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Venezuelan Forced Migrants and Refugees in Brazil and Ecuador: Security Issues and Social Provision during the COVID-19 Pandemic

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Abstract. The worsening economic and social crisis in Venezuela has led to a massive flow of Venezuelan migrants to neighbouring Latin American countries. The influx of forced migrants from Venezuela has challenged the regional security of Latin American countries, which were already experiencing structural and social problems. Brazil and Ecuador, where a significant number of Venezuelan nationals arrived, faced great obstacles in providing the arriving migrants with access to health care and education for their children, jobs, while at the same time meeting the needs and social problems of the local population. After the upheaval of the COVID-19 pandemic in March 2020, social problems such as health, education, job access, security, and governance have proven to be the most challenging in the region. However, as the pandemic situation showed, regional leaders were negligent in their response to the disease and refused to cooperate in addressing the problem, with dire consequences. This article analyses the impact of the Brazilian and Ecuadorian immigration laws and asylum policy on the protection of Venezuelans' forced migrants and refugees who entered Brazil and Ecuador before and during the COVID-19 pandemic. As a regional security issue, the protection of Venezuelans is the basis for regional stability, which can only be achieved through cross-issue persuasion. The article, therefore, concludes that Brazil and Ecuador, after having created rules and implemented public policies before and after the pandemic, in cooperation or not with diverse international and national actors, to host and integrate Venezuelan citizens in both countries, have followed their commitment in accordance with previously adopted international and regional agreements, and domestic laws.

Key words: forced migration, refugees, Venezuela, Ecuador, Brazil, Latin America

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Венесуэльские вынужденные мигранты и беженцы в Бразилии и Эквадоре: вопросы безопасности и социального обеспечения во время пандемии COVID-19

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Аннотация. Усугубление экономического и социального кризиса в Венесуэле подтолкнуло граждан к массовой миграции в соседние страны Латинской Америки. Наплыв вынужденных мигрантов из Венесуэлы оказался вызовом региональной безопасности для латиноамериканских стран, которые уже переживали структурные и социальные проблемы. Бразилия и Эквадор, куда прибыло значительное число венесуэльских граждан, столкнулись с огромными сложностями, связанными с необходимостью обеспечить прибывшим мигрантам доступ к медицинскому обслуживанию и образованию для их детей, рабочим местам, обеспечивая одновременно потребности и решая социальные проблемы местного населения. После потрясения, возникшего в марте 2020 г. в связи с пандемией COVID-19, самыми сложными вопросами в регионе оказались такие социальные проблемы, как качественное медицинское обслуживание и вакцинация, школьное образование, обеспечение населения рабочими местами, безопасность и управление. Национальным правительствам приходилось адаптироваться к сложившейся ситуации на самых разных уровнях, дабы удержать под контролем взрывоопасную ситуацию. Однако, как показала ситуация с пандемией, региональные лидеры пренебрежительно отнеслись к борьбе с болезнью, отказавшись от совместных усилий в решении проблемы, что привело к весьма тяжелым последствиям. Анализируется влияние иммиграционного законодательства и политики предоставления убежища, проводимой Бразилией и Эквадором, на положение венесуэльских вынужденных мигрантов и беженцев, которые въехали в эти страны до и во время пандемии COVID-19. Являясь вопросом региональной безопасности, защита венесуэльцев служит основой для обеспечения региональной стабильности, которая может быть достигнута только путем совместной межгосударственной деятельности в правовой сфере. Таким образом, авторы приходят к выводу, что Бразилия и Эквадор через сотрудничество усовершенствовали внутригосударственные законодательства и приступили к реализации государственной миграционной политики как до, так и после пандемии, для приема и интеграции венесуэльских граждан в своих странах, выполнив свои обязательства согласно принятым ранее международным и региональным договорам относительно прав мигрантов и вынужденных переселенцев.

Ключевые слова: вынужденная миграция, беженцы, Венесуэла, Эквадор, Бразилия, Латинская Америка

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Initial Considerations

As the world's second largest group of forced migrants and refugees, according to the United Nations Agency of Refugees,¹ Vaz (2017) affirms that the Venezuelan crisis migration has its origins in a multi-causal crisis that has affected the economic, social, and political-institutional order of Latin America.

¹ Global Trends in Forced Displacement — 2020 // UNHCR. June 17, 2017. URL: <https://www.unhcr.org/statistics/unhcrstats/60b638e37/global-trends-forced-displacement-2020.html> (accessed: 10.08. 2021).

First, regarding the causes of this migration crisis, it is rooted in the economic sector affected by the fall in oil price and foreign debt since mid-2015 (Granadillos, 2017). Politically, the death of President Hugo Chávez in 2013, and his successor Nicolás Maduro's lack of popularity caused a fragility that gripped the country's political institutions.

Juan Guaidó (leader of the opposition), based on some provisions of the National Constitution, self-proclaimed interim president of Venezuela in 2019. As a result, some institutional disputes and violent manifestations

began in the country. Consequently, this disruption of social order in Venezuela has exacerbated the economic suffering of the population (Alekséenko & Pyatakov, 2019). According to Silva (2021), long queues for food, lack of electricity and water in the cities, and shortages of basic medicines have since made life difficult for Venezuelan citizens in the country. These factors have thus raised the question of the relationship between such basic components (dependence on oil and the quality of governance) as means of influencing demographic factors and regional security (Kudeyarova & Rozental, 2020).

However, it is not the authors' task to explain the Venezuelan crisis in depth; instead, they focus on its negative consequences, i.e. forced migrants and refugees from Venezuela in Latin America, especially in Brazil and Ecuador. Data from 2021 showed that more than five million and 600 thousand citizens have left the country in order to survive and escape hardships.² The overwhelming majority of forced migrants are based in Latin American and the Caribbean basin countries, namely: Colombia hosts 1.7 million, Peru — 1 million, Chile — 457.3 thousand, Ecuador — 432.9 thousand, and Brazil — 261.4 thousand.³

However, the regional migration reality has undergone further changes with the COVID-19 pandemic in 2020, leading to border closures and the need for laws and public policies to protect forced migrants and refugees from the coronavirus.

In this sense, this article investigates the situation of Venezuelans' forced migrants and refugees in Brazil and Ecuador before and during the COVID-19 pandemic, as these countries are among those that received more Venezuelans since its multi-causal crisis, focusing on their laws and policies and the consequences of their actions for regional security.

These two countries are suitable for comparison due to their similarities and

differences — a good comparative study considers both features (Sartori, 1970) — with the Venezuelan's migration. The authors chose these two countries for comparison because of the lack of publications comparing the two countries as destination countries for Venezuelan citizens in the aftermath of the above-mentioned internal disruption.

In fact, both countries have had a considerable influx of Venezuelan forced migrants and refugees (less than 1 million so far), if compared with Southern Cone and Central American countries (Fig. 1); have progressive refugee and migration laws; and have been strongly affected by the COVID-19 pandemic which led to the implementation of new measures to address the migration issue.

Thus, the article highlights the consolidated national legislation on migration and refugees in both countries, which differs from what exists in other Latin American countries, such as Colombia or Peru. When compared to Ecuador or Brazil, the Peruvian government, for example, provides little humanitarian assistance to Venezuelan communities, preferring to leave this responsibility to international organizations, most notably the United Nations system. According to Camino and Montreuil (2020), Peru has also adopted several measures (stopping the issuance of temporary residence permits; requiring a passport for everyone entering Peru; adopting a tightly controlled system of humanitarian visas) in order to curb the entry of forced migrants and refugees due to popular discontent.

When compared with other countries in the region, Brazil and Ecuador also have examples of good practice in dealing with the COVID-19 pandemic, which includes migrants in general, which is not the case with countries such as Colombia or Peru, which, for example, have not allowed vaccination of Venezuelan forced migrants and refugees in irregular migration situations.

According to Silva and Pacifico (2020, pp. 3—4), both Brazil and Ecuador rank fourth and sixth among the destinations for Venezuelan forced migrants and refugees, respectively. However, the United Nations High Commissioner

² Regional Refugee and Migrant Response Plan. January — December 2021 // RMRP. 2021. URL: <https://data2.unhcr.org/es/documents/download/82927> (accessed: 10.08.2021).

³ Ibid.



Fig. 1. Venezuelan and Migrant Refugees in Latin America and the Caribbean in 2021 according to the United Nations

Source: R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region — October 2021 // R4V. October 22, 2021. URL: <https://www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-october-2021> (accessed: 10.02.2022).

Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM) cited their migration and refugee laws and policies regarding their reception and integration, particularly by combining humanitarian aid and socio-economic integration, in addition to the Brazilian Government innovative response of *Operação Acolhida*.

It is also worth mentioning that although Ecuador does not share a land border with Venezuela, the country has received more forged migrants and refugees than Brazil or the Caribbean (see Fig. 1). This suggests that

Ecuador is an important destination for Venezuelans' forced migrants and refugees beyond the geographical aspect. These and other factors, therefore, emphasise the importance of this article and the relevance of a comparative analysis between the two countries.

In this sense, according to Baeninger (2018, p. 135), Venezuelan immigration to Brazil and Ecuador in recent years (for instance, from 2018 to 2022) has the characteristics of three important directions of current international migration: South — South migration, transnational asylum migration and transnational

border migration. Consequently, “it is necessary to discuss the circulation of MERCOSUR’ citizens *vis-à-vis* the complexity of migratory phenomena and the multiple institutional, economic, and social dimensions of migration” (Baeninger, 2018, p. 135).

The article starts by describing Brazilian and Ecuadorian legislation and policies towards Venezuelan citizens between 2014 and 2019, when the current Venezuelan crisis started and its citizens began to flee for neighbouring countries, and shows the similarities in both countries.

Secondly, the authors bring a discussion of protection laws and policies in times of COVID-19 pandemic for Venezuelan citizens, showing good practices in both countries. Finally, based on Betts’ (2009) protection by cross-issue persuasion, that is, trying to emphasize that by protecting forced migrants and refugees, Brazil and Ecuador may foster the regional stability, the authors link Venezuelans’ state protection, in particular, and forced migrants and refugees, in general, to the regional security issue.

Thirdly, the article uses a comparative analysis methodology, based on Sartori (1970), qualitative and bibliographic research, based on doctrines, official documents, laws, and reports, as well as fieldwork. The inductive method used in the research starts with an analysis of Brazil and Ecuador on the importance of the protection of Venezuelan forced migrants and refugees for regional stability.

Although other countries in the region have also hosted displaced Venezuelans, it is not the aim of this article to discuss the displacement of Venezuelans there. This is due, firstly, to the fact that the authors have been conducting an in-depth study of only Venezuelan nationals in Brazil and Ecuador since 2018. Secondly, this is because, although these countries have not been leaders in the number of Venezuelan nationals admitted, they have adopted best practices that have been replicated in the region, such as the recognition of their *prima facie* refugees and national laws and policies.

In short, the value of an individual human life was not so high and intolerance for excess deaths was not so low until relatively recently.

This demonstrates our great civilizational, humanist progress in the last century. This increases the scientific value of this article, particularly by showing how two not the most developed and prosperous countries (Brazil and Ecuador) looked for a way out of the current situation in conditions when one grave crisis overlapped with another. The article describes, evaluates and compares their priorities, decisions taken and achievements in minimising both crises.

Venezuelan’s Migration to Brazil and Ecuador: A General Perspective (2014—2019)

Due to the multifaceted national crisis, Venezuelan citizens began fleeing the country to survive, with the vast majority fleeing to neighbouring Latin American countries.

Brazil and Ecuador are examples of good practices to host and integrate them. In Brazil, Venezuelan forced migrants and refugees represent a significant population group, which has increased in recent years and currently amounts 261,441: 46,343 refugees and 96,556 asylum seekers.⁴ The vast majority of these people entered Brazil through Pacaraima, a municipality on the Brazil — Venezuela border. However, these forced migrants and refugees face various obstacles during their mobility from Venezuela to Brazil, for instance: many are subjected to coyotes’ payments, physical obstacles and loneliness on the way, and, once in Brazil, they are subjected to vacancies in shelters (increasing homelessness) and difficult access to basic rights.

In order to host this vulnerable population, Brazil started *Operação Acolhida* (Host Operation) in 2018, intending to organise border control, shelters, and interiorisation, that is, sending Venezuelan citizens to other municipalities within the country, in order to share the burden with the border state of Roraima.

⁴ R4V Latin America and the Caribbean, Venezuelan Refugees and Migrants in the Region — October 2021 // R4V. October 22, 2021. URL: <https://www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-october-2021> (accessed: 13.11.2021).

For example, IOM and UNHCR provide organisational support for asylum claims (asylum seekers) and temporary visas; while the United Nations Population Fund (UNFPA) supports LGBTQI+ and seropositive' vulnerable people.

The Brazilian government created *Operação Acolhida*, as shown above, before the COVID-19 pandemic, as large number of Venezuelan nationals arrived in Roraima, state on the border with Venezuela. With its growing population, Roraima faced a major challenge: the state's system of services, such as health care and education, was overwhelmed. The state was not prepared to receive the migrants that arrived in increasing numbers in a short period.

At the national level, the Federal Committee of Emergency Assistance was created by Decree No. 9,286/2018 to host people in vulnerable situations due to the migration flow caused by this humanitarian crisis. The Committee members are, among others, state governments and federal ministries, such as the Ministry of Justice, the Ministry of Health and the Ministry of Foreign Affairs (Silva, 2021).

Operação Acolhida has three areas: border control, shelter provision and interiorisation. Firstly, regarding border control organisations, it means "reception, identification, sanitary inspection, immunisation, migratory regularisation, and screening"⁵ of all Venezuelan nationals crossing the border between Brazil and Venezuela. Secondly, there are 11 shelters for indigenous and civil Venezuelans where basic services are provided, such as the documentation (after prior identification and registration), vaccinations (for those not yet vaccinated) and free distribution of clothing, footwear, food, and medicines.⁶ Finally, the National Program of Interiorisation aims at reducing the number of Venezuelan nationals who tend to be concentrated in the state of Roraima, transferring them to other Brazilian states for better access to jobs, health care and integration. According to the Brazilian government, more than 50,000

Venezuelan nationals have been interiorised in more than 670 Brazilian cities since 2018.⁷

Regarding the dynamics of these arrivals, it is important to highlight that, firstly, the year with the highest number of Venezuelan migrants was 2019.⁸ Secondly, the total migration balance in Brazil is 316,133 Venezuelan migrants.⁹ Thirdly, the state with the largest number of Venezuelan citizens, besides Roraima, is Paraná (in the South of Brazil), with 12,286 migrants, due to the interiorisation of *Operação Acolhida*. Hence, Venezuelan forced migrants and refugees are distributed in the country. Thus, Venezuelan forced migrants and refugees are distributed throughout the country.

Upon arrival in Brazil, Venezuelan forced migrants require legal protection. Article 5 of the 1988 Brazilian Constitution states that "all persons are equal before the law, without any distinction whatsoever, Brazilians and foreigners residing in the country being ensured of inviolability of the right to life, to liberty, to equality, to security, and property, on the following terms."¹⁰ It means that constitutional fundamental rights protect Venezuelans' forced migrants and refugees in Brazil, in addition to specific laws for forced migrants and refugees.

Brazilian Refugee Law 9474/1997¹¹ introduced into the Brazilian legal system, the refugee definition of the 1951 UN Convention relating to the Status of Refugees, enlarged by the 1984 Cartagena Declaration on Refugees. It should be noted that the 1984 Cartagena Declaration is a Latin American, not legally binding document for the protection of refugees in the region. Accordingly, refugees are considered to be people who, due to a well-found

⁷ Painel de Monitoramento da Estratégia de Interiorização do Governo Federal // IOM in Brazil. URL: <https://brazil.iom.int/pt-br/painel-da-estrategia-de-interiorizacao-do-governo-federal> (accessed: 10.12.2021).

⁸ Ibid.

⁹ Ibid.

¹⁰ Constitution of the Federative Republic of Brazil 1988 // Senado do Brasil. 2013. URL: https://www2.senado.leg.br/bdsf/bitstream/handle/id/243334/Constitution_2013.pdf?sequence=1 (accessed: 15.03.2022).

¹¹ Law Number 9,474 of July 22, 1997 // Official Gazette. July 23, 1997. URL: <https://www.refworld.org/pdfid/3f4dfb134.pdf> (accessed: 15.03.2022).

⁵ Operação Acolhida // Exército Brasileiro. 2021. URL: <https://www.eb.mil.br/operacao-acolhida> (accessed: 08.08.2021).

⁶ Ibid.

fear of persecution on grounds of race, religion, nationality, social group, or political opinion, are out of their country of origin or nationality and does not want — or are unable — to return to that country, in addition to being out of their country due to grave human rights violation. Hence, the enlargement of the definition allows Venezuelans' forced migrants to claim refuge (asylum) in Brazil.

Venezuelan nationals in Brazil may also request a temporary resident visa under the new Migration Law No. 13,445/2017, regulated by Decree No. 9,199/2017, article 14¹² of which provides a temporary resident visa on the basis of (among other things) humanitarian reasons. Inter-ministerial Decree No. 9, created to deal with the high contingent of Venezuelan citizens arriving in Brazil and requesting this visa, also gives the right to citizens of border countries to request permanent residence in Brazil. Thus, Venezuelan nationals may count on two legal protection statuses in Brazil:

1) a refugee status which is recognized internationally. By submitting an asylum application (request for asylum), which means international protection, they are protected from non-refoulement, which ensures that no one has to be returned to the country of persecution; or

2) a resident status which is recognized nationally. By requesting a Brazilian visa, which means national protection, they gain access to all basic rights in Brazil. In fact, both documents give them access to basic rights, such as free health care, free education and work permits.

In the case of Ecuador, the Venezuelan migration movement has had massive social repercussions, resulting in the creation of the National "Integral Plan for the Attention and Protection of Rights in the Context of the Venezuelan Migratory Flow Increase in Ecuador." Like Brazilian legislation and policy on refugees and migrants, this plan is based on the international principles of the 1951 Convention and its 1967 Protocol, as well as the International Convention for the Protection of all

Migrant Workers and their Families, although Brazil has not yet ratified the latter.

Ecuador, unlike Brazil, is also a signatory to the 2018 Global Compact on Refugees, being committed to provide a more predictable and equitable response to host refugees and asylum seekers and to support their needs, as well as to support host countries and to achieve durable solutions in all types of displacements.

At the national level, the government of Ecuador follows the 2008 Federal Constitution,¹³ the 2017 Organic Law on Human Mobility¹⁴ and its regulations, as well as secondary regulations that aim to welcome all foreigners in human mobility situations, regardless of their nationality or immigration status in Ecuador. Similar to the Brazilian Constitution (art. 5th), article 9th of the Constitution of Ecuador provides that "foreign persons in Ecuadorian territory shall have the same rights and duties as those of Ecuadorians, under the Constitution." Additionally, article 392 states "the State shall safeguard the rights of persons with respect to human mobility and shall exercise leadership of migration policy through the competent body, in coordination with the different levels of government."¹⁵

In the same sense, article 163.2 of the 2017 Organic Law on Population Mobility establishes that, with regard to the management of population mobility, "the President of the Republic shall determine the human mobility ruling entity with the following competencies... Design public policies, plans, and programmes to assure compliance with the rights of persons in human mobility, in coordination with other state institutions."¹⁶ Consequently, it is the state's

¹³ Constitution of the Republic of Ecuador // Political Database of the Americas. January 31, 2011. URL: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html> (accessed: 10.12.2021).

¹⁴ Organic Law of Human Mobility (Non-official translation) // RefWorld. 2017. URL: <https://www.refworld.org/pdfid/5bc70a384.pdf> (accessed: 10.11.2021).

¹⁵ Constitution of the Republic of Ecuador // Political Database of the Americas. January 31, 2011. URL: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html> (accessed: 10.12.2021).

¹⁶ Organic Law of Human Mobility (Non-official translation) // RefWorld. 2017. URL: <https://www.refworld.org/pdfid/5bc70a384.pdf> (accessed: 10.11.2021).

¹² Lei Nº 13.445, de 24 de maio de 2017 // Planalto do Brasil. 24.05.2017. URL: http://www.planalto.gov.br/ccivil_03/Ato2015-2018/2017/Lei/L13445.htm (accessed: 10.12.2021).

responsibility to adopt, execute and evaluate “policies, plans, programmes, and projects” in partnerships with other actors, such as states and civil society organisations working on mobility at national and international level.

The above mentioned provisions are consistent with article 423.3 of the 2008 Constitution regarding the state’s commitment to integration, particularly with Latin American and the Caribbean basin countries, emphasising that “the Ecuadorian State shall pledge... [t]o strengthen the harmonisation of national laws, with emphasis on migration, labour, environmental, social, educational, cultural, and public health rights.”¹⁷

Finally, article 416.7 of the 2008 Constitution of Ecuador, on “Ecuador’s relations with the international community”, states that... the country demands observance of human rights, especially the rights of migrant persons, and promotes their full enjoyment by complying with the obligations pledged with the signing of international human rights instruments.”¹⁸

However, migration dynamics in Ecuador have been increasing for years, even before COVID-19. It now faces intense migration flows from Colombia, Bolivia and, more recently, Venezuela. The migration crisis in Venezuela has led to various problems for Ecuador’s national capacities since 2015. According to the Migration Plan presented by Ecuador, among all the actions implemented, the country tried to facilitate Venezuelan migrants’ access to basic services, such as health, education, transportation, housing and food. Vulnerable migrants, for instance, children and pregnant women, received special attention, i.e. the government implemented targeted protection and care measures.

The Ministry of Foreign Affairs and Human Mobility of Ecuador, in accordance with the National Plan of Human Mobility, aims to develop four policies to protect mobility, namely:

1. to promote free mobility at the international level;
2. to strengthen the protection of rights of people in situations of human mobility;
3. to foster conditions to promote order and safe migration;
4. to defend diversity, integration, and co-existence of people in situations of mobility.¹⁹

The 2008 Constitution of the Republic of Ecuador also established human rights principles to regulate human mobility in the country in articles 9; 11, paragraph 2; 40 to 42 and 66, paragraph 14 and 392. These articles, for instance, acknowledges and guarantees that:

1. foreigners shall have the same rights and duties as Ecuadorian nationals;
2. all people are equal and shall enjoy the same duties, and opportunities, and no human being shall be identified or deemed illegal because of his/her migratory status;
3. the right to asylum and refuge shall be in accordance with the law and international human rights instruments;
4. everyone has the right to move freely throughout the national territory, to choose their residence, and to enter and exit freely from the country, as ruled according to the law; and
5. the State shall ensure the competent body in coordination with different Government levels. The State shall design, adopt, execute, and evaluate policies, plans, programmes, and projects, and shall coordinate the actions of its entities with that of other states and civil society organisations that work on human mobility in the country or abroad.²⁰

Ecuador is therefore obliged to ensure that Venezuelan citizens and foreigners residing in the country have access to free education and health care, as well as social security benefits, regardless of their migration status.

¹⁷ Constitution of the Republic of Ecuador // Political Database of the Americas. January 31, 2011. URL: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html> (accessed: 10.12.2021).

¹⁸ Ibid.

¹⁹ Plan Nacional de Movilidad Humana // Ministerio de Relaciones Exteriores y Movilidad Humana. 2018. P. 29. URL: https://www.cancilleria.gob.ec/wp-content/uploads/2018/06/plan_nacional_de_movilidad_humana.pdf (accessed: 10.11.2021).

²⁰ Constitution of the Republic of Ecuador // Political Database of the Americas. January 31, 2011. URL: <https://pdba.georgetown.edu/Constitutions/Ecuador/english08.html> (accessed: 10.12.2021).

Regarding the dynamics of Venezuelan migrants and refugees in Ecuador, according to the immigration service, at least 708,935 Venezuelan citizens arrived in Ecuador between January and September 2018. Out of this number, 123,698 decided to stay in the country, whilst the others continued to move to the south of the continent, particularly to Peru and Chile.²¹ Figures for 2021 show that there are 508,935 Venezuelan refugees in Ecuador and in the Pinchincha region, for instance, 33% of the total.²²

In terms of their profile, up to 11 August 2020: 75.4% of all Venezuelan citizens that arrived in Ecuador were between the ages of 18 and 55, economically active population; 18.6% were between the ages of 0 and 17, and 5% were over 56 years old. In terms of gender, 50.9% were female and 49.15 were male.²³

The Ecuadorian government implemented several legal instruments to guarantee children and adolescents' protection (ages 0—17) against threats and violations of human rights, such as:

1. the 2018 Agreement on Inter-institutional Cooperation between the Ministry of Foreign Affairs and Human Mobility, the Ministry of the Interior and the Ministry of Social and Economic Inclusion “to ensure an adequate management of flows focused on human rights of foreigners and girls, boys, and adolescents that enter Ecuador, especially citizens from South American countries”;

2. the 2019 Protocol on Special Protection of girls, boys, and adolescents in the context of human mobility “to promote and ensure free access to education and other services that contribute to the Venezuelan girls, boys, and adolescents' development, through proceedings that simplify requirements and instruments that facilitate their entrance in different levels of

educational and pedagogical proposals to ensure their permanence in the educational system”;

3. the 2020 Inter-institutional Protocol on the Comprehensive Attention and Protection of Victims of Human Trafficking;

4. the 2020 Inter-institutional Protocol on the Smuggling of Migrants.²⁴

It should be noted that despite several signs of progress in receiving forced migrants from Venezuela in 2018, the Ministry of Foreign Affairs and Human Mobility issued a ministerial agreement requiring all Venezuelan nationals to present a valid passport for at least six months in order to enter Ecuador.²⁵

This agreement, however, was deferred in the same year, after the local government it to be violation of the right to freedom of movement and residence and stressed that this measure might put at risk the lives of vulnerable people, in case they need to enter Ecuador. Nevertheless, in 2019, the Ecuadorian government embarked on a major process to regularise Venezuelan nationals, by creating and distributing exceptional temporary residence visas for humanitarian reasons (VERHU), recognising expired passports, forgiving immigration fines for irregular stay, and elaborating a migration registration or census to characterise the Venezuelan population.²⁶

The Ministry of Foreign Affairs, the International Organisation for Migration and the United Nations Agency for Refugees (UNHCR) established in 2018 the Framework for International Cooperation for a national response for Venezuelan nationals in a situation of human

²⁴ Organic Law of Human Mobility (Non-official translation) // RefWorld. 2017. URL: <https://www.refworld.org/pdfid/5bc70a384.pdf> (accessed: 10.11.2021).

²⁵ Plan Integral para la Atención y Protección de la Población Venezolana en Movilidad Humana en Ecuador // Ministerio de Relaciones Exteriores y Movilidad Humana. 2018. URL: <https://www.cancilleria.gob.ec/wp-content/uploads/2020/07/ANEXO-1-Plan-Integral-atencio%CC%81n-ciudadanos-venezolanos.pdf> (accessed: 10.11.2021).

²⁶ Retos y oportunidades de la migración venezolana en Ecuador // WorldBank. 2020. URL: <https://documents1.worldbank.org/curated/en/453941593004490155/pdf/Retos-y-Oportunidades-de-la-Migracion-Venezolana-en-Ecuador.pdf> (accessed: 08.08.2021).

²¹ Regional Refugee and Migrant Response Plan. January — December 2021 // RMRP. 2021. URL: <https://data2.unhcr.org/es/documents/download/82927> (accessed: 10.08.2021).

²² Ecuador — Data Portal // UNHCR. December 27, 2021. URL: https://data.unhcr.org/en/country/ecu#_ga=2.147582519.1227587299.1647355460-181731137.1641912849 (accessed 12.03.2022).

²³ Ibid.

mobility. The Framework has established that USD 550 million is needed to assist Venezuelans' forced migrants and refugees in the region between 2019 and 2021.²⁷

Regarding Ecuador's priorities, in 2020—2021 (already during the COVID-19 pandemic), the Venezuelan population was able to maintain their process of regularisation to ensure their protection and access to basic benefits, family reunification and other rights established by Executive Decree 826.²⁸ It also provides for the creation of public policies, the prioritisation of vulnerable groups in need of international protection, such as children and adolescents, pregnant women, and elderly people, and campaigns development to prevent xenophobia and any other forms of discrimination against populations in a situation of human mobility.

In addition to the process of regularisation of their migratory status in Brazil and Ecuador, Venezuelans' forced migrants and refugees have faced obstacles in accessing basic rights in both countries. These challenges have exacerbated their vulnerability worldwide, i.e. the COVID-19 pandemic, as it is the case for Venezuelan citizens in Brazil and Ecuador.

Venezuelan's Migrants and Refugees in Brazil and Ecuador during the COVID-19 Pandemic: A Comparative Overview (2020—2021)

Venezuelans' forced migrants and refugees find themselves in a more vulnerable situation under the global COVID-19 pandemic. For Cavalcanti et al. (Cavalcanti, Antônio & Tonhati, 2020), the impact of this pandemic on forced migrants and refugees disrupts or complicates their migration projects more difficult, especially as they face border closures and barriers to movement.

²⁷ Retos y oportunidades de la migración venezolana en Ecuador // WorldBank. 2020. URL: <https://documents1.worldbank.org/curated/en/453941593004490155/pdf/Retos-y-Oportunidades-de-la-Migracion-Venezolana-en-Ecuador.pdf> (accessed: 08.08.2021).

²⁸ Ecuador Situation Report — August 2019 // Reliefweb. August 31, 2019. URL: <https://reliefweb.int/report/ecuador/ecuador-situation-report-august-2019> (accessed: 31.08.2021).

The biggest challenges for Venezuelans' forced migrants and refugees in Brazil and Ecuador in 2019—2020 were access to the labour market, meeting basic needs for themselves and their families and, above all, socio-economic integration.

With limited educational, recreational and livelihood opportunities, the recruitment of young people to engage in illegal activities was a major concern. In Ecuador, although refugees have the same rights as Ecuadorian nationals, including the right to work, but as for many Ecuadorians, the economic situation makes it difficult to access adequate employment opportunities.²⁹

In the same sense, in March 2020, many Venezuelan citizens started fleeing their country to other countries in Latin America, particularly Ecuador. Even with Peru and Chile as destination countries, many Venezuelans were forced to cross the Ecuadorian border. However, at that time, the novel coronavirus was already responsible for the COVID-19 pandemic and the Ecuadorian government closed its borders in March 2020.

As a result, entire Venezuelan families were blocked and unable to continue their journey out of the country, exposed to risks such as the spread of coronavirus and disease, weather conditions, xenophobia, insecurity and violence. Hence, it should be emphasized that the COVID-19 pandemic has exacerbated the situation of Venezuelans' forced migrants and refugees in Ecuador.

On the Brazilian side, state borders were closed in 2020 by inter-ministerial orders 201, 204, 255 and 319. These orders prevented access to the country of non-Brazilians, excluding naturalised individuals, those already holding a residence permit, non-nationals representing official missions and their immediate family members, curators of Brazilian citizens or any persons authorised by the government to enter the country due to the public interest or humanitarian reason (Cavalcanti, Antônio &

²⁹ Ecuador // UNHCR Global Focus. URL: <https://reporting.unhcr.org/ecuador?year=2018> (accessed: 31.08.2021).

Tonhati, 2020). In addition, order 655/2021 allowed persons in situations of vulnerability from migration flow caused by the humanitarian crisis to enter the country.³⁰

In addition to border closures, the Brazilian government implemented some measures to mitigate the effects of the COVID-19 pandemic, such as providing emergency assistance to vulnerable people (around USD 114 per month). However, this amount is lower than the national minimum salary (around USD 198 per month). This amount was cut by half still in 2020 (da Costa Santos, 2020).

Many Venezuelan citizens in Ecuador faced economic problems in 2020, especially access to the labour market. Because of lockdowns caused by the COVID-19 pandemic, the labour market also became more irregular and informal, in addition to the fact that many Venezuelans' forced migrants and refugees do not hold Ecuadorian documents that would facilitate their access to labour market.³¹

Lack of permanent status in Ecuador, such as lack of identity documents, prevented Venezuelans' forced migrants and refugees from accessing social assistance from the central government for people and families in situations of vulnerability due to the pandemic, such as food baskets or emergency direct transfers, similar to the Brazilian emergency assistance.

Therefore, Venezuelans' forced migrants and refugees currently in a serious situation of vulnerability have little access to public emergency services, mainly in relation to the shelter and food for newcomers, despite article 42 of the Constitution of Ecuador and article 92 of the Organic Law of Human Mobility. Both laws provide the right to humanitarian protection and assistance, in addition to the implementation of emergency protocols to forced migrants and refugees.

³⁰ Portaria nº 655 de 23 de junho de 2021 // GOV.BR. 24.06.2021. URL: <https://www.in.gov.br/en/web/dou/-/portaria-n-655-de-23-de-junho-de-2021-327674155> (accessed: 09.08.2021).

³¹ Noboa A. La pandemia empeoró la situación de los venezolanos en Ecuador // Primicias. 12.04.2020. URL: <https://www.primicias.ec/noticias/sociedad/pandemia-situacion-venezolanos-ecuador/> (accessed: 08.08.2021).

The arrival of Venezuelans' forced migrants and refugees with expectations of achieving a better standard of living in Ecuador became a great challenge. This required various actors, such as national and international organisations, to adapt their structures to provide them access to basic human rights, health care, education, employment, etc., especially during the COVID-19 pandemic.

In Ecuador, there have been a number of national and international organisations known for assisting Venezuelan citizens during the COVID-19 pandemic, for instance *Albergue Casa del Migrante Buen Samaritano*, *Sociedad Civil Alas de Colibrí*, *Asociación Civil Venezuela en Ecuador*, *Organización Diálogo Diverso*, *Fundación Venezolanos en el Exterior Ecuador*, *Fundación Chamos Venezolanos en Ecuador*, *Office of the Ombudsman*, Norwegian Refugee Council, UNHCR, IOM, the International Committee of the Red Cross, United States Agency for International Development, and the Hebrew Immigrant Aid Society (HIAS).

These organisations' main work is to provide support for forced migrants and refugees who are vulnerable and more exposed to the COVID-19 pandemic, and also to assist children, adolescents, pregnant women, older adults, and large families with several children. Their main goals are protection, social inclusion, job placement, advocacy, human rights restoration, food aid, health care, and psychological health.

In addition, Venezuelan nationals who decided to return to their country of origin as a consequence of the COVID-19 pandemic have counted on international organisations' assistance, such as UNHCR and IOM to assist and protect them during repatriation.

As already mentioned, forced migrants and refugees' vulnerability has been exacerbating during the COVID-19 pandemic. According to the 2021 Refugee and Migrant Response Plan Report (RMRP),³² forced migrants and refugees in the country have not been able to protect their basic human rights during the COVID-19

³² Regional Refugee and Migrant Response Plan. January — December 2021 // RMRP. 2021. URL: <https://data2.unhcr.org/es/documents/download/82927> (accessed: 10.08.2021).

pandemic. For example, school registrations have decreased, job access has been reduced, salaries have been lower than the legal minimum salary and residences are found without adequate water, sanitation, and hygiene.

Thus, they suffer from an inability to meet their basic needs for food and housing, being exposed to a higher risk of domestic violence and sexual exploitation.³³ The Report still mentions that in Brazil it is of paramount importance:

1. to complement and reinforce the government's response regarding registration, documentation, housing, interiorisation, and medical attention to forced migrants and refugees;

2. to improve access to basic goods and services, particularly those services that contribute to prevent and to respond to COVID-19 pandemic;

3. to prevent, mitigate, and respond to protection risk by strengthening access to rights, particularly for persons in situations of vulnerability and with specific needs;

4. to mitigate the negative effects of COVID-19 pandemic on socioeconomic integration and the integration of forced migrants and refugees into the host community, providing support for access to direct assistance, formal jobs, adequate housing, and other basic services.

Previously mentioned Brazilian *Operação Acolhida*'s efforts to prevent coronavirus among the Venezuelans' forced migrants and refugees include the distribution of hygiene kits (also for homeless population), instruction on how to properly sanitise hands and how to use masks.³⁴ Regarding immunisation against coronavirus, *Operação Acolhida* has a highlight in the R4V Platform, in vaccinating Venezuelans forced migrants and refugees against coronavirus.

³³ Regional Refugee and Migrant Response Plan. January — December 2021 // RMRP. 2021. URL: <https://data2.unhcr.org/es/documents/download/82927> (accessed: 10.08.2021).

³⁴ Plataforma R4V parabeniza Operação Acolhida por mutirão de vacinação contra a COVID-19 entre refugiados e migrantes venezuelanos // UNHCR ACNUR Brasil. 06.08.2021. URL: <https://www.acnur.org/portugues/2021/08/06/plataforma-r4v-parabeniza-operacao-acolhida-por-mutirao-de-vacinacao-contra-a-covid-19-entre-refugiados-e-migrantes-venezuelanos/> (accessed: 08.08.2021).

According to UNHCR, the Humanitarian Logistic Task-Force has started, in August 2021, a vaccination campaign, with a daily average of 300 visits.³⁵ The action has been possible thanks to the Brazilian Universal Health System (SUS), which has a national scope and serves citizens and foreigners living in the country. The campaign provided buses to take small groups of Venezuelans' forced migrants and refugees from shelters to vaccination sites and also immunised people over the age of 18, pregnant and breastfeeding women.

Briefly, a comparison analysis of Venezuelan's forced migrants under refugees' protection in Brazil and in Ecuador during the COVID-19 pandemic can be visualised in the Table 1 below.

In summary, both Brazil and Ecuador are examples of good practice in the Latin American region, having created laws and policies to host and to integrate Venezuelans' forced migrants and refugees who arrived there before and during the COVID-19 pandemic. As a result, conflicts between local communities and Venezuelans' citizens seem to be reduced, if not avoided, and this reality helps to build a wall of security in the region.

Protection of Venezuelans' Forced Migrants and Refugees in Brazil and Ecuador during the COVID-19 Pandemic as a Regional Security Issue

In the last three decades, in the context of regional integration, some organisations were created to integrate and expand the democratic, political or social values emerged in Latin America, such as the Southern Common Market (MERCOSUR) in 1991, the Amazon Cooperation Treaty Organisation (ACTO) in 1995, and the Union of South American Nations (UNASUR) in 2008.

According to Oliveira & Onuki (2000), the political and geostrategic significance of MERCOSUR largely surpasses its economic-commercial meaning. Although there is no specific reference to security issues in the 1991

³⁵ Global Trends in Forced Displacement — 2020 // UNHCR. June 17, 2017. URL: <https://www.unhcr.org/60b638e37/unhcr-global-trends-2020> (accessed: 10.08.2021).

Table 1

Comparative Overview of Brazilian and Ecuadorian Laws and Policies on Venezuelan Forced Migrants and Refugees, 2020—2021

Criteria	Brazil	Ecuador
Total of Venezuelan forced migrants and refugees	261,441 (2021)	508,935 (2021)
International laws	<ul style="list-style-type: none"> — 1951 Convention and its 1967 Protocol — International Convention for the Protection of all Migrant Workers and its Families (not ratified yet) — 1984 Cartagena Declaration 	<ul style="list-style-type: none"> — 1951 Convention and its 1967 Protocol — International Convention for the Protection of all Migrant Workers and its Families — 1984 Cartagena Declaration — 2018 Global Compact on Refugees
Domestic laws and policies	<ul style="list-style-type: none"> — Article 5th and 9th of the 1988 Brazilian Constitution — Refugee Law 9474/1997 — Migration Law n. 13,445/2017 — Federal Decree n. 9,199/2017 — <i>Operação Acolhida</i> — Decree n. 9,286/2018 — Federal Committee of Emergency Assistance — Inter-Ministerial Order no. 9 	<ul style="list-style-type: none"> — Article 9th, 392, 416.7, and 423 of the 2008 Federal Constitution — 2017 Organic Law on Human Mobility — National Plan of Human Mobility
Lacks of protection during the COVID-19 pandemic	<ul style="list-style-type: none"> — Labour market access — Basic needs — Socio-economic integration — Xenophobia and violence (mostly in Roraima) 	<ul style="list-style-type: none"> — Labour market access — Basic needs — Socio-economic integration — Xenophobia and violence — No regular status
Good practices during the COVID-19 pandemic	<ul style="list-style-type: none"> — Distribution of hygiene kits — Instruction on how to properly sanitise hands and to use masks — Vaccination against coronavirus 	<p>Large number of national and international organisations' assistance, for instance, the UNHCR and IOM, providing them assistance and protection on repatriation</p>

Source: compiled by the authors.

Treaty of Asunción, MERCOSUR contributed to changes in the regional security arena that are subsequently discussed and defended in the Founding Treaty of UNASUR, signed on 23 May 2008.

UNASUR is responsible for ensuring the protection and defence of its member states. Since its founding, it has been successful in managing and controlling various political crises, such as the dismantling of the attempted coup in Ecuador in 2010; the discussion on the installation and use of Colombian military bases by the United States in 2009; and the mediation of the crisis between the government in Venezuela and the opposition in 2014 (Oliveira, 2014). Over the years, however, it has lost strength due to budgetary constraints and internal crises, leading to the establishment of PROSUR in 2019 as a regional forum for dialogue to promote South-American cooperation. Unlike UNASUR, PROSUR is not only focused on

defending the rule of law, but also seeks to expand the development of representative democracy, free elections, separation of powers, human rights, and respect for sovereignty and territorial integrity.

Finally, another relevant aspect of national security and regional integration for both Brazil and Ecuador is the Amazon Cooperation Treaty Organization, comprising Bolivia, Brazil, Colombia, Ecuador, Guyana, Peru, Suriname, and Venezuela, which aims at the socio-environmental protection of the Amazon region. Several joint programmes address the vital needs of indigenous and voluntarily isolated peoples, enhance cooperation on health and regional cooperation to ensure public security (Borzova et al., 2021).

It should also be noted that along with the negative effects of climate change and the increase in the number of conflicts in the Amazon region, the problem of cross-border

crime associated with drug trafficking, migration, kidnapping and human trafficking, smuggling of weapons, precious stones and gold have become increasingly important (Martynov et al., 2017), also affecting Venezuelan nationals in need of crossing Venezuelan borders to survive.

While Colombia, Peru and Bolivia are part of the “Andean drug triangle” and are cocaine producers, Ecuador and Brazil are “transshipment and transshipment points,” where the criminal situation poses a threat to the entire region, questioning the importance of regional and social security mechanisms. As a consequence, Ecuador, Peru and Colombia established the Border Commission in 2012, under which information is exchanged and special patrol units were created in the area to improve security in the region and prevent drug trafficking, human trafficking and smuggling, as well as illegal migration. Brazil, for its part, has created a watershed protection system, which includes, for instance, airplanes, satellites, meteorological radars, radio ozone, ground equipment, and hurricane tracking systems (Borzova et al., 2021).

The Amazon region demonstrates the viability of the Amazon Interstate Pact. ACTO’s activity could become an important component of the ecology development, i.e. the “green theory” in contemporary international relations, which also includes social development and human security as one of the pillars of regional integration.

The concept of human security emerged within the debate on reconstructing the concept of, international or regional, security. Regional security complexes are a theory developed within the so-called Copenhagen School (1985), which seeks to understand international security issues from a regionalist approach (Buzan & Wæver, 2003).

Latin American countries, as such Brazil and Ecuador, have made efforts to promote economic and social development in the region. Both countries have found a way to achieve these goals through regional integration related to political-economic development and the protection of human security, such as forced migrants and refugees.

The concept of human security, first formulated in the United Nations Development Programme (UNDP) Human Development Report (HDR) in 1994, was later incorporated by states, international, regional and non-governmental organisations in the report *New Dimensions of Human Security* to expand the three dimensions: human development, security and human rights (Brandão, 2005).

According to Machado (Machado & João Batista, 2008), the main goals of human security are to guarantee and protect (1) freedom to live without fear, (2) freedom to live, and (3) freedom to live with dignity, ensuring de facto human prosperity. Based on these principles, seven dimensions were established to build the human security concept: economic development, famine prevention, health insurance, environmental protection, personal growth, community, and political stability. However, it can only be achieved through cooperation among different actors (Pacífico & Silva, 2019), in this case, involved with protection of Venezuelan forced migrants and refugees in countries of destination.

Hence, it seems that Brazil and Ecuador, having developed regulations and implemented public policies, in cooperation or not with various international and national actors, to host and integrate Venezuelan citizens in both countries, have followed their commitment to international and regional treaties, as well as domestic laws. Both countries have built their systems by linking security and migration issues, as prescribed by Betts (2009; 2010a; 2010b), as a solution to protect Venezuelan citizens, in particular, and forced migrants and refugees, in general, on their territory.

Final Conclusions

Betts (2009; 2010a, p. 41) describes “cross-issue persuasion” as the conditions under which UNHCR has been able to convince states of the links between refugee protection and other issue-areas, for instance, migration and security, as a way to induce states to act in refugee protection. In other words, it is “the conditions under which an actor A may persuade an actor B that an issue in area X and another issue in area Y are linked, as a way to convince actor B to act in area X

on the basis of its interest in area Y.” (Betts, 2009; 2010a, p. 4).

In this sense, UNHCR and IOM convinced Brazil and Ecuador to protect Venezuelans’ forced migrants and refugees based on their interest on national and regional security (Pacífico, 2011, pp. 422—424). This action has been of paramount importance, particularly in Brazil, where, for Arcos, Pacífico and Costa (2020, p. 1), the conservatism of the current right-wing government could pose a threat for migrants and refugees in the country. However, the 1988 Constitution, the Refugee Law, and the new Migration Law became an obstacle for the government, making it easier to protect them, for example.

First, international and national organisations as well as national civil societies in Brazil and Ecuador pushed these countries to “stretch” the international refugee regime (laws and policies) to bring it in line with their domestic regimes to protect these vulnerable individuals. Second, the Brazilian and Ecuadorian governments, regardless of the push by many actors, had no choice but to deal with the flow of Venezuelan forced migrants and refugees.

For Betts (2009; 2010b), regime stretching means changing (or stretching) the local implementation of the international refugee regime, adapting it to local needs, as happened in

Brazil and Ecuador to cope with the massive influx of Venezuelan nationals arriving in these countries, especially during the COVID-19 pandemic.

UNHCR does not consider these Venezuelan nationals as refugees, but rather as a separate group of forced migrants under UNHCR concern, whilst Brazil and Ecuador consider them refugees or temporary migrants, according to their domestic regimes.

In the absence of a global regime to protect them, the solution may be to stretch the regime (Betts, 2014, p. 79). First, at the local level of implementation, Brazil and Ecuador used existing rules and structures, such as ratifying international treaties, and adjusted them to protect Venezuelan nationals on their territory. Second, at the level of institutionalisation, Brazilian and Ecuadorian legal orders incorporated norms and public policies, such as emergency assistance, work permits and remittances.

Thus, UNHCR, IOM, civil society and other actors can convince governments that regime adaptation and local implementation of international treaties is a way to improve a country’s image abroad, improve state security, reduce criminality, increased through racism and discrimination against migrants, and finally increase trade partners and cooperation.

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