.9%) and 73 seats (53% of the total), granting them control over key commissions and the legislative agenda. In contrast, PPK secured only 18 seats, ranking as the third-largest parliamentary force. These results left Kuczynski with minimal support in Congress, positioning him as the least-supported president since the democratic transition.<sup>216</sup>

Despite their ideological alignment on certain matters, Fuerza Popular and the rest of the Congress mounted a fierce opposition against the government. A radicalisation of the opposition, coupled with the party aligned with the executive being in a minority, significantly weakened the executive's institutional authority (Dargent Bocanegra & Rousseau, 2021; Meléndez, 2019). Between December 2016 and August 2017, the Congress prompted the dismissal of three ministers,<sup>217</sup> as well as a reshuffle of the whole cabinet.<sup>218</sup>

Furthermore, the Congress used a motion to declare the presidency vacant by reason of permanent moral incapacity (*vacancia por incapacidad moral permanente*), a constitutional mechanism allowing it to remove the president with the support of two-thirds of its members. Existing since the 1893 Constitution, the presidential 'vacancy' for moral incapacity (art. 113.2) was originally conceived for the cases of actual mental incapacity. However, the Congress started to use it as a political control tool, despite its conflict with art. 117, which establishes presidential immunity. In December 2017, it invoked the instrument, accusing Kuczynski of

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<sup>215</sup> PPK was founded in 2014 with Pedro Pablo Kuczynski's initials, after Kuczynski lost the presidential elections of 2011, and was specifically aimed at supporting his candidacy for the 2016 presidential elections.

<sup>216</sup> Toledo had 45/120 seats, García 36/120 seats and Humala 47/130 seats (Dargent Bocanegra & Rousseau, 2021)

<sup>217</sup> For instance, in December 2016, the Congress forced Kuczynski's Ministry of Education, Jaime Saavedra, to step down, following accusations of corruption related to the alleged sale of computers to public schools ('Por qué el Congreso de Perú forzó la renuncia del popular ministro de Educación, [Why Peru's Congress forced the resignation of the popular Minister of Education]' 2016).

<sup>218</sup> The complete reshuffle of the cabinet resulted from losing a vote of confidence, presented by the President of the Cabinet to avoid the censure of the Minister of Education.

receiving funds from Odebrecht,<sup>219</sup> a Brazilian construction company at the centre of multiple corruption scandals across Latin America, known as *Lava Jato*. The move to declare a presidential vacancy for moral incapacity failed, nevertheless, in the voting process (Riepl, 2017). The abusive use of this mechanism undermined the separation of powers and led to ongoing political crises, marking the end of a ‘continuity’ characterised by the dominance of the executive since Fujimori’s mandate (Dargent Bocanegra & Rousseau, 2021)

In December 2017, President Kuczynski controversially pardoned former President Fujimori, who was serving a twenty-five-year prison sentence for crimes against humanity.<sup>220</sup> This decision sparked widespread protests and the resignation of three Ministers from Kuczynski’s cabinet and three PPK congressmen. In March 2018, amidst a second attempt to declare a presidential vacancy, Fujimorists released the ‘Kenjivideos’ revealing negotiations between Kuczynski and Kenji Fujimori, a congressman and son of former President Fujimori, in which they exchanged votes against the first vacancy motion in return for the pardon of his father. This scandal led to Kuczynski’s resignation before the vacancy vote and Vice-President Vizcarra assumed the role of president (Cué & Fowks, 2018).

#### *Vizcarra’s Presidency: Navigating Political Isolation*

Although he was aligned with Kuczynski’s ideology (see section 3.2. above), most of the PPK members distrusted Vizcarra. Apart from his lack of party affiliation, they suspected that he had contributed Kuczynski’s fall, having negotiated the vacancy with members of the Congress. In a context where he lacked support, having even less than his predecessor, Vizcarra was very sensitive to domestic audiences and sought throughout his mandate to secure its support. In his biography, León (2019) describes Vizcarra’s weak position and the importance that he placed on domestic support:

In the following weeks the government of Vizcarra was taking shape. [Vizcarra] The chosen man, who no one elected, was taking over the role of the President to take note of all that he wanted his administration to be. The Congress group of PPK was deeply divided and distrusted him, so he would not have their support [...] The only option was to generate a considerable level of affinity with public opinion, enough to build a new power block that allowed him to make decisions. (p. 103)

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<sup>219</sup> The accusations related to Kuczynski’s period as Minister of the Economy and President of the Cabinet under Toledo’s mandate. In particular, the company Westfield Capital carried out seven consultancies.

<sup>220</sup> Kuczynski granted the pardon on humanitarian grounds, asserting that Fujimori was suffering from an illness but without providing evidence. Less than a year later, the Supreme Court revoked the pardon and returned him to prison in October 2018. Concurrently, the victims’ relatives asked the IACHR to make a pronouncement on the decision, and the Ombudsman considered that it lacked sufficient justification. In 2022 the Constitutional Court reinstated the effects of the pardon, but months later the IACHR urged the authorities not to implement the Constitutional ruling, referring to concerns about potential impunity due to severity of Fujimori’s crimes against humanity. The executive released Fujimori in 2023, disregarding the IACHR’s pronouncement (De la Quintana, 2023).

During the initial months of his administration, Vizcarra refrained from confronting the Congress,<sup>221</sup> which was tainted by numerous corruption allegations,<sup>222</sup> which eroded his credibility in the fight against corruption.<sup>223</sup> However, in July 2018, following the release of the so-called CNM Audios exposing widespread corruption,<sup>224</sup> which generated intense protests (*marchas contra la corrupción*), Vizcarra adopted a more confrontational stance. His 2018 speech during the patriotic festivities marked a break with Fuerza Popular (León, 2019). In response to the audios, Vizcarra proposed a political reform referendum targeting corruption, including changes to judicial appointments, party financing regulations, bicameralism, and term limits for congressmen. This last change prompted three PPK legislators to resign, leaving the presidency in an even weaker position (Fowks, 2018b). Delay in passing the reform, prompted by Fuerza Popular, led Vizcarra to strategically call for a vote of confidence (Paredes & Encinas, 2020).<sup>225</sup> In a context of an increasingly discredited Congress, this decision was positively regarded by Peruvian public opinion, granting him 61% approval, the highest of his mandate (*Aprobación de presidente peruano Vizcarra sube a su mayor nivel de su gestión [Peruvian President Vizcarra's approval rating rises to its highest level of his administration]*, 2018). Vizcarra's government received the Congress's vote of confidence, which led to a successful referendum where three out of the four proposed reforms were approved, boosting his legitimacy.<sup>226</sup> By December, his approval rating reached 66%, whereas the Congress faced a disapproval rate of 77% (Ipsos, 2018b).

In the context of this stark confrontation with the Congress, Vizcarra directed his focus primarily on domestic rather than foreign affairs (León, 2019). His presidency's stability was largely contingent on public support. Consequently, his FDP policy was crafted with keen attention to societal concerns. Escalating opposition to welcoming measures and negative sentiments towards Venezuelan FDPs, as detailed in Chapter 4, marked a fundamental departure from Kuczynski's mandate, during which welcoming measures enjoyed widespread support from the population and other political parties. Unlike his predecessor, Vizcarra could not afford to treat Venezuelan FDPs as a foreign affair matter, which in the context of hostile relations with Venezuela would have led to a liberal policy, widely opposed by the population. Instead, Vizcarra strategically

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<sup>221</sup> In fact he passed some laws promoted by Fujimori and rejected by Kuczynski which prevented congresspersons from being controlled by the office of the Comptroller (León, 2019).

<sup>222</sup> At the start of his mandate, the Congress's disapproval stood at 65%, rising to 79% by June 2018 (Ipsos, 2018a; Torres, 2018). The Odebrecht scandal affected all former Presidents and current Congress political forces, as the company admitted to financing the campaigns of García, Humala, Fujimori and Kuczynski. In October 2018, Keiko Fujimori was being investigated for money laundering and put in preventive detention (Fowks & Cué, 2018).

<sup>223</sup> Whereas 57% approved of his mandate at the outset, in April 2018, approval dropped to a 37% in June. Notably, 36% of those who disapproved cited concerns about corruption within his government (Ipsos, 2018a).

<sup>224</sup> In these revelations, politicians and judges, including one President of the Supreme Court, César Hinostroza, were exchanging favours, such as reduced penalties or promotions.

<sup>225</sup> Given that Kuczynski had previously received a vote of no confidence, and Vizcarra's mandate was a continuation of the former, a negative vote for Vizcarra would have granted him the authority to dissolve the Congress and call for new elections.

<sup>226</sup> Three of them were approved by a considerable margin (more than 85%) and the fourth, on bicameralism, was rejected. Vizcarra had campaigned for the 'no' on that last reform, due to modifications concerning substantial aspects introduced by the Congress, such as the elimination of gender parity.

implemented the Humanitarian Visa for Venezuelan FDPs – a restrictive policy aligned with societal preferences. Just like his political reform, his response to the Venezuelan exodus was strongly connected with the importance that he attributed to the public opinion.<sup>227</sup> Hubert Wiener, former Director of Human Rights, reflected on the impact of Vizcarra's government's weakness, as compared to that of Kuczynski, on the important role of domestic preferences in FDP policy-making:

The difference between Kuczynski and Vizcarra is that Kuczynski at the beginning of his mandate was an elected president, had all the legitimacy of an elected president. Vizcarra became president when Kuczynski resigned, so he had a weaker position than his predecessor, and the Congress was opposed to his government [...] To be more in line with societal sectors and protect himself, he took into consideration domestic politics and adopted restrictions.<sup>228</sup>

On the same note, Hugo de Zela, former Vice-Minister of Foreign Affairs, stated:

That was a very difficult political moment. There was a very strong conflict between the executive and legislative powers. Criticism was levelled within the Congress and that type of problems increased or opened a new target of critiques, so that obviously was an important component.<sup>229</sup>

Despite his efforts to obtain popular support, Vizcarra's political vulnerability led to the end of his presidency amidst a turbulent political crisis. Following a dissolution of the Congress,<sup>230</sup> a controversial decision in legal terms but widely supported by the population,<sup>231</sup> a newly elected, fragmented, and populist Congress led to a third successful move for presidential vacancy against Vizcarra in November 2020. The appointment of Manuel Merino, then President of Congress and affected by corruption, as President triggered resignations and intense protests, which resulted in two deaths and hundreds of people injured due to police repression. Francisco Sagasti then took over until the 2021 elections, which saw the victory of Pedro Castillo, a left-wing conservative outsider and former rural teacher, running against Keiko Fujimori. Under Castillo's presidency, political turmoil continued, culminating in a self-coup in December 2022 and his incarceration. Vice-President

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<sup>227</sup> Interviews with Carlos Scull, former Ambassador from Venezuela in Peru (9-12-2021), Paulina Facchin, activist for migrants' rights in Peru (online, 13-12-2021), Hubert Wiener, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (21-1-2021), Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021) and María Olave, ILO officer in Peru (28-8-2023).

<sup>228</sup> Interview with Hubert Wiener, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (21-12-2021).

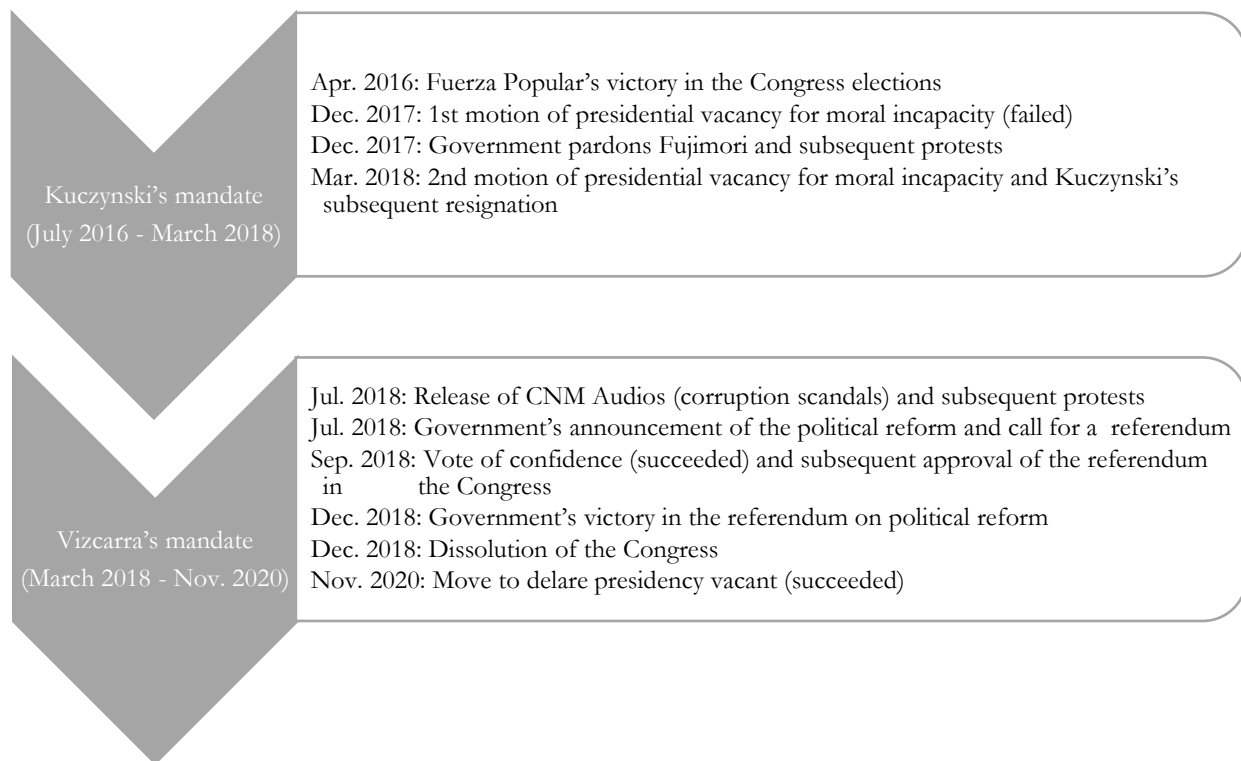
<sup>229</sup> Interview with Hugo de Zela, former Vice-Chancellor of Peru (22-11-2021).

<sup>230</sup> Vizcarra presented a vote of confidence in the context of the reselection of judges for the Constitutional Court, whose selection reflected the interests of the parties in the Congress. The Congress ignored the confidence vote, not letting the President of the Cabinet defend himself before Congress and maintained the selected judges, which Vizcarra interpreted as an implicit rejection of confidence. Given that another vote of confidence had been denied to Kuczynski's government (in the same term), Vizcarra dissolved the Congress, as set out in the Constitution (Dargent Bocanegra & Rousseau, 2021).

<sup>231</sup> The measure was questioned by certain political sectors, which perceived it as a coup, making parallels with Fujimori's self-coup (*autogolpe*) in 1992 ('Las dudas sobre la legalidad... [Doubts about the legality...]', 2019). However, later the Constitutional Court affirmed the dissolution as a valid act (0006-2019-CC/TC). Moreover, in the context of a discredited Congress, 85% of Peruvians backed the measure ('El 85% aprueba la decisión de disolver el Congreso [85% approve the decision to dissolve Congress], 2019).

Dina Boluarte assumed office, but the absence of new elections led to increased disapproval. These events further suggest Peru's ongoing political crisis, marked by eight processes of declaring presidential vacancies,<sup>232</sup> six different presidencies and one parliamentary dissolution over the course of seven years. They are indicative of structural issues within the political system, including a weak separation of powers. Driven by this structural problem, political instability contributes to the prominence of domestic considerations over foreign affairs in FDP policy-making, particularly when the issue of FDPs become salient and politicised, as seen during Vizcarra's mandate (see Chapter 4).

**Figure 13: Timeline of political crisis in Peru under Kuczynski's and Vizcarra's mandate**



Source: own empirical data

#### ***5.4.2. Colombia's Institutional Stability***

In contrast to Peru, Colombia exhibits a more robust presidential system. Although there is a mechanism for impeachment allowing the Parliament to judge high-ranking authorities for legal violations, it does not function as a political control tool like the vote of confidence in Peru. It is reserved for accusations

<sup>232</sup> Kuczynski faced two presidential vacancies, the latter leading to his resignation. Vizcarra faced three, the first two being dismissed, while the third led to his removal from office. Pedro Castillo had three *vacancias* and the last prompted him to dissolve the Congress in a coup. Dina Boluarte faced one attempt. Notably, Fuerza Popular was involved in presenting the majority of these vacancies, except for the last.

of criminal conduct or disciplinary responsibility during or outside the presidential tenure (art. 178). Notably, it was invoked solely against former President Ernesto Samper in 1995, who faced allegations of connection with narcotraffickers and improper campaign financing. However, this attempt failed in the voting process within the Chamber of Representatives.<sup>233</sup> Moreover, the Colombian Constitution outlines the conditions for presidential vacancy, encompassing scenarios such as death, resignation, destitution, physical incapacity, sickness and official leave, without any moral component (art. 194) as is the case in Peru.

President Duque's circumstances markedly differ from those of Vizcarra. He was an elected President, who won the elections with 53.98% of the votes, winning against his left-wing rival, Gustavo Petro, thus enjoying the legitimacy of his electoral mandate. Additionally, Duque had the backing of former President Uribe, who was still very popular amongst an important sector of the Colombian population, and that of his party, Centro Democrático. Additionally, Centro Democrático was the largest party in the Senate, with nineteen seats – constituting a 16% share. Beyond his party, an additional thirty-five senators from various political affiliations supported his government, consolidating a narrow but meaningful majority in the Senate. In the Representative Chamber, he had the support of 83 out of 170 congressmen. Within a context of greater preservation of the separation of powers and stronger parliamentary support, Duque did not encounter the same degree of opposition from the Parliament as his counterpart in Peru.

To sum up, the different strength of the executives in Colombia and Peru contributes to explaining the role of domestic considerations in FDP policy-making. The Vizcarra administration, lacking robust political support amidst a domestic crisis, prioritised policies aligned with public opinion preferences. Conversely, the government of Duque, enjoying a greater stronger political support and stability, could act more independently from public sentiments. A blend of structural and circumstantial elements contributes to explaining the diverse domestic politics marking the executive's strength, including the separation of powers (weak in Peru; strong in Colombia), electoral legitimacy (absent under Vizcarra; present under Duque), party and parliamentary support (lacking in Vizcarra; strong in Duque). The following table summarises those differences shaping the role of domestic considerations (versus foreign affairs) in FDP policy-making:

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<sup>233</sup> Londoño Ulloa (2019) highlights that this mechanism lacks efficacy in Colombia, mainly due to the technical incapacity of the Commission of Investigations and Accusations in charge of investigating these events.

**Table 24: Impact of the executive's strength on the type of political considerations behind the Humanitarian Visa and the ETPV**

Country	Executive's strength (under the Duque and the Vizcarra administrations)	Domestic politics	Causes	Outcome
Colombia	Medium-high	Stability; harmonious relations between the executive and legislature	<p><b>Circumstantial:</b> electoral legitimacy, party affiliation, parliamentary majority</p> <p><b>Structural:</b> strong separation between the executive and legislature</p>	Absence of domestic affairs considerations behind the adoption of the ETPV
Peru	Low	Instability; conflictual relations between the executive and the legislature	<p><b>Circumstantial:</b> lack of electoral legitimacy, party affiliation and parliamentary support</p> <p><b>Structural:</b> weak separation between the executive and legislature</p>	Domestic affairs considerations behind the adoption of the Humanitarian Visa

Source: own data

## 5.5. Alternative Explanation: Ethnic Affinity between Receiving and Sending Societies

The two countries also differ in their historical ties with Venezuela, the sending country, a variable that is considered relevant by the existing literature on the determinants of FDP policy (Abdelaaty, 2021; Blair et al., 2022a; Jacobsen, 1996; Müller-Funk & Natter, 2023). Colombia and Venezuela share a historical past, as they were both part of the Greater Colombia (1819–1831). Due to their common history under colonialism and as independent states, the population share a relatively similar composition in terms of ethnicity. Although Venezuela and Peru also share ethnic traits – language and religion – this ethnic affinity is not present to the

same extent, as Peru has a larger proportion of Indigenous peoples and a lower proportion of people of African and European descent.<sup>234</sup>

In light of these differences, ethnic affinity could, as outlined in Chapter 2, account for less politicisation of migration in the domestic sphere in Colombia, preventing the transformation of FDPs into an issue of domestic concerns, and have reinforced the adoption of liberal policies aligned with foreign affairs ideas.<sup>235</sup> However, this explanation is not convincing for two reasons. First, xenophobia and rejection of immigrants also rose in the context of Colombia, suggesting politicisation to the issue, of which authorities responsible were aware (see Chapter 4). Second, Peruvian authorities also perceived an ethnic affinity between Venezuelans and Peruvians and considered the two societies culturally similar, but nevertheless adopted restrictions guided by domestic considerations.<sup>236</sup> Jorge Castillo, former congressman who supports the adoption of restrictions, reflects these perceptions:

You know what? We are *pueblos* more or less with the same roots. We are both *mestizos*, we speak the same language, we have the same religion, most of them are Catholics. We are mixed in history, so there are not those differences; maybe the Venezuelan from the Caribbean is more joyful, likes to party more or that kind of things but that's where our differences end. There is not the problem of identity distortion.<sup>237</sup>

As a result of this, ethnic affinity appears more as a discourse to justify liberal policies that different governments put forward rather than being an actual reason explaining the type of considerations in play.

## 5.6. Concluding Remarks

This chapter has identified the factors within the political context that shape the different considerations in the policy-making process resulting in the ETPV under the Duque administration and the Humanitarian Visa under the Vizcarra administration. Specifically, it has identified three key factors: the salience of Venezuela in the political agenda (higher in Colombia than in Peru), the international reputation of the executives (positive in Peru and negative in Colombia) and the strength of the governments (weaker in Peru than in Colombia). These differences shape the prominence of domestic considerations in Peru and of foreign

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<sup>234</sup> According to national censuses conducted before 2010, Peru's population consists of 26% Indigenous people and only 2.3% Black. In contrast, Colombia has 3.3% Indigenous people and 10.6% of African descent, while Venezuela has 2.8% Indigenous people and 55% of African descent (World Bank Group, 2015; Freier et al., 2022).

<sup>235</sup> Interview with Iván Duque, former President of Colombia (Bogotá, 2-2-2023).

<sup>236</sup> Interviews with Gonzalo Guillén, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 5-1-2022), Hubert Wiener, former Director of Human Rights (Ministry of Foreign Affairs of Peru) (online, 21-12-2021), Jorge del Castillo, former congressman of APRA (online, 8-12-2021).

<sup>237</sup> Interview with Jorge del Castillo, former congressman of APRA (online, 8-12-2021).



affairs considerations in Colombia. Additionally, the chapter has uncovered the origins and the elements of the determinants shaping the type of political considerations.

First, the greater salience of Venezuela in Colombia's political agenda contributes to the prominence of foreign affairs considerations vis-à-vis the sending country behind FDP policy. Venezuela's greater salience in Colombia's political agenda originates from both structural elements, including historic ties and the role of Venezuela in an armed conflict, and circumstantial factors tied to the incumbent government, including geostrategic interests and alliances. However, based on the analysis of FDP policy across various executives in Colombia, structural factors seem to play a greater role than circumstantial ones. Second, Colombia's diminished international reputation increased the influence of foreign affairs considerations vis-à-vis the international community and lay behind FDP policy. Colombia's controversial international reputation stems from the Duque administration's stance on the armed conflict, as well as from the legacy of his predecessor in such conflict. Third, the domestic political crisis in Peru contributes to the prominence of domestic considerations in Peru behind FDP policy. Such a political crisis arises from circumstantial factors tied to the specific government, including lack of electoral legitimacy, party affiliation and parliamentary support, along with structural factors related to the political system, including weak checks and balances between the executive and legislature. Chapter 7 will further discuss the theoretical implications behind these empirical findings.

**Table 25: Political factors shaping the type of political considerations behind FDP policy**

<b>Determinants (main explanations)</b>	<b>Components behind the determinants</b>	<b>Determinant identified in the literature</b>
The salience of Venezuela in the executive's political agenda	Historical and economic ties	Shifts in foreign policy (Zolberg et al., 1989)
	Impact of Venezuela on domestic issues (i.e. security)	
Executive's international reputation	Predecessor's legacy on human rights	Regime's commitment to human rights (Blair et al., 2022a; Drewski & Gerhards, 2024; Müller-Funk et al., 2020; Natter, 2018; Whitaker, 2020).
	Executive's positions and policies on human rights	
Executive's strength	Political system	Regime type / executive's vulnerability (Aron Said & Castillo Jara, 2022; Milner, 2009; Secen, 2021)
	Stability/Instability (crisis)	
	Political support	
Alternative explanation	Ethnic affinity between sending and receiving societies (e.g. Abdelaaty, 2021; Blair et al., 2022a)	

Source: own empirical data and own literature review

Ethnic affinity does not seem to play a role in mitigating the prominence of domestic considerations in Colombia, as it neither influences the level of xenophobia nor affects the different perceptions of FDPs in the two governments.

## CHAPTER 6. The Institutional Context: Established Capacities and Institutional Legacies

### 6.1. Introduction

Chapter 4 illustrated how Colombia incorporated bureaucrats in policy-making leading to the ETPV, whereas Peru's policy-making leading to the Humanitarian Visa did not. Moreover, it showed how those bureaucrats incorporated non-political considerations into policy-making, which included informed cost-benefit analyses. In delving into the political landscapes of both countries, Chapter 5 suggested initial explanations for the role of bureaucracies (or its absence) in decision-making processes, relating to political willingness and opportunity structure. Different political contexts lead to different types of political considerations (of domestic policy in Peru and of foreign affairs in Colombia), which were more aligned with non-political considerations put forward by bureaucrats in Colombia than in Peru. Taking a step further by looking at *established capacities* shaped by *institutional legacies*, this chapter provides a more comprehensive understanding of the involvement (or lack thereof) of bureaucrats in policy-making. It also explains their ability or inability to carry out informed cost-benefit analyses during policy-making, with the resulting effect on the adoption of the EPTV and the Humanitarian Visa, respectively.

Even though Jacobsen (1996) identified institutions as determinants of refugee policy, subsequent studies have not unpacked the way institutions shape state responses. This chapter aims to address this gap by identifying *capacities* derived from *institutional legacies* established during previous emergency situations as determinants of policy-making processes shaping the nature of FDP policy. I define *institutional legacy* as the lasting influence of institutions developed to respond to a certain phenomenon, i.e. the armed conflict and its internal forced displacement crisis in Colombia, on subsequent policy-making for future emergency situations, i.e. the Venezuelan exodus. Conversely, *established capacities* represent the abilities derived from those institutional legacies that current institutions possess to respond in an informed fashion to an emergency phenomenon, i.e. the Venezuelan exodus. In sum, the institutional legacy sets the historical basis for policy-making, whereas established capacities constitute the practical abilities derived from that legacy that aid in responding to current emergencies.

Besides political willingness, I contend that the involvement of bureaucracies in policy-making in Colombia, as well as their ability to conduct informed cost-benefit analyses of FDP policy effects, can be attributed to established capacities shaped by institutional legacies. Colombia developed more robust capacities

over time resulting from institutional legacies mainly established during its protracted armed conflict (1960–present) and the resulting internal forced displacement crisis. In particular, it draws on a series of capacities to respond to the exodus and shapes decision-making processes regarding Venezuelan FDPs: obtaining and managing international aid; effective coordination among national, international and local authorities; comprehensive population registration; analysis of foreign experiences and knowledge of its borders – elements that are less pronounced in Peru. In contrast, Peru exhibits weaker institutions in the absence of such a large-scale armed conflict and placed within a context of political instability (already discussed in Chapter 5). In the following sections, I describe these established capacities and their gaps, tracing their origins to institutional legacies. I analyse how these capacities are drawn upon (or not) in the context of the Venezuelan exodus to influence and shape policy-making, leading to the ETPV and the Humanitarian Visa.

## **6.2. Established Capacities and Institutional Legacies, and Decision-making regarding FDPs**

Colombia underwent substantial institutional development to address its internal forced displacement crisis and other effects of its long-lasting armed conflict (1960–present). The lessons learned during this period shaped the bureaucratic nature of policy-making leading to the ETPV, specifically the prominent role of bureaucracies and their ability to make an informed cost-benefit calculus of the decision and its alternatives. Other political events, including the deportations occurring in 2015 at the Colombian-Venezuelan border (see below) and pendular migration, further enabled the state to deliver this kind of response. This influence can be explained, in part, by the fact that some of the authorities dealing with the Venezuelan FDPs were also those who signed the peace agreement with the FARC guerrillas in 2016 and who had dealt with the effects of the armed conflict and internal forced displacement before the exodus.

In contrast, Peru did not develop a similar institutional framework to deal with emergency crises. Following a Latin American trend, its institutions are marked by the dispersion of competences, unsettled rules and constant turnover, as a result of political instability and party collapse (Levitsky & Cameron, 2003; Levitsky & Murillo, 2012; Paredes & Encinas, 2020; Tanaka & Vera Rojas, 2010; Vergara & Encinas, 2016). Related to its institutional weakness, during the Venezuelan exodus, Peru was going through a political crisis marked by a series of government changes (see Chapter 5). This instability prevented the country from adapting existing institutions to deliver a response to the exodus based on a cost-benefit analysis on the potential effects of different FDP policies.<sup>238</sup> Moreover, Peruvian authorities facing the Venezuelan exodus did not have previous

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<sup>238</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-8-2023).

experience in managing forced displacement crises, as its internal conflict had concluded decades before and was approached in a different way. A member of a UN agency contrasts the divergences between Peru and Colombia regarding their respective institutions:

In Peru, public management is limited; institutions are precarious. Public policy decisions in Peru usually lack strategic criteria and are not evidenced-base. Colombia, in contrast [...] has a development plan and evaluates it. Peru does not have a development plan. The Strategic Centre of National Planning develops a plan but no one cares about it or refers to it; it does not have budget assigned. In Colombia, the development plan carries significant weight: if the plan says something, you, as a sectoral operator and local government, have to implement it. Otherwise the Procuracy tells you: you have to do it. Colombia evaluates its plan and has a tradition of design, implementation and evaluation of public policies which are binding. Peru does not.<sup>239</sup>

Colombia and Peru shared experiences of armed conflicts resulting in internal forced displacement crises; however, they diverged markedly in terms of their duration and scale (González Díaz, 2018). Colombia's conflict has persisted for more than six decades, from the 1960s to the present day. In contrast, Peru's conflict lasted two decades, from 1980 to 2000. Peru's conflict resulted in more than half a million internally FDPs, as reported by the Truth Commission (Comisión de la Verdad y Reconciliación [Truth Commission], 2003). In Colombia, before the Venezuelan exodus reached its peak, in 2017, the number of internally forcibly displaced people was 7.7 million, making it the country with the highest number of forcibly displaced people in the world (UNHCR, 2018). While comparing their responses to internal forced displacement, González Díaz (2018) observes that, compared to Colombia, Peru did not give much attention to the phenomenon:

[In Peru], according to the testimonies collected at the national level, the victims channeled their demands through other forms of victimisation, because the majority of displaced people experienced diverse types of harm, in addition to their status as forcibly displaced individuals.<sup>240</sup> The same cannot be said for Colombia, as this form of victimisation became the most prominent in the public agenda, while the other forms of victimisation only gained recognition and specific procedures for their attention and reparation in 2011 with Law 1448. (p. 117)

In the following consideration, I explore five dimensions of Colombia's crisis management contributing to the bureaucratic-driven nature of the ETPV policy-making, which are not present – or present but to a lesser extent – in Peru: reliance on the support of international aid; coordination of international, national and local actors; knowledge of the benefits of registration mechanisms; analysis of similar foreign experiences; and knowledge of the nature of borders.

A former officer from the UNHCR in Colombia summarises these capacities established in the context of the armed conflict as follows:

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<sup>239</sup> *Ibidem*.

<sup>240</sup> For instance, many of them are relatives of forcibly disappeared people.

Colombia has an interesting institutional development. People are very well trained. I do not think this is the case in Peru. Colombia engages in comparative research across various sectors. In my view, Colombia's experience lies in the functioning of local institutions – how public services operate. That is where Colombia has gained experience as the result of the emergency situations it had to face at different junctures. The abilities of managing large-scale population movements, not getting scared, activating the borders, including vulnerable population [...] Colombia knows how to do that. Central elements are to provide work, health services or the possibility of continuing education. That is the challenge for the next three years. There are plenty of inbuilt capacities generated by that experience. The institutionalisation had already been in place with people that had experience in dealing with emergencies and providing a rapid response.<sup>241</sup>

### ***6.2.1. Obtaining and Managing International Aid***

Before the Venezuelan exodus, Colombia hosted a greater presence of international aid agencies than Peru in response to its armed conflict, the only one still active in Latin America in the 2000s. Colombia also had more experience with international aid due to its geostrategic importance for key donors, especially for the US in the context of the war against drugs. These previous interactions with donors and international agencies helped Colombia to build trust relations with the international aid community, essential for obtaining and managing it in the context of the Venezuelan exodus, and to understand the value of international aid's support in times of crises. In contrast, Peru's weak institutionalisation and political instability hindered the development of such trust relations and its ability to secure resources from the international aid community. As a result, international aid played a more crucial role in Colombia's policy-making than in Peru's, by empowering bureaucracies (through funding and staff provision) and informing policy-making regarding Venezuelan FDPs.<sup>242</sup>

In 2018, Colombia had the highest number of UN agencies in the world after Afghanistan.<sup>243</sup> An officer from the Colombian Ministry of Foreign Affairs explains how the presence of these organisations 'made it unnecessary to organise such cooperation [in the context of the Venezuelan exodus]; [as] they did not have to assess whether there was any discrepancy with the government and they quickly assigned a person from the United Nations [Eduardo Stein]'.<sup>244</sup> The UNHCR, the UN agency which, together with the IOM, is in charge of delivering the response to Venezuelan FDPs, opened its first office in Colombia in 1997 in response to the

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<sup>241</sup> Interview with a former UNHCR officer in Colombia (anonymous) (online, 8-2-2023).

<sup>242</sup> Interviews with Iván Duque, former President of Colombia (Bogotá, 2-2-2022), Adriana Mejía, former Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs of Colombia) (online, 28-12-2022), Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021) and Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>243</sup> Interview with an officer from the Ministry of Foreign Affairs of Colombia (anonymous) (Bogotá, 29-11-2022) and Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

<sup>244</sup> *Ibidem*.

internal forced displacement crisis (1980–present). In contrast, in Peru, the presence of UN agencies in the context of its armed conflict was more limited. According to an officer of a UN agency in Peru, this absence of UN agencies was due to the lack of a human rights-based approach to its armed conflict:<sup>245</sup>

The conflict in Peru was regarded [by the authorities] as a matter of security, of the military, linked to narco-trafficking, instead of development, as was the case for Colombia [...] The dynamics in Colombia of linking international aid to peace-building efforts did not exist in Peru. Because the majority of Peruvian civil society was not affected by the conflict, but rather the Indigenous peoples in the rainforest, who were very discriminated against, the response was mainly military instead of humanitarian.<sup>246</sup>

A IOM officer, who had previously served as a civil servant for the Peruvian state, even refers to a process of stigmatising international aid: ‘In Peru, there was a stigmatisation of human rights NGOs in general that sought truth, justice and so on, and we could include amongst them international aid’.<sup>247</sup> In the context of the Colombian armed conflict on the Peruvian-Colombian border, this civil servant reported having attended discussions amongst Peruvian authorities concerning the presence of the UNHCR in the country. He suggested that the Peruvian authorities viewed its potential arrival with scepticism.<sup>248</sup> The UNHCR only arrived in Peru in 2018, in the context of the Venezuelan exodus. The decision to set up offices in Peru stemmed from an invitation by the Kuczynski administration (2016–2018) after the General Secretary of the United Nations made the UNCHR and the IOM responsible for the response to Venezuelan FDPs. Previous relations with these agencies in Colombia and their absence in Peru shaped the countries’ interactions with them in the context of the Venezuelan exodus, as acknowledged by a UNHCR officer in Peru:

At the institutional level [in Colombia] there was a higher degree of knowledge and responsibility in managing the response [to the Venezuelan exodus]. The Colombian government demonstrated a higher capability in mobilizing spaces and assuming a leadership role, as it had more information and knowledge. Authorities knew international aid agencies and what they do. In Peru, authorities worked this out under the logic of the GTRM,<sup>249</sup> headed by the UNHCR and the IOM, but they [Peruvian authorities] still lack the capacity of heading technical spaces.<sup>250</sup>

Moreover, Colombia has been actively seeking international aid since the 1990s, as a result of the Pastrana administration’s (1998–2002) efforts to alleviate the effects of the armed conflict and foster peacebuilding. Under his initiative ‘Diplomacy for Peace’, the country increased the funds received annually from 100 million dollars to an average of 500 million dollars (García Duque & Casadiego, 2021). According to

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<sup>245</sup> Interview with an IOM officer in Peru (anonymous) (online, 6-9-2023).

<sup>246</sup> Interview with María Olave, an officer of the ILO in Peru (online, 29-8-2023).

<sup>247</sup> Interview with an IOM officer in Peru (anonymous) (online, 6-9-2023).

<sup>248</sup> *Ibidem*.

<sup>249</sup> *Grupo de Trabajo sobre Personas Refugiadas y Migrantes* (Refugee and Migrant Working Group), see below.

<sup>250</sup> Interview with a former UNHCR officer in Peru (anonymous) (online, 26-2-2023).

Iván Gaitán, Advisor for Migratory Affairs in the city of Bogotá, with extensive experience working within the international aid sector, these experiences taught the Colombian state ‘to ask for money’.<sup>251</sup> Moreover, the international aid community exerted a significant influence on public policy, as highlighted by García Duque & Casadiego (2021, p. 2382) who describe government intervention as consistently ‘followed by the support, guidance and supervision of multiple international actors’.

Peru has also been amongst the main recipients of international aid for development within the region.<sup>252</sup> However, it faced challenges in establishing an adequate institutional framework for soliciting and negotiating funds. There is a dispersion of competencies in managing international aid: within the Ministry of Foreign Affairs, each department has a designated civil servant responsible for international aid management.<sup>253</sup> Moreover, their focus leans more towards receiving donations rather than strategically soliciting funds based on evidence of needs or nourishing public policy.<sup>254</sup> An officer of the IOM compares the situation of the international aid in Peru with that of other Latin American countries, stating:

In December, I attended to an event hosted by the Agency for Cooperation to improve relations with the international aid community. I was surprised to see that there was not a methodology to follow the funds of the international aid community or to interact with the international aid community. Unlike in Colombia or Chile, there was no such space to interact with international aid community.<sup>255</sup>

Along with that, as a result of Peru’s political instability, there is a constant turnover of civil servants which hinders the availability of information and a clear long-term vision within the institutions responsible for negotiating international aid.<sup>256</sup> In the context of the Venezuelan exodus, frequent changes in government leadership in Peru led to fewer sustainable agreements with international aid organisations and a lack of a coherent strategy. This, at the same time, eroded trust among donors.<sup>257</sup>

Another key factor affecting the receipt of international aid is the historic relations between states and the US. The US is the main donor of international aid for Venezuelan FDPs, given its interest in containing migration within neighbouring countries (Freier et al., 2021). For instance, under the 2019 Refugee and Migrant

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<sup>251</sup> Interview with Iván Gaitán, Advisor for Migratory Affairs in the city of Bogotá, and former IOM officer (Bogotá, 20-2-2023).

<sup>252</sup> Interview with María Olave, an officer of the ILO in Peru (online, 29-8-2023).

<sup>253</sup> Interview with María Olave, an officer of the ILO in Peru (online, 29-8-2023).

<sup>254</sup> According to an officer of the IOM, Peruvian civil servants regard international aid as a source of support in contexts of emergencies, because the practice was that the international aid community would only intervene when such situations arose, and not on regular basis to inform the process of adopting public policies. (Interview with an IOM officer in Peru, anonymous, online, 06-09-2023).

<sup>255</sup> *Ibidem*.

<sup>256</sup> Interviews with María Olave, an officer of the ILO in Peru (online, 29-8-2023) and an IOM officer in Peru (anonymous) (online, 06-09-2023).

<sup>257</sup> Interview with an IOM officer in Peru (anonymous) (online, 6-9-2023).



Response Plan (RMRP),<sup>258</sup> the US donated 285 million dollars, 75.9% of the funds allocated to the RMRP (R4V, 2020). During the 1980s, the US maintained favourable relations with Peru. In spite of its human rights violations, the Fujimori administration's emphasis on security and the fight against narcotics made Peru the first recipient of US foreign aid in Latin America, accounting for 17% of its foreign aid in the region (McClintock & Vallas, 2003). However, the US shifted its attention to Colombia as it became the epicentre of drug cultivation and trafficking during the 1990s.<sup>259</sup> In 1999 both countries signed the Colombia Plan, a military alliance aimed at combatting narcotrafficking (Tickner, 2014), resulting in a total US expenditure of 8 billion dollars between 2000 and 2012. The US-Colombian alliance was further strengthened over the years, facilitated by the succession of right-wing governments' focus on security. While the Colombian government served as a crucial ally for the Clinton administration in its war against narcotics, for the Bush administration it was a way of combating international terrorism, e.g. the FARC guerrillas (Rosen & Zepeda Martínez, 2016). Those pre-existing ties facilitated the US's allocation of resources for Colombia's response to Venezuelan FDPs.

The cooperative dynamics between international aid and Colombia also took shape in the context of the Venezuelan exodus. The Colombian government was more successful at securing funds from donors than Peru for its response to the Venezuelan FDP (Freier et al., 2021). Under the 2019 RMRP, it obtained 51% of the total 381 million allocated to the region for Venezuela, while Peru received only 10%. Moreover, while Colombia attained 62.1% of its requested funds, Peru only received 35.9 % (R4V, 2020).

The establishment of the BMO further reflects the trust of the Colombian government in international aid and its ability to obtain and manage it. Located at the presidential level as an advisory institution, the BMO was entirely funded and staffed by personnel from international aid sources. International aid in Colombia played a crucial role in informing policy-making concerning Venezuelan FDPs. International organisations provided the Colombian government with evidence on the benefits of regularising migration (e.g. World Bank Group, 2018b). As we have seen in Chapter 4, this evidence provided by the BMO served to convince migration authorities with more restrictive views on the adoption of the ETPV. Finally, international aid bore some of the costs of the ETPV, facilitating its adoption. However, even with this monetary help, the measure entailed a huge financial burden for the Colombian state.<sup>260</sup> In line with this, former CONPES High Commissioner, Alejandra Botero, highlights the importance of 'having talked to the experts from international aid to achieve an informed response' and regards the role of the international aid community during the ETPV policy-making 'more as a source of knowledge than of funding'.<sup>261</sup>

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<sup>258</sup> The RMRP is a plan developed by the United Nations, co-headed by the UNHCR and the IOM, to address humanitarian needs of refugees and migrants from Venezuela.

<sup>259</sup> In the 2000s it became the first country in cocaine's cultivation and traffic (Rosen & Zepeda Martínez, 2016).

<sup>260</sup> In comparative terms, the Venezuelan exodus received a significantly lower amount of international aid per forced displaced person than Turkey or Lebanon in the Middle East, with less liberal policies (Bahar & Dooley, 2021).

<sup>261</sup> Interview with Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

In Peru, there was no institution analogous to the BMO. An officer of a UN agency describes the interactions between the international aid community and the Peruvian state in the context of the Venezuelan exodus as follows: ‘In Peru, there is no continuity of public policies. This is why international agencies and international groups are chasing civil servants to adopt and implement policies. There is no knowledge; there have been constant changes due to our [political] crises. The response to Venezuelans falls into the same dynamics’.<sup>262</sup> There is no evidence of the participation of international aid in policy-making. When asked about the role of the UN agencies in the decision of imposing the Humanitarian Visa, an officer from the IOM claimed that they recommended against it ‘up to the present day’ but ultimately recognised that the state maintained its sovereignty in the matter.<sup>263</sup> In line with this, two UNHCR officers argue that, under the Vizcarra administration (2016–2018), Peru did not consider the recommendations of the international aid community in their response to the Venezuelan exodus, and that politicians were more preoccupied with societal fears (see Chapter 4).<sup>264</sup>

In sum, the previous presence of international aid in the country and the resulting establishment of trust relations between international aid agencies, key donors and Colombia facilitated a bureaucrat-driven approach to decision-making. More than covering the costs of the implementation of the ETPV, the international aid community empowered bureaucracies by funding and staffing them and provided evidence informing the cost-benefit analysis of the implications of potential FDP policies. The absence of such previous links between Peru and international aid, in contrast, influence their absence in policy-making regarding FDPs. Former Colombian Director of Borders, Victor Bautista, emphasises the history of international aid as one of the elements explaining the differences between Peru and Colombia regarding policy-making on Venezuelan FDPs:

The international aid community had a historical presence, so here in the Department [of Norte de Santander] we had assistance from the Norwegian Council, very good in educational matters. We have been working with displaced people for maybe twenty or twenty-five years, and we had developed pedagogical models, addressing crucial topics within the conflict. The Norwegian Council was already here when the migration crisis started and we wanted it to be there because of its expertise. Clearly Colombia had a stronger pull compared to Peru because it already had a deep understanding and a long-standing relationship with international aid. It was not just a matter of two months or two years, but rather due to the Colombian conflict and its resulting internal displacement crisis. This contributed to Colombia advancing further.<sup>265</sup>

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<sup>262</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-8-2023).

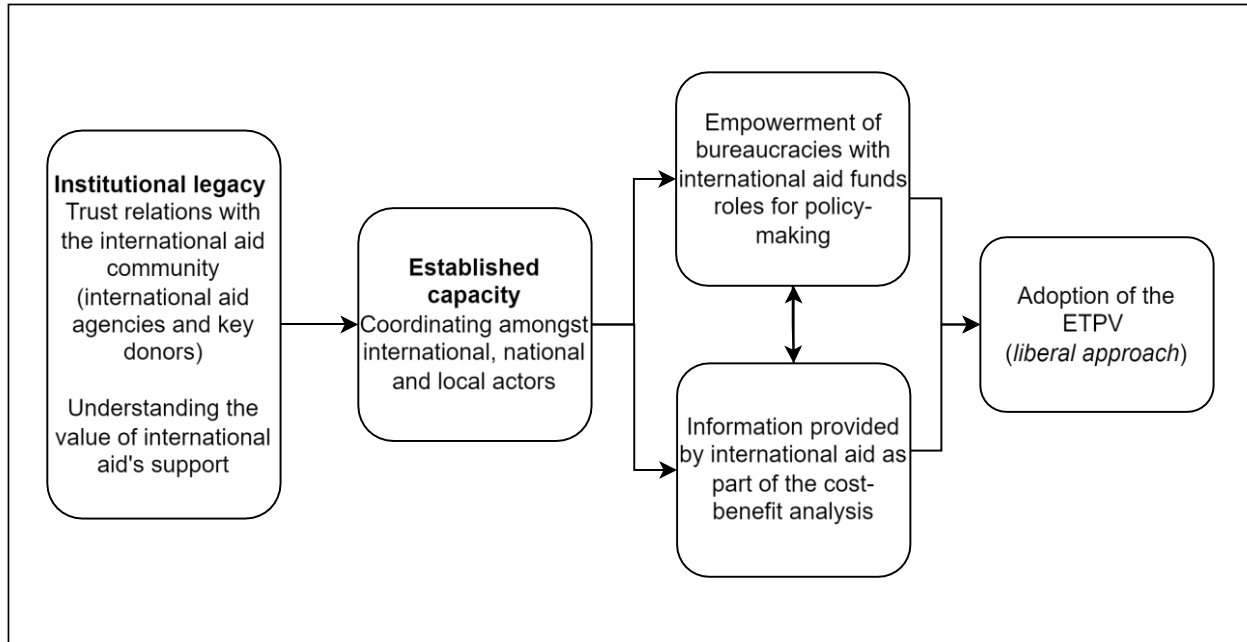
<sup>263</sup> Interview with Jorge Baca, chief of the OIM Mission in Peru (online, 1-9-2023).

<sup>264</sup> Interviews with former officers of the UNHCR in Peru (anonymous) (online, 21-12-2021; online, 26-2-2023).

<sup>265</sup> Interview with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

The following figure summarises the impact of the institutional legacies and resulting established capacities on Colombia's decision-making process:

**Figure 14: The origins and impact of obtaining and managing international aid in Colombia**



Source: own data

### ***6.2.2. Coordinating International, National and Local Actors***

During its armed conflict and resulting internal forced displacement crisis, Colombia acknowledged the importance of articulating international, national and local efforts, and developed robust coordination mechanisms, crucial for a comprehensive response to the phenomenon. In contrast, Peru remained marked by the dispersion of competences, particularly in the fields of migration and refugee protection. The disparities regarding both states' ability to coordinate contributed to shaping the different nature of their respective policy-making processes resulting in diverse responses.

In light of the large-scale internal forced displacement affecting multiple sectors (economy, security, provision of services), the Colombian state sought to coordinate different actors dealing with the phenomenon. As part of the National System for Comprehensive Assistance and Reparation for Victims established in 1997, the National Council for Comprehensive Care of Displaced Population, made up of personnel from diverse ministries, aimed at formulating policy on internal forced displacement and assisting local entities (as per Law 387/1997). In an attempt to centralise decision-making, Colombia established the RSS (*Red de Solidaridad Social*, Social Solidarity Network) as the central agency responsible for coordinating national, departmental and municipal efforts to address and prevent internal displacement (as per Law 368/1997). Subsequently, the

Colombian Agency for International Aid was merged with the RSS under the Uribe administration, leading to the creation of the Presidential Agency for Social Action and International Aid, with a broader focus on the conflict (as per Decree 2467/2005). Beyond centralising decision-making, this reform constituted a strategy to incorporate international aid in policy-making and implementation and to mobilise different sectors from the presidential level. This stands in contrast to Peru, where the Peruvian Agency for International Cooperation (APCI, *Agencia Peruana de Cooperación Internacional*), created in 2002, is located within the Ministry of Foreign Affairs. Consequently, its ability to mobilise resources and coordinate across different levels of government remains limited.<sup>266</sup>

The BMO's attachment to the presidency of Colombia resembles Uribe's efforts in 2005 to coordinate the resources of international aid from the presidential level.<sup>267</sup> Like the internal forced displacement crisis, the presence of Venezuelan FDPs affected multiple state sectors, such as healthcare, education and security, involving international, national and local actors. The establishment of a Management Officer is a recurrent, non-institutionalised practice in Colombia to deal with economic or natural crises.<sup>268</sup> However, the BMO transcended its traditional role as crisis manager and took over policy-making competences.<sup>269</sup> It did so informally, upon its formal constitution via Decree 1185/2021. Comprising technocrats, the BMO tackled the complexities of Venezuelan FDPs across different sectors, engaging in regular communication with each of them – as the case of international aid shows above. The institution played a crucial role in informing policy-making by considering the potential of FDP policies across all these sectors. Its attachment to the presidency empowered BMO bureaucrats in the process. A former officer of the institution describes the advantages of this model:

People from the Ministry of Foreign Affairs don't know how to administrate resources; they can speak with donors but they need technical staff who know the topic and could develop a strong leadership. This is what the BMO had. It had the political capacity and knew the topic and how to move around with it. This is something that the Ministry of Foreign Affairs cannot do because they do not have the mandate of mobilizing, for instance, other ministries. They know about international relations, but a lot of migration issues are related to domestic policy: services, economic integration.<sup>270</sup>

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<sup>266</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-8-2023).

<sup>267</sup> Interview with Iván Gaitán, the Advisor for Migratory Affairs in the city of Bogotá, and former IOM officer (Bogotá, 20-2-2023).

<sup>268</sup> Interview with Andrés Segura, former BMO officer (online, 9-9-2022).

<sup>269</sup> Interviews with Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021) and Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>270</sup> Interview with a former BMO officer (anonymous) (online, 5-12-2022).

The experiences of the armed conflict also taught Colombian authorities the importance of including local actors in policy-making and implementation to avoid losing ground to armed groups.<sup>271</sup> Territorial committees, headed by mayors and governors, emerged as pivotal institutions in the response to the internal forced displacement crisis. Operating through the local response plans,<sup>272</sup> these committees were responsible for identifying challenges, developing intervention approaches and providing direct assistance to forcibly displaced people at the regional and local levels (Ibáñez & Velásquez, 2008).

Seemingly inspired by this model, in 2018 the Colombian government established what were called migratory boards in regions and municipalities with high numbers of Venezuelan FDPs.<sup>273</sup> Similar to the territorial committees, these boards aimed at coordinating efforts between international, national and local authorities and at assessing the challenges to respond at the local level and to inform responses at the national level. Usually headed by mayors and governors – like territorial committees – the migratory boards had representation from international, national and local authorities. In 2020, there were nineteen regional, four sub-regional and five municipal migratory boards (Colombia, Presidencia de la República [Presidency of the Republic], 2020). As acknowledged by several interviewees, such boards and local authorities significantly informed policy-making about the impact of Venezuelan FDPs at the local level, resulting in a more harmonised and coordinated response.<sup>274</sup>

The international aid community in Colombia also developed a specific form of institution made up of a framework of clusters to deal with the effects of the armed conflict, including its internal forced displacement crisis, which later inspired the response to the exodus. The UNHCR led the Protection Cluster from 2006 onwards, in collaboration with the Norwegian Council for Refugees and the Danish Council for Refugees. Building on this model, in 2016, the UNHCR and the IOM created in Colombia in 2016 the Interagency Group for Mixed Migration Flows (GIFMM, *Grupo Interagencial de Flujos Migratorios Mixtos*) in Colombia. The GIFMM was designed to provide a coordinated response to the Venezuelan exodus, working in synergy with states' efforts.

According to the interviewees, the communication between international, national and local actors was key in shaping the bureaucratic nature of the Colombian policy-making to the ETPV. As the case of the BMO showed, it allowed decision-makers to consider how the exodus was affecting different sectors and better assess

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<sup>271</sup> According to a former UNHCR officer, Colombia had what were called 'participation committees' in which communities participated to contribute to the formulation of policy, as a way of limiting the power of the armed groups (Interview with a former UNHCR officer in Colombia, anonymous, online, 8-2-2023).

<sup>272</sup> This refers to the *Planes de Atención Temporal a la Población Desplazada* (PIU).

<sup>273</sup> Interview with Iván Gaitán, Advisor for Migratory Affairs in the Mayoralty of Bogotá, and former IOM officer (Bogotá, 20-2-2023).

<sup>274</sup> Interviews with Felipe Muñoz, former head of the BMO (online, 19-12-2022) and Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

the benefits and downsides of diverse models.<sup>275</sup> Former head of the BMO, Felipe Muñoz, emphasises the importance of this institutionalisation in the Colombian response:

The BMO played a coordinator role, but the government created several instances, not just the BMO, also the migratory boards [...] at the national level, problems could not get solved. Within each institution, there was a person appointed at the national and local levels, and international aid was coordinated via the GIFMM [...] This institutional design helped Colombia advance in its responses [...] I am honestly persuaded that the responses were not just political decisions, but also the result of organised action, demonstrating a constructive coordination within the government.<sup>276</sup>

In contrast to Colombia, Peru does not exhibit a comparable level of institutionalisation in terms of coordinating efforts among international, national and local actors. These differences might stem from the smaller scale and shorter duration of its armed conflict, as well as from a deliberate neglect of the phenomenon of the forced displacement happening under Fujimori's dictatorship. González Díaz (2018, p. 114–115) describes the Peruvian response to the internal forced displacement as not 'achieving comprehensiveness, and the efforts of articulating and coordinating were only accomplished in isolated measures'. After the creation of the Truth Commission in 2003, the Toledo administration established a High Level Multisectoral Commission to deal with the reparation of victims, including forcibly displaced people. However, even with these measures in place, the institutional response still lacked the necessary comprehensiveness. An officer of a UN agency in Peru describes 'competences in Peru as highly dispersed, and a very weak intergovernmental and inter-sectorial coordination, which makes the work very complex'.<sup>277</sup>

For migration matters, Peru had established a Multisectoral Board for Migration Management ascribed to the Ministry of Foreign Affairs since 2011, composed of twenty-two members with ties to various ministries related to migration matters, including the Ministry of the Interior or the Ministry of Labour. Due to its multisectoral nature, the Board promoted an important and progressive migration law in 2015 (Legislative Decree 1236/2015), which nevertheless did not enter into force due to the lack of further regulation (Freier & Aron Said, 2022). However, during the Venezuelan exodus, it faced operational challenges due to a lack of leadership, hindering the formulation of comprehensive policies, as suggested by former Superintendent of Migration Roxana del Águila:

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<sup>275</sup> Interviews with Felipe Muñoz, former head of the BMO (online, 19-12-2022), Iván Duque, former President of Colombia (Bogotá, 2-2-2022), Manuel López, international aid officer at the Mayorality of San José de Cúcuta (Cúcuta, 8-11-2022), Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021), Nataly Contreras, former officer of the BMO (online, 14-10-2022), officer of the Ministry of Foreign Affairs of Colombia (Bogotá, 29-11-2022), Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022), Guadalupe Arbeláez, former legal officer of Colombia Migration (Bogotá, 17-1-2023) and Alejandra Botero, former legal officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>276</sup> Interview with Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>277</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-8-2023).

Unfortunately, we were not able to adopt a comprehensive migration policy. The collaboration within the Multisectoral Board, established by Supreme Decree in 2011, headed by the Ministry of Foreign Affairs was very limited. While they were supposed to lead, their effectiveness was hindered by constraints such as diplomatic staff travel. They would send instead ‘the assistant of the assistant’. There were never significant changes and the plans that we designed were never taken into consideration.<sup>278</sup>

In fact, an IOM officer notes that the Multisectoral Board for Migration Management was, for most part, headed by a civil servant with the title of ‘minister’, a rank lower than that of ‘ambassador’ within the Peruvian diplomatic service. The same officer contends that informed coordination amongst different state sectors and international aid depended ‘more on the people than on the institutions’ and that ‘in the context of the exodus, institutions did not help adopt comprehensive public policy’.<sup>279</sup>

The absence of a coordination authority attached to the presidency, such as that enjoyed by the BMO in Colombia, gave rise to conflicts between competent authorities in policy-making. This tension was exacerbated by the division of competences with respect to migration between the Ministry of Foreign Affairs and the Ministry of the Interior. Due the different functions and traditions of the two ministries, they held different positions on migration which undermined coordination and led, instead, to conflict during policy-making, as detailed in Chapter 4. Moreover, the Ministry of Foreign Affairs did not have the experience, the resources or the hierarchical position, to exert the role of a coordinator of the FDP response. This hindered the formulation of a comprehensive FDP policy addressing the various challenges of FDPs presented by different sectors.

An officer at a UN agency summarises the previous problematic aspects of Peruvian institutions and the reasons for them:

Institutional spaces designed to address certain issues are usually weak due to their limited power within the organisational structure. The Multisectoral Board has existed for many years. For the Venezuelan exodus, Peru did not create new institutions [...] but these existing institutions do not have power within the Ministries [...] this has to do with who is taking the leadership within those spaces. In the case of the Peruvian government, leadership roles are typically held by mid-level officials, resulting in a weaker impact. Peruvian institutions are like that. The other problem is the dispersion of competences, because that Board is part of the Ministry of Foreign Affairs, but the Ministry of the Interior also has competences. As a result, instead of coordination, what you see confrontation.<sup>280</sup>

Coordinating with international aid also proved to be challenging in the context of the Venezuelan exodus. As a result of the dispersion of competences in the two ministries, the international aid community in

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<sup>278</sup> Interview with Roxana del Águila, former Peruvian Superintendent of Migration (online, 11-2-2022).

<sup>279</sup> Interview with an IOM officer in Peru (anonymous) (online, 6-9-2022).

<sup>280</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-08-2023).

Peru did not have a single, clear contact within the government. The UN agencies in Peru replicated Colombia's GIFMM by creating the Refugee and Migrant Working Group (GTRM, *Grupo de Trabajo sobre Personas Refugiadas y Migrantes*) in 2018, headed by the UNHCR and the IOM. However, advocacy from the international aid agencies took place in bilateral form: whereas the UNHCR communicated with the Ministry of Foreign Affairs, the IOM collaborated with the Superintendency of Migration. An IOM officer in Peru highlights the problematic aspects of this institutional framework: 'there was no interoperability between the Special Refugee Commission and the Superintendency; there was no means of exchanging data. Thus, if I engage in advocacy, I couldn't facilitate joint advocacy or bring the two institutions together to solve the problems'.<sup>281</sup> Moreover, the responsibility of the Ministry of Foreign Affairs for managing international aid was regarded as problematic within the Superintendency, as noted by former Superintendent Roxana del Águila: 'we did not have the technology to gather information. The problem was that we could only access the support of the international aid agencies via the Ministry of Foreign Affairs and most of the times we did not obtain it'.<sup>282</sup>

To sum up, during its armed conflict and the subsequent forced displacement crisis, Colombia learned the importance of coordinating among international, national and local actors. As a result, Colombia's established a capacity of coordinating led to the formation of the BMO at presidential level during the Venezuelan exodus, resulting into an empowerment of bureaucracies in policy-making. At the same time, the BMO, the migratory boards at the local level and the work of the GIMFF facilitated comprehensive cost-benefit analyses of the implications of FDP policy. In the following diagram, I summarise the impact of these capacities on Colombia's policy-making process.

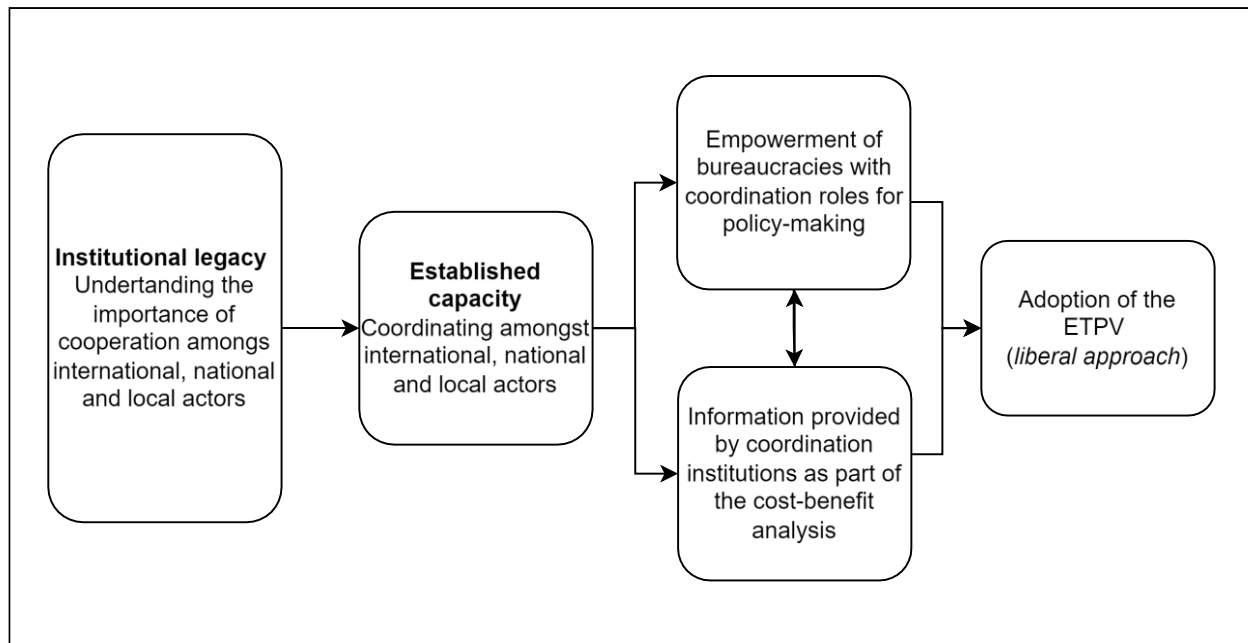
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<sup>281</sup> Interview with an IOM officer in Peru (anonymous) (online, 06-09-2022).

<sup>282</sup> Interview with Roxana del Águila, former Peruvian Superintendent of Migration (online, 11-2-2022).



Figure 15: The origins and impact of coordinating amongst international, national and local actors in Colombia



Source: own empirical data

In contrast, Peru's dispersion of competences and lack of coordination mechanisms (in the absence of a similar institutional legacy) hindered informed policy-making processes regarding Venezuelan FDPs. Consequently, the decision-making process leading to the Humanitarian Visa was marked by a confrontation between the two competent authorities – the Ministry of the Interior and the Ministry of Foreign Affairs.

### 6.2.3. Establishing FDP Registration Systems

Another important parallel between Colombia's response to its internal forced displacement crisis and the Venezuelan exodus lies in the importance of the identification of the affected population, an element that is not as pronounced as in Peru. In 2000, the Colombian state created a Unified Registration System for Displaced People. This registry documents and identifies victims of forced displacement in order to ensure accurate support and to inform policy-making on this realm. The Santos administration (2010–2018) established a Unified Registration System for Victims (RUV, *Registro Único de Víctimas*), encompassing information on both internally forcibly displaced people and other victims of the armed conflict.

This previous experience of internal forced displacement taught Colombian authorities the importance of identifying Venezuelan FDPs with an accurate registration system. In 2018, they implemented the RAMV (Administrative Registry of Venezuelan Migrants, via Decree 542/2018), a socio-demographic registry designed to identify needs of Venezuelan FDPs lacking regular status. Like the RUV, these efforts aimed at informing

FDP policy (Colombia, Presidencia de la República [Presidency of the Republic], 2020). However, the registration process lasted two months and lacked biometric data. As Venezuelan FDPs continued to arrive in subsequent months, the information gathered via the RAMV became obsolete. The ETPV was aimed at tackling these issues. Its biometric registration was regarded as necessary to inform FDP policy, reflecting a cost-benefit analysis on the importance of regularising and registering Venezuelan FDPs behind the adoption of the ETPV. Former planning officer of Colombia Migration, Juan Camilo González, draws a connection between Colombian experience with forcibly displaced people and the registration mechanism under the ETPV:<sup>283</sup>

I believe that our experience with the victims of the conflict, the reintegrated individuals and those internally displaced showed us the importance of identification to know, from a budgetary perspective, how much allocation is needed and how many they are. This taught me that we had to identify the population. It was smart to regularise [Venezuelan FDPs] because that allowed us to have a profile the population.<sup>284</sup>

Peru also undertook the registration of its internally forcibly displaced population. In 1999, the National Institute of Statistics and Informatics (INEI, *Instituto Nacional de Estadística e Informática*) in collaboration with the IOM conducted a survey aimed at identifying the returning population. In 2004, the Ministry of Women and Vulnerable Populations established a Unified National Register of Forcibly Displaced People, bearing similar aims to the first registration system in Colombia. Later, in 2006, the Toledo administration established a unified registration system for victims. However, registration systems in Peru appear considerably less robust than the Colombian ones. For instance, they have faced criticism for only recognising victims within the timeframe of 1980–2000, in contrast to the Colombian system, which continues to recognise victims (González Díaz, 2018).

In the context of the Venezuelan exodus, the Superintendency of Migration in Peru undertook registrations as part of the PTP regularisation process. The authorities gathered significant socio-demographic data through a sixty-six-question survey that Venezuelan FDPs had to fill in before securing an appointment for obtaining the PTP. According to the Superintendent, the Superintendency amassed substantial data, exceeding more than 2.2 million data points from Venezuelan FDPs.<sup>285</sup> Moreover, in 2018, the INEI conducted the first representative survey to identify the Venezuelan population in Latin America. The information gathered included household traits, health, employment, education, discrimination and gender (Perú, Instituto Nacional de Estadística e Informática [National Institute of Statistics and Informatics] [INEI], 2019)

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<sup>283</sup> Victor Bautista, former Director of Borders, considers the registration mechanism for internal forcibly displaced victims as ‘the most important lesson’ applied to the response towards Venezuelan FDPs (Cúcuta, 20-2-2023).

<sup>284</sup> Interview with Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023).

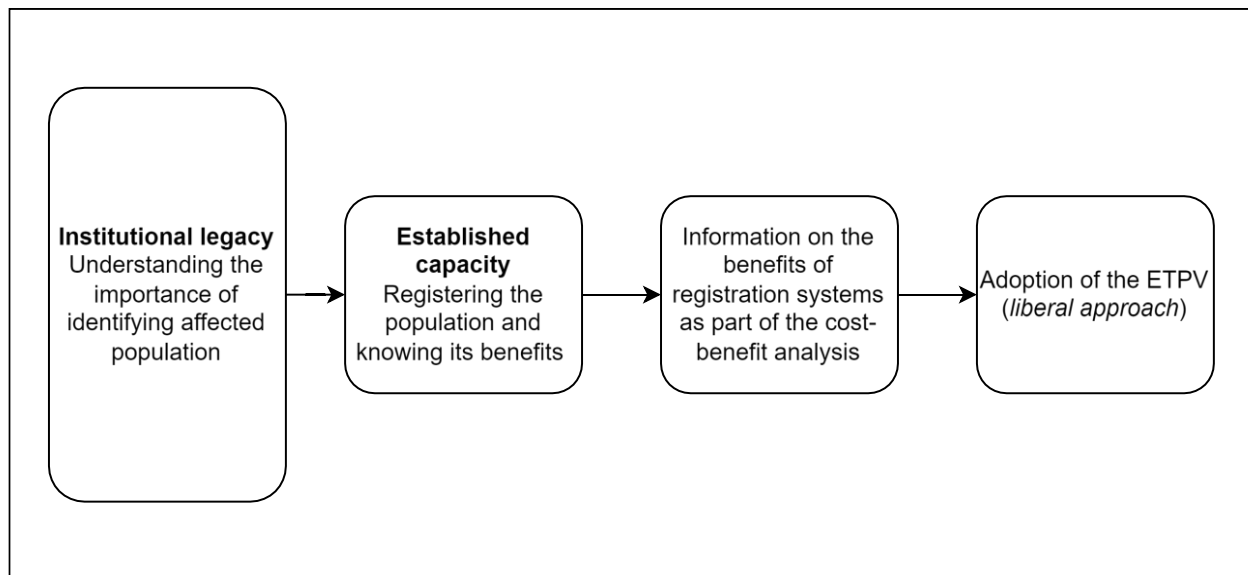
<sup>285</sup> Interview with Roxana del Águila, former Peruvian Superintendent of Migration (online, 11-2-2022).

However, the imposition of the Humanitarian Visa suggests that Peruvian authorities prioritised other concerns over the identification of the population. This measure increased irregular entry and asylum applications, which prevented the state from properly identifying the Venezuelan population (Briceño et al., 2020). The Superintendency of Migration acknowledged the importance of carrying out registrations. However, their initiatives in this regard were frequently disregarded by policy-makers, as noted by the Superintendent:

Ninety-eight per cent of asylum applicants were not going to obtain a refugee status. We cautioned [other authorities] that this situation would bring more problems, as it meant losing control over the arrivals and not having them registered. We wouldn't have their biometric data, we wouldn't know who they are, where they are, and what they do [...] we said that it was important that those who enter [and apply for asylum] filled in a form and provided us with their biometric data, but we never got to do it because of the Human Rights Commission's observations [...].<sup>286</sup>

In sum, during its internal forced displacement crisis, Colombian authorities realised the importance of identifying the affected population, as a form of having more control of the population and informing policy-making. As a result, they established a system of registration which inspired the decision of adopting the ETPV, including a biometric registration system for the migrant population. In the following figure, I summarise the impact of these capacities on Colombia's decision-making process:

**Figure 16: The origins and impact of registering the population in Colombia**



Source: own data

Peru lacked such an institutional legacy, as reflected in the weaknesses of previous registration systems for the victims of the armed conflict. Although some of the migration authorities acknowledged the benefits

<sup>286</sup> Interview with Roxana del Águila, former Peruvian Superintendent of Migration (online, 11-2-2022).

of identifying the population, the combination of a limited awareness within responsible institutions and a lack of political will (as discussed in Chapter 4) hindered discussions on the benefits of registration systems.

#### ***6.2.4. Analysing Foreign Experiences***

A fourth established capacity shaping Colombia's policy-making leading to the ETPV is its ability to draw upon experiences from other contexts facing similar phenomena. Colombia relied on the international community in its peace-building endeavours to reach agreements with armed groups. Under his 'Diplomacy for Peace' initiative, the Pastrana administration was the first to actively seek the support of the international community in reaching agreements with armed groups.<sup>287</sup> While Uribe reverted to the hermetic approach of the previous decades, Santos made a considerable effort to again involve the international community in his peace-building process, aiming to enhance its credibility and effectiveness (Barreto, 2014).

Firstly, Santos stipulated that negotiations would take place outside of the Colombian territory, first in Oslo (Norway) and then in Havana (Cuba). Moreover, Venezuela and Chile were assigned the role of facilitators, with Cuba and Norway acting as guarantors.<sup>288</sup> On the one hand, former Cuban President Fidel Castro, ideologically aligned with the FARC but showing a commitment to peace, could contribute to their willingness to negotiate. On the other hand, Norway's extensive experience in peace-building processes, such as in those of Guatemala, Mali, South Sudan, Sri Lanka and Palestine, was regarded as highly valuable (Skånland, 2010). According to Barreto (2014), Santos might have had in mind the Oslo agreements between Palestine and Israel when choosing Norway as the host of the agreements. International organisations such as the UN and the European Union also supported the process in multiple forms (Rincón et al., 2019; Taborda & Riccardi, 2019).

The internationalisation of the Colombian peace-building process made authorities aware of the value in assimilating lessons from foreign countries. As both the peace agreement and the beginning of the exodus happened at the same time, some of the authorities involved in the Havana negotiations, such as former Chancellor Maria Angela Holguin, were responsible for responding to the Venezuelan exodus. This led them to apply the lessons learned from one process to the other.<sup>289</sup>

The first Colombian regularisation mechanism, the PEP, implemented in 2017 via Resolution 50.307/2017, was inspired by a mechanism implemented by the Kuczynski administration in Peru, the PTP, as

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<sup>287</sup> The initial peace-building processes under the Betancour administration (1982-1986) and the Barco administration (1986-1990), in contrast, remained isolated from the international community (Barreto, 2014).

<sup>288</sup> Whereas the guarantors verify the interpretation of the proposals made by the two sides and try to avoid misunderstandings, the accompanists merely act as witnesses of the process (Barreto, 2014).

<sup>289</sup> Interview with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 20-2-2023).

a result of a close collaboration between Colombia Migration and the Superintendency of Migration.<sup>290</sup> In May 2017, the Santos administration sent a delegation headed by the Director of Borders (Ministry of Foreign Affairs), Victor Bautista, to the Turkish-Syrian border to examine its response to the Syrian exodus. From that experience, Colombian authorities further learned the importance of identifying the Venezuelan population.<sup>291</sup> The Director of Borders also considered lessons from Germany's experience of hosting Syrian refugees, such as the importance of distributing refugees in different regions of the country.<sup>292</sup> Later, the Directorate of Migration and Consular Affairs started to conduct a study on other hosting mechanisms in the US, which could not be finalised. Specifically, they examined the US's TPS – a permit which allows the nationals from countries deemed unsafe by the US Department of Homeland Security to work and prevent them from being deported for a limited period of time.<sup>293</sup> Margarita Manjarrez, former Director of Migration and Consular Affairs describes the role of international experiences in informing policy-making regarding Venezuelan FDPs:

Before this situation, we said: Let's look at other examples. What is Turkey doing with Syrian refugees? What did the United States do in Central America when the Statute was created? We started to look at its traits: what does it entail in terms of duties for the state? What is its advantage over a migratory card?<sup>294</sup>

To draft the ETPV, Colombia Migration also looked for other international experiences. Migration authorities examined not only the US but also studied Turkey's example. Turkey, which hosted the largest number of FDPs from Syria, granted them temporary residency permits, providing a useful model for consideration.<sup>295</sup> Guadalupe Arbeláez, former legal officer of Colombia Migration, acknowledges these influences: 'We searched for tools at the international level and we only found two: the US's TPS and the Turkish TPS. Those were the only experiences that existed in the world'.<sup>296</sup> By looking at the experiences of countries facing similar exoduses, they became more aware of the positive and negative consequences of different types of policies and concluded that a ten-year temporary permit and a biometric registration of Venezuelans was the best solution for FDPs and for the country. It is, nevertheless, important to note that

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<sup>290</sup> Interviews with Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023) and with Felipe Muñoz, former head of the BMO (online, 19-12-2022).

<sup>291</sup> Interview with María Ángela Holguín, former Minister of Foreign Affairs of Colombia (Bogotá, 25-1-2023).

<sup>292</sup> Interview with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

<sup>293</sup> Note that the US only designated Venezuela for TPS in 2021 (US Citizenship and Immigration Services, 2021, September 9). Apart from the experience with the armed conflict, President Duque's ability to rely on foreign examples should be also mentioned. The President was aware of the success of the United States' TPS model inspiring the ETPV, from his experience working in the International Development Bank (Interviews with Alejandra Botero, former High Commissioner of the CONPES compliance, Bogotá, 9-2-2023 and Lucas Gómez, former head of the BMO, Bogotá, 21-11-2023).

<sup>294</sup> Interview with Margarita Manjarrez, former Director of Migration and Consular Affairs (Ministry of Foreign Affairs of Colombia) (online, 25-1-2023).

<sup>295</sup> The Turkish TPS serves as a temporary residency, providing legal residency for Syrians fleeing from the war. The duration of the permit remains undetermined, subject to governmental decisions. Notably, until 2016, the Turkish TPS did not confer the right to work (Trompetero Vicent, 2023).

<sup>296</sup> Interview with Guadalupe Arbeláez, former legal officer of Colombia Migration (Bogotá, 17-1-2023).

neither the Turkish temporary permit nor the US TPS were as expansive as the ETPV (Trompetero Vicent, 2023).

The armed conflict in Peru did not result in any negotiated agreement, but was rather shaped by the Shining Path's decline and eventual surrender in the context of the state's counterinsurgency efforts. The Truth and Reconciliation Commission was also inspired by various international experiences, such as South Africa's Truth and Reconciliation Commission, Chile's National Truth and Reconciliation Commission and Guatemala's historical Clarification Commission (Villasante Cervello, 2016, October 10). However, this reparation process was not as internationalised as the Colombian one, which aimed at ending a conflict that had been on-going for more than five decades. What is more relevant, the reparation process took place in 2003, long before the beginning of the Venezuelan exodus to Peru in 2017. It thus did not concern the authorities who were in power in the onset of the Venezuelan exodus.

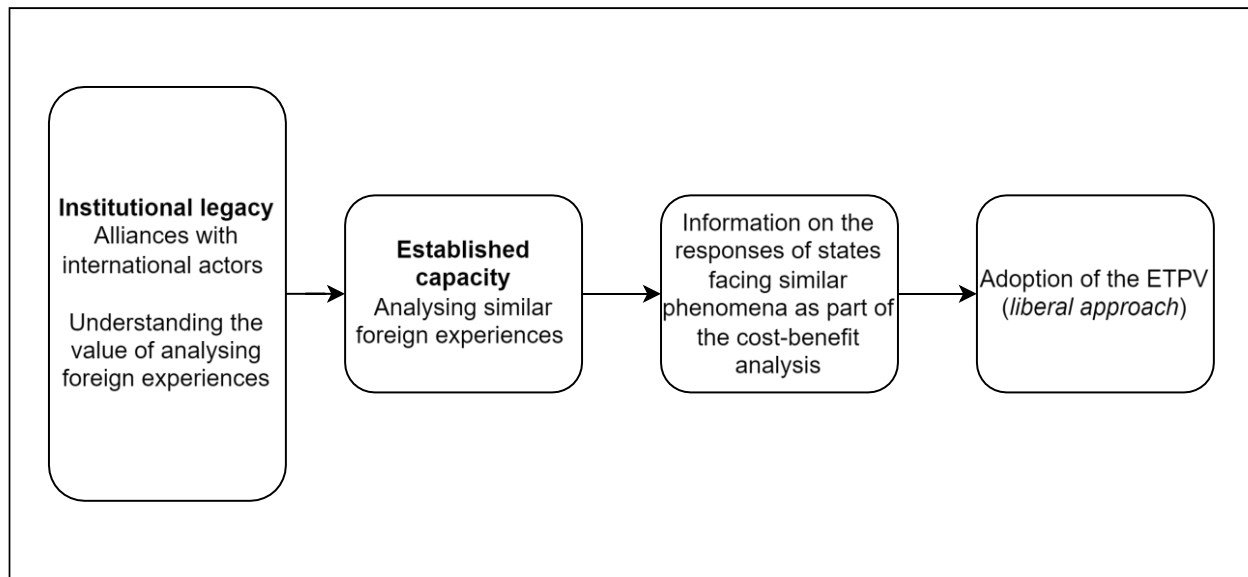
As a result, Peruvian authorities did not conduct similarly sound comparative studies. They rather observed what other countries in the region were doing to respond to the Venezuelan exodus. Although it has not been acknowledged by the interviewees, the imposition of the Humanitarian Visa strongly resembles to the 'Democratic Responsibility Visa' imposed by Chilean authorities one year earlier.<sup>297</sup> The absence of studies on experiences from other countries dealing with Venezuelan FDPs hindered the authorities' capacity to acknowledge the negative impacts of restrictive policies and the positive effects of regularisation and registration mechanisms.

In sum, Colombian authorities were aware of the benefits of relying on similar foreign experiences, a practice they had recently employed to reach the peace agreement with the FARC. Building on established alliances with foreign actors and their experience on how to establish the connections, competent authorities examined how other nations facing similar phenomena responded to exoduses and the implications of such responses. These external insights played a key role in informing Colombia's policy-making leading to the adoption of the ETPV. In the following diagram, I summarise the impact of these capacities on Colombia's decision-making process.

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<sup>297</sup> The entry of Venezuelans into Chile was limited to those who applied for a visa before entering the country and obtained a stamp from the Chilean consulates in Venezuela, in Caracas or Puerto Ordaz (Official Circular num. 96 dated April 9, 2018) (Acosta et al., 2019).

Figure 17: The origins and impact of analysing similar foreign experiences in Colombia



Source: own data

In contrast, in the absence of such legacy and resulting established capacities, Peruvian authorities did not carry out similar studies to inform the adoption of the Humanitarian Visa.

### 6.2.5. *Considering the Nature of Borders*

Peruvian and Colombian authorities seem to have different understandings of the nature of the borders that Venezuelan FDPs cross, the Ecuadorian-Peruvian and the Venezuelan-Colombian borders respectively. Colombian authorities identify their borders as ‘porous’, specifically alluding to the existence of transnational communities, criminal organisations and the extensive border of 2,219 kilometres. While some Peruvian authorities also describe the country’s borders as ‘porous’, their understanding of ‘porosity’ is somewhat more limited. These differences can be attributed to the importance of the Colombian-Venezuelan border during the armed conflict after its ‘peripheralisation’ (see concept below) and to the presence of large transnational communities. It can also be explained by the initial nature of the Venezuelan exodus in Colombia as a border crisis, to a greater extent than in Peru. This knowledge informed Colombia’s policy-making, as its authorities recognised the impossibility of controlling its borders led Colombia by closing its borders to Venezuelans.

Towards the end of the Uribe administration, the armed conflict in Colombia transitioned from the country’s geographical, political and economic centre towards border regions,<sup>298</sup> in the already mentioned

<sup>298</sup> Six out of eight departments experiencing the most violence under the Santos’s administration were situated on Colombia’s borders.

‘peripheralisation process’. This was the result of Uribe’s strategy under the Plan Colombia to prioritise reclaiming control over the centre of the country. In this context, guerrillas and criminal groups opted to relocate to the Colombian-Venezuelan border, namely to the regions of Norte de Santander, Arauca and César. Leftist guerrilla groups found refuge on the Venezuelan side of the border, with the support of the Venezuelan Bolivarian Guard and the military, and acted as paramilitary groups (Insight Crime, 2022, October 3). Meanwhile, the Catatumbo forest, within Norte de Santander, was a main corridor for drug trafficking, which also became the main source of financing for the guerrillas (Ríos, 2019). As a result of this evolution of the conflict, in 2012, the authorities under the Santos administration realised the importance of increasing the presence of the state in these regions. Former Chancellor María Ángela Holguín captures the importance of the Venezuelan-Colombian border in Santos’s political agenda: ‘All eyes are looking at the border, as it serves as a prime location for drug trafficking to operate as an exit route’.<sup>299</sup>

Moreover, as discussed in Chapter 5, the Colombian-Venezuelan border is considered one of the most dynamic borders of Latin America (Pabón et al., 2016). The neighbouring cities of Cúcuta on the Colombian side, with 77,000 inhabitants, and San Antonio de Táchira, on the Venezuelan side, with 227,650 residents, together form one of the largest cross-border urban areas. These cities are home to binational families and daily commutes between the two sides for purposes such as education, work and shopping are common (Ramírez, 2008). Additionally, Cúcuta holds significant commercial importance for Colombia. This prompted Colombian authorities to develop knowledge about border dynamics, leading to the establishment of institutions with a developmental purpose.<sup>300</sup> María Ángela Holguín played a crucial role in this regard. Having formerly served as Colombian Ambassador in Venezuela, she regarded the historical ties and the transborder nature of the communities at the border cities of San Antonio de Táchira and Cúcuta as an opportunity to foster bilateral relations with Venezuela (Holguín, 2021).<sup>301</sup> As a result, she took the initiative of creating the Directorate of Borders within the Ministry of Foreign Affairs in 2015 and formally in 2016 (as per Res. 869/2016).<sup>302</sup>

Moreover, the Venezuelan exodus to Colombia started as a border crisis, in August 2015, when the Venezuelan regime closed the Colombian-Venezuelan border dividing the cities of San Antonio (Venezuela) and Cúcuta (Colombia), and deported 1,500 Colombian migrants, accusing them of paramilitary activity against the Venezuelan army (see Introduction). As a result of the nature of the Venezuelan exodus as a border crisis

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<sup>299</sup> Interview with María Ángela Holguín, former Minister of Foreign Affairs of Colombia (Bogotá, 25-1-2023).

<sup>300</sup> Interviews with former borders advisor of La Guajira (Uribe, 20-10-2022), María Ángela Holguín, former Minister of Foreign Affairs of Colombia (Bogotá, 25-1-2023), Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 20-2-2023) and Alejandra Botero, former High Commissioner for the CONPES compliance (Bogotá, 9-2-2023).

<sup>301</sup> Interviews with María Ángela Holguín, former Minister of Foreign Affairs of Colombia (Bogotá, 25-1-2023) and Juan Camilo González, former planning officer of Colombia Migration (Bogotá, 17-1-2023).

<sup>302</sup> Interview with Victor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 20-2-2023).



in Colombia, in 2015 the government of Santos tasked authorities familiar with the Venezuelan-Colombian borders to manage the Venezuelan exodus: these were the Director of Borders and the Director of Colombia Migration, both within the Ministry of Foreign Affairs. Former Director of Borders, Victor Bautista, was responsible for the formulation of a borders policy aimed at strengthening security and the state's presence in the border regions. As a consequence, he possessed a deep understanding of the nature of the Venezuelan-Colombian border and its security challenges.<sup>303</sup> Together with Victor Bautista, former Director of Colombia Migration, Christian Krüger travelled very often to border regions and was informed about the situation at the border through the regional Directorates of Colombia Migration.<sup>304</sup> Emerging from the Security Administrative Department,<sup>305</sup> the authorities from Colombia Migration also considered the potential impacts on the situation of security at the border in its response.<sup>306</sup>

Moreover, the Santos administration created the BMO in 2018 with a strong focus on the Venezuelan-Colombian border region, as suggested by the former planning officer from Colombia Migration:

Initially, when the phenomenon started, they called it the 'border phenomenon'. This is why they created the BMO. Note that, while it could have been named 'Migration Management Office', it was named 'Border Management Office'. The focal point of initial concerns revolved around border areas. Moreover, people were particularly worried about Cúcuta or Riohacha, because of the number of migrants that these localities were receiving. It was initially a transborder phenomenon.<sup>307</sup>

The BMO maintained continuous communication with local authorities situated in border regions and its head regularly participated in the Unified Command Post's meetings in the Norte de Santander, in charge of responding to the Venezuelan exodus.<sup>308</sup> According to Manuel López, former international aid officer at the Mayorality of San José de Cúcuta, the strategy of the BMO was to be 'very close to us, it calls us, we have dinner or lunch [...]'.<sup>309</sup> During the Duque administration, the BMO underwent expansion, recruiting staff based on the border situation.<sup>310</sup>

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<sup>303</sup> Interview with Víctor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

<sup>304</sup> Interview with Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023).

<sup>305</sup> Former Security Administrative Department was an intelligence institution in Colombia dissolved in 2011 as the result of spying scandals to political authorities.

<sup>306</sup> Interviews with Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023).

<sup>307</sup> Interview with Juan Camilo González, former planning officer from Colombia Migration (25-1-2023).

<sup>308</sup> Interviews with Felipe Muñoz, former head of the BMO (online, 19-12-2022), Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021), Nataly Contreras, former BMO officer (online, 14-10-2022), and Manuel López, former international aid officer at the Mayorality of San José de Cúcuta (Cúcuta, 8-11-2022).

<sup>309</sup> He specifically addressed the interrelations between the BMO and localities during the COVID-19 pandemic, when in border cities was particularly complex. Interview with Manuel López, former international aid officer at the Mayorality of San José de Cúcuta (Cúcuta, 8-11-2022).

<sup>310</sup> Interviews with Lucas Gómez, former head of the BMO (Bogotá, 21-11-2021), Nataly Contreras, former officer of the BMO (online, 14-10-2022) and Carolina Bernal, former international aid officer at the Mayorality of San José de Cúcuta (online, 23-11-2022).

The responsible authorities were, therefore, aware of the ‘porous’ nature of the Colombian-Venezuelan border, including the situation of insecurity, and the consequent impossibility of controlling it. Previous experiences of border closures, such as that of 2015 following the expulsion of Colombian migrants in Venezuela, demonstrated that such measures exacerbated insecurity.<sup>311</sup> After those closures, people continued crossing from one side to the other, resorting to the irregular paths known as *trochas*. These paths were controlled by armed groups that would charge people fees to let them pass. This would contribute to the enrichment of guerrilla and criminal groups such as the ELN or the Gulf Clan situated at the border. The imposition of a visa, aimed at controlling entry, was disregarded for these reasons, as former Director of Borders, Victor Bautista, explains:

[the imposition of the visa] was discussed within the Ministry of Foreign Affairs, but we said that closing the borders would be a very bad solution. Closing the borders would be a massive logistic and military effort, which would not help protect Venezuelans but would make the situation of insecurity worse. This is what Maduro did in 2015: he closed and militarised the borders, expelled people [...] we experienced that in 2015 and saw how big the mistake was. It would have been irrational that we repeat that [...] I think that was a very valuable mirror. We couldn’t think of closing borders. It would have been perhaps well perceived by the media and public opinion, but three months later we would have encountered terrible consequences.<sup>312</sup>

The Peruvian-Ecuadorian border, which Venezuelans cross to Peru, is important for commercial purposes and, throughout the twentieth century, it was the focus of national authorities due to transborder conflicts over territorial boundaries with Ecuador.<sup>313</sup> At this border, there are two towns, Huaquillas and Aguas Verdes, divided by a pedestrian bridge on the top of a small waterless channel. In spite of the territorial conflicts between Peru and Ecuador, and similar to what occurs between Cúcuta and San Antonio at the Colombian-Venezuelan border, the residents of these two towns have established a symbiotic relationship, with people frequently crossing the bridge to work, purchase foods or visit their relatives (Serrano, 2022). Nevertheless, the towns are significantly smaller than Cúcuta and San Antonio. Whereas Huaquillas, situated on the Ecuadorian side, has 47,000 inhabitants, Aguas Verdes, situated on the Peruvian side, has 16,000. The closest city, Tumbes, with a population of 194,000 inhabitants, is situated 30 kilometres from the border. Therefore, the Ecuadorian-Peruvian border experiences less significant population movement and is comparatively less dynamic than the Colombian-Venezuelan one, particularly in the regions of Táchira and Norte de Santander.

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<sup>311</sup> Interviews with Christian Krüger, former Director of Colombia Migration (Bogotá, 9-1-2023) and Víctor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

<sup>312</sup> Interview with Víctor Bautista, former Director of Borders (Ministry of Foreign Affairs of Colombia) (Cúcuta, 22-12-2022).

<sup>313</sup> Transborder conflicts over territorial boundaries between Ecuador and Peru persisted from the nineteenth century until 1998, reaching peaks in 1941, 1981 and 1995.

Since the Cartagena Agreement in 1969, the Andean Community set the goal of promoting a comprehensive development of border areas and integrating them into their national economies. This commitment materialised through the establishment of Border Integration Areas (ZIF, *Zonas de Integración Fronteriza*). The first ZIF in the region was created on the Peruvian-Ecuadorian border. A similar initiative on the Colombian-Venezuelan border failed due to increasing tensions between the two governments (Ramírez, 2008). However, despite those efforts of integration, the attention given by Peruvian governments to its borders remained limited, especially in a country where decision-making is highly centralised (Herz Sáenz, 2019).

Since the resolution of the territorial conflicts between Peru and Ecuador, the Ecuadorian-Peruvian border has generally remained peaceful and not particularly unsafe, when compared with other border areas. There were cases of product smuggling, especially gasoline from Ecuador to Peru, as it is subsidised by the Ecuadorian government, and drug trafficking from Peru to Ecuador.<sup>314</sup> However, there was not a situation of insecurity comparable to the one on the Colombian-Venezuelan border, which is marked by an armed conflict.<sup>315</sup> As a result, the Peruvian-Ecuadorian border, across which most Venezuelans arrive in Peru, did not receive as much attention from Peruvian authorities. An officer of the UNHCR in Peru describes the lack of institutionalised structure at the border in Peru:

Ecuador and Peru engage in commercial activities along the Tumbes-Huaquillas border. The government is aware of its borders, but from a commercial perspective. I think the knowledge of the borders is limited and that they had not made an extensive analysis of the borders [...] Tumbes has always been isolated from the rest of the country and it is clear that it does not have access to services for the population. You arrive and see a disorganised and dirty city, which reflects the disconnect between the region and the institutions.<sup>316</sup>

In the context of the Venezuelan exodus, some of the authorities started to pay more attention to their borders.<sup>317</sup> However, unlike in Colombia, which experienced a phenomenon of pendular migration, the level of attention seems to have been considerably lower in Peru. Additionally, most Venezuelans did not remain in the border regions but swiftly moved and settled in Lima: 96.6 % of Venezuelan FDPs were living in Lima in 2018 (Perú, Instituto Nacional de Estadística e Informática [National Institute of Statistics and Informatics] [INEI], 2022). This is likely due to Peru's high degree of centralisation, as Lima concentrates most of the country's economic activity and almost one third of the population.<sup>318</sup> In contrast, in Colombia, many Venezuelan FDPs remained in Cúcuta to be closer to their relatives still living in Venezuela – for instance, in 2021, 164,000 Venezuelans were living in the border region of Norte de Santander (Statista Research

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<sup>314</sup> Interview with Alexis Serrano, journalist, author of a report on the Peruvian-Ecuadorian border (online, 31-1-2023).

<sup>315</sup> *Ibidem*.

<sup>316</sup> Interview with an officer of the UNHCR in Peru (anonymous) (online, 26-2-2023).

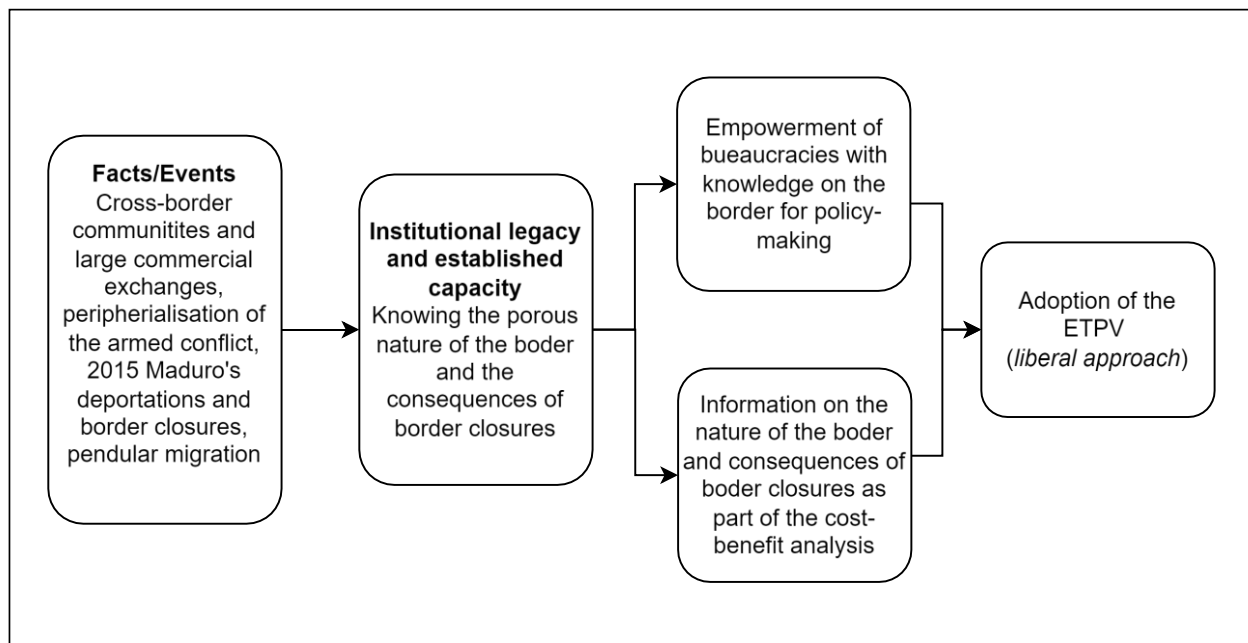
<sup>317</sup> Interview with María Olave, an officer of the ILO in Perú (online, 29-8-2023).

<sup>318</sup> The city of Lima is home to 30.2% of Peru's total population, with 10,292,408 inhabitants in 2024 ('Lima llega a 10,2 millones de habitantes... [Lima reaches 10.2 million inhabitants...]', 2024).

Department, 2021). Consequently, Peruvian authorities did not fully consider the ‘porous’ nature of its border to the same extent as Colombians, who developed an institutionalisation around it. Peruvian authorities decided to restrict the arrival of Venezuelans by imposing the Humanitarian Visa, at a border that is remarkably easy to cross, simply a small river channel with no water. Alexis Serrano, a journalist specialised in the Ecuadorian-Peruvian border describes it as follows: ‘it is very easy to build a *trocha* across a small channel without water, which makes it very easy to put a wooden board and cross’.<sup>319</sup> In that context, border closures created multiple irregular paths, where criminal groups started to operate, charging migrants one dollar to pass, giving rise to cases of human trafficking and even *sicariato*.<sup>320</sup>

To sum up, in Colombia, the dynamic nature of the Colombian-Venezuelan border shaped by its cross-border communities and the peripheralisation of the armed conflict, Maduro’s deportations of Colombians in 2015 and pendular migration collectively prompted authorities to shift their focus towards the border. The start of the conflict as a border issue compelled them to empower bureaucrats with this knowledge to take over FDP policy-making processes. The information provided by them was crucial in the adoption of the ETPV, where the option of closing the border by imposing a visa was not even on the table. In the following diagram, I summarise the impact of these capacities on Colombia’s policy-making:

**Figure 18: The origins and impact of knowing the nature of the border in Colombia**



Source: own data

<sup>319</sup> Interview with Alexis Serrano, journalist, author of a report on the Peruvian-Ecuadorian border (online, 31-1-2023).

<sup>320</sup> *Ibidem*.

In contrast, Peruvian authorities lacked a comparable understanding of their border zone, as it had not attracted their attention to the same extent or undergone a similar level of institutionalisation. The cross-border communities were smaller, the security situation less precarious than in Colombia, and the FDPs swiftly moved to the country's centre instead of remaining at the periphery.

### **6.3. Concluding Remarks**

The different nature of policy-making leading to the ETPV and the Humanitarian Visa in Colombia and Peru, respectively, is based on the presence or absence of established capacities derived from institutional legacies. In particular, the bureaucratic nature of the Colombian policy-making, characterised by a prominent role of bureaucrats and an informed cost-benefit analysis, is shaped by established capacities developed during the armed conflict, its resulting internal forced displacement crisis and the onset of the Venezuelan exodus in 2015. In contrast, the absence of a bureaucratic approach in Peru, apart from a lack of political will, should be linked to the country's capacities being absent or less pronounced, and to its weaker institutions.

Firstly, drawing on its experience of securing funds during the armed conflict, Colombia negotiated resources from international aid to a greater extent than Peru – both in terms of funding and knowledge – which resulted in the empowerment of bureaucracies and a more informed cost-benefit analysis.

Secondly, Colombia built an informed institutional framework of coordination, based on the model of the BMO, to respond to the Venezuelan exodus. Similar to coordination mechanisms established for the management of its internal forced displacement crisis, this framework granted bureaucrats a prominent role in FDP policy-making and facilitated the consideration of the needs of diverse sectors. In contrast, policy-making leading to the Humanitarian Visa in Peru was marked by the dispersion of competences and conflicts between migration authorities.

Thirdly, Colombian authorities, drawing on their prior experience in registering victims of the armed conflict, acknowledged the valuable role of population registration in informing public policy during policy-making leading to the ETPV. Certain Peruvian authorities were aware of the importance of registration, but their views were disregarded during policy-making, partly due to a comparatively limited familiarity with registration mechanisms.

Fourthly, Colombia's policy-making was informed by insights gained from foreign experiences in hosting FDPs, reflecting its approach in the peace-building process and subsequent agreement with the FARC. In the absence of such established capacity, Peruvian authorities failed to conduct comprehensive studies on the cost-benefit dynamics of such policies in other contexts beyond Latin America.

Lastly, Colombian authorities had a unique understanding of the ‘porosity’ of their borders and their incapacity of controlling them. This knowledge contributed to empowering border specialists among bureaucrats and informed decision-making processes regarding FDPs. In contrast, Peruvian authorities, due partly to centralisation, had a more limited knowledge about the borders, which shaped the absence of a bureaucratic approach to decision-making regarding FDPs.

Table 26 illustrates the origins of established capacities, tracing them back to specific institutional legacies and the corresponding political events shaping those institutional legacies in Colombia. Conversely, Table 27 outlines the elements reflecting the absence or less prominence of established capacities in Peru, along with the relevant political events or factors leading to such outcomes.

**Table 26: The origins of established capacities in Colombia**

<b>Political Events</b>	<b>Institutional Legacies</b>	<b>Established Capacities</b>
	Trust relations with international aid	Obtaining and managing international aid
	Understanding the importance of coordination in emergency situations	Coordinating amongst international, national and local actors
Armed conflict and subsequent internal forced displacement crisis	Understanding the importance of identifying affected population	Knowing the benefits of identifying affected population (existence of specialised institutions)
	Understanding the value of analysing foreign experiences	Analysing similar foreign experiences
(peripheralisation) of the armed conflict 2015 deportations pendular migration	Understanding border dynamics	Knowing the Colombian-Venezuelan border and the effects of border closures

Source: own empirical data

Table 27: The origins of Peru's limited established capacities

<b>Political events/factors</b>	<b>Elements reflecting the absence of institutional legacies</b>	<b>Elements reflecting limited established capacities</b>
Political instability, less prolonged armed conflict, invisibility of internal forced displacement crisis	Ambiguous relations with the international aid community	Less support (in terms of funding, knowledge transfer) of the international aid
	Dispersion of competences	Less coordination mechanisms of existing ones
	Limited awareness of the importance of identifying the population	Less comprehensive registration mechanisms
	Limited awareness of the value of relying on similar foreign experiences	Less studies of similar foreign experience
	Limited awareness of border dynamics	Absence of institutions specialised in border dynamics

Source: own data

## CHAPTER 7. Theoretical Findings

### 7.1. Introduction

The preceding empirical chapters have advanced the understanding of the answer to the research question, *What explains the divergent responses to the Venezuelan forced displacement crisis in Peru and Colombia?* As planned, it has achieved this by articulating a two-step argument based on detailed analyses of the cases incorporating a comparative perspective. Departing from prior research, the first part of the argument (outlined in Chapter 4) examines the impact of the policy-making processes, focusing on four elements: 1) the type of policy-makers (bureaucrats or politicians); 2) the nature of considerations (political and non-political); 3) the type of political considerations (foreign affairs and domestic policy), and 4) non-political considerations (informed cost-benefit analysis). The analysis shows that the cases diverge along these dimensions, suggesting a direct influence of policy-making processes in the varying outcomes. Colombia's policy-making has a dual nature, encompassing both political and bureaucratic aspects, including informed cost-benefit analysis conducted by bureaucrats. Additionally, while political considerations in Peru focus on domestic policy, in Colombia they concern foreign affairs. In contrast, in Peru, policy-making is exclusively political, marked by the sole involvement of politicians and political considerations.

Building upon existing explanations regarding the nature of forced displacement and migration policy (outlined in Chapter 2), while also remaining receptive to the empirical material, the second part of the argument provides the reasons behind the different nature of policy-making shaping the nature of the responses. Besides institutional frameworks, as described in Chapter 4, the type of political considerations at play is explained by three political factors: 1) the role of Venezuela in the states' political agenda; 2) the international reputation of the executives; 3) the strength of the executives. Chapter 5 examines these factors to understand their origin, going a step further into the chain of causality. Subsequently, as described in Chapter 6, informed cost-benefit analysis in Colombia is attributed to established capacities emerging from institutional legacies during its armed conflict, notably absent in Peru.

By engaging with the existing literature, the current chapter abstracts the theory behind the explanations of the cases for theory-building purposes. It reflects on how Latin American cases – where explanatory studies remain limited (Fernández-Rodríguez & Freier, 2024) – can inform existing theory on migration and FDP policy. For this purpose, following Natter (2018), I analyse the extent to which the results can be generalised to other cases globally, specifically to Latin America or whether they are unique to the two cases under study. Furthermore, I disentangle the specific traits that contribute to shaping diverse explanations



beyond the Global South-North categories. In doing so, this chapter seeks to inform the current debate on the usefulness of such a distinction (Natter & Thiollet, 2022).

Departing from the previous literature, this chapter stresses the importance of policy-making regarding FDP policy. It emphasises executives' abilities to shape their policies, while recognising that they are influenced by their political, social and institutional contexts – an argument that can extend beyond the Latin American context. Moreover, it affirms the role of domestic and foreign affairs considerations in shaping FDP policy according to existing theories. By focusing on policy-making, it formulates the interrelation between those considerations and other determinants suggested by the literature, namely executive's strength, international reputation, institutional frameworks and salience of the receiving country in the political agenda. Furthermore, it identifies new determinants, particularly the role of bureaucrats and their ability to conduct informed cost-benefit analyses, rooted in established capacities derived from institutional legacies.

It argues that foreign affairs considerations, domestic politics, international reputation, the executive's strength and institutional legacies in the Latin American context exert significantly more influence in FDP policies than in migration policies (as opposed, for example, to ideologies). It also challenges the conventional South-North divide in two forms: firstly, it questions assumptions attributed to Southern countries, such as a presumed lack of dependency vis-à-vis international aid; secondly, it identifies the relevant aspects shaping FDP policy beyond their condition as Southern countries. Lastly, it challenges prevailing biases of FDP theory towards the Middle East and African countries, as instances of Southern countries, which emphasise determinants that are less relevant in Latin America, such as regime type or ethnic affinity between sending and receiving societies.

This chapter is structured as follows. After discussing elements relevant to the policy-making process (policy-makers and considerations), I formulate the interplay between those considerations and policy-makers involved in the process and how they influence the nature of FDP policy. In the next sections, I formulate and discuss the determinants related to the political and institutional contexts shaping different policy-making processes and reflect on how they can apply to other contexts. Then, I reflect on the reasons behind the role of ethnic affinity and humanitarian considerations as alternative explanations. I conclude by summarising the results and by suggesting ideas for future research.

## **7.2. Policy-making as a Determinant of FDP Policy**

Departing from prior research, my empirical analysis identifies decision-making as the most direct determinant of the nature of FDP policy. Policy-making encompasses the participation of various authorities – policy-makers – and is influenced by a range of considerations that such authorities put forward during the

process. These considerations could be political, or aimed at consolidating policy-makers' power, or non-political, aimed at long-term, sustainable goals. The focus on policy-making serves four purposes. Firstly, it allows us to disentangle the interaction of different FDP policy determinants previously identified by the existing literature. Secondly, it challenges the view of the state as a unified actor, revealing the influences of various actors within the state. Thirdly, it acknowledges the ability of Latin American states to shape their own policy, challenging the common assumption of Southern states as weakened or dependent on other actors (Blair et al., 2022a). Fourthly, it helps overcome the notion of the state as a monolithic entity, highlighting instead the competition among various actors to promote different policies and views on forced displacement.

### ***7.2.1. Political Considerations: Validating the Nexus of Foreign Affairs, Domestic Policy and FDP Policy***

#### *Foreign Affairs*

The case of Colombia exemplifies the theory outlined in Chapter 2, according to which relations with the receiving country shape the nature of FDP policy as restrictive if they are friendly or as liberal if they are unfriendly (Abdelaaty, 2021; Basok, 1990; Zolberg et al., 1989). In the context of hostile relations with Venezuela, Duque resorted to a liberal FDP policy to highlight human rights violations in Venezuela, discrediting Maduro's regime and its political agenda before the international community. Out of the three mechanisms theorised by Abdelaaty (2021), the embarrassment of the sending state before the international community was the main objective of Colombia's response, rather than inducing people to leave the country – as they were leaving anyway – or training the opposition, although the latter has been mentioned by certain interviewees as a plausible goal. The last two objectives are less frequent, and mainly prominent in contexts of war-like situations between the sending and receiving countries. Even though Colombia and Venezuela almost reached this point under the Duque and Maduro administrations (see Chapter 5), they do not appear to have been important considerations guiding Colombia's FDP policy.

Furthermore, this study corroborates the significant role of ideology in shaping the relations leading to restrictive policies (Jackson & Atkinson, 2019). Hostile relations in Colombia were marked by the ideological divergence between Duque's right-wing, security-focused approach, closely aligned with the US, and Venezuela's left-wing socialist, anti-imperialist political project. With his liberal FDP policy, Duque sought to morally undermine his ideological rival. Unlike previous Latin American studies linking liberal migration policies with left-wing ideologies (Acosta & Freier, 2015; Hammoud-Gallego & Freier, 2023), this study reveals that in contexts of forced displacement right-wing governments adopt liberal policies amidst strained relations with the sending country (Barbieri et al., 2020; Drewski & Gerhards, 2024). It suggests that ideologies do not have

a direct effect on policy once states are confronted with real phenomena. Therefore, its impact should be confined to the domain of abstract legal frameworks on migration, while considered within the dynamics between host and sending countries in forced displacement contexts.

In addition to the relations with the sending country, the case of Colombia reaffirms that adhering to the preferences of the international community shapes liberal policies. Colombia used FDP policy to increase its international reputation, positioning itself as a regional example, and diverting attention from other human rights matters linked to its armed conflict. This mirrors strategies employed by different countries in other regions, such as Turkey, Jordan and Lebanon in the context of the Syrian forced displacement (Mencütek, 2019). Interestingly, delegitimising policies in Northern countries – a goal suggested by the literature for this region and beyond (Acosta & Freier, 2015; Brumat & Freier, 2021; Milner, 2009; Natter, 2018) – nevertheless, seem to hold more relevance in shaping general migration frameworks, where states are not directly confronted with the phenomenon, rather than in contexts of forced displacement.

In contrast to studies suggesting that Southern countries adopt such policies under the pressure of the international community or donors (Blair et al., 2022a; Brumat & Vera Espinoza, 2023; Mencütek, 2019; Milner, 2009), this research shows the autonomy of states vis-à-vis the international community, aligning more closely with the approach taken by studies on rent-seeking (Freier et al., 2021; Geha & Talhouk, 2019; Tsourapas, 2019). Colombia adopted liberal policies relatively independently of pressure from the international community. In fact, there was a notable lack of attention from the international community towards the Venezuelan exodus, as evidenced by the disparity in funds allocated compared to crisis in comparison to the Syrian conflict (Bahar & Dooley, 2021). Similar to the dynamics regarding the relations between sending and receiving countries, Venezuelan FDPs emerged as assets that the Colombian executive, leveraged to enhance its reputation before the international community. The ETPV was, in fact, largely praised by the international community. The degree of the executive's autonomy vis-à-vis the international community, however, may differ across different countries in the Global South. Certain African states may be more dependent on international aid than Latin American ones (Milner, 2009). Therefore, this study challenges the classification of states with varying levels of autonomy under the broad category of Southern countries, especially when explaining FDP policy.

However, foreign affairs considerations cannot always account for diverse responses to FDPs in all the cases. In this research, on their own they are not able to solve the empirical puzzle posed by the cases of Colombia and Peru. Otherwise, those considerations would have led Peru, in a context of hostile relations with the sending country, to adopt a response similar to that of Colombia. This research shows that the associations between foreign affairs considerations and policy are thus not deterministic; instead, FDP policy constitutes an asset that executives can leverage or disregard in favour of others. Departing from studies such as Abdelaaty (2021), the case of Peru reveals that these considerations may be overlooked in policy-making, leading to

decisions that contradict them, as evidenced in its adoption of the Humanitarian Visa. The research shifts the attention to domestic considerations to account for the restrictive nature of Peru's FDP policy.

### *Domestic Affairs*

Forced displacement also interferes with domestic affairs due to its tangible effects in the receiving country and its negative politicisation – characterised as the portrayal of the issue in the public discourse with a negative connotation (Van der Brug et al., 2015). While all forms of migration impact host communities, the extensive and prolonged nature of forced displacement, coupled with the vulnerable demographic composition of migrants involved, exacerbate security concerns and lead to the imposition of restrictions (Aron Said & Castillo Jara, 2022; Mencütek, 2019; Zolberg et al., 1989). The case of Peru reflects this trend: the Humanitarian Visa is connected to domestic considerations, which encompass the political and negative perceptions of FDPs, stemming from heightened security concerns. The response serves both as a reaction to these increasing societal and political pressures and as a strategic asset – similarly to what occurs in the domain of foreign affairs – to increase popular support while simultaneously diverting attention from prevailing issues within the country.

Peru's security concerns behind restrictive policies are primarily driven from perceived deteriorating conditions in the labour market – referred to as 'material concerns' – and heightened perceptions of increasing crime rates associated with FDPs. These material threats and the perception of rising insecurity echo similar concerns observed in other contexts across the world (Mencütek, 2019; Milner, 2009; Whitaker, 2020). In contrast, spillovers from crises in the countries of origin, often affecting Middle Eastern or African forced displacement scenarios, do not shape domestic considerations in Peru. Furthermore, symbolic threats underlying perceptions of FDPs as inferior, often observed in South-North migration scenarios (Sides & Citrin, 2007), do not play any role in Peru.

I contend that specific societal fears driving policy should be connected to certain traits of the context. In particular, in Peru, they should be linked to certain attributes shared with other Latin American countries: 1) its economic system marked by high rates of labour informality; 2) high levels of insecurity due to crime; 3) ethnic affinity between the sending and receiving societies; 4) limited presence of civil wars in the region; and 5) relatively small cultural and development gaps between the receiving and sending societies.<sup>321</sup> Whereas the first two factors shape Peru's material, security concerns, the latter three mitigate the emergence of national security threats and symbolic threats present in other contexts.

The informality of labour raises concerns among locals about being displaced by migrant workers as competitors, as well as a deterioration of working conditions. Existing studies indicate that these concerns can

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<sup>321</sup> Venezuela has achieved a considerable degree of development in the past, due to its investment in education, emphasis on literacy, and the expansion of its economy during the oil boom era (Fernández-Rodríguez, 2023).

indeed have some validity in Peru and in other countries of the region, albeit to a limited extent and predominantly in the short-term (Bahar et al., 2018; Vera & Jiménez, 2022). Such concerns are exacerbated by the perception of Venezuelans as more advanced in aspects such as education (Fernández-Rodríguez, 2023). In the context of high violent crime rates prevalent in Latin America (UN Development Programme. Latin America and the Caribbean, 2023) and corresponding citizen concerns (Latinobarómetro, 2019),<sup>322</sup> FDPs often become scapegoats for the structural problem, even though existing studies show that Venezuelan FDPs do not increase violent crime (Bahar et al., 2020). The relative stability of Latin America, marked by a scarcity of civil wars (with the remarkable exception of the Colombian armed conflict) tied to ethnic conflicts (Yashar, 2015), makes national security threats associated with FDPs less prominent than in the Middle East or Africa. Finally, smaller cultural and development gaps in the region may decrease the perception of Venezuelan FDPs as inferior, a dynamic that usually shapes symbolic threats in South-North migration contexts. It is reasonable to anticipate that similar concerns in an intra-regional forced displacement scenario would influence restrictions in countries like Chile and Ecuador, a hypothesis supported by existing studies (Finn & Umpierrez de Reguero, 2020; Malo, 2022).

This study departs from previous ones that suggested that public opinion has a limited influence on migration policies in Latin America (Brumat & Vera Espinoza, 2023) and, more generally, in Southern countries (Natter & Thiollet, 2022). While this may be true for previous migration scenarios that remain non-politicised due to low numbers, it is not the case in the context of the Venezuelan forced displacement. Similar to the findings of Aron Said and Castillo Jara (2022), this study on Peru shows that executives take account of societal preferences regarding FDPs. Furthermore, it challenges the common assumption that forced displacement is a low-salience issue in Southern countries, which allows governments to pursue vague policies and occasionally delegate its management to international organisations (Abdelaaty, 2021; Blair et al., 2022a). On the contrary, the case of Peru shows that forced displacement can become a highly politicised issue, with domestic actors clearly advocating specific responses. While Southern countries may face other significant material challenges (e.g. inequalities, poverty, crime), FDPs emerge as an additional layer and are perceived to exacerbate existing problems.

In forced displacement scenarios, security concerns overshadow any positive perceptions regarding the potential economic or social impact that FDPs could have, which could otherwise lead to the adoption of liberal policies, as seen in cases of migration policy (Freeman, 1995; Teitelbaum, 1984). The different domestic considerations behind policies on FDPs and migration are based on the larger scale, more vulnerable demographic composition and protracted nature of forced displacement, resulting in a negative politicisation which often does not necessarily take place in ordinary migration scenarios. Neither in Peru nor in Colombia

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<sup>322</sup> According to the Latinobarómetro (2019), 40% of Latin American citizens are constantly afraid of being the victims of a crime and only 18% are never afraid.

did business companies play a role in policy-making processes, and domestic considerations were primarily limited to societal and political perceptions of heightened crime and material threats.

In sum, this research confirms existing theories regarding the influence of foreign affairs and domestic considerations on the nature of FDP policy. However, it also demonstrates that these theories do not manifest in a deterministic manner: Colombia's response did not align with the negative politicisation of Venezuelan FDPs, nor did Peru's response reflect hostile relations with the sending country. From both domestic and foreign affairs perspectives, FDP policies constituted assets that the states leveraged to increase the support of domestic and international audiences respectively, challenging the common assumption of Southern countries as weak and dependent (Natter & Thiollet, 2022). In contrast to Abdelaaty (2021), who posited that conflicting considerations in domestic and foreign affairs might lead to the delegation of FDP policy towards the UNHCR, this study shows that executives often retain their authority, merely choosing to prioritise one type of considerations over the other. This difference could be attributed to the distinct political and historical contexts of Latin America compared to the Middle East. In Latin America, stronger institutional frameworks and a tradition of state sovereignty may empower executives to handle FDP policies directly. Meanwhile, in the Middle East, the complexity of regional conflicts and more recent history of international interventions might lead to a greater reliance on international organisations like the UNHCR.

The prevalence of one type of political considerations over the other contributes to explaining the different nature of policies in countries that are similar in those aspects (i.e. negative politicisation, hostile relations between the sending and receiving country). The question remains: What factors drive the predominance of one type of considerations over the others? This inquiry will be examined in the next sections.

### ***7.2.2. The Role of Non-political Considerations in Liberal Policies***

Existing literature has predominantly focused on the role of political considerations, encompassing both domestic politics and foreign affairs, in shaping the nature of FDP responses. This study acknowledges that the nature of the FDP policy can also respond to non-political considerations, including informed cost-benefit analyses of potential FDP policies, with long-term, sustainable goals. These analyses serve to directly inform policies and to persuade authorities with conflicting views, driven by political considerations. In Colombia, the decision on the ETPV cannot be understood without acknowledging the role of cost-benefit calculations, which led to the adoption of the ETPV and served to persuade policy-makers advocating more restrictive approaches of its benefits. In the following argument, I build on the findings of existing studies on the effects of migration and FDP policies to show the connection between these type of considerations (or their absence) and liberal FDP policies. These studies typically acknowledge the efficacy of liberal policies and the inefficacy of restrictive ones.

Restrictive policies, including entry requirements and border controls, are often presented as means to curb migration or forced displacement and mitigate their perceived adverse impacts, which could include – depending on the specific context – labour market strain, competition over scarce resources (e.g. housing, food supplies), an overburdening of public services, and an increase of vulnerable population who need assistance by the state (Akgündüz et al., 2015; Verme & Schuettler, 2021). There is evidence that migration policies – whatever their orientations – regularly fail to reach their stated objectives, mainly because market dynamics challenge states’ regulatory mechanisms and legal norms (in democratic countries at least) constrain governments’ strategies (Castles, 2004).

Despite their role in de incentivising arrivals (Blair et al., 2022b), restrictive policies’ overall impact on flows remains limited. Firstly, migrants’ choices are driven by structural factors such as historical, economic and familial ties that are largely beyond the control of policy-makers. Those factors are particularly prominent in forced displacement scenarios, where individuals are fleeing from war or economic collapse, leading to constrained migration choices that are less influenced by policy (Czaika & Hobolth, 2016b; De Haas et al., 2019; Hammoud-Gallego, 2024). An important pull factor beyond the control of policy-makers is personal networks (Thielemann, 2012). High numbers of FDPs can create a self-reinforcing cycle where FDPs attract additional FDPs, rendering restrictive policies ineffective in diverting flows to other countries. Secondly, the porosity of borders allows individuals to find alternative routes and means of crossing despite policy efforts to restrict movement. This is especially significant in contexts where countries lack natural geographical divisions and where the state’s capacity for control is limited (Hammoud-Gallego, 2024). Lastly, there is often limited knowledge about specific FDP and migration policies among FDPs or migrants (Crawley & Hagen-Zanker, 2019).<sup>323</sup>

Moreover, the inability of policies to contain FDPs can at the same time exacerbate the issues associated with forced displacement that they claim to mitigate. For instance, they contribute to the proliferation of irregular paths, thereby fuelling human trafficking and making border dynamics more complex (Czaika & De Haas, 2013; Czaika & Hobolth, 2016).

Hammoud-Gallego (2024) demonstrates, at least in the short-term, that the introduction of visas in Chile, Ecuador, and Peru has led to a higher likelihood of irregular entries and lack of regular visa status, and he suggests that these visa policies did not significantly impact the absolute numbers of migrants arriving to these countries. His findings are even more pronounced than those observed by Czaika & Hobolth (2016) in

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<sup>323</sup> While there has been a tendency to attribute limited information on policies to countries in the Global South (Blair et al., 2022b) recent studies contest this assumption by demonstrating that FDPs often have access to such information through technology and personal networks in the destination countries.

the European context, suggesting that geographical factors in Latin America – such as border porosity and the proximity of sending and receiving countries – may render such restrictions less effective in deterring arrivals.

An informed cost-benefit analysis would consider, on the one hand, the limited impact of policies targeting FDPs in shaping their actual behaviour, particularly in contexts with high porosity of borders and large numbers, and on the other hand, the adverse impacts on the receiving country. The Colombian case demonstrates how such considerations, which recognise the limitations of restrictive policies, dissuaded authorities from adopting restrictive policies. In contrast, in the absence of such considerations, Peru ended up adopting restrictions. Even if restrictive policies contributed to reducing the number of FDPs in Peru, as reflected by recent data on inflows (R4V, 2023), they also led to an increase in irregular pathways and negatively affected the integration of Venezuelan FDPs into the receiving country (Briceño et al., 2020; Hammoud-Gallego, 2024). This situation has prompted authorities to ultimately adopt regularisation mechanisms with limited scope and effectiveness ('Most Foreigners in Peru...' 2023).

Given that, amongst other considerations, forced displacement cannot be avoided through restrictive policies, particularly in contexts like Peru and Colombia, an informed cost-benefit analysis contributes to the adoption of liberal policies. These include mechanisms of regularisation that allow FDPs access to the country and grant them rights of movement, work and services (see Introduction). Such mechanisms typically facilitate FDPs' social integration, mitigating potential negative effects and capitalising on the positive ones. By enabling migrants to integrate into the labour market, liberal policies promote higher tax contributions and safeguard existing labour conditions (Arena et al., 2022; Bahar et al., 2018; Dadush & Niebuhr, 2016; Ianchovichina & Ivanic, 2014; Ibañez et al., 2020; Rossiasco, 2019).

Social and labour integration also reduces vulnerability, diminishing reliance on social resources. Moreover, it benefits public services such as health care, as it allows FDPs to contribute to the system and use ordinary services rather than emergency provisions, which are more resource-intensive (Ibañez et al., 2020; P. Rossiasco et al., 2023). Identification facilitates efficient allocation of state resources, targeting the vulnerable population in need of assistance. Evidence indicates that migration, including forced displacement, fosters economic growth through diversified labour supply, increased consumption, and greater tax revenue (Alvarez et al., 2022; Arena et al., 2022; Rossiasco, 2019; Rossiasco & De Narváez, 2023; World Bank, 2018b). Finally, while there is mixed evidence regarding the relation between migration and increased crime rates (Akbulut-Yuksel et al., 2024; Light & Miller, 2018), identification aids in targeting the subset of the migrant population engaged in criminal activities.

The Colombian case illustrates how non-political considerations, particularly the advantages of liberal policies for the labour market, public services, economy and security sector, played an important role in the adoption of the ETPV. These considerations directly influenced policy and persuaded policy-makers who were



initially in favour of restrictions – the securitising authorities from Colombia Migration – of its benefits. Along with the ineffectiveness of restrictive policies in addressing security, the Colombian case challenges the artificial dichotomy between liberal and security-based approaches to migration (D’Appollonia, 2015; García, 2016; Gattinara & Morales, 2017; Ibrahim, 2005; Mármora, 2010), as other studies in the region have done before (Domenech, 2013; Finn & Umpierrez de Reguero, 2020). In contrast, the case of Peru suggests how the omission of such considerations contributed to preventing the adoption of a liberal policy addressing the effects of forced displacement in the country (see effects of the Humanitarian Visa in Chapter 4).

Therefore, non-political considerations, if they include informed cost-benefit analysis, seem to contribute to liberal policies, while restrictive policies appear to be primarily driven by political agendas. Although the outcome of an informed cost-benefit analysis may vary depending on the characteristics of the context (including a state’s capacity to control its borders and FDP numbers), it consistently advocates the advancement of liberal policies, including mechanisms for regularisation and social integration. While Peru implemented restrictions predominantly based on political considerations, Colombia integrated informed cost-benefit analysis in the decision-making process leading to its liberal policy, the ETPV.

Finally, the ability of Colombian authorities to conduct an informed cost-benefit analysis shows the capacity of a Southern country to deliver an effective response to an exodus, challenging, again, prevalent assumptions about the weak capabilities of such states (Natter & Thiollet, 2022). The upcoming sections will explore the factors that influence the role of non-political considerations in policy-making.

### ***7.2.3. The Impact of Policy-makers on FDP Policy***

In contrast to the extensive exploration of political considerations, prior literature has largely overlooked the influence of policy-makers on the nature of FDP policy, with a few exceptions primarily within the realm of migration studies (Brumat & Vera Espinoza, 2023; Natter, 2018). This research highlights the need for analyses of institutional frameworks and the roles of different authorities involved in policy-making processes within the state to attain a comprehensive understanding of FDP policy. In the following subsections, I present different types of policy-makers, using the cases of Colombia and Peru to illustrate their influence on the nature of FDP policies.

#### *Foreign and Domestic Affairs Authorities*

The multifaceted nature of migration, encompassing both domestic and foreign affairs dimensions, leads to varying responsibilities across different authorities for the formulation of FDP policy (Boswell, 2009). The allocation of responsibilities to one ministry or another varies from country to country. In countries primarily experiencing emigration and having less experience with immigration, migration policy typically falls

within the competence of the Ministry of Foreign Affairs, often developed together with diaspora policies. Conversely, as immigration intersects with border control and sovereignty, countries that are used to migration, particularly in the Global North, usually allocate those responsibilities in the Ministry of the Interior (e.g. Germany, UK, Spain). As migration extends to other sectors, ministries such as Health and Labour may also have formal competences on migration policy-making, albeit limited to their specific sectors, such as in the promotion of economic and social integration (Boswell, 2009). Moreover, in countries where migration is consistently regarded as an important matter, there may be a specific ministry responsible for migration policy (e.g. Greece).

In both in Colombia and Peru, the Ministry of Foreign Affairs are responsible for the formulation of FDP policy, namely the Directors of Consular Affairs, reflecting the pattern of predominantly sending states. For the case of Colombia, Caicedo (2022) noted that the state's focus on emigration matters led to the allocation of migration responsibilities within the Ministry of Foreign Affairs. In Peru, in addition to the Ministry of Foreign Affairs, the Ministry of the Interior also hold responsibilities on policy-making over migration. Moreover, prior to the Venezuelan exodus, Peru recognised the multifaceted nature of migration by establishing the Multisectoral Board for Migration Management in 2011 and empowered the Superintendency of Migration within the Ministry of the Interior to play a key role in policy-making under its 2017 migration law (Legislative Decree 1582/2017) (Freier & Aron Said, 2022).

As with ordinary migration policy-making, previous institutional frameworks, including institutional legacies, determine to some extent the migration authorities involved in FDP policy-making processes (Jacobsen, 1996). In Colombia and Peru, formally responsible authorities in such as the Ministries of Foreign Affairs and their Directorates of Consular Affairs participated in various policy-making process regarding Venezuelan FDPs. When different authorities with overlapping responsibilities are involved, conflicts often arise due to differing perspectives on FDPs, as illustrated by previous research on turf wars (Natter, 2018). This dynamic is evident in Peru, where the adoption of the Humanitarian Visa was marked by a conflict between the Ministry of the Interior, which favoured restrictive, security-focused policies, and some sectors within the Ministry of Foreign Affairs, which supported a more a liberal approach.

Aligned with Fernández-Rodríguez and Céleri (forthcoming), this study shows that forced displacement often prompts the empowerment of certain institutions or the re-allocation of policy-making responsibilities. When foreign affairs authorities initially lack experience with immigration issues and forced displacement begins to affect domestic sectors, domestic affairs authorities may gain increased influence. This is evident in Peru, where concerns about the security implications of FDPs led to the Ministry of the Interior gaining significant sway in discussions with the Ministry of Foreign Affairs. Conversely, responsibilities can also shift from domestic to foreign affairs sectors, as FDP policies significantly impact relations between the

receiving state and both the sending country and the international community. A recent example is Colombia: in an effort to align FDP policy with its relations with Venezuela, in October 2022, the Petro administration decided to eliminate the BMO and transfer its responsibilities to the Ministry of Foreign Affairs and eliminated it (Trompetero, 2023). Therefore, in addition to institutional frameworks, pre-existing political considerations or the perception of the exodus as either a foreign or domestic policy issue by the executive can influence the composition of policy-making participants.

In addition, this study corroborates findings from previous research (Brumat & Vera Espinoza, 2023; Jacobsen, 1996; Joppke, 1998; Natter, 2018), showing that the participation of the Ministry of the Interior pushes toward restrictive policies, driven by security-based approaches.

An underexplored question in the literature refers to the stance advocated by policy-makers within the Ministry of Foreign Affairs. Natter (2018) suggests that the Ministry of Foreign Affairs prompted the use of FDP policy as a diplomatic tool, resulting in liberal or restrictive policies depending on its goal. Aligned with Natter (2018), this study reflects that the Ministry of Foreign Affairs advocates for foreign affairs considerations in FDP policy, which may lead to openness or restrictions, depending on the relations with the sending country. In Peru, the Ministry of Foreign Affairs advocated a liberal approach in a context of hostile relations with the Venezuelan regime; however, its loss of power in policy-making over FDPs in favour of the Ministry of the Interior resulted in the dismissal of its views. In Colombia, the Vice-Minister of Multilateral Affairs facilitated the adoption of the EPTV, taking into consideration the relations with both the receiving country and the international community. In particular, she, together with President Duque, perceived FDP policy as a way of embarrassing Maduro's regime and of enhancing their own international reputation.

However, the analysis also shows that some authorities within the Ministry of Foreign Affairs, namely the Directors of Consular Affairs, advocated both in Colombia and Peru for restrictive measures. In Colombia, the preference of the Vice-Minister of Multilateral Affairs for a liberal policy clashed with the support of the Director of Consular Affairs for more restrictive measures. This divergence can be attributed to different considerations of authorities within the same ministry: whereas the Minister and Vice-Minister were influenced by political considerations, directors or lower-ranking authorities were guided by non-political factors, including their own institutional culture and mission, as we show in our analysis of Colombian and Ecuadorian migration bureaucracies (Fernández-Rodríguez & Céleri, forthcoming). This analysis reveals that the departmental affiliation alone does not fully explain the positions of various actors within the same ministry. Therefore, the distinction between bureaucrats and politicians, which will be examined below, is particularly relevant to understanding some of these competing views.

### *Operational Authorities*

In addition to the authorities responsible for migration policy formulation, there are also operational entities tasked with policy implementation. These authorities may belong to the same sector as policy-makers or to a different one. Whereas the Superintendency of Migration in Peru<sup>324</sup> is located within the Ministry of the Interior, which does not hold formal competences on migration policy-making, Colombia Migration is located within the Ministry of Foreign Affairs. In the realm of ordinary migration policy, the distribution of competences between policy-makers and operational entities may be more clearly delineated, minimising conflicts. This study suggests, however, that in contexts of large-scale and sudden forced displacement, operational entities may assume *ad hoc* roles in policy formulation if policy-makers are unaccustomed to immigration. In Peru and Colombia both the Superintendency of Migration of Peru and Colombia Migration played important roles in policy-making regarding the Venezuelan exodus.

Operational entities specialised in migration have been associated with liberal policies, since FDPs are for them the means of bureaucratic survival and career development (Jacobsen, 1996). However, this study shows that this is not always the case; in fact, despite not participating in the adoption of the visa, some officers of the Superintendency of Migration of Peru, including its Superintendent,<sup>325</sup> advocated restrictions to alleviate pressure on overwhelmed authorities in charge of policy implementation. On the contrary, some officers from Colombia Migration strongly advocated liberal policies, which can be explained by their expertise (or non-political considerations), their service-oriented approach, and being part of the Ministry of Foreign Affairs, which held a more liberal stance towards Venezuelan FDPs.<sup>326</sup>

As with the shifting responsibilities across sectors, conflicts between migration authorities may also arise when operational entities undertake *ad hoc* responsibilities in policy-making. The case of Colombia illustrates how opposing views between operational authorities and the formal responsible authorities in the Directorate of Consular Affairs led to intense discussions regarding the ETPV's duration and its compatibility with refugee status. Again, as Fernández-Rodríguez and Celleri (forthcoming) contend, the prevalence of certain views over the others depends on their specialisation and hierarchy. Operational entities often hold a deeper understanding of FDP policies due to their direct involvement in their implementation; however, they may also occupy a lower hierarchical position role. When their perspective aligns with that of higher-ranked authorities,

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<sup>324</sup> Under Legislative Decree 1582/2017, the Superintendency has also gained authority for policy formulation (art. 4.1).

<sup>325</sup> Interview with Roxana del Águila, former Peruvian Superintendent of Migration (online, 11-2-2022).

<sup>326</sup> Interviews with Guadalupe Arbeláez, legal officer of Colombia Migration (Bogotá, 17-1-2023) and with Juan Camilo González, former planning officer of Colombia Migration (25-1-2023).

as observed in Colombia, it can lead to the imposition of their views over those of the formally responsible authorities.

Finally, the placement of authorities within a specific ministry can give more influence to that ministry in policy-making, shaping political considerations – whether related to foreign or domestic policy. This demonstrates, again, how the previous allocation of responsibilities regarding migration impacts the response (Jacobsen, 1996). In Peru, the Ministry of the Interior gained progressively more power due to the Superintendency of Migration being located within it, while in Colombia, the Ministry of Foreign Affairs retained more power because Colombia Migration was part of it.

### *Politicians and Bureaucrats*

Another relevant distinction regarding policy-makers lies in the difference between politicians and bureaucrats, largely unexplored in the literature (Paquet, 2020; Wakisaka, 2022). According to Wakisaka (2022, p. 151), ‘the literature has no clear distinctions between them, collectively calling them policy-makers’. Moreover, Paquet (2020) highlights that the literature has focused on the role of bureaucrats on policy implementation and disregarded their part in policy formulation. But, like in other policy domains, migration and FDP policy typically involve politicians and bureaucrats. While the former consider diverse social and political interests and preferences, the latter are supposed to conduct technical assessments of specific policies and their impact on migrants and receiving societies. However, this bureaucratic conduct was not clearly anticipated in Latin American countries, where bureaucracies often lack independence, influenced by corporate interests and patronage practices (Llano, 2017; Zuvanic & Iacoviello, 2011).

The case of Colombia challenges the assumption that bureaucratic considerations in Latin America are solely a reflection of political interests. Bureaucrats from Colombia Migration and the BMO successfully persuaded other responsible authorities of the benefits of the ETPV through their expertise and informed cost-benefit analyses. These bureaucratic structures in Colombia resemble the *parallel bureaucracy* identified by Zuvanic and Iacoviello (2011) in the region, which, despite political appointments, prioritise rigorous cost-benefit analysis (see section 6 in Chapter 2). The BMO was established by President Santos, then formally constituted by President Duque and eventually dissolved by President Petro. The director of Colombia Migration, a key figure in the adoption of the ETPV, was appointed by Duque and replaced by Petro, together with most of the sub-directors and key advisors of the institution. However, despite their political origins, these bureaucrats maintained neutrality in policy-making, as evidenced by their incorporation of cost-benefit analysis and expertise, crucial for understanding the extent of inclusiveness of the ETPV.

The participation of bureaucrats in policy-making is partly contingent upon the alignment of political considerations with their own preferences. In Colombia, where political considerations and non-political

considerations converged to support a liberal approach, bureaucrats retained significant influence in policy-making. In such contexts, bureaucrats capitalise on a favourable political environment to advance their political goals, reflecting the operation of an *opportunity structures* mechanism. Officials of the BMO and Colombia Migration leveraged the executive's favourable disposition towards liberal policies to promote, develop and facilitate the approval of the ETPV. Conversely, in Peru, where bureaucrats and politicians held divergent views – the former predominantly advocating liberal policies and the latter restrictions – bureaucrats (e.g. members of the Refugee Commission) found themselves sidelined from policy-making regarding the Humanitarian Visa.

The example of Colombia, with the involvement of the BMO and Colombia Migration, does not rule out the possibility of scenarios where bureaucrats may advocate for restrictive policies based on considerations beyond informed cost-benefit analysis. Firstly, bureaucrats may lean towards restrictive measures due to views prioritising security and originating in their institutional culture (Fernández & Céleri, forthcoming), as exemplified by the cases of the Directors of Consular Affairs in both Colombia and Peru or by some officers from the Superintendency of Migration in Peru and Migration Colombia. Secondly, a lack of information or inadequate capacities to conduct comprehensive cost-benefit analysis could prompt bureaucrats to advocate restrictive policies. Thirdly, the influence of interest groups favouring restrictions can sway bureaucratic positions within policy-making, leading to the adoption of policies aligning with the interests of these groups rather than broader societal needs (Llano, 2017; Zuvanic & Iacoviello, 2011). Therefore, each case must be studied on its own basis, and it is premature to draw general conclusions.

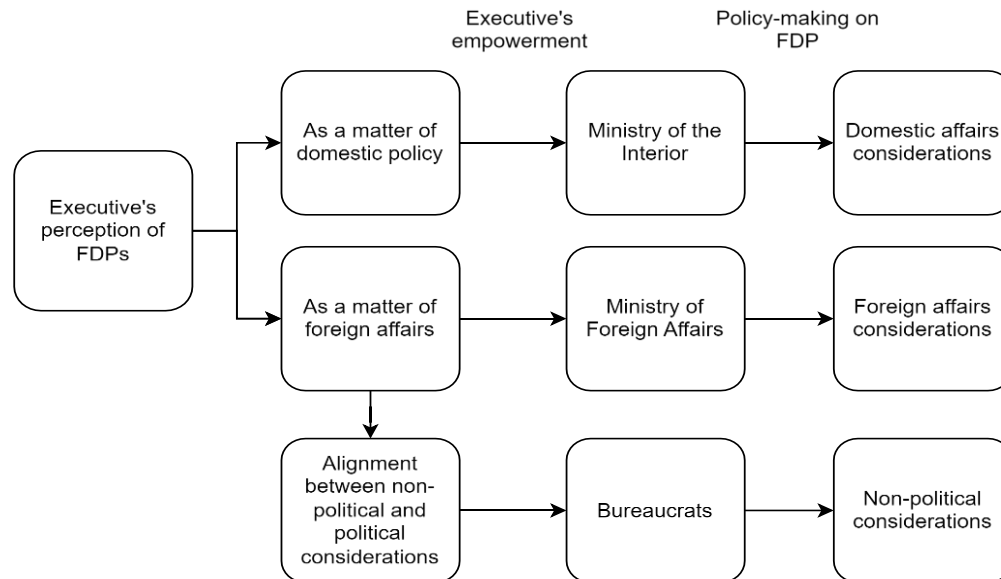
#### ***7.2.4 Summary: Political Considerations and Policy-makers***

The type of political considerations influencing policy-making is contingent upon the type of policy-makers involved, whether bureaucrats or politicians responsible for either foreign or domestic affairs authorities. Similarly, the type of policy-makers depends, to a certain extent, on the executive's perception of forced displacement as a matter of foreign or domestic affairs (or on political considerations) and on the alignment of views and resultant policies with bureaucrats' preferences. This particularly occurs in contexts where competences over FDPs are not clearly delineated (due to, for example, a lack of previous experience with immigration), giving the executive room for their *ad hoc* distribution. As a result, political perceptions play a significant role in the allocation of responsibilities beyond previous institutional frameworks. In these contexts, there exists a reciprocal influence between political considerations and policy-makers, shaping the nature of policy-making and resulting FDP responses.

While earlier studies suggest a direct influence of migration authorities on FDP policies (Brumat & Vera Espinoza, 2023; Jacobsen, 1996), this study proposes a more indirect role: the nature of policies, whether

restrictive or liberal, should be attributed to the considerations put forward by the authorities. This distinction may not be as relevant for the Ministry of the Interior, whose considerations tend to result in restrictive policies. However, it bears significant relevance for the Ministry of Foreign Affairs, as its considerations can swing both ways, depending on diplomatic relations with sending countries, leading to either openness or restriction. Similarly, for bureaucrats, the incorporation or neglect of informed cost-benefit analysis can sway decisions towards either liberal or restrictive policies, respectively.

**Figure 19: Interplay between policy-makers, political and non-political considerations**



Source: own data

However, as deduced from the previous sub-section and as discussed later in section 4, these relations between political considerations and responsible authorities are not deterministic. The institutional context also matters. On the one hand, the pre-existing allocation of competences (e.g. location of the migration operational authority) contributes to the greater involvement of certain authorities in FDP policy-making, while limiting the influence of others. On the other hand, established capacities of existing bureaucracies also shape the influence that they have in policy-making regarding the Venezuelan exodus (see section 4).

### **7.3. The Determinants behind whether the Interests of Domestic or Foreign Affairs Predominate (Political Factors)**

Existing studies both in Latin America and other regions typically highlight two explanations for the transformation of FDPs from a matter of foreign policy into one of domestic affairs, contributing to its

politicisation: the sheer numbers and the protracted nature of the exoduses (Aron Said Aron & Castillo, 2022; Crisp, 2000; Malo, 2022; Mencütek, 2019; Milner, 2009b; Rutinwa, 2002; Secen, 2021). However, Colombia, despite being the primary recipient of Venezuelan FDPs, stands out as an exception where this transition has not occurred, enabling the isolation of these two variables. Chapter 5 introduced three political factors which, together with institutional frameworks shaping involved authorities, can explain the prevalence of either foreign or domestic affairs political considerations: 1) the strength of the executive; 2) the international image of the executive; and 3) the salience of the sending country in the political agenda.

This study recognises the importance of ‘political survival’ in shaping FDP policies, as emphasised in Abdelaaty’s argument (2021). However, departing from her approach, it examines the political context within which the quest for legitimacy unfolds. By providing this context, it explains why one type of political considerations prevails over others when they lead to opposing policies (foreign affairs, liberal; domestic politics, restrictive). This aligns with Milner’s (2009) argument for African countries, which stresses the importance of political contexts over other determinants related to forced displacement (e.g. numbers, nature of the exodus, impact) in shaping FDP policy. Unlike previous studies that propose a direct influence between these elements and the nature of policies (Milner, 2009; Secen, 2021), this research argues that their impact lies primarily in shaping the political considerations, be they foreign or domestic. In the following sub-sections, I will discuss to what extent those factors could be applicable to other contexts, concluding with alternative explanations.

### *The Strength of the Executive*

Studies, particularly those based on Middle East cases, have uncovered evidence of the ‘illiberal paradox’, which refers to the ability of authoritarian regimes to adopt liberal migration policies as compared to democratic ones, insofar as the latter are constrained by societal preferences, usually pushing for restrictions (see Chapter 2) (Blair et al., 2022a; Mencütek, 2019; Milner, 2009; Müller-Funk et al., 2020; Natter, 2018). As noted by Natter (2018), these studies tend to be dichotomous and ignore that authoritarian regimes, too, have to account for societal preferences. As studies tend to overlook cases outside the dichotomy of authoritarian–liberal democracy, examining Latin American countries like Colombia and Peru with hybrid characteristics (e.g. weak party systems but periodic elections) can reveal the nuanced implications of regime types for the nature of policy.

Aligned with Milner (2009) and Secen (2021), this study shows the importance of the executive’s vulnerability in determining its accountability to societal preferences and leading to restrictions or not. Paradoxically, this vulnerability is linked to undemocratic traits of the regime, challenging the ‘illiberal-paradox’ or, at least, its notion of a continuum where less democratic regimes are able to adopt more liberal policies. The Peruvian case illustrates how limitations within its democratic system, such as a weak separation of powers, can



diminish the executive's strength and determine its need to rely on societal support, compared to political systems with a stronger separation of powers.

Furthermore, it acknowledges that an executive's vulnerability is not solely influenced by structural elements of the system, including a weak separation of powers, but also by the politics surrounding the executive. Such factors encompass the absence of electoral legitimacy, political backing from a party, the party of the executive having minority status in the legislature, or a strong political opposition. By acknowledging these factors, it departs from previous research in Latin America (e.g. Brumat & Vera Espinoza, 2023), which downplays the role of domestic and party politics in shaping the nature of migration policies.

While these factors are particularly relevant in democratic systems, most of them can affect authoritarian regimes, which also rely on political and social support for their survival. Authoritarian executives can be compelled to adopt restrictive policies aligned with societal preferences if faced with declining political support or increasing political opposition. This approach shifts the focus from the regime to the executive, suggesting that regimes of any type can be more vulnerable to societal preferences depending on the level of support that the executive enjoys at a given moment.

While previous studies drawing a connection between regime vulnerability, domestic politics, and restrictions in countries such as Lebanon, Kenya and Tanzania stress the role of internal pressures from opposition parties or domestic factions in shaping policies (Milner, 2009; Secen, 2021), this study demonstrates that FDP policies not only constitute an executive's response to mounting pressures but are also a strategic assets utilised to bolster domestic support and compensate for their absence. The Peruvian executive implemented restrictions pre-emptively, even before opposition parties exerted pressure, as the authorities anticipated their popularity amongst the people.

My explanations depart from those of previous studies on the Peruvian and Colombian cases, which examine similar determinants. In contrast to Aron Said and Castillo Jara (2022), who suggest that the internal crisis between the executive and legislative branches left little bandwidth to deal with foreign affairs considerations, I argue that the nexus between Peru's domestic crisis and the transformation of FDPs into a domestic issue is primarily due to the lack of political support. In fact, the Peruvian executive demonstrated concern for FDPs, stemming precisely from its internal crisis and need of political support. Additionally, in contrast to Williams (2023), who attributed the politicisation of FDPs in Peru to political instability, I argue that this process occurred independently of such instability. The politicisation of FDPs in Peru mirrored a similar trend observed in Colombia, where FDPs were even more salient in the public agenda (as evidenced in parliamentary debates) but such salience did not lead to restrictions. Thus, the imposition of restrictions in Peru should be not only linked to a negative politicisation of the process (typically occurring in contexts of large-scale forced displacement), but also to a need of political support in such situations.

By examining this determinant, this study contributes to deconstructing the South-North divide in three ways: firstly, it challenges the assumption that all Southern countries are inherently ‘authoritarian’ by dealing with different types of regimes (electoral democracies) in the Latin American context; secondly, it reaffirms the potential role of societal demands in shaping policy in these contexts; thirdly, it downplays the role of the regime variable, often used to distinguish Northern and Southern countries, in shaping FDP policy. Instead, it suggests that the circumstantial support enjoyed by the incumbent government plays a greater role.

### *International Reputation*

As the state is responsible for upholding human rights, migrants, often excluded from any political community, draw the international community’s attention to the fulfilment of human rights obligations. This concern intensifies notably in situations of forced displacement, where the Geneva Convention on Refugee Status delineates specific rights extending beyond formally recognised refugees, including the right of non-refoulement, now part of *ius cogens*. Recognised as a human rights issue by the international community, forced displacement serves as a source of legitimacy for the executive of the receiving state.

Some studies have implicitly linked a lack of reputation with more liberal policies when suggesting that illiberal regimes opt for those policies as a way of compensating for human rights violations (Blair et al., 2022; Drewski & Gerhards, 2024; Müller-Funk et al., 2020; Natter, 2018; Whitaker, 2020). These studies use this determinant to show another mechanism behind the ‘illiberal paradox’, confining the practice of using FDP policies to burnish their international image to authoritarian states. The case of Colombia shows that democratic states, too, can suffer from diminished international reputation, and can leverage FDP policy to enhance their image vis-à-vis the international community.

Furthermore, existing studies have not identified this determinant to explain why foreign affairs considerations regarding FDP policy prevail in contexts of politicisation. As with the executive’s strength, I argue that the international reputation behind FDP policy concerns the executive instead of the regime, and is contingent upon two factors: their stances on human rights and their historical legacies. The case of Colombia illustrates how a diminished international image, shaped by Uribe’s party legacy and Duque’s management of the armed conflict in a context of international visibility due to the peace-building process, drove the executive to pursue a liberal FDP policy to restore its international reputation. This prevented the transformation of FDPs into a domestic policy matter in a context of negative politicisation. Conversely, the Peruvian case shows that a limited international profile reduces the executive’s need of using FDPs for similar purposes.

This explanation partially aligns with Soysal’s extensively contested hypothesis of global embeddedness (1994) (e.g. Drewski & Gerhards, 2024), suggesting that countries integrated into the liberal order are more inclined to adopt policies aligned with liberal values. However, in contrast to her study, the notion of

embeddedness here is not solely contingent upon a country's liberalisation, but rather upon events impacting human rights that draw international attention. Moreover, embeddedness should not only be seen as a source of pressure, but also as an asset that the state can leverage to bolster their international reputation by adopting liberal FDP policies. Again, this perspective challenges the assumption that Southern states are passive recipients of international aid recommendations. Instead, it suggests the autonomy of these countries in using FDP policy to pursue their own political goals independently of the international community.

### *The Saliency of the Sending Country in the Political Agenda*

Prior research has implicitly suggested the influence of the saliency of the sending country's political agenda on the type of political considerations behind FDP policy. Notably, Zolberg et al. (1989) explained how Cuba's diminished importance in the US political agenda post-Cold War shifted prioritisation towards domestic concerns over foreign affairs regarding Cuban FDPs. However, the role of this factor in determining whether foreign affairs considerations prevail over domestic concerns in protracted contexts of forced displacement remains underexplored. Furthermore, it lacks theoretical development on the specific elements that could contribute to such saliency.

This study illustrates the influence of this determinant on the various political considerations shaping the Colombian and Peruvian responses. Aligned with Zolberg et al. (1989), Peru's case suggests that the shift in perception of FDPs from being a matter of foreign affairs to one of domestic politics resulted from a decline of Venezuela's importance on the political agenda, driven by political circumstances. This includes shifts in geopolitical order and alliances, as well as the ineffectiveness of previous strategies aimed at altering power balances, such as the diplomatic siege of Maduro's regime, which failed to remove him from power. However, given that the transformation of FDPs into a domestic issue is influenced by increasing numbers and the protracted duration of the exodus, it becomes challenging to discern the individual roles played by those factors.

In contrast, the Colombia's case somewhat corroborates that the saliency of the sending country can influence FDP policy. It led to political considerations tied to its relations with the sending country prevailing, amid a large-scale protracted exodus, contradicting existing trends. The enduring saliency of Venezuela in Colombia's political agenda is driven by close ties between the two countries and the former's connection to domestic concerns amidst an armed conflict. Saliency is thus likely to manifest in contexts where the sending and receiving states are neighbours, sharing a geographical and geopolitical space. This saliency appears to override the potential impact of FDP numbers and the protracted nature of an exodus in shifting political considerations.

Thus, this study identifies historical and economic ties and security concerns regarding the spillovers of the Venezuelan crisis as relevant factors explaining the nature of policy, aligned with existing literature

(Jacobsen, 1996; Milner, 2009; Whitaker, 2020). However, it positions these factors differently within the causal chain, without making direct associations between them and liberal or restrictive policies. Instead, it suggests that its relation is mediated by the friendly or unfriendly nature of the relations with the sending country. At the same time, this determinant provides a corrective to the theories linking friendly or unfriendly relations between the sending and receiving countries with liberal or restrictive policies (Abdelaaty, 2021). Departing from a deterministic theorisation, it introduces the salience of these relations as an intermediate variable in contexts of prolonged and significant forced displacement. If these relations lack salience, they are unlikely to impact FDP policy in such contexts, as FDPs may be regarded primarily as a matter of domestic affairs. Finally, this determinant, identified as relevant for the US context (Zolberg et al., 1989), further contributes to deconstructing the South-North divide, as it appears to be influential in a Southern context. Its relevance to counteracting the effect of numbers in turning FDPs into an issue of domestic affairs is nevertheless conditioned by the proximity between sending and receiving countries, a more frequent scenario in cases of South-South forced displacement (UNHCR, 2024a).

#### **7.4. Institutional Explanations (Factors behind Non-political Considerations)**

In addition to political considerations, the contrast between an exclusively political policy-making process in Peru and one that incorporates bureaucrats and informed cost-benefit analysis in Colombia can be attributed, as said, to previous institutional capacities. Politicians are not the only ones who rely on bureaucrats to advance their liberal foreign affairs goals through the adoption of liberal policies; bureaucrats also exploit politicians' predisposition towards liberal policies to push their own preferred policies. These dynamics form an *opportunity structure* for leveraging knowledge, placing preferred regularisation measures on the agenda, and ultimately securing their adoption. In this regard, it is important to not only consider the political factors that empower bureaucrats in policy-making, but also the reasons behind the inherent strength or weakness that they possess within the domestic landscape. Furthermore, the participation of bureaucrats does not *per se* guarantee informed cost-benefit analysis; this outcome is contingent on whether those bureaucrats possess the necessary skills and knowledge. To understand this dynamic, one must turn to *established capacities* derived from *institutional legacies*, which in this research acquire a different meaning than in the existing literature.

Institutional legacies have been identified as a determinant of FDP policy by the existing literature as the memories regarding past FDP flows or migration. Several studies use *path dependency* theory to demonstrate how prior approaches to migration or forced displacement influence subsequent ones, showing continuity (Acosta, 2018; Brumat & Vera Espinoza, 2023; Lenner, 2020; Melde & Freier, 2022, 2022; Müller-Funk et al.,

2020; Norambuena et al., 2018; Norambuena & Matamoros, 2016; Skleparis, 2017). From more rationalist perspectives, other studies suggest that the nature of FDP policies, whether liberal or restrictive, depends on previous positive or negative experiences with migrants (Mencütek, 2019; Secen, 2021; Whitaker, 2020). However, in contexts of forced displacement without prior experiences of immigration, memories do not significantly impact the nature of FDP policy. In the case of Colombia, there was no positive predisposition towards migrants before the arrival of Venezuelans (as evidenced by its underdeveloped legal framework). In such contexts, the Colombian case suggests that forced displacement can serve a *critical juncture* (Capoccia, 2015), shaping institutional change and altering existing approaches towards liberalisation or restrictions.

Previous studies on capacities have primarily focused on countries' resources to host a large number of new population, specifically referring to economic capacity (e.g. service provision, GDP) (Jacobsen, 1996; Neumayer, 2005; Whitaker, 2020; Yoo & Koo, 2014). Instead, capacities in this research refer to those that policy-makers possess to develop informed FDP policies, which can benefit both the receiving country and society. Those capacities usually emerge from the state having had to deal with other emergency situations that present similar challenges. Therefore, I introduce a new determinant that has not been previously studied by the literature: *established capacities* derived from *institutional legacies*. The institutional legacy sets the historical basis for policy-making, whereas established capacities constitute the practical abilities derived from that legacy that help in responding to current emergencies. In addition, I highlight the importance of understanding this determinant in connection with the role of bureaucrats and non-political considerations in shaping the nature of FDP policy.

Colombia's previous experience with the armed conflict and its resulting internal forced displacement contributed to the development of robust capacities to respond to the Venezuelan exodus. In particular, Colombia trained a cadre of bureaucrats and developed the knowledge to adopt an informed FDP policy that would maximise the FDP benefits for the country. The specific capacities facilitating this approach included: a) obtaining and managing international aid; b) effective coordination among national, international and local authorities; c) comprehensive population registration; d) analysis of foreign experiences; and e) knowledge of its border zones. While previous studies identify international aid as an external force pressing for the adoption of liberal policies (Greenhill, 2016; Jacobsen, 1996; Mencütek, 2019; Whitaker, 2020), this research instead views it as a resource that the state leverages for its own benefit. Furthermore, rather than linking insecurity at the borders with the implementation of restrictions, as was found in prior research (Helbling & Meierrieks, 2020; Milner, 2009; Whitaker, 2020), this study perceives insecurity as an experience from which the state draws insights to make more informed decisions, resulting in liberal policies.

The role of knowledge in FDP policy has been overlooked in existing literature, yet it is crucial to understanding Colombia's response and, in general, the differences between Peru and Colombia. In Colombia,

these capacities emerged from its prior experience with the armed conflict and resultant internal forced displacement, but they could also stem from other types of civil wars or emergencies (e.g. natural catastrophes or economic crises). These events provide the state with the capacities to carry out informed cost-benefit analysis on different FDP policy options, while compelling it to prioritise those non-political considerations. Therefore, this analysis shows some of the conditions under which bureaucracies prioritise non-political considerations consisting of informed cost-benefit analysis.

The analysis of this determinant contributes to deconstructing the South-North divide in two ways. Firstly, contrary to the conventional agent-recipient theory regarding international aid, it highlights recipients' autonomy in decisions, as they remain the ones deciding whether or not to resort to those resources. Secondly, it shows Colombia's institutional capacity to react to an unforeseen forced displacement crisis. States historically deemed 'failed', such as Colombia (McLean, 2002), might be better equipped to deal with such crises because of their past experiences in handling various crises.

## **7.5. Other Explanations: Ethnic Kinship, Humanitarian Considerations and Business Interests**

### *Ethnic Kinship*

The existing literature highlights ethnic kinship between the sending and receiving societies or policymakers as relevant variables shaping the nature of FDP policies (Abdelaaty, 2021; Blair et al. 2022a; Jacobsen, 1996; Müller-Funk et al., 2020). However, as we have seen in Chapter 5, these variables do not appear to significantly influence the different responses of Colombia and Peru or their responses alone, consistent with the findings of previous studies (e.g. Williams, 2023).

The emphasis on ethnic kinship in the literature on FDPs could be attributed to the bias of general theory towards regions like the Middle East and Africa, where ethnic cleavages are particularly salient and electoral politics are often structured along these divisions. For instance, in Lebanon, which has been extensively studied by the FDP policy literature due to its large proportion of first Palestinian and then Syrian refugees, political parties are sectarian, claiming to represent ethnic, religious groups (Hoffman, 2020; Secen, 2021). This dynamic is partly a legacy of colonialism and the artificial construction of borders by Western powers, which distributed territory among different countries.

In contrast, Latin American countries that were under Spanish rule share a common language and religion imposed by the colonisers. Despite the countries' ethnic diversity – including Indigenous peoples, people of African descent (brought as slaves), white colonizers and mestizos – nation-building projects

following independence sought to construct myths of national unity and ethnic homogeneity under the ideology of *mestizaje*. This ideology promoted racial mixing and sought to erase ethnic divisions, concealing the racism prevalent within Latin American societies. Throughout the twentieth century, there was a deliberate attempt to continue erasing existing ethnic divisions, with governments focusing on class rather than ethnic cleavages (Wade, 2014; Yashar, 2015). The Peruvian case exemplifies these dynamics: Juan Francisco Alvarado's (1968–1975) military government carried out an agrarian reform to distribute land which compelled Indigenous people to give up to their ethnic identities in favour of class-based ones to receive state benefits. Down to today, the word 'Indian' is not used in public discourse (Yashar, 2015).

Although ethnic cleavages have gained prominence in recent years in Latin America, particularly in countries like Bolivia and Ecuador, ethnic divisions remain just one of many issues on the political agenda, rather than being as central as in other developing regions. Moreover, they do not trigger ethnic conflicts leading to current exoduses as they do in Africa or in the Middle East (Aras & Mencütek, 2015). The Venezuelan exodus, for instance, stems from a trend towards increasing autocracy and economic policies and is composed by different ethnicities, which are all present in the receiving countries.<sup>327</sup> Yashar (2015) summarises the lesser relevance of these cleavages within the region:

Latin America's increased attention to race and ethnicity has not produced deep and enduring conflict, as it has in other developing regions. Racial and ethnic concerns have simply become one more political agenda among many, including charting sustainable economic development, reducing poverty rates, and increasing public safety amid skyrocketing homicides rates and a booming illicit economy. (p. 40)

### *Humanitarian Considerations*

In most of Latin American cases, Venezuelans were initially perceived and represented as 'brothers' by both the society and politicians, sharing a common historic and geographical bond. However, as their numbers increased, this solidarity towards perceived 'brothers' was overshadowed by societal fears, particularly concerns about rising criminality, prompting calls for restrictions, as public opinion surveys across countries, including Colombia, show. In many countries liberal policies are not connected with domestic politics, which push towards restrictions, but rather with foreign affairs policies and it is important to reconsider certain cases where humanitarian reasons are presented as the determinants of liberal policies. This discourse could have the underlying goal of embarrassing the sending country: when the state emphasises its solidarity towards FDPs, it subtly highlights the sending country's failure to protect its population or uphold their rights. For instance, initial welcoming policies towards FDPs in Turkey, which Secen (2021) attributes to its the country's humanitarian approach, may have served the purpose of embarrassing the Syrian regime within a framework

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<sup>327</sup> See, for instance, ethnic self-identification of Venezuelan FDP in Peru, as mestizo (42%), white (30%), Black (5%) in 2022. In 2018, 3.2% of FDPs identified themselves as Indigenous (INEI, 2022).

of confrontational relations, as evidenced by other research (Aras & Mencütek, 2015). The fact that humanitarian reasons do not explain divergent responses does not imply that leaders lack empathy towards the migrants or that they do not consider their needs at all, but it does suggest that political factors play a stronger role and that is what can be concluded from the development of the process of receiving the Venezuelan exodus in Colombia and Peru.

### *Business Interests*

Unlike in contexts of ordinary migration, where economic interest groups successfully advocate liberal policies to address a labour shortage or increase demand for services and goods (Freeman, 1995; Teitelbaum, 1984), these groups do not seem to influence FDP policies to the same extent. These differences may stem from differences between migration and forced displacement and their perception. Voluntary migration is typically more predictable and controllable than forced displacement, allowing business groups to advocate policies that favour the migration of specific profiles to address labour shortages. Moreover, voluntary migrants are generally perceived as immediate contributors to the economy, paying taxes and filling jobs. In contrast, FDPs might be seen as a burden due to the immediate need for humanitarian assistance or demand of social services, and with a longer timeline for economic contribution, making FDPs less attractive to economic groups focused on short-term gains.

Nevertheless, it is possible that business groups play a greater role in wealthier economies of the Global North, where they have established channels of influence with policy-makers due to the prevalence of voluntary migration in this context, greater demand for labour supply or more ageing populations. Future studies should address whether the limited influence of economic groups is a characteristic feature of low- and middle-income economies.

Despite the absence of pressure from these groups, bureaucrats participating in policy-making, when conducting cost-benefit analyses, do consider the economic impacts that FDPs can have on economic sectors within the country and the implications of different FDP policies, including medium- and long-term gains.

## **7.6. Concluding Remarks**

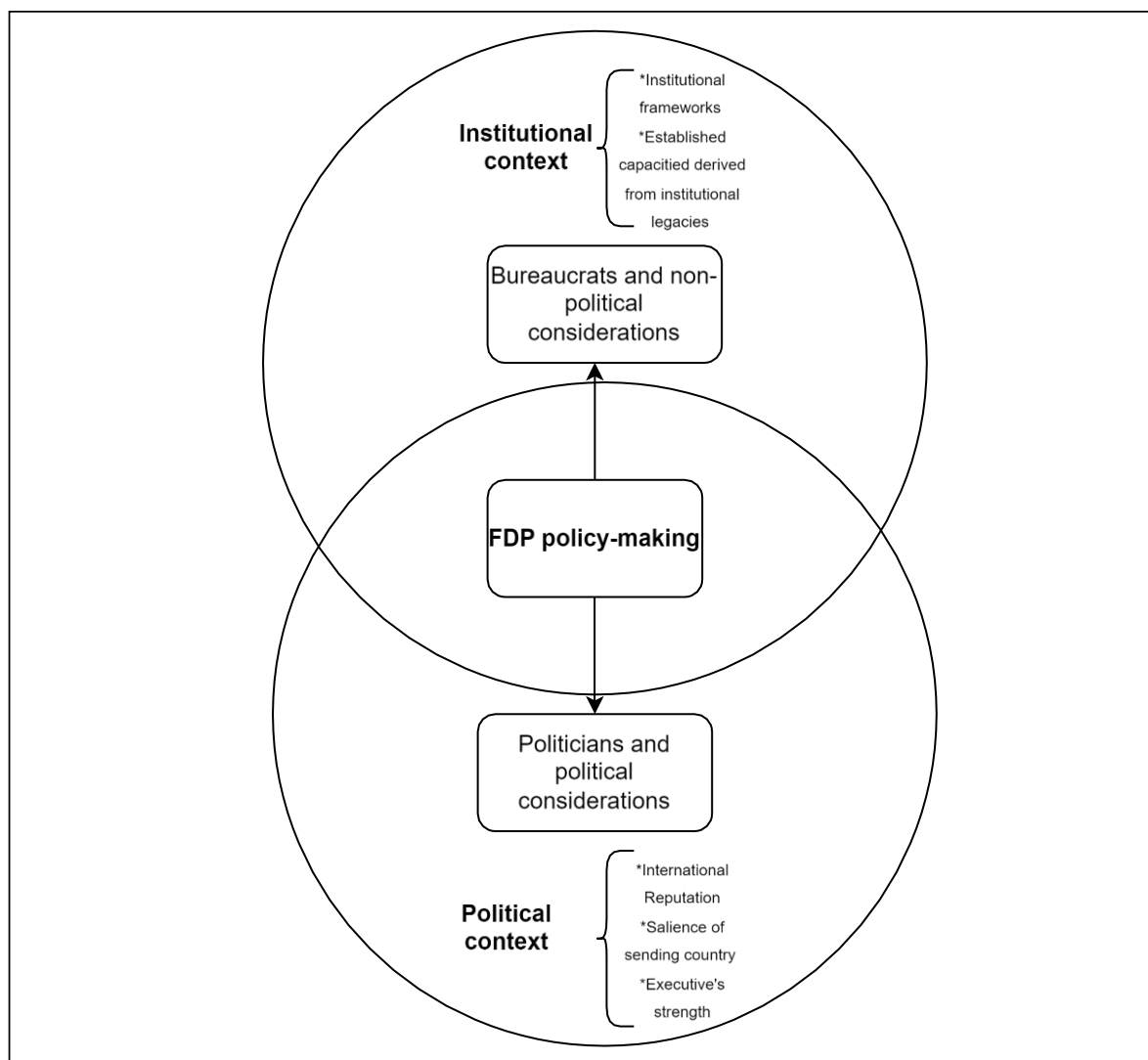
My research emphasises the important role of policy-making, including the diverse array of considerations (non-political, political, of foreign and domestic policy) and policy-makers (bureaucrats or politicians of foreign affairs or domestic policy) in shaping the nature of the decisions. Simultaneously, it recognises the significant influence of the political and institutional contexts in moulding policy-making. It implies that the executive branch of government wields agency regarding FDP policy, albeit within the confines



of specific contexts that shape their preferences and capacities. By scrutinising policy-making and the context surrounding it, it becomes possible to uncover the interplay of various determinants considered relevant by the existing literature and identify new ones, discerning the mechanisms by which each of the determinants operates. It also illustrates the positions of various actors within the executive, demonstrating that it is not a unified entity and that its decisions result from the competing perspectives of the authorities responsible for migration.

The following figure represents the impact of institutional and political contexts in shaping policy-making.

**Figure 20: The Role of Institutional and Political Contexts in the Nature of Policy-Making**



Source: own data

Thus, it confirms theoretical assumptions regarding the impact of the relation between domestic security concerns, relations between the receiving and sending countries, the engagement with the international community and previous institutional frameworks in FDP policy. However, the overarching assumption throughout this thesis is that the variables under discussion do not operate deterministically, but rather as contributing factors, interacting with one another to shape diverse outcomes. Moreover, it reveals the role of certain variables that have been neglected in the existing literature, such as the influence of bureaucrats and non-political considerations, including informed cost-benefit analyses, enabled by established capacities derived from institutional legacies.

My research contributes data beyond the bias of the existing literature towards Northern countries and the Middle East, showing that certain determinants are less salient in Latin America or operate differently. In contrast to the Middle East, where determinants are often linked to the characteristics of the regime, in Latin America, they are typically associated with features and circumstances of the executive in power. Security concerns that shape restrictions also vary significantly, with a focus on perceived rising crime rates and an absence of symbolic threats. Additionally, certain determinants that typically play an important role in other contexts, such as ethnic affinity or business interests, are not that prominent in explaining the diversity of responses to FDPs in Latin America.

Thus, it contributes to deconstructing the artificial North-South divide by highlighting the factors shaping the nature of policies, which may be present in contexts beyond Latin America, such as weakened separation of powers or the executive's lack of political support. This suggests that its conclusions can be extended beyond the Latin American region and even beyond Southern contexts. Moreover, it challenges certain assumptions attributed to the Global South: first, the idea that Southern countries are passive agents merely subject to external determinants; second, the weakness of their institutions to deal with external shocks (as exemplified by the case of Colombia); third, the irrelevance of social demands and domestic politics in shaping responses (as illustrated by the case of Peru). Most of the characteristics shaping divergent policies can be present across different contexts both in the Global South and North. Indeed, the influence of policy-making transcends geographical boundaries and should be examined across various regions.

# CHAPTER 8. Empirical, Theoretical, Policy, Research Implications

## 8.1. Introduction

This research illustrates how two countries can respond very differently to a similar phenomenon despite sharing important similarities, including political and economic systems, history of migration, and the nature of the relations with the sending country. The Venezuelan exodus, involving nearly 8 million people mostly fleeing to neighbouring Latin American countries, was met with different approaches by its two main recipients, Colombia and Peru. Colombia adopted increasingly liberal policies, culminating in the issuance of a ten-year temporary permit, the ETPV, with unprecedented rights in a context of high numbers (more than 1.7 million FDPs) (R4V, 2023). Conversely, after the adoption of a generous response including an *ad hoc* stay permit in 2017, Peru imposed a Humanitarian Visa in 2019 to restrict Venezuelans' entry. This intriguing phenomenon, marked by the divergent responses and the unique case of Colombia, forms the central puzzle that my thesis has attempted to solve, integrating explanatory-outcome process-tracing and a comparative analysis employing multiple data sources.

This final chapter is structured as follows: first, I summarise the results from the process-tracing and comparative analysis. Next, I highlight the empirical, theoretical, and policy-making implications of this research. After discussing the study's limitations, I conclude by suggesting directions for further studies.

## 8.2. Empirical Contributions

Although previous studies have already analysed the determinants behind the evolution of FDP policies in Peru (Aron Said & Castillo Jara, 2022; Freier & Parent, 2019), my research goes a step further as it compares it with the less-known case of Colombia. Previous comparisons between Peru and Colombia (Rendon, 2020; Williams, 2023) have primarily focused on social contexts and attitudes towards FDPs in explaining policy, which, in the light of existing opinion data in the two countries, I consider less relevant. While Williams (2023) identifies certain political factors that this study finds relevant too, such as bilateral relations in Colombia and levels of xenophobia in Peru, her study does not systematically account for the reasons behind the different considerations and disregards the impact of institutional contexts as potential explanations. By unpacking policy-making processes through interviews with policy-makers – something that prior studies have

not done – my research has attempted to address these gaps, identify the diverse positions of different actors within the executive, and shed light on the differences between the two cases.

As advanced by Chapter 4, in Colombia, the policy-making process for the ETPV involved the participation of both politicians, including the President and the Vice-Minister of Multilateral Affairs, and bureaucrats within the BMO, an *ad hoc* advisory institution, Colombia Migration, the operational authority, and the High Commissioner for CONPES compliance. Operating under a broad presidential mandate of policy liberalisation, Colombian bureaucrats spearheaded the development of an unprecedentedly generous response, which they defended against detractors, and which was welcomed by the President. Conversely, in Peru, policy-making was primarily driven by politicians, notably the President, the Minister of the Interior (absent from policy-making in Colombia), and the Minister of Foreign Affairs, with limited involvement of bureaucrats from the Special Refugee Commission and the Superintendency of Migration.

Consequently, political considerations in Colombia revolved around foreign affairs, while in Peru, they focused on domestic concerns defended by the Minister of the Interior. Specifically, Colombia's liberal approach aimed to bolster its international reputation and exert pressure on the Venezuelan regime, whereas Peru's restrictive policies sought to appease societal fears regarding FDPs as potential security threats. In Colombia, domestic considerations, including business interests or the confrontation of the leftist political opposition, do not seem to have driven its liberal policy. Similarly, Peru's stance on foreign affairs with Venezuela, which remained hostile, does not seem to be the driving factor behind Peru's restrictive policy. Additionally, Colombian bureaucrats integrated non-political considerations based on informed cost-benefit analysis. Recognising that FDPs' arrival could not be easily prevented, this analysis led to the development of a regularisation mechanism beneficial to both FDPs and the host country, notably in the areas of economy and the labour market, public services and security. Amid hostile relations with Venezuela, politicians' foreign affairs considerations aligned with bureaucrats' non-political recommendations, facilitating the adoption of the ETPV. Conversely, in Peru, non-political considerations grounded on cost-benefit analysis clashed with political considerations, resulting in bureaucrats being sidelined from the process and their insights disregarded.

As advanced in Chapter 5, the nature of policy-making extends beyond the allocation of competences (previous institutional frameworks), being significantly influenced by the prevailing political context. The varying political landscapes of Colombia and Peru explain the different nature of their policy-making processes, notably the array of political considerations at play. Amidst a domestic crisis in Peru, characterised by a strong confrontation between the executive and the legislature which was the product of its political system, the priority of the Vizcarra administration was to adopt policies that resonated with domestic audiences to secure their support. In contrast, the Duque administration in Colombia, comparatively more stable but with a diminished international reputation stemming from its stance on the country's armed conflict, sought to

formulate policies aimed at restoring this damaged reputation. Moreover, the greater salience of Venezuela within Colombia's political agenda than within Peru's, marked by historical ties and the role of Venezuela in Colombia's armed conflict, further explain the importance of foreign affairs considerations in Colombia and subsequent adoption of a liberal policy to embarrass the Venezuelan regime. Although historical ties do not directly influence the nature of FDP policies, I contend, unlike Williams (2023), that they play a role in shaping the importance of Venezuela for Colombia, influencing policy-making.

In addition to political landscapes, institutional contexts are crucial for understanding policy-making processes in Colombia and Peru, as evidenced in Chapter 6. Past experiences with the armed conflict and resulting forced displacement crisis empowered Colombian bureaucrats to play a prominent role in policy-making and equipped them with capacities to develop informed cost-benefit analyses that led to the adoption of the ETPV. What I identify as *established capacities derived from institutional legacies* encompass the executive's ability to obtain and manage international aid, coordinating efforts amongst international, national and local actors, recognising the importance of identifying affected populations, studying similar foreign experiences and understanding the dynamics of the Colombian-Venezuelan border and the repercussions of border closures. Along with the contradiction between political and non-political considerations in Peru, its weaker capacities further explain the limited role played by bureaucrats in policy-making and the absence of informed cost-benefit analysis.

In the case of these Latin American countries, social contexts – although explaining the Peruvian response – appear to have less influence in accounting for the differences in policy-making, contrary to prior studies' findings (Rendon, 2020). While both Colombia and Peru faced significant societal fears and xenophobia, these factors only seem to play a role in shaping restrictions in Peru. Both countries appealed to a sense of 'brotherhood' between FDPs and native citizens, as well as between the receiving and sending countries when adopting liberal policies. Despite authorities in Peru perceiving an ethnic affinity between Venezuelans and Peruvians, this did not prevent the adoption of restrictive policies. Therefore, appeals to 'brotherhood' seem to be more like a means of justifying liberal policies rather than the driving reasons behind them.

Overall, these empirical findings show the complexity and multi-causal nature inherent in addressing research question. Through an in-depth analysis of policy-making processes in Colombia and Peru, set against the backdrop of political and institutional contexts, it becomes evident that a multitude of factors converge to shape the different nature of FDP policies.

### 8.3. Theoretical Implications

This research makes several contributions to the literature on the determinants of FDP policy (Abdelaaty, 2021; Jacobsen, 1996b; Mencütek, 2019) and informs the debates on the relevance of the prevalent South-North divide in the literature (Natter & Thiollet, 2022). Similarly, it makes a theoretical contribution to the regional literature in Latin America, an area characterised by scarce, albeit growing, explanatory studies (Fernández-Rodríguez & Freier, 2024), but less focused on FDP responses (with notable exceptions: Aron Said & Castillo Jara, 2022). In addition, it also informs an incipient literature on the role of bureaucracies in policy-making that has thus far focused on migration in the Global North (Paquet, 2020; Wakisaka, 2022).

As advanced in Chapter 4, my research acknowledges the important role of policy-making in shaping the nature of FDP policy. In doing that, it identifies two dimensions that are interconnected: the authorities involved and the considerations put forward by those authorities. Regarding authorities, my research differentiates between politicians – those politically appointed individuals who share ideological alignment with elected leaders – and bureaucrats – who are appointed based on their expertise. Within the category of politicians, it further differentiates between those belonging to governmental departments of foreign affairs – the Ministry of Foreign Affairs – and those to departments of domestic affairs – including the Ministry of the Interior. Regarding considerations, my research distinguishes between political and non-political factors. Political considerations relate to the executive's survival and are further divided into domestic and foreign affairs' considerations. Non-political considerations pertain to long-term goals and may include informed cost-benefit analyses.

Therefore, it attributes political considerations to politicians and non-political considerations, namely informed cost-benefit analysis, to bureaucrats. Additionally, it assigns foreign affairs-related political considerations to the members of the Ministries of Foreign Affairs, and domestic political considerations to politicians within the Ministry of the Interior. While highlighting the relevance of the distinction between bureaucrats and politicians and specifying the type of political considerations each of the departments puts forward, my findings align with the literature on bureaucracies suggesting that the allocation of responsibilities has an impact on FDP policy (Jacobsen, 1996b; Natter, 2018). Furthermore, this research associates the role of knowledge with liberal approaches, an aspect not previously addressed by existing literature on policy determinants.

By unpacking policy-making in Chapter 4, the research challenges the notion of governments as unified entities with singular preferences, revealing instead a diversity of actors with different views on FDPs within the executive, which are later reflected in policy or in its implementation. Colombia's liberal policy integrates political considerations and cost-benefit analyses across various sectors, including security, brought forward by

different authorities from diverse departments or bureaucracies, including the Ministry of Foreign Affairs, the BMO, and Colombia Migration. In contrast, Peru's Humanitarian Visa predominantly addresses domestic concerns, albeit with the opposition of certain authorities. These dissenting authorities eventually circumvented restrictions by allowing FDPs to apply for asylum at the border.

Chapters 4 and 5 corroborate some of the theoretical assumptions regarding the influence of political considerations in the nature of policy. Hostile relations with the sending country and close relations with the international community appear as linked to liberal approaches (e.g. Abdelaaty, 2021; Basok, 1990; Zolberg et al., 1989), while domestic considerations, marked by societal fears of insecurity, are connected with restrictive policies (e.g. Jacobsen, 1996; Milner, 2009; Whitaker, 2020). Those fears, however, may vary based on the characteristics of the sending country and society. In countries with prevalent issues of insecurity, ethnic affinity between the sending and receiving societies, and a precarious labour market, fears of increased crime and deteriorating labour conditions may significantly shape domestic preferences. Other domestic considerations that typically influence migration policy, such as business interests (Freeman, 1995), appear to be less relevant in forced displacement scenarios.

Unlike previous studies that view the influence of security concerns and international relations in a deterministic manner (e.g. Abdelaaty, 2021; Blair et al., 2022), this research perceives those variables (e.g. hostile relations and fears of insecurity) as contributory factors, whose influence is contingent upon their interaction with specific political and institutional contexts. This is reflected by the fact that both Colombia and Peru showed hostile relations with the sending country and rising levels of xenophobia marked by a fear of insecurity, but delivered a different response.

Regarding the political context, Chapter 5 corroborates the impact of the sending country's salience on the political agenda on the type of political considerations at play, as suggested by Zolberg et al., (1989). While the latter study implies that this salience helps de-activate foreign affairs considerations in contexts of large numbers, this thesis demonstrates that it can also work the other way around, determining that foreign affairs considerations can prevail amidst a protracted exodus. Moreover, this thesis attributes such salience to structural relations between the sending and the receiving countries – specifically to historical ties and the sending country's role in security – rather than to geostrategic alliances and ideologies emphasised by Zolberg et al., (1989). Additionally, this thesis associates a lack of international reputation with liberal policies aligned with extant studies (Blair et al., 2022a; Drewski & Gerhards, 2024; Natter, 2018; Whitaker, 2020). However, it does not restrict this lack of international reputation to authoritarian regimes, instead shifting its focus to incumbent executives within democratic systems. It attributes this lack of reputation to the executive's stances on an armed conflict and the predecessors' legacies, rather than purely to human rights violations. Finally, a

regime's vulnerability here is linked to restrictive policies that resonate with the preferences of the population. While this aligns with some research (Milner, 2009; Secen, 2021), it partially contradicts the literature attributing liberal policies to authoritarian regimes (Blair et al., 2022a; Müller-Funk et al., 2020; Natter, 2018). In contrast, it highlights how democratic limitations can make the executive more susceptible to public opinion's preference for restrictive measures.

Regarding the institutional context, Chapter 6 introduces a new determinant not yet addressed by the existing literature: established capacities derived from institutional legacies. My concept of institutional legacies departs from that of previous studies which, following path dependency theory, equate it with memories of previous FDP phenomena (Lenner, 2020; Müller-Funk et al., 2020; Skleparis, 2017). Instead, I conceptualise institutional legacy as the historical roots of established capacities. In addition, I define established capacities as the practical abilities that aid the government in responding to emergencies – not necessarily limited to forced displacement scenarios – differentiating those from material capacities to host a high number of FDPs, also considered a determinant in the literature (Basok, 1990; Jacobsen, 1996; Neumayer, 2005; Whitaker, 2020; Yoo & Koo, 2014). These legacies do not shape policy-makers' or states' views of FDPs but rather enhance their abilities to make informed decisions. Instead of directly influencing the nature of policy, I therefore posit that these capacities contribute to empowering bureaucrats in policy-making and enable informed cost-benefit analysis, resulting in liberal policies.

Beyond the theoretical implications regarding the literature on the determinants, Chapters 4 and 6 demonstrate the influence of bureaucrats in policy-making, not just policy implementation (Paquet, 2020; Wakisaka, 2022) and in treatment of FDPs beyond just migration policy. This influence, however, partially depends on the alignment between bureaucratic and political preferences. Additionally, unlike Wakisaka's (2022) study, which highlighted bureaucrats' conservative approaches, this research shows that bureaucrats can adopt innovative approaches to policy-making. This shift is often linked to the opportunity that forced displacement provides for states to reallocate competencies based on expertise, forming a *parallel bureaucracy* as identified by Zuvanic & Iacoviello (2011) for Latin America, based on political appointments determined by expertise. My research offers a real example of how politically appointed bureaucracies, such as the BMO or Colombia Migration, can maintain neutrality and incorporate cost-benefit analysis in policy-making regarding FDPs. Lastly, my research identifies conditions under which bureaucrats can apply these cost-benefit analyses, reflecting established capacities derived from previous emergencies.

Several of these conclusions help deconstruct the prevailing North-South divide in the literature by challenging common assumptions attributed to Southern cases (Natter & Thiollet, 2022). Firstly, politicians and bureaucrats in Latin American countries have the agency to choose the type of FDP policies that they desire,



even when these do not reflect the preferences of international actors – although this agency is influenced by their institutional and political situation. For example, Peru disregarded international aid recommendations when adopting its policy. The preferences of Latin American countries serve instead as an asset that states can leverage to enhance their international reputation, as evidenced by the case of Colombia. Secondly, states do not always exhibit weak institutions or bureaucracies that merely reflect political interests; previous experiences with emergencies, such as armed conflicts, can reinforce their institutional capacities to deal with emergencies, as exemplified by Colombia. Thirdly, amongst countries within the Global South, there are considerable differences in the extent of democracy, and the case of Peru shows that public opinion can also matter in a Southern country when it comes to the adoption of FDP policies.

Further deconstructing the North-South divide, the Latin American cases under study share important similarities with contexts in the Global North: the role of the relations with the sending country, the impact of certain bureaucratic structures in policy-making, or, as noted before, the role of public opinion in shaping responses (Moorthy & Brathwaite, 2019; Salehyan & Rosenblum, 2008; Teitelbaum, 1984; Zolberg et al., 1989). At the same time, they also show differences compared to contexts in the Middle East or Africa even though these also belong to the Global South, regarding the relevance of ethnic affinity in shaping different responses, countries' dependency vis-à-vis international aid, or the type of fears lying behind restrictive responses (Abdelaaty, 2021; Blair et al., 2022a; Milner, 2009). While the North-South divide may still be useful for certain explanations – such as the impact of business groups – it is more important to examine the specific countries' characteristics shaping those dynamics rather than relying on that heuristic.

#### **8.4. Policy-making Recommendations**

My research focuses on policy-making processes and the institutional and political context behind them. An exhaustive analysis of the efficacy of FDP policies falls therefore beyond the scope of this study. However, by providing such analysis and some insights into the effects of policies (e.g. regulation rates, the realisation of aims), I am able to derive several political recommendations to inform future FDP policy-making processes in Latin American countries and elsewhere.

*Recommendation 1: Operational and policy-making responsibilities should be integrated within a single ministry other than interior or defence.*

Governments should consider allocating operational and policy-making responsibilities within the same state department. In this regard, Colombia provides a positive example of this institutional framework.

On the one hand, it reduces turf battles between those making and those executing policies, so that policy-making is more efficient. On the other, it facilitates the information exchange between authorities who have first-hand expertise with FDPs and those who are responsible for policy-making. Since migration is an international phenomenon, departments from the Ministry of Foreign Affairs are more suitable for dealing with FDPs than, for instance, the Ministry of the Interior or the Ministry of Defence. Those ministries tend to promote security-based approaches, usually equating FDPs with security concerns, that are not easily compatible with migrants' rights, nor are they beneficial for the receiving country. While security considerations are important, they should not dominate the entire policy-making process, as FDPs have limited impact on security issues (Bahar et al., 2020) and they have other impacts that should be likewise considered (e.g. in the economy, on migrants' rights). Finally, the Ministry of Foreign Affairs is better equipped to take advantage of the resources from the international community, crucial in this type of emergencies. Other ministries, including ministries responsible for minority protection or for social services can be also well equipped for dealing with FDP policy.

*Recommendation 2: Trained bureaucrats and non-political considerations should be incorporated into FDP policy-making.*

Although political considerations have to be considered to some extent in policy-making, forced displacement concerns people with human rights and has important impacts on the receiving country and its society that policy should also consider. Policy-makers should prioritise evidence-based approaches, including conducting thorough cost-benefit analysis. Specifically, those analyses should include a description of the FDP population, its impact and the potential effects of different policy alternatives on FDPs' rights (legal field), service provision, the labour market and economic growth (economic field), and security. The incorporation of bureaucrats with long-term approaches, well trained in the field or in related fields, with knowledge of other contexts or international networks, and/or with first-hand experience with the phenomenon should contribute to the development of informed analysis, as the case of Colombia shows. The skill-set of the selected bureaucrats is crucial, as not all bureaucrats possess the required abilities. For instance, most of the Directors of Consular Affairs in Colombia and Peru responsible for immigration policy-making were diplomats without any expertise in immigration. Moreover, appointing department heads that are committed to knowledge is important to guarantee that policy-makers are not influenced by third interests but rather conduct appropriate research or exploit relevant knowledge.

*Recommendation 3: Governments should engage with international aid.*

Relying on the international community is crucial when the countries lack experience of dealing with the challenges associated with forced displacement and when the large number of people and the protracted

nature of the phenomenon overburden countries' capacities. By fostering partnerships and collaborations with international actors, including humanitarian organisations and donor countries, states can bolster their efforts to address forced displacement. These collaborations can contribute to strengthening institutions that deal with the phenomenon, with potential positive effects extending beyond the specific exodus. Furthermore, states can also leverage the expertise and resources to complement domestic efforts in developing informed cost-benefit analysis behind policy-making.

*Recommendation 4: Coordination between state sectors and governance levels should be improved.*

The multilevel and multisectoral nature of forced displacement, as well as its sudden character, requires coordination between all affected stakeholders. Establishing a centralised advisory board attached to the presidential level can significantly enhance the coordination and level of informed discourse in policy-making, as the case of the BMO in Colombia shows. Such an advisory board should have the following capacities: a) accounting for the needs of national departments concerned with various impacts of migration, including economy, human rights, public service, and security, and consider them during policy-making; b) facilitating the collaboration amongst different levels of government – national, local, and international – concerned with migration, including in information exchange, policy implementation etc.; c) leveraging expertise from all relevant sectors to inform policy-making and ensure a comprehensive approach. In achieving these aims, this model ensures that policies are responsive to the complex realities of forced displacement, while being well coordinated, minimising bureaucratic conflict and attaining an efficient allocation of resources.

*Recommendation 5: Governments should build on institutional legacies.*

While a crisis involving FDPs presents unique challenges, it also shares certain traits with other types of emergencies involving humanitarian crisis. For instance, forced displacement like natural disasters, public health crises or internal conflicts often occurs suddenly and has far-reaching impacts across multiple sectors. In countries where authorities lack direct experience with forced displacement but have confronted other emergencies (and, considering the COVID-19 pandemic, all countries have), policymakers can draw on those, if pertinent, to inform policy-making or rely on existing institutions established to deal with those phenomena to respond to the exodus. For instance, the Colombian government resorted to the Unified Command Post, which originated to deal with natural disasters, to provide an initial response to the exodus and assess needs at the border.

*Recommendation 6: They should invest in border management and registration systems.*

Border management and registration systems have proven invaluable for conducting informed cost-benefit analysis in policy-making. A comprehensive understanding of border dynamics is crucial for predicting the effects of FDP policies on flows, facilitating more informed policy-making. Furthermore, robust border management and registration systems enable the state to assess arrival conditions and FDPs' characteristics, notably their health, skills and needs. This, in turn, allows more efficient allocation of state resources and addressing of their potential impacts on FDP policies. For instance, when dealing with children, states should prioritise investments in education services to uphold children's rights and prevent overburdening existing services. Early investment in these capacities is essential, as crises prompting forced displacement rarely resolve quickly and can become more acute over time. These capacities not only inform FDP policy-making but also enhance preparedness for future emergencies across other policy domains. Furthermore, these capabilities can be leveraged to improve outreach and service provision to all populations, especially those in often-neglected border regions.

*Recommendation 7: Foreign experiences should be studied.*

In addition to drawing on previous experiences dealing with emergencies, policymakers, faced with an unprecedented forced displacement crisis, should seek insights from other countries that have dealt with these kinds of phenomena before, in order to explore different policy alternatives and their potential effects. The more similar the circumstances of the foreign country, the more relevant these experiences become for informing policy-making. Facilitating exchanges of experiences and fostering international networks between authorities in different countries can offer mutual learning opportunities and enhance the reputation of the state in question, as evidenced by the Colombian case, which emerged as an international example.

*Recommendation 8: The root causes of political considerations should be addressed.*

Domestic and foreign affairs considerations always play a role in policy-making, as they contribute to the executive's survival. Those considerations enable states to align with democratic principles and international consensuses. When these considerations contradict non-political, evidence-based ones, it is essential to find alternative policies that can achieve political goals without compromising the effectiveness of FDP policy.

When domestic concerns call for restrictive measures but evidence shows that these measures are uninformed or go against migrants' rights and well-being, governments should address domestic concerns in a different way. If concerns are grounded on perceived societal fears, which do not correspond to real impacts, governments should conduct policies aiming at reducing prejudices, including awareness-raising campaigns,

facilitation of shared leisure spaces between migrants and natives and similar measures. For this purpose, it is important to rely on existing studies specifying the strategies that combat prejudice (e.g. Beelmann & Lutterbach, 2020). If societal fears are somewhat rooted in real impacts, governments could adopt broader policies to mitigate those impacts. For instance, to address FDPs' real impact on the labour market and security, governments could reduce incentives for labour informality in general or enhance security systems, respectively. From this perspective, FDPs can constitute an opportunity for the state to address prevailing societal issues.

Partly related to this is the fact that, in order to be able to prioritise non-political considerations and foster evidence-based policy making, states must address the underlying political factors that pose a challenge to such approaches, specifically regime vulnerability and political instability. Those elements, particularly in the Latin American context, can be addressed by establishing adequate systems of checks and balances (redefining or eliminating existing mechanisms that undermine stability), disincentivising practices of corruption and clientelism, strengthening political parties' structures, and improving social trust in the system.

*Recommendation 9: Solutions should be durable.*

To date, the executives under study have predominantly relied on decrees or temporary measures to establish their FDP policies. Decrees are issued by the executive authority without the need for legislative approval. Therefore, they lack the stability of the law, as they can be repealed or modified by subsequent executives. Given the varying approaches of different governments to the issue of FDPs, evidenced in the change of policies across time in Peru and Colombia, it is important to provide these policies with a more permanent nature by enacting them into laws. This would safeguard them from arbitrary changes with shifts in executive leadership. This is especially important when these measures are grounded in informed cost-benefit analysis and aimed at achieving long-term objectives. By institutionalising FDP policies through legislation, governments can provide greater certainty and stability to both FDPs and the receiving communities, fostering an environment conducive to effective integration efforts. Moreover, legal frameworks offer mechanisms for accountability and oversight, ensuring that policy decisions and implementations remain aligned with established goals and principles even amidst changes in political leadership.

*Recommendation 10: Migration bureaucracies should be made more stable.*

Recognising that migration is an ongoing global phenomenon, governments should prioritise stability within migration bureaucracies. This stability is essential for incorporating comprehensive cost-benefit analyses that extend beyond immediate political considerations. Such analyses require accumulated experience, which is developed over time. While politically appointed bureaucrats can possess valuable insights and promote innovative approaches, a lack of continuity can hinder the implementation of durable solutions. Ensuring that

migration agencies keep experienced personnel will foster a deeper understanding of the complexities of migration and facilitate more effective policy-making and implementation over the long term.

## **8.5. Limitations of the Research**

### ***8.5.1. Methodological and Data Limitations***

My research followed a partially inductive approach, which meant that certain questions and themes emerged during the research process that were not initially envisioned. For instance, during fieldwork for the Colombian case, many important aspects regarding institutional capacities emerged after the interviews for Peru had already been conducted. Consequently, these topics were not addressed in the interviews with Peruvian elites. Although I supplemented these information gaps with additional interviews, this led to a slight imbalance between the data for one case and for the other in those topics. Moreover, it is important to highlight the relevant differences between the two cases, particularly regarding the absence of certain elements in one case that were present in the other. Demonstrating the absence of something is generally more challenging than demonstrating its presence.

The use of multiple databases significantly enriched the research and enhanced the understanding of the cases' complexity. However, it also involved using data that was not always comparable, posing significant challenges during the analysis phase. For instance, parliamentary debates for Colombia include detailed acts from the Commissions, whereas similarly comprehensive records were not available for Peru, making comparisons on the degree of politicisation difficult. Additionally, several Peruvian organisations gathered public opinion data on perceptions towards migrants that were not available in the same detail for Colombia. To compare perceptions, I combined survey data from different sources, which provided an idea of social receptiveness in both contexts, but was not directly comparable. However, these limitations do not diminish the study's conclusions that societal perceptions – although explaining Peru's Humanitarian Visa – cannot account for the differences between the cases, as it is clear that in both countries negative perceptions outweighed positive ones.

In Peru, accessing higher authorities posed significant challenges due to both the online nature of fieldwork and the restrictive nature of measures involved, which contrasted with Colombia's liberal approach. These gaps in sources were consistently supplemented with interviews conducted with individuals closely connected to those high-ranking authorities and knowledgeable about their motivations, such as vice-ministers instead of ministers. A deeper understanding of the context, achieved through thorough analysis of interviewees and supporting materials, revealed contradictions and helped overcome these limitations.

Unpacking the rationale behind decisions was a challenge in both cases, as authorities in both Peru and Colombia sometimes avoided explicitly stating political reasons behind FDP policies. In the case of Peru, uncovering these motives was relatively straightforward, as the stated reasons for restrictive measures – usually the negative impacts of FDPs – could be easily contrasted against available data, which contradicted them, and the disregard of existing data in favour of political considerations was acknowledged by lower-ranking officials. Conversely, in Colombia, determining the extent to which humanitarian reasons drove its liberal policy was more complex. While my study does not deny that these reasons may have played a role, it questions that those explain the differences between the two cases.

### ***8.5.2. Scope Limitations***

#### *Timeframe and Geographical Scope*

The different timeframes under analysis may limit the control for certain variables regarding the context that could be relevant. For instance, while the Humanitarian Visa was adopted before the COVID-19 pandemic, the ETPV was adopted after. Nevertheless, even after the pandemic, Peru did not follow the same trajectory as Colombia, but instead tended towards more restrictions, as evidenced by the subsequent militarisation of the borders in the following years and by the recent enactment of the valid passport requirement and eliminations of visa exemptions (via Res. 121-2024-Migration).

While the geographical scope of the study, encompassing cases such as Colombia and Peru, enhances the comparative analysis, it also introduces certain limitations. The similarities across key variables, such as the nature of the relations with the sending country (friendly or unfriendly), restrict the ability to fully test its significance. However, this aspect also constitutes a strength, enabling a deeper exploration of the nuances under which this determinant operates.

#### *Dependent Variable: FDP Policies*

The focus on policies as dependent variables also limits the conclusions of the study. This is particularly pronounced as those policies are low-ranked legal instruments such as decrees, which are weaker than laws and can be modified more easily with changes in administration. Although this is not relevant for the case of Peru, which continued along a restrictive path during subsequent administrations, it is more relevant for the case of Colombia. Under the Petro administration, Colombia shifted towards a more restrictive approach in the context of friendlier relations with Venezuela, notably in the administration's discourse. However, despite this restrictive trend, the Colombian Government did not reverse the ETPV, thus validating the continued relevance of the study.

The study's focus solely on *de jure* policies limits the examination of their actual effects on FDPs' lives or on the receiving countries. In contexts where implementation gaps are common (and in forced displacement, such scenarios are frequent (Blair et al., 2022a)), understanding policy efficacy becomes socially relevant, especially to provide robust policy recommendations. It also facilitates a more comprehensive assessment of the *efficacy* of the cost-benefit analysis carried out by policy-makers during decision-making processes.

#### *Independent Variable: Border Dynamics*

The influence of proximity between the sending and receiving countries could have further implications beyond those discussed in this thesis in the context of established capacities, leading to a deeper understanding that enables more informed cost-benefit analyses. Proximity could directly impact FDP policy, contributing to more liberal policies. This is because restrictive measures may have a lesser deterrent effect on arrivals in border countries compared to those farther away, rendering liberal policies more pragmatic. These dynamics warrant further investigation.

A final limitation pertains to the role of individual policy-makers' motivations. This study has not incorporated psychological or deeper sociological analysis to understand the underlying rationale driving each policymaker's stance on policy beyond political survival. Yet, the different approaches between different executives within a similar country suggests that individuals in power may have a strong influence in determining policy, beyond contextual elements. While the study of individual motivations may not seem to offer immediate theoretical contributions, analysing whether the decisions stem from other personal incentives (beyond political continuance), previous experiences (e.g. fostering empathy towards FDPs) or other factors are crucial to understand policy-makers' choices.

## **8.6. Avenues for future research**

This thesis suggests the need for a comprehensive and context-specific approach to understand policy-making in the face of forced displacement. Simultaneously, it advocates the use of comparative lenses, which enable the isolation of specific variables, thereby facilitating the abstraction of theory. Such an approach provides an answer to interesting empirical phenomena (empirical contributions), while testing existing theories and exploring novel avenues for future theoretical developments (theoretical contributions). Specifically, this study suggests several avenues for research that can make significant contributions to the literature on FDP policy.



Firstly, there is a need to further explore the influence of foreign affairs on FDP policy. While existing literature shows that FDP policies often align with the nature of diplomatic relations between countries – liberal in friendly relations and restrictive in unfriendly ones – or with the preferences of the international community – usually liberal – studies do not specify the reasons behind the relevance of those considerations in policy-making as compared to other type of considerations, i.e. domestic. There remains value in investigating cases where foreign affairs remain influential despite high numbers of FDPs, especially when such considerations conflict with domestic interests exerting pressures towards restrictions. These studies can shed light on the relative importance of factors identified as relevant in this study, such as historical and economic ties between the sending and receiving country, the impact of the sending country on the receiving country's security or a tarnished international reputation. The specific question to be answered will be: under what conditions do governments prioritise foreign affairs over domestic concerns in contexts of large-scale forced displacement?

The cases of Colombia and Peru were useful to deconstruct the South-North divide in the literature and identify the specific traits of the countries shaping the nature of FDP policy. Conducting more explicit comparisons that include recipient countries from both the Global South and the Global North could further contribute to this aim. Exploring the role of institutional capacities in both contexts, alongside the role of public opinion and the nature of societal fears behind domestic concerns could provide valuable insights. Additionally, investigating the influence of business interests which did not prove influential in the Colombian and Peruvian contexts might be pertinent. Such study could help discern whether business interests influence not only voluntary migration policy but also forced displacement scenarios in robust economic systems where business groups have established channels of participation in policy-making.

Extending studies on institutional frameworks could allow further testing of the theoretical assumptions suggested by this study, and by others, that remain underexplored. For instance, it would be valuable to investigate whether the nature of policy is associated with policy-makers' belonging to a specific state department as this study suggests, e.g. while members of the Ministry of the Interior promote restrictive policies, those of the Ministry of Foreign Affairs favour more liberal approaches. Understanding the reasons behind such associations – whether they stem from institutional culture, mission, specialisation, recruitment processes of department members, or influences from interest groups – is crucial. To achieve this, it is necessary to unpack policy-making processes and gain insight into the nature of those institutions. Complementing in-depth studies of policy-making with cross-comparative analyses of data bases built on prior coding of various bureaucratic traits could offer a promising approach to addressing these research questions.

Furthermore, this study highlights the importance of distinguishing between bureaucrats and politicians, as they influence policy-making differently. Are bureaucrats, as demonstrated in the case of

Colombia, primarily bringing non-political considerations based on expertise to policy-making, or are they also influenced by political considerations shaped by interest groups or by their own political views? If so, under what conditions do bureaucrats bring non-political considerations or political ones? When politicians bring non-political considerations, are these always based on expertise and informed cost benefit-analysis? Under what conditions do bureaucrats become experts? Future studies should address these questions to deepen our understanding of the dynamics between bureaucrats and politicians and the role of bureaucrats in FDP policy-making.

Along with the role of bureaucrats, the literature on FDP policy determinants has predominantly focused on political considerations, often overlooking the role of knowledge in policy-making. Is Colombia an exceptional case in its incorporation of knowledge into FDP policy-making? In this regard, it is important to determine whether knowledge is merely used to justify policies that are grounded in political reasons (legitimacy function), as Boswell (2009) contends, or whether it can *per se* drive policy, as the case of Colombia suggests.

Also, has knowledge consistently led to liberal policies, or has it, in other contexts, resulted in the adoption of restrictions? The role of knowledge here intersects with the effectiveness of different types of policy. Existing literature on the effects of policy often highlights the ineffectiveness of restrictive policies (Czaika & De Haas, 2013), but is this inefficacy observed generalisable across a variety of contexts, or is it heavily influenced by specific circumstances as (Hammoud-Gallego, 2024) suggests? Can the ineffectiveness of restrictive measures in reducing arrivals, for example, vary depending on factors such as the availability of alternative routes for FDPs or the level of proximity to their countries of origin? Moreover, the literature frequently overlooks the ineffectiveness of liberal policies both from political and non-political perspectives. From a non-political perspective, this aspect has primarily been explored in non-academic research conducted by international organisations. Building alliances between academic and non-academic researchers that have conducted this kind of research can be very fruitful, both for theory-building and for policy-making.

The role of established capacities and institutional legacies in policy-making warrants further study in other contexts. Specifically, there is value in exploring the types of established capacities that can be drawn on in other contexts (whether they are shared with the Colombian case or not) and the contexts in which they originate. This relates to whether they stem from previous experiences of forced displacement, internal forced displacement, or from other emergency situations, including natural disasters, public health crisis, or armed conflicts. Additionally, it is pertinent to analyse how these capacities influence policy-making, whether by empowering bureaucrats or certain interest groups, informing cost-benefit analysis, or directly shaping the nature of policies.

The case of Peru highlights the relevance of material fears and a fear of increasing crime in shaping a restrictive FDP policy. A comprehensive comparative study that considers the various fears shaping restrictions in different countries across various regions would be important not only to understand policies but also the root of such fears. Such a cross-regional study could help identify the elements of the context that contribute to different types of fears, including the prevalence of specific issues in the country, the material or post-material nature of receiving societies, the nature and composition of the exodus, the ethnic affinity between the sending and receiving society, and other potential questions. Understanding the conditions under which these fears are most prevalent and how they evolve over time, as numbers of FDPs grow and the phenomenon becomes protracted, would be particularly insightful. For this purpose, it would be valuable to gather comparative data through a survey conducted across multiple countries, which can be supplemented with in-depth interview data with natives from the countries under study. Similarly, focus groups can also provide useful insights into prevalent fears.

The study of Colombia also suggests that considerations regarding national security objectives can paradoxically result in liberal policy outcomes. This challenges the dichotomy that typically associates security-based approaches with restrictive policies and human rights approaches with liberal policies (D'Appollonia, 2015; García, 2016; Gattinara & Morales, 2017; Ibrahim, 2005; Mámara, 2010). Future studies could delve into how a policy can reflect different approaches that coexist in policy-making, either because they are present in a state's migration philosophy, in responsible bureaucracies or state departments, or within the individuals participating in policy-making.

In response to the research question, the evidence suggests that humanitarian reasons are used as justifications rather than being actual reasons, but future research could also revisit the impact of humanitarian reasons on shaping FDP responses. In this context, it may be interesting to evaluate the disparities between discourse and underlying motives and to analyse the different narratives that the state or the executive employ to justify policies of varying nature.

Future research should also explore the role of UNHCR and other international organisations, including IOM, in shaping FDP policy, particularly focusing on the differences between regions. Delegation of responsibilities to these organisations appears to be common practice in the Middle East (Abdelaaty, 2021), yet it is less prevalent in Latin America. Investigating the conditions under which such delegation occurs or does not occur could provide valuable insights. Additionally, examining the distinct roles that UNHCR and IOM play in responding to forced displacement in these regions will enhance our understanding of their impact on policy outcomes. As we unpack diverse views regarding FDPs within the state, it would also be valuable to explore the different perspectives that UNHCR and other international organisations contribute to policy-

making and implementation. Understanding how each organisation influences these processes can provide deeper insights into their roles and effectiveness in addressing the challenges of FDPs.

Finally, this research prompts a reassessment of the role of certain determinants deemed important, such as regimes, and suggests shifting the focus towards the executive. In this context, comparing FDP policies of different administrations facing the same phenomenon within a country becomes promising. Such temporal analysis not only helps disentangle the role of specific characteristics attributed to executives but also allows control for certain variables that remain constant within a given country across time, such as proximity with the sending country or ethnic affinity between the sending and receiving societies. The study of certain forced displacement scenarios in the Latin American region which remain unexplored, such as the Nicaraguan exodus to Costa Rica or the Colombian exodus to Venezuela and Ecuador in the past (Fernández-Rodríguez & Freier, 2024), could be fertile grounds for both empirical and theoretical contributions in this regard.

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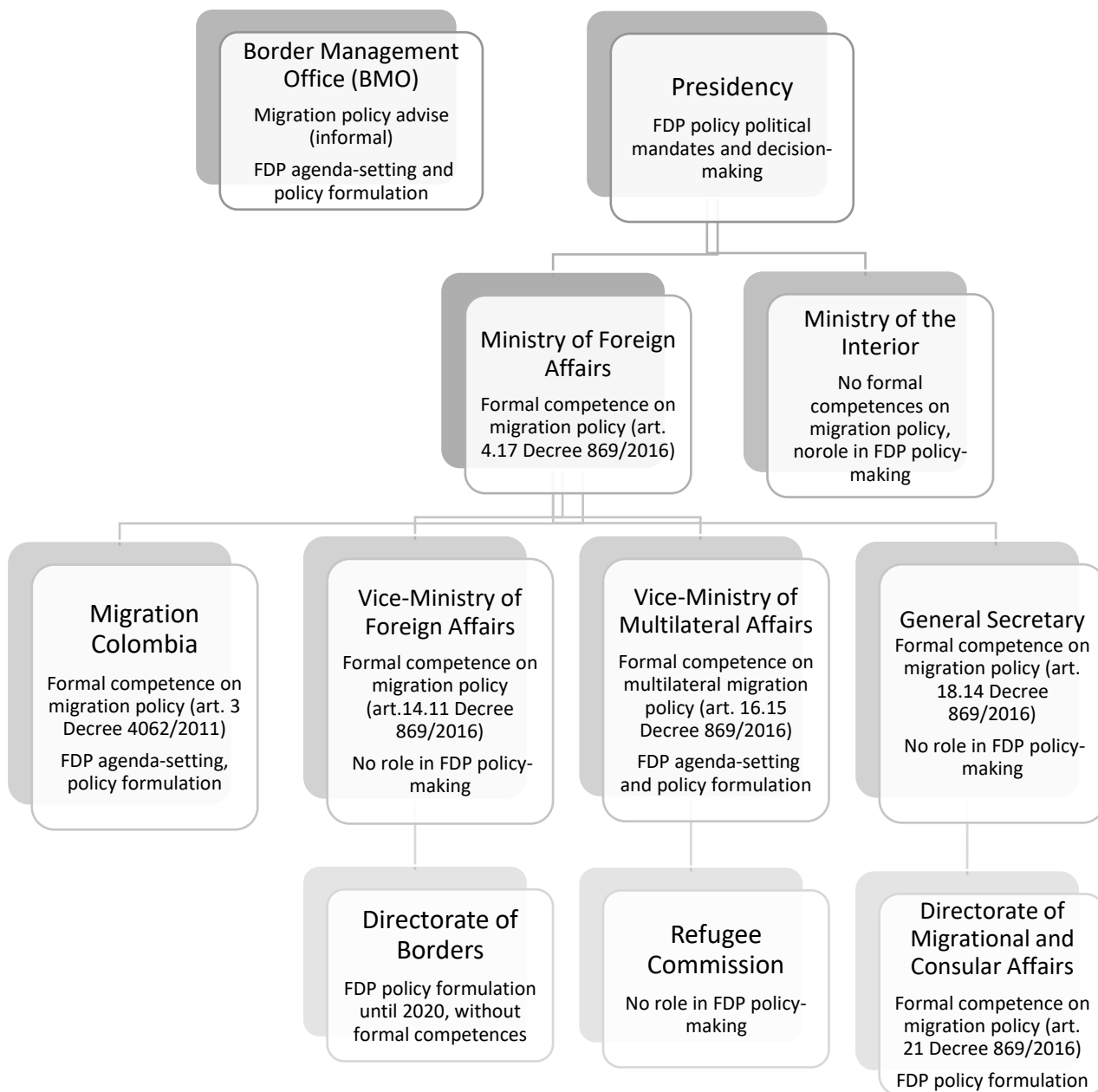
## **Annexes**

**ANNEX 1. Executives of Colombia and Peru under the respective Periods  
under Study**

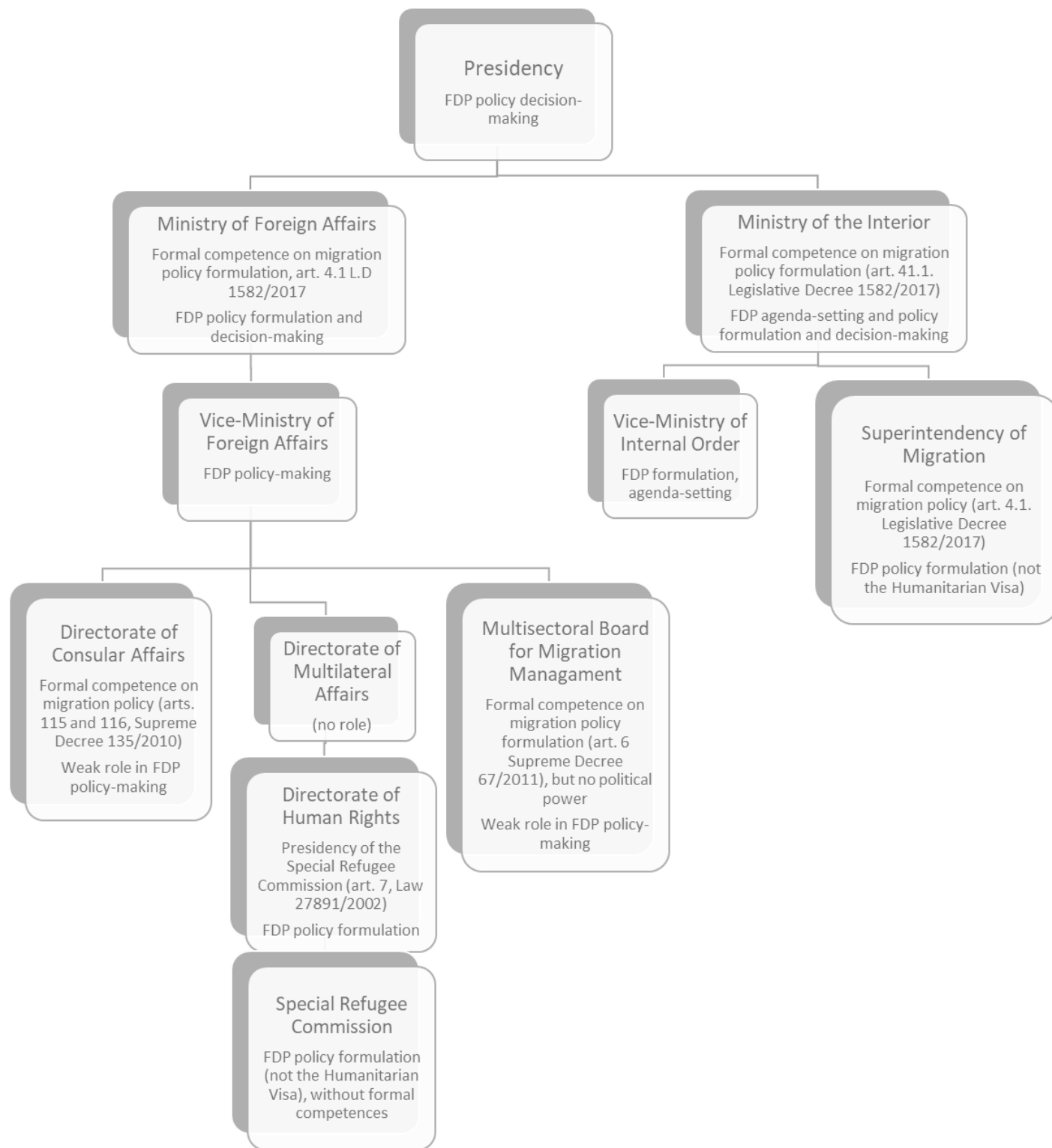
	President	Legislature (s)	Political ideology/party affiliation	Political agenda	Relations with Maduro's regime
<b>COLOMBIA</b>	<i>Juan Manuel Santos</i>	<i>August 2010–August 2014</i> <i>August 2014–August 2018</i>  He won 2014 presidential elections against Óscar Zuluaga, candidate of Centro Democrático (led by former President Álvaro Uribe's party).	<i>Liberal, affiliated to U Party.</i>  The U party was created by former President Álvaro Uribe, with whom he broke relations due to their disagreements regarding their different approach to the armed conflict (Uribe against negotiations; Santos in favour).	Signing of the peace agreement with the FARC	<i>Firstly friendly, then tense (after 2015) and finally confrontational</i> but less than other governments due to Venezuela's accompanying role during peace negotiations.
	<i>Iván Duque</i>	<i>August 2018–August 2022</i>  He won elections against left-wing candidate and current president, Gustavo Petro.	Right-wing, conservative, affiliated to Centro Democrático	Confrontation of the Venezuelan regime  Implementation of the peace agreement with the FARC (with skepticism)	<i>Increasingly and highly confrontational</i>
<b>PERU</b>	<i>Pedro Pablo Kuczynski</i>	<i>July 2016–March 2018</i>  He won the election against Keiko Fujimori, the daughter of former right-wing dictator Alberto Fujimori, and had to step down amidst corruption allegations related to <i>Lava Jato</i> (a major corruption investigation originating in Brazil, 2014).	<i>Liberal, created the PPK party</i> (with the initials of his name)	Confrontation with the Venezuelan regime  Tense relations with the Congress (with a Fujimorist majority)	<i>Very confrontational</i> , reflected in the establishment of the Lima Group (a multilateral instance constituted by Latin American executives to find a peaceful solution to the crisis in Venezuela)
	<i>Martín Vizcarra</i>	<i>March 2018–November 2020</i>  He assumed the presidency as Kuczynski's Vice-President (instead of as an elected President) and left office after the Congress successfully declared the presidency vacant.	<i>Liberal, no party affiliation</i> and later distanced himself from the members of the PPK party	Confrontational relations with the Congress (first with a Fujimorist majority, then highly fragmented)	<i>Confrontational</i> (but less vocal than Kuczynski)

**ANNEX 2. Organigrams of Migration Bureaucracies in Colombia and Peru**

Organigram of migration authorities in Colombia



Organigram of Migration Authorities in Peru



### *ANNEX 3. Overview of the Interviews*

#### Overview of the interviewees for Colombia

Name of the interviewee	Office	Type of interviewee	Site and date of the interview
<b>Ronal Rodríguez</b>	<ul style="list-style-type: none"> <li>Professor and researcher of the Venezuela Observatory at Rosario University (January 2011–present)</li> </ul>	Expert	Online, 12 September 2022
<b>Andrés Segura</b>	<ul style="list-style-type: none"> <li>BMO officer of communication and relations (January 2020–February 2021)</li> </ul>	Policy-maker	Online, 9 September 2022
<b>Liliana Suárez</b>	<ul style="list-style-type: none"> <li>GiZ officer on migration and forcibly displaced people (April 2016–present)</li> </ul>	Expert/international aid	Cúcuta, 10 October 2022
<b>Lucas Gómez</b>	<ul style="list-style-type: none"> <li>Head of the BMO (October 2020–August 2022)</li> </ul>	Policy-maker	Bogotá, 21 November 2022
<b>Nicolás Mantilla</b>	<ul style="list-style-type: none"> <li>BMO officer for children’s rights (January 2021–January 2023)</li> </ul>	Policy-maker	Online, 22 November 2022
<b>Manuel López</b>	<ul style="list-style-type: none"> <li>Migration officer in the Education Secretary of the Mayoralty of Cúcuta (October 2020–July 2022)</li> <li>International aid officer of the Mayoralty of Cúcuta (July 2022–October 2023)</li> </ul>	Expert/international aid/local authorities	Cúcuta, 8 November 2022
<b>Alejandro Anaya</b>	<ul style="list-style-type: none"> <li>Officer for migrant children at the Ministry of Education (January 2019–June 2024)</li> </ul>	Policy-maker	Online, 16 November 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>Borders advisor in Regional Government of La Guajira</li> </ul>	Expert	Uribia, 20 October 2022
<b>Emerson Meneses</b>	<ul style="list-style-type: none"> <li>Member of the Assembly of Norte de Santander for the Conservative Party (January 2020–January 2023)</li> </ul>	Expert/local authorities	Cúcuta, 25 October 2022
<b>Jozef Merckx</b>	<ul style="list-style-type: none"> <li>UNHCR Representative in Colombia (October 2016–February 2022)</li> </ul>	Expert/international aid	Online, 27 October 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>IOM officer</li> </ul>	Expert/international aid	Online, 26 October 2022
<b>Nataly Contreras</b>	<ul style="list-style-type: none"> <li>Advisor for migration matters at USAID (August 2020–November 2021)</li> <li>BMO regional officer (Norte de Santander) (October 2021–October 2022)</li> </ul>	Policy-maker/international aid	Online, 14 October 2022
<b>Dayron Castro</b>	<ul style="list-style-type: none"> <li>Unicef coordinator for Norte de Santander (January 2018–present)</li> </ul>	Expert/international aid	Cúcuta, 14 October 2022
<b>Ana María Moreno</b>	<ul style="list-style-type: none"> <li>Legal officer in the Ministry of Foreign Affairs for migration matters (September 2015–January 2020)</li> <li>BMO legal officer (January 2020–December 2022)</li> </ul>	Policy-maker	Bogotá, 25 November 2022

<b>Carolina Bernal</b>	<ul style="list-style-type: none"> <li>• Coordinator of interinstitutional and international relations of the Mayorality of Cúcuta (February 2015–March 2020)</li> <li>• Coordinator of refugees and migration of the Mayorality of Cúcuta (March 2020–June 2022)</li> <li>• Specialist in Economic Inclusion at USAID (Cúcuta) (June 2022–present)</li> </ul>	Expert/International aid/local authorities	Online, 23 November 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Officer of the Ministry of Foreign Affairs (2012–present)</li> </ul>	Policy-maker	Bogotá, 29 November 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• BMO officer</li> </ul>	Policy-maker	Online, 5 December 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Member of the Venezuelan opposition in Colombia</li> </ul>	Expert/Venezuelan opposition	Online, 12 December 2022
<b>Carlos Socha</b>	<ul style="list-style-type: none"> <li>• Mayor of Villa del Rosario (city at the Colombian-Venezuelan border) (2012–2015 and 2022–2023)</li> </ul>	Policy-maker	Villa del Rosario, 13 December 2022
<b>Felipe Muñoz</b>	<ul style="list-style-type: none"> <li>• Head of the BMO (March 2018–July 2020)</li> </ul>	Policy-maker	Online, 19 December 2022
<b>Andrés Herrera</b>	<ul style="list-style-type: none"> <li>• Officer of <i>Intégrate</i> centre (for Venezuelan migrants and refugees) in Cúcuta (April 2022–present)</li> </ul>	Expert	Cúcuta, 21 December 2022
<b>Victor Bautista</b>	<ul style="list-style-type: none"> <li>• Director of Borders (Ministry of Foreign Affairs) (November 2015 –January 2020)</li> <li>• Secretary of Borders of Norte de Santander (January 2020–February 2023)</li> </ul>	Policy-maker	Cúcuta, 21 December 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• IOM officer</li> </ul>	Expert / international aid	Cúcuta, 22 December 2022
<b>Adriana Mejía</b>	<ul style="list-style-type: none"> <li>• Vice-Minister of Multilateral Affairs (Ministry of Foreign Affairs) (September 2018 – June 2021)</li> </ul>	Policy-maker	Online, 28 December 2022
<b>Christian Krüger</b>	<ul style="list-style-type: none"> <li>• Director of Colombia Migration (January 2015–December 2019)</li> </ul>	Policy-maker	Bogotá, 11 January 2023
<b>Margarita Manjarrez</b>	<ul style="list-style-type: none"> <li>• Director of Consular and Migration Affairs (Ministry of Foreign Affairs) (August 2018–February 2020)</li> </ul>	Policy-maker	Online, 24 January 2023
<b>Txomin Las Heras</b>	<ul style="list-style-type: none"> <li>• Venezuelan journalist in Colombia</li> <li>• Manager of Institutional Communications and Head of Information at the Central Bank of Venezuela (January 2003–January 2013)</li> <li>• Researcher of the Venezuela Observatory at Rosario University (January 2018–present)</li> </ul>	Expert/Journalist	Bogotá, 13 January 2023
<b>Guadalupe Arbeláez</b>	<ul style="list-style-type: none"> <li>• Colombia Migration legal officer (February 2017–September 2022)</li> </ul>	Policy-maker	Bogotá, 17 January 2023

<b>Iván Gaitán</b>	<ul style="list-style-type: none"> <li>• Advisor for migration matters at UNWFP and Unicef (December 2020–February 2022)</li> <li>• Advisor for migration affairs at the Mayor’s Office of Bogotá (February 2022–2024)</li> </ul>	Expert/international aid/local authorities	Bogotá, 20 February 2023
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Journalist of a Colombian newspaper</li> </ul>	Expert/journalist	Online, 18 January 2023
<b>María Ángela Holguín</b>	<ul style="list-style-type: none"> <li>• Minister of Foreign Affairs (August 2010–2018)</li> </ul>	Policy-maker	Bogotá, 24 January 2023
<b>Iván Duque</b>	<ul style="list-style-type: none"> <li>• President of Colombia (August 2018–2022)</li> </ul>	Policy-maker	Bogotá, 2 February 2023
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Member of the GIFMM in Cúcuta</li> </ul>	Expert/international aid	Bogotá, 12 February 2023
<b>Alejandra Botero</b>	<ul style="list-style-type: none"> <li>• High Commissioner for CONPES compliance (August 2018–August 2021)</li> </ul>	Policy-maker	Bogotá, 9 February 2023
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• UNHCR officer in Colombia</li> </ul>	Expert/International aid	Online, 8 February 2023
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Journalist of a Colombian newspaper</li> </ul>	Expert/Journalist	Online, 14 February 2023
<b>Juan Camilo González</b>	<ul style="list-style-type: none"> <li>• Planning officer of Colombia Migration (September 2016–September 2021)</li> <li>• Officer of USAID for migration matters (October 2021–present)</li> </ul>	Policy-maker/international aid	Bogotá, 17 January 2023
<b>Humberto Velásquez</b>	<ul style="list-style-type: none"> <li>• Subdirector of Migration Control at Colombia Migration (August 2013–February 2023)</li> </ul>	Policy-maker	Bogotá, 21 January 2023
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• UNHCR officer</li> </ul>	Expert/international aid	Online, 22 December 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Officer of the Mayoralty Cúcuta</li> </ul>	Expert/local authorities	Cúcuta, 26 December 2022

#### Overview of the interviewees for Peru

Name of the interviewee	Office	Type of interviewee	Site and date of the interview
<b>María Olave</b>	<ul style="list-style-type: none"> <li>• LIO officer (June 2001–present) and coordinator of projects on Venezuelan migration (February 2021–present)</li> </ul>	Expert/international aid	Online, 28 August 2023
<b>Jorge Baca</b>	<ul style="list-style-type: none"> <li>• OIM Head of Mission (August 2019–July 2023)</li> </ul>	Expert/international aid	Online, 31 August 2023
<b>Paula Facchin</b>	<ul style="list-style-type: none"> <li>• Venezuelan Activist in Peru</li> </ul>	Expert	Online, 13 December 2021
<b>Daniel Sánchez</b>	<ul style="list-style-type: none"> <li>• Vice-Minister of Human Rights (Ministry of Justice and Human Rights) (July 2018–August 2021)</li> </ul>	Policy-maker	Online, 17 December 2021
<b>Mercedes Aráoz</b>	<ul style="list-style-type: none"> <li>• Vice-President (July 2016–May 2020)</li> </ul>	Policy-maker	Online, 3 December 2021
<b>Luis Moreno</b>	<ul style="list-style-type: none"> <li>• Migration Policy Manager at the Superintendency of Migration (September 2016–June 2020)</li> </ul>	Policy-maker	Online, 18 February 2022

<b>Fernando Parra</b>	<ul style="list-style-type: none"> <li>• Migration Policy Director at the Superintendency of Migration (October 2020–June 2022)</li> </ul>	Policy-maker	Online, 9 December 2022
<b>Gonzalo Guillén</b>	<ul style="list-style-type: none"> <li>• Director of Human Rights at the Ministry of Foreign Affairs (January 2022–March 2022)</li> </ul>	Policy-maker	Online, 5 January 2022
<b>Pablo Andrés Rivero</b>	<ul style="list-style-type: none"> <li>• Oxfam officer (April 2019–June 2021)</li> </ul>	Expert/international aid	Online, 12 November 2021
<b>Armando García</b>	<ul style="list-style-type: none"> <li>• Users Manager and Operations Director at the Superintendency of Migration (September 2017–present)</li> </ul>	Policy-maker	Online, 15 February 2022
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Officer at the Special Refugee Commission at the Ministry of Foreign Affairs (October 2003–present)</li> </ul>	Policy-maker	Online, 10 January 2022
<b>Hugo de Zela</b>	<ul style="list-style-type: none"> <li>• Vice-Minister of Foreign Affairs (April 2018–April 2019)</li> </ul>	Policy-maker	Online, 22 September 2021
<b>Roxana del Águila</b>	<ul style="list-style-type: none"> <li>• Superintendent of Migration (October 2018–September 2021)</li> </ul>	Policy-maker	Online, 11 February 2022
<b>Hubert Wieland</b>	<ul style="list-style-type: none"> <li>• Director of Human Rights at the Ministry of Foreign Affairs (April 2017–January 2020)</li> </ul>	Policy-maker	Online, 27 December 2021
<b>Jorge del Castillo</b>	<ul style="list-style-type: none"> <li>• APRA congressmen (July 2016 – July 2021)</li> </ul>	Expert/political opposition	Online, 8 December 2021
<b>Priscila Guerrero</b>	<ul style="list-style-type: none"> <li>• Journalist at <i>Ojo</i> newspaper (September 2017–October 2019)</li> </ul>	Expert/journalist	Online, 19 November 2021
<b>César Bustamante</b>	<ul style="list-style-type: none"> <li>• Director of Consular Affairs at the Ministry of Foreign Affairs (June 2017–June 2019)</li> </ul>	Policy-maker	Online, 8 January 2022
<b>Esteban Saavedra</b>	<ul style="list-style-type: none"> <li>• Vice-Minister of Internal Order at the Ministry of the Interior (October 2018–November 2020)</li> </ul>	Policy-maker	Online, 20 January 2021
<b>Carlos Scull</b>	<ul style="list-style-type: none"> <li>• Ambassador of Venezuela (Juan Guaidó's interim presidency) (February 2019–January 2022)</li> </ul>	Expert/ Venezuelan opposition	Online, 9 December 2021
<b>Marta Castro</b>	<ul style="list-style-type: none"> <li>• Researcher at Equilibrium CenDe (January 2020–August 2022)</li> </ul>	Expert	Online, 16 December 2021
<b>Rosario Grados</b>	<ul style="list-style-type: none"> <li>• Amnesty International (July 2021–present)</li> </ul>	Expert	Online, 2 December 2021
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• UNHCR officer</li> </ul>	Expert/international aid	Online, 21 December 2021
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• Officer at the Superintendency of Migration</li> </ul>	Policy-maker	Online, 30 November 2021
<b>Anonymous</b>	<ul style="list-style-type: none"> <li>• UNHCR officer</li> </ul>	Expert/international aid	Online, 26 February 2023



### *ANNEX 4. Consent Form*

#### **Fórmula de Consentimiento Informado (in Spanish)**

**Título del proyecto de investigación:** “Las causas de las políticas migratorias frente al éxodo venezolano en Colombia y Perú”

**Investigadora:** Nieves Fernández Rodríguez ([nieves.fernandez@wzb.eu](mailto:nieves.fernandez@wzb.eu))

**Supervisor de la investigación:** Michael Zürn ([michael.zuern@wzb.eu](mailto:michael.zuern@wzb.eu))

**Institución académica:** Berlin Social Science Center (WZB) / Freie Universität Berlin (FU)

Declaro que estoy dispuesto/a a participar en este proyecto de investigación sobre política migratoria en América Latina, en el contexto del éxodo de migrantes venezolanos.

Estoy informado/a de que la entrevista tendrá una duración aproximada de 40 minutos y que versará sobre las causas y el contexto de la política migratoria de [Perú/Colombia] hacia los migrantes venezolanos entre [2017 y 2019/2015 y 2021]. Soy consciente de que mi participación en esta entrevista es completamente voluntaria y de que no tengo que responder a todas las preguntas de la investigadora si no lo deseo. Si lo deseo, puedo detener la entrevista en cualquier momento. Asimismo, puedo permitir o no que se me identifique en la presentación de los resultados de la investigación:

Sí, se me puede identificar por mi nombre en los resultados del estudio.

No, prefiero que no se me identifique por mi nombre en los resultados del estudio.

Estoy informado/a de que esta entrevista será grabada y transcrita con el objeto de llevar a cabo su análisis. Tengo derecho a reclamar una copia de la entrevista para decidir si autorizo o no el uso de la información:

Sí, deseo recibir una copia de la transcripción de la entrevista para autorizar el uso de la información en ella contenida.

No, mi consentimiento previo a la entrevista es suficiente y no necesito ver una copia de la transcripción.

Estoy informado/a de que las transcripciones serán analizadas por la investigadora y su supervisor, así como posibles colaboradores en la investigación. Las grabaciones se guardarán en dispositivos seguros y encriptados. Como parte de la investigación académica, cabe la posibilidad de que el resumen de la entrevista, así como citas textuales, se publique en la tesis final, en artículos académicos o en conferencias.

En el caso de que cambie alguna de las referidas condiciones, la investigadora solicitará mi autorización. Con mi firma, indico que he leído la fórmula de consentimiento informado completa y que se me ha dado la posibilidad de plantear cualquier pregunta en relación a la entrevista.

Fecha:

Nombre del entrevistado:

E-mail:

### **Informed Consent Form [ English Translation]**

Title of the research project: “The causes of migration policies towards the Venezuelan exodus in Colombia and Peru”

Researcher: Nieves Fernández Rodríguez (nieves.fernandez@wzb.eu)

Research supervisor: Michael Zürn (michael.zuern@wzb.eu)

Academic institution: Berlin Social Science Center (WZB) / Freie Universität Berlin (FU)

I declare that I am willing to participate in this research project on migration policy in Latin America, in the context of the exodus of Venezuelan migrants.

I am informed that the interview will last approximately 40 minutes and will focus on the causes and context of the migration policy of [Peru/Colombia] towards Venezuelan migrants between [2017 and 2019/2015 and 2021]. I am aware that my participation in this interview is completely voluntary and that I do not have to answer all of the researcher's questions if I do not wish to. I may stop the interview at any time if I wish. I may also allow or not to be identified in the presentation of the research results:

Yes, I may be identified by name in the results of the study.

No, I prefer not to be identified by name in the results of the study.

I am informed that this interview will be recorded and transcribed for the purpose of analysis. I have the right to request a copy of the interview to decide whether or not to authorize the use of the information:

Yes, I wish to receive a copy of the transcript of the interview to authorize the use of the information contained therein.

No, my prior consent to the interview is sufficient and I do not need to see a copy of the transcript.

I am informed that the transcripts will be analyzed by the researcher and her supervisor, as well as possible collaborators in the research. Recordings will be stored on secure, encrypted devices. As part of academic research, the summary of the interview, as well as textual quotes, may be published in the final thesis, in academic articles or at conferences.

In the event that any of the above conditions change, the researcher will request my authorization. With my signature, I indicate that I have read the complete informed consent form and that I have been given the opportunity to ask any questions regarding the interview.

Date:

Name of the interviewee:

E-mail:

*ANNEX 5. Examples of Questionnaires for Colombian and Peruvian Elites***Example of interview questionnaire (Colombia)**

1. Could you tell me when you started working at [name of the institution] and what your role in the institution was?
2. Could you tell me about the history of the institution and its former approach to migration?
3. How does your institution coordinate its role in migration policy with other migration authorities?
4. What role did you play in the Colombian response to the Venezuelan exodus, particularly regarding the ETPV?
5. Could you describe the policy-making process leading to the adoption of the ETPV (e.g. antecedents, dates, phases, authorities involved)?
6. Were there any controversies or disagreements among the responsible authorities during the process? If so, what were they? How were those controversies resolved? Did any authorities oppose the decision?
7. What were the main goals of the ETPV?
8. Apart from the main considerations you mentioned, were there other types of considerations taken into account (e.g. security concerns, border dynamics)?
9. Do you think the relations between the Colombian and Venezuelan governments played any role in the adoption of the decision? If so, how?
10. Did any other actors, apart from the responsible authorities (e.g. international aid organizations, business groups), influence the adoption of the ETPV? If so, how and in what ways?
11. Did the government ever consider imposing a visa requirement like other countries in the region? Why or why not?
12. What impacts do you think Venezuelan migrants have had on the country?
13. What do you see as the future direction of Colombia's migration policy, and how might it evolve to address ongoing or emerging challenges?
14. Can you recommend any other individuals or contacts who might be valuable to interview for further insights on this topic?

**Example of interview questionnaire (Peru)**

1. Could you tell me when you started working at [name of the institution] and what your role in the institution was?
2. Could you tell me about the history of the institution and its former approach to migration?
3. How does your institution coordinate its role in migration policy with other migration authorities?
4. What role did you play in the Peruvian response to the Venezuelan exodus, particularly regarding the Humanitarian Visa?
5. Could you describe the policy-making process leading to the adoption of the Humanitarian Visa (e.g. antecedents, dates, phases, authorities involved)?
6. Were there any controversies or disagreements among the responsible authorities during the process? If so, what were they? How were those controversies resolved? Did any authorities oppose the decision?
7. What were the main goals of the Humanitarian Visa?
8. Apart from the main considerations you mentioned, were there other types of considerations taken into account (e.g. political, pragmatic, security...)?
9. Did any actors play, apart from the responsible authorities (e.g., public opinion, political opposition, the media) influence the adoption of the Humanitarian Visa? If so, how and in what ways?
10. Did the government ever consider imposing a visa requirement like other countries in the region? Why or why not?
11. What impacts do you think Venezuelan migrants have had on the country?
12. What do you see as the future direction of Peru's migration policy, and how might it evolve to address ongoing or emerging challenges?
13. Can you recommend any other individuals or contacts who might be valuable to interview for further insights on this topic?

## *ANNEX 6. Codebook*

### **1. Considerations behind FDP policy**

#### **1.1. Political considerations**

##### **1.1.1. Code: Foreign affairs interests with Venezuela**

It refers to instances describing the use of FDP policy as a diplomatic tool with Venezuela. In other words, it refers to the role that the relations with Venezuela play in determining the nature of FDP policies.

Example: ‘I believe that everything has a political side because it [the ETPV] was also a way of sending a political message to Maduro.’

##### **1.1.2. Code: Foreign affairs interests with the international aid and donors**

It refers instances describing the use of FDP policy as a tool to improve the relations with the international aid organisations and donors, including leveraging the policy for rent-seeking purposes.

Example: ‘I think there was a political component in all of this. Duque’s Government was receiving a lot of pressure because of the lack of implementation of the peace agreements, social protests, or the killing of social leaders. I believe that the ETPV was a strategic move – a way of shifting the conversation towards protection of migrants. Duque said that the most significant peace gesture by the Government was to receive and regularise Venezuelans. This shift aimed to reframe the human rights discourse, highlighting Colombia’s efforts to safeguard the rights of Venezuelans within its borders. That gave Duque a lot of international reputation and occurred in a moment when the Government was significantly under pressure.’

##### **1.1.3. Code: Domestic interests (public support)**

It refers to the impact of the preferences of the native population on FDP policy or to the Executive’s use of FDP policy to gain the support of the population.

Example: ‘Rather than stemming from political convictions, [the issuance of the Humanitarian Visa] was a response to societal concerns, particularly regarding criminality, which were deeply ingrained within the population. The measure reflects a reactive stance towards this prevailing sentiment, rather than being driven by actual evidence of criminal behaviour among Venezuelan.’

##### **1.1.4. Code: Impact of other domestic actors**

It refers to instances describing the impact of domestic actors, including business groups, political opposition, local authorities and the media, on FDP policy. It encompasses both direct influence – where these actors directly affect policy decisions and authorities – and indirect influence, such as shaping public opinion that indirectly impacts policy.

Example: ‘The media has a lot to do with that [the Humanitarian Visa]. While statistics indicate that violence committed by Venezuelans constituted less than 5% of the total incidents, the media portrayed these crimes in very harsh ways, emphasising the violence they employed. This fuelled widespread fears [...] and you know that in politics one must listen at what the media says and respond. Why? Because the media wield considerable influence over public opinion and the collective consciousness.’

#### **1.2. Non-political considerations**

##### **1.2.1. Cost-benefit analysis**

###### **1.2.1.1. Code: Security (cost-benefit analysis)**

It refers to instances where authorities accounted for security considerations during FDP policy-making. It specifically addresses how the policy may affect security dynamics – including the risks posed by and to migrants – rather than societal perceptions of insecurity.

Example: '[In the context of border closures] migrant mafias grow, feeding the business of smugglers, human trafficking, and migrant trafficking, which are undesirable. We encourage labour exploitation and all types of exploitation. From my perspective as a public official who participated in developing and implementing public policy at that time, I believe that closing the borders and putting up barriers to a phenomenon that already exists is even counterproductive for a state, as it exacerbates negative phenomena both for the state and for the migrants as individuals.'

#### **1.2.1.2. Code: Economy/labour-market (cost-benefit analysis)**

It refers to instances where authorities accounted for economic and labour-market considerations during FDP policy-making.

Example: 'It is better to have them identified and regularised than to have them irregular and marginalised. The benefit of regularisation has been proven throughout the various phases of the PEP, showing that Venezuelans have improved in terms of the labour market, have better incomes, have greater access to justice, and have greater protection.'

#### **1.2.1.3. Code: Public services (cost-benefit analysis)**

It refers to instances where authorities considered the impact of FDP policy on public services, including health care and education, during policy-making.

Example: 'The PEP was implemented to identify who was in Colombia and to ensure that these individuals had the option to access the State, demand basic services, and contribute to aspects of social security.'

#### **1.2.2. Code: Absence of cost-benefit analysis**

It refers to instances describing that authorities were not guided by cost-benefit analysis in FDP policy-making, including specifically regarding the impacts of FDP policy on public services, the economy, and security.

Example: 'His [Vizcarra's] ideas were populist, characterising migrants as criminals who should be deported. His approach to politics in that area was simplistic. I argued that there were doctors, nurses, workers, and other people who could contribute positively and integrate into our society, but he was unwilling to consider such policies.'

## ***2. Authorities involved in policy-making regarding FDP***

### **2.1. Code: Role of bureaucrats**

This code refers to the involvement of bureaucrats in policy-making regarding FDPs. Bureaucrats include officials who are not at the level of the president, ministers, vice-president, or members of Congress. Institutions such as the Superintendency of Migration, the BMO, and Migration Colombia represent bureaucratic entities that play a role in policy development. It can also include the type of considerations, i.e. cost-benefit analysis, that these authorities put forward during the process and their views on FDPs.

Example: 'Migration Colombia ultimately implements the policy but does not formulate it. In this case, the ETPV was quite noteworthy because it was policy-formulating; however, the Ministry of Foreign Affairs is the one that issues it. It was somewhat reversed: the consultation was elevated for the Ministry of Foreign Affairs to issue the decree for the President's signature. Lucas [the head of the BMO] understands its importance and sees it as a valid message of integration. He wants to go further and aims to regularize all irregular migrants on a larger scale.'

#### **2.1.1. Sub-code: No role of bureaucrats**

This code refers to instances highlighting the absence of bureaucrats in policy-making leading to the Humanitarian Visa.

Example: ‘The decision [of the Humanitarian Visa] comes from above, from the President of the Cabinet.’

## **2.2. Role of ministries**

### **2.2.1. Code: Role of the Ministry of the Interior**

This code refers to instances describing the involvement of the Ministry of the Interior in FDP policy-making in Peru and the reasons behind its prominent role. It can also include the type of considerations, i.e. security-related, that authorities within the Ministry of the Interior put forward during the process and their views on FDP.

Example: ‘It is true that the Ministry of the Interior was one of the most involved actors due to the fact that the Superintendency of Migration is located within it.’

### **2.2.2. Sub-codes: No role of the Ministry of the Interior**

This code refers to instances describing the absence of the Ministry of the Interior in FDP policy-making in Colombia and frequently addresses the reasons behind its absent role, including the location of the Colombia Migration within the Ministry of Foreign Affairs.

Example: ‘The Ministry of the Interior was not an actor, it is not useful in this discussion.’

### **2.2.3. Code: Role of the Ministry of Foreign Affairs**

It refers to instances highlighting the involvement of the Ministry of Foreign Affairs in the FDP policy-making and the reasons for it (e.g. previous allocation of responsibilities). It can also include the type of considerations, e.g. diplomatic, that these authorities put forward during the process and their views on FDP.

Example: ‘The initiative for the PEP emerged from a discussion between the director and the Ministry of Foreign Affairs, considering how to address the situation of people entering the country. It is unclear which of the two made the decision, but during that conversation, they decided to issue a very streamlined document that would allow these individuals to at least generate some income and avoid creating a larger complication.’

### **2.2.4. Sub-codes: Weak role of the Ministry of Foreign Affairs**

This code refers to instances describing the absence of the Ministry of Foreign affairs – or the Directorate of Consular – in FDP policy-making and frequently addresses the reasons behind this weak role, i.e. lack of experience or transformation of the issue into a matter of domestic affairs.

Example: ‘In the cabinet, the Minister of Foreign Affairs was left to handle matters alone; no one, not even the Ministry of Women, would speak up, as doing so could incur political costs.’

## **3. Political context**

### **3.1. Code: Domestic crisis**

It refers to the impact of the political crisis in Peru from 2016 to the present, characterised by the confrontation between the legislative and executive branches, on FDP policy.

Example: ‘The difference between Kuczynski and Vizcarra is that Kuczynski at the beginning of his mandate was an elected president, had all the legitimacy of an elected president. Vizcarra became President when Kuczynski resigned, so he had a weaker position than his predecessor, and the Congress was opposed to his Government [...] To be more in line with societal sectors and protect himself, he took into consideration domestic politics and adopted restrictions.’

### **3.2. Code: Lack of international reputation**

This code refers to instances highlighting the lack of international reputation in Colombia as a factor explaining the use of FDP as a tool in to improve relations with the international community. It often attributes this lack of reputation to Colombia's position on the armed conflict and the implementation of the peace agreement. to its stances on the armed conflict and the implementation of the peace agreement.

Example: 'I think there was a political component in all of this. Duque's Government was receiving a lot of pressure because of the lack of implementation of the peace agreements, social protests, or the killing of social leaders. I believe that the ETPV was a strategic move – a way of shifting the conversation towards protection of migrants. Duque said that the most significant peace gesture by the Government was to receive and regularise Venezuelans. This shift aimed to reframe the human rights discourse, highlighting Colombia's efforts to safeguard the rights of Venezuelans within its borders. That gave Duque a lot of international reputation and occurred in a moment when the Government was significantly under pressure.'

### **3.3. Salience of the relations with Venezuela**

#### **3.3.1. Code: Historic ties with Venezuela (salience of the relations with Venezuela)**

This code refers to instances highlighting the historical connections between Colombia and Venezuela or Peru and Venezuela, emphasising the salience of these relationships in the sending country's political agenda. It focuses on the historical context and the importance of these ties to shape such salience, and excludes references that serve to justify humanitarian approaches to FDP policy.

Example: 'We have a nearly symbiotic relationship with Venezuela. The first constitution was established on October 6, 1921. Our liberator was Venezuelan; Francisco Miranda gave us the name "Colombia" and brought the tricolour that is now our flag. Many of the lancers who accompanied Bolívar across the Pisco River in the páramo of liberation for the Battle of Boyacá were Venezuelan. The first Chancellor was Venezuelan as well.'

#### **3.3.2. Code: Impact of Venezuela on Colombia's domestic security (salience of the relations with Venezuela)**

This code refers to instances where the authorities emphasise the effects of Venezuela's situation on security in Colombia, suggesting the salience of Venezuela on Colombia's political agenda. Those effects are often related to Venezuela's role in the armed conflict.

Example: 'Maduro is the promoter of terrorism there; he harbours terrorism here. Maduro is involved in very dangerous money laundering, has worked in espionage against Colombia, and the mining arc of Venezuela is now associated with criminality. These are acts that shelter and impact us.'

## **4. Institutional context**

### **4.1. Institutional capacities**

#### **4.1.1. Code: Knowledge of the border**

This code refers to the knowledge possessed by migration authorities regarding border management and the institutionalisation efforts they established around it in Colombia. It includes references to the expertise and systems developed for managing borders. While it is often associated with the development of informed FDP policies, it is not limited to this context alone.

Example: 'Due to the internal conflict, there has been demand from neighbouring countries for security at its borders. Let's say it's not free for Colombia to manage its borders; they have been managing their borders because there was a united demand from their neighbours. The fact that guerrillas were hiding in Venezuela caused a lot of trouble. So, they managed their borders because it brought them many problems,



particularly security problems. This was especially true for the Cúcuta border with Venezuela, the northern border, which is probably the most dynamic of our borders.’

#### **4.1.1.1. Sub-Code: Lack of knowledge of the border**

This sub-code refers to instances where there is a lack of comprehensive understanding or analysis of the border regions by migration authorities in Peru. It highlights gaps in knowledge and awareness that negatively impact the ability of migration authorities to conduct effective cost-benefit analyses in FDP policy-making.

Example: ‘Tourism between Ecuadorians and Chileans is common to this day, but I believe that was the extent of their knowledge and the perspective they had of their borders. They had not conducted an extensive analysis [...] Tacna is better off, but at least with Tumbes, it has been a very remote area of the country, where there is no broad access to services for the entire population. So, you arrive and see a disorganised and dirty city, which is just a reflection of the remoteness of the institutions.’

#### **4.1.2. Code: Cooperation mechanisms**

This code highlights instances of coordination systems, such as the BMO, and how they impact on FDP policy, contributing to informed cost-benefit analysis. It encompasses coordination between the state and international aid agencies, the state and civil society, various state sectors, and different levels of government.

Example: ‘What we agreed upon with the government was to have coordination among the international community, civil society, donors, and the government to improve the response to the existing humanitarian crisis.’

#### **4.1.2.1. Sub-Code: Lack of cooperation mechanisms**

This sub-code refers to instances where there is an inadequate establishment or functioning of coordination mechanisms within institutions that handle migration management in Peru. It highlights cases where the available institutional spaces for addressing migration issues are either insufficient or weakened, lacking the necessary authority or effectiveness to facilitate meaningful collaboration for FDP policy-making.

Example: ‘There are few [coordination] institutional spaces to address these issues, and when they do exist, they are weakened spaces that lack power within the structure. The Intersectoral Board for Migration Management table has been around for a long time [however], these structures have little power within the ministries.’

#### **4.1.3. Code: Organisation and management of the international aid**

This code refers to instances describing authorities’ ability to effectively organise and manage international aid, and how they impact on FDP policy, contributing to informed cost-benefit analysis. It includes factors such as the country’s having the long-standing presence of international organisations, established relations with donors, and historical collaboration with international partners, amongst others.

Example: ‘I believe that a part of Colombia's history is that Colombia is the second country in the world to host UN agencies, and the relationship with the United States through Plan Colombia has always been significant. The US budget for Colombia is among the highest in the world, reflecting a longstanding positive relationship. In this context, the Ministry of Foreign Affairs plays a crucial role in liaising with donors. Therefore, within the agenda of issues such as peace, land, and migration, the latter has gained greater importance for developing an effective response to the ETPV. I recall that when we were developing it, we consulted with experts, and USAID already had conditional transfer programmes in the border areas before the ETPV was launched. During the implementation of the PEP, work permits were

handled in collaboration with USAID and other donors. For both funding and knowledge sources, international cooperation was very important.’

#### **4.1.3.1. Sub-Code: Lack of organisation and management of the international aid**

This code highlights the challenges in the relationship between international aid and Peruvian authorities, particularly the issues related to the lack of organisation and management.

Example: ‘In Peru, there is no continuity of public policies. This is why international agencies and international groups are chasing civil servants to adopt and implement policies. There is no knowledge; there have been constant changes due to our [political] crises. The response to Venezuelans falls into the same dynamics.’

#### **4.1.4. Code: Foreign experiences**

It refers to the experiences that authorities drew from other countries with previous forced migration experiences when adopting FDP policy and how they contribute to an informed cost-benefit analysis.

Example: ‘We looked for international tools and previous experiences and found only two before ours: the American TPS and the Turkish TPS. These were the only two experiences that existed in the world. Initially, there was a study in the Ministry of Foreign Affairs, and there was significant discussion about a project for a Statute, which we in Migration Colombia used as a foundation, strengthened, and developed into our own study.’

#### **4.1.5. Code: Importance of systems of identification**

This code refers to the significance that authorities place on identifying the population and the underlying reasons for this emphasis, including security and economic considerations. It is often associated with, though not exclusively linked to, the adoption of the ETPV in Colombia, which includes a comprehensive identification system.

Example: ‘One of the important aspects of the ETPV is that it provides for a registration system for migrants. Previously, a major issue was that if migrants did not have an identity card or any documentation, the justice system could not prosecute them because they could not be identified. The registration system resolves this by identifying individuals, allowing legal prosecution in cases where they commit a crime. Additionally, studies show that migrants who are victims of violence are more likely to report their experiences if they are regularised. Therefore, regularisation protects both Venezuelan criminals and those who are victims.’

### **4.2. Institutional legacies**

#### **4.2.1. Code: The armed conflict and internal forced displacement crisis in Colombia**

This code identifies passages that link the institutionalisation or established capacities in Colombia – such as knowledge of the border, cooperation mechanisms, management of international aid, the importance of identification systems, and foreign experiences – to the armed conflict and its resulting forced displacement areas. It excludes passages where the armed conflict is not linked to the development or management of these capacities.

Example: ‘Due to the internal conflict, there has been demand from neighboring countries for security at its borders. Let’s say it’s not free for Colombia to manage its borders; they have been managing their borders because there was a united demand from their neighbours. The fact that guerrillas were hiding in Venezuela caused a lot of trouble. So, they managed their borders because it brought them many problems, particularly security problems. This was especially true for the Cúcuta border with Venezuela, the northern border, which is probably the most dynamic of our borders.’

#### **4.2.2. Code: Political instability in Peru**

This code refers to the weak institutionalisation attributed to the political instability in Peru, both before and during the domestic crisis from 2016 to the present. Unlike the code ‘domestic crisis in Peru’ which is directly associated with FDP policies, this code captures passages that link weak institutions to political instability.

Example: ‘Unfortunately, we have recently experienced a regrettable political period marked by a high turnover of numerous officials [...] there was never institutional support or guidelines to improve public policies on an integrated level.’

#### **4.2.3. Code: early border closures in Colombia**

This code refers to instances where Colombian authorities drew on lessons learned from past experiences with border closures, including issues of insecurity, to inform the adoption of FDP policy and/or to prevent the imposition of visas.

Example: ‘Venezuela closed the border in August 2015 under the dictatorship of Maduro. At that time, not only did Venezuelan nationals start arriving, but deported and expelled Colombians also began to arrive. Approximately 2,000 Colombians were expelled, but over 20,000 returned due to fears of reprisals [...] After that, it was a year of border closures. We worked with some Venezuelan institutions, particularly SAIME, to reopen the border. The Colombian government and I consistently stated that closing the border was a futile gesture with 2,200 km of border still open. I always advocated for a regularised migration process rather than a closed border, which only encouraged corruption among various authorities, especially the Venezuelan Guard, and put people’s lives at risk due to armed groups operating in those areas.’

### **4.3. Institutional frameworks**

#### **4.3.1. Code: Role of the BMO**

This code refers to instances highlighting the specific role of the BMO in shaping the liberal nature of Colombian FDP policy. In particular, it highlights the BMO’s ability to exclude securitising agencies and considering the needs of diverse actors, due to its affiliation with the presidency and its coordination role. attachment to the presidency and coordinator role and considering the diverse sectors.

Example: ‘The BMO, under the auspices of the Presidency of the Republic, was established to ensure a coordinated response and to start articulating the various efforts from both the national level and departmental and municipal governments, with a strong focus on the border of Norte de Santander. I believe this was a significant achievement and advancement, and the appointment was an excellent decision.’

#### **4.3.2. Code: Allocation of competences**

This code pertains to the impact of allocation of responsibilities among specific ministries prior to the Venezuelan exodus on the FDP policy.

Example: ‘The formulation of migration policy is significantly influenced by its institutional placement, with various countries situating migration institutions under the Ministry of the Interior and others under the Ministry of Foreign Affairs. Here, the regulatory focus of the migratory topic was a matter of bilateral relations with Venezuela, so the first respondent was the Ministry of Foreign Affairs. Later, it also becomes a challenge of domestic policy, with a limited role played by one unit of the Ministry of Interior. However, migration policy was always led more by the Ministry of Foreign Affairs and Colombia Migration. Of course, this depends of the country... in other countries the Ministry of the Interior or of Public Security plays a more crucial role because they are the ones leading these types of decisions.’

## **5. Societal context**

### **5.1. Code: Societal fears**

This code captures instances that describe negative attitudes towards Venezuelan migrants or preferences for restrictive policies among the population, along with the underlying reasons for these attitudes – such as material concerns, symbolic fears, or fears of insecurity. Although these attitudes are often connected to restrictive FDP policies, they are not restrictive to them.

Example: ‘We were just coming out of the pandemic [...] and there was a somewhat exacerbated xenophobia in the streets because people in general were struggling. I think there was a bit of fear about how we would extend a helping hand to Venezuelan migrants when Colombians might also be struggling.’

### **5.2. Code: Ethnic affinity between the sending and receiving societies**

It pertains to instances that describe cultural similarities between the sending and receiving societies. These similarities may include shared aspects such as language, religion, personality traits, phenotype, previous migration from the sending to the receiving countries. By emphasising these commonalities, the code often captures how these affinities can influence welcoming policies.

Example: ‘Culturally, the relationship has been positive, and the ease of integration is enhanced by the shared language. Unlike in Europe, where it is more challenging to establish integration links for someone who does not speak the local language, in this case, despite our cultural differences, we share the same language, which fosters stronger integration bonds.’

## ***ANNEX 7. List of Themes***

### Themes: Policy-making

1. The role of foreign affairs in the liberal policy in Colombia (in a context of hostile relations with the sending country)
2. The role of domestic affairs in the restrictive policy in Peru (in a context of large and increasing fears towards migrants)
3. The role of (trained) bureaucrats in Colombia in the liberal policy in Colombia
4. The predominant role of the Ministry of the Interior in the restrictive policy in Peru
5. The predominant role of the Ministry of Foreign Affairs in the liberal policy in Colombia

### Themes: Institutional context

1. The role of previous institutional frameworks in FDP policy
  - a. The role of the formal competences allocated in the Ministry of the Interior
  - b. The role of the placement of operational migration institutions within different ministries
  - c. The role of the BMO
2. The role of institutional legacies in established capacities
3. The role of established capacities in FDP policy in Colombia
  - a. The capacity of establishing coordinating mechanisms
  - b. The ability to manage the international aid
  - c. The capacity of learning from foreign experiences
  - d. Awareness of the importance of registration systems
  - e. Knowledge of the borders

### Themes: Political context

1. The role of the salience of the relations between the receiving country and Venezuela in political considerations
  - a. The role of historic ties
  - b. The role of Venezuela on the receiving country's domestic security
2. The role of the Executive's strength in political considerations
  - a. The role of political systems
  - b. The role of political support
  - c. The role of internal, domestic crisis in Peru
3. The role of Executive's international reputation in political considerations
  - a. The role of predecessors' legacies in Colombia's armed conflict
  - b. The role of the Colombian Executive's stance in the armed conflict

### Themes: Social context

1. The (absent) role of public opinion in different policies
2. The (weak) role of ethnic affinity in different policies
3. The (weak) role of humanitarian considerations in different policies