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Migration Governance in South America: Change and Continuity in Times of "Crisis"

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Introduction

South America's recent history has been marked by distinctive mobility patterns that position the countries of the region as ones of emigration, transit and destination, and in some cases, all of them at once (Jubilut et al., 2021). From the displacement caused by the military dictatorships of the 1970s as well as the mobility flows following re-democratisation in the late 1980s, South America has been mostly considered a region of emigration (Acosta, 2018; Martínez Pizarro & Orrego Rivera, 2016). However, since the second half of the twentieth century, and particularly, since the early 2000s, the region has been also marked by the intensification of intra-regional mobility and the diversification of the countries of origin and destination of extra-regional immigration (Freier et al., this volume; Stefoni, 2018). Since 2014, South America's intra-regional mobility has been shaped by the massive displacement of Venezuelans, who then started to leave the country due of its political and economic downturn (Gandini et al., 2019). With more than 7 million Venezuelans refugees and migrants across the world as of 2022, out of which more than 5.5 million are hosted by countries in South America (R4V, 2022), this is the largest exodus in the region's recent history and one of the largest of the world (UNHCR, 2022).

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Venezuelan displacement has not only been characterised as a "humanitarian crisis" due to both the conditions that prompt that mobility and the vulnerability of the people on the move, but also perceived as a "migration crisis" that has imposed socio-economic challenges in reception countries, and as a political issue to deal by the countries of the region (Gandini et al., 2019). By December 2022, South American countries were destination to almost 80% of the total number of Venezuelans living outside their county (R4V, 2022). Colombia has the largest Venezuelan population with 2.48 million, followed by Peru with 1.49 million, Ecuador with more than 502,000 Venezuelans, and Chile with more than 444,000. Brazil is the fifth destination country with 388,000 Venezuelans, followed by Argentina, hosting 171,000 Venezuelan migrants (R4V, 2022). The platform of inter-agency Coordination for Venezuelan Migrants and Refugees (R4V)[1] specifies that many governments of the region do not account for Venezuelans without a regular status, which means that the total number of Venezuelans is likely to be higher.

This mobility has not only increased the number of foreign populations in key destination countries such as Argentina, Brazil, and Chile (IOM, 2021), it has also transformed some countries from being transit and sending countries, to destinations of Venezuelan displacement, such as Peru (Palla et al., 2022) and Colombia (López, 2022). Despite the political salience of this displacement and the sheer numbers of people on the move, this is not the only mobility dynamic taking place in the Latin American's sub-region. South America is also experiencing the arrival from people from Central America (Cantor, 2014), and the ongoing mobility of Haitians (Marcelin & Cela, this volume; Yates, 2021) and Cubans (Zapata et al., 2023), among other intra-regional and extra-regional flows. These flows are driven by structural inequalities and labour opportunities, among other complex reasons.

These diverse patterns of mobility, alongside internal economic, social and political changes, as well as international challenges, have shaped the regional and national migration governance that characterised South America during the last two decades (Acosta et al., 2019; Gandini et al., 2019; Jubilut et al., 2021). Since the early 2000s there has been a growing body of literature that discusses the development of a regional framework of human mobility in South America, characterised to be as one of the most developed after the EU mobility regime (Brumat, 2020; Geddes et al., 2019), and shaped by a liberal discourse in terms of migrants' rights (Cantor et al., 2015; Geddes & Vera Espinoza, 2018). However, this same literature recognises that beyond the rhetoric, the liberal approach has not uniformly been reflected in national-level migration laws (Finn et al., 2019) while showing several gaps

in implementation (Acosta & Freier, 2015), illustrating the tensions between human rights and security concerns (Domenech, 2013). The same can be said about the regional approach to refugee protection, which has been characterised as "progressive" and promoted under a principle of "solidarity" but criticised by lack of implementation and with gaps in the protection provisions (de Menezes, 2016; Feddersen et al., 2023; Vera Espinoza, 2018; Vera Espinoza, 2021).

The discursive consensus in the regional approach to human mobility and refugee protection, based on the non-criminalisation of irregular migration, human rights rhetoric and multilateral efforts to coordinate policies (Margheritis & Pedroza, 2022), has been discussed as a somehow distinctive regional approach to migration governance in South America (Geddes & Vera Espinoza, 2018; Geddes et al., 2019). However, the regional approach has been put to the test by the Venezuelan displacement and the convergence of multiple crises—including the COVID-19 pandemic, socio-economic crisis and local political unrests, among others (see Gandini et al., 2022; Margheritis, 2022). The regional response to migration and displacement in the last five years has been more fragmented (Brumat, 2022; Margheritis & Pedroza, 2022), with the countries of the region adopting a series of ad hoc measures mostly aimed at temporary protection (Acosta et al., 2019; Gandini et al., 2019) and with a mixed use of already existing mechanisms such as the MERCOSUR residence agreement (Brumat, 2021)[2] or the limited use of the expanded refugee definition provided by the Cartagena Declaration of 1984 (Blouin et al., 2020).[3]

Within this fragmented scenario, I argue that South America shows processes and practices of both change and continuity in its regional approach to migration governance which respond to a mobility framed and driven by multiple "crises" (Gandini et al., 2022; Margheritis, 2022; Vera Espinoza et al., 2021). Some of the changes, however, have reinforced the most restrictive aspects of the "continuities" we see across the region.

Drawing on the review of recent literature, as well as from insights from two research projects conducted between 2017 and 2022,[4] this chapter explores how migration governance in the region has changed, and with what consequences, considering recent migration dynamics, particularly the Venezuelan displacement, and the convergence of multiple "crises". The chapter argues that in a context of multiple "crises", South American migration governance is characterised by a fragmented and reactive approach which shows some continuities (such as the permanence of a regional progressive framework and the continued presence of a securitised approach) and change

(which includes the increased militarisation of border controls and the weakening of the asylum regime, among others). Taken together, the chapter shows that South America's patchwork migration governance evidences the fragmentation of regional responses, which in practice translate in more control, the criminalisation of migration, increased irregularity and less protection for people on the move.

The chapter develops this argument by first exploring key ideas associated to regional migration governance and notions of crisis. The text then provides evidence on the continuities we can see across many countries of the region as well as the governance changes that have emerged in the context of multiple "crises". The chapter then discusses how can we make sense of these continuities and changes in context of fragmented and reactive regional migration governance.

Regional Migration Governance in Times of "Crisis"

There is a growing body of literature exploring regional migration governance in South America. A large part of this scholarship has tried to understand the extent to which a "liberal tide" took shape in the region, focusing on the contradictions of developing a progressive regional discourse during the post-dictatorship period and early 2000s, which coexisted with restrictive policies (Ceriani, 2018; Acosta & Freier, 2015; Cantor et al., 2015). Other contributions have also shed light on the potential impact of regional consultations processes (Finn et al., 2019; Ramírez & Alfaro, 2010) as well as the development and influences on mobility mechanisms such as the MERCOSUR residence agreement (Brumat, 2022). There is also scholarship that explores the growing (and continuing) securitisation trends on migration governance (Brumat & Vera Espinoza, 2023; Brumat et al., 2018; Herrera & Berg, 2019), particularly those that started to take shape during the COVID-19 pandemic (Domenech, 2020; Freier & Vera Espinoza, 2021; Vera Espinoza et al., 2021; Zapata et al., 2023). While the region continues to be underrepresented within global academic debates, these contributions—through publications in English, Spanish and Portuguese—have developed relevant knowledge about the specific characteristics of regional migration governance in South America, its role within wider Latin American and global trends, and how it seats within South-South migration debates.

Migration governance has been widely understood as the "norms, rules, principles and decision-making procedures that regulate the behaviour of

States (and other transnational actors)" (Betts, 2011, 4). These are based on a range of formal and informal institutions and processes that operate at different levels. Besides this multi-level understanding (see also Lavenex & Piper, 2019), migration governance has also been understood as epiphenomenal, related to "a much wider set of economic, political, social, demographic and environmental conditions" (Geddes et al., 2019, 8) that determine "change", which governing organisations try to make sense of in order to navigate and coordinate its effects. Governance systems are not just passive or reactive (Geddes et al., 2019, 9), they can also shape mobility. A focus on the sense making process of migration governance has also been developed in Latin America. In the early 2000s, Mármora (2002, 390) described migration governance as "the adjustment between the characteristics, causes and effects of migration, the expectations and social demands about it, and the real possibilities of the States to respond to it".

This "adjustment" between causes, expectations and the possibilities of responding to it, have been mostly articulated around notions of "crisis" and the extent to which states are able to manage the "misgovernance" of migration. Latin American scholars have been critical to the development of notions of governance, by shedding light into the discourses and practices that have been both constructed and facilitated through it, the actors that have imposed these ideas and the impacts they may have in "managing" mobility (see Domenech, 2018; Ramírez & Alfaro, 2010). Domenech (2018) pays particular attention to how discourses of "crisis" are formed around issues such as the increase of irregular migration and the business of trafficking and smuggling, enabling a justification that demands bilateral and multilateral action, therefore promoting specific ideas around regional governance.

The formation of governance discourses is not exclusive to South America and the regional level. For instance, we have seen how the notion of "safe, orderly and regular" migration has been spread globally, first through the adoption of the Sustainable Development Goals (Target 10.7, 2015) and then through the Global Compact on Migration (2018). In the case of South America, Domenech (2018) also puts attention to the actors—such as the International Organization for Migration (IOM).—that through their work with governments contribute to disseminate these ideas. We also see this transfer and development of knowledge in relation to refugee protection, such as the use of the principle of "solidarity" (de Menezes, 2016; Vera Espinoza, 2018) and the search for what it used to be "durable solutions" which has now transitioned to just "solutions" (Vera Espinoza, forthcoming). In a recent text, I explore how the grammar of durable solutions in Latin America has changed

over the last 20 years, both in line with the events in the region as well as with changes at the international level, and the changing role of the UNHCR in the governance of forced migration (Vera Espinoza, forthcoming).

The point to emphasise here is that processes of migration governance— at the national, regional or international level—are not merely responses to mobility or situations of "crisis", rather the context itself is discursively constructed around issues that justify governance. For instance, we have recently seen how a process of a categorisation has also mobilised specific actions by States. For example, UNHCR created the category "Venezuelans displaced abroad", which was first introduced in its 2019 Global Trends Report. While the report acknowledges that the group is entitled to international protection, it does not necessarily recognise them as refugees (Freier, 2022). This ambiguity in the category has been instrumental for many South American States that have decided not to use the expanded refugee definition of the Cartagena Declaration, even when is included in their legislations (as is the case of Chile and Uruguay) (see Zapata et al., 2023). So far, only Brazil in the South American context (and Mexico when looking at the wider Latin American region), have recently applied the Cartagena refugee definition to specific national groups, including Venezuelans (Blouin et al., 2020).

The creation of these understandings of governance can also be explored through Geddes (2021) notion of repertoires of migration governance, through which the author invites us to focus not only on the outcomes of governance, such as law and policies, but also on "what actors do and what they think they should be doing". These repertoires comprise narratives, that are social, affective, performative and ongoing. Through the operation and effects of these repertoires they "have powerful effects on migrants and their lived experiences" (Geddes, 2021, 3).

In line with the processes and impacts of governance, it is relevant to briefly unpack the notions of "crisis" that have been developed in South America and how they have informed the development of regional migration governance. Gandini et al. (2022, 17) explain that in the Latin American context, the migration-crisis nexus has been understood both in a preventive and reactive manner, but also as a "strategic decisions in light of an exceptional situation". We identified then that there are two coexisting frameworks: one that shows migration as result of a specific context due to social, political, economic and environmental issues (as in the context that prompted the Venezuelan displacement); and a second that shows crisis as a context, in which the migration processes are those that create contexts of "crisis". The latter process relates to the framing use for example in the so called "European Refugee

Crisis", terminology that emerged in 2015 as a result of the Syrian displacement, particularly in relation to the arrivals at the shores of Europe, and the associated categories related to the "crisis" (see Crawley & Skleparis, 2018). We have seen similar framing in relation to increased mobility patterns in South America. Crisis, then, it is more linked to a political categorisation rather than an empirical one (Rojas & Winton, 2019).

Migration as result of a context of crisis and migration as crisis can also coexist at the same time. Margheritis (2022, 4) suggests that in the South American context we can qualify the Venezuelan displacement as a "nested" crisis, defined as "one occurring within, and closely intertwined with, other crises—as in a Russian doll set. The key point is that such crisis is embedded in a larger context characterized by diverse, interrelated critical conditions/ junctures".

The notion of "crisis"—either as context "for" or "of", multiple or nested, crisis—has become, in South America and elsewhere, a framework to justify the implementation of both humanitarian discourses and restrictive State practices (Herrera & Berg, 2019). As we have explained elsewhere (Vera Espinoza et al., 2021) ideas of crisis and exceptionality tend to identify migrants as "humanitarian subjects" and not as subjects of rights, which justify emergency responses that tend to be short term and ad hoc, as we see in the context of South America response to the Venezuelan displacement (see also Gandini et al., 2022). We have also seen an increased criminalisation of migrants and their mobility, and the spectacularisation of control as the main response (Varela-Huerta, 2021). The framing of crisis then becomes a bordering process in itself, shaping governance practices and measures of control—both outside and inside the States' territories (Vera Espinoza, 2022).

The next sections explore patterns of continuity and change in regional migration governance in South America, and how and in which ways these simultaneous processes that control who move, for how long and under what conditions, also shapes how people move. With a focus on processes, actors and outcomes, the sections that come reflect on how notions of "crisis" have shaped the logics and practice of governance in the region.

Continuity: The Coexistence of a Progressive Framework and Security Actors

It has been widely established that South America's migration governance is non-linear, with waves of restrictive and more open migration policies happening one after the other, or—in many cases—simultaneously

(Domenech, 2007; Geddes & Vera Espinoza, 2018). Until the end of the twentieth century, migration policy in South American countries was marked by a vision of national security and a selective approach that created *wanted* and *unwanted* migrants (Acosta, 2018; Herrera & Cabezas, 2019). From the late 1990s and throughout the early 2000s, most South American countries who inherited restrictive immigration legislations from the dictatorships in the 1970s and 1980s, adopted progressive national policies and discourses that emphasised the importance of migrants' human rights and the need to de-criminalise migration (Brumat, 2020). Freier and Rodriguez (2021) state that since 1993, sixteen Latin American countries have reformed their immigration laws. At least nine of them are South American countries.[5]

During this period, we also see a progressive regional framework taking place, which is consistent with the prominence of migration as part of the social agenda in regional integration processes (Margheritis, 2012). For instance, multilateral organisations such as the Southern Common Market (Mercosur) and the Andean Community (CAN) created mechanisms that facilitated a mobility and residence regime for intra-regional migrants (Brumat & Vera Espinoza, 2023). These initiatives were also discursively aided by the non-binding declarations of the South American Conference on Migration (SACM) (Finn et al., 2019). Some of the regional discourses and mechanisms developed through these multilateral organisations remain in place, showing signs of regional continuity. However, the implementation of these measures and the emergence of new regional initiatives show a more complex panorama.[6]

A similar progressive, although complex, regime is in place for international protection of forced migrants in the region. This is characterised by the coexistence of systems across international (the 1951 Convention Relating to the Status of Refugees, its 1967 protocol and the 2018 Global Compact on Refugees), regional (the 1984 Cartagena Declaration on Refugees and the regime derived from its review process; The Inter-American Human Rights System) and national levels (national legislation and complementary protection measures) (Jubilut et al., 2021). Most countries in the region have signed the Cartagena Declaration (1984) and thirteen countries have included the Cartagena refugee expanded definition in their domestic legislation.[7] Although, in South America, only Brazil has used this definition on specific nationalities, such as Venezuelans.

This regional migration norms for protection and residence that emerged from the political discourses in the late 1990s and early 2000s, have been associated to a resurgence of regionalism (Cantor et al., 2015; Geddes et al., 2019), the low number of immigration at that time (Acosta et al., 2019), the

social agenda of left-wing governments in power then (Margheritis, 2012) and even to the shared experiences of exile and migration that many actors within governance systems had (Geddes & Vera Espinoza, 2018). According to Brumat and Freier (2021), this progressive turn in migration policies was also "consciously designed" in opposition to the restrictive policies and approaches that were being developed in the USA and Europe.

While this progressive regional framework remains, there are several issues on how countries use or not use these instruments and mechanisms, particularly in times of "crisis". Still, its continuity cannot be understated either. Some of the processes, structures and actors set up as a direct or indirect result of this regional approach, have been relevant to uphold processes or create minimal standards despite political and shifting migration discourses in the region. For instance, Brumat and Geddes (2023) have shown that despite the threats of the far-right government of Jair Bolsonaro in Brazil (2019–2022), the country granted refugee status recognition to thousands of Venezuelans. The authors show that the recognition of Venezuelans as refugees was grounded, among other reasons, in "a pocket of efficiency within the Brazilian state that was associated with the work of CONARE [the Brazilian National Committee for Refugees] served as a basis for the inclusion of CSOs and influence from international actors, particularly UNHCR" (13). The presence of these structures and the influence of the UN Agency would remain as legacies of the progressive reforms associated with the "liberal tide".

One of the key characteristics of this regional approach is the constant calls for migrant regularisation (Acosta & Harris, 2022; Castro, 2021). While in some cases the discourse has met the practice, as it shown by policies in Argentina, Brazil, Colombia and Uruguay towards Venezuelans, the fragmented approach discussed in the next section shows some contradictory policies. Moreover, this regional approach towards migrant regularisation, consistent with the human rights focus of the regional integration project of the 2000s, has been recognised as an approach of "control with human face" (Domenech, 2013), that is policies with a progressive rhetoric, but with mechanisms that may be conducive to control and securitisation (see Brumat & Vera Espinoza, 2023; Finn & Umpierrez de Reguero, 2020).

While the current regional approach is much more rooted in notions of "safe, orderly, and regular migration" and it is characterised by fragmented responses as I show below, there are still calls for regional governance. For instance, the Chilean president, Gabriel Boric, said in 2023 as part of the Community of Latin American and Caribbean States (CELAC) meeting: "One of the biggest challenges we have today is the migration crisis. We

cannot respond to it individually, we have to address it together, regionally"
(ADN, 2023).

Another continuity that we have seen in the region is the role of "securitist
actors" within national migration bureaucracies. In a recent article, we discuss
the re-emergence of these securitist actors within countries such as Argentina,
Brazil and Chile, to explain migration policy change between 2015 and
2019 (Brumat & Vera Espinoza, 2023). These securitist actors, which mostly
consist of bureaucrats within Ministries of Interior, Security and Defence as
well as other groups with historical roots in influencing restrictive policy-
making (Acosta, 2018), have promoted and/or endorsed national policy
proposals aimed at detaining and deporting irregular immigrants, revoque
the liberalisation of policy and encouraging migrant selectivity. These actors
and their ideas also played a role in Chile's and Brazil's decisions to not sign
and to leave, respectively, the 2018 Global Compact on Migration,[8] despite
their active participation in the negotiations that led to the non-binding
agreement.

The coexistence of progressive regional frameworks and national securi-
tist actors, and their continuity over time, allows to understand some of the
tensions, but also the changes in migration governance in the region.

Changes: The Temporalities and Materialities of Control

The confluence of specific crisis, such as the high numbers Venezuelan
displaced across the region, then the health, social and economic crises
associated with the COVID-19 pandemic, and high political and social
polarisation, have provided a perfect mix to justify some of the changes we
have observed on regional migration governance in South America. Here,
I briefly explore three: the patchwork governance approach (Acosta et al.,
2019; Margheritis & Pedroza, 2022); the militarisation of borders (Zapata
et al., 2022) and the "weakening" of asylum (Zapata et al., 2023).

Around 2015 is when we start to witness increased political salience of
migration in some countries of the region. At the time, the mobility of
Haitians and Central Americans and the increased displacement of Venezue-
lans were starting to make the headlines. It is in 2017/18 when countries
such as Chile, Colombia and Peru start to adopt some ad hoc legal instru-
ments in relation to the Venezuelan displacement, while other countries such
as Argentina, Brazil and Uruguay early opted to use existing norms such as
the Mercosur Residence agreement to include Venezuelans, despite that the

country was suspended from the bloc in 2016 (Acosta et al., 2019). Other countries such as Bolivia established a process of migrant regularisation since 2018.

Special attention should be given to the countries adopting ad hoc measures. I use the cases of Colombia and Chile to illustrate the differences among some of these approaches. Colombia, the main receptor country of Venezuelan population with more than 2.5 million people (UNHCR and IOM, 2022), opted to implement a special residence permit (PEP as per the Spanish acronym) in 2017. This permit gave Venezuelans right to residence and to work for a period of two years, a policy that was consistent with the regularisation approach that had characterised the region. However, in 2020 it was estimated that 56% of Venezuelans in Colombia were in an irregular situation as many of them did not accomplish the PEP requirements (Gobierno de Colombia, 2021). In March 2021, Colombia signed Decree No. 216 that created the Temporary Protection Statute for Migrants Venezuelans (ETPV as per the Spanish acronym). This temporary protection mechanism allowed Venezuelan migrants in Colombia at the time of January 31, 2021, to regularise their status and to stay in the country for ten years (Castro, 2021; López, 2022). While these 10 years regularisation time frame has been celebrated by the international community, the temporality imposed to residence raises questions about the lack of use of other already existing mechanisms for international protection (such as the expanded refugee definition of the Cartagena Declaration), which could lead to permanent residency. The implementation of the temporary protection mechanism also included the creation of a Single Registry of Migrants, which according to the Government of Colombia, has the objective of "collecting and updating your biographical and biometric information", which would be used for the formulation and design of policies as well as for identify the applicants for Temporary Protection Permit (Gobierno de Colombia, 2021, p. 8). There are concerns, however, about the use Colombia may give to this biometric information and who they will share it with. More recently, in 2023, Colombia signed an agreement with Panama and the United States to tackle migration through the jungle region that separates Colombia and Panama known as the Darien Gap, further externalising the control of mobility in the wider region.

Another case that is relevant to explore is the one of Chile. In 2018, the then right-wing Chilean government announced a wide migration reform that included a new migration law and the creation of different six visas and a regularisation process, as part of a series of measures to "clean up the house" (Freier & Vera Espinoza, 2021). Alongside the modifications to the

bill, which was finally enacted in 2021 (Doña Reveco, 2022), the government of Sebastian Piñera issued two executive decrees to change visa procedures for Venezuelan and Haitian migrants. One of these decrees created the Visa of Democratic Responsibility for Venezuelans. This consular visa could be issued in any Chilean consulate abroad subject to specific requirements such as a passport (or ID national card) and proof of non-criminal record. With time, the requirements to access this visa increased and the visa started to work as a family reunification procedure (Vera Espinoza, 2022). The consular visa, that was promoted in the media as a special visa to help Venezuelans flee Maduro's regime, represents a de facto barrier to legal entry for targeted nationalities. We have seen the same barriers in other countries, such as Ecuador and Peru (Freier & Luzes, 2021; Palla et al., 2022). Before the imposition of the visa, Venezuelans could enter the country without requesting a visa. The government also reinforced the practice of mass deportations, as a key feature of a communication campaign that criminalises migration, reproducing ideas about "good" and "bad" migrants (Brumat & Vera Espinoza, 2023, Vera Espinoza, 2022). This rhetoric was particularly strong during the pandemic, when the government made media statements that associated the increase of COVID-19 cases with the arrival of irregular migrants, fulling the racism and xenophobia in Chile but also present across the region (Freier & Vera Espinoza, 2021). The campaign to criminalise migration has continued in the government of Gabriel Boric, and in early 2023 senators announced the proposal of a bill—with support across the political spectrum—calling to implement measures to allow police stop and search procedures and the preventive detention of undocumented migrants.

South American countries have used a "patchwork approach" to migration management, particularly in response to the Venezuelan displacement, with the adoption of a myriad of measures, instead of using the legal mechanisms already present in their legislations and regional frameworks. Many of these recent measures impose a particular temporality to rights of residency and pushes migrants, refugees and displaced population to navigate confusing and ever-changing laws and requirements (Vera Espinoza et al., 2021; Zapata et al., 2023). The fragmented approach to migration governance (Margheritis & Pedroza, 2022) that we see across the region is undoubtedly reactive to both external and internal dynamics and pressures (Brumat & Vera Espinoza, 2023). While some analysts consider this approach as "pragmatic" and to certain extent open (Gandini & Salee, 2023), is worth noticing that the fragmentation can become a governance tool in itself, as not only develops a confusing system aimed at deterrence, but also delegitimise the existing frameworks and norms.

These normative deterrence measures are also accompanied by other material and symbolic bordering practices, such as the militarisation of the borders that we have seen across the region. Some of these practices were taking place or being designed before the pandemic (as in the case of Uruguay), but in countries such as Brazil, Chile and Peru, among others, was the health crisis and the closure of borders in March 2020 that also led to border militarisation (Domenech, 2020; Palla et al., 2022; Zapata et al., 2023). The Chilean case is illustrative here to explain the knocking effect of these measures. The imposition of new consular visas in 2018 and the closure of borders in 2020 justified under the epidemiological measures to control the pandemic, contributed to a massive increase of migration through unauthorised entry points, with people enduring very dangerous journeys (Vera Espinoza, 2022). The response of the government came through the *Colchane Plan*, by which the militarisation of the border was consolidated. Decree 265 allowed the Armed Forced to contribute and assist the police with the migration control (Stefoni et al., 2021). As in Chile, many countries have allowed the militarisation of borders beyond the initial epidemiological reasons that justify them in the first place. As we have analysed elsewhere, the crisis of the pandemic allowed the normalisation of the exceptionality imposed during the pandemic (Gandini et al., 2022). The framework of "multiple crises" has then facilitated the emergence of new spaces of control and the articulation of actors that either respond or contribute to these exceptional measures.

Finally, but intrinsically linked to the discussion above, we have seen a growing discretionality on the targeting and the limited implementation of existing national laws and regional agreements on refugee protection across the region and the increase of complementary pathways rather than using existing frameworks (Jubilut et al., 2021). In a recent publication (Zapata et al., 2023), we analyse the cases of Brazil, Chile, Mexico and Uruguay to evidence that the emergence of Covid-related measures have further restricted access to refugee protection. In countries such as Brazil, Chile and Mexico the pandemic was used as an excuse to roll out a series of legal and administrative measures that curtail access to asylum, including rejection at the border, deportations and, in some cases, detention. These came to exacerbate other practices we have seen even before the pandemic, such as barriers to access asylum procedures and in some cases pre-admissibility interviews not contemplated in the law. From our analysis, Uruguay seems to be the exception, as the country implemented exceptional measures aimed at migrant and refugee regularisation (Zapata et al., 2023). However, these measures also include a specific temporality that is not conducive to long-term inclusion. Drawing from Mountz (2020) and de Lucas (2016), we argue in the paper

that Latin America, and specially the Southern region, is witnessing "an accelerated weakening of refugee protection" which can result in the "*undermining, abandonment and/or replacement* of the region's widely praised refugee governance" [emphasis in original] (Zapata et al., 2023, 15). The ad hoc measures, the militarisation of borders and the weakening of asylum show how that grammar of refugee protection and the articulations of migration governance are changing in the region (Jubilut et al., 2021; Vera Espinoza, forthcoming).

Conclusion

This chapter has explored the changes in migration governance in South America in the last decade, and how it has been framed and justified through the lens of crisis. The analysis shows evidence of both continuity and change within the management of migration. The chapter argues that South America has been developing a patchwork approach to migration governance, characterised by fragmented and reactive measures, with practices and measures that evidence both continuity and change. While this could be justified by the fact that the massive displacement of Venezuelans put to test the norms and structures already present in the countries of the region (measures taken under the pragmatic approach, as it has been called) it is also relevant to recognise how fragmentation itself becomes a tool of governance.

The patchwork governance approach, justified and enacted in a context of multiple crises, tends to normalise the limited use of existing frameworks and inject extra complexity to a system that is increasingly aimed at deterrence of migrant, refugee and displaced population in the region. Some of the regional structures and principles remain as a strategic backdrop that is not fully used, but instead showcased as a progressive framework, when at the national-level short term temporary practices and increasing entry requirements close safe pathways and increase irregularity. At the local level, the expansion and spectacularisation (Varela-Huerta, 2021) of control measures are used to appease very polarised societies. On the ground, many of these practices contribute to further differentiations between *them* and *us*, making more difficult for migrants and refugees to navigate hyper-complex bureaucracies and limiting their access to rights and social protection (Vera Espinoza et al., 2021).

It is undeniable that the large increase of migration flows in South America is imposing new challenges to governments and host societies in the region. At the same time, the patchwork governance increases irregularity, criminalises migration and fuels racism. A real pragmatic approach would be to seriously assess what the increased mobility control has accomplished in the

region, what impacts has on migrant population (with particular attention to gender dynamics, children and adolescents), and what is the assessment of the norms and frameworks already in place. Mobility will continue to be a constant feature of South American societies. The challenge is then how to move from a lens of crisis as the main feature of governance, to one that encourages human security and social cohesion.

Notes

1. The Inter-Agency Coordination Platform for Refugees and Migrants from Venezuelans (R4V), jointly coordinated by the UNHCR and IOM, is made up by over 200 organisations (including UN Agencies, civil society, faith-based organisations and NGOs, among others) that as their website specifies: "coordinate their efforts under Venezuela's Refugee and Migrant Response Plan (RMRP) in 17 countries in Latin America and the Caribbean" (R4V, 2023).
2. The Southern Common Market (MERCOSUR for its Spanish initials) Residence Agreement was signed in 2002 and came into force in 2009. The Residence agreement allows citizens of the trade bloc to obtain a temporary residence in another member state, and therefore to have access to the same rights and liberties than the ones of the nationals in the country of reception. Nine countries, both as full and associate members of the bloc, are part of the agreement (Argentina, Brazil, Paraguay, Uruguay, Chile, Bolivia, Peru, Colombia and Ecuador. Excluding Venezuela that was suspended from the bloc).
3. The Cartagena Declaration of 1984 broadened the definition of refugee to include "persons who have fled their countries because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances that have seriously disturbed public" order (Declaración de Cartagena, 1984), which are to be used in addition to the causes contained in the 1951 Geneva Convention and its 1967 Protocol.
4. These projects include: i. Prospects for International Migration Governance (MIGPROSP, Project no. 340430, https://migrationpolicycentre.eu/migprosp/), Advanced Investigator Grant awarded to Professor Andrew Geddes from the European Research Council, in which I was a researcher; ii. Research conducted with the Group CAMINAR—Comparative Analysis on International Migration and Displacement in the Americas (www.caminaramericas.org).
5. Argentina (Act 25,871-2004); Venezuela (Act 32,944-2004); Uruguay (Act 18,250-2008); Bolivia (Act 370-2013); Colombia (Decree 834-2013); Brazil (Act 13,445-2017); Ecuador (Human Mobility Law of 2017); Peru (Legal Decree 1,350, 2017); Chile (Law 21,325-2021).

6. Some of the regional initiatives/norms that have been promoted in the last few years include, among others: i. The establishment of the Quito Process in 2018, a regional forum that gathered 13 countries, supported by IOM and UNHCR, aimed to respond to the Venezuelan displacement; ii. The approval of the Andean Migratory Statute by the Andean Community (CAN for its acronym in Spanish) in 2021, which regulates the community right of movement within the economic bloc and grants temporary residence to citizens of these countries; iii. Los Angeles Declaration on Migration and Protection as part of the Ninth Summit of the Americas in 2022 (see Castro, 2021; Brumat, 2022).

7. These include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay in South America.

8. In January 2023, the government of president Lula da Silva announced Brazil's return to the Global Compact on Migration, four years after former president Jair Bolsonaro withdrew from the accord.

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