



# Democracy, human rights and security in Latin America's approach to international human mobility

Miryam Hazán, PhD

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# Outline

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# Introduction

- International migration has played a significant role in the history of Latin America, shaping the demographics, economy, culture, and political life of various countries (Argentina, Brazil, Uruguay) (Acosta, 2018; Hazán, 2022)
- Nonetheless, for many years, countries in the region had a negative perception of international migrants and refugees.
- Though countries received refugees in specific circumstances, they mostly closed their doors during WWII and the Cold War period. Certain groups, including Jews, were excluded.
- During the military dictatorships of the 1970s and 1980s, fear of communism defined state responses to migration.
- Intra-regional flows were not large until very recently, though there were specific labor migration systems (e.g., Mex-US, Guat-Mex, Nicaragua-Costa Rica, Guat and ES-Belice).

# Introduction

- In the 1990s, as Latin America emerged from decades of military rule, many countries began to embrace democratic governance and the rule of law.
- These transitions were accompanied by new constitutional frameworks that prioritized human rights and increasingly aligned with international norms. This approach, which emphasized the inherent dignity and rights of migrants, took root in national and regional policy debates. It framed migration as a structural phenomenon driven by development gaps and global inequalities.

# Introduction

- The rights-oriented approach adopted by countries in the region had positive effects as it allowed them to tap the benefits of international migration (such as remittances, economic and demographic growth, cultural diversity) while diminishing the social and political challenges it could represent.
- Today, LA countries face a **liberal paradigm** (Hollifield) similar to countries of the Global North as the new rights-oriented approach adopted in the region is challenged by democratic backsliding, limited state capacity and external pressures, primarily from the US.
- Attacks on the judiciary and NGOs present additional challenges to liberal policies adopted in recent years.

# Democratization and a rights-centered approach

- Since the exit of Joaquin Balaguer from power in the Dominican Republic in 1978 until the early 2000s, Latin American countries underwent significant democratization processes, as part of the "third wave of democratization" (Huntington 1991, 1993).
- A critical aspect of this transition was a new emphasis on human rights and the rule of law, especially in light of the severe human rights violations in countries that were ruled by military dictatorships or that had faced civil war, violent conflict, or one-party rule.

# Democratization and a rights-centered approach

- LA countries adopted what has been termed a “transformative Inter-American constitutionalism” (Bogdandy, Morales Antoniazzi, Ferrer Mac-Gregor, et al. 2017).
- Looking for answers in Constitutional Law, countries granted supremacy to international law (e.g., the Colombia 1991 and Argentina 1994 constitutions, Mex 2011 reforms). The result: international conventions that were ratified took primacy in many cases.
- To connect new institutional arrangements to the policy process, countries also established constitutional guarantees known as “conventionality control” which forced a dialogue with the international and Inter-American human rights systems.



# Democratization and a rights-centered approach

- The American Convention on Human Rights (ACHR) linked with other Inter-American instruments negotiated by OAS member states, along with the decision-making process of both the Inter-American Commission on Human Rights (IACHR) and the Inter-American Court became quite prominent in normative and policy design.
- This rights-centered approach was also facilitated by a **stronger judiciary power**, and a more proactive and savvy NGO community, which emphasized strategic litigation.
- Both the Judiciary and a NGOs became key actors in enabling a protective regime towards migrants and refugees and other displaced populations that emerged in the region.

# Democratization and a rights-centered approach

- Other factors that facilitated the new approach included:
  - The emigration or forced displacement experiences of a number of countries (Mexico, Colombia, Central America), which eventually prompted them to develop policy frameworks to protect and advocate in favor of their populations abroad.
  - Regional and intra-regional integration processes (Acosta 2018) (e.g., Mercosur, Andean Community, CAFTA/NAFTA).
  - When international human mobility became more prominent because of the displacement of Venezuelans, the humanitarian approach became sustainable in part because of the financial support of international donors and institutions.

# Characteristics of the rights-centered approach

- LA countries have acknowledged and incorporated into law and policy actions the right to migrate as an inherent right to the person emanating from international and Inter-American instruments
- People have the right to leave a territory and to enter another, even when the right to enter is determined by the sovereign decision of the receiving State
- With regard to that, the person has certain guarantees, such as the right to request asylum, not to be returned to their country of origin if at risk, no collective expulsion, and expulsion only after due process.

# Characteristics of the rights-centered approach

- Migration is perceived as a structural phenomenon that has resulted from developmental gaps.
- Recognition that migration contributes to development in all its facets (programs abroad, policies towards returnees and policies that attempt to integrate immigrants).
- Recognition that immigrants face a structural vulnerability that must be addressed by the State
- Irregularity generates an inherent vulnerability: involuntary arrests, inability to access the debt process, massive deportations, detention in infra-human conditions, labor exploitation, trafficking, which need to be addressed.

# Characteristics of the rights-centered approach

- Regularization is desirable.
- Human rights are based on human dignity and all rights except political rights should apply to all persons regardless of nationality and legal condition. These include economic, social, cultural and environmental rights.
- Social and economic integration is also desirable, and states should take action to facilitate it.
- States should adopt measures to protect vulnerable populations within the processes of human mobility: women, children and adolescents, people with disabilities, LGBTQI, older people.

# Characteristics of the rights-centered approach

- At the national level new laws and regulations were enacted (e.g., Argentina 2004, Mexico 2011) while the practice of the constitutional and conventionality control helped expand protections.
- Over 90 regularization initiatives were undertaken since 2000 (Acosta & Harris, 2021), including humanitarian visas and temporary protection regimes. These policies have aimed to reduce irregularity and promote long-term inclusion.

# Characteristics of the rights-centered approach

At the inter-American level, States adopted a number of actions:

- 2009 creation of SICREMI as the first attempt to compile, analyze and publish statistics on international migration in the Americas
- 2012 creation of the Commission for Migratory Affairs, originally in the orbit of the Permanent Council and now the Inter-American Council for Integral Development
- 2016 Inter-American Program for the Promotion and Protection of the Human Rights of Migrant Persons, Including Migrant Workers and their Families
- 2017 Migration resolution in the Americas
- 2019 ICHR Inter-American principles and decisions and consultative notes by the Inter-American Court.

# The new realities of human mobility in the Americas

- According to the UNDP (2024), there are 304 million international migrants globally. North America hosts over 61 million, while Latin America and the Caribbean (LAC) account for approximately 17.5 million.
- Crucially, LAC is not only a region of origin but increasingly one of destination, transit, return and “reverse migration”.
- The displacement of over 7.7 million Venezuelans since the mid-2010s marks the most significant migration crisis in the region.



# The new realities of human mobility in the Americas

- By 2024, 6.6 million Venezuelans resided in LAC. Colombia alone hosted almost 3 million. These figures represent a dramatic demographic shift: Venezuelans now constitute nearly 6% of Colombia's population.
- These flows have tested state capacity. Public services—health, education, housing—have been strained. International cooperation initially helped fill gaps, but its decline has exacerbated challenges. Migrants often face xenophobia, discrimination, and barriers to integration.

# Challenges (labor market and social rights)

Important pending issues and challenges (labor market and social rights):

- High Informality
  - While in the region 6 out of 10 jobs are in the informal sector, among refugees and migrants (especially Venezuelans) a larger share are employed in the informal sector. In many cases, up to ~90% (ILO, 2023).
  - Jobs are often low-paid, precarious, with no formal contracts, and limited (or no) social protection.
- Irregular Status & Legal Barriers
  - Many migrants/refugees lack regular legal status (e.g. documents, work permits). This limits their access to formal jobs, public services (health, social protection), and recognition of credentials or previous education.
  - For example, among the ~6.7 million Venezuelans in Latin America & the Caribbean, more than a third are in an irregular situation.

# Challenges (labor market and social rights)

- Lower Earnings / Poverty and Vulnerability
  - Because informality and irregularity and other entry barriers, earnings are low. Many face poverty, food insecurity, and live in overcrowded conditions. E.g. the “Refugee and Migrant Needs Analysis (RMNA) 2024” reports that 42% of Venezuelans in Latin America & Caribbean cannot provide enough food for their families.
- Mismatch of Skills / Non-recognition of Qualifications
  - Many migrants/refugees have qualifications/skills, but face problems getting them recognized. As a result, they take lower-skilled or lower-paid jobs.
  - In some cases, lower education levels (on average) among newcomers vs host populations increases the mismatch.
- Gendered Impacts
  - Women migrants/refugees often face additional barriers: childcare, social norms, more likely to be employed in domestic work or unpaid caring roles. Their labor force participation is lower compared to men.

# Challenges (labor market and social rights)

- Health, Safety, Working Conditions
  - Migrant workers tend to be overrepresented in risky, “3D” jobs (dirty, dangerous, demanding) sometimes without protections.
  - Lack of formal contracts means fewer rights, fewer protections (e.g. health insurance, occupational safety) for many.
- Contribution & Potential Economic Benefits
  - Despite the challenges, studies find that migrants and refugees also bring important benefits to host economies: filling labor shortages, contributing to economic growth, increasing consumption demand and addressing demographic challenges.
  - For example, an IMF study based on mathematical modeling (2022) suggests that with good integration policies, migration of Venezuelans could increase real GDP in host countries by as much as 4.5 % relative to a no-migration baseline by 2030.

# State responses: Colombia

- Colombia has responded actively by applying international law principles into decision-making processes and promoting regularization.
- The constitutional/conventional block has helped expand the protective regime towards migrants and displaced populations.
- Article 100 of the 1991 Constitution: “[F]oreigners shall enjoy, in the territory of the Republic, guarantees granted to citizens, except for the limitations established by the Constitution or the law.”

# State responses: Colombia

- The State has played a prominent role in regional and global efforts to facilitate a coordinated response to Venezuelan human mobility
- It has mobilizing donor resources to facilitate access to social welfare benefits (healthcare, housing, education)
- It has pursued a comprehensive long-term strategy for migration management facilitating access to its formal labor market through Special Stay Permits and other mechanisms.
- It made cross-border transit more flexible for residents of specific geographic areas via the Border Mobility Card.

# State responses: Colombia

- It created 10 different temporary permits. The last—the Temporary Protection Statute for Venezuelan Migrants under the Temporary Protection Regime—adopted in 2021 and available until 2023, is valid for 10 years.
- The country passed laws in 2011 and (a more comprehensive one) in 2021 which incorporate many aspects of international human rights law, even while it has been deemed insufficient (Palacios, 2024).
- However, the new administration has been more ambiguous. There are no new comprehensive permits to address irregular migration, and it has placed new obstacles (having a valid passport, for example) for regularization, while inter-institutional coordination has been undermined by the elimination of the coordinating office at the presidency level.

# State responses :Colombia

## Labor Market Situation:

- According to the IMF (2020) ~ 74% of Venezuelan migrants are economically active; ~ 62% employed; ~ 67% of employed work informally.
- Unemployment among migrants ~ 16% vs ~ 10% among nationals.
- Migrant professionals earn over 50% less than locals with same qualifications.
- Educated migrants often remain in informal or small firms without social security.
- Discrimination and credential recognition delays hinder employment (Colombiaone, 2025).



# State responses: Colombia

- While international cooperation still plays a relevant role, resources are now scarcer as the US implements cuts to international aid.
- Irregularity hovers around 45% with few mechanisms to address it, and migrants face a more difficult situation with new challenges for the Colombian State, such as the arrival of returnees/deportees and new emigration due to internal conflicts: 314,000 Colombians left in 2024 (UNHCR).
- Barriers to labor market integration may increase as international support decreases and economic situation deteriorates.

# State responses: Mexico

- Mexico passed a constitutional reform in 2011 that also granted primacy to International law over national law and facilitated conventionality control.
- It passed an immigration and refugee law (2011) and regulations (2012) which are broadly protective.
- Mexico has been one of the few countries that has used the Cartagena Declaration as a base to assign refugee status apart from the 1951 Refugee Convention and 1967 Protocol.
- It has also been a major advocate for migrant rights in international forums
- But its rights centered approach has been impacted by its democratic backsliding as well as by US policies.
- The reforms to the judiciary may further undermine the rights-oriented approach since it will impact its capacity to exercise the conventionality control mechanism.

# State responses: Mexico

- As a transit country, the 2011 law was having an impact. It changed the the dynamics of the transit flows to the US. (e.g., one reason the number of unaccompanied minors increased in 2014 is because the Mexican immigration authorities had the mandate of protecting migrants not detaining them).
- Yet US pressure forced it to adopt restrictive policies starting with the 2014 Program for the Southern Border.
- During the first Trump administration, Mexico was forced to accept the US policy Remain in Mexico/ Migration Protection Protocols (MPP), which resulted in thousands of asylum seekers being stranded in dangerous border cities.
- The Mexican National Guard became a prominent actor even while the law only grants detention authority to immigration authorities, a situation that has led to major human rights violations.

# State responses: Mexico

- With the Biden administration, Mexico used migration as a bargaining chip, agreeing to continue cooperation in exchange for non-intervention in domestic politics.
- Since early 2024, Mexico intensified efforts to block migrants from reaching the US border, reporting nearly triple the migrant encounters compared to 2022 (WOLA 2024).
- Between January and July 2024, over 700,000 people were detained in Mexico. Humanitarian organizations have highlighted worsening conditions for migrants (WOLA 2024).
- Mexico helped stop flows to US under Biden. Yet even though new flows into the US are very low, pressure to control migratory flow continues.

# State Responses: Mexico

- With respect to immigration the country has become a new recipient ~ 1.5 million. The majority Americans
- Slow asylum/regularization processes and high informality remain main barriers (UNHCR).
- There are some programs with support of UNHCR's which has helped 50,000 refugees/asylum-seekers in Mexico find stability. Relocated refugees often secure jobs with benefits
- Some states have benefited of formal labor like Aguascalientes.
- But in Chiapas, many asylum-seekers remain in informal work due to processing delays.

# State Responses: Brazil

Brazil built a large, government-led humanitarian response

- It has used humanitarian visas, asylum processing and other regularization channels to give Venezuelans and other nationalities legal status or access to work rights, benefiting from support of UN agencies and NGOs (recognition, integration and protection)
- Operação Acolhida a government- led response based in Roraima that provides reception services at the border (health, shelter, registration) issues documentation and organizes relocation to other cities and — increasingly — access formal employment.

# State Responses: Brazil

- Numbers:  $\approx$ 622,000 Venezuelans hosted (June 2024);  $\approx$ 144k recognized as refugees (July 2024) after recognition in 2016;
- $\sim$ 136.7k Venezuelans cumulatively in formal employment up to March 2024.
- Overall foreign-born population  $\sim$ 1.0 million (IBGE, 2022).
- Other nationalities (Haitians, Bolivians, Cubans, Portuguese, Chinese, Syrians, etc.) form important communities; Haitian and Bolivian presences are especially notable and face well-documented vulnerabilities.

# State Responses: Brazil

- Internal relocation ('interiorization') is tied to higher formal contract rates ( $\approx 65.8\%$ ) and incomes.
- Diploma revalidation fee exemptions help credential recognition, though downgrading persists.
- Gender disparities persist: migrant women less likely to hold formal jobs.
- Average salary for Venezuelan refugees in formal employment (~Q3 2024) is ~US \$ 326.10, about 14% lower than Brazilians (UNHCR).
- Santa Catarina is the state that has received the most immigrants in the labor market (UNHCR, 2023)
- Slaughter of Pigs, poultry and other small animals, main economic activity





### Venezuelan refugees and migrants in formal labor market by National Classification of Economic Activities (CNAE)

| CNAE                                                                                                      | Total          |
|-----------------------------------------------------------------------------------------------------------|----------------|
| Slaughter of pigs, poultry and other small animals                                                        | 22,886         |
| Retail trade of general merchandise, with a predominance of food products - hypermarkets and supermarkets | 9,101          |
| Restaurants and other food and beverage service establishments                                            | 8,397          |
| Building construction                                                                                     | 3,525          |
| Slaughter of animals, except pigs                                                                         | 2,624          |
| Cleaning in buildings and homes                                                                           | 2,118          |
| Road freight transport                                                                                    | 2,013          |
| Retail trade of hardware, wood and construction materials                                                 | 1,641          |
| Hotels and similar                                                                                        | 1,631          |
| Others                                                                                                    | 69,161         |
| <b>Total</b>                                                                                              | <b>123,097</b> |

# The securitization of migration management

- Despite formal commitments to rights-based governance, migration in Latin America has become increasingly securitized. Several dynamics contribute to this shift:
  - **State Capacity Limits:** Welfare systems have struggled to integrate large populations, creating backlash and policy fatigue.
  - **Democratic Backsliding:** Authoritarian trends undermine institutional protections. Examples include the use of armed forces in migration enforcement, the weakening of inter-institutional coordination, and attacks on the judiciary and NGOs.
  - **External Influence:** US pressure has led to the adoption of restrictive practices, often supported by technology transfers and funding.

# The securitization of migration management

Examples:

- Use of National Guard in Mexico, and acceptance of mechanisms that place migrants at risk (the Migrant Protection Protocols in the US).
- Recognition of the government of Maduro by the new Colombian government, disappearance of coordination office at the national level, lack of policies to deal with new flows, and new obstacles.
- Acceptance by different countries (El Salvador, Guatemala, Costa Rica, Panamá and others) of US deportees even when they are not nationals of those countries.
- Control of the Darien Gap by Panamá and Colombia using military and police forces.
- Argentina's abandonment in May 2025 of its 2004 immigration law (rationalized by, among other things, fear of the *Tren de Aragua* criminal organization arriving in Argentina).

# Migration as a bargaining chip

- Migration is increasingly instrumentalized in international relations and in the context of US-Latin American relations.
- Countries exchange enforcement cooperation for concessions on trade, aid, or non-intervention in national affairs. This transactional diplomacy threatens multilateralism and undermines the international human rights regime. It also empowers governments to pursue regressive domestic policies with little external scrutiny.

# Conclusions and reflections

- LA confronts a “liberal dilemma” like the global North
- Its rights-based approach to international migration, once a beacon of liberal constitutionalism, is now at a crossroads.
- The region's democratic trajectory and normative commitments enabled unprecedented legal and policy advances that were highly protective of migrants while they also facilitated their economic and social integration, contributing to development.
- Yet these gains are fragile and face erosion from internal and external forces.

# Conclusions and reflections

- To preserve democratic legitimacy and social cohesion, Latin American states must recommit to human rights, strengthen regional cooperation and democratic institutions including the judiciary and address the root causes of displacement.
- Without this, international migration and displacement will continue to be politicized, and the region risks undermining its hard-won democratic progress as well as the potential benefits of international migration.