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**THE ROLE OF THE UNITED NATIONS HIGH COMMISSIONER FOR
REFUGEES (UNHCR) IN THE MIGRATORY CRISIS OF VENEZUELA
2014-2017. THE ROLE OF THE BRAZILIAN STATE.**

**Graduate thesis prior to obtain a
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DEDICATION

This graduation project is dedicated, mainly, to my husband, since he has been by my side throughout this long process to obtain what I have always dreamed of in my life.

To my maternal grandparents, mother, brother and uncle, who were present through all these years of my career and have supported me to never abandon what I always wanted.

And finally, to my teachers who have given me their knowledge and have made me the person I am today, especially Diana García and Ana María Bustos.

ABSTRACT

There are several international organizations that are in charge of intervening in certain problems that occur in some countries. Some of them, such as UNHCR, intervene to provide humanitarian assistance as occurs in the case of the migratory flow that has been taking place in Venezuela to some Latin American countries, causing several problems such as insecure borders due to a large influx and exit of people, lack of availability of basic services and food in certain points where the refugee camps are located, among others.

In this paper, the way in which liberal theory allows us to understand why and how international organizations intervene and act in situations such as those presented in Venezuela today will be analyzed. It is also significant to talk about the importance of immigration law, which provides rules for the transit of people, allowing them access to basic rights wherever they are.

For this reason, the participation of UNHCR is important since it provides all people and migrants help and accessibility to their rights, so that no one violates them.

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CHAPTER I

1.1. - Introduction

1.1.1. - Theory of International Relations on migration.

Before carrying out any study, the analysis of its theoretical foundations is essential to better understand the topic to be examined. As a result, theories allow us to conduct investigations. Throughout history there have been various efforts to theorize international relations. This document will focus on liberal theory and its various ramifications to better understand migration as a socio-political phenomenon. When talking about migration, it must be understood as an international political issue, therefore, its understanding requires a perspective that encompasses different topics and areas of study such as: Nation-State relations; relations between international power actors; international rights; human rights; international political economy; national governability, non-traditional political actors; media, press, etc. (Saavedra, 2008). This leads us to modify our understanding on this issue and to stop seeing migrants as numbers that fill statistical books, but, as human beings that are subject to rights. The migratory flow implies a series of cultural, economic, political and even environmental influences that must be addressed when studying migration.

It is common for international relations theory to go hand in hand with the theory of the State or of power. Studying international relations includes examining power relations that are given to the interior and exterior of the Nation-State, which allows to create, modify or destroy certain social, economic and political structures. Analyzing international relations theory leads us to make good decisions about

foreign policy in order to improve the quality citizens' lives. In the past, too much importance was given to the "economic" aspect over the other aspects of society. Aspects such as education, culture, leisure, etc. were usually neglected, which are also important for the proper development of a nation.

"In 1914, the theorists of international relations almost uniformly assumed that the structure of international society was unalterable and that the division of the world into sovereign states was necessary and natural. The study of international relations consisted almost entirely of diplomatic history and international law more than the investigation of the processes of the international system" (Wagner, 2005).

The study of the theory of International Relations begins with the emergence of the United States of America as a world economic and armament power. Its ideological position is liberal capitalist and has reached a large number of countries in the world.

Liberalism is a system or model, which seeks the liberalization of markets, because they are capable of self-regulation, which reduces State power and participation on economic issues.

The new world organization was created after the Second World War and with it the first and serious approaches to the theory of international relations also arise since the goal was to establish an international legal framework as well as an ideology that allowed the achievement of the much-desired development and progress. It is worth mentioning that many times the theoretical approach has been based on two premises: war and peace or in other words; conflict and agreement. In this study we have chosen the Theory of Liberalism to understand the phenomenon of migration. In this next section we will explain this theory.

1.1.2.-Liberalism

The term Liberalism differs from realism in several ways. Unlike Realism that is based on conflict, Liberalism believes in international harmony, highlighting concepts such as cooperation, democracy, individual rights or multilateral institutions. This approach is undoubtedly more optimistic in terms of international relations. Keohane explains it in the following way:

"Liberalism emphasizes the importance of the changing nature of political processes, rather than immutable social structures; it emphasizes how human beings, and the institutions they create, can influence the conditions of their existence. The main objective of Liberalism is the belief in the possibility to changes for the better that is, in progress, defined in modest terms"

(Merle, 2004).

Likewise, a fundamental aspect of Liberalism is the so-called Pluralism, which accepts the convergence of different social actors when making decisions, thus discarding the participation of the State as a unitary actor. However, not every pluralist approach is liberalistic. It is important to mention the role of representativeness in generating policies within a nation-state.

Therefore, to better understand the field of cooperation and pluralism, theorist Geeraerts proposes a classification of liberalist actors that can be recognized, which include:

1. International Government Organizations.
2. Transnational Organizations
3. International Non-Governmental Organizations (INGOs).
4. Corporate Transnational Organizations (CTOs).
5. Non-Corporate Transnational Organizations (NCTOs).

Within the security plan of a State, Liberalism recognizes individual actors, state actors and also includes the criminalization of criminal and terrorist groups. Liberalism then seeks the creation of democratic regimes that restore stability and harmony to nations, hence the so-called liberal internationalism.

1.1.3. - Actors involved in Liberal International Relations

One of the main agents in liberalism is the **individual**. While in other theories the individual is discarded as the protagonist of international relations, Liberalism rescues it and emphasizes its active role within reality. "Individuals are real, while society is an abstraction (...) for example, the opinions of voters on international issues place, in all practical senses, the individual at the center of development" (Merle, 2004).

On the other hand, international groups and non-profit organizations are recognized as international "universal" agents. Today, in the 21st century they have an important and far-reaching impact on international affairs. Among these are the following: League of Nations, the United Nations and the World Court, the United Nations Educational, Scientific, and Cultural Organization (UNESCO); the World Health Organization (WHO); the Food and Agriculture Organization (FAO); the International Bank for Reconstruction and Development (IBRD); the International Monetary Fund (IMF); the International Civil Aviation Organization (ICAO); the

International Telecommunication Union (ITU); the International Fund for Agricultural Development (IFAD) and other intergovernmental bodies, which act on different occasions and set the rules of the game for the regulation of certain activities. Clear examples of how these organizations have acted in response to various social-political phenomena include the following:

"When the ICAO debates over what to do about the hijacking of airplanes by terrorists, or when the adaptation of the safeguard system of the IAEA (International Atomic Energy Agency) becomes an issue linked to the fulfillment of the clauses of the Treaty of No Proliferation, specialized agencies are removed from anonymity" (Merle, 2004).

This highlights the leading role of international organizations, allowing certain agreements or understandings that establish harmonious relationships to a certain extent in order to balance the forces that manage the world order. Above these organizations is the International System and as its name indicates, it is the most complete organization. Within this system, different State-Nations participate in a game of powers. Theorists who approach the international system as a central agent in the process of international relations point out that the influence this system has on individuals or organizations is unimaginable and causes great impact within nations.

1.1.4. - Liberal Internationalism:

The father of Liberal Internationalism is the famous philosopher Emmanuel Kant, who argues that the formation of democratic regimes has a positive international impact. Kant is considered the greatest reference of Liberalism, publishing his theories two centuries ago. According to this philosopher, the natural state of the

human being is the belligerence, that is to say, war for him was a natural condition that could hardly be fixed with the implementation of treaties. Therefore, the Kantian contribution proposed the application of restrictions to avoid war or to interfere in other countries' state affairs. Likewise, he proposed that the military power in countries be reduced. He contemplated the idea of forming a "League of Peace" which would leave aside the use of force and would resolve issues of interest. He intended to establish a series of rights for citizens that made them "citizens of the world". However, the Kantian dream is far from reality.

Today, war has become a spokesman for the hegemony of different world powers that act violently against other countries, mainly in search for their economic interests. Another point of analysis for the development of this study is the international interventionism that has been requested by Venezuelan citizens to regulate the state power that exists within the country. In this case, the problem with the balance of national-international forces can be truly evidenced as well as the inability that international organisms have to enforce, interfere and to maintain a permanent role in internal affairs when things get out of control. But it is also critical to argue that international organizations also do not always represent the interests of citizens around the world. Many times, they act as political objects that impose measures and sanctions convenient to the powers or economic forces that lead them, which does not make it impartial on international affairs.

It is said that nowadays International Neo internationalism is applied, which is why the liberal ideology is fully applicable to our current context and is based on democratic nations. For the author Michael Doyle, "liberal states not only lacked predisposition to make war, but in many cases perceived that alternative as

illegitimate" (Bartolomé, 2014). It is in this way that liberalism seeks a path towards peace between States, even if in practice it does not actually occur.

1.1.5. - Liberal Institutionalism

Liberal institutionalism was born in the mid-twentieth century. This theory proposes that the levels of conflict between States can be reduced by participating in cooperation processes and in international organizations. To analyze the Liberal Institutionalism, there are three lines, which are the following:

1. Integration processes
 - 1.1 Functionalism
 - 1.2 Political Community
2. Neofunctionalism
3. Liberal neo-institutionalism

Therefore, according to Ernst Haas, liberal institutionalism is "a process through which political actors in different national locations are persuaded to direct their loyalties, expectations and political activities towards a new center, whose institutions possess or demand jurisdiction over pre-existing states" (Bartolomé, 2014). On the other hand, functionalism suggests that the processes of international integration are a consequence of the international system in which we live. From this perspective, States cooperate with each other, materializing these relationships in agreements. Also, the concept of "political community" is addressed, which is defined as "a set of political actors whose interdependence is sufficient for one to produce a difference in the behaviors and relevant decisions of others" (Bartolomé, 2014). All this is possible since desires of the States are consistent and complement

each other. It is important to recall that the purpose of liberalism is to maintain world peace.

There are three types of political communities:

- "Not amalgamated", when its members do not agree with each other and cannot achieve a common goal.
- "Pluralist", when states limit their integration in order to preserve peace.
- "Amalgamated", if the participating States do not limit themselves to preserve peace, but seek to generate common, efficient institutions capable of capturing the loyalty of citizens.

(Bartolomé, 2014)

In turn, the "pluralist" and "amalgamated" political communities can be of two types: Security-type, if their members have abandoned the option of using violence in their interactions or of a non-security type, if they retain this option even in theory (Bartolomé, 2014). Therefore, the most advanced political community is the amalgamated security, which is also known as a zone of peace.

On the other hand, there is liberal Neofunctionalism, which states that in order to achieve peace, the State does not necessarily have to have a leading role. Neofunctionalism focuses on the construction of regimes. The regimes come to be agreements between States to satisfy their own interests. They are, therefore, principles and rules of how a state should operate, depending on the chosen regime.

1.1.6. - Pluralism and Liberalism

Pluralism and liberalism study the role played by the State in migration, but also focuses on the actions of different non-governmental organizations, which form an important political component when making decisions on migration. Pluralism-liberalism tries to interpret what happens around national and international societies. The central objective of this theoretical current is to establish a broader horizon of analysis, focusing its attention on the activities carried out by various social actors. This theory also sustains that the power category cannot determine everything that happens around migration, since power should not be considered the sole engine of political agents.

Pluralism - Liberalism seeks to understand migration from multilateral external policies, which allow integration and, above all, cooperation between States. Therefore, liberal pluralism starts from the fact that political life is shaped and enriched by different political actors (Saavedra, 2008).

Unlike realism, which places the State - Nation as the only and main object of study, the understanding of International Relations in liberal pluralism focuses on globalization and the discovery of new technologies that allow for the development of innovative techniques to communicate. Under this premise of extending the level of analysis of reality, political-military issues are left behind to give way to issues such as: the economy, local development, the environment and culture. In this way power is understood not only as something material, but also as something immaterial, understanding it from three levels: supranational, national and local (Saavedra, 2008).

Pluralism-liberalism especially focuses on all issues related to law and political consensus and for this theory it is vital to understand law as an element that constitutes the social and political life of individuals and groups of people and that it is the duty of the State-Nation, as well as other non-governmental organizations, to ensure the affirmation of compliance with rights. For this reason, international cooperation is seen as a political tool that safeguards the rights of migrants. Today we speak of a convergence of actors not necessarily from States that sit down to discuss migration issues and policies, in other words, not on a national level, but rather from an international level, that seeks to make better and more realistic political decisions regarding the creation and execution of agreements and regulations. In this way, the abuse of power is limited from a single block.

1.2. - Basic concepts to understand migration

When we talk about a phenomenon as important as the movement of people from one place to another, it is necessary to approach basic definitions that allow us to understand this social event. Human mobility represents an interweaving of political, social, cultural, environmental, ideological, and above all economic relations that must be analyzed when making political decisions, whether they are national or international. It should be noted that when there is a migratory flow, both sending and receiving countries of citizens experience a series of changes within nations and these changes can be positive or negative depending on which approach is analyzed.

The movement of people from one place to another has occurred from the beginning of the history of mankind. It is important to note human beings lived in nomadic societies where their residence varied depending on the climate and food they could find. It is not until the invention of agriculture that societies settle in established

places of development. However, the migration phenomenon is present all countries. Migration can be of two types: internal or external. Internal, as the name implies, is when it occurs within the same place, country or region. The most common of these migrations in Europe and America is when people migrate from the countryside to urban centers. On the other hand, external migrations are those that involve a crossing of the established borders of one country to another, generally these are from south to north.

As a result of migration, there are a number of causes and repercussions. In the first place, it should be highlighted that not all people migrate or move for the same reasons, which include political, economic, educational, health reasons, etc. Also, migration can be voluntary, which is when the individual or group of individuals express their intention freely, but on other occasions migration is forced, which represents a migration against the will of individuals, who are "forced" to move from one geographical point to another due to war, economic, environmental or health conflicts. In order to better understand the phenomenon of migration, Appendix 1 of this paper should be analyzed.

1.2.1. - Migrant or refugee?

Every refugee is a potential migrant, but not all migrants are refugees. Regarding the Venezuelan case which is studied in this investigation, there are multiple political-ideological positions that try to explain the socio-economic phenomenon that this country is going through. According to the National Government of Venezuela, the situation of the country is the consequence of an economic war created to overthrow the current regime of President Nicolás Maduro, since behind everything that

happens are hidden economic interests for oil. On the other hand, its opponents maintain that the economy of this nation has been broken by the bad decisions and the corruption to which the regime is subjected.

The fact is that the number of people who decide to leave Venezuela increases year after year. According to the International Organization of Migration (IOM), between 2015 and 2017, the number of Venezuelan immigrants in Latin America went from 89,000 to 900,000 people, which represents an increase of over 900% (IOM, 2018).

These figures have alarmed the international community, who have seen the need to develop various meetings between states to address this problem. At one of the UN conferences, the IOM manager, Joel Millman pointed out that: "these numbers represent one of the most important migratory crises that we have experienced in recent years, but it is being well managed thanks to the solidarity of neighboring countries" (UN Bimonthly Report, 2018). Among the main destinations for Venezuelan citizens are: Colombia, Brazil, Peru, Ecuador, Argentina and Uruguay. According to Millman himself, only half of citizens have obtained permanent or temporary residence permits, which means that the other half is in an illegal state and therefore does not have access to social protection and is at risk of being deported at any time.

Faced with this situation, many Venezuelan citizens have decided to apply for asylum as refugees. But what are the necessary characteristics to consider a person as a "refugee"? According to the UN Refugee Agency (UNHCR). "A refugee is one who has had to leave his or her place of origin or habitual residence for political, religious, social, racial reasons or reasons belonging to a specific group" (UNHCR, 2016). It is clear that according to UNHCR, there is a marked difference between a

refugee and an economic immigrant, which are terms that are commonly confused, so it is necessary to perform an analysis that will be deepened in the next chapter.

The difference between these two concepts focuses on the "will" of the people. In the case of refugees, they are considered as those who flee or escape for fear of being persecuted, unlike an economic immigrant who leaves their country voluntarily and usually do it for work reasons. It is important to make this conceptual precision since in the present case study, we will refer only to Venezuelan citizens who have left their country as refugees through UNHCR.

1.2.2. - Migration from a legal perspective

Since the beginning of humanity, people have moved geographically for various reasons: weather, food, etc. Human mobility represents an option for citizens around the world and is a right. However, not all States enjoy laws that favor compliance with this right. It is worth mentioning that the migration flow has varied decade after decade as well as its causes. Also, there are different opinions on this topic and many "influential thinkers of migration have considered that the last decade of the XX and XXI centuries constitute an era of migration, transforming it into a matter of the political sphere" (Hollifield, 1994).

In our continent there has been a strong flow of migration in recent years. According to the IOM, there is now a growing number of people in South America. This dynamic has had a drastic impact on the countries, causing changes in the social structures and pushing governments to formulate new and improved public policies within their government plans that foster the development of the countries of the region and welcome migrants. The Economic Commission for Latin America and the Caribbean (ECLAC) states that:

"Intraregional mobility has been a constant in the region, especially between neighboring countries, and has varied according to economic and political situations. In many cases, the movements were the extension of patterns of internal migration, as in the countries of Central America, on the borders of Colombia and the Bolivarian Republic of Venezuela, and on the borders of Argentina with its bordering countries, to name just a few examples"

(ECLAC, 2006).

This shows an exponential growth in the number of migrants who move within the southern region of the American continent, giving a new twist to the preferred destinations that in past years were Europe and the United States. This important transformation represents a challenge for the organisms and governments of the receiving countries in search of obtaining favorable conditions for the development of a dignified life. It is worth asking if the countries of Latin America are in a position to receive migrants. As we know our region belongs to the bloc of countries erroneously called "underdeveloped", countries that do not reach a GDP per capita sufficient to cover the basic needs of the inhabitants, and the main problem they face is the lack of employment. Therefore, there are necessary emerging solutions that sustain this social phenomenon.

Migration goes hand in hand with **Migratory Law**, which corresponds to a set of public laws that regulate the transit of people. Currently and due to the situation that countries are going through in the face of this phenomenon, Migration Law has been modified, depending on the needs of each nation. Laws vary depending on the State's level of development. There are two aspects to take into account when addressing the

issue of migration. The first of these is to differentiate the sending countries from migrants and the receiving countries. In this regard, MERCOSUR mentions that:

There is a clear distinction between those countries that are mainly recipients of migration (Argentina, Brazil, and Chile) and those that are mostly expellers (Bolivia, Paraguay, Uruguay). Although the challenges are different in terms of this distinction, it is essential to stress that domestic measures are not sufficient if they are not considered under a logic of sub-regional development, which gives way to the basic conditions that enhance economic well-being and social equity.

(Mondol, 2010)

Many receiving countries categorize this issue as a problem, since they do not have the infrastructure to receive migrants, as well as security, health and education services necessary for these people, not to mention the sources of employment, which in Latin America are null in many cases. However, migration is a human right, which has to be guaranteed for everyone. The very conception of migration as a right is quite new, because in the so-called "classic law", the treatment given to those arriving in the receiving country was considered an internal matter, therefore there could be no interference with the policies and norms within a nation-state. In this sense, the internationalization of rights sought to overcome the legal and territorial barriers of each State and to establish political and legal mechanisms for the supervision of what occurred inside borders (Mármora, 2002).

1.2.3. - Right to Asylum

The right to asylum is the permission granted by a country for the entry of a foreigner with the agreement not to return it to its country or to expel it, supported by article 33 of the Geneva Convention: refugees are allowed to request this right and with certain conditions and measures that must be met while there are reasons why the person left his country (whether due to war, political persecution, etc.) (Geneva Commission, s / a).

For UNHCR, asylum is a practice where all States have to "guarantee the protection and assistance of those who have fled their country of origin for various reasons, generally related to the violation of one or several of their fundamental rights" (UNHCR, s / a). Asylum is often associated with a purely political approach, but its coverage is much broader, encompassing those who suffer persecution because of their race, religion, nationality, belonging to a certain social group or because of their political opinions.

The right to asylum in the international legal system is based on the equality of the treatment given by States during the process of granting or denying admission of foreign persons requesting asylum for different issues. States can deny the right to asylum for various reasons such as: sanitary conditions, political agitators, admission of people who are in transit and but not immigrants. This is based on the fact that States can exercise territorial supremacy. Oppenheim-Lauterpacht tells us that "the foreign State will constitute an asylum, at least provisionally, for any person who is in the condition of persecution in the country of origin and crosses its borders to enter the territory" (Revista UNAM, 2006).

It is important to highlight that when speaking of extraterritorial asylum, we refer to a particular legal status, which is subject to international law for the places in which asylum has been requested and granted. This category is also known as: internal or diplomatic asylum.

In certain occasions the term asylum is often confused with extradition. It is important to distinguish these conceptual legal categories, based on the fact that extradition and asylum are related. For example, when a refusal to extradite a person is given, they can be granted asylum. On the other hand, when we talk about extradition, we speak of a refusal to grant asylum of any kind. According to Grahl-Madsen, in his work entitled: *"The Status of Refugees in International Law,"* he considers that:

"The 'right to asylum' in the sense of the State's right to grant asylum is composed of several facets: a) The Right to admit a person into its territory, b) the Right to allow that person to remain in said territory, c) the Right to refuse to deport that person, d) the Right to refuse to extradite him to another State, e) the Right not to persecute the person, punish them or restrict their freedom in any other way."

(Madsen, 2008)

1.2.4. - The Right to Refuge

In 1947 after the Second World War, the International Organization for Refugees was created and later in 1950 these tasks were continued by the Office of the High Commissioner of the United Nations. UNHCR as such is formed following a mandate entrusted to it by the UN General Assembly and through its two major

universal conventional instruments: the 1951 Geneva Convention on the Status of Refugees and the 1967 Protocol. The right to refuge has its greater momentum at the beginning of the 21st century, where more attention has been given to this problem. It is clear that the first agent that should protect citizens and guarantee their rights is the State, however in many cases it has been demonstrated, as in the case of Nazi Germany during the Second World War, that the State not only does it not comply with the granting of rights, but that it is the structure that violates them.

Citizens who request refuge from UNHCR, can submit their applications at any time, and there is no deadline as we can see below:

The right to petition remains in force regardless of the time that has passed. In this regard, the Executive Committee of the UNHCR stated that "[...] although it can be established that those seeking asylum are obliged to submit their application within a certain period, the failure to do so, or failure to comply with other requirements formal, should not exclude the consideration of an asylum request " (Namilta, 2001).

It is important to remember that refugees are citizens who seek to flee their home countries because their lives or their families are in danger. For UNHCR, refugee status exceeds the status of immigrant or foreigner status and allows receiving States to guarantee basic services during the care, reception and identification programs. No country that has adhered to the Convention may refuse to accept refugees or return them to their country of origin when this poses to be life-threatening. In Appendix 2 we closely detail the rights granted to refugees.

Analyzing the right to refuge is now extremely important, since, according to data from international organizations, in the last century there are 60 million refugees

around the world, especially on issues related to armed conflicts. However, the right to refuge has some limitations, and it is important to define its limits. Therefore, we point out that, according to UNHCR, the right to refuge:

- Does not regulate migratory flows. This is a task that must be carried out by the governments of the countries and the international institutions linked to the cause. The Convention only deals with guaranteeing the rights of refugees, but not with the control of migratory flows.
- It does not deal with the causes, instead it acts on the consequences. In the same way, the text does not have the purpose of designing solutions to prevent new forced displacements. Its mission is to mitigate the consequences generated by this type of situation. At most, the implemented protocols can be part of the solutions that are later defined.
- The protection is not permanent. As it was mentioned, these are exceptional situations. Ideally, in the medium or long term, refugees may voluntarily return to their place of origin.
- The conflicting parties will not be eligible to apply the Convention. That is to say that any agent that has participated in the armed confrontation will not be entitled to refugee status and, therefore, will not enter into the international attention protocol, as is the case of former soldiers or former combatants. This category also includes people who have committed war crimes or crimes against humanity.
- It will not go against State sovereignty. The fact of having subscribed to the commitment of Geneva in 1951 shows the commitment of countries to the requests of reception or asylum. In any case, the Convention will not go

against the laws of each State, it is simply responsible for ensuring compliance with the provisions of the agreement.

(UNHCR, the 1951 Convention on the Status of Refugees, 2016)

1.2.5. - Conventions and Protocols

In the 1951 Convention, some progress was made in the area of rights, however, there were limitations, which had to be addressed. This is why an Assembly was held to establish certain policies that guarantee attention to all citizens. Within the limitations of the 1951 Convention were: that the granting of asylum was only and exclusively for Europeans who had to leave their countries before January 1951. As a result, given the warlike circumstances that occurred in other areas of the world, the action of the right to refuge was expanded. With the passing of the 1967 protocol, it established the protection of the citizens of the whole world, without distinction of nationality, race, religion or political orientation.

UNHCR presents other tools where the right to refuge is maintained, which are the following:

Human Rights: they are the general framework of the fundamental and innate guarantees of the human condition. Therefore, to comply with the principles of the 1951 Convention is also to guarantee Human Rights, in this case of refugees fleeing from war contexts.

- International Humanitarian Law: although it does not deal specifically with refugees, its purpose is to guarantee the integrity and security of people who do not take part in armed conflicts. This principle is very useful in the cases in which people flee from their residence in the search for safer areas.

- Status and treatment principles (1966): it establishes the legal framework for the treatment of the refugee figure between countries of these two continents. Its implementation has been very useful, especially in areas of high migratory flow like the Middle East.
- Declaration of Territorial Asylum (1967): adopted by the Assembly of the United Nations, it recognizes the right of refugees to seek asylum in host countries, as well as not returning to places where their lives and freedom may be at risk.
- OAU Convention (1969): document that establishes the lines of action for the treatment of refugees in Africa and which are summarized in six principles committed by the Organization of African Unity.
- Declaration of the Refugees of Cartagena de Indias (1984): establishes the bases for the attention of refugees in Latin America.
- Fundamental Rights of the European Union (2000): in its article 18, this letter ratifies the commitment of the member states of the union for the care and reception of refugees and, also it recognizes the right to asylum of these people in the terms of the EU.

(UNHCR, 2015).

CHAPTER II

2.1. - International Organizations

2.1.1. - Participation of International Organizations in the Venezuelan migratory issue

In this section, it is convenient to begin by differentiating between rights protection bodies and political bodies. Rights protection bodies act on the basis of complaints made by the victim or third parties, after having suffered a violation of rights. These are independent institutions and its members are elected or chosen for their personal merits. Therefore, they do not represent any State or chancellery. The international authorities have different objectives: "to issue urgent protection measures, prepare thematic or country reports, issue statements or press releases and make visits to the territory of the member states, to verify the human rights situation" (Bolívar, 2017). On the other hand, political bodies act as spaces where political decisions are made, in which the Member States participate. They issue political pronouncements about human rights in general, such as the right to migrate or to request refuge or asylum depending on the case.

Examples of political bodies are the General Assembly of the United Nations (UN) and the Organization of American States (OAS), the Permanent Council of the OAS, the Security Council and the Human Rights Council of the UN and the different instances of the Common Market of the South (Mercosur), in addition to other regional integration initiatives such as UNASUR and CELAC.

(Bolívar, 2017)

In reference to the Venezuelan case, we can say that, as a member state of the UN and OAS, Venezuela has subscribed to a series of international agreements and treaties on the protection of human rights. These treaties generally have specific protection measures to act against the violation of any human right. Next, we list the OAS treaties to which Venezuela has subscribed.

Table 1 OAS TREATIES SUBSCRIBED BY VENEZUELA

Treaty	Supervising Body
International Covenant on Civil and Political Rights	Human Rights Committee
Optional Protocol to the International Covenant on Civil and Political Rights (Death Penalty)	Human Rights Committee (*)
Second Optional Protocol to the International Covenant on Civil and Political Rights (Death Penalty)	Human Rights Committee (*)
International Covenant on Economic, Social and Cultural Rights	Economic, Social and Cultural Rights Committee (*)
Convention against Torture	Anti-Torture Committee (*)
Convention on the Elimination of All Forms of Discrimination against Women	Elimination of Discrimination against Women Committee
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	Elimination of Discrimination against Women Committee (*)
International Convention on the Elimination of all forms of Racial Discrimination	Elimination of Racial Discrimination Committee (*)
Children's rights convention	Children's rights Committee
Optional Protocol to the Convention on Children's Rights on the involvement of children in armed conflict	Children's rights Committee
Optional Protocol to the Convention on Children's Rights on children trafficking, child prostitution and child pornography	Children's rights Committee
(*) Committees that have mechanisms for the presentation of individual cases	

Source: Merle, M. (2004). *Sociología de las Relaciones Internacionales*
 Created by the Soc. Ligia Bolívar, 2017.

The Agencies, however have requested for several years that Venezuela admit representatives and informants so that they can issue reports on the current situation, but unfortunately their entry has been denied by the Venezuelan State. In

the following section we present the various applications and the years that these requested visits have been denied:

1. Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (visit requested in 2003 and 2009)
2. Special Rapporteur on extrajudicial, summary or arbitrary executions (visit requested in 2006 and 2008).
3. Special Rapporteur (formerly Special Representative of the Secretary General) on the situation of human rights defenders (visit requested in 2007 and 2010).

During the period between 2008 and 2012, the Inter-American Court of Human Rights issued twelve sentences against Venezuela, none of which has been complied with, which puts the agencies in constant concern, since we are facing a State that does not guarantee human rights, according to this information. For the Venezuelan State, all the judgments that have been taken have a character of "non-executable". Recent statements by the Venezuelan Foreign Minister seem to place the country in a higher stage of contempt, warning that the sentence will be violated in a case that has just begun to be processed before the Court (Bolívar, 2017).

Particularly on the case of a media outlet closed in Venezuela, for its opposition to the regime, the Venezuelan Foreign Minister has stated that:

If the court decides that we have to put a certain economic group in Venezuela back on the air, they will have to invade us to force us to abide by a decision absolutely against the Constitution of the Republic, against national independence and against the stability and peace of Venezuela.

(Chancellor of Venezuela to IACHR, 2016).

Venezuela has denied entry to the Inter-American Commission on Human Rights since 2002. The reasons are that during that same year a coup d'etat was presented against Hugo Chávez, president of Venezuela. In conclusion, it could be said that Venezuela currently lives a wave of contempt before International Organizations, which seek to guarantee human rights.

With regard to the political organizations for the protection of human rights, Venezuela has subscribed to those of the UN, the OAS, Mercosur, UNASUR and CELAC. All of these support the figure of a Rule of Law, based on democratic regimes. However, in recent decades foreign policy in Venezuela has been characterized by having a "defensive" behavior, criticizing many of the agencies for the lack of impartiality when issuing protective measures against the violation of human rights. From the UN, "the main instances of development of policies on human rights in the UN are the General Assembly, the Third Commission and the Human Rights Council" (Bolívar, 2017). Following the observations of the different rights protection bodies, the UN has made 199 recommendations, of which 40% have been complied with. Among the recommendations that the Venezuelan State has not recognized are the issues that have to do with freedom of expression, judicial independence, etc.

Finally, this study focuses on the role of Venezuela within the framework of Mercosur. Although this is not a body for the protection of rights, MERCOSUR has a leading role in matters of regional integration. This commitment was consolidated with the approval of the Asunción Protocol on Commitment to the Promotion and Protection of Human Rights of Mercosur in 2005, which considers that the effective

enjoyment of fundamental rights is a necessary condition for the consolidation of the integration process (Bolívar, 2017).

Venezuela has been a part of MERCOSUR since 2012, which forces the Venezuelan State, beyond matters of economic integration, to comply with the commitments of the human rights bloc. However, in this context, Venezuela has shown strong resistance to continue with MERCOSUR's policies.

Despite the fact that there have been several accusations against the Venezuelan State for the abuses committed against human rights, the future is unclear since there is a complete lack of guarantees for those rights. For different media outlets, the role played by international organizations in the face of the events that Venezuela is experiencing today leaves much to be desired: "Our Venezuelan brothers are suffering from all kinds of needs and international organizations such as the OAS, the UN and Mercosur are shamefully obsolete, without any legal-administrative power to act and rescue them from the crisis in which they find themselves" (Diario Semana, 2018).

UNHCR has responded to the humanitarian crisis experienced by Venezuelan migrants today in an admirable manner. It is an organization that has been acting with clear protocols and guidelines for the defense of refugee rights, as well as technical recommendations for governments that receive migrants, so that they act in accordance with human rights as well.

2.2. - General information about UNHCR

The United Nations High Commissioner for Refugees is an agency created by the United Nations Assembly to deal with the rights and obligations of refugees. It was created on December 14, 1950, after the Second World War, thus guaranteeing the protection of refugees around the world. That is why, in 1954, UNHCR won the Nobel Peace Prize. UNHCR has offices in approximately 120 countries, where 10,966 people work, and so far, it has managed to help more than 50 million people, according to their reports. UNHCR plays an important role around the globe, and its functions include:

Provide protection and assistance to refugees and other persons under their mandate in an impartial manner, according to their needs and without distinction of race, sex, religion, political opinion or belonging to a certain social group. UNHCR pays special attention to the needs of children and seeks to promote equal rights for women (ACNUR.ORG).

Actions carried out by UNHCR in favor of the refugees:

During times of displacement, we provide critical emergency assistance, such as drinking water, sanitation and medical care, as well as shelter, blankets, household items and, sometimes, food. We also organize transportation and assistance packages for people returning to their homes, as well as income generation projects for those who resettle.

(UNHCR U, 2015)

In order to comply with this mandate, statutes have been drawn up and issued that regulate the guarantee of the rights of all those who request asylum/refuge.

2.2.1. - UNHCR and the protection of women:

Since 1985, UNHCR has paid attention to the women of the world. It is in the 1951 convention that this population group is granted equal protection opportunities. Below, a small summary that reflects the progress in the area of rights granted by UNHCR is presented.

In 1985, the ExCom, in its conclusions on Refugee Women and International Protection, recognized that States, in the exercise of their sovereignty, are free to adopt the interpretation in which asylum-seeking women who are victims of degrading inhuman treatment by the mere fact of transgressing the social and moral values of the society in which they live, can be considered as a certain social group within the provisions of the 1951 Convention. In 1990, in session number 41, the ExCom established that the severe discrimination experienced by Women prohibited by the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) may form the basis for granting refugee status. In 1991, UNHCR promulgated the "Guide for the Protection of Refugee Women". In it, the ExCom, argues that women who fear persecution or suffer discrimination because of their sex should be considered as members of a social group for the purpose of determining refugee status (UNHCR, 2015).

UNHCR recognizes the role of women in the world and protects them from acts that were not previously considered acts of persecution such as sexual violence suffered by many women today, including through organized gangs that traffic people and extort them. The interesting thing in this issue is that UNHCR highlights through its

policies that men and women live different conditions and therefore the reasons for persecution are also different and require different treatment. However, these conditions are not legally binding for the States, since the countries have internal autonomy to make their own decisions. What UNHCR manages to establish are recommendations to better manage migration and especially asylum situations.

2.2.2. - UNHCR's role in Venezuelan migration

Currently, Venezuela is experiencing one of the largest waves of migration registered in that country. As of 2014, thousands of Venezuelans have decided to leave their country of origin in search of better job opportunities. With the passing of time, this problem has increased and it has been classified as a humanitarian crisis. Venezuela is also going through a civil war between citizens, armed groups and the State. This has occurred after the fall of the bolívares, Venezuela's national coin, in the international market, which has ended in an over-speculation of the price of products in the domestic market. As a result, buying products proves to be very difficult and an informal black market has been built, where smuggled products are sold at a higher price. UNHCR estimates that, so far, around four million Venezuelans have left the country.

UNHCR has issued new guidelines to address this social phenomenon, for which practical guides have been developed so that governments can act in this situation and protect and assist citizens. It is necessary to clarify that not all Venezuelan migrants have the status of refugees. In spite of this, most of them require humanitarian assistance, since many arrive in conditions of vulnerability. The Venezuelan situation is becoming increasingly problematic since there has been an increase of 2,000% in the number of Venezuelans who have applied for refugee

status worldwide since 2014, mainly in the countries of the Americas since last year (UNHCR, Emergencia Venezuela, 2018). Some of the citizens have been recognized as refugees by UNHCR, while others are considered illegal.

In March 2018, UNHCR called on all countries in the region to provide protection to Venezuelan refugees since the situation has become alarming. For this reason, UNHCR asks that refugees from this country not be deported, for the risk they run if they go back to their country, as well as other general indications found in the Guidance Note on the migratory flow, a document published this year that will be analyzed in the next section. The truth is that for the United Nations, the current situation has become a social emergency. According to its own official reports, around 5,000 people leave Venezuela each day, which is why it is argued that it is one of the largest population movements in Latin America registered in recent years. The official spokesman of UNHCR, William Spender, considers that the consequences of this movement produces instability to the interior of Latin American receiving countries, which begin to perceive the migratory flow as a threat. Therefore, UNHCR is obliged to call on the nations to take action on the matter and stand in solidarity with the present situation.

2.2.3. - Guidance note on the flow of Venezuelans

The Guidance Note on the migratory flow is a document published and designed by the UN Agency for Refugees UNHCR in 2018, due to the high flow of citizens leaving Venezuela to other countries in the region and other distant countries. The reasons individuals decide to travel are diverse, so international protection has become necessary to address this social phenomenon. This document assists recipient countries so that they act in accordance with international conventions, which seek to

guarantee the rights of refugees. One of the objectives of UNHCR is to work with States to develop adequate tools for effective international protection in accordance with national and regional regulations, in particular the 1951 Convention relating to the Status of Refugees.

The objective of this document is so that political leaders understand that support for migrants is a humanitarian act, not a political one, based on a principle of international solidarity. Among the minimum guarantees that UNHCR recommends to take into account are the following:

1. **Legality:** The requirements and procedures for the application of these mechanisms should be defined and articulated under national legislation. UNHCR urges States to ensure that people who benefit from these mechanisms are issued an official document recognized by all government authorities.
2. **Accessibility:** The relevant mechanisms should be accessible to all Venezuelans, regardless of the date of entry to the host country. This means that there should be no costs or only minimal costs associated with the request for this mechanism, and that these requests should be accepted in various parts of the territory to ensure that transportation costs are not prohibitive. Furthermore, neither irregular entry/presence nor lack of identity documents would be seen as a valid reason for denying access to such mechanism.
3. **Access to basic rights:** Protection-based mechanisms could also guarantee access to basic services and fundamental rights, on equal terms with other foreign citizens who are legal residents in the territory of the State, in accordance with the UNHCR Guidelines on Temporary Protection or Stay

Agreements. These rights include: 1) access to medical care; 2) access to education; 3) family unity; 4) freedom of movement; 5) access to shelter, and 6) the right to work. These rights would be guaranteed in an equal and non-discriminatory manner. d) Guarantees of no return: In view of the current situation in Venezuela, UNHCR appeals to the States to guarantee the beneficiaries of these complementary forms of protection, temporary protection or stay arrangements, or visas or labor migrants who are not deported, expelled, or in any other way forced to return to Venezuela (UNHCR, 2018).

In view of the imminent arrival of refugees/asylum seekers in different countries, UNHCR intends to declare through this document the rights that citizens have and that must be fulfilled. UNHCR provides technical support to States that seek to improve their internal asylum and international protection systems. In turn, in this document issued in March 2018, States are called to combat racism, xenophobia and exclusion. UNHCR is prepared to support these efforts, especially in the light of a series of incidents that seriously affect the life, security and integrity of Venezuelans (UNHCR, 2018). The document allows establishing basic guidelines to act against these cases, providing humanitarian support to this group of citizens who leave their country of origin in search of better opportunities that cannot be found in the chaotic Venezuela.

CHAPTER III

3.1. - Case of Venezuelan migrants in Brazil 2014-2017

3.1.1. - Context of the humanitarian crisis in Venezuela

In 1992 Venezuela underwent a change of ideology which supposedly represented a turn in its policy with the election of the ex-president Hugo Chávez, who won the electoral elections in 1999. Chávez reached power with the so-called Bolivarian Revolution. The president since then began to implement social, economic and political reforms, which helped Venezuela to significantly reduce its poverty rates (OAS, 2018). However, with the passage of time and international pressure, the promises of Hugo Chávez began to dissipate, and after his death, he entrusted the command of the country to Mr. Nicolás Maduro, who represented the Venezuelan workers movement through his whole life. Many analysts argue that this is what deepened the problems in Venezuela, perhaps given his lack of experience or because his government has been characterized by improvising economic policies. Moreover, in 2014 there was a global oil crisis, which drastically reduced the price of oil, causing a serious problem for this country, since 90% of its GDP depends on the sale of oil. For four consecutive years, Venezuela has faced an economic recession. Currently, according to the International Monetary Fund inflation has reached 475%, which has forced thousands of people to leave in search of employment in other countries such as Brazil.

The triggering factor of the Venezuelan crisis comes after the decree that Maduro made, where he completely dissolved the Supreme Court of Justice and began to assume his functions. The OAS has cataloged this act as a "coup d'état" for passing one power to another. This caused social discontent and has left the main stores of Venezuela without products. Due to these events, the president of the United States,

Donald Trump, has stated that he will send military troops to end this situation, but President Nicolás Maduro has given statements in different media outlets sustaining that he will defend the sovereignty of Venezuela if there is any attempt to destabilize its government.

According to the newspaper "El Clarín" in Buenos Aires, Venezuela is going through a humanitarian crisis never before experienced in South America. The newspaper reveals that many Venezuelans have fled the country and the Venezuelan economic crisis has occurred as a result. The crisis in Venezuela is now a challenge for the Southern Cone countries that must face the consequences and restructure social, economic and political measures to face this problem that has never happened in the history of the continent. Migration is a phenomenon that transforms the countries from which people are fleeing from as well as the countries where these citizens arrive.

The challenge for Latin American countries is becoming increasingly complex, since in addition to hosting thousands of migrants, they must face a regional health overflow and the appearance of new and old diseases such as measles epidemics (El Clarín, 2018).

3.2. - Brazil's migration policies

Brazil is one of the preferred destinations for migrants, after other countries like Colombia, Peru, Ecuador and Argentina. Before this crisis, the ex-president Michel Temer emphasized that during his government he will fix a maximum quota of Venezuelans who can enter Brazil due to the massive migration influx that they were facing. In addition, Temer ordered that more troops be placed on the border.

The Brazilian State has suffered from constant clashes between the Brazilian population and migrants arriving from Venezuela. In one of the municipalities of Roraima, the inhabitants of that site set fire to the belongings of the migrants, which is why, the migratory policies have been transformed which have prevented the free entry of Venezuelan citizens (Diario el Cronista, 2018).

Since the migration policy was modified, currently only host Venezuelan migrants who enter through humanitarian reception. The Brazilian State has designed "Operation welcome", which aims to protect Venezuelans who flee their country because of the crisis they face. This operation was launched in 2018 due to the alarming figures of Venezuelans who crossed the borders daily. According to Diario El Cronista, they receive between 600 and 700 Venezuelans daily.

Another policy signed by ex-president Temer is a mandate that orders the Brazilian Army to guard the Pacaraima border with more vigilance. "Venezuela's problem is no longer a matter of internal politics. It is a threat to the harmony of the entire continent" (Temer, 2018). This first approach shows a conflictive panorama after the massive arrival of migrants to Brazilian territory. The social tension generated has begun to be felt in the Brazilian neighborhoods that see the growing migratory flow as a threat to their economy.

The Brazilian state has managed institutions dedicated to immigration policy since 1980 when the National Immigration Council was created based on the law: 6.815/1980. However, in this last period Brazilians have been working on a new legislation to regulate migration:

The new immigration law, authored by Chancellor Aloysio Nunes, came into effect on November 21 and brought important innovations, which allowed the

Brazilian Government to implement an even more modern migration policy,” as indicated by Brazilian authorities.

(Diario El Universal, 2018)

This new law focuses on maintaining better control of the border, as well as providing health and safety assistance to migrants arriving in Brazil. It is about understanding Venezuelan migration. Through this new migratory law, a Federal Emergency Assistance Committee was created that welcomes migrants in a situation of vulnerability.

3.2.2. - Asylum processes of Venezuelans in Roraima

The Municipality that has most welcomed Venezuelan migrants is Roraima, which is also the most affected city with about 53% of its population being migrants, approximately 350 thousand inhabitants. Roraima is a state with less than 600 thousand inhabitants, which makes the situation unsustainable. The public services in this city have collapsed. As a result, the Brazilian government has decreed the closure of the border by Roraima.

On the other hand, with regard to Roraima, in 2017 the Brazilian government approved a provisional measure no. 20, which provides assistance measures for migrants arriving here, among which are the following: border regulations, vaccination, sanitary inspection, etc. Likewise, through this measure vulnerable people can receive shelter, food and health services (Diario El Universal, 2018). But who are the citizens who come to Roraima? A study conducted by the National

Immigration Council in Brazil has obtained important results to know the socio-demographic profile of those who decide to reside in this city. This study has determined that the majority of the non-indigenous migrant population has good levels of education, well-paying jobs, and pay rent. Among those who work, 51% earn less than the minimum wage and 28% have formal employment (ANUR, 2018). The majority of migrants who are located in Brazil constantly send money to their relatives who are in Venezuela.

The CNIB conducted a study to understand and improve the situation of Venezuelans in Roraima. Among the most important findings of the survey of 650 Venezuelan men and women, 72% of non-indigenous Venezuelans are young people between 20 and 39 years of age, most of them male (63%) and single (54%). Practically one out of three (32%) has completed a postgraduate degree or higher education course, while three out of four (78%) people have completed the middle level of education. Among non-indigenous people, 82% have already applied for asylum. In this case, about 1/3 of them have the applicant card, 23% have a work card, 29% have a CPF (Physical Person Registry) and 4% have no documents (UNHCR, 2018).

These figures determine that there is a positive potential for the insertion of Venezuelans in Brazilian society. It also provides the access they need to get to different goods and services that allow them to lead a dignified life in this receiving country. This research also found that 60% of migrants work in some kind of paid activity, however, only 28% of these jobs corresponds to formal occupations. An important fact to mention is that most of these citizens do not speak Portuguese.

UNHCR has played a very important role with the Venezuelan migrants who have gone to Roraima. Apart from helping in the process of asylum to thousands of Venezuelans, it has decided to provide technical advice to the Brazilian government, through its federal and municipal authorities. In addition, UNHCR has collaborated in the donation of goods for Venezuelans who have reached this city. The asylum processes have been carried out normally, however, as we have seen, today the Brazilian government closes its borders and only allows migrants to enter as asylum seekers, restricting the passage for other citizens who do not meet these criteria.

3.3.3. - Teaching the Portuguese language in Boa Vista

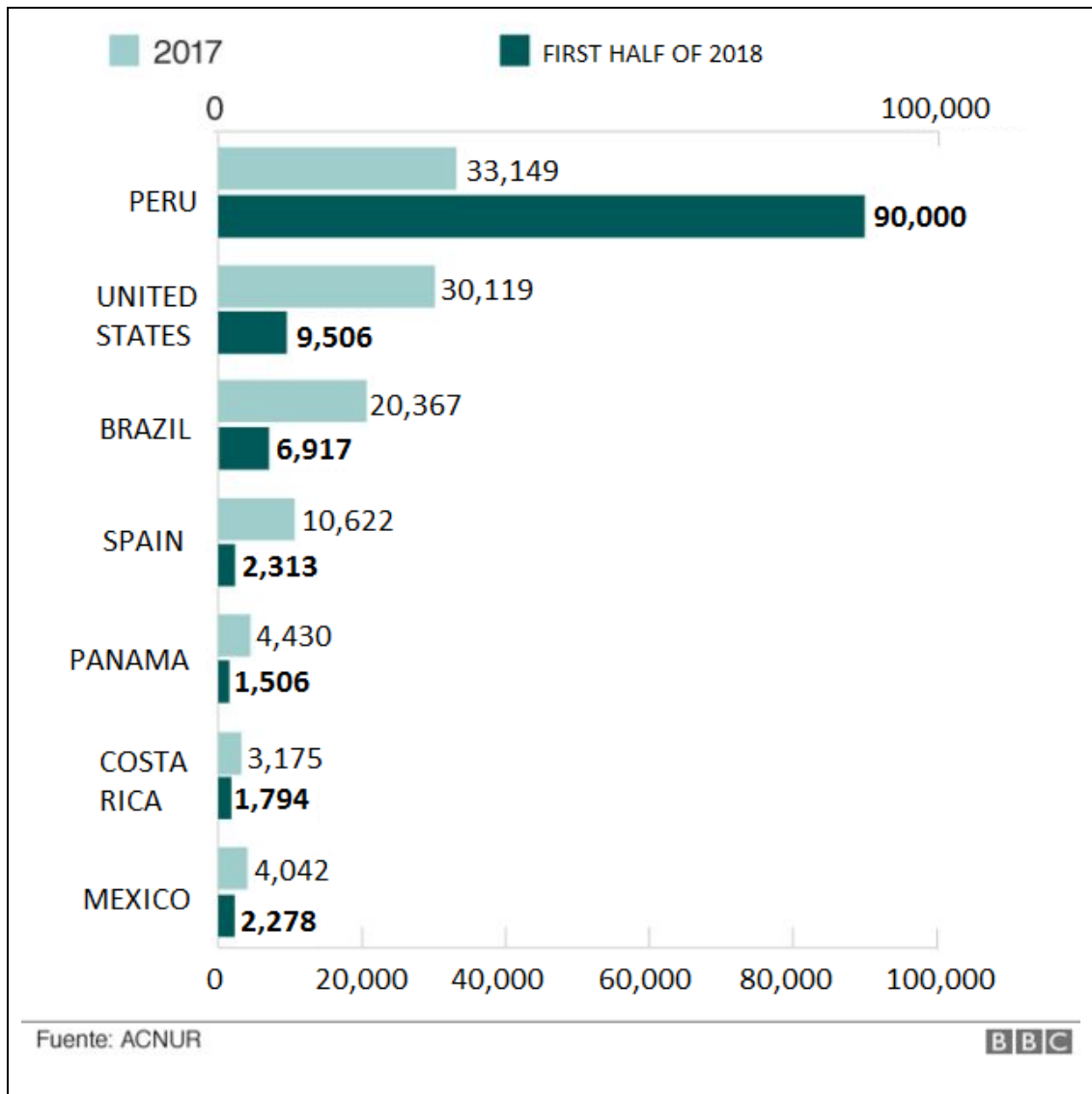
The arrival of thousands of Venezuelans to Brazilian lands implies a challenge for migrants as well as for the country that hosts them. UNHCR, together with the Brazilian government, has implemented Portuguese language training courses, benefiting hundreds of Venezuelan citizens. In Boa Vista, Roraima, on May 24, 2018, sixty-five students with asylum and migrant status completed their Portuguese language course, which was offered by the Federal University of Roraima. The project is called "Portuguese host" and it is now in its seventh edition. The high demand for these courses, according to UNHCR, highlights the importance that these initiatives have for people who arrive in Brazil as a result of forced displacement. According to the latest data from the National Committee for Refugees (CONARE), 17,865 people applied for asylum in 2017, compared to 3,375 in 2016. An estimated 40,000 have accessed the state of Roraima and live in its capital, Boa Vista (UNHCR, 2018).

Similarly, 53 schools in Boa Vista have had to adapt to the arrival of 480 Venezuelan students. The intention is to provide literacy instruction to students and offer them all the tools needed to learn Portuguese (Diario Legislature, 2017). UNHCR has played a very important role in collaborating with the Brazilian government to provide technical assistance and to carry out these projects, which seek to protect refugees from the Venezuelan catastrophe.

3.3.4. - The role of UNHCR in the execution of international instruments such as refugee status or asylum application in Brazil

There are about 27,000 Venezuelan citizens who have requested asylum until 2016 according to UNHCR figures, and this number of requests grows daily and it is said that in 2017 this figure rose to 52,000 people. This data demonstrates how important access to international protection really is. When migrating, many citizens face hundreds of dangers such as human trafficking, fraud, etc. That is why international organizations must ensure their safety and facilitate the conditions for them to enjoy a dignified life in the countries they migrate to. Though there are a large number of asylum requests, not all of them comply with the status of refugee, which will be analyzed later, consequently many of these people prefer to remain as irregular migrants. In regards to Brazil, 12,960 people have been granted asylum. Although, the situation has become more acute which is why the UN has asked the Venezuelan president not to use military justice to judge civilians (UN, 2018). So far there are 92 deaths and 1,500 injured. This shows the seriousness of the situation that Venezuela is going through.

FIGURE 1 VENEZUELAN ASYLUM REQUESTS



Source: UNHCR, (2007)

What is important to analyze is what actually is happening in Brazil as a result of the Venezuelan refugees and migrants. The government, through its different institutions, has had to organize itself to face this social phenomenon. However, the number of migrants is so great that it has surpassed the state effort and generated an internal conflict full of xenophobia. One of the measures that the government has generated is the resettlement of the Venezuelans in provisional shelters, although there are many who continue to sleep on the sidewalks of Brazil. Since the state

systems to migrants are insufficient, others have decided to take public spaces as migrant camps in order to be able to stay in Brazilian territory. However, because of this, the population of Roraima has burned Venezuelan camps so that they feel obligated to return to Venezuela. Some Brazilians see this social group as a threat that jeopardizes their jobs and state resources. This troubling situation mostly occurs in Roraima, which is one of the poorest states in Brazil, and today receives this massive wave of migrants who arrive fleeing from a country involved in a social-economic crisis.

UNHCR has made great efforts to support refugees, guaranteeing their human rights and pressuring governments to act in the best way possible. It has provided technical advice to representatives of the Brazilian government, demonstrating its deep interest in the search for guarantees of the rights of migrants. However, one of the biggest difficulties perceived by UNHCR on the part of the Brazilian government is its bureaucracy that get in the way of the process of asylum and residency. This is because there is a long list of documents that must be filled and the process in approving them is slow which generates a crippling situation. For this reason, this international organization has had to reinforce its response and because of the large number of requests that increase daily, it has publicly requested that voluntary workers come in to help with the asylum certification process. In Brazil, UNHCR is working with the authorities of these countries to strengthen the registration and identification of profiles, reception capacity and the provision of basic humanitarian assistance for asylum seekers with specific needs (UNHCR, 2018).

In addition, UNHCR has met in several interviews with Venezuelans who have arrived in Brazil, to get to know what their main protection needs are. UNHCR provides cash multifunctional financial assistance to refugees, and also provides

funds for some civil organizations. It is important to point out that of 10,100 refugees, only 5,100 continue with the active registry in Brazil. Until the end of 2017, Brazil recognized 10,145 refugees of various nationalities, but only 5,134 continue with active registration in the country. Venezuelans represent more than half of the orders placed, with 17,865 requests (UNHCR, 2018).

The inactive status of a refugee refers to the acquisition of Brazilian nationality, death, change of country or cessation or loss declared by Conare in the terms of Law 9474/97 (UNHCR, 2018). Refugees receive personalized treatment and their status in the country is constantly being evaluated, even though they are not given a job, they provide tools so that they can access one. To be considered a refugee, the citizen must be living in a high-risk situation in Venezuela and has to fill out a refugee form, which will later be reviewed to later be approved or rejected. If these requests are rejected, citizens are not returned to Venezuela in a non-voluntary way, but they are advised on other alternative ways by which they can choose to stay on a regular and safe way in Brazil.

4. - CONCLUSIONS

The economic, political and social situation in Venezuela merits a thorough study of the consequences in the receiving countries of migrants who leave this country in search of better days.

In reference to migration, there are relations between the Nation-State that is important to address in order to deepen the analysis. In the same way, it is essential to identify the international actors that stand out during the process of migrating from one geographical point to another. It is necessary when conducting a modern

investigation on the subject to recognize migration as a complex human activity in order to understand the interdisciplinarity between statistics and human value.

Migration has been approached as a socio-political phenomenon that emerge from theories of social relations to clearly support the conduct of this research. The objective outlined in this research was to understand migration from the Liberal Theory, in order to take this theory into account in the process of designing public policies that helps to create better qualified States for the reception of migratory waves.

Today, States must consolidate the technical tools to guarantee the right that human beings have to travel freely throughout the world. Although many times, governments, through the application of policies, end up expelling their own citizens.

Liberal theory provides a positive outlook to the future of the creation of public policies of solidarity, which predicts a promising future where international cooperation, democracy, individual rights or multilateral institutions will be able to face this migratory phenomenon.

The migratory flows demonstrate that there is evidence of the cultural, political, economic and environmental influence that the Venezuelan diaspora has generated. For example, in the Municipality of Roraima, Portuguese language teaching schools have been implemented for Venezuelan immigrants.

Migration must also be understood from the point of view of Immigration Law, which is constituted by a set of rules of public law that regulate the transit of people around the world. However, it is necessary to understand that this right is subject to modifications, according to the needs of the people.

This view of migration as a right is new. In classic law, this right was not recognized. Due to the evolution of regulations, international organizations have been working to regulate and guarantee the rights of citizens around the world. Within these organizations is UNHCR, which has had a transcendental role in the management of the situation that Brazil is facing because of the arrival of Venezuelans. Its actions have been protected in Article 33 of the Geneva Commission, where equality in the treatment of States must be guaranteed in order to admit foreigners or not (UNHCR, 2017).

Despite what has happened, President Nicolás Maduro has refused to abide by the 199 recommendations made by the UN, of which he has complied with only 40% of them. The United Nations High Commissioner for Refugees has begun to be present in this wave of migrants from Venezuela to Brazil since 2014, where it has provided basic assistance for the reception of new arrivals, such as drinking water, food, etc. UNHCR spoke before the Brazilian State demanding minimum guarantees such as accessibility and the guarantee of basic rights. However, in practice the efforts made by the Brazilian government have been insufficient and rather in recent months there have been riots in Roraima. This demonstrates the deficiency of the public administration when facing these humanitarian crises. In this Municipality, people burned the belongings of Venezuelans so that they leave, and as a result, the government has decided to close the borders and give way only to those who have refugee status. UNHCR notes that currently Brazil receives between 600 and 700 asylum requests a day.

Therefore, to understand the phenomenon of international migration, is to understand a set of interrelationships that are built between different spheres: economic, social, political, etc. It is important to point out that although there are different types of

migrations, this research exclusively addressed those who are recognized as refugees. According to UNHCR, refugees are people who cannot return to their country of origin due to a well-founded fear of persecution, conflict, violence or other circumstances that have seriously disturbed public order and that, as a result, require international protection" (UNHCR, 2018).

In Brazil, 20,367 refugee applications were received and in the first half of 2018 a total of 6,917 requests were accounted for, which reflects the massive wave of migration to Latin American countries, in this case to Brazil. This phenomenon has generated a series of transformations within the countries that receive migrants. UNHCR, together with other agencies, has designed specialized programs to protect women, who are a vulnerable population in many social and economic aspects. In Brazil, the refugee situation is not the best since migratory rights have often been violated and policies of the acceptance of migrants have changed to face the migratory wave. Also, the borders have closed and the process to request state protection is chaotic. In Brazil, Venezuelans can only enter as refugees, which is a challenge for UNHCR because it has forced them to open new reception centers that allow them to identify people, receive them and provide adequate advice in case of not being granted refugee status.

This violation of the fundamental rights of migrants, on the one hand account for the poor performance of state administrations to deal with a situation that requires timely solutions, likewise it is indisputable that the continent is not in a stable economic situation that can receive thousands of foreign people, knowing that they cannot even meet the demands of the inhabitants of those countries. UNHCR has been an organization that has led the process in the defense of the rights of men, women and children who seek better days, fleeing from a Venezuela that falls apart due to

political-economic instability. UNHCR has acted appropriately, because it has been an organization that has been able to defend the rights of refugees to prevent the violation of migrant's rights. However, despite the multiple strategies that have been designed, the asylum request processes in Brazil are still slow and encumbered with bureaucratic aspects that make the situation even more difficult. There are many investigations that can complement this work in future years that will lead to the knowledge of how the processes will continue to be applied and what new measures will be taken in the face of this event or similar ones, which without a doubt are presented as humanitarian crises that make us aware of citizens from all over the world, especially in investigations.

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APPENDIX:

APPENDIX 1.

TABLE 1.

DYNAMIC MIGRATION GLOSSARY

LETTER	WORD	DEFINITION
A	Agreement	Mutual understanding, written or not, between two or more parties with the intention of granting legal value. See also agreement, bilateral, return.
A	Admission	Permission to enter a State. A foreigner is "admitted" if he crosses a border control post (by air, land or sea), with the authorization of the border authorities. A foreigner who has entered illegally is not considered as a person who has been "admitted".
A	Accommodation center	Place where asylum seekers and migrants in an irregular situation are accommodated, upon arrival in the receiving country
B	Bilateral	It involves two States or two parties. See also

		multilateral, international treaty
C	Causes of inadmissibility	Definitions in the migration rules of inadmissibility of reasons why non-nationals are prohibited from entering a State
C	Citizenship	Citizen rights
C	Collective expulsion	The collective or mass expulsion of foreigners is prohibited by numerous international instruments.
D	Deportation	Action taken by a State in the exercise of its sovereignty through which it sends a foreigner out of its territory
I	International migration law	Set of norms and principles applicable to migration and people involved in migration
I	Integration	Process by which immigrants, both individually and in groups, are accepted in a society.
M	Migration	Movement of population into the territory of another State or within it.
M	Migrant quota	Number of migrants who

		live in a place and at a specific time.
R	Right to family unity	The family, a natural and fundamental element of society, has the right to live together, be respected, protected, assisted and supported in accordance with the provisions of the Universal Declaration of Human Rights.
S	Stateless	Person that no State considers as its national, according to its legislation. (Article 1 of the Convention on the Status of Stateless Persons, 1954). As such, a stateless person does not have those rights attributable to nationality, as, for example, in the context of the diplomatic protection of a State in which the applicable principle is that a State can only exercise diplomatic protection in favor of its nationals.
X	Xenophobia	Hate, repugnance or hostility towards foreigners.

Source: Created by Ana Karen López, information taken from the IOM (International Organization for Migration)

APPENDIX 2.

List of Refugee Rights according to UNHCR.

No punishment for irregular entry to a country. Sometimes, especially in situations of humanitarian crisis, mass exoduses of people from a particular place take place. This causes refugees to enter countries irregularly, which cannot be considered as a reason for them to be deported or returned to their places of origin. On the contrary, the recipient countries will have to consider the exceptional situation when hosting these migrants and giving them access to basic rights.
Paid employment. Once identified as such, refugees have the right to a decent job that guarantees their maintenance and a salary according to their needs. Family responsibilities will also be taken into account when dealing with the head of household.
Freedom of movement within the territory. Refugees may not have their movement restricted within the host country, although at the beginning of the process they will be under the guardianship of the authorities that carry out their identification process. The subsequent relocation will not have limitations either.
Dignified housing. They also have the right to decent housing during the time of their stay in the receiving country. In general, governments set aside shelters or camps to host them, although such measures are temporary. In other cases, progress is made towards solutions such as the delivery of social protection housing.
Public and free education. Children are one of the main victims of forced displacement. The host countries must guarantee their right to a free and quality education during their stay.
Medical assistance. Similarly, refugees have the right to medical assistance of the same quality as citizens of the receiving country. This assistance cannot be limited to the first phases of the reception process; it must be extended.
Freedom of religion. The Contracting States shall grant to refugees who are in their territory at least as favorable treatment as that given to their own citizens with regard to the freedom to practice their religion and the freedom of religious instruction of their children.
Access to the courts. In case of legal, administrative or legal disputes, refugees will have no obstacles when accessing the justice system of the host country. In addition, this implies rights such as the presumption of innocence and the added judicial guarantees.
Obtaining identity and travel documents. Just as the free movement of refugees in the host country cannot be restricted, they will not be denied the right to obtain an identity or travel document that allows them to be identified and to accredit their refugee situation to the different authorities and agents of society.

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