Overview of Protection Situation in Venezuela

As of the end of 2016, Venezuela hosts 7,861 recognized refugees and 904 asylum-seekers. While an asylum procedure has been in place since 2003, basic procedural standards are not always respected and access to the procedure may be denied on a discretionary basis, waiting times for interviews are long, time taken for interviewing insufficient and decisions not substantiated.

In addition, based on UNHCR estimates, the country hosts 164,192 Colombians living in refugee-like situations who have not yet accessed the asylum system due to a variety of reasons. The vast majority of these persons live in remote areas and have arrived in Venezuela within the last fifteen years, and now face a narrow bottleneck to enter the asylum system. In these circumstances, the central protection challenge in Venezuela is the lack of proper documentation among a large segment of the persons of concern, who as a result stay in the country in an irregular manner.

There is no available information on the magnitude of stateless persons and persons at risk of statelessness in Venezuela; however, UNHCR estimates that children born to Colombian parents – affected by decades of displacement – might not always have registered with Venezuelan authorities and might be at risk of statelessness if over the years the same condition was not claimed to the Colombian authorities either. Other individuals may also be at risk of statelessness due to lack of birth registration or because they were born abroad and are unable to confirm their nationality.

Protection Environment

VEN is signatory only to the 1967 Protocol on the Status of Refugees; it has not adhered to the 1951 Convention despite UNHCR’s repeated advocacy efforts. Even though VEN actively participated in the drafting of the 1984 Cartagena Declaration, the country is not applying its broader refugee definition. It has not signed the Statelessness Conventions and rejected a proposal to sign them in 2011 and in 2016. Even though VEN participated in the elaboration of the Brazil Declaration and Plan of Action (BPA), it did not develop an implementation plan for the BPA so far.

VEN’s 1999 Constitution recognizes and guarantees the right to seek asylum. The 2001 Refugee Law (LORRAA) regulates refugee-related matters in accordance with the Constitution and recommended international standards. The refugee definition contained in the LORAA is in line with the 1951 Convention and adds “sex” as a sixth ground for persecution. The extended refugee definition is not included in national legislation. The LORAA only foresees a one-year temporary residency permit for recognized refugees instead of a longer-term permit that would provide access to additional rights and a greater sense of security for the individual. While the LORRAA stipulates that refugees’ access to naturalization should be facilitated, it lacks a description of the steps leading to naturalization and other relevant laws such as the Immigration Law also lack the respective provisions, which has in practice led to refugees not having effective access to naturalization. In other areas key to local integration such as access to the formal labour market, advanced education, bank services or government subsidies, the generally positive legal framework is contradicted by adverse administrative practices that limit access of asylum seekers and sometimes refugees in practice.

Venezuela is one of the few countries that fall behind in their efforts to eradicate statelessness within MERCOSUR. Venezuela has not ratified the Stateless Conventions and the national legislation on nationality and citizenship would need the following changes in order to comply with the international standards: inclusion of a definition of who is a stateless person in national legislation, establishment of a statelessness determination procedure, clarification on the rights of stateless persons including access to naturalization proceedings and clarification on the nationality to be obtained by foundlings.
Population trends

As of the end of 2016, Venezuela hosts 7,861 recognized refugees and 904 asylum-seekers. In addition, based on a 2007 UNHCR survey, it is estimated that the country hosts 164,192 persons living in a refugee-like situation who have not yet accessed the asylum system due to a variety of reasons. The big majority of these persons of concern (99%) are of Colombian origin. There are a few persons of concern from other countries such as Iraq, Lebanon, Afghanistan, Syria, among others.

In 2016, CONARE registered 2,890 asylum seekers (2,868 from Colombia who already lived in a refugee-like situation in Venezuela). Among them, around 1,784 persons were identified by UNHCR and its partners in community outreach missions during 2016. CONARE decided nearly 2,000 cases, reaching an approval rate of 60.1%, compared to 51% in 2015 and 21% in 2014. Other 904 cases remained with pending decision in 2016. The number of new arrivals from Colombia (persons who may be in need of international protection and may or may not apply for asylum immediately) has been declining in recent years and is estimated to be 45 persons per month, mostly triggered by new actors of persecution which are trying to occupy areas previously controlled by FARC.

In 2016, UNHCR provided information on return conditions to 266 persons, and facilitated the voluntary return of 82 persons, in coordination with UNHCR Colombia. Additionally the Office monitored the spontaneous return of 68 persons to Colombia. This represents an important increase from 2015 when only 14 persons returned with UNHCR assistance. It is expected that voluntary repatriations will go up in the coming years as the peace agreement between the FARC and Government in Colombia is implemented and the socioeconomic situation in Venezuela deteriorates further.

UNHCR documented 8 asylum seekers and 1 refugee from Colombia deported by Venezuelan authorities in breach of the principle of non-refoulement. This is a decrease from nearly 300 persons of concern deported in 2015. UNHCR assisted and prevented the deportation of 114 persons of concern (mostly Colombians) who had expired or missing documentation. UNHCR also received reports of over 1,000 Colombians who were deported to their country, for whom the Office was unable to ascertain whether they had protection needs as refugees.

While there is no available information on the number of stateless persons and persons at risk of statelessness in Venezuela, UNHCR estimates that some 1,640 children born to undocumented Colombian parents in Venezuela may be at risk of statelessness due to birth registration problems.

UNHCR will have finished in 2017 a survey of the persons living in a refugee-like situation and at risk of statelessness in Venezuela (currently estimated at 164,192 persons). Based on the results of this survey, UNHCR expects that the Government will confirm its commitment to facilitate protection and solution pathways for the persons of concern.
The CISOR 2016 Survey
A Venezuelan social research center called Centro de Investigación Social (CISOR) conducted a survey on the socioeconomic profile of the Colombian population in need of international protection in Venezuela. The survey was funded by the Pan-American Development Foundation, which is the foundation arm of the Organization of American States. It was supported by NGOs in the refugee protection network, namely JRS, RET, HIAS, NRC, Caritas and Red Cross, as well as IOM and UNHCR; however, it was not endorsed by the National Refugees Commission or other government entities.

The survey was conducted between mid-2015 and June 2016 in 310 communities located in 58 municipalities and 14 states of Venezuela. Unlike UNHCR’s proposed survey, CISOR’s survey focused on socio-economic indicators and included registered and unregistered refugees. In total **871 households were surveyed, comprising 3,527 persons**. Of them, 37% were persons living in a refugee-like situation (unregistered), 35% were asylum seekers (registered), 24% were recognized refugees and 5% were rejected asylum seekers. **81% of persons surveyed arrived in Venezuela between 1996 and 2010**, and only 10% arrived within the last 5 years.

Among the main socio-economic findings of the survey, the following can be mentioned and were used to elaborate some indicators of the 2018-2019 Country Plan:

- **Family composition.** 87% of persons surveyed live in one-family households. 44% of household members are under the age of 18. 51% of the members of the family are between 18 and 59 years old.
- **Employment.** Only 1% of persons in working age (18-59) were unemployed. 30% worked in agricultural activities and 27% in small informal businesses. While 15% of women worked as house cleaners in Colombia, only 5% do the same in Venezuela.
- **Living conditions.** 55% of persons surveyed lived in houses and only 15% had access to clean, drinkable water.
- **Access to buy food.** 40% of surveyed persons expressed difficulties to buy food in some stores due to the fact that they lacked Venezuelan documentation, while 33% manifested difficulties due to the high prices.
- **School attendance.** 48% of children aged 0 to 5, 91% of children aged 6 to 12, 75% of children aged 13 to 17, and 6% of persons above 18 attend school. In the case of children and adolescents between 10 and 17 years old, 16% study without working, 1% study and work, while only 2% do not study nor work. 66% of boys, girls and adolescents have not faced any difficulty at schools, and 34% have faced difficulties due to the lack of documentation and the difficulties for the issuance of certifications that proves that the studies have been successfully concluded. 10% of the adolescents and 7% of children have dropped-out from the educational system due to the lack of documentation.
- **Cultural integration.** 94% of persons of concern in Venezuela have received a positive treatment from their Venezuelan neighbours. 84% believe that their neighbours perceive them well. Most of children (80%) feel better living in Venezuela than in Colombia; 60% of adolescents “feel the same”.

The return intentions of the population were not clearly assessed in the survey; however, the researchers estimate that **only 17% consider that return to their places of origin in Colombia is currently possible**, although not necessarily their preferred solution. For the remainder, they would consider return elsewhere in Colombia only if granted adequate support to obtain housing (23%), employment (12%), financial aid (15%), travel documentation (7%), etc.
The purpose and qualitative nature of the survey did not aim at establishing a specific global figure regarding the number of persons in need of international protection in Venezuela. However, based on the official data from the 2001 and 2011 population census in Venezuela, the researchers projected that for 2016 the number of Colombians living irregularly in Venezuela has declined and is estimated at 322,994 (180,771 in border regions and 142,223 inland). Based on UNHCR’s 2007 survey, the researchers estimated that among all Colombians living in Venezuela, around 60% living in border regions and 40% living inland may have protection needs as refugees. Hence, the researchers concluded that in **2016 between 165,000 and 125,000 Colombians remain in need of international protection in Venezuela.**