

AMNESTY INTERNATIONAL

PRESS RELEASE

Americas: Growing exodus of Venezuelans reveals failure of Colombia, Peru, Ecuador and Chile to comply with regulations

In its new report published today, [***Regularize and Protect: International obligations for the protection of Venezuelan nationals***](#), Amnesty International reveals that Colombia, Peru, Ecuador and Chile are failing to comply with their obligations under international law to protect those fleeing Venezuela in order to safeguard their lives, integrity and human rights.

“In the face of an unprecedented crisis in the region, Colombia, Peru, Ecuador and Chile have either not been able to or not wanted to protect those fleeing Venezuela. The various measures and programs they are implementing to offer them regular migrant status do not comply with the standards outlined by international law. These states have the opportunity and obligation to protect the more than 5 million Venezuelans in their territories as a matter of urgency,” said Ana Piquer, Americas director at Amnesty International.

Colombia, Peru, Ecuador and Chile are home to 70% of the 7.71 million Venezuelans who have fled Venezuela due to the complex humanitarian emergency and massive human rights violations. The report analyses the temporary protection measures, migratory regularization and procedures for the recognition of refugee status considering their accessibility, scope, and effectiveness. Using those three criteria, Amnesty International concludes that none of the four states complies with their obligations under national and international law to offer international protection or supplementary protection to Venezuelans.

In Venezuela, massive economic and social rights violations are taking place, in addition to generalized and systemic violations of civil and political rights, which has resulted in the complex humanitarian emergency that is devastating the country and explains why entities such as the Office of the Prosecutor of the International Criminal Court are investigating the country’s authorities for possible crimes against humanity. Amnesty International believes that Venezuelans fleeing this situation need international protection and should therefore be recognized as refugees.

Although Colombia, Peru, Ecuador and Chile have laws that define a refugee as someone fleeing situations like the one in Venezuela, Amnesty International has confirmed that they rarely apply these laws. Furthermore, these four countries have signed the international legal instruments that establish states’ obligations with regard to refugees, specifically the 1951 Geneva Convention Relating to the Status of Refugees and the 1984 Cartagena Declaration. Based on these legal standards, they are obligated to protect Venezuelans who have fled from their country.

In addition to the claims already made regarding the rare use of asylum systems on the part of authorities in Colombia, Peru, Ecuador and Chile, the new report by Amnesty International also reveals that the programs potentially considered to be “supplementary protection” and other migratory regularization measures do not offer levels of protection equivalent to asylum. Although they have made it possible to grant Venezuelans a regular migratory status and access to some rights and services, such protection is not comparable to the international protection to which Venezuelans have a right. Furthermore, they do not include a clear gender focus.

“The lack of access to a regular migratory status is especially concerning for women who have survived gender-based violence, who remain completely unprotected in their host countries. Far from states having adopted our recommendations to reduce this vulnerability, our new report reveals that the existing programs, such as those implemented in Peru and Chile, not only re-victimize, but on very few occasions have they been of benefit to Venezuelan women,” said Ana Piquer.

In **Colombia**, where some 2.9 million Venezuelans live, the Ministry of Foreign Affairs created the Special Stay Permit (PEP in Spanish) in 2018, which was replaced in 2021 by the Temporary Protection Status for Venezuelans (ETPV in Spanish). Although this authorisation grants Venezuelans regular migratory status for 10 years, authorising them to work and access health and education services, it does not establish guarantees of protection in the face of *refoulement* to Venezuela. Of additional concern are the documentation requirements that are difficult to comply with, exclusionary time bounding, significant delays in the processing of applications, and the apparent incompatibility between the ETPV and refugee applications.

In **Peru**, home to some 1.5 million Venezuelans, in 2021 the authorities implemented the Temporary Stay Permit (CPP in Spanish), which legally authorises people to study and, in theory, work. However, in practice the protection it offers is limited. It has been reported that few institutions recognise and accept this document and it does not protect Venezuelans against *refoulement*, nor does it guarantee them access to health services.

In **Ecuador**, with approximately 475,000 Venezuelans in the country, since 2022 the government has implemented the Exceptional Temporary Residence Visa for Venezuelan Citizens (VIRTE in Spanish). This visa grants the right to work, as well as access to health services and education. However, the research shows that the cost requirements and having entered the country through authorized ports of entry before June 2022 limit the accessibility of this means of temporary protection.

In **Chile**, with at least 444,400 Venezuelans in its territory, the implementation of the most recent regularization measure, aimed at people with an irregular migratory status regardless of their nationality, was implemented in 2021. To date there is no temporary or supplementary protection program for Venezuelans. Amnesty International is gravely concerned that Chilean authorities continue to implement illegal measures and practices, such as the requirement to self-report and the pre-admission screening for asylum applications, which impede the right to seek asylum.

Amnesty International alerts states receiving Venezuelan people that they must guarantee, as a matter of urgency, access to international protection and forms of supplementary protection. Supplementary protection and regularization measures cannot be-

come substitutes for refugee status. Regardless, when states choose to use temporary and supplementary protection programs, they must guarantee that the programs comply with the criteria of legality, accessibility and protection of rights, including non-*refoulement*. Amnesty International also notes the continuation of the critical situation has led to more than 7.71 million people leaving Venezuela in search of protection, a number that represents more than 25% of Venezuela's total population. The situation is by no means on the path to reversal; the number of people abroad reflects an increase of 1,400,000 people who left the country between May 2022 and August 2023.

For more information or to arrange an interview, please contact Duncan Tucker at +52 55 4848 8266, duncan.tucker@amnesty.org

Read more:

Regularize and Protect: International obligations for the protection of Venezuelan nationals (Research, 20 September 2023) www.amnesty.org/en/documents/amr01/7130/2023/en/

“No One Wants to Live in Hiding”: Lack of Protection for Venezuelan Refugees in Chile (Research, 7 March 2023) <https://www.amnesty.org/en/documents/amr22/6437/2023/en/>

Curaçao: Little improvement in the Protection of Venezuelans (Research, 7 February 2023) <https://www.amnesty.org/en/documents/amr05/6404/2023/en/>

[Unprotected in Ecuador: Venezuelan refugee women survivors of gender-based violence](https://www.amnesty.org/en/documents/amr28/6137/2022/en/) (Research, 17 November 2022) <https://www.amnesty.org/en/documents/amr28/6137/2022/en/>

Unprotected: Gender-based violence against Venezuelan refugee women in Colombia and Peru (Research, 12 July 2022) <https://www.amnesty.org/en/documents/amr01/5675/2022/en/>