

REGIONAL MEASURES

In 2016, the social, economic and security situation motivated the Government of Venezuela to declare the State of Exception. Since that moment it has been extended while the justice system is being violated, freedom of expression and assembly, using excessive force, arbitrarily detaining people considered to be government opponents and human rights defenders, who have gone to the Inter-American Commission on Human Rights requesting precautionary measures. In the midst of the humanitarian crisis, thousands of people have been forced to move. The regional response was through the special reports prepared at the request of the Secretary General of the OAS and its recommendations regarding the seriousness of the massive violations of human rights, which led the governments of the region to design unilateral and multilateral strategies for response to the growing increase of Venezuelan people who crossed their borders escaping the economic, political and social crisis.



The general concern over the massive protests during the year 2017 motivated that twelve countries were united in “the Group of Lima”, with the purpose of finding an exit to the crisis in Venezuela, to demand the liberation of political prisoners and to criticize the rupture of the democratic order. Among the measures taken by governments unilaterally, Canada, the European Union, Panama, Switzerland and the United States imposed sanctions against 91 Venezuelan officials and high profile figures, including travel bans and the freezing of assets based on their alleged responsibility for serious violations of human rights. On January 23, 2019 the political and international situation of Venezuela took a new turn with the self-proclamation of the President of the National Assembly, Juan Guaidó, as President-in-Charge, invoking articles 333 and 350 of the Constitution, in the middle of a march of the opposition and with the recognition of some countries of the Lima Group, but the tension provoked led to the emergence of the “International Contact Group” integrated by the European Union -Germany, Spain, France, Holland, Italy, Portugal, United Kingdom, Sweden-, Uruguay, Bolivia, Costa Rica and Ecuador, which maintains a biregional vision and constitutes the only mechanism of dialogue with actors inside and outside Venezuela to facilitate a political, peaceful and democratic solution, seeking to bring positions closer to the actors in Venezuela and offering its support for the implementation of agreements.



THE ARGENTINE RESPONSE

The Argentine Republic has maintained close ties with Venezuela since the times of the wars for Latin American independence; while, throughout the twentieth century, Venezuela was able to become a refuge territory for political exiles from different countries of the region during the overthrows of democratic governments by those of a military nature. However, since 2014 with the assumption of the presidency by Nicolás Maduro, an increase in the political, economic and social crisis in the country began to be observed; added to the institutional wear and institutional fragmentation. For 2016, the crisis became even more acute and the repressive measures did not wait, in particular, in response to the massive protests by the civilian population in protest of their rights, which led to an increase in the displacement of the Venezuelan population towards the countries of the region, in particular, to the Argentine Republic, where there was a community of Venezuelan citizens, being favorable to the integration of migratory regularization agreements within the MERCOSUR -Common Market of the South-, the possibilities of accessing free university education, labor insertion, and favorable level of life. There was an increase in the granting of residences to Venezuelan nationals between the years 2016 to 2018, where they ranged from 12869 in 2016, to 31167 in 2017 and 70531 in 2018. The possibility of obtaining a residence under the terms of the National Migration Law -Law No. 25,871-

allowed not to collapse the asylum system, which receives the principles of the Convention on the Refugee Statute of 1951 and the Declaration of Cartagena of 1984, together with an internal procedure conforming to the standards and guidelines established by the UNHCR (General Law for the Recognition and Protection of Refugees No. 26,165, article 34 and 53). In spite of this, the increase in MERCOSUR residency applications for Venezuelan citizens, added to the difficulties of obtaining documentation such as passports, birth certificates, criminal records and others; It led to a large number of people requesting international protection before the Argentine authority as a way to obtain provisional documentation in the country. This has seen an increase in asylum applications between the years 2016 to 2018 (from 57 to 883), with the protection status being recognized for only 15 people between 2017 and 2018, using the classic definition of refugee according to Article I (A) of the Convention on the Status of Refugees of 1951 and Article 4, subsection a) of Law No. 26,165. The worsening of living conditions in Venezuela, added to institutional fragility and the response of various countries and regional blocs, have led to a change in the internal temperament of regional asylum systems in order to consider the application of the expanded definition as a refugee with regard to persons in need of international protection who have left their country as a result of “serious human rights violations”, without adopting governmental positions that could affect government relations, taking into account the confidentiality that governs the asylum system.

CHALLENGES PRESENTED BY MIXED FLOWS OF VENEZUELAN PEOPLE IN ARGENTINA

The massive displacement of the Venezuelan population as a result of the serious institutional crisis presents great challenges for the recipient countries in terms of the recognition of international protection -if they will need it-, of migratory status, as well as of social integration. One of the main challenges is the identification of those who need protection under the terms of the asylum legislation of those who have rights as migrants. However, the particular situation of vulnerability to which both groups of people are exposed for the purpose of leaving their country of origin, as in the countries of transit until they enter the Argentine Republic, cannot be ignored, which has led to the national authorities to the relaxation of requirements and documents required for the recognition of rights, although in practice delays in procedures and ignorance of the needs of this segment of the migrant population, becomes the main barrier in access to rights.

