Gioconda Herrera
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Migration in South America

IMISCOE Regional Reader

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Gioconda Herrera holds a PhD in sociology, Columbia University. She is Professor of Sociology and Gender Studies at the Latin American Faculty of Social Sciences since 1997 (FLACSO-Ecuador, in Spanish). Her researches look at the link between globalization and social inequalities with a special focus on the study on gender and international migrations in South America. She has written extensively on gender, migration, and social inequalities in different migration corridors. Currently, she is preparing a book on immobility regimes, migration, and deportation among Ecuadorian indigenous migrants, and she is also involved in a comparative project on states' responses to immigration in South America.

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Abbreviations

ACIFEBOL	Asociación Civil Federativa Boliviana
ACNUR	Alto Comisionado de las Naciones Unidas para los Refugiados
AI	Amnistía Internacional
ANID	National Agency for Research and Development of Chile
ASSEHR	Advances in Social Science Education and Humanities Research
ATF	Flores Fabric Workers Assembly
BRICS	Brasil, Russia, India, China, South Africa
CAGED	General Registry of the Admitted and Laid-Off workers
CASEN	Encuesta de Caracterización Socioeconómica Nacional Chile
CELADE-CEPAL	Comisión Económica para América Latina y el Caribe
CELAG	Centro Estratégico Latinoamericano de Geopolítica
CERD	Committee on the Elimination of Racial Discrimination
CESFAM	Centro de Salud Familiar
CIS	Centro Investigación Social Techo
CLACSO	Consejo Latinoamericano de Ciencias Sociales
CNIg	National Immigration Council
CODELCO	National Copper Corporation
COES	Centro de Estudios de Conflicto y Cohesión Social
CONARE	Brazilian Refugee Committee
COTAI	Committee for Alternative Garment Industry Work
COVID-19	Coronavirus Disease
CPF	Cadastro de Pessoa Física
CTA	Argentine Workers Confederation
CTPS	Work and Social Security Card
DEM	Departamento de Extranjería y Migración
DL	Decree Law
DW	Deutsche Welle
ECLAC	Economic Commission for Latin America and the Caribbean
ENPOVE	Encuesta dirigida a la población venezolana que reside en el pais

FARC	Fuerzas Armadas Revolucionarias de Colombia
FIFO-DIDO	Fly-in/Fly-out, Drive-in/Drive-out
FLACSO	Latin American Faculty of Social Sciences
FONDECYT	Fondo Nacional de Desarrollo Científico y Tecnológico
FONIS	National Fund for Research and Development in Health
GDP	Gross Domestic Product
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GORE	Gobiernos Regionales de Chile
IAEN	Instituto de Altos Estudios Nacionales
ICERD	International Convention on the Elimination of All Forms of Discrimination
ILEA	International Law Enforcement Academia
ILO	International Labour Organization
INDH	National Institute of Human Rights
INE	Instituto Nacional de Estadísticas
INEC	Instituto Nacional de Estadísticas y Censos
INEI	National Institute of Statistics and Informatics
INREDH	Fundación Regional de Asesoría en Derechos Humanos
IOM	International Organization of Migration
IOP	Instituto de Opinión Pública de la Pontificia Universidad Católica del Perú
IRCA	Immigration Control and Reform Act
JRS	Jesuit Refugee Service
MDS	Ministerio de Desarrollo Social
MERCOSUR	Southern Common Market
MFAHM	Ministry of Foreign Affairs and Human Mobility
MIALC	Migración Interna en América Latina y el Caribe
MIES	Ministerio de Inclusión Económica y Social
MIGRACIONES	National Superintendency of Migration
MREMH	Ministerio de Relaciones Exteriores y Movilidad Humana
NGO	Non-governmental Organization
OBMIGRA	Brazilian Observatory of International Migration
ODEPA	Agrarian Studies and Policies Office
ODNA	Observatorio de los Derechos de la Niñez y la Adolescencia
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OIM	Organización Internacional para las Migraciones
OIT	Organización Internacional del Trabajo
ONU	Organización de las Naciones Unidas
PTP	Temporary Stay Permit
R4V	Plataforma Regional Interagencial para Refugiados y Migrantes de Venezuela
RAIS	Annual Social Information Report
RELASO	Revista Latina de Sociología
REMHU	Revista Interdisciplinar da Mobilidade Humana

RN	Normative Resolution
SAPU	Servicio de Atención Primaria de Urgencia
SECAP	Servicio Ecuatoriano de Capacitación Profesional
SIIS-TMDS	Sistema Integrado de Información Social con Desagregación Territorial
SisMigra	National Migration Registry System
SOIVA	Trade Union of Garment Workers
SRI	Internal Revenue Service
STI	International Traffic System
STI-MAR	Refugee Request System
UFs	Federation Units
UN	United Nations
UNASUR	Unión de Naciones Sudamericanas
UNHCR	United Nations High Commission for Refugees
UNICAMP	University of Campinas
US	United States
UTC	Textile Workers Association
VERHU	Visa de Excepción por Razones Humanitarias

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Chapter 1
Introduction: Emergent Issues of South American Migrations

Gioconda Herrera and Carmen Gómez

This book examines changing dynamics of intraregional migration in South America in light of on-going political, economic, and social transformations. The book focuses on migration within the region departing from the still-prevalent trend to study South-North direction, particularly migration to Europe and the United States.

Indeed, South America has undergone several transformations in the dynamics of its international migration flows. While the second half of the twentieth century was characterized by South-North migration, particularly from the Andean Region to the US and Europe; and by transborder migrations within Latin America, the twenty-first century brought about an important diversification of destinations and added complexity to the structural causes of migration as well as to migrants' motivations and decision-making to migrate. The States' responses to this new situation also evolved in different ways.

From 2000 onwards, the region witnessed an important growth of forced migration, particularly from Colombia. They were fleeing from social and political violence that has not ceased. In addition, from 2010 on, Caribbean migration from Cuba, Haiti, and the Dominican Republic started arriving in countries it had never reached before, and migration from Asia and Africa increasingly arrived in the region through various means. More recently, the Venezuelan exodus to the whole continent encapsulated the new complexity of migration patterns in South America. Indeed, Venezuelan migration was massive and responded to multiple drivers, from economic scarcity to social violence.

These new migrations took place, on the one hand, amid a changing political environment that produced greater restrictions for migrant mobility, and on the other hand, in a scenario of economic slowdown and regress in social rights in many South American countries. Beyond national contexts, migration flows taking place

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as a result of displacement and dispossession due to the expansion of global extractive industries in the region have also acquired increased visibility.

Contrary to recent publications that focus on specific migration flows such as Venezuelan or Haitian migration in South America, this book does not address a specific migration flow but, rather, covers several migration patterns to analyze the current dynamics of expulsion, transit, and intake of different geographical areas and how these dynamics relate to each other. The book is interested in the analysis of non-linear flows and emphasizes the relevance of transit migration, of floating mobilities, and of territories as places of permanent circulation where forms of inequality, precarious labor, and diverse types of human rights violations are accentuated. Our aim is to highlight the connections between these new types of mobility, the expansion of capital, and their political management by governments.

In this sense, we hope to contribute with new conceptualizations and research paths that can be considered a basic reference in the field of migration studies in South America and other regions of the globe. The book also aims at providing tools for thinking about the transformations that are in motion in migrations at a global level.

This introduction examines the relationship between new patterns of migration, inequalities, and border controls in present-day South America. It starts with a historical overview of migration patterns in the twentieth century, and then focuses on the multiplication of flows in the past 20 years. A second part discusses the character of new mobility patterns, such as forced, transit, and circular migrations, and their connections with extractive industries, informality, and labor exploitation. Next, it discusses the link between these migration patterns and changes in state migration policies towards border control. The introduction ends with a description of the book chapters.

1.1   Changing Migration Patterns in South America

Migrations have played an essential role in the formation of South American nations. Internal and international migrations were central to the configuration of urban, rural, and frontier spaces in the subcontinent throughout the twentieth century. In addition, forced migrations from Africa were constitutive of the processes of colonization, and later, of the globalization of capitalist accumulation in the nineteenth century. Later, the arrival of European workers, especially from Italy, Spain, and Portugal, contributed to the formation of labor markets and political and national identities in Argentina, Venezuela, Brazil, and Uruguay (Baily & Miguez, 2003; Moya, 2018). Moya (2018) argues that transcontinental migrations have been central processes in the historical formation of Latin America and contribute to understanding the immense ethnic-racial diversity of the continent and, also, its persistent social inequality.

At the regional level, internal migrations have been part of the formation of all South American cities. Occasionally, these migrations spread into neighboring

territories, bringing about cross-border movements with a long history. In Argentina, for example, the presence of Paraguayan citizens dates back more than a hundred years, while Bolivian migration has existed for half a century, both along the border and in several cities in the country. Likewise, Argentine and Peruvian presence in Chile has a long history and is an important cross-border population movement to this day. In the Andean region, Colombian migration to Ecuador and Venezuela is long-standing, and population movements of Bolivians and Peruvians in the *Altiplano* are part of processes that predate the formation of nation-states (Cerruti & Parrado, 2015).

In the second half of the twentieth century, there was a decline in migration from Europe, while three migration patterns set in: South-North migration, especially from several Andean countries to the United States and Canada; the continuation of mainly cross-border and intra-regional labor migration; and transoceanic migration to Europe and Japan, mainly from Peru and Brazil (Donato et al., 2010). Since 2000, however, this landscape has undergone important changes, both in terms of the volume of flows and their characteristics. We highlight three particularly important ones.

First, there has been a sharp increase in migration to Europe, mainly from Andean countries and Brazil (Herrera & Yépez, 2008). The places of destination diversified due to the inclusion of Spain, Italy, and Portugal as important destinations for South American migrations. Migration to the United States continued apace but in a more threatening environment due to increasingly restrictive policies that pushed migrants into clandestine crossings. By 2017, emigrant population from South America reached 8.4 million people (Organización Internacional para las Migraciones (OIM), 2017).

In the case of Europe, migration was initially led by women but gradually became family-based and originates in Peru, Colombia, Ecuador, and Bolivia (Herrera & Yépez, 2008). Migration flows were mainly articulated to the care economy in the case of women and to constructions and agriculture work for men. In the past 20 years, Andean migrants in Spain and Italy have gained access to extensive regularization and nationalization processes, which have allowed them to access social rights and certain forms of social protection in vulnerable contexts such as the pandemic. Nonetheless, very significant inequalities and exclusions still persist compared to the native-born population.

This relative legal stability, however, has not brought about significant socioeconomic mobility. In Spain, Fachelli and López-Roldán (2017) show that migrants have not seen significant social mobility, partly due to the 2008 crisis, which produced a blockage in such mobility processes. In addition, Arrans et al. (2017) argues that women tend to stay in the same labor niches and do not get stable work contracts. These studies do not disaggregate the information for the South American population; however, in the case of the Ecuadorian population in Spain, other studies have shown that, after two decades of migration, the vast majority of migrants remain in unskilled occupations: in the areas of construction, agriculture, transportation in the case of men, and in domestic work, care work and hotel services in the case of women (Iglesias et al., 2015; Correa & Tituaña, 2018).

Although some return migration or re-migration to third countries took place, especially in the wake of the 2008 global crisis, overall, most Andean migrants faced the crisis without moving to another place (Correa & Tituaña, 2018; Iglesias et al., 2015). Similarly, migration to Europe from South America continued, but at a slower pace, mainly through family reunification processes.

In the 2000s, migration from certain Southern Cone countries such as Argentina also increased visibly due to the 2001 economic crisis in this country. Since, in many cases, they were descendants of European migrants, this population was able to make use of their intergenerational transnational memory and social networks to settle in the new destinations (Oso & Dalle, 2021). Hence, their experiences of social integration have been more positive than those of Andean migrants, although they are still employed in jobs below their educational levels (Actis & Esteban, 2018).

South American migration to the United States has not stopped, with Brazilians, Colombians and Ecuadorians using the networks and circuits formed over the past fifty years in the country. However, the conditions of this migration have become considerably more precarious due to the hardening of migration policies and, consequently, the clandestine nature of these movements. Moreover, once in the USA, migrants face enormous difficulties obtaining legal residency (Herrera, 2019). A recent report by the Center for Migration Studies of New York City (2021) estimates that undocumented South American migration currently stands at 789,854 and represents 7.7% of all undocumented migration to the United States. It is led by Brazil, followed by Colombia and Ecuador. Statistics from the IOM state that about three million South Americans (with and without legal residency) live in the United States (OIM, 2017). These populations are highly vulnerable and their precarious legal status considerably limits social mobility and access to social protection.

The second dynamic that can be highlighted in these first two decades of the twenty-first century is the growth of intraregional migration (Cerruti & Parrado, 2015). According to OIM (2017), from 2000 to 2015 there has been both an intensification of intraregional cross-border migration and an important growth of extra-continental migration. These new flows emerged as a reaction to the hardening of restrictive policies in countries in the North, and the worsening of economic and political crises in the Caribbean, and in countries such as Venezuela and Colombia. Migration from the Caribbean, mainly made up of Haitians, Cubans and Dominicans, has become significant; that said, since 2015, Venezuelans represent the most important migrant group in South America (Stefoni, 2018; Plataforma de Coordinación Interagencial para Refugiados y Migrantes (R4V), 2021).

Until 2015, Venezuela, along with Argentina, were considered the main receiving countries in South America. Venezuela received migrants from the Southern Cone in the 1970s and 1980s, mainly political exiles, as well as labor migrants from Andean countries. Colombian migration was particularly large until 2015. For this reason, an important part of the flows that are currently leaving Venezuela are Colombian returnees. Argentina, for its part, has been a traditional destination for Bolivian and Paraguayan migration, and, in recent years, Colombian and Peruvian migration also. However, this situation has changed drastically in the past five years, with new destinations developing.

Migration to Chile stands out in this regard. The country reached, in 2019, 1,492,522 migrants, whose main origins were Venezuela, Peru, Haiti, Colombia, Bolivia, and Argentina (Instituto Nacional de Estadísticas de Chile (INE), 2020). This migration is explained, among other issues, by Chile's economic model based, to a large extent, on the export of mineral and agricultural products that are labor-intensive (Martínez Pizarro et al., 2014). Workers from Bolivia and Haiti are increasingly involved in this economic system. Likewise, cities have absorbed a lot of female and male labor in the service sector. Thus, the historical pattern of Peruvian migration in domestic work has now been joined by the migration of Haitian, Dominican, and, more recently, Venezuelan women (Acosta & Freier, 2015; Galaz Valderrama et al., 2017). Finally, the migration of Colombian populations, many of them Afro-descendants and in need of international protection, has also increased considerably in recent years (Echeverri Buriticá, 2016; Pavez, 2016; Stang & Stefoni, 2016).

Another new migration destination has been the Andean region. In the case of Colombia and Peru, with a very pronounced tradition of South-North migration in the past 50 years, the arrival of Venezuelan migrants has turned them into destination countries. Currently they are the two countries with the largest number of Venezuelan migrants in the region. According to R4V (2021), as of May 2021, there were 1,742,927 Venezuelans and 980,000 Colombian returnees living in Colombia, and 1,095,914 in Peru. In Ecuador, this transformation into a receiving country has occurred in the past two decades with the arrival of around 200,000 Colombians between 2000 and 2020 (Pugh, 2021), mostly people in need of international protection; and, with the migration, in much more modest numbers, of Haitian and Cuban nationals between 2010 and 2015 (Herrera, 2019). As of 2017, Venezuelan migration has taken the first place in the number of immigrants. By July 2021, R4V (2021) estimated there were 451,093 Venezuelans in the country.

Concerning extra-continental migration, the past twenty years show a significant growth of African and Asian migration, especially from Cameroon, Senegal, and Congo, India and Sri Lanka (Ménard, 2018; Yeats, 2019; Freier, 2017). According to Freier (2017, 2021), this growth is first explained by the tightening of migration policies in European countries and the United States, while several South American countries, such as Argentina, Ecuador, Bolivia, and Brazil maintained rather flexible entry policies until recently. Migrants arrive in South America with Brazil and Ecuador as their main ports of entry, but their destinations are generally Brazil, Chile, and Argentina (Ménard, 2018; Freier & Castillo, 2021). Second, many of these migrants were attracted by economic growth in Latin America until 2014. Third, we are dealing with expulsion processes caused by social and political violence, as is mainly the case for migrants from Cameroon or Congo (Yeats, 2019) or due to natural disasters (from India and Sri Lanka) (Yeats, 2019; Freier, 2017). Although their numbers are not as significant as those of other South American migrant groups, their presence has grown visibly at certain border posts such as the Darien jungle in Colombia and Panama or the U.S.-Mexico border. As we will see below, these migrants are part of the prolonged or pendular transit migration that South America is experiencing as a new migratory dynamic.

Additionally, the region has noticed a resurgence of skilled migration (Pedone & Gómez, 2021). Beyond the political exiles of the 1970s and 1980s from dictatorships in Central America and the Southern Cone, the new middle-class migrants are the result of globalization processes, but also of greater regional integration and the economic growth of several Latin American countries in the 2000s, which have expanded the markets for professionals in different fields. As they stand midway between the lack of economic opportunities in their countries and a greater capacity for mobility thanks to the different capital they have acquired in their social trajectories, these migrants face other types of experiences, challenges, and also exclusions (OIM, 2016; Pedone & Gómez, 2021).

Finally, as Herrera and Sørensen (2017) point out, the growth of indigenous migrations is part of this new migration scenario. Latin America has over 650 indigenous groups recognized by their States, whose international migration is acquiring relevance, both due to their numerical impact and to their particular characteristics. The international migration of these groups occurs mainly as cross-border migration, reflecting the fact that their territories have been fragmented by national borders. In Bolivia, Chile, and Paraguay, nine out of ten indigenous immigrants come from a neighboring country.

In some cases, indigenous migration has clearly been forced, such as the displacement of several indigenous groups in Colombia directly affected by armed confrontations, threats and massacres, and the exploitation of their ancestral lands (ACNUR, 2017). In other cases, migration is caused by the marginalization and impoverishment of indigenous peoples, often reproduced at their destination, such as that of the Wayuu people on the Colombian-Venezuelan border (Consuegra, 2021). Both cross-border migration and displacement due to violent conflict are indicative of the forced nature of a large percentage of indigenous migration (Oyarce et al., 2009). It is also important to note that several indigenous peoples such as the Kichwa Otavalos or the Kañaris have started migrating North, to the United States, and, to a lesser extent, to Spain in search of better economic opportunities (Herrera, 2019).

Finally, the scenario that opened up in the 2000s is accompanied by a third characteristic that we will look at in depth in the next section. It involves the irruption of new dynamics in the configuration of the migratory processes, among which the following stand out: transit and circular migrations with an increasingly permanent character, the visibly forced nature of the flows and its connection with extractive industries, and the prevalence of informality and exploitative labor relations.

1.2   New Migratory Dynamics, Precarious Environments and Inequalities

In addition to the diversification of migratory flows and destinations discussed in the previous section, new migratory dynamics have emerged in a transforming economic environment. First, South America is going through an economic slowdown

due to the fall of commodity prices, in the context of economies mainly based on extractivist models of development. According to Economic Commission for Latin America and the Caribbean (ECLAC, 2021), South America is entering a process of sustained economic slowdown, which started in 2015, affecting the social and labor conditions of the entire population, although in a differentiated manner. From that year onwards, poverty, inequality, and labor markets deteriorated. First, poverty and extreme poverty are growing again, initially at a slow pace, rising from 27.5% in 2014 to 30.5% in 2019. With the arrival of the pandemic, however, the trend accelerated. ECLAC calculated, for 2020, a poverty rate of 33.7% and a 12.5% extreme poverty rate (ECLAC, 2021, p. 52). Second, the downward trend in inequality experienced in the first fifteen years of the century is reversing and increasing in countries such as Brazil, Ecuador, and Colombia, all of which are new migrant destinations. However, in most other South American countries, it is stagnant. Third, the trend towards the creation of formal employment was reversed and consequently, unemployment and labor informality increased, "due to the progressive inability to absorb the labor supply and create formal jobs, with higher and more stable labor income and inclusion in social protection systems" (ECLAC, 2021, p. 92).

By 2019, workers in low-productivity sectors, characterized by low income, job instability, and lack of access to social protection, reached 49.7% compared to 48.7% in 2010. This deterioration was more pronounced in rural areas, and among the population with incomplete primary education, the indigenous population, and Afro-descendants. Women participate more than men in these precarious sectors (ECLAC, 2021, p. 93).

In such an environment, migrant labor markets in the region are shaped differently. On the one hand, countries such as Argentina and Chile are experiencing more pronounced labor segmentation between migrant and native populations, following the model that exists in the global North. On the other hand, in countries with high rates of informality, such as Peru and Ecuador, migrants and native populations share precarious labor markets (Carella et al., 2021). Recent studies on the exponential growth of labor niches corresponding to transnational digital platforms such as UBER and GLOVO show, precisely, that in countries such as Argentina these jobs are increasingly occupied by Venezuelan migrants and other nationalities, while in countries such as Ecuador and Colombia these niches are shared among migrant workers and native populations (Beccaria et al., 2020; Salazar & Hidalgo, 2021).

With regard to the presence of extractive industries, mining and oil production in the Andean countries and soybean or extensive agriculture in the Southern Cone continue to be the countries' main sources of income, and their expansion has been prioritized by Pink Tide governments as well as by administrations with openly neoliberal policies (Acosta, 2011; Svampa, 2019).

Extractivist models of development have historically attracted internal, as well as regional and international migration in many countries of the region. The chapter by Stefoni, Stang and Rojas in this book, examines the case of Antofagasta (Chile), a mining production area with a history of mobilities of more than 100 years. Another example is oil production in Venezuela which was an important pole of attraction

for regional workers from Peru, Colombia, and Ecuador in the 1970s (Ramírez et al., 2019; Páez & Vivas, 2017). In recent years, migrant labor working in illegal mining operations has been identified in several areas of expansion of mining production in the region. Migrants' participation in this activity was driven by the deterioration of urban labor markets resulting from the economic slowdown. These migrants come from very diverse national backgrounds—Colombian, Peruvian, Bolivian, Haitian, and Venezuelan—and they work in extremely precarious conditions. The labor conditions and forms of recruitment of these migrant populations need further research.

Within this structural context of labor precarity and the expansion of the extractivist model, we detected at least three intra-regional migratory dynamics that differ from the traditional cross-border labor migrations of previous decades. These dynamics are documented in several chapters of the book.

First, there is a diversification of the causes of displacement, both in structural terms and with regards to the motivations of people for leaving their countries. In addition to the economic needs that have been described to explain why people leave their communities to live in other countries, there have been displacements caused by political and social violence, expulsions due to mega-infrastructure projects, or humanitarian crises caused by natural disasters. In some territories, the combination of all these phenomena explains the outflow of their population.

The case of Haitian migration is paradigmatic in this regard. It is a diaspora that has a long history of migration but, following the 2010 earthquake, they began to migrate to South America. Since then, the Haitian presence in Ecuador and Chile and, to a greater extent, in Brazil, as analyzed in the text by Cavalcanti, Tonanti, and Amador in this book, has become increasingly prominent, with a corresponding multiplicity of causes: from poverty to processes of territorial expulsion, social and political violence, the collapse of institutions, and natural disasters.

On the other hand, the internal, intra-regional, and extra-continental migration of the Colombian population also has very complex and multidimensional characteristics. In addition to the armed conflict and political violence that marked forced displacement in the first decade of 2000, new causes related to displacement caused by infrastructure projects, extensive crop cultivation, and social violence have now been added.

The causes of the Venezuelan exodus are also currently the subject of both academic and political debates on whether it is a predominantly economic migration or whether we should consider it the result of the collapsing of social institutions and increasing violence that jeopardize people's access to health, food, and a safe environment, all of which have converted it into forced migration, according to the international instruments signed by most countries in the region, such as the Cartagena Convention (Blouin et al., 2020). UN Refugee Agency (UNHCR) has promoted the understanding of this migration within the framework of a humanitarian crisis that allows the activation of emergency public policy mechanisms (Alto Comisionado de las Naciones Unidas para los Refugiados (ACNUR), 2020).

In other words, one of the most relevant trends in contemporary South American migration is its forced nature, and this is expressed both in the dizzying growth of asylum applications and in the ever-increasing experience of clandestine and

vulnerable migrants traveling around the continent and who do not consider themselves or are not recognized as persons in need of international protection. Precisely, the text contributed by Moya, Sanchez, and Pugh, shows, regarding the Colombian and Venezuelan case, the inconsistencies that occur between the political-media rhetoric and the institutional practice of their recognition as forced migrations. This ambiguity has also led to the increasingly frequent use of the term mixed migrations, a subject addressed in this book in the chapter by Gómez and Herrera. In addition to this forced character, on other occasions, their journey often includes clandestine crossings due to the restrictive policies of countries in the North, policies that, as we will see later on, have been progressively adopted by South American countries. This has also led to migrants' travel and movement with the involvement of smugglers. Berg and Pérez's chapter in this book examines the customary legal practices and negotiations that migrants establish with smugglers to secure their arrival in the United States when traveling from Ecuador.

Second, this leads us to consider the growing presence of prolonged transits in South American migrations as a new migratory dynamic whose consequences are just beginning to be discerned. These states of transit could last several months and even years. A recent study at the Mexican border of Tijuana, among migrants from Haiti, Cameroon, Eritrea, Cuba, Angola, Guinea, and Senegal found that the main countries of departure were Chile (56%) and Brazil (33%). These countries were also their first country of residence and the majority remained in these countries between one to three years (OIM, 2019). Indeed, Alvarez's work in this book addresses the emergence of new migration routes in the region that include these long transits. Recent studies on Venezuelan migration also show that many of the migration trajectories begin with extended periods in Colombia, stays in various cities in Ecuador, and subsequent travel to Peru and Chile. Due to the frequency of this kind of mobility, the United Nations inter-agency platform established to coordinate international aid for Venezuelan population introduced in 2020 among its projections the statistic of *pendular migration* for the Colombian case, which reaches 1,000,087 individuals, and *migration in transit*. The latter corresponds to 162,000 people in Colombia, 90,264 people in Ecuador, and 75,555 people in Peru (R4V, 2021).

During the pandemic, these prolonged transits took on new shapes and we witnessed a return migration of Venezuelan populations due to evictions, fear of contagion, and lack of jobs resulting from stay-at-home orders ((In)movilidad en las Américas, 2020b). By the first half of 2021, these processes had already ceased and the outflow from Venezuela had been reactivated, which came to reinforce the pendular and circular nature of this migration.

Prolonged transits and mobility between countries is a common phenomenon in other migration corridors such as the Central American migration corridor to the United States (Basok et al., 2016; Álvarez, 2016) or among African migrants crossing Morocco (Collyer, 2007; Collyer & de Haas, 2012; Schapendonk, 2012), but it is a relatively new phenomenon for South America. These new migration patterns challenge traditional dichotomies of settlement versus permanent mobilities, and they raise new issues for how states may respond when mobility becomes a permanent state.

Finally, while not necessarily new, more complex dynamics of social inequality involving race and gender are taking place in the region and need further research. With regard to gender inequalities, there is an important array of studies on historical cross-border female experience (Cerruti & Gaudio, 2010; Magliano, 2013), and on the more recent migration to Europe that has been extensively analyzed in the cases of Colombia, Ecuador, Peru, and Bolivia (Ariza, 2021). The work on women's migration to Europe was mainly centered on domestic work and transnational care chains, and it was linked to a reflection on global inequalities. For Guizardi et al. (2018), the concentration of these studies on issues of motherhood, transnational families, and social protection has neglected other female and gendered experiences that have not been sufficiently analyzed by gender and migration studies.

Indeed, women form a substantive part of the new intra-regional migrations described above. Gender approaches to the forced nature of migrations, gender violence and gendered experiences in transit migration need more analysis in the region (Ariza, 2021). Each of these dimensions is related to growing social inequality, which the COVID-19 pandemic brought out in force.

But in addition, both the indigenous and the Afro-descendant populations are a significant part of South American migrations, a fact that calls our attention to processes of racialization in migration. In this regard, there are some important works on Afro-Colombian and Haitian populations in Chile (Tijoux, 2016; Echeverri Buriticá, 2016) that examine racism and also the intersection between racism and sexualization as markers of inequality for new migrants (Stang & Stefoni, 2016; Pavez, 2016). The contribution of Tijoux and Ambiado in this book aims to make visible a type of racism whose reporting will be increasingly urgent in the region, as it is entrenched in state institutions, in this case in those working in the health sector. Blouin's and Zamora's chapter also analyzes xenophobia in environments characterized by structural racism instituted in our countries in colonial times.

In short, as Pinto and Cisternas (2020) point out for the Chilean case, studies of this new migratory moment with an intersectional perspective of race, class are gender are still scarce. In addition, the relationship between social inequalities, intersectionality and migration needs further analysis. In this sense, Sergio Caggiano's text on Bolivian migrant Workers Associations in Buenos Aires offers a reflection on the strategic use of certain social categories by migrants on their way toward the politization of their demands. Caggiano presents a discussion of how categories such as class, gender, and generational differences are embodied in different experiences of social inequalities, beyond nationality.

1.3   Migration Policies in South America

The evolution of migration flows in South America brought about significant changes in terms of state policies. Different political and economic cycles, along with new forms of mobility and geographical (re)configurations in migration routes on a global scale have had direct effects on migration management at both the national and regional levels.

In spite of the important differences that exist between countries in the region we can distinguish three different periods, both in how states conceived of migration and in how that vision resulted in legal and administrative policies. The first period traverses the second half twentieth century into the first years of the twenty-first century. During this stage, the position of South American states on migration fluctuates between invisibility and utilitarian recognition. The latter came about because of the important macroeconomic effects created by remittances from migration and, at the same time, in micro-social terms, due to the direct support of household economies in the face of the state's inability to ensure social reproduction (Martínez Pizarro, 2011; Stefoni, 2011; Eguiguren, 2018). On the other hand, this period is characterized, by the persistence of very restrictive and selective immigration legislation and policies, despite the fact that at this time immigrant arrivals are, in general, of little relevance (Acosta & Freier, 2015; Ramírez, 2014; Novick, 2008).

The second stage is triggered by several events that determine the nature of the migration policies that are implemented. We highlight, on the one hand, the securitization offensive that occurred after the attacks of September 11, 2001, and that led to the imposition of restrictive measures and controls in the United States and Europe, along with an exponential increase in deportations (Herrera & Sørensen, 2017). Along with this, in the North, the 2008 economic-financial crisis produced important South-bound migrations both of South American populations in return processes, which gave rise to aid policies for their installation and reintegration (Moncayo, 2011), as well as of European, American or Canadian populations drawn by the improved economic situation and policies aimed at attracting qualified personnel and senior investors (Vega et al., 2016; Pedone & Alfaro, 2015; Hayes, 2012, 2014). All this coincides, moreover, at the beginning of the 2000s, with a change in the political cycle in most South American countries, a change characterized by the arrival of governments known as post-neoliberal (Acosta, 2012). This cycle coincided with the exponential growth of South American migration to Europe. In this period, migration policies in South America were focused on strengthening political ties with emigrants through various policies focused on connecting emigrants to their countries of origin (Moraes et al., 2009; Margheritis, 2016). According to Margheritis, who analyzes the diaspora policies of Ecuador, Argentina, Brazil, Uruguay, and Mexico in that period, these attempts at transnational governance reached very unequal levels of institutionalization and focused primarily on strengthening political relations with the diaspora to the detriment of social protection. With regard to immigration, these governments used rights-based policies to deal with the arrival of regional and international migrant and refugee populations.

This is reflected in the approval in several countries of progressive regulatory frameworks, or at least frameworks that were not as restrictive as in the previous stage, which aimed to respond to the new forms of mobility from a rights-based perspective. Additionally, free regional mobility initiatives (Domenech, 2007) and migration regularization processes for South American citizens multiplied in this context, all in the name of a "post-national" conception of citizenship (Ramírez, 2016). Such initiatives would materialize within the framework of various regional agreements: MERCOSUR, CAN, and UNASUR (Acosta & Freier, 2015).

Finally, from 2015 onwards, a new cycle begins, which extends to the present day, where openly restrictive rhetoric and policies are progressively established, even more openly in contradiction with the legal frameworks enshrined in previous years, or even with the late laws enacted in 2017 in Brazil, Ecuador, and Peru, which are still framed in rights-based approaches. The change was not only backed by the political shift towards neoliberal governments in different South American countries (Argentina, Brazil, Ecuador, and Chile), but it was also driven by the unprecedented Venezuelan migration process, which, precisely, deepened starting in 2015, giving rise to very dissimilar policies in different countries, with *ad hoc* responses predominating (Acosta et al., 2019).

This moment would be characterized, on the one hand, by the development of policies almost exclusively focused on this flow, both in terms of regularization and social inclusion (the latter being much more limited than the former). On the other hand, there was an ambivalent positioning with respect to existing regional agreements. In 2021, the CAN was strengthened while UNASUR has all but been dissolved. In general, however, there has been a return to the national management of migration, and positioning of migration as a threat to security and economic stability (Brumat, 2019).

The COVID-19 pandemic, which broke out in South America in March 2020, was, on the other hand, an endorsement of the more recent approach, as the health emergency became a legitimizing element of the almost total restriction of mobility. Migration policies have since been marked by the imposition of closures at border crossings, as well as their militarization, along with the criminalization and stigmatization of irregular migration ((In)movilidad en las Américas, 2020a) or the strengthening of legal mechanisms for deportation, particularly visible in Chile (Stang & Lara, 2021). The modification in December 2020 of the Organic Law on Human Mobility in Ecuador, approved in 2017, or the enactment in Chile of the Law on Migration and Foreigners in April 2021, after years of intense debate, were clear demonstrations of the new predominance of securitization, where migration was connected to crime and irregular migration criminalized.

It is necessary to warn that, although it might seem that one type of migration policy paradigm predominates in each of the three stages described (based on security, development, or human rights), on the practical level, the preeminence of one or another model has not been so clear, producing rather, as Eguiguren (2018) points out, convergences between models with legitimizing effects on the policies subsequently developed.

This fact is particularly visible in the second phase analyzed, where numerous contradictions can be distinguished in countries such as Ecuador, Argentina, Chile, Uruguay, and Brazil. In the first two, for example, during the Kirchner and Rafael Correa governments, an intense debate on migration was promoted that placed the rights of both emigrants and immigrants—whatever their administrative situation—at the center of the processes of mobility management. This is reflected, in turn, in the enactment of regulations that set regional benchmarks. In the case of Argentina, the 2010 rules regulating 2003 Migration Law No. 25.871 had a clear tendency

toward the non-criminalization of migration and the search for regularization instruments. In the case of Ecuador, the 2008 Montecristi Constitution included extensive articles dedicated to migration concepts such as "universal citizenship" or the recognition of the right to migrate (García Zamora & Gainza, 2014).

However, some authors question whether this period, compared to the predominant securitization models in the countries of the North is truly exceptional (Domenech, 2017; Ruiz & Álvarez Velasco, 2019). Among other points, they note that there is a difficult gap to bridge between rhetoric that insists on the necessary treatment of migrations from a rights-based approach, the enactment of fundamental laws in line with that discourse, and the subsequent rupture that occurs between what is stated in these legal instruments and their practical-administrative application, since what prevails is a concrete form of migration governmentality based on the premises of order and control, which are then shrouded with a "human face" (Domenech, 2013).

Similarly, there has been no real correspondence between the idea of "rights for all" that we find in some regulations and the migration policies that have actually been established. In this sense, not only do the dichotomies between the emigrant and the immigrant continue to operate, the former being the object of a large part of states' rights-based public policies—at least during the first decade of the 2000s—(Eguiguren, 2018), but also policies that separate the "wanted" from the "unwanted" immigrants have been noticeable. This distinction is often based on economic considerations, but also on national origin. Thus, the institutional framework has backed unequal practices that tend to be focused on populations from countries in the South (Acosta & Freier, 2015; Oyarzún Serrano et al., 2021).

This has led authors such as Freier (2013) to speak openly of the existence of structural and institutional discrimination based on cultural and ethnic traits that have been spreading from extra-continental populations (Asians, Africans, and Middle Easterners) to populations from South American countries (Colombians, Venezuelans, Bolivians) and Caribbean countries (Cubans and Haitians).

On the other hand, these authors insist that the innovative concepts introduced in the new legislation that emerges from this process do not manage to transcend the printed law and become applicable and universalizable models, either because they are ambiguous in their own definitions or because their application would require a level of state commitment that would not generate many political returns (Acosta & Freier, 2015).

All these contradictions became much more visible in the new stage that began in 2015 and in which Venezuelan migration acquired an indisputable prominence. From this moment on, it became more evident that the measures adopted seemed to ignore the legislative frameworks previously drawn up and enacted by the states, making it impossible to consolidate coherent migration policies (Acosta et al., 2019). Most of the countries have resorted to very short term measures that are incapable of dealing with the volume of the flows, as they have not managed to solve the high rates of irregularity. Such measures have also focused on generating temporary regularization processes through the approval of specific visas for

Venezuelans or the imposition of barriers that prevent them from entering and settling (Herrera & Cabezas, 2019; Stefoni & Silva, 2018; Blouin, 2021). Thus, an equivocal approach to migration, which been carries over from the previous stage, has congealed by considering migration to be a short-term phenomenon, which has led to a constant recourse to emergency measures to respond to periods of increased arrivals, waiting for the flow to decrease or reverse its trend. Migration policy, therefore, does not appear in most South American countries as an articulated set of measures, but presents a fragmented and arbitrary form.

Concerning migration policies, it is necessary to highlight another issue that appears as a common element in many South American countries. We refer to the weak development of policies focused on social insertion and protection, including the existence of policies that hinder access to basic social benefits (Galaz Valderrama et al., 2017). This fact shows, once again, the profound contradictions that exist between the approved regulations and their practical application. As we saw earlier, many of the progressive legislations guarantee access to basic rights: education, work, health, or housing, leading to the full participation of migrants in social and economic terms in the countries where they have settled, but later this does not materialize in the form of concrete and permanent measures.

Although there are considerable differences between countries, especially between those with little tradition of receiving migration, such as those in the Andean region, and others such as Argentina or Brazil, in general, state policies aimed at the inclusion of the migrant population are very limited. As Galaz Valderrama et al. (2017) point out, referring to the Chilean case, these policies were developed in isolation, were not usually directed at all migrant populations, and suffered from a strong lack of coordination.

These problems are due, in part, to a combination of several elements. We highlight here the three main ones. On the one hand, the temporary and short-term vision continues to predominate in many countries concerning regional and international migration. Palacios et al. (2019) identify this, for the Colombian case, as a veiled reluctance of States to recognize themselves as countries receiving mass migration. On the other hand, there is a particularization of migratoion flows, focusing attention on those that present a greater intensity in a specific period, which generates exclusion processes for citizens of other countries that are not considered priority subjects. Finally, we can mention the fragility of States in terms of welfare policies and decent and safe work, a problem that also affects their own national populations (Carrasco & Suárez, 2018).

The lack of inclusion and social protection policies, as well as of an institutional framework that guarantees the rights of these populations, leads to one of the main distinctive elements of migration administration in South America: the outsourcing of this administration to international organizations and NGOs, which are in charge of assisting States and managing migration. The gradual replacement of public policies by interventions of a humanitarian nature allows some migrants to have access to certain basic services and some job opportunities, but, in general, it causes dependence of both migrants and States on the flow of international cooperation funds

and, above all, deepens the problems previously mentioned: fragmentation, lack of coordination of public policies, and lack of equal and permanent access to basic services for all migrant populations. This trend has consolidated in the last two years via the combined effect of the pandemic, the economic collapse of many countries, and the international management that is taking place with regards to Venezuelan migration, through the massive injection of transnational capital available for humanitarian intervention (Ramírez, 2020).

Finally, we find a similar picture with regard to the international protection of refugees. On the one hand, the widespread compliance with international regulations that introduce high standards of protection, such as the Cartagena Declaration of 1984 and its expanded definition of refugees, its transposition into national legislation since the late 1990s; on the other, a subsequent practical implementation that is marked by three types of behavior that have greatly weakened the international protection system applied in the region.

The first corresponds to a restrictive reading that contradicts what has been enacted, limiting the possibilities of achieving refugee status through the imposition of multiple barriers (Ecuador and Argentina) or directly by not applying the regulations that do exist (Chile, Peru, Colombia, Bolivia, and Uruguay). The second involves the use of legislation as a protective measure, but selectively and temporarily, that is, according to national origin and, connected to this, to the geostrategic position of the receiving State vis-à-vis the expelling State in a given period (Brazil with respect to Venezuelan, Syrian, and Palestinian populations; Ecuador with respect to Colombian populations). The third corresponds to a substitution of international protection by "humanitarian" migratory measures focused on seeking temporary regularization, but not real protection or recognition of the causes of forced displacement (humanitarian visas for Syrians in Argentina, Haitians in Brazil, or Venezuelans in Colombia, Ecuador, Peru, or Chile) (Figari Costa & Penchaszadeh, 2017; Gómez Martín, 2022).

On the other hand, as in the case of migration, there is a lack of coordinated and permanent social inclusion policies for refugees and asylum seekers. The drawing up of these has been replaced by measures promoted by international cooperation (Hurtado Caicedo et al., 2020), which are more focused on processes linked to humanitarian attention than to true inclusion and protection conceived for the long term or extendible to all populations in need.

The pandemic has also had an impact on the deepening of measures that weaken the international protection of refugees. During the current health crisis, different actions have been carried out, which have led to a misrepresentation of the rights of these populations. The most serious of all are the effective impossibility of exercising the right to seek refuge due to border closures, but they also include the restriction of internal mobility, the persecution of informal workers, the consolidation of deportation processes of possible refugee applicants, and, in general, a blackout in access to other rights associated with protection such as health, education, or housing (Gómez Martín, 2021).

1.4   Content of the Book

We have divided the book into three sections that capture emergent issues in the field of South-South migration in the region. The first part includes three texts that deal with new forms of mobility, the categories we use to refer to them, as well as the factors that boost these new mobility, Most of the time these are linked to extremely precarious labor insertions.

The first text, "Extractive Economy and Mobility. The Case of Large Copper Mining in the Antofagasta Region" by Carolina Stefoni, Fernanda Stang, and Pablo Rojas, addresses the relationship between extractive industries and migrant labor in mining production in Antofagasta, Chile. This work not only shows the different types of mobility generated directly or indirectly by extractive production, but also the inequalities that go hand in hand with the processes of incorporation of these workers in the city. Inequalities must be read through the prism of intersectionality between the class, national or international origin of migration, gender, ethnicity, and racialization.

The second text, "Between Hostility and Solidarity: The Production of the Andean Region-Southern Cone Transit Migratory Corridor" by Soledad Álvarez, presents an analysis of prolonged transits in the new migratory routes that have formed in the region. The author analyzes, specifically, from an ethnographic and multiscale work, the formation of the migratory routes of the Andean-Southern Cone Region. It examines the regional dynamics that have allowed its configuration, as well as the migratory experiences, the strategies of solidarity and care of migrants of five nationalities that travel on this route: Dominicans, Cubans, Haitians, Sudanese, Nigerians, and Venezuelans. The aim is to show the tension that occurs in these routes between prolonged and permanent travel and the control policies that the different States try to impose.

The text by Carmen Gómez and Gioconda Herrera, "State and 'Mixed Migrations.' Migration Policies toward Haitians, Colombians, and Venezuelans in Ecuador," analyzes the diversification and complexity of the causes that characterize migration in the region. Through the Haitian, Colombian and Venezuelan cases, the chapter reviews, from a critical perspective, the concept of mixed migrations, which has become increasingly prevalent in the past decade to designate migrations in which their forced or voluntary nature have blurred boundaries. The authors show how the practical application of the concept in a context such as Ecuador's has led to a weakening of the international protection system for refugees, making invisible the forced nature that characterizes most of these flows.

The second section of the book entitled: "Law and Migration Policies: From Human Rights to Border Closures" has three other texts. In this section, the authors outline the new situation of migration policy in the region with its continuities, paradoxes, and tensions, marking the move towards policies anchored in global frameworks of border control to the detriment of policies with a human rights perspective that had been predominant in the first 15 years of the twenty-first century. They also show migrants' use of legal mechanisms to ensure their mobility in the midst of restrictions.

In the first chapter of this section, "A Decade of Growth in Migration in Brazil (2010–2020) and the Impact of the COVID-19 Pandemic," Tânia Tonhati, Leonardo Cavalcanti, and Antônio Tadeu de Oliveira analyze the evolution of migration policy in Brazil, a country that has (re)entered the global migration scene by becoming an important destination in South-South migration. The authors analyze the interrelationship between the arrival of new regional and extra-continental migratory flows to the country and the legal and institutional changes in migration policy. They show how the ambiguity of these policies expresses the tensions and contradictions between the drive towards border control and processes of democratization and social integration of migrants.

The text by Jennifer Moya, Consuelo Sánchez Bautista, and Jeffrey D. Pugh, "Contradictions and Shifts in Discourse and Application of the Refugee System in a Mixed-Migration Context: The Ecuadorian Case," analyzes the evolution of the refugee policy of another emblematic country in the previous decade in the search for democratic frameworks in the treatment of immigrants and refugees in the region. The text shows how Venezuelan migration accelerated a process already underway in the early 2010s, and of limits in the application of asylum policies in that country that is repeated throughout Latin America.

The third chapter of this section, "The Legality of (Im)mobility: Migration, Immigrant Smugglers, and Indigenous Justice in Southern Ecuador" by Ulla Berg and Lucia Pérez Martinez, addresses a different aspect resulting from border control and security-based policies, which is the role of ancestral indigenous legal systems recognized by the state since 1998 in providing guarantees for migrant's clandestine travel. The chapter shows that migrants find in these alternative legal systems a way to avoid being deceived by smugglers.

Finally, the third section looks at the different forms of racism and inequalities of these new migration patterns. It focuses on both the role of state policies and social institutions in the reproduction of racism and on how migrants themselves inhabited and disputed intersected inequalities. The chapter by Blouin and Zamora, "Institutional and Social Xenophobia towards Venezuelan Migrants in the Context of a Racialized Country: The Case of Peru" examines interactions between racism and xenophobia in Peru against the Venezuelan community from an institutional and social perspective, addressing how both perspectives are relational and self-sustaining in a context of historical racialization. The chapter focuses on how xenophobia is produced by institutional practices and their social repercussions in a country with a profound colonial legacy that racialized social inequalities.

In the same vein, "When Migrant Pain Does Not Deserve Attention: Institutional Racism in Chile's Public Health System" by María Emilia Tijoux Merino and Constanza Ambiado Cortés focuses on how the concept of institutional racism becomes a covert racism, consolidated in the very functioning of institutions, which also becomes expressed in everyday interactions between public health professionals and immigrant patients. These interactions reflect how administrative difficulties, pitfalls in resource allocation, and the power of "expertise" in health care push immigrants out of the system or compel them to invent new ways of confronting a system that racializes them.

We end the book with Sergio Caggiano's chapter "Inequalities and The Social Process of Categorizing: Migrant Work in Argentina's Garment Industry" which deals with how Bolivian migrants' associations in the garment industry in Buenos Aires transformed their political identity from a national to a focus on entangled inequalities. Caggiano discusses migrants' self-representation and agency regarding different social categories of inequalities: class, gender, age, and nationality. And, he examines the way in which these social categories are entangled with migrants' own understanding of exploitation, discrimination, and exclusion. In doing this, Caggiano offers an innovative path for an analysis of migrant struggles and entangled inequalities.

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Part I
Emerging Mobilities and Old Exclusions

Chapter 2
Extractive Economy and Mobilities. The Case of Large Copper Mining in the Antofagasta Region

Carolina Stefoni, Fernanda Stang, and Pablo Rojas

2.1 Introduction

The most recent population censuses show a clear increase in international migration in Chile over the last few decades. If in 1992 there were 105,070 foreigners (0.8% of the total population), the *Instituto Nacional de Estadísticas* (INE) and the *Departamento de Exranjería y Migración* (DEM)[1] projected for 2019, a total of 1,492,522 people (7.8% of the national population) (INE & DEM, 2020). Different research has focused on how Chilean society generates exclusion and discrimination, revealing a deep process of racialization and criminalization, linked to the constitution of the nation-state itself (Tijoux & Palominos, 2015; Trujillo & Tijoux, 2016; Stang & Stefoni, 2016; Pavez, 2016).

A less studied aspect is the relationship between migration and the development of large-scale economic projects (dams, road infrastructure, ports, mines, among others), which is precisely the discussion to which this chapter seeks to contribute.

[1] Instituto Nacional de Estadísticas-INE (National Institute of Statistics) and the Departamento de Extranjería y Migración-DEM, equivalent to the US Citizenship and Immigration Services.

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We are interested in identifying the different types of mobilities that take place, and how they are related to the development of mining in northern Chile, specifically in the Antofagasta region, since it is an economic activity that has been historically linked to the arrival of workers from different places and countries. Indeed, mining represents, on average, more than 57% of the economic activity in the Antofagasta region, sometimes reaching 65%. Its importance at the national level is evident, as it generates more than 45% of the country's mining Gross Domestic Product (GDP) and contributes 25% to 30% of total exports at the national level (GORE Antofagasta).[2] Since its origins, this activity has followed an extractivist development model, regardless of who assumed the leadership in the production and export of resources, be it the state or large private capital, in different historical periods.

This region is home to the third largest foreign population in the country (100,122 people). This figure represents 11% of the regional population, being the second region with the highest percentage of international migrants in relation to its local population (INE & DEM, 2020). The region has been a historical destination for people from different latitudes of the country, especially from the central zone and some southern regions, as well as for people from neighboring countries such as Bolivia and Peru, and from more distant places such as the former Yugoslavia – mainly Croatians – or China, at the beginning of the century. All these immigrants have played and continue to play a key role in the development of the city and the region. However, not all of them occupy a similar position in the social structure.

In order to analyze the relationship between mining activity in the Antofagasta region and mobility, the concept of mining extractivism will be used, as this term includes crucial elements to understand how migration reproduces a matrix of structural inequality that perpetuates the neoliberal development model of this kind of economy. It is interesting to mention that studies on mining extractivism tend to recognize the socio-environmental costs (Svampa, 2019), but not how the precarious conditions in which many immigrants find themselves are also related to the conditions of production in this type of activity. Based on the emblematic case of Antofagasta, we will show that the city incorporates national and international migrants in a differentiated and unequal way, thus marking the possibilities of work and the limits that their labor and migratory trajectories face.

In methodological terms, this analysis is based on previous and more recent research carried out in Antofagasta. The first one was commissioned in 2016 by the Regional Government of Antofagasta in order to prepare a diagnosis of the international migratory situation. Two other ongoing projects also considered in this study started in 2019 and 2020.

Within the framework of previous studies, 28 individual and 5 group interviews were conducted with key informants, divided in the following categories: regional government officials; local government officials; national legislators representing the region; members of social organizations of and for migrants, including religious ones; members of informal settlements committees; officials of the security forces

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[2] See Gobierno Regional de Antofagasta (2016).

and foreigners; judicial officials and members of the academy, and a group inter-view with municipal officials and the CODELCO (National Copper Corporation) in the city of Calama. Documentary sources, such as official documents and press releases were also reviewed. In the 2019 study, nine life stories and five in-depth interviews were conducted with international migrants residing in Antofagasta (Colombians, Peruvians, Bolivians and Dominicans). Two in-depth interviews with internal migrants and seven semi-structured interviews to key informants were also carried out. The textual corpus generated was analyzed using the NVivo program. The 2020 project provided a review of the bibliography regarding the framework of recent migratory movements toward the north of the country.

This chapter is divided into four sections. The first one briefly reviews the concept of mining extractivism; the second one describes the case of Antofagasta as an emblematic example of the extractivist economy; the third one describes and analyzes the different migratory movements that have occurred in the region, their relationship with mining development, and the main socioeconomic conditions in which migrants find themselves: internal migrants, commuters, and international migrants. The fourth section offers some final remarks.

2.2 Mining Extractivism

Extractivist economy has been pointed out as a developmental model based on a system of capital concentration and on a predatory exploitation of natural resources, such as minerals, land and marine resources. Acosta (2011) states that extractivist economy, far from new, dates back to the conquest and colonization of Latin America, Africa and Asia:

> Extractivism is a form of accumulation that began to massively emerge 500 years ago. With the conquest and colonization of America, Africa and Asia, the world economy began to be structured: [for example] the capitalist system. This method of extractivist accumulation was determined, since then, by the demands of the metropolitan centers of nascent capitalism. Some regions were specialized in the extraction and production of raw materials, in other words, primary goods; while others assumed the role of manufacturing producers. The former exports nature, the latter imports it. (Acosta, 2011, p. 85)

The transformation that the global economy underwent at the beginning of the twenty-first century represented a reorganization of this economic model. Romero et al. (2017) point out that current extractivism is characterized not only by the massive and scarcely processed appropriation and extraction of natural resources, but also because it operates from a network that allows it to simultaneously connect multiple scales in the production process. Extractivism, according to the authors, operates in territorial enclaves located in areas rich in natural resources, together with a transport network and energy supplies that allow the resource extraction site to be directly and autonomously connected, to speed up commercialization and exportation to international markets (Gudynas, 2009, in Romero et al., 2017, p. 232).

Gudynas emphasizes that extractivism refers to a method of appropriation rather than a method of production; that is, the removal of large volumes (or limited volumes) of unprocessed natural resources, which are export-oriented (Gudynas, in Svampa, 2019). Nowadays, we would find ourselves in a third and fourth generation extractivism, which would be characterized by the intensive use of water, energy and resources.

Svampa (2019), on the other hand, points out that since the end of the first decade of 2000, we are witnessing a new phase called neo-extractivism, which is characterized by acquiring new dimensions determined by the global scale of the projects, the national and transnational actors involved, and the emergence of great social resistance that began to question the advance of the "commodities consensus", and to elaborate a narrative against dispossession, focused on the defense of values, such as land, territory, common goods and nature (Svampa, 2019). For the author, neo-extractivism is located at the center of the contemporary accumulation of capital, because – following the line of critical and ecological Marxism – its maintenance and reproduction requires an increasing number of raw materials and energy. This has been called the "second contradiction of capitalism", alluding to the appropriation and destruction carried out by labor capital, infrastructure, urban space, nature and the environment (Svampa, 2019, p. 18).

Neo-extractivism is also related to the crisis of the modernity project and to the global economic crisis. The latter, based on the consequences generated by the neoliberal policies carried out from the 1990s onwards, which deepened social inequalities at the global level. These inequalities facilitated the installation of economic models focused on the intensive commodification of nature, which had the enthusiastic support of progressive governments in Latin America, who articulated a narrative of support and favored extractivism continuity, under the argument that it would be a possibility to advance in development and social rights (Svampa, 2019):

> The update [of extractivism] in the 21st century brings new dimensions at different levels: global (hegemonic transition, expansion of the commodity frontier, depletion of non-renewable natural assets, socio-ecological crisis of planetary scope), regional and national (relationship between the extractive-exporter model, the nation-state and the collection of extraordinary income), territorial (intensive occupation of the territory); in short, political (emergence of a new oppositional political grammar, increase in state and parastatal violence). (p. 21)

In line with what has been stated so far, maintaining mining activity, one of the main pillars of the extractivist economy in Chile, entails action in three dimensions (Romero et al., 2017): (a) the constant exploration and exploitation of deposits to maintain competitiveness, (b) increased investment in technology to maintain low-cost production, and (c) the increasing production and accumulation of waste, which usually contains high levels of contamination due to the particulate matter it generates (Romero et al., 2017, p. 232).

A final important aspect is that neo-extractivism needs to be constantly sustained by the State through legislation, agreements and specific measures that guarantee the possibility of continuing to extract mineral despite the human, environmental and social costs. In mining, the role of the State has been key, precisely because it is

the one who has facilitated the transition from an extractivism carried out by a state company, to one led by large consortia and foreign capital.

As we mentioned earlier, the relationship between neo-extractive activities and labor mobility has been less explored. The existence of a relationship between the "capitalist world order" and the different expressions of migration as a mechanism of differentiation between workers – guest workers, migrant workers, posted workers, among others – (Castles, 2013) is a relatively dense topic in migration studies. Saskia Sassen, analyzed, for example, expressions of new "classes of serfdom" in global cities, made up of migrants and especially women (Sassen, 2003). Mezzadra (2012) showed the functional role of the illegalization of migration for contemporary capitalism and its class relationships. However, this relationship is relatively absent in the specific case of mining. In this regard, this text tries to make a contribution from a particular case, with specificities that do not necessarily enable its extrapolation, but that could open new lines of thought.

2.3 Antofagasta Region: The Centrality of Copper

The Antofagasta region is located in the north of Chile. To the north, it is limited by the Tarapacá region, to the south with the Atacama region, to the east with the department of Potosí in Bolivia and with the provinces of Jujuy, Salta and Catamarca of Argentina; and to the west with the Pacific Ocean. It has an area of 126,049 km² (16.7% of the national surface), which makes it the second largest region in the country. Administratively, it still maintains the same three provinces established by the Balmaceda government (1886–1891): Antofagasta, El Loa and Tocopilla, and nine municipalities: Antofagasta, Calama, Tocopilla, Mejillones, María Elena, Taltal, Sierra Gorda, San Pedro de Atacama and Ollagüe (Map in Fig. 2.1).

The region has 607,534 inhabitants (3.5% of the national total), of which 315,014 are men (51.9%) and 292,520 are women (48.1%). Of the total population, 94.1% reside in urban areas (Census 2017).

The settlement of the region began with Juan López in 1866, and the discovery of saltpeter (potassium nitrate), which favored the arrival of capital and workers. In 1868 the Bolivian government founded the city of Antofagasta, aiming to sustain the development of this activity. In 1870 the Caracoles mine was discovered, giving way to the period known as "the silver rush" and the consequent increase in population. Few years later, the Pacific War (1879–1883) determined the incorporation of the territories of Tarapacá and Antofagasta to Chilean sovereignty (GORE Antofagasta).

The region grew at the rate of the saltpeter boom. At the end of the nineteenth century, more than 60 saltpeter offices were in operation, attracting a growing number of workers from various parts of the country, Bolivia, Peru and further afield. All of them contributed to the city's development, giving it a unique multicultural nature for the time (González, 2001). Various authors recognize the importance of Chinese, Croatian, English, Spanish and Bolivian immigrants (Rojas et al., 2013).
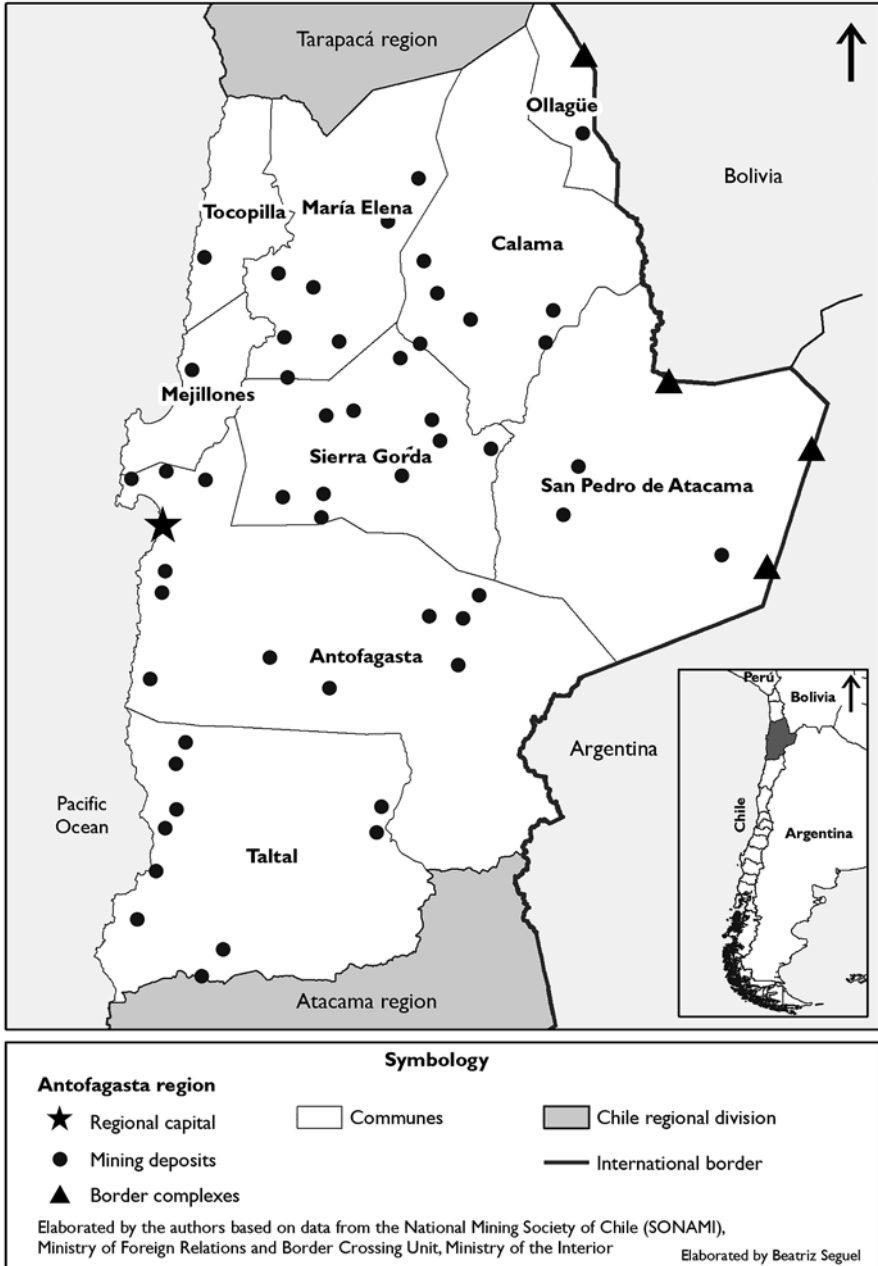
Fig. 2.1 Antofagasta Region, administrative division and mining projects
Elaborated by Beatriz Jaramillo for the FONDECYT project No.3190674

The end of the saltpeter cycle in the 1930s marked a period of impoverishment in this region (González, 2001); and although the Chuquicamata plant, owned by the *Chile Exploration Company* North American company was inaugurated in 1915, the results of its deposit took a few decades to become visible (GORE Antofagasta).

Therefore, the history of the Antofagasta region is marked by the exploitation of mineral resources (silver, saltpeter, copper and currently lithium), which have become the backbone of the development of the region and the country. Currently, Antofagasta is a leader in the production of copper, molybdenum, apatite, lithium carbonate and chloride, nitrates, anhydrous sodium sulfate and iodine (GORE Antofagasta).[3] According to the Report of the Oficina de Estudios y Políticas Agrarias (Agrarian Studies and Policies Office) (ODEPA for the words in Spanish),[4] based on data from the Central Bank, regional mining activity represented 52.6% of the region's GDP in 2019, and 49.6% of mining activity at the national level (ODEPA, 2019). Antofagasta contributes 9.7% of the national GDP (Table 2.1). According to the study carried out by Cademartori (2008), the foreign direct investment per inhabitant is one of the highest in the country, which added to the important share it has in national exports, generates a GDP per capita of 2.7 times the national average. The following table shows how mining, followed by construction and financial and business services, are the most relevant economic activities in the region.

Table 2.1 Gross domestic product of the Antofagasta region, 2016

Activity	Regional GDP	Participation	Country GDP	Region/ country
Agricultural-forestry	4	0.03%	4416	0.1%
Fishing	11	0.1%	622	1.7%
Mining	7401	52.6%	14,916	49.6%
Manufacturing industry	716	5.1%	14,907	4.8%
Electricity, gas, water and waste management	711	5.1%	3884	18.3%
Construction	1447	10.3%	9468	15.3%
Commerce, restaurants and hotels	506	3.6%	16,155	3.1%
Transport, information and communications	672	4.8%	12,097	5.6%
Financial and business services	1442	10.3%	22,112	6.5%
Housing and real estate services	299	2.1%	10,870	2.7%
Personal services	655	4.7%	16,667	3.9%
Public administration	216	1.5%	6812	3.2%
Total GDP	14,056	100%	145,363	9.7%

Source: ODEPA (2019)
Volumes at prices of the previous year chained, reference 2013; billions of pesos chained

[3] See Gobierno Regional de Antofagasta (2016).

[4] Oficina de Estudios y Políticas Agrarias (ODEPA) translated as Office of Agrarian Studies and Policies.

Mining has therefore been the engine of the regional (and national) economy; however, in the 1990s, the production model that had CODELCO as the privileged protagonist changed radically as a result of the entry of large private capital and multinationals, which managed to dramatically increase the production of the mineral. The change was caused by the policies to attract foreign capital, implemented during the dictatorship and consolidated during democratic governments, which generated extremely attractive conditions for foreign investment, specifically, the Constitutional Organic Law on Mining Concessions (1983); the Foreign Investment Statute (DL 600) and the Chilean Tax System (Cademartori, 2008). These regulations, together, allowed the granting of concessions for the indefinite exploitation of mining substances; established a tax invariance and left a series of legal loopholes that allowed companies to reduce the amount of taxes and thus optimize the profitability obtained. The result has been an increase in production in the hands of private capital: if in 1990 CODELCO generated 77% of the national copper production, in 2000 its production fell to 33%, despite the absolute increase in this company's production. In the same period, private production increased four times, and direct foreign investment went from US$5000 million (1974–1989) to US$11,000 million (1990–1998) (Cademartori, 2008, p. 95), showing the neo-extractivist nature of this activity.

Faced with this scenario of sustained growth, consequences have not always been positive for the inhabitants of Antofagasta. Most of these refer to the quality of life of the population and inequalities perceived by its inhabitants, which do not necessarily have to do with income levels. In fact, according to the CASEN 2017 survey, poverty level was one of the lowest in the country,[5] as was multidimensional poverty[6] (Table 2.2). Incidentally, the usual indicators show that Antofagasta is one of the least unequal regions of the country. The inequality index that shows the relationship between the income received by the 10% of households with the highest income, and that of the 10% with the lowest income, also places Antofagasta among the least unequal regions; it is the second in fact, with a value of 14.5, compared to 44.8 in Araucanía, the most unequal of all according to this indicator (Mieres Brevis, 2020).

Table 2.2 Income and multidimensional poverty rates, Antofagasta, 2017

Territorial unit	Poverty measured by income	Multidimensional poverty
Municipality of Antofagasta	5.06	16.6
Antofagasta region	5.1	16.4
Country	8.6	20.7

Source: Biblioteca del Congreso Nacional de Chile (2020)

[5] Fourth place in the regions with the lowest percentage of poverty (1.6%).

[6] Second lowest, with 16.4%, after Magallanes (10.8%), compared to Araucanía (28.5%), the highest nationwide.

This development had strong social implications. One of the visible consequences are the environmental costs, which began to be denounced by civil society organizations, in line with one of the characteristics of neo-extractivism pointed out by Svampa (2019). One of the most critical aspects is the use of water by large-scale mining, in a region where water is extremely scarce. Another critical issue is the high and dangerous levels of pollution to which the population is exposed.

The National Institute of Human Rights (INDH) systematized the main environmental conflicts active in this region,[7] of which we highlight the effects that the forms of mineral storage have on the population. The sheds where it takes place are located in the center of the city, close to educational establishments, kindergartens and health centers. In 2013 the community began to warn about the presence of particulate matter with heavy metals. In 2011, a study demonstrated the high rates of cancer in the Antofagasta region, which double and, in some cases, triple the national average. Few years later the Medical College of Antofagasta, together with the Institute of Public Health, identified high levels of arsenic and lead in the blood of students in the sector.

Although these conflicts show that the environmental costs of this extractive economy affect the entire population, it is also true that, in many cases, the most vulnerable and unprotected population experiences them with greater force. In the region, this population tends to be concentrated in the informal settlements that have emerged in Antofagasta and Calama, inhabited by nationals and foreigners, who opt for these places due to the high cost of renting in the city (Centro de Investigación Social Techo Chile, 2015).

The growth of informal settlements exemplifies one of the paradoxes of this region: it has one of the highest income averages in the country, and yet, part of its population cannot afford living expenses. According to Contreras et al. (2019), the rental price of a house in the northern sector of the city (lower class) is US$965, in the central area (middle class) US$1590, and in the southern area (high class) US$1469. The housing deficit and the high salaries associated with mining tend to generates a difficult to sustain price inflation for those who are not related to the mining industry; an issue that drives them to the margins of the city, to lands that are devalued for being close to garbage dumps and for not having urban facilities. These informal settlements are made up of light materials – although in some cases cement is used –, without a sewage system, drinking water or electricity. The SIIS-TMDS study indicates that 13.5% of people in this region live in households lacking basic services (similar to 14.1% at the national level), and 19.5% of households are overcrowded (in comparison with 15.3% nationwide). It is a reality that hits people's lives hard, leaving them exposed to high social vulnerability.

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[7] See: National Institute of Human Rights (2021).

2.4   Types of Migration in Antofagasta

The characteristics and forms of work associated with mining economy (whether state or privately) have generated various types of mobilities throughout the history of the region. In turn, this has left the traces of a social integration determined by factors such as nationality, ethnicity, skin color, social class and gender.

In this field work, accompanied by a literature review, the following types of mobilities were identified: internal migrants who came to live in Antofagasta; commuters who go to work in shifts while maintaining their residence of origin (be it professionals or operators); international immigrants from neighboring countries; emigrants leaving this region to live elsewhere, and international immigrants from the global north (Caucasian and skilled). In the next section we will refer to the first three, since they are the ones who most contribute to the mobility of people in the region.

2.4.1   Internal Migration. The Historic Search for "El Dorado"

As it has been pointed out, the Antofagasta region has been subject of historical migration, with both international and internal migration.[8] Internal migration dates back to the very origin of the city (Recabarren, 2016). Those who came to this region, actually, did so firstly attracted by the guano activity, then by the saltpeter boom (1880–1930), and later by copper mining. Both the saltpeter activity and the copper industry, even before the arrival of large private capital in the 1990s, operated under settlements known as company towns. This is a non-traditionally designed urban city, created by the company to concentrate capital and labor as much as possible; it includes: construction of houses, facilities for public use (schools and hospitals, among others) and industry, in the same territory where the extraction of the natural resource takes place (Garcés et al., 2010).

In 1915, the Chile Exploration Company founded the Chuquicamata mine, under this company town model. As the copper nationalization process was consolidated, Chuquicamata became part of the CODELCO state company, along with other mining sites such as El Salvador, Andina and Teniente. All these company towns became part of a centralized managed system under CODELCO (Garcés et al., 2010). The company towns maintained the hierarchical social division imposed in the time of "the gringos", which was expressed urbanistically in sectors for supervisors, sectors for employees and others for workers. The nationalization of copper (1971 under Allende's administration), a milestone in the country's mining history, allowed foreigners (mostly North Americans) to be replaced in managerial positions by

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Chileans, many of whom were professionals from the central zone of the country. This did not alter the social organization of the company towns.

The migratory trajectory of Viviana's family (48 years old, daughter and ex-wife of a miner), currently living in Antofagasta and born in Chuquicamata, illustrates the processes described in literature on a micro-social scale. Her father, a crane operator in one of the mines, arrived from Ovalle (IV Region, Coquimbo), a city located about 950 km from Antofagasta, and her mother from Santiago (Metropolitan Region), located about 1300 km away:

> He [his father] emigrated there [to the mining company, when it was owned by American capital], and then my mother and my father got married and the company gave him a house, for them and my brothers (...) They [their parents] met in Santiago, because the *Chuquicamatinos* [people from Chuquicamata], as we call them, had a very good economic situation because they earned a lot of money, so they traveled a lot. My mother lived in Santiago... and there, they met, in Santiago; and he married her and took her away, because that's the way it was back then; he took her away. (Viviana, internal migrant, 2021)

After the closure of the Chuquicamata company town in 2007, the family moved to the neighboring city of Calama – as happened with a large part of the mine workers[9] – and later came to live in Antofagasta; then they migrated again to Santiago, to return to Antofagasta some years later.

Viviana's quote highlights two relevant topics: on one hand, the generalized perception regarding the high income of mining workers, and on the other, the way in which gender marked (and still marks) an unequal and stereotyped inclusion in the social structure of this mining region. Pedro is another internal migrant who currently resides in Antofagasta, son and grandson of miners, and worker in a contractor company that provides services to a mining company. He brings to this story another relevant aspect of the specificity of the relationship of women with the mining economy. He remembers that until the early 1970s, compensation was paid for children, a relevant element in the construction of what Pavez (2016) calls the marriage and family contract of mining:

> Something that was maintained at that time [of the nationalization of copper], and later was removed in the military government of the dictatorship, is that the gringos, regarding the workers' wives, paid more wages to the workers of the company, why? Because they paid [the women] to give birth; the more children the women had, the more compensation they gave them… Our mothers earned more money than the workers themselves. (Pedro, 63 years old, internal migrant, mining contractor worker, 2021)

Pedro's family has an internal migration trajectory that is similar to Viviana's. He was born in Coquimbo − 880 kilometers from Antofagasta – where his father was a native, who migrated to Chuquicamata, and work as an operator in the mills, a phase of the mineral production process. Pedro describes this hierarchical social landscape of the company town in times of 'the gringos' – a hierarchy that, although determined by the role in the class relationships, coincided in certain aspects with

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[9] CODELCO built entire towns for the transfer of families from Chuquicamata to the neighboring city of Calama.

the distinction between "white" international migrants who held supervisory positions and national employees and workers:

> The main ones were the Americans, in those days the American Exploration Company; then, there was the American sector [inside the company town], that's where they lived; the employee sector, where the Chilean supervisors lived, where my grandfather lived, and another sector where the Chilean employees lived, they were called the '*fundidos*', which was where the workers lived. At the same time, they had an American market, where the ABC1 went to buy, a grocery store [type] 1 for the ones that followed in rank; a grocery store [type] 2 for the employees, and a grocery store [type] 3, for the common people. (Pedro, 2021)

However, the level of attraction of internal migrants has changed in recent decades, as a result of changes in the organization of work. This has facilitated commutative type movements, as it will be analyzed in the next section. In addition, this change also responds to the high cost of living in the city (Aroca & Atienza, 2008; Stefoni et al., 2017) and, to the consequences that the extractivist activity has on the natural and social landscape of the city, which have made Antofagasta an unattractive place to reside on a regular basis (Rodrigo & Atienza, 2014). The consequences of the mining activity on the health of the people who reside in the surrounding areas is one marker of this. Viviana, for example, blames the contamination of the city for his son Asperger's syndrome, −she lives in front of a shed in which extracted mineral is stockpiled. She also claims that both her in-laws, who lived in front of a refinery, died of lung cancer.

The available data show that although the region has been gaining proportional weight over the total national population from the 1970s onwards, Antofagasta is one of the main population-expelling regions in terms of recent internal migration (in the last 5 years). As can be seen in Table 2.3, based on data from the 2017 census, the Antofagasta is the region with the highest negative net migration rate in the entire country (−11.4); in other words, it is the one with the least attractive internal migration (INE, 2020). In the previous census (2002), its net migration rate was instead positive, but only slightly above 0.

The low attractiveness of Antofagasta for the national population allowed to introduce two types of migration that we have already mentioned: commutants and international migrations, both that will be discussed in the next sections.

2.4.2   Commuting. Work in One City and Live in another

In the 1990s there was a shift in regional mining activity that ended with the company town model, which materialized in the closure of the Chuquicamata camp and the transfer of its population to Calama, located in the same region. The arrival of international capital introduced a new form of labor organization, known as mining camps system, inspired by the principle of economic efficiency, which externalizes the costs of labor reproduction. The company builds rooms for their workers and provides services, such as, food and other basic supplies. This figure favored the

Table 2.3 Recent internal migration among regions of Chile, 2017

Region	Immigration rate	Emigration rate	Net migration
Tarapacá	17.88	26.50	−8.62
Antofagasta	15.43	26.85	−11.42
Atacama	15.02	23.43	−8.41
Coquimbo	20.17	12.40	7.77
Valparaíso	16.82	11.67	5.15
Libertador General Bernardo O'Higgins	15.55	12.52	3.03
Maule	14.07	10.34	3.73
Biobío	11.11	11.19	−0.08
La Araucanía	15.84	12.84	3.00
Los Lagos	14.45	13.00	1.45
Aysén del General Carlos Ibáñez del Campo	25.58	25.83	−0.25
Magallanes y de la Antártica Chilena	24.72	25.14	−0.42
Metropolitana de Santiago	7.54	9.79	−2.25
Los Ríos	20.68	17.82	2.85
Arica y Parinacota	20.01	20.15	−0.14
Ñuble	16.07	14.26	1.81

Source: MIALC database, Celade-CEPAL
Note: The unknown, resident abroad for 5 years, resident abroad and not applicable categories were excluded. Children under the age of 5 were also excluded

increase in commuters: people who work in the mining companies installed in the region, but who maintain their families and their habitual residence in places other than the one where they work (Rivera, n.d.; Rodrigo & Atienza, 2014). The private sector also provides housing for supervisors and high-income workers.

According to Aroca, by the mid-2000s, the Antofagasta region had the highest rate of commuters in the country, which meant that about 10% of the region's work-force resided in other regions, and, of these, 73% came from distant places more than 800 km away (Aroca & Atienza, 2008). According to the 2002 census, the region received 16,517 workers residing in other regions (Aroca & Atienza, 2008, p. 102). The reception of commuters, related to mining activities, is a process that characterizes the northern regions of the country. Antofagasta in particular has high levels of specialization in three sectors: mining, construction, and financial and technical services. These last two activities, as the authors point out, are closely related to mining; these three together represented almost 75% of the commuters arriving in Antofagasta (Aroca & Atienza, 2008, p. 112), confirming the close relationship of this form of mobility related to mining extractivism in the area.

A more recent study revealed that the proportion of commuters in the region reached 16% in 2017 (Paredes et al., 2018). In addition, this study showed that commuting workers, hired under the FIFO-DIDO modalities (Fly-in/Fly-out, Drive-in/

Drive-out),[10] have higher salaries than those who reside in the region; they earn 8.6% more specifically.

This type of mobility is closely related, as we mentioned, with new work modalities in the mining sector, replacing the company town with the shift system, implemented massively since 2006 (Stefoni et al., 2017): 4 days off and 4 days in, or 7 days off and 22 days in, these are some of the ways in which these shifts are organized (Aroca & Atienza, 2008), and, in some way, this can be one of the profiles that neo-extractivism adopted regarding human resources. As a group leader in a contractor company that offers maintenance to the tracks of the ore transportation train-rail, Pedro closely knows the reasons and implications that this new workstyle brings. Half of the employees he works with live in other regions, he says, and he describes the reasons behind this life decision:

> In my opinion, (...) it would be more comfortable for me to have seven days off to go to my home, to be with my family, where I have more peace of mind than here in Antofagasta. For example, in the IV Region, if I lived in La Serena, Ovalle, Coquimbo, I would have a better quality of life than I have here in Antofagasta. Why? Because of food cost, housing costs and other things one may be tempted with; the famous beerhouses, things that happen in Calama, things that happen here in Antofagasta; so, one prefers, from my point of view, to be with the family, enjoying the days off, and well; when the time comes to go back to my shift, I leave at night that day, I have to be at 9 PM at my job. What does workers do? He gets on a flight at 12 PM midday, at 2 PM he is at the airport, at 5 PM they take him up to the camp, he goes to work, on Monday or Tuesday, when he finishes on the 7th day, he leaves early, takes a flight at 12 PM and at 2 PM he is at home with his family again. (Pedro, 2021)

One of the participants of a focus group carried out in Calama (Stefoni et al., 2017) also reported on this process, and added a key aspect to understand the differentiated forms of integration in regional society according to the types of migration: the executives and supervisors, that is, the highest segments within the CODELCO organization – the case to which the testimony refers-, come from Santiago or from other regions of the center and south of the country:

> A large part of the executives, I would dare to say 100% of our supervisors, do not live in Calama, they live in Santiago, La Serena, Concepción… They do not spend any of their salary here in Calama. They leave absolutely nothing in Calama. They emigrate, they leave, and of all that money they generate in the region, they don't spend it here, they only spend on food, which is subsidized by the company. (Focus group participant, Calama discussion, 2016)

Another aspect that emerges from this quote is that this commuter population, although it benefits from copper extraction, does not spend resources in the city where they work, a fact verified and studied by researchers on the subject: "Interregional commutation, unlike migration, has a weak economic impact on destination cities, since most of the demand for goods and services from commuters is made in the place of residence, and not in the place of work" (Aroca & Atienza, 2007).

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[10] Form of hiring long-distance workers who are transported by plane to distant mineral extraction areas, where they work in shifts, to return to their usual place of residence, in a different region. In the case of the DIDO mode, the transport is carried out by land.

This kind of migrants, according to what the qualitative evidence shows, is mostly national and male, a trait that generally characterizes mining activity, despite the fact that in recent times there has been a greater incorporation of women, generally considered "reproductive" within the mining field (Pavez, 2016). Although they have higher incomes than local workers, they do not necessarily constitute a homogeneous group. There are differences between the personnel hired directly by the mining companies, and those employed by the contractors that provide services to them. Likewise, there are differences between various levels of specialization and training: "Operators arrive, second-order employees, they are just another worker, we have everything, technicians, engineers, and operators", explains Pedro, describing this heterogeneity. He also points out that, given the automation of many tasks, the hiring of maintenance technicians for various machinery has been prioritized. The independent contractor, in general, performs the work that the worker that depends directly on the mining company cannot:

> The work that the contractor staff does, is the one that the plant staff [of the mining company] does not..., the contractor personnel come through bids, for example for the maintenance of the sulfide plant, so, it is quite risky, given the level of contamination that exists in the sulfide plant... Obviously, local companies from the region enter the biddings, but mostly from the Metropolitan Region, or large regions such as Concepción; who apply for large bids... And they, due to their origin from Santiago, will privilege hiring people from Santiago (...). They maintain their staff, their organization chart, and when there is a lack of people to do the "dirty work," they come and publish [the job vacancy here] ...; there, they publish for the people they need, only accepting a limited number, and when they get their team, they arrive and they start to work.

> In the case of the workers we also have a scale, because we have the engineers, who have a salary more or less equivalent to that of the client company. Then comes a guy who is the senior worker, the one who dominates all the work, who has a number of people in charge, also his salary is more or less good in relation to the others, and almost similar to what the workers of the client company earn. Then comes the foreman, who earns a little less, about 2 million, depending on the company and the work they are doing. Then come the operators, who do not earn so much money, a million and a half, a million eight. (Pedro, 2021)

In one of the fragments of Pedro's interview, cited above, there was a topic that has been highlighted in the literature on the social mining landscape of Antofagasta (Salinas & Barrientos, 2011; Pavez, 2016): the beerhouses, night clubs, and in more general terms, sex work, which in these territories is also significantly linked to mining activity. Although we do not intend to delve into this topic, it is interesting to briefly address sex work in the context of mining activity, as it allows us to understand another way in which gender affects unequal integration in the region and the city. In addition, because it is related to international migratory movements, in line with the increase in the participation of foreign women in sex work (Pavez, 2016). Lastly, because it is possible to notice the elements that contribute to the construction of representations around the lifestyle of those who receive very high salaries in this sector. Regarding this last point, Mercedes (Dominican migrant) and Pamela (Colombian migrant), both nightclub workers before the pandemic, provide

testimonies that contribute to describe the profile of commuting workers who arrive at Antofagasta:

> Most of them were commuters… most of them Chilean, some other foreigners, Bolivians, Colombians, Dominicans (…). Most of them worked in the Escondida Mine, on machines, none were from the underground mine, no; almost all of them worked with machinery, and foreigners, Bolivians and Colombians, who work with food, things like that, restaurants... Most are people who handle money, because a lot of money is spent on these things, almost all of them are economically stable people, who spend a million pesos in one night... On a night with a woman, that woman calls another, he spends a million pesos… One million [US$1,470], some of them 300 (thousand) [US$730], others 600 (thousand) [US$822], it depends on how expensive the place is, where it is located, how expensive the drinks are, sharing the private, those things… Especially with the fortnight payment or end of the month, the 30th… Most were commuters, from Iquique, Copiapó, many from Santiago". (Mercedes, 30 years old, Dominican migrant)

> Most of them are miners who live in other places, and/or work here only certain days of the month, and for most of them it is about recreation... Mostly, the ones that really pay for the women, so to speak, are Chilean, the Colombian foreigners come to the clubs to spend just a little money, they only go to watch... They worked in heavy machinery, managing heavy machinery, others rented heavy machinery to a certain mining company (...) In earnings, I was doing very well, in one night I made 380 thousand pesos [US$520] for me, from 11 PM to 3 AM. For the club, from the client I was with, it was about 5 or 6 million pesos [between US$6,849 and US$8,219], from a single client with a [credit] card... Most of them went to spend, it was a very good economy. (Pamela, 24 years old, Colombian)

2.4.3   International Migration, the "Chilean Dream"

Although, as we saw in previous sections, the projected image of Antofagasta operates by favoring the replacement of internal migration by commutation, to the extent that the city and the region are not perceived as propitious spaces to reside regularly, something different happens with international migration, at least according to the empirical evidence collected. For international migrants who have arrived in recent decades, Antofagasta appears as a desired destination, where they can obtain high incomes, which undoubtedly acts as an element of attraction, although most of this population is not directly employed in positions related to mining:[11]

> So, from experience, I can tell you that, more or less, within mining, we are talking about salaries of $1,300,000, $1,400,000 [between US$1,780 and US$1,917) and more, and there is no limit (...), if we see it within the population, only 15% of the local population that is settled in Antofagasta works in mining, the others work in public services, private services

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[11] According to data from the Internal Revenue Service (SII) for 2019, most of the total workers were employed in construction companies (17.5%), dedicated to administrative and support services activities (12.1%), education (10.7%), wholesale and retail trade; repair of motor vehicles and motorcycles (10%); manufacturing industry (9.7%); transportation and storage (7.9%); accommodation and food service (6.7%), and lastly, mining and quarrying (5.4%). It is clear that several of these items, however, are indirectly related to the mining activity.

within the city, in other types of companies, even in the sea, but the percentage that really receives that millionaire salary is very small... Exactly, that is the problem, the average of everything rises, so what do you do? It [the salary average] is calculated based on that, and everyone thinks that here we earn millions, and raise prices, they raise the house mortgages, (...), then, it's like a pressure cooker. (Group interview with officials of the House of Diversity, Municipality of Antofagasta, 2016)

The oldest available census records reveal the historical presence of international immigrants (Table 2.4), which in its beginnings was much more diverse in terms of the continents of origin. On the other hand, according to the latest censuses, the migrants come mainly from South America, and between 1930 and 1952, there was a presence of Europeans, Asians and North Americans, who represented a quarter of the international migrant population. The persistent presence of the Bolivian

Table 2.4 International migrant population of the Antofagasta region, 1930–2017

Census	Total population	Total foreigners[a]	% foreigners (of total population)	Main nationalities or countries of birth (% of the total number of foreigners)
1930	178,765	11,729	6.6	Bolivian (39%), Spanish (8%), English (6%), Argentinian (6%), German (5%)
1940	145,147	6424	4.4	Bolivian (41%), Yugoslav[a] (10%), Spanish (7%), Chinese (5%), Japanese (3%)
1952	184,824	5268	2.9	Bolivia (40%), Yugoslavia[a] (11%), Spain (7%), USA (7%), Argentina (6%)
1970	221,751	1109	0.5	Not specified
1982	302,475	1489	0.5	Not specified
1992	408,874	3019	0.7	Bolivian (45%), Argentinian (20%), Peruvian (6), Brazilian (4%), Spanish (4%)
2002	481,931	5860	1.2	Bolivian (40%), Argentinian (16%), Peruvian (15%), Ecuadorian (5%), Brazilian (4%)
2017	607,534	62,663	10.3	Bolivian (38%), Colombian (31%), Peruvian (18%), Argentinian (3%), Ecuadorian (3%)

Source: Official publications of the results of the 1930, 1940, 1952, 1970 and 1982 population censuses. Special processing of the census databases available on the INE website, 1992 and 2002 censuses

Notes: 1952 corresponds to country of birth and not nationality. It includes a small number (around 100) of nationals. 1970: Population 5 years of age and older. Recent migrants (arrived within the 5 years prior to the census), according to habitual residence in 1970. 1982: Population 5 years of age and older. Recent migrants (arrived within the 5 years prior to the census), according to habitual residence in 1977. 1992 and 2002: The total population corresponds to habitual residents

[a]The historical presence of the Croatian community in the region is known, so it is striking that it does not appear in the table. It is likely that most of the people listed as Yugoslavs are actually Croats, but were registered with their nationality or official country of origin, prior to the independence of Croatia (Zlatar, 2002)

population also stands out, around 40% throughout the years, which is related to the bordering nature of this country, and the ethno-national ties linked to the fact that Antofagasta corresponds to a territory that, before to the Pacific War, belonged to Bolivia.

The information in Table 2.4 must be interpreted with caution, since it is not a strictly comparable series per se: the data corresponding to the 1970 and 1982 censuses refer to recent migration; that is, it occurred in the last 5 years, which is why these figures are significantly lower. Even so, it is possible to make some general remarks: the way that the proportion of international migrants decreased between 1930 and 1952, which could be associated with the end of the saltpeter cycle; and, on the other hand, the remarkable growth of the last decades, particularly since the 1990s, a date that coincides with the reforms that allowed the entry of large international capital, for example.

Indeed, the international migrant population has grown significantly in the last two decades: 77.6% of habitual residents declared that they had arrived between 2010–2017, and 15.9% between 2000–2009 (INE, 2018). The growth is unquestionable: 327% between 2005 and 2014, according to estimates by the DEM and the INE, reaching 8236 people in 2014 (DEM, 2016) and 62,663 in 2017 (2017 census); in other words, a growth of 222% in the span of 3 years (2014–2017) (INE, 2018).

In addition to this increase, there has been a relevant change in the national composition of the international migrant population: migrants usually came from Bolivia, but the 2017 census showed the notable growth of the population from Colombian, which represented 1.6% in 2005, and then became the second most common source of international migrants, with 30.7% of the total, following Bolivia (38.4%) and over Peru (17.8%). This is a population group with a greater presence of women: 53% compared to 47% of men (data calculated by the authors based on the INE's online database), which is preferably inserted in the commerce and services sector.

There are a series of factors that affect the precarious insertion of these migrants: the inflation that the mining economy causes in the city's cost of living (Stefoni et al., 2017), an immigration legislation that pushes them into irregularity or makes their regularization difficult – condemning them to long periods of temporary immigration status – and strong discrimination and racism towards these groups. This is materialized in complex conditions of habitability (abusive leases and self-construction in land takeovers – informal settlements – where conditions are extremely precarious), fluctuating work trajectories marked by abuse in working conditions, and ethno-racial discrimination, which also acquires specificities in the case of Afro-descendant women.

There is, in fact, a notable difference in the insertion of old international migrants (of European origin) and current ones (of Latin American origin):

> The first generations of migration here in Antofagasta were, in a certain way, these first-class migrants, so to speak, mainly people who came with another economic situation and who developed jobs, developed industries here in the city. However, there were also many Bolivians and Peruvians who were employed in the industry. But today we have a greater

number of people who are interested… in commerce, in retail. (Member of pro-migrant social organization, 2016)

Although this ancient immigration is not the subject of this article, its mention is necessary because it shows, on one hand, the close historical relationship between migration and the extractivist economy. On the other hand, it reveals the persistence of the articulation of labor insertion processes in these activities, with the colonial matrix, resulting in a hierarchical classification of the population based on its national origin and the ethno-racial construction to which it is subjected, in addition, the sex-gender construction and mining work has had traditionally a male and white-national profile. The previous quote alludes precisely to that hierarchical structure of the city's first migrants: Croats, Spanish, English, Italians, Germans, French and Americans, on one side, and Bolivians in the other. The latter, in addition, were the original population of the territory that later belong to the Chilean State after the Pacific War Pacific. The Bolivians were afterword joined mainly by Peruvians and Colombians, and Venezuelans in the most recent period – which is why they do not appear in the data records. That differentiating structure persists to this day.

The few international migrants who are inserted in tasks more closely linked to mining, which are those who have a devaluing ethno-racial mark in this colonial matrix, work as operators in unskilled positions and, consequently, are worse paid:

—¿Do you work directly in the mineral extraction?
    —Not in the extraction, but we are installing some fans, so that... to oxygenate, yes, so that there are better conditions; to be able to breathe, ventilation, all the oxygen.
    —Sure... how did you specialize in that type of task?
    —Look, I don't consider myself a master, because most of them are technicians. What happens is that, after this job, when I worked with the Spanish, I think they called me more because they saw that the technicians, all those who did the assembly, uh, there was someone missing to supply them with the tools, and for that you need someone who walks a lot, a walker, to go there, to come here. Then I got to work with some Koreans. (...) And the Koreans too, they were dedicated to building the thermoelectric. (José, 52 years old, Peruvian migrant living in camp, 2019).

This qualitative description has its correlation, for example, in the wage gap that exists between migrants from the Organization for Economic Cooperation and Development (OECD) countries, and migrants from other countries of origin: based on data from the CASEN 2015 survey, it was calculated that, in Antofagasta, the former have an average salary of 3,444,909 Chilean pesos [US$3445], while the latter of 378,101 pesos [US$518]. Alternatively, national workers receive an average salary of 597,936 pesos [US$819] (Fundación Casa de la Paz, 2018).

This "unfavorable" intersection of foreignness, ethno-nationality, social class and skin color, which are structural conditioning factors in unequal insertion in the destination society, is mainly materialized in a problematic chain that links the difficulty to regularize immigration status, with the difficulty in getting a job. One of the consequences of this is the difficulty of finding a place to live, which translates into renting under abusive conditions and, as a consequence, displacement to the informal settlements to solve this housing problem through self-construction. This

chain characterizes recent migratory trajectories; and the fact that the destination society constitutes a mining enclave, plays a significant role in these trajectories, because it acts as an attractive factor, and because of the inflation of the cost of living in these territories:

> And they always have the… philosophy, the idea that this is a… mining area, and everyone earns a lot of money. It's like… 'everyone earns a lot of money, they pay a lot', when they don't, no… not all the population works in the mining area. Very few of those who work in the mining area are from here. (...) So... not everyone earns the same, there are people who work and earn the minimum, and to rent a room here, a small room, uh... they charge you 120... 150 thousand pesos, and you earn 300... which is what a person normally earns… so… uh… people are tired of that, of the abuses in the leases. And what do people choose to do? Go to the camps". (Rubén, 48 years old, Colombian migrant living in the camp, 2019)

The intricate relationship between the complexities of accessing a legal immigration status and the difficulty of getting a job, if you do not have a permanent residence visa, is another critical aspect that marks these trajectories, and one that has been persistently mentioned in the literature. The vicious visa-contract circle, which determines a precarious insertion in the job market, added to the high cost of housing in Antofagasta, has led to the displacement of many of these migrants to the informal settlements. It is true that this situation does not exclusively affect the migrant population (59.8% of the residents in city camps were international migrants, according to the Regional Land Registry of Camps, 2015); however, aspects related to the condition of foreigners exacerbate the problems that derive from this housing decision, which in recent years has generated a very significant increase in the population living in these settlements (Table 2.5).

Ethno-national and racial discrimination also affect this process, because as we have found in the studies considered for this article, there are many testimonies from migrants, especially Afro-Colombians, who have been denied rent precisely because of their origin.

Among the various problems that living in camps implies – difficulties in accessing basic services, poor connectivity with the rest of the city and lack of urban infrastructure, among others –, one of the most pressing is the fear of eviction:

> That is what they tell us, because the camps must disappear... So, our children, who have grown up, who have lived the eviction with us, they say: 'Are they going to evict us? I don't want to leave here, because I have my friends here, I can go out to play with my friends, we play soccer'. This is the only worrying thing we have in the camp. I think I don't sleep well, like peacefully, when the government says eviction, when the government says that we are in a risky zone, that there is no way of mitigation. (Elena, 46 years old, Bolivian migrant resident in camp, 2019)

Table 2.5 Camps and families in the Antofagasta region, 2011–2018

Year	2011	2013	2014	2015	2016	2017	2018
Camps	28	28	29	55	56	60	59
Families	1061	1146	1276	4100	6229	6771	6831

Source: Centro de Investigación Social Techo Chile (2018)

We also mentioned that the sex-gender dimension produces specific materializations of this unequal insertion of migrants in the territory. This situation especially affects Afro-descendant women, and in particular Colombian women, in a complex network with foreignness, nationality, skin color and class. The literature has exposed numerous evidences of this social process (Méndez et al., 2012; Tijoux & Palominos, 2015; Pavez, 2016).

2.5   Closing Words

By approaching migrations from the point of view of mining extractivism, we became aware of the different movements of people that have occurred throughout the history of Antofagasta, and we were able to understand the relationship that each of them has with its main economic activity, mining. This more comprehensive view of mobility allowed us, in turn, to understand the different positions that these different groups occupy in the social hierarchy of Antofagasta, as well as that of other smaller cities within this region. Thus, the class, ethnic-national and gender structure, together with the racialization processes, sustain the social inequality that characterizes the region (and the other regions of the country, with their specific expressions), forcing us to question the role that public policies have had in reversing their persistence.

The centrality of the extractivist economy has benefited from these inequalities, and in many ways, has contributed to their perpetuation. Although it is true that Antofagasta is the region with the highest national income, its development has been sustained on the differentiated forms of social and labor insertion of its inhabitants, and, among these differences, migration has acted as a relevant factor, with different senses, according to national origin and other hierarchical markers.

Although there are demographic and territorial specificities that would require the collection of empirical evidence from other scenarios to advance structural claims about certain aspects of the relationship between mobilities and mining extractivism; it is possible to argue that these extractive production areas emerge as strategic sites for the analysis of the complex assemblages between different types of mobilities and inequalities, in addition to their historical variations, which is a line of work that would be important to continue developing.

There are other mobilities that were not addressed in this study; for example, the emigration that occurs from this region to other parts of the country, or the emigration from rural locations in the *altiplano*, as a result of water scarcity due to mining activity. These other mobilities also need to be studied, regarding the extractivist economy and its migratory chain.

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Chapter 3
Between Hostility and Solidarity: The Production of the Andean Region–Southern Cone Transit Migratory Corridor

Soledad Álvarez Velasco

3.1   Introduction

I met Angela, a 27-year-old Dominican migrant, in November 2015 in Quito. We used to get together to have coffee and talk about life at a bakery located a couple of blocks from her job. 6 months after we met, via WhatsApp, she extended this invitation: "Let's have coffee at my place. My address: three blocks south from the Santa Clara Market you will find a tall wine-coloured building, third floor, apartment 301. If you get lost just ask for the *Edificio de los Migrantes* [the Migrant Building]. Anyone will guide you."

The encounter was exceptional. We met at her place in a seven-story building where South American, Caribbean, African, and Asian migrants shared flats, hence its colloquial name. Angela's flatmates—Tania from the Dominican Republic, Rosa and Amelia from Cuba—joined us. I not only witnessed the bonds of solidarity and community they had woven as an essential living strategy, but also how the four of them were planning their departures. On the table, our coffees were lost amid scribbled papers containing routes with towns to be crossed, bus fares, names and rates of hotels, and even telephone numbers of the "guides" to be counted for border crossings. In those pages, Angela and her Caribbean flatmates had organized their transit from Ecuador southwards.

While they explained their routes to Peru and Chile, the four showed a clear sense of exhaustion with their life in Ecuador and a desire to move elsewhere. Later, as we said goodbye, Angela said to me: "I assure you, *mami,* that in most of the seven floors of the *Edificio*, my neighbors are planning departures. We migrants endure much, but there is a limit. We've learned what it means to leave our home

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country and we can definitely leave this country that does not want us. We hope to find a better place." Though that was the last time I saw Angela, we kept in touch via WhatsApp while she transited southwards.

This fragment of Angela's migratory trajectory is by no means unique; trajectories like hers are part of the new geography of South American migration, characterized, among other things, by the relentless increase and complexification of South–South undocumented transits. Over the first two decades of the twenty-first century, most South American countries have turned into sending, receiving, and transit spaces (IOM, 2020). The arrival of a global mobilities comprising Caribbean, African and Asian migrants and asylum seekers, together with the unprecedented massive expansion, since 2015, of Venezuelan intraregional migration, largely explains this transition.

As in Angela's case, Caribbean and extra-continental migrants reach Ecuador to try their luck there. Yet, everyday precarization and the tightening of Ecuadorean migratory policies have nudged migrants to transit to Peru and on to Southern Cone countries. The Venezuelan experience, on the other hand, has been driven by irregularized transits back and forth between Venezuela and neighbouring countries, while being exposed to extreme precariousness and threats to life en route. Thus, the Andean Region has turned into a global space of undocumented transits whose dynamics have had a spatial effect: the recent outline of the Andean Region–Southern Cone transit migratory corridor, or southern corridor.

In the Americas, the study of this type of migrant mobility and its spatial reverberations has concentrated on northbound migratory corridors, be it the historic Mexico-U.S. corridor (Anguiano Téllez & Villafuerte Solís, 2016), the Central American corridor toward the U.S. (París-Pombo, 2016; Varela, 2021), the corridor that connects the Andean Region with Central America, Mexico, and the U.S. (Álvarez Velasco, 2019, 2021), and the corridor connecting Brazil and Mexico (Miranda, 2021). Since transits from the Andean Region southwards are recent, scholarly research on the topic has not yet been produced. However, reports from civil society (Red Humanitaria, 2021; Bolívar, 2021) and regional journalists (Corredores Migratorios, 2021) have proliferated, making these sources essential to understanding this recent spatial formation.

Drawing upon key contributions from the geographies of mobilities and critical migration and border studies, as well as ethnographic data collected between 2015 and 2021, this chapter analyses the formation of the Andean Region–Southern Cone transit migratory corridor. The chapter takes a multi-scalar approach (Swyngedouw, 2004; Hyndman, 2004) examining the dynamics at work across this space at a regional scale, and, at a scale of the body, comparing experiences of Dominican, Cuban, Haitian, Sudanese, Nigerian, and Venezuelan migrants within short and long-term irregularized transits, to understand how they contest South American border regimes, organize their South–South mobilities, and deploy strategies of solidarity and care to protect their lives. This multi-scale approach sets out the argument that runs through this chapter: the Andean Region–Southern Cone migratory corridor should be seen as a transnational, contingent space of dispute—a product of the tension between mobility and control.

Four sections comprise this chapter. First, I do a theoretical revision of the relation between mobility, control, and spatial production. Then, I analyse the dynamics implicated in the formation of the southern corridor. By zooming into and contrasting six migrant trajectories, I then explore the social organization of transit migration and the migrant struggle across the corridor. I conclude by reflecting upon the significance of this corridor in South America and the global migratory map.

3.2 Mobility, Control, and Spatial Production

In its *Glossary of Migration* (2019), the International Organization for Migration (IOM)—whose influence is preponderant in policing the migration patterns of poor migrants around the world (Geiger & Pécoud, 2010)—neither includes nor defines the term "migratory corridor." Nevertheless, in its annual *World Migration Report*, it identifies the "Top 10" migratory corridors in the regions studied across the world, understanding them as "an accumulation of migratory movements over time" between a country of origin and a country of destination (IOM, 2020, p. 58). With this vague conceptualization based on migration figures, the IOM identifies the following as the most relevant migratory corridors in Latin America and the Caribbean: Mexico–U.S.; El Salvador–U.S.; Cuba–U.S.; Dominican Republic–U.S.; Guatemala–U.S.; Venezuela–Colombia (IOM, 2020, p. 99).

Setting aside this perspective which suggests migratory corridors are accumulations of unidirectional movements between two bounded binaries—a country of origin and a country of destination—and using a critical geographical perspective, following Lefebvre (1991), I argue that these are *abstract spaces* which cannot be understood through a fixed traditional conception of space, because they exist as a social production laden with historical relations. I define migratory corridors as transnational unequal everchanging spaces of dispute, arising as the product of the tension between migrant mobilities and control. These spatial formations are inexplicable if not for their embeddedness in unequal geographical development, their interconnectedness and interdependencies with global, regional and translocal socio-economic and political processes (Wolf, 2010; Trouillot, 2016).

Within the "mobility turn" in the social sciences (Urry, 2012), the dialectical relationship between mobility and immobility—understood as an embodied, differentiated, and racialized social experience—was placed at the center of spatial production (Cresswell, 2006; Sheller, 2018). In interpreting this dialectical relationship—following Tim Cresswell (2014)—it is possible to discern Henri Lefebvre's argument that the social production of space follows a "rhythm" imposed by capitalism that determines the movement of bodies and objects, maintaining the social (and spatial) production and reproduction of contemporary societies (Lefebvre, 2004). Under capitalism, that rhythm cannot take place under equal conditions; it is a "geometry of power"—echoing Doreen Massey (1993)—that defines the differential and unequal speed of movement and friction: which bodies (or objects) can

move, and to where and how they can move. Therefore, mobility, control and space are mutually constitutive (Cresswell, 2014, p. 203).

Controlling migrant mobility—or ensuring its immobilization—has been a *sine qua non* function of the nation-state since its inception (Scott, 1998). This function legitimizes two state fictions: a sovereign dominion over a territorially "fixed" and bounded space and the governing of a national population differentiated from those constructed as non-nationals (Balibar, 1991). It also feeds national capitalist accumulation by regulating the entry and exit of exploitable labour power embodied in migrant workers (De Genova, 2017). That is why the tension between mobility and control resides at the heart of unequal global geographical development and its border regime (Mezzadra & Neilson, 2013), while also helping to explain the transnational production of migratory corridors.

Not just one type of mobility or a single form of control that are involved in this spatial production (Álvarez Velasco, 2019, 2020a). On one hand, diverse, unequal (im)mobilities, short, or prolonged transits, pauses, returns, and restarts via mobility logistics through air, land, and sea routes are part of these spatial formations, constituted by multiple temporalities overlapping between waiting and crossing times (Khosravi, 2021). These diverse (im)mobilities are embodied in migrants in transit or asylum seekers—adults and minors, with gender, ethnic, class, and nationality diversities (Mountz, 2020). Thus, migratory corridors also encompass internal circuits of (im)mobilities (Simon, 1995; Audebert, 2017): there are spaces and times of waiting, and spaces and times of crossing, with everchanging epicenters of temporary settlement and hubs of transit.

On the other hand, multiple actors exercise direct, indirect, imaginative, and symbolic control in these transnational spaces (Collyer & King, 2015). While the state plays a preponderant role, because it has monopolized control over the "legitimate means of movement" (Torpey, 2018, p. 5), para-statal actors (such as migrant smuggling networks, organized crime, paramilitaries), humanitarian, and other social actors also exercise control over migrant mobility, consequently taking part in this spatial formation while configuring economies that fluctuate between licit, illicit, legal, and illegal practices (Van Schendel & Abraham, 2005). Those actors constitute the "border regime" or, following Mezzadra and Neilson's definition, a heterogeneous assemblage of institutions, logistics, practices, and procedures whose purpose is to domesticate the labour and life embodied in mobile subjects as a function of the incessant production and circulation of capital (2013, pp. 19–20). This regime exists to domesticate and regulate the mobility of migrants and asylum seekers, seen simultaneously as victims and threats, consumers, and exploitable and deportable bodies (De Genova, 2002).

The spatial dispute that delineates migratory corridors transcends national spaces. Transcending methodological nationalism (Wimmer & Glick Schiller, 2002), we should understand that these spatial formations take place across several countries and regions, and borders play a preponderant role. As historical constructs determined by the post-colonial tracing of global space, borders are contested by migrants' mobilities (Grimson, 2000; Wilson & Donnan, 2016). Cross-border practices established around mobility and control confirm how borders are malleable,

corruptible, flexible, and enabling as much as violent and even lethal (Mezzadra & Neilson, 2013). Moreover, this malleable and mobile character of borders allows central states, such as the U.S. and the European Union, to externalize their borders to the south and, via remote control from third territories, to continue regulating migrant mobility (Mountz, 2020). This control mechanism, typical of the inequality of power between central and peripheral countries, is a key element of the border control regime and a determining factor in the configuration of migratory corridors (Walters, 2010).

To capture the spatial complexity of migratory corridors, it is worth focusing on one type of migrant mobility, in this case undocumented transit migration. From the autonomy of migration perspective, this type of mobility cannot be conceived only as an "irregular situation between emigration and settlement" (Papadopoulou-Kourkoula, 2008), but must instead be understood as a contingent social force (Mezzadra, 2011; De Genova, 2017) that by migrating responds to systemic violence and border control. Migrants deploy practices and strategies of solidarity and care, while negotiating with the various actors of the heterogeneous border regime. These practices of (im)mobility that constitute their spatial struggle, which is a struggle for life (Varela Huerta, 2017), consequently shape these migratory corridors.

In the light of this approach, I conducted a multi-sited ethnography in Ecuador (2015–2017) and turned to a migrant-centered perspective to reconstruct the trajectories of 20 migrants in transit—16 from Syria, Iraq, Nigeria, Sudan, Zimbabwe, Cuba, Haiti, and the Dominican Republic, and four Ecuadorians deported from the U.S.—of diverse ages, professions, and class backgrounds.[1] Due to "migrants' digitalities" (Leurs & Smets, 2018), I became a digital ethnographer, virtually accompanying their transits. To complement my initial ethnography, between 2020 and 2021, I conducted a net-ethnography (Kozinets, 2015) to include voices from locations across the corridor to reconstruct Venezuelan trajectories and capture the changeable dynamics of their mobilities, particularly during the pandemic. I also reviewed journalist investigations which have been fundamental in making visible the complexity of undocumented transits.

3.3 New Mobilities, Reinforcement of Control

At this border we are habituated mostly to Colombian migrants. However, there have been unusual overland movements, mainly of Venezuelans heading south. This does not apply only to this border: my colleagues in our office in Huaquillas, who are used to working with Peruvians, have also registered unusual movements of Haitian, Cuban, sometimes even African migrants heading south, too. They say that these border crossings have taken place since Ecuador approved its new constitution. I don't know if it is so precise, but this is

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[1] That ethnography forms part of my doctoral research submitted to the Department of Human Geography at King's College London (2014–2019).

happening along the southern border with Peru and not necessarily through the official check point, but via irregular tracks. New migrants are arriving, but not everyone stays here (Field Technician of the Jesuit Refugee Service in Tulcán. Personal communication, Tulcán, September 2016).

It was mid-2016 when I interviewed the field technician in charge of the office of the Jesuit Refugee Service (JSR) in Tulcán, an Ecuadorean town a few kilometres from the Ecuador–Colombia border. Because JRS's mission is "to accompany, serve, and advocate on behalf of refugees and other forcibly displaced persons,"[2] he and his colleagues took the pulse of migration dynamics in Ecuador. As he explained, migrants from various Caribbean and African countries had joined the traditional population of Colombians and Peruvians and the already-increasing numbers of Venezuelans.

His perceptions were consistent with Ecuadorean official data, which for 2015—the time range that captures migration dynamics when the interview was conducted—recorded these as the nationalities with the highest positive migration balance: China (~1.700); Senegal (~1.500); the Dominican Republic (~2700); the Bolivarian Republic of Venezuela (hereinafter Venezuela) (~7.500); Colombia (~6.200); Peru (~9.000); Haiti (~12.000); and, Cuba (~13.700) (INEC, 2020a). As the JRS field technician indicated, this migrant presence did not necessarily stay in Ecuador: some apparently continued to Peru through the official checkpoint or via "irregular tracks."

Ecuador has been used in cross-border migrations between its neighbours Peru and Colombia. This type of mobility is part of a historical pattern of intraregional migrations within South American nations, which account for 70% of migration flows there (IOM, 2017, p. 2). In fact, South American states have sought agreements to enable free intraregional mobility and residence as part of their regional political tradition (Domenech, 2017; Stang, 2009).[3] Yet, this type of migration does not explain by itself the configuration of the southern migratory corridor. The conceptual argument that runs through this chapter is that the tension between mobility and control produces transnational spaces of dispute or migratory corridors. This recent spatial formation and the reinforcement of control may be understood in light of the arrival of new extra-regional South–South mobilities, or "unusual movements," to echo the JRS field technician.

The new millennium brought an increase in extra-regional migrants in South America (IOM, 2017, p. 4). The deepening of systemic inequality, the proliferation of conflicts and wars, and "fortress Europe" (De Genova & Tazzioli, 2016) encouraged migrants from diverse Asian and African countries to divert their routes toward

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[2] See: Jesuit Refugee Service (2021).

[3] Among the most notable regional integration agreements adopted since 1990 to facilitate intraregional mobility are the Andean Community of Nations; the Southern Common Market (MERCOSUR), the Community of Latin American and Caribbean States, and the Union of South American Nations (Stang, 2009). The Agreement on Residence for Nationals of the States Parties of MERCOSUR and Associated States represents a fundamental tool for access to legal residence in South America (IOM, 2017, p. 30).

South American countries (Winters & Reiffen, 2019), which traditionally have embraced more pro-migrant policies.

Apart from its intraregional free mobility agreements, the 1984 Cartagena Declaration—which proposed a much more extensive legal definition of "refugee", paving the way toward inclusive national legal frames to guarantee this right (Freier & Gauci, 2020)—is an iconic example of South America's alleged exceptional migratory legal framework, which climaxed during the first decade of the twenty-first century. Then, Pink Tide leftist governments in Argentina (in 2004), Uruguay (in 2008), Ecuador (in 2008), and Bolivia (in 2013) reformed their constitutions or regulations, adopting progressive legal perspectives on migration matters (Domenech, 2017).

This progressivism also attracted Caribbean migrants, predominantly from Cuba, the Dominican Republic, and Haiti (IOM, 2017), countries with a long-standing migratory history to the U.S. (González, 2011). Because U.S. anti-migrant policies have intensified since the new millennium and violence has increased en route (Vogt, 2017), Cubans, Haitians, and Dominicans have also diverted their trajectories, notably augmenting their presence in South America (IOM, 2017). In the Haitian case, the effects of the 2010 earthquake and the granting of humanitarian visas in several South American countries, like Ecuador and Brazil, multiplied those movements southwards (Trabalón, 2018).

Amid South American progressivism, Ecuador stood out as the most radical case for its 2008 constitutional principles of free mobility, universal citizenship, equal rights for nationals and foreigners, and the adoption of the executive decree that turned it into a visa-free country for visits of up to 90 days[4] (Álvarez Velasco, 2020a). The Huaquillas colleagues of the interviewed SJR field technician were not mistaken when they flagged the role of Ecuador's constitution. Ecuadorean legal openness, along with its dollarized economy and geographical position, turned it into a magnet for global South–South migrations (Góngora-Mera et al., 2014).

Some migrants arrived with the intention of staying. Pulled by the "American Dream", others travelled to the U.S. via the Andean Region–Central America–Mexico migratory corridor (Álvarez Velasco, 2019, 2020a), while many more, fascinated by the constructed image of Chile, Argentina, and Brazil as promising destinations (Canales, 2018; Zubrzycki, 2019), turned southwards, defining the Andean Region–Southern Cone migratory corridor.

Haitian migrants transited from Ecuador to Peru and from there to Brazil, Chile, or Argentina (Vásquez et al., 2015); Dominican and Cuban migrants moved from Ecuador to Chile and Argentina (Tapia & Liberona, 2018), while some African migrants, especially Nigerians and Senegalese, crossed Ecuador to Peru on their way to Argentina (Espiro, 2019; Zubrzycki, 2019). It is the Venezuelan migrations, however, that are the most predominant presence among the "unusual movements" crossing the southern corridor, despite being part of intraregional mobilities.

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[4] Presidential Decree published on June 20, 2008, in Press Bulletin No. 398 of the Ministry of Foreign Affairs, Trade and Integration.

A regional migrant-receiving country between the late 1970s to the 1990s, Venezuela has become the continent's major migrant expeller. Its political, economic, and social collapse has triggered unprecedented migrations, which since 1999 have diversified, complexified, and become massive, overturning the regional migratory dynamic (Gandini et al., 2019). If ~700,000 Venezuelans emigrated in 2016, by 2020 that number reached ~5 million. Most arrived in Colombia (~1.8 million), while others transited to Ecuador (~400,000), Peru (~830,000), Chile (~470,000), Argentina (~140,000), and Brazil (~280,000) (IOM, 2020).

The director of the Human Mobility Unit of the provincial Government of Pichincha in Ecuador—a local entity providing legal, economic, and social services to worldwide migrants in Quito and the setting for a good part of my multi-sited ethnography said: "[…] the arrival of migrants to Ecuador and their transits to other countries *ha traído cola,*[5] and I mean two things: it is enough for one migrant to leave and open a path for others to follow him or her; and that regrettably governments nor societies in the region have liked this, so migratory policies have hardened" (personal communication. Quito, August 2016).

She was accurate. As shown in the next section, the organization of transit migration is indeed socially determined: migrants' experiences have had a multiplying effect triggering more transits southwards. Her reflection was also historically situated: it arose in a context where visas were selectively re-imposed on certain nationalities in the countries comprising the southern corridor, and where a violent operation to deport Cuban migrants from Ecuador had also taken place in the Summer of 2016 (Correa, 2019; Colectivo Atopía, 2017). That's why she was so precise when stating that migrant transits *han traído cola*—have had repercussions—in the sense that state control had strengthened against them.

Alison Mountz (2020) argues that combating migrant smuggling and the supposed protection of its "victims" have been the justifications used globally by states to conceal mechanisms to halt the arrival of undesired migrants coming from impoverished countries and to deny the recognition of the right to refuge (2020, pp. 41–42). That combat has been likewise the unquestionable justification for the U.S. to subtly externalize border control (Miller, 2019). This is exactly what has happened in the countries that configure the southern corridor.

For the past decade, state officials, border agents, and police from South American countries, including Colombia, Ecuador, Peru, Chile, Argentina and Brazil, have been trained by the U.S. in tactics to combat transnational crimes, like migrant smuggling, and in profiling suspected terrorists, smugglers, and undocumented migrants, among other topics related to border control (ILEA, 2020). In a revival of the School of the Americas in Panama, since 2005 the International Law Enforcement Academy in El Salvador, among other U.S. institutions, has served to externalize U.S. borders across South America in a "soft and subtle" way that contrasts with the more conspicuous measures imposed on Mexico and Central America

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[5] The phrase *traer cola* literally means "to bring a tail" but is used colloquially to mean "to have serious repercussions".

(Miller, 2019, pp. 30–34). Further, combating migrant smuggling has been one of the prime justifications for the "punitive turn" (Domenech, 2017, p. 21) across the region.

Disregarding its progressive constitution and dismantling the executive order that turned it into a visa-free country, in 2010 Ecuador re-imposed visas for those countries of origin whose migrant presence had increased and whose citizens were allegedly at risk of falling victim to smuggling networks (Álvarez Velasco, 2021). This was the case for Nigeria (in 2010), Senegal (in 2015), Cuba (in 2015), and Haiti, for which Ecuador selectively imposed a virtual registration system in 2015, which operates as a filter to control Haitian mobility (Ministry of Foreign Affairs and Human Mobility, 2015). Peru, Chile, and Argentina already required visas from residents of various countries in Africa and Asia as well as Cuba (Online Visa, 2020). Nonetheless, under the same argument of combating migrant smuggling, in 2012 Peru imposed visas on Haiti (Trabalón, 2018); in 2018 Chile and Argentina adopted the same measure, while in 2012 Argentina imposed visas on the Dominican Republic, followed by Chile in 2019 (Trabalón, 2018; Blanco, 2018). Tossing aside any vestige of South America's exceptional openness, in 2019, Ecuador, Peru, and Chile imposed visas on Venezuela (Finn & Umpierrez, 2020).

Visa requirement has not been the only punitive mechanism adopted. Rejections have occurred at borders and airports when, for instance, Cuban or African migrants arrived in Ecuador (Álvarez Velasco, 2020b), Haitians and Dominicans in Chile (Tijoux & Córdova, 2015), or Haitians, Dominicans, or certain African migrants in Argentina (Trabalón, 2018). As scholarly research suggests, the entrance of Caribbean, African, and Venezuelan migrants has generated social and state resistance, producing accounts of South American systemic racism and xenophobia against those "unusual movements" (Álvarez Velasco, 2020b; Tijoux & Córdova, 2015). Rejections at borders and visa re-impositions have revealed processes of criminalization and racialization against migrant populations from Africa, Asia, and the Caribbean.

In addition, migratory policies in the countries comprising the southern corridor have become tougher, limiting regularization processes and multiplying migrants' illegality in the region (Domenech & Díaz, 2020; Álvarez Velasco, 2020b; Duffraix Tapia et al., 2020), while denying the recognition and guarantee of the right to refuge (Gómez & Malo, 2019). Meanwhile deportations—smaller in number and less spectacular than those occurring in the U.S. and Mexico—have been set into motion (Domenech, 2020). Examples include the deportations of Cubans from Ecuador (Colectivo Atopía, 2017), Venezuelans from Colombia (Migración Colombia, 2019), and Haitians, Colombians and Venezuelans from Chile (Blanco, 2018).

South American borders have been militarized on several occasions since 2016, "orderly control flows," especially when visa requirements have been adopted. Migrants have been consequently stuck in borderlands, confined to long waiting times and lack of state protection, often in makeshift camps managed locally with the cooperation of UNHCR and IOM (IOM, 2019). This was the case, for instance, for Haitian migrants stuck between Ecuador and Colombia in 2016 (Benalcázar, 2016) or Venezuelan migrants trapped in 2019 at the Peru–Ecuador

and Ecuador–Colombia borders (*Noticias Telemundo*, 2019). During the COVID-19 pandemic, the borders between Ecuador and Colombia, Ecuador and Peru, and Peru and Chile have not only been closed but also militarized, multiplying the confinement spaces where mostly Venezuelan, Haitian, and African migrants have been stuck under inhumane conditions ((In)Movilidades en las Americas, 2020).

The multiplication of "unusual movements" *ha traído cola* indeed, for a punitive turn has taken place across the southern corridor confirming clearly how state control practices analogous to that of the global border regime are operating across this transnational space (Domenech & Díaz, 2020). Precisely because of this, migrants have not ceased to organize their transits as part of their incessant search for a decent and safe place to live.

3.4   From the Andes Southwards

Transit migration is an unpredictable and contingent type of human mobility (Collyer et al., 2014), made up of overlapping waiting and crossing times (Khosravi, 2021). By reconstructing fragments of these often-turbulent mobilities (Schapendonk, 2012), it is possible to unpack how the social organization of migration unfolds among hostility, control, and solidarity (Hess, 2012; Basok et al., 2016). Between 2008 and 2020, I met Mustafa, a 35-year-old Sudanese migrant; Kenneth, a 30-year-old Nigerian migrant; Claude, a 36-year-old Haitian migrant; Hugo, a 25-year-old Cuban migrant; Angela, the 27-year-old Dominican migrant I introduced at the beginning of the chapter, and Yasemar, a 29-year-old Venezuelan. The latter, whom I met in 2020, was the only one I met virtually via WhatsApp and Zoom, as digital ethnography enabled research during the year of the pandemic.

Yasemar had been in transit since she left Venezuela. In contrast, Mustafa, Kenneth, Claude, Hugo, and Angela had resided in Ecuador for some years and were about to transit to other countries when I met them. In the remainder of the chapter, I reconstruct fragments of their transits across the southern corridor. I focus first on the experiences of my five Caribbean and African interlocutors. I then explore, via Yasemar's case, the complexities of massive Venezuelan south-south mobilities.

3.4.1   Caribbean and African Migrants on the Move

Googling, "*Whatseapenado*" or "*Facebookeando*," Mustafa, Kenneth, Claude, Angela, and Hugo learned about Ecuador. This Andean country seemed to be "*el lugar soñado para migrar*" (the dream place to migrate), as Angela frequently said: no visa requirements on entry, dollarized economy, and purported pro-migrant policies. Escaping religious persecution in Sudan, Mustafa, his spouse, and their two children flew to Ecuador in 2015. Fleeing poverty and leaving her son in the

Dominican Republic, Angela arrived in Ecuador in 2014. Claude left Haiti in 2010, a few months after the earthquake hit, while Hugo moved from Cuba in 2014, pulled by the possibility of getting to know a new country and moving to a place that did not require visas for Cubans. These two Caribbean migrants and Kenneth, who escaped urban violence in Nigeria, were young single migrants moving on their own.

Kenneth was the only one who did not arrive in Ecuador by plane and who had had a previous transit experience within South America. He had first travelled from Nigeria to Brazil with the intention of migrating to the U.S.[6] While residing in Sao Paulo, he learned about Ecuador's dollarized economy and opted to traverse Brazil's Amazonian region to reach Peru on his way to Ecuador. Because Kenneth got to Ecuador at the end of 2009, before visas were imposed on Nigerians, he entered via regularized paths. "I thought it would be a matter of months to save money to go to the U.S. Planning is one thing, what we actually face is another," reflected Kenneth in January 2016, five years after he reached Ecuador and just a couple of weeks before recommencing his transit. His experience is a clear confirmation of the contingent nature of transit migration (Basok et al., 2016), something that defined the trajectories of my other interlocutors.

The enchantment of "*the dream place to migrate*" did not last long. Though no visa was requested on entrance, after 90 days they had to change their migratory status. Their regularization processes were not straightforward. The mandatory documentation—such as a certified criminal record and "proof of legal work", as stipulated in official regulations (Ministerio de Gobierno, 2020)—together with high visa fees that were unaffordable for migrants turned into legal locks (Menjívar, 2014) that hindered Claude's, Angela's, and León's regularizations.

Because Kenneth and Mustafa fled Nigeria and Sudan, countries in conflict, they applied for refuge. Though they did not face any legal locks, long waiting times and the denial of refuge confined them to legal limbo (Menjívar, 2006) and to undocumented status. The resolution of Mustafa's case take took almost a year and a half; Kenneth's case was denied after eight months. Their experiences should be added to thousands of others that are evidence of how, in Ecuador, effective recognition of refuge is decreasing while waiting times increase (Hurtado Caicedo et al., 2020).

The promise of a dollarized economy also proved disappointing. With a 38% poverty rate and nearly 50% of the population employed in the informal economy (INEC, 2020b), Ecuador is unable to absorb the migrant labour force in its fragile formal economy.[7] That was the experience of my five interlocutors, all of whom worked in the informal market: Angela was a hairdresser and street-food vendor; Hugo sold clothes and loaded boxes at a popular market; Mustafa plucked chickens

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[6] Brazil has maintained open migration policies being hence a gateway for global migrations. Scholarly and journalist research has proved that migrants arrive by plane or by transatlantic cargo ships and in some cases they transit to other destinations like Argentina, Ecuador or the U. S. (Espiro, 2019; *The Guardian*, 2018).

[7] This is a regional trend within highly unequal and impoverished Latin-American countries whose fragile economies are unable to guarantee decent jobs to migrant workers, accelerating their impoverishment and everyday precariousness (ILO, 2017).

in a poultry store; Kenneth worked as a waiter, a plumber, and sometimes as a bouncer at a disco; Claude sold juices and toilet paper, worked as a bricklayer, and looked after parked cars. Their monthly salaries fluctuated between $170 USD and $200 USD, not even half the basic salary in Ecuador. And, although Claude was an agricultural engineer and Hugo a nursing assistant, it was "the street" that employed them. This meant they did not practice their professions, experiencing an everyday deskilling, a complex situation in no way alien to the realities of the other countries that make up the southern corridor (ILO, 2017).

In addition, they dealt with systemic racism. In their narratives, the five underpinned how they confronted racial borders: "I have been insulted and beaten up, not because I am a migrant, but because I am black," said Claude, while Mustafa asserted, "on one occasion the landlord said there was no room for *blacks*." Systemic racism permeated raids, notifications, detentions, everyday policing, and deportations (Coalición para las Migraciones, 2015),[8] confirming how the Ecuadorean border has internalized growing social and state hostility.

In fact, between the time of their arrival and 2016, when I met them, Ecuador transformed from a welcoming gateway into a revolving door that expelled migrants, to echo Gioconda Herrera and Gabriela Cabezas (2019, p. 152). The legal representative of *Migrante Universal*, a migrant association in Quito, was clear about this: "Migrants are confined to a vicious cycle: *sin papeles* (without documents), exploited, poor, unable to afford visa fees, and it goes on like this until one day they are suddenly gone" (Legal Representative Asociación Migrante Universal, personal communication via WhatsApp, August 2020). Angela, Hugo, Claude, Kenneth, and Mustafa embodied that "vicious cycle," which finally expelled them from Ecuador.

I witnessed how they then organized their transits southwards and, in the cases of Angela and Mustafa, I was in touch with them after they left Ecuador. In the five cases, choosing where and how to transit was a collective decision. Again, "*Whatseapenado*" or "*Facebookeando*" mostly with compatriots abroad, they learned that Argentina, Chile, and Brazil, despite not being dollarized countries, were more promising destinations than Ecuador. "They say there are jobs for us," mentioned Angela in reference to Chile; while Hugo stated, "They say that we have to be patient in Lima, but that there are possibilities and from there it is possible to move to Chile where there is much more offered." As a promising rumour that spread among them, the five interlocutors would repeat these arguments to justify their departures.

As part of migrants' "imperceptible politics of mobile commons" (Papadopoulos & Tsianos, 2013, p. 191), they shared strategies to traverse borders via digital social networks. That was how they knew the time and logistics of the route: "three weeks from Quito to Santiago de Chile via Lima", said Angela; "less than a month to reach Buenos Aires by bus," reported Kenneth. "In two days, Hattians reach the border with Peru. But then they have to cross the jungle to get to Brazil, or if they go

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[8] See: Coalición para las Migraciones (2015).

southward, they have to cross the desert to get to Chile. Haitians walk and go by bus," said Claude.

Because Peru, Chile, and Argentina had imposed visas for these Caribbean and African migrants, they knew beforehand that they had to pay to cross borders. Claude mentioned: "My Haitian friends who are in Chile and Brazil told me that they paid 'guides' and the police to cross". Claude's arguments were consistent with scholarly research (Vásquez et al., 2015) that confirm that to traverse South American borders, *coyotes* charge between $50 USD and $150 USD per border; border police receive part of the money, as do the transporters and "guides". Press reports also demonstrate that migrants cross "*por trocha*" (through trails) or "*puntos ciegos*" (blind points), using artisanal rafts, or in groups either by bus or on foot from Ecuador to Peru via Nuevo Rocafuerte (Ortiz, 2016), Aguas Verdes or Huaquillas (Paredes, 2021); from Peru to Brazil via Madre de Dios (*France 24*, 2021), or from Peru to Chile and Argentina via Bolivian borderlands or the Chilean desert (Valenzuela, 2020). Press documentaries reveal how economic dynamics, involving *coyotes*, police, money changers, document forgers, transporters, hotel owners, and multiple local actors, fluctuating between legal and illegal activities and practices (Tapia, 2019), enable migrants' transits across the southern corridor.

They transited the southern corridor in groups. As Hugo noted, "we plan the journey and move in groups, in my case with Cubans, because that is the way we are cared for. They are our new family." Angela organized her departure with her Caribbean flatmates, who were joined by two Dominicans who worked with her at the same hair salon. Mustafa and Kenneth did the same at Omemma, the African restaurant in northern Quito where Kenneth worked and which functioned as a hub where African migrants gathered and shared migratory knowledge. There, Mustafa, for instance, learned that from Lima it was easier and cheaper to travel by plane to Central America, from where African migrants continue to the U.S. He and his wife were willing to take that route with their children. Kenneth, instead, gave up his dream of reaching the U.S. and opted to move to a Nigerian community in Argentina. At Omemma, he also met two other Nigerian migrants who ended up transiting with him.

In August 2016, Hugo and his two Cuban friends departed to Huaquillas with the intention of reaching Peru. The violent Cuban deportation hastened their decisions (Correa, 2019): "That was a Cuban hunt, and we don't want to be deported. *Nos vamos ya*! (we are leaving now)", he said to me the last time we met. He and his friends planned to pay whomever they needed to enter Peru. In his words: "We will pay a *coyote*, a bus driver, or even a police officer. At this stage we cannot go back."

Angela departed about the same time to Chile via Peru. Because I was in touch with her on WhatsApp, I knew she left Ecuador with her three Caribbean flatmates and two Dominican colleagues. Together, these six migrants paid a *coyote* who drove them in a van across the border to Tumbes, where another guide awaited them. Each paid $80 USD. From Tumbes they left for Lima, where they waited in a small hotel for a couple of days. That waiting time was not in the plan, yet they had no option. Their "guide" was sorting out the route but had already told them the next stop was Tacna, from where they would traverse the desert to reach Chile. In her last

message she told me they were preparing to traverse the desert soon. Scholarly and journalist investigations give account of the risks migrants face when crossing the desert, especially when they are abandoned en route, something that has taken the lives of migrants in transit southwards (Valenzuela, 2020; Tapia, 2019).

Mustafa and his family left that same year. A cousin of his living in the U.S. lent him the money he and his family needed. By bus, they reached Huaquillas, where they stayed for two days until Mustafa found a taxi driver who charged them $300 USD to take them to Tumbes, where they stayed overnight in a small hotel before continuing by bus to Lima. Mustafa had the phone number of a Peruvian *coyote* who was supposed to organize the route northward. Yet, until the last time we exchanged WhatsApp messages, a couple of weeks had passed and Mustafa and his family were still in Lima, waiting to figure out the route and even contemplating returning to Ecuador and from there moving to the U.S. by land.

While Kenneth departed for Argentina at the end of 2016, Claude could not make up his mind to leave. Though he was "fed up with his life in Quito," he did not know where to go. He dwelt within a Haitian community, he had witnessed not only how Haitians had transited to Peru, Brazil and Chile, but also how they had returned to Ecuador before moving elsewhere, particularly to the U.S. "Such a sacrifice to come back again!" he said. "I will wait with patience until I find the precise moment and place to go. If I leave Ecuador, I do not want to return".

Because their living conditions did not improve in the destination countries—and even deteriorated—returns from transits across the southern corridor have been documented by scholars, mostly in regard to Haitians (Vásquez et al., 2015; Ceja, 2015). Within different time frames, they have been moving back and forth through diverse circuits of (im)mobilities within South American countries or from there towards other destinations including Mexico and the U.S.A. (Miranda, 2021). It is not only Haitian migrants who embodied these mobility practices. While conducting fieldwork, I was able to interview one of the parish priests at the Capuchin mission in Nuevo Rocafuerte, a small town located near Ecuador's western border with Peru. He said:

> Our mission has a house near the Peruvian border where we receive African or Haitian travellers coming from Brazil who want to reach the U.S. or coming from Quito aiming to reach Brazil. They rest and organize themselves. What has caught my attention is that they all walk with cell phones and regardless of crossing the Amazon and its dangers, they come and go (Parish Priest of the Capuchin mission in Nuevo Rocafuerte, Personal communication. Quito, August 2016).

This interview was conducted in 2016. Yet, the back and forth within prolonged transits of Haitian and African migrants across the southern corridor has continued. Recent events are further evidence: amid the pandemic, in early March 2021 a group of ~450 migrants, comprised mostly of Haitian migrants, recommenced their transits from Brazil to Ecuador via Madre de Dios in Peru (*France 24*, 2021). Despite the militarization of the Peru–Brazil border and violent confrontations with the military, they continued en route and reached Nuevo Rocafuerte. Haitian, African, and Asian migrants interviewed in press reports mentioned that their impoverished conditions in Brazil was exacerbated during the pandemic and that they had learned

that the Biden administration was supposedly making more flexible U.S. anti-migrant laws, so they had decided to travel from Brazil to the U.S. via Peru and Ecuador (*El Universo*, 2021). These new mobilities confirm the unpredictability of transit migration, how multiple temporalities configure it, and how migrants do not cease to fight for their lives no matter how long or tough their journey is. Furthermore, these examples, together with Mustafa's own trajectory, are clear evidence of the existing connections and overlapping spatial dynamics between the southern corridor and the one connecting the Andean Region with Central American, Mexico and the United States (Álvarez Velasco, 2021; Miranda, 2021).

3.4.2 Venezuelan Caminantes and Trocheros

The unprecedented multiplication of Venezuelan transits has been decisive in shaping the southern corridor. The last massive migratory wave took shape about 2016 and was comprised mainly of impoverished working-class, and to a lesser extent professional, migrants (Gandini et al., 2019). In both cases migrating by land and by stretches: moving towards a first destination that may involve a subsequent outbound or return transit. Young Venezuelans, families, single mothers with their children, pregnant women, older men and women, and unaccompanied children and adolescents are hence moving back and forth through diverse circuits of (im)mobilities comprising the southern corridor in groups formed en route (Bolívar, 2021; Herrera et al., 2020).

Yasemar's case is illustrative. "Staying in Venezuela was no option. My plan is to get to Argentina to join my brother", she said. Though she departed alone, as for many Venezuelans, her transit experience has been collective: she joined an extended family in San Antonio del Táchira before crossing to Cucuta, Colombia. The majority of "*caminantes*" and "*trocheros*"—as Venezuelan migrants in transit are known—ensemble groups of migrants that later form spontaneous families in transit (Bolívar, 2021).

Yasemar said the members of the family she joined became her family en route: they shared food, they slept along the roads and in parks. By foot, by bus, and by "*pidiendo cola*," as hitchhiking is known among Venezuelans, they crossed the 3000 km separating Venezuela, Colombia, and Ecuador. They deployed survival strategies such as street vending and begging in the cities. They assembled and disassembled tents in parks or bus stations. "They cared about me. I felt protected and guided, because the route*,* jeez (*conchale*), is very tough," Yasemar reflected.

As various press reports have shown (Corredores Migratorios, 2021; Turkewitz & Herrera, 2020), spontaneous families give migrants needed protection against the hostile terrain they transit. Venezuelans traverse *por trocha* (by trail) and by foot, exposed to the violence of the road, accidents, local robbers, abuses of authority, and inclement weather. Yasemar remembered extreme weather on the stretch between Cucuta and Bucaramanga as well as predatory thugs on the Ecuador–Colombia border. "Because Venezuelans were stuck there, men surrounded us and

told us to pay them $50 USD to enter Ecuador or to give them our telephones in exchange. Those people try to profit from us and the police witness everything or benefit too."

Although paramilitary or cartel power formations do not have a widespread presence in the southern corridor as they do in the Andean Region-Central America-Mexico corridor (Álvarez Velasco, 2021), accounts of Venezuelan *trocheros* like Yasemar as well as press reports (Mella, 2018) confirm that they face abuses from authorities, assaults along the route, and confrontations with paramilitaries when entering Colombia. Amid waiting and crossing times, Venezuelan's transit in extreme conditions. Some cross the Paramo of Berlin in Colombia and others cross el Paramo de El Ángel in a difficult detour to reach Ecuador undetected by officials. Among those who continue to Peru, some cross the Amazonian jungle, and those who aim to reach Chile have no choice but to travel hostile stretches of the desert across Arica. Press reports (*Noticias Caracol*, 2018) and local voices confirm that Venezuelans have died on these irregularized paths.

In a Zoom interview, the leader of the Red Humanitaria, a network of eight private shelters operating across the Cucuta–Bucaramanga route, said, "When departing Pamplona to Bucaramanga, Venezuelans have to traverse the Paramo of Berlin. And on many occasions, they freeze, and bodies have been found." In fact, against the severity of the route and with the aim of providing aid to Venezuelan *caminantes*, the Red Humanitaria was created in 2018. In her words:

> By shelters, I mean private houses of caring poor families that opened their doors to provide food and a safe place. Venezuelans pack their life in a suitcase and carry it on their backs. That's all they have. For example, in Pamplona, Doña Maria receives on a daily basis 20 to 40 Venezuelans; she cares for and talks with them (Leader of the Red Humanitaria, personal communication, February, 2021).

Similarly, Doña Carmen has welcomed more than 12,000 Venezuelan *caminantes* to her modest house in El Juncal, a small town on the route to Tulcán-Ibarra-Quito in Ecuador, since 2018 (Corredores Migratorios, 2021). Yasemar knew about Doña Carmen: "Venezuelans, we tell each other what is happening on the route, the bad and especially the good. Through Facebook I knew about that and other places where people help us." In fact, despite the severity of the route, she remembered the solidarity of Venezuelans, of churches and of local people that provide shelter and care.

Outraged, the leader of the Red Humanitaria said: "It is unconceivable that the Colombian, Ecuadorean, Peruvian, and even the Chilean government cannot protect them and that international agencies provide only meals and tents on the road. There are migrant deaths on the roads. They need protection. We do what we can, but clearly it is not enough." Her critical reflection, together with testimonies like Yasemar's and those in the digital archives of Corredores Migratorios (2021) as well as recent reports of human rights organizations (Bolívar, 2021), confirm that in the face of Venezuelan transits through the corridor to the south, the lack of state protection prevails and humanitarian assistance, via IOM or UNHCR, is extremely insufficient. Beyond tents or food aid, as the local leader says, no other strategies have

been developed despite the millions of dollars of resources at stake (DW, 2020), and Venezuelans face increasing risks on the road, including risk of death. In fact, Venezuelans have also tried their luck transiting to the Caribbean, particularly to Trinidad and Tobago and Curaçao. Because these countries have imposed visa restrictions, Venezuelan mobilities from the southern corridor to Caribbean countries take place only via boat. The paramo and the desert take migrant lives, and so does the Caribbean Sea: press reports have also confirmed the sinking of small boats and drowning of Venezuelans (Otis, 2019).

It took Yasemar a month and a half to traverse Colombia, mostly by foot. *Por trocha* and paying $20 USD to a local guide in Tulcán, she entered Ecuador. After working a couple of months in Quito, when she reached Huaquillas in mid-March 2020, she learned that the border was closed. The pandemic had hit the continent and her transit inevitably change. Thus, she returned to Quito to wait. When she recalled her journey, she said she should have left Venezuela earlier: "My brother left in 2018. In three months, he arrived in Buenos Aires. Now everything is much more complicated and dangerous for us."

Effectively, things have gotten worse for Venezuelan *trocheros* and *caminantes* during the pandemic: borders have closed and militarized and the South American recession has left them virtually with no income. Just as Haitians and African migrants have decided to reverse the route from Brazil to Peru and Ecuador, Venezuelans have done the same, this time returning to Venezuela, traversing the already known route, dangers, and hostility. On arrival, some have decided to stay in Venezuela, others have recommenced their transits southwards (Turkewitz & Herrera, 2020), and still others have opted to transit from the Andean Region to the north to reach the U.S., something that once again confirms the existing links between migratory corridors in the Americas that I mentioned earlier (Rueda, 2021).

In the case of Yasemar, she waits in Quito until she can resume her transit southwards. Her waiting time is not easy: she is undocumented, with almost no income, surviving amid the pandemic; yet, she said: "we walk with hope; it's the only thing we have left. My hope is to reach Buenos Aires. Our life has been going back and forth, *searching for a place to live.*" Her case, as well as the other five fragments, give evidence of how prolonged and shortened waiting times (in different places) and crossing times (through different borders and places) configure the heterogeneous, uncertain and unpredictable experience of the migrant transits through South America.

The six fragments confirm that the confluence of dissatisfaction and emotional burdens, a sudden contextual change, unexpected changes in migration policies such as the re-imposition of visas, prolonged waiting times for a state's responses, or a sudden window of opportunity to migrate changes the rhythm of their transits accelerating or pausing them, or even changing their direction northwards or southwards – confirming one the one hand, how circuits of (im)mobilities comprise this migratory corridor provoking spatial interconnections between northbound and southbound migratory corridors across the Americas.

Those fragments also capture the complexity of undocumented transits across the southern corridor, showing the diversity of their causes, temporalities, and ways

of organization. They disclose that far from being passive subjects, "victims," or "helpless" people, migrants in transit do not cease to activate strategies to sustain their mobilities: they move with *coyotes*, in groups, in family, with families invented along the way. The rhythm of those mobilities is differentiated because it depends on the contingencies that they might face while en route, from confronting diverse forms of control to risk of death. As seen, military, police, humanitarian, and illegal practices derived from *coyoterismo* co-exist around their transits southwards, as well as the dangers on route when crossing the jungle, the paramo, the desert, or the sea. In fact, across the southern corridor, the production of migrant deaths (Stierl, 2016) is a direct, lethal consequence of the heterogenous South American border regime.

These fragments show that against the risk of death, the migrant struggle has redoubled. Their transit experiences are punctuated with practices of care and solidarity materialized in sharing housing, migratory knowledge, caring and protecting themselves when crossing borders, confronting corrupt police, dealing with the pandemic, or facing racism and xenophobia. Solidarity en route radically contrasts with state hostility and inaction to protect migrants in transit across the southern corridor. In fact, solidarity among migrants and with local populations is a nodal element of the politics of life to contest the necro politics of migration (Varela Huerta, 2017) also present across the southern corridor.

3.5 Conclusions

The tension between mobility—embodied in thousands of undocumented regional and extra-continental migrants in transit—and control is transforming the migrant geography across the Americas. This type of migration provokes spatial disputes and transforms places while articulating them, shaping the southern corridor. As seen through this multi-scalar analysis, this recent spatial formation takes part in a systemic form of global control of mobility where state, military, humanitarian, and para-state practices co-exist to govern the mobility of migrants and asylum seekers.

Over the last decade and regardless of whether South American governments have been right- or left-aligned or of their progressive regulatory frameworks, state control mechanisms have redoubled with the intention of governing the mobility of a global population of impoverished migrants and asylum seekers. The southern corridor is hence part of the "re-zoning of global space", as William Walters (2010) asserts: a direct effect of the lethal and hegemonic border regime targeting the mobility of certain populations on a global scale. South American countries thus enter the third decade of the twenty-first century spatially reconfigured by the mobility of a diverse global diaspora that has no signs of ceasing, but rather of increasing as a product of complex systemic contradictions, even more today in the light of the pandemic.

Capturing the complexities of migrants' mobilities and its spatial effects is not any easy research task. Much less when it takes place via irregularized conditions

and through increasingly hostile terrains. Turning to ethnography seems to provide an illumining path to capture those complexities. Anna Tsing asserts that "the point of ethnography is to learn how to think about a situation together with one's informants" (2015, p. 9). She insists that due to the heterogeneity of space and time, and the precarity and unpredictability of our current situation, we need to reopen our imaginations as part of a polyphonic assemblage (constituted by multiple and diverse subjects and objects) to become aware of the rhythms of lively movement that survive in the ruins of our present (2015, pp. 23–25). By placing our attention on the scale of the body, on the migrant experience and resistance, it is possible to underscore, as Tsing suggests, that landscapes and society are being transformed by subtle forms of solidarity and commonality that emerge in the ruins. The challenge for thinking throughout precarity is to understand the ways multiple assemblages are constantly created and transformed to sustain life (2015, pp. 41–42).

As seen throughout this chapter, the spatial formation of the southern corridor occurs whilst migrants wander between hostility and solidarity, waiting and crossing times, and an incessant struggle against a reinforced border regime in the search for a decent and safe place in which to dwell. Their mobile lives unfold through intolerable precariousness, a direct product of perverse contemporary neoliberalism. Their collective transits are the contested road to resist and preserve their lives, confirming that freedom of movement is a constant spatial struggle for living other possible lives; a struggle that today is reshaping South America, and the Americas as a whole.

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Chapter 4
State and "Mixed Migrations": Migration Policies Towards Haitians, Colombians and Venezuelans in Ecuador

Carmen Gómez and Gioconda Herrera

4.1 Introduction

As it was mentioned in the introduction to this book, the South American migration landscape has undergone important changes in the last 20 years, and new patterns of immigration have emerged. For example, migrants who usually looked northwards, such as Haitians, started to come southwards, to places like Brazil, Chile or Ecuador; countries that traditionally host migrants are beginning to experience massive flows of emigration, such as Venezuela; and transit states are increasingly common among people on the move, with many migrants now undertaking long journeys before settling in one place after leaving their country of origin. Moreover, the causes that push people to leave are a combination of economic factors with social violence, ecological crises and political turmoil, and are less dependent on a single factor. This is what some migration studies literature has begun to call mixed migrations. Indeed, the term "mixed migrations" is, on one hand, about the complexity of how to name people who move, whether they are transit migrants, permanent settlers, refugees, forced or economic migrants, and, on the other hand, it is an issue surrounding debates about what kind of legal categories should be used in migration policies (Sharpe, 2018; Kiseleva & Markin Egor, 2017).

In Latin America, the existence of mixed migration is particularly visible. Not only do economic migrants coincide on the same routes with people in need of international protection - such as those displaced by social and political violence, climate change, mega-development projects, or sexual or gender-based violence - but often the motivations behind the mobility of these people are multiple. A large part of the mixed migrations that cross the region come from countries such as Venezuela, Colombia, Cuba, Haiti, Honduras, Guatemala, El Salvador and Mexico. These are countries with complex situations in terms of internal conflicts,

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widespread violence, poverty, environmental problems, natural disasters and systematic violations of human rights. As a result, many of the people fleeing these countries are forced to leave because of the acute conditions of structural violence.

The problems of mixed migration are not unique to Central and South America, and have been extensively studied in other regions (Crawley & Skleparis, 2017; Van der Klaauw, 2010; Van Hear et al., 2009). However, there are important differences that need to be taken into account when analyzing some South American countries. Firstly, we are talking about South-South migration flows, that is, the nature of the countries of origin and of destination is quite similar in terms of high rates of underemployment, and lack of access to effective rights for the majority of the population. Secondly, as a consequence, the reasons for migration are always more complex and go beyond the economic, so that "mixed migrations" are rather common, and less of an exception. Third, the role of States in the region towards migrants had been, until recently, rather friendly, in terms of discourse, but rather restrictive in practice (Acosta & Freier, 2018). And finally, while forced conditions of departure seem to prevail, these flows have not been accompanied by an increase in the number of people granted asylum in the region, nor by a strengthening of guarantees of non-violation of their rights as migrants.

This chapter analyses Ecuadorian migration policies in three cases that can be termed "mixed migration". Although the concept of mixed migration is not explicitly present in its legal documents, the term has been widely used by Ecuadorian state officials in the international arena. Moreover, for the past decade, governmental norms and policies have implicitly embraced it. We will analyze how the state has treated the Colombian, Haitian, and the more recent influx of Venezuelans in the last 10 years. We argue that, despite being aware of the complexity of these migrations, the Ecuadorian state has resisted recognizing the forced nature of this type of migration. Thus, instead of granting asylum to these populations based on its own legislation and constitutional principles, the State adopted an ad-hoc and singular approach towards each group that ends up reinforcing a policy of deterrence, irregularization and exclusion, instead of guaranteeing migrant's rights. Thus, the State has taken advantage of the ambiguity of the concept of mixed migrations to implement restrictive policies on "unwanted" mobility.

Consequently, not only have the control policies that generate irregularity been normalized, but these population flows have been channeled, regardless of their nature, into the national migration system, reducing the possibility for migrants to access the broader system of refugee protection that many South American states have embraced with in the Cartagena Declaration of 1984. In fact, this Declaration represents a step forward in the understanding of the type of complex displacements that occur in the region, going beyond the restricted definition of refugee contained in the 1951 Geneva Convention relating to the Status of Refugees. Cartagena could represent an advanced instrument in the management of these mixed mobilities, since it could be set as an extended protection umbrella. For example, authors such as Berganza et al. (2020) have argued for the applicability of the Cartagena Declaration to the case of Venezuelan migration in several Latin American countries, due to the widespread violations of economic, social and cultural rights in

Venezuela. However, the Cartagena Declaration has only been used in a residual way by Latin American states (Acosta & Madrid, 2020). For example, Mexico and Brazil, countries with very different political projects, are the only ones that have granted a significant number of asylum visas to Venezuelans.[1] As of December 2020, there were 171,793 recognized refugees in the world, almost 40% corresponds to Spain, then comes Brazil with 46,700, and Mexico has granted 13,000 asylum visas (R4V, 2021).

Similarly, we find a progressive shift in the country towards a migration management model in which not only deterrence and restrictions on mobility prevail, but the State ends up promoting the irregularization of migrant populations, and legitimizing entry barriers and expulsions. In addition, regularization measures targeted at specific populations are implemented that remain limited in terms of who can opt for them (Acosta et al., 2019).

We argue that the consequences of these policies are twofold. First, they enable the establishment of a mobility management model based on fragmented measures aimed at providing transitory and emergency "solutions", as opposed to a more holistic view of mobility processes. Secondly, the ambiguity entailed by the concept of mixed migrations has contributed to the weakening of the refugee protection system, which was particularly relevant in Ecuador during the second half of the 2000s, when the country applied the Cartagena Declaration to Colombian populations through the Expanded Registry policy (Molina, 2010; Velásquez Victoria, 2012). In contrast, the idea of mixed migrations favors ad-hoc migration policies, produces legal instability for migrants, and distances them from the categories contemplated in constitutional and legislative instruments, which aim for more stable policies.

The chapter is based on different qualitative research previously conducted by the authors in relation to the Colombian case (Gómez Martín & Malo, 2019; Hurtado Caicedo et al., 2020; Gómez Martín, in press) and the Venezuelan and Haitian cases (Herrera & Cabezas, 2019; Herrera, 2019; Herrera & Berg, 2019), as well as secondary literature on immigration in Ecuador.

The chapter has been divided into three parts: First, we review different conceptions of "mixed migration", which are linked to different understandings of mobility itself. We aim to highlight the complexity and ambiguity surrounding the term mixed migrations. We then focus on the Ecuadorian context as a receiving space for mixed migrations, and look at the evolution of migration policies over the last 20 years. Thirdly, we present our analysis on how the Ecuadorian state has dealt with the three cases of interest, namely the migrations of Colombians, Haitians and Venezuelans in Ecuador. We end with some conclusions on the contributions of the chapter to better understanding how these new and not-so-new migration patterns in South America are being addressed with policies increasingly aligned with global border control regimes, rather than international protection policies.

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[1] According to Acosta and Madrid (2020), this policy was not so much due to the recognition of the forced and complex nature of these migrations as to a political stance of President Bolsonaro against the Venezuelan government.

4.2   "Mixed Migration", the Cornerstone of Global Human Mobility Management

One of the elements that characterizes the new global regime of migrations that arises from the consolidation of the neoliberal system in the 1990s is the adoption of concepts that take a predominant role in language but pose multiple problems both in terms of the meanings that can be attributed to them, as well as the situations that legitimize their use in public policies (Gómez Martín, 2022).

Among these concepts we find that of "mixed migrations", constructed from different meanings and actors, and inscribed in the three predominant models of understanding migrations: the one in which the defense of migrants´ rights prevails, the one that prioritizes the security of States over the rights of people, and the one that does not see the two positions as incompatible or in dispute, but rather considers that it is possible to generate a balance between both approaches.[2] In these models, the concept of mixed migration starts from a common substratum: it is seen as a population movement of complex composition; however, the explanation given to the reason for such complexity, and the consequences of its implementation, take different channels (Sharpe, 2018).

The first meaning of mixed migration, linked to the rights guaranteeing model, points out that the current intricate composition of the flows of people on a global scale is an effect of the policies of state control, containment and deterrence, which, on one hand, has progressively restricted access to international protection for forcibly displaced populations and, on the other hand, has led large masses of the population to processes of irregularization. This is the initial meaning of the concept upheld by the United Nations Refugee Agency (UNHCR) from 2007[3] onwards, and which will be developed more broadly and analytically by academics.

From this perspective, not only is an explanation given as to why these migrations become mixed, it is also understood that the concept implies a kind of rupture with the rigidity generated by the categories of migrant and refugee, pointing out the existence of populations that do not necessarily fall clearly into a category (Ferreira Santos, 2018). At the same time, the concept marks the multidimensionality of the causes of mobility visible and, therefore, the impossibility of separating expulsions of an economic nature from violence or persecution of various kinds (Castles, 2010).

Another definition of the concept appears from the security paradigm. Although it affects the varied composition of the flows, it focuses primarily on the individual

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[2] Some authors consider that, rather than a scenario marked by differentiated and disputed paradigms, there are only certain nuances, particularly regarding the first and third models. Both would start from the same basis: the understanding of migrations as a problem of international order that needs to be managed and controlled through the combination of different channels (Ruiz & Álvarez, 2019).

[3] In 2007, António Guterres launched a series of meetings called "Dialogues on Protection Challenges" in which the concept of "Asylum-migration nexus" adopted in the early 2000s was replaced by that of mixed migration. This change is introduced in the base document "Mixed Migration: 10 Point Plan of Action" (Sharpe, 2018).

motivations behind mobility (Sharpe, 2018). These motivations are presented as legitimate or illegitimate based on unclear dichotomies about forced or voluntary; emphasizing that most of them would be voluntary, but would try to pass as forced in order to benefit from the international protection system. From this perspective, the problem does not derive from the imposition of barriers to regular entry by states, but from the people in mobility themselves and their supposed tendency to transgress the sovereign rules of the states that prevent them from passing through. This idea of mixed migration also generates a powerful sense of suspicion (Shamir, 2005) and has been particularly important in undermining international refugee protection, introducing the idea that many requests for protection are abusive or fraudulent (Marcogliese, 2020).

From this perspective, mixed migration can also be read as a concept-container. That is, it refers to a wide variety of forms of mobility, but, at the same time, it imposes a homogenizing scheme on them, by simply labelling them as irregular migration (Castles, 2010). Irregular entry means that potential asylum seekers cannot be recognized as refugees, but also that many migrants end up being excluded from dignified treatment (Ferreira Santos, 2018) and in accordance with international human rights law.

Finally, the third meaning of the concept is linked to the humanitarian world. In fact, its use initially occurs within international cooperation agencies, in a scenario in which the UNHCR raises the alarm about the crisis in which the international protection system has found itself since the shift in the mobility paradigm that occurred in the 1990s (Van Hear, 2011; Sharpe, 2018). Similarly, the UNHCR emphasizes the deepening of this crisis caused by the misrepresented use of the term "Asylum-migration nexus" (Papadopulou, 2005), the predecessor of mixed migration, which had been adopted by the international organization itself in the early 2000s. That is, that asylum was being abused by the migrant population, and that this mainly affected the countries of the North.

Subsequently, the concept of mixed migration used by the UNHCR will be transformed and adapted to the interests of the other major organization linked to mobility processes, the World Organization for Migration (IOM) (Van Hear, 2011). In fact, the term "mixed migration" is progressively replaced in the academic, political, mediatic and humanitarian vocabulary by the term "mixed flows", which is the term coined by the IOM.[4] This organization emphasizes two issues with important impacts on the generation of discourse and policy making: on one side, the vulnerable nature of many of the people who are part of them, which leads for their case to be treated following a humanitarian approach; on the other side, it connects them to irregular movements of people. The IOM points out in this sense that: "Mixed flows are related to irregular movements, in which there is often transit migration, with people traveling without the necessary documentation, crossing borders and

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[4] No clear reflection has been made so far on the strategic and even ideological implications of using one or the other term. The term "mixed flows" refers more to a vision of the entry and exit of people from a country and the possible measurement of these flows, while the term "mixed migrations" refers to more complex and comprehensive processes (Gómez Martín, in press).

arriving at their destination without authorization" (International Organization for Migration [IOM], 2009, p. 1).

For the IOM "answers to irregular migration and mixed migratory flows need to take place in the context of a global approach to migration management, which simultaneously takes into account the legitimate sovereign authority of States and the fundamental human rights of migrants" (IOM, 2009, p. 1). This meaning tries to generate a balance between the concerns of States and, at the same time, generate protection measures for migrants to deal with flows that are considered to have a forced nature or have suffered situations that violate rights during the different stages of the migratory cycle. It is thus possible to combine the discourse of the defense of human rights with that of state sovereignty.

What is interesting here is to see how mixed migrations have become in the last decade, a key piece in the explanation of the mobility paradigm defended by the IOM (Van Hear, 2011), that is, the one that insists that migratory flows must be well managed, organized and safe, to put an end to irregularity and solve the danger of unregulated transits (Domenech, 2017). The acceptance of this discourse has led the IOM to position itself as a reference actor in the treatment of mobility on a global scale. This fact not only leaves the UNHCR in a position of subordination and submission to its discourses and decisions,[5] but also interweaves a relationship of dependence of the States with the organization, by outsourcing to it the treatment of humanitarian crises that the same States provoke with their policies of control and containment. This would explain the close connection between the second and third models of migration management, by establishing a functional relationship between the two.

In short, the concept of mixed migrations is not neutral and adopts different meanings and uses depending on the prevailing model of migration management. This leads us to a reflection on the political character of the use of the categories, with which we seek to signify the new migratory patterns. Thus, Crawley and Skleparis (2017), who analyze the use of the categories "migrants" or "refugees" in the so-called "European refugee crisis of 2015", show the profoundly political character of refusing to use the word refugee and instead seek new meanings to name the ever-increasing exoduses of populations around the world. These authors highlight the need for reflection on the use of categories in order to detect their implications and meanings, in the course of migration policies and ultimately in the lives of people in mobility. In other words, while a category may appear neutral and objective in a Declaration or International Convention, it is permanently re-signified and transformed, responding to changes in the political allegiances or to the interests of refugee-receiving countries, and the evolution of policies and laws.

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[5] This situation was reinforced in 2016 when the IOM joined the United Nations System as its migration agency. Under a supposed cooperation between the two organizations, we are witnessing, however, a certain cornering of the UNHCR in decision-making, because from the logic of the IOM the categories migrant/refugee would be little operational to take off an operating model in which it equates international protection with humanitarian action.

While it is necessary to recognize that there is a growing gap between the normative and legal frameworks that define the international protection regime and contemporary forms of migration, it is also important to ask how policies and categories are constructed, which actors come into play, and the interests by which certain processes are named. In this chapter, we seek precisely to examine the way in which the Ecuadorian state constructed different categories for those populations that could qualify as migrants in need of international protection. Instead, as we will see in Sect. 4.3, the state constructs them as economic migrations, migrations vulnerable to human trafficking, or migrations resulting from humanitarian crises, all while avoiding recognizing the forced nature of these mobilities.

4.3   The Evolution of Migration Policies in Ecuador: From Universal Citizenship to Securitization

Until the end of the twentieth century, Ecuador was mainly a country of emigration with important numbers of Ecuadorians leaving for the US, Canada and Venezuela. There were some cross border migrants, particularly from Colombia and Peru, but the numbers were not significant. By the turn of the century both emigration and immigration flows increased dramatically. The exodus of about 1,500,000 nationals during one of Ecuador's most acute economic crises (1999–2001) and the arrival of about 250,000 Colombian refugees fleeing from political violence, placed migration at the center of policy agendas.

Over the last 20 years, Ecuador has become a place for different types of migrants and mobilities; new immigrants from Cuba, Haiti, and Dominican Republic started coming from 2010 on, and continued together with some North to South professional migrants and cross border migrants from Colombia and Peru. But, the arrival of great numbers of Venezuelans in 2015 posed a crucial challenge to migration policies. Nowadays, according to the UN v Platform, there are 4,600,000 Venezuelans in Latin America and the Caribbean, and 429,000 in Ecuador. This is by far the most important migration stream in South America.

Regarding the type of migration, transit migration is combined with more classic settlements, and forced as well as voluntary return migration from the US and Europe have taken place. As we mentioned before, motivation to move to Ecuador is not only economic, but increasing pushed by other factors such as ecological crisis, social violence and human rights violations. Therefore, the structural causes of migration, as well as individual motivations for moving, hardly fit conventional legal categories with which migrants are named.

Concerning immigration policies, according to Ackerman (2014), during the twentieth century Ecuador's state response toward immigration was racially and geographically selective: white European immigrants were offered benefits to invest in the country, while there were strict laws of exclusion for other nationalities (Ackerman, 2014). The sudden increase of both emigration and immigration, at the

turn of the century, produced a more active response from the state. State actions can be divided in three periods: A first period, going from 2000 to 2007, corresponds to the construction of migration as a public matter. During that period, the state engaged in some policies toward its diaspora, but kept legislation on immigration untouched.

From 2007 on, the government of President Correa brought a series of changes to the dormant migration policies of previous years. The new constitution approved in 2008, included important rights for migrants: it advocates universal citizenship and the free circulation of people; it also entitled immigrants to vote in presidential elections, and emigrants to elect representatives to the National Assembly; it also guaranteed universal access to public health and education (Góngora-Mera et al., 2014). During this second period, which happened until 2013, several policies were implemented; they were basically oriented to the creation of an institutional transnational network of support for Ecuadorian emigrants abroad. Regarding the requirements to enter the country for foreigners, the need for a visa was eliminated for all nationalities. This was justified as a measure to improve tourism, and also as a way to apply the constitutional principle of free mobility. Ever since, there has been an important diversification of migratory flows coming to Ecuador.

Finally, the third period, from 2014 to 2020, expresses the shift in Ecuadorian migration policy towards more restrictive policies. Several presidential decrees were enacted to control the borders. In fact, in 2010 a visa was required for several nationalities, particularly for people coming from Asian countries. With regard to policies on refugee, the Presidential Decree 1182 of 2012 narrowed the scope for asylum access. The state justified this restrictive agenda with a narrative on the needs to curb trafficking and the operation of criminal smuggling networks. However, these policies were fundamentally oriented at limiting the entry of certain types of immigrants (Ruiz & Álvarez, 2019; Herrera & Berg, 2019). At this stage, we find that migration policies are mainly guided by representations of immigrants as a problem, and sometimes even as a danger; being the main concern of the State control and deterrence, while those programs oriented to the Ecuadorian diaspora were abandoned. As we will see, this trend was reinforced with the arrival of Venezuelan migration.

4.4 Policies Towards the Colombian Population: Progressive Weakening of Refugee Status and Its Replacement by Migratory "Solutions"

The relationship between Colombia and Ecuador in terms of human mobility has been determined by historical and political conjunctures, economic and commercial dynamics, family, ethnic and cultural relations -particularly in the border areas- that have stimulated mobility on both sides, as well as the omnipresent Colombian internal armed conflict (Rivera et al., 2007).

This connection becomes more evident at the end of the 1990s due to two simultaneous processes that attract Colombians to Ecuador, reinforcing the idea of mixed migration. On one hand, the adoption of US Dollars as the national money of exchange that took place after the Ecuadorian bank closure of 1999, made the country attractive for the settlement of businesses and foreign workers, particularly from bordering countries (Herrera et al., 2012). On the other hand, the implementation of Plan Colombia (1999),[6] which lead to the regionalization of Colombian's internal political conflict and the crossing of the Colombian-Ecuadorian border by thousands of people (Rojas, 2003). The combined effect of these two situations is why we currently find Colombian populations with very different statuses in Ecuador: recognized refugees, asylum seekers and applicants, migrant populations in a regular situation with different migratory visas (among which are people in possible need of international protection), and a significant number of people in an irregular situation.

In the first decade of the 2000s, the increasing presence of Colombians displaced by the conflict led to the flows arriving from the neighboring country to be classified as forced migrations.[7] This spurred the development of a refugee policy based on the international regulations that Ecuador had adopted in previous decades[8] (Gómez Martín & Malo, 2019). However, this policy came at a contradictory and very limited time (2008–2010), as it coincided with the protection of rights inaugurated by the Constitution of Montecristi in 2008, but also with the rupture of diplomatic relations with Colombia caused by the bombing of Angostura.[9] This last event caused the few guaranteeing policies that could have been taken at the time to be tinged by a clearly security-targeted scenario during the implementation of the so-called Enhanced Register[10] (Pugh, 2021). It is interesting to note how this last policy, which involved the collective regularization of almost 28,000 people, along with the total accumulated number of refugees recognized in the country,[11] has allowed

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[6] Bilateral agreement signed by Colombia and the United States in 1999, which sought to generate a strategy to fight drug trafficking and subversive groups. The plan ended up generating an expansion of the conflict by reinforcing the war against the FARC, the militarization of large areas and contradictory effects regarding illicit crops.

[7] The figures provided by UNHCR speak of 250,000 forcibly displaced persons living in the country. However, this unofficial figure has been available since 2010 and could be much higher, as the number of people entering the country has continued to rise over the last 10 years.

[8] We refer to the accession in 1955 to the 1951 Geneva Convention, and the signing of the 1967 Protocol in 1969, as well as the adoption of the principles of the 1984 Cartagena Declaration.

[9] It took place in the framework of the so-called Operation Phoenix and resulted in an air attack by the Colombian army on a jungle area in the Ecuadorian province of Sucumbios where a FARC camp was located. The intervention resulted in the death of 22 guerrillas, including the commander known as Raul Reyes, and triggered a regional diplomatic crisis (Arellano, 2008).

[10] This is an innovative mechanism implemented in 2009 in different areas of the country and in which the Ecuadorian Foreign Ministry, UNHCR and civil society organizations collaborated (Molina, 2010; Velásquez Victoria, 2012).

[11] From 1 January 1989 to 31 July 2020, 243,974 persons applied for refuge in Ecuador. Of these, 57,138 are active recognized refugees (23% of the total number of applicants).

Ecuador to present itself as a country that protects the rights of refugees (Hurtado Caicedo et al., 2020).

Although the progress made by the policy of Enhanced Register, and the innovation it implies in regional terms is undeniable, since for the first time the Cartagena Declaration is applied collectively in a South American country,[12] it was still an exceptional policy that did not lead to a broader and more comprehensive policy, i.e., one that would guarantee international protection in all its aspects. In fact, we only later found small provisions regarding the improvement of documentation, access to certain services, or some restricted agreements related to employment (Arcentales, 2014; Gómez Martín & Malo, 2019; Rodríguez González, 2017).

During the following decade, the measures taken in various spheres generally slow down the attainment of the status.[13] Firstly, the production of regulations below the rank of the constitution (executive decrees and ministerial agreements) which, despite contradicting it, set the line to follow in terms of restricting access to refuge. The most significant case is the approval of decree 1182 on May the 5th, 2012, in force until August 2017. Although the restrictions regarding deadlines for submitting refugee applications and the elimination of the Cartagena refugee definition were declared unconstitutional, much of the regressive articles were maintained (Ubidia Vásquez, 2015), which explains the drastic decrease in the recognition of refugee status in the following years.[14]

Secondly, there is a progressive stigmatization of the figure of the refugee. One on side, because of the connection established by the local host society, but also by the officials in charge of studying the cases, between the refugee request and the cause that generated the forced displacement. As Colombian refugees and members of humanitarian organizations point out in interviews, the refugee is often blamed for bringing insecurity and violence, which often leads to confusing the victims with the perpetrators.[15] On the other side, because of the social perception that refugees are supported by the state, and therefore, would be a burden on Ecuadorian society (Gómez Martín, & Malo, 2019).

In this sense, the massive rejections of refugee requests will encourage Ecuadorian institutions to believe that these are migrants who come to take advantage of the "solidarity" offered by the country, rather than being people who have been forcibly

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[12] Cartagena assumes a definition of the term refugee, broadening it and adjusting it to the processes of forced displacement in the region. It states that refugees are those who "have fled their countries because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflict, massive violation of human rights or other circumstances that have seriously disturbed public order".

[13] We are referring to Executive Decree 1471 of December 3rd, 2008, which imposed the presentation of a judicial past for Colombian nationals. The Decree was not declared unconstitutional until 2017.

[14] Since 2011, annual recognition rates have been very low, below 15%, (reaching 3% in 2015), with the sole exception of 2018 when they rose to 27%, as a process of readjustment of several thousand applications that had been held up for years took place (Hurtado Caicedo et al., 2020).

[15] Interviews carried out in the framework of the collaboration between Flacso-Ecuador and the Commission for the Clarification of Truth, Coexistence and Non-Repetition of Colombia.

displaced.[16] All this has led the population in need of international protection, to see refuge as an unattractive option, since, in many situations, their possession affects their socio-labor integration and, furthermore, does not guarantee them work or access to the rights enshrined in the Constitution. In addition, there has also been a delay in the State's response to requests, which has kept petitioners in a legal limbo for years.[17] This is one of the reasons why people in need of international protection have ended up seeking other strategies to legally remain in the country.

In the Colombian case, it is the Mercosur regional visa that has particularly facilitated this process (Ramírez et al., 2017; Pugh, 2021). The fact that up to 2017 80.71% of Mercosur visas granted in the country were for Colombian citizens is proof of that. This visa has functioned as a container for all types of flows from the neighboring country, which reinforces the confusion in the country between regularization and protection. Similarly, these migratory solutions allow for the treatment of potential refugees as economic migrants, creating a scenario in which both the expelling and receiving states take no responsibility for the fate of these populations, forcing them to assume the full economic, social and emotional cost of this forced displacement.

4.5   Victimization as Containment: The Ecuadorian State and Haitian Migration

Haitians started moving to Ecuador after 2008, taking advantage of the policy that eliminated a visa for short stays to all citizenships. However, it was from 2012 to 2016 that Ecuador became an important destination for Haitians, either to start a live or to temporarily stay until they could go further South or North. According to Ceja and Ramírez (2022) between 2012 and 2015, the migratory balance was approximately of 41,000 people. However, these numbers could be misleading because many Haitians left Ecuador through different clandestine paths when the Peruvian government offered an entry visa for Haitians in 2012. Over the last 10 years, since the 2010 earthquake, Haitians have looked to different destinations in South America to migrate, being Brazil and Chile the preferred ones. Ecuador slowly became an important node for transitions of migrants from different nationalities, either to the South or the North (Álvarez Velasco, 2020).

Haitians are a good example of what is now called "mixed migrations". While Haitians have a long history of migrations to Northern countries such as the US and France, two natural disasters, the 2010 Earthquake and Hurricane Sandy, as well as social and political violence, have caused important crisis of social reproduction

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[16] Interview with Ralf Oetzel, Advisor to the SI Frontera program of GIZ Ecuador, in the framework of the collaboration between Flacso Ecuador and the Commission for the Clarification of Truth, Coexistence and Non-Repetition of Colombia.

[17] Between 2018 and 2019, for example, there was an extraordinary process to try to resolve 9000 applications that had been held up since 2006 (Hurtado Caicedo et al., 2020).

that push men and women to leave the country in search of a better life. As Ceja and Ramírez (2022) sustain, their migration is a combination of ecological, social, economic and political motivations. Burbano (2015) also claims that Haitian migration to Ecuador challenges static notions of migrant and refugees due to the multiple crises that the country has experienced, which pushed its citizens to abandon the country. Under such conditions, the Cartagena Declaration could have been a suitable instrument to use in order to guarantee Haitians rights in Ecuador. However, this was not the case. Instead, we found a series of measures that aim towards controlling their mobility.

Indeed, after the 2010 earthquake in Haiti, the Ecuadorian government launched a humanitarian Amnesty to Haitian population already living in Ecuador (Decree 248 of February 2010) which granted 5-year residence permits to Haitian arriving to Ecuador before January 2011. This program benefitted as little as 383 Haitian citizens. Over the following years, the state adopted a more restrictive approach and started strengthening controls at airports. According to Bernal Carrera (2014) and López Rivera and Wessel (2017) many Haitians were singled out at the airport due to suspicion on behalf of immigration officials of being part of smuggling networks. In fact, the state's representation of migrants as actual and potential victims of human smuggling and trafficking was particularly striking in the case of Haitians. Such victimization is intertwined with racial considerations that confirm a selective targeting of Haitians and African immigrants for more restrictive reactions on behalf of public officials (Acosta & Freier, 2015; Bernal Carrera, 2014).

In 2015, the Ecuadorian State imposed a registration on Haitians in the Ministry of Tourism, with the excuse of protecting them against trafficking. This was called the "Formulario Único de Validación Turística" (Single Tourism Validation Form) and was only applied to Haitian population. This form included information on previous visits to Ecuador, and plans on touristic activities. According to Ceja and Ramírez (2022), between August 2015 and March 2016, 3588 Haitians filled out this form and only 722 were approved, in other words, only 20% of all applicants. Moreover, unlike the treatment received by Colombians, 762 Haitians applied for asylum between 2010 and 2016, and only 6 obtained the status. Interestingly, in these different measures of control and containment, Haitians were named as potential victims of criminal networks (Herrera & Berg, 2019).

In other words, Ecuadorian state policies were not really motivated neither by humanitarian concerns for Haitians nor in compliance with the human right approach of its Constitution, or any signed International Agreements, such as the Cartagena Declaration. They rather support the combat against human smuggling and trafficking, a policy agenda that has been promoted by the US State and respond to issues of border control (Ruiz & Álvarez, 2019).

4.6   Policies towards Venezuelan Migration: Deterrent Humanitarianism?

As mentioned before, Venezuelan migration represents the most important exodus of the last 50 years in South America. Discussions on the mixed character of Venezuelans flows have been abundant among public functionaries in international forums. During the Twelfth Global Forum on Migration and Development held on January 2020 in Quito, chaired by Ecuador, mixed flows and mixed migrations had a central role in the agenda of states and civil society meetings, and several Ecuadorian high decision makers highlighted the mixed character of Venezuelan migration in their speeches. In the case of Venezuelans, this term is related to the idea of an economic and political crisis that needs a humanitarian response. This is the sense of the first decree of Emergency declared by the state in August 2018, when flows reached an average of 4200 per day. Through this decree, the state reinforced its personnel at the borders and promised to deploy more security for the bordering regions, among other measures.

Initially, Ecuador applied an open-door policy that privileged free entry over border control. However, these policies were hardened with the rapid growth of immigrants, reaching the visa requirement in August 2019, and, the closure of borders in March 2020, due to the pandemic. These policies have drastically slowed down the passing of people across regular borders, and caused the growth of irregular passages and smuggling.

Indeed, until August 2019, South Americans - including Venezuelans - could enter Ecuador with a passport or an identity card issued in their countries. Once in the country, Venezuelans had three routes for obtaining a regular work permit. The first way was to apply through the 2010 bilateral treaty between Ecuador and Venezuela, which grants a 2 years residency and work permits to migrants with a formal job in the country. This is a very expensive permit ($450) which very few people could take advantage of. The second path to regularization was through the UNASUR visa, which was implemented since 2017, as a consequence of the approval of a legislation supporting a South American citizenship, guaranteed in the 2008 Constitution. This visa bestowed a 2-year work permit without the need to prove a work contract, and it could easily be renewed, although it had a high cost ($250). The third kind of permit available to Venezuelans was obtaining a professional visa. This third method usually implied an additional requirement of college degree recognition by the public agency of education, and has a very selective character (Herrera & Cabezas, 2019). These three types of visas benefited around 120,000 Venezuelans until 2019. However, in August 2019, under the prerogative of guaranteeing a "safe, orderly and regular migration" as promulgated by the Global Pact on Migration, a new visa was set into place.

The Ecuadorian state added this new temporary visa through a presidential decree instead of maintaining the instruments derived from the Law on Human Mobility approved in 2017 by the Legislative Assembly. Although this visa is less expensive than previous visas, it can only be obtained in Venezuela or in a Venezuelan

consulate of a bordering country. This not only creates serious limitations for the formal entry of new Venezuelan migrants, but also affects the circulation of Venezuelans throughout the continent. On the other hand, in contrast to Mexico and Brazil, the recognition of Venezuelans as refugees has hardly been applied in Ecuador. By December 2020, only 441 out of 13,000 applications had been granted asylum status by the state.

Despite processes of registration, regularization, and the granting of 68,000 new visas since September 2019, the gap between legal and undocumented migrants has continuously grown. At the end of 2019, the number of Venezuelans in Ecuador reached an estimated of 400,000, and by August 2020 the state had distributed 180,000 visas. The Ecuadorian state response has thus been inadequate given the rapid growth of migrant flows.

The state's arguments surrounding the implementation of visas for Venezuelans were based on securing safe and formal migration, in order to avoid trafficking and labor exploitation of undocumented migrants. However, the opposite seemed to be occurring. Interviews with international organizations and NGO officials at the Rumichaca border between Ecuador and Colombia confirmed that the border's closure in mid-2019 has drastically slowed the circulation of migrant population through regular checkpoints, but has not halted migration. The border's closure, in fact, has led to an increase in irregular crossings and a proliferation of criminal networks and human trafficking. This situation was exacerbated and reached a critical point when all borders were closed in April 2020 due to COVID-19, just as hundreds of Venezuelans sought to return home.

National measures aimed at controlling migration and restricting mobility were accompanied by an international strategy of promoting the principle of multilateral co-responsibility, by which Venezuelan migration should be considered a *migratory and humanitarian crisis*[18] that involves not only the countries of destination but the international community as a whole. Therefore, while internally, the main policies towards Venezuelan have been one of closure and border control, in the international arena, the Ecuadorian state praises an idea of humanitarian crisis resulting from a combination of economic and social crisis with violence and the lack of access to health and basic needs. That is, there is a double discourse of border control at the national level, which is mainly the product of internal political pressure; and, a narrative of humanitarian crisis that implies the forced and mixed character of Venezuelan migration at an international level. This contradiction is well summed up by the name of the new ad-hoc visa created for Venezuelans, which is called the "Exception Visa for Humanitarian Reasons (VERHU)".

In this third case, we appreciate an increasingly frequent recourse to the idea of humanitarian assistance that had already been forged in previous policies but which is confirmed with the arrival of Venezuelan migration (Herrera & Berg, 2019). Thus,

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[18] This argument of co-responsibility is present in the *Quito Declaration on human mobility of Venezuelan nationals*, of September, 2018, on the Declarations of two more following meetings that took place in Quito, on November 2018 and April 2019 and in the *IV Joint Declaration of the fourth meeting on human mobility of Venezuelan nationals* held in Buenos Aires on July 19th, 2019.

one could speak of a colonization of the idea of mixed migrations through the humanitarian trope. In a state discourse, fiscal crisis is combined with a humanitarian crisis to demand the joint responsibility of the international community when dealing with the massive arrival of the Venezuelan population, both in Ecuador and in several other countries of the Andean region.[19] From then on, Ecuadorian immigration policy acquires an important turn: The Ministry of Foreign Affairs and Mobility focuses on the search for international funds, while regularization and border control is managed by the Ministry of the Interior, which is in charge of security issues and social assistance; placing integration in the hands of international organizations. Clearly, this kind of division of labor among the main actors of migration management, which surrenders social emergency and social integration to third parties, has abandoned any kind of concern for international protection.

Consequently, the shift experienced by migration policies has acquired a perspective of control and regulation rather than of social integration; which will be clearly reflected in the way the State faced COVID-19. Borders were closed for more than a year and a half, and assistance for migrant population was charged to international organizations and NGOs, since the state did not include migrant populations in its social protection emergency measures.

4.7 Conclusions

Migration in South America increasingly responds to structural crises that combine different exclusion factors. In addition to historical cross-border labor migrations, international displacements have been increasingly added in response to multiple situations of social, economic and political violence. These phenomena have questioned both the analytical tools with which we interpret these phenomena, and the legal categories with which displaced persons are classified; revealing the interests that exist behind how certain processes are named. In this sense, the different responses that the Ecuadorian state has given in the last 10 years to the three studied regional migratory flows show: first, that the way in which migrants are named in policies affects their access to rights in destination countries; second, that the state constructed different categories for those populations that could qualify as populations in need of international protection.

In the case of Colombian migration, the evolution of the State's response from the "Expanded Registry" policy to the Mercosur visa shows that the State went from recognizing these populations as refugees, to dubbing them with their ambiguous conception of "mixed migrations". Thus, the refugee status was gradually blurred in favor of the category of South American economic migrant, leaving many displaced by the violence that persists in this country without international protection.

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[19] This idea of co-responsibility is reflected in what was the Pact of Quito, a meeting of 11 States that took place at the end of 2018, aiming at finding regional solutions to what is called a Venezuelan migration "crisis".

On the other hand, the forced nature of Haitian migration has not been recognized either. The multidimensionality of the violence that expels them from their territories and their livelihoods is made invisible in the way this migration is categorized by the Ecuadorian state. Indeed, the vulnerability identified by the State does not lie in permanent political and social insecurity, poverty or the lack of access to decent living conditions, but in the probability that this population will fall into trafficking and smuggling networks in their mobility processes. This led to the use of a measure that makes no sense in the case of this migration: requesting a registry of information that qualifies them as "tourists". The Ecuadorian State has looked the other way regarding the conditions of extreme vulnerability of Haitian migration, imposing a measure of containment and a category that clearly does not respond to the reality of the lack of protection of this population.

Finally, the case of Venezuelan migration is a clear example of the way in which the state shapes the application of migration laws and categories in favor of its own interests, as Crawley and Skleparis (2017) have noted in the European context. Thus, in less than 5 years, Venezuelan migration went from a qualified migrant category, with the possibility of accessing stable and long-term regularization processes, to a temporary humanitarian subject category, which considerably decreases their possibilities of a real social integration. This category also makes the forced nature of a large part of this population invisible and; therefore, also rules out the recognition of their need for international protection.

The three analyzed cases show how the state shapes the interpretation of its legal instruments, based on internal and external political interests. This has a direct impact on the lives and rights of people on the move, who see their options for formal entry and regularization considerably reduced. In short, in spite of having the legal instruments for the treatment of both forced and South American labor migration, the Ecuadorian State has maintained a series of ambiguous and contingent measures when it comes to regulating these three migratory processes, promoting the irregularity in these populations, and a greater vulnerability regarding the exercise of their rights.

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Part II
Law and Migration Policies: From Human Rights to Border Closures

Chapter 5
A Decade of Growth in Migration in Brazil (2010–2020) and the Impact of the COVID-19 Pandemic

Check for updates

Tânia Tonhati, Leonardo Cavalcanti, and Antônio Tadeu de Oliveira

5.1 Introduction

This chapter examines new migration flows to Brazil over the last 10 years and their relationship with changes in migration policies. The dynamics of migratory flows to Brazil between 2010 and 2020 have relocated the country in the global scenario of contemporary migration. The international economic crisis that began in 2007 in the United States, which also affected Europe and Japan, introduced greater complexity to the Latin American migratory phenomenon. It led to an increase in human mobility among south-to-south countries, and it placed Brazil as a destination country. Unlike migration flows in the late nineteenth century up to the 1930s, where most of the migrants were from the Global North (particularly Europe), in the last decade there has been an increase in migrants from the Global South: Haitians, Venezuelans, Bolivians, Senegalese, Congolese, Angolans, Cubans, Bengalis, Syrians, and Pakistanis, among others.

Historically, as Levy (1974) has pointed out, the period between 1820 and 1930 brought the first large scale free migratory currents to Brazil. During this period approximately 4.07 million migrants arrived in the country, most of them Europeans and Asians (Japanese). According to Levy, from the end of 1930 until 1980, Brazil

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faced the second phase in its migration history, where the country had little weight in global migration. This period was mainly framed by the long years of military dictatorship (1964–1985), which made the country unattractive to foreigners. Moreover, during this period, migrants were seen as suspicious or a threat to the country. Besides, there was little emigration too due to the difficulty of leaving the country and the widespread view that those who left were traitors to the homeland. In this sense, between 1930 and 1980, Brazil was considered closed to migration, and the balance between population inflows and outflows was very low. According to Levy (1974), only 1.1 million migrants entered Brazilian territory during that period.

This began to change, albeit slowly, in the 1980s, when Brazilians' migration abroad gradually increased. There is a general consensus in the literature on Brazilian migration that the first massive wave of emigration happened from the mid-1980s to the 1990s (Patarra, 2005; Sales, 1991, 2000; Margolis, 2013). As suggested by Sales (2000), the numbers clearly indicate and confirm this trend. Brazil became a country of emigration. This period was called the third phase in Brazilian migration history (Patarra, 2005). Magno de Carvalho (1996) has estimated that there was negative net migration in the 1980s of approximately 1.5 million Brazilians, who mainly went to the US. This represents the departure of almost 1% of the country's total population (Sales, 2000). In the 1990s and 2000s, the balance remained negative. Brazilian migration became more diverse, reaching countries besides the United States, such as Japan and European countries (Tsuda, 2003; McIlwaine et al., 2011; Margolis, 2013; Tonhati, 2019).

From 2010 onwards, Brazilian migration has faced new challenges and dynamics and has opened up a new phase. Various economic and global geopolitical factors have been determinants for the increase in migration flows from the Global South to Brazil. Taking into account macro factors, we first consider the 2007 international economic crisis originating in the United States, which introduced greater complexity into the sources of displacement in South American migration; second, Brazil's economic and social development, and its geopolitical repositioning in the region; and third, the image of the country as an emerging power that participates in the BRICS and organizes major world events (the Olympics and the World Cup). According to Cavalcanti and Oliveira (2020), these macro factors led to the increase of migrants of different origins from the Global South, for example Haitians, Senegalese, Congolese, Guineans, Bengalis, Ghanaians, and Pakistanis. Thus, in the first half of the last decade, Brazil became a destination and/or a transit country in the context of South to South migration. As Dieme et al. (2020) affirm:

> […] Brazil is seen as a place where it is possible to find favourable conditions to "improve your life". In other words, in Brazil it is possible to achieve important objectives, either through work and/or studies. Thus, Brazil is constituted as an "alternative North" for many migrants, especially for Haitians. (Dieme et al., 2020, p. 143)[1]

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[1] Translated by the current authors into English.

Between 2010 and 2019, according to Cavalcanti et al. (2020), 1,085,673 migrants were registered in Brazil. Of this total, more than 660,000 were long-term migrants (whose residence time exceeds 1 year). The migrant population was composed mainly of people from the Caribbean and South America, particularly Haitians and Venezuelans. The presence of migrants in the Brazilian formal labour market was also marked by significant growth, rising from 55,100 in 2010 to 147,700 in 2019. While the period between 2010 and 2015 was marked by an important increase in diverse Global South flows, in the second half of the decade (2015–2020), South American migration became more extensive, greatly influenced by the migration of Venezuelans. In the last 5 years of the decade, the main migrant nationalities in the country were Haitians, Venezuelans, Paraguayans, Argentinians and Bolivians. According to Cavalcanti and Oliveira:

> Data from the second half of the decade show that there is still migration from the Global South to the country [such as Senegalese, Congolese, Guineans, Bengalis, Ghanaians, and Pakistanis], but not at the same pace as in the first five years of this decade, a period when economic indicators were positive and the US dollar did not exceed the level of three reals. (Cavalcanti & Oliveira, 2020, p. 8)[2]

Therefore, migrants from different parts of the southern hemisphere, especially the Caribbean and South America, have constituted the main migratory flows into the country. The intense arrival of migrants over the course of the last decade made migration a relevant topic in academic, political, media and social debates. Hence, one objective of this chapter is to shed light on how since 2010, due to the arrival of new migration flows, Brazil has had to update and create new migration regulations and policies to respond to the new migration demands. Moreover, the chapter then provides a brief overview of the main characteristics of migration in Brazil, taking into account data on gender, levels of education, labour activities, income and race, in order to demonstrate that the new migrants in the country have a diverse profile. Consequently, their more recent demands go beyond the scope of the new legislation. In fact, there is a need to promote the debates and policies through which migrants can gain access to education and health services and better labour conditions, and even to undertake measures against racism. Nowadays, those can be shortlisted as some of the most relevant emerging problems for migrants in Brazil. Finally, the chapter outlines some data about the impacts of the COVID-19 pandemic on migrants to Brazil in 2020, which, we argue, brings new challenges to consideration of the migration scenario.

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[2] Translated by the authors into English.

5.2   Methodology

The methodological approach used in this study was based on data produced by the Brazilian Observatory of International Migration (OBMIGRA) between 2010 and 2020. The information analysed contained data from Federal Police databases about the arrival of migrants at the border posts (STI – International Traffic System), the migratory registration (SisMigra – National Migration Registry System) and the Refugee Request System (STI-MAR). In addition, we used three databases from the Brazilian Ministry of Economy, which provided data about the formal labour market in the country. The databases were RAIS (Annual Social Information Report), CTPS (Work and Social Security Card) and CAGED (General Registry of the Admitted and Laid-off workers). For more details on the statistical treatment of the data, see the chapter 'Methodological notes' in the OBMIGRA Annual Report (Quintino et al., 2020, pp. 247–276).

Besides the data analysis, the chapter also relies on information and reflections carried out by the present authors in other studies. Some information can also be found in OBMIGRA's Annual Report 2020, Cavalcanti et al. (2020) qualitative research conducted with Haitians in Brasília and Curitiba between 2018 and 2019, and Barbosa et al. (2020) study on Venezuelan entrepreneurs conducted in São Paulo and Roraima in 2019. We have thus (re)organized, (re)analysed and (re) thought some of the main findings we encountered in the last decade to construct an overview of Brazilian migration, and respond to the questions: (1) How have the new migration flows led the country to create a new regulatory framework for migration? (2) To what extent have the new migration flows opened the debate over, and demand for, new policies, regarding access to education, health, and better labour conditions, among others?

5.3   Laws and Regulations of Migration in Brazil

Between 1980 and 2017, Law 6,815, known as the 'Foreigners' Statute' (LEI n. ° 6.815), was the main migratory regulation in the country. It was conceived during the military dictatorship and defined migrants as a possible threat to national security. In addition, it placed those who intended to leave the country as traitors of the nation (Oliveira, 2020). The 'Foreigners' Statute' established a set of restrictions on migrants, for example:

> Art. 1. In times of peace, any foreigner may, satisfying the conditions of this Law, enter and remain in Brazil and leave it, safeguarding national interests. Art. 2 In the application of this Law, national security, the institutional organization, political, socio-economic and cultural interests of Brazil, as well as the defence of national workers, will be taken into account. (LEI n. ° 6.815)[3]

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[3] Translated by the authors into English.

According to Oliveira (2020), events concerning migration regulations and, mainly, the latest flows set a new migration scenario in Brazil, which led to the need for an update of the legal framework. The first important change listed by the author was Law 9,474 (LEI n. ° 9.474). It regulated the Refugees Statute of 1951 in the country. According to Jubilut and Godoy (2017, p. 9), Law 9,474 was a 'framework of protection for refugees in the country, an example to be followed regionally and an essential basis for the Brazilian humanitarian commitment in the international arena'.[4] This regulation incorporated an expanded definition of refugee, inspired by the Cartagena Declaration, and was incorporated by the Brazilian refugee protection law, in Item III of Article 1. The Declaration was adopted in 1984 by Brazil and 14 other countries in Latin America and the Caribbean, but it was only internalized in national legislation in 1997. The expanded definition of refugee says:

> […] every individual will be recognized as a refugee who: III – due to a serious and widespread violation of human rights, is obliged to leave his country of nationality to seek refuge in another country. (LEI n. ° 9.474, p. 1)

Moreover, the Brazilian Refugee Law recognizes the participation of civil society in promoting the rights of refugees, enables the issuing of Brazilian identification documents (IDs) and, most importantly, allows refugees and asylum seekers to work legally, making them eligible to apply for the Brazilian Employment and Social Security Record Card (work permit) that allows them to seek jobs in the formal labour market. The Refugee Law was, then, a starting point to demonstrate that the 'Foreigners' Statute' was obsolete for regulating migration in the country. According to Oliveira (2020), it opened a transition period, driven by social movements and institutions supporting migrants and refugees which advocate for the need for a new normative apparatus based on human rights.

A second change, highlighted by Oliveira (2020), which has marked the transition period, was two amnesties, one in 1998 and the other in 2009 (Decreto n. ° 6.893). These allowed the regularization of citizens who had entered the country between 1998 and 2009 (Patarra, 2012). The third event noted by the author was the issuing of two normative resolutions by the CNIg (National Immigration Council) – 77/2008 and 93/2010. The first provides a temporary or permanent visa to a partner in a stable relationship, regardless of gender, and the second grants a permanent visa or permanence in Brazil to foreigners considered victims of human trafficking. Those regulations provided ways to meet the new migratory demands which the previous law, the 'Foreigners' Statute', did not contemplate.

According to Oliveira (2020), the fourth event in the transition period happened in 2002. It was the 'Agreement for Nationals of the States Parties to the Southern Common Market' (Mercosur), including Bolivia and Chile, for free circulation of people. The first major impact of the agreement was the increase in migration from South American countries, particularly Bolivians to Brazil (Speroni, 2019). At that time, there was a deep paradox in the 'Foreigners' Statute', whose main purpose was to inhibit the movement of people from neighbouring countries.

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[4] Translated by the authors into English.

Although the events mentioned above have opened the debate about the need for new migration legislation in Brazil, it was, in fact, the arrival of the new migratory flows of Haitians and Venezuelans that brought about the change in the Brazilian migratory legal framework. Thus, according to Oliveira (2020), the arrival of Haitians from 2010 onwards can be listed as a fifth and extremely important event that led to the new migration law.

As Handerson (2015) demonstrated, Haitian migration to Brazil started before 2010, but it was the earthquake in January of that year that resulted in much larger numbers of Haitians leaving for other countries, including Brazil. Unlike the Dominican Republic, the United States or even France, Brazil was not a usual destination for Haitian migration. Scholars such as Tonhati and Cavalcanti (2020) and Handerson (2015) have demonstrated that Brazil was not the main destination sought by the first Haitians to leave the island: Their destinations were French Guiana and, later, France. However, French Guiana closed its borders to Haitians and imposed several restrictions on them during 2010. This circumstance led to some Haitians entering Brazil through the northern Amazonian border and staying in the country (Tonhati & Cavalcanti, 2020). According to Handerson (2015), migratory networks of Haitians were created in the country at that time. Since then, the number of Haitians entering Brazil through the northern borders (Acre, Amazonas, and Roraima) and São Paulo has increased steadily.

Tonhati and Cavalcanti (2020) have shown that Brazil has gradually become the destination for thousands of Haitians. Most of them seek asylum upon entering the country. However, the rules of the Brazilian Refugee Law 9,474 and the Geneva Convention (1951) did not anticipate that environmental disasters would be a justification for refugee claims. Thus, in order to control this migration flow, there was a need to create new regulations. The National Immigration Council (CNIg) published RN (Normative Resolution) n° 27 and RN n° 97. The first one aimed to address Haitian citizens who entered the country without visas and claimed asylum. The second resolution allowed the Brazilian government to grant a five-year permanent visa exclusively to Haitian nationals for humanitarian reasons. These RNs, in practice, regularize the migratory situation of this collective in Brazil.

> […] the unexpected migration of Haitians to Brazil set their country into global mobility and enlarged the complexity of Brazil's migration history. In addition, it warmed up the debate around the theme in several social spheres (media, academia and politics), and led to discussion about new migration legislation to replace the existing laws dating from dictatorship times. Indeed, while the North Amazon border was the gate for the Haitians, it became a door for Brazil into a new migration era. (Tonhati & Cavalcanti, 2020, p. 184)

Haitian migration, then, has required Brazilian authorities to rethink migration in the country and create legal strategies to deal with the new arrivals. It has definitely heated up the debate about the obsolescence of the 'Foreigners' Statute', but the final push was the arrival of Venezuelans. According to Oliveira (2020) it was this most recent migratory event which led to the need for a new legal framework.

Due to the deep economic, political and social crisis experienced by Venezuela, migration flows from that country to Brazil became notable in 2015 and have been increasing rapidly since then. The main strategy in seeking regularization by this

migrant group was to claim refugee status (Simões, 2017). At first, the Brazilian government did not accept Venezuelans as refugees, as it could have led to a diplomatic crisis with Venezuela. In this context, in 2017, the Brazilian authorities issued Normative Resolution 126, which said:

> […] Art. 1 Temporary residence may be granted, for a period of up to 2 years, to a foreigner who has entered the national territory by land and is a national of a border country for which the Residence Agreement is not yet in force for Nationals of Mercosur State Parties and associated countries. (LEI n. ° 13.445, p. 1)

> The Normative Resolution covered Venezuela, Guyana, French Guiana and Suriname, but in practice, only Venezuelans favoured the measure. (Oliveira, 2020, p. 48)

As in the case of Haitian migration, these normative changes represented -- Brazilian authorities's attempt to regularize the migratory situation of the new arrivals. They were measures found to regulate the migratory flow and to provide an official document to the migrants allowing them to live, work, and access public services. Venezuelans were recognized as a group entitled to request refugee status more recently after a decision by the Brazilian Refugee Committee (CONARE) in December of 2019. Consequently, most of the Venezuelans in Brazil have requested refugee status as a way to stay in the country. According to the UN Refugee Agency (ACNUR, 2019, p. 1),

> […] Brazil's decision to recognize, through the facilitated *prima facie* procedure, the refugee status of thousands of Venezuelans should be celebrated. About 21,000 Venezuelans living in the country benefited from the decision made yesterday [05th December 2019) by the National Refugee Committee (CONARE). Venezuelan applicants for refugee status who meet the necessary criteria will have their procedure accelerated, without the need for an interview. To benefit from the new provision, applicants must be living in Brazil, have no residence permit, be over 18, have a Venezuelan identity document and have no criminal record in Brazil. This measure is a milestone for the protection of refugees in the region, and comes after recent recognition by CONARE of the situation of serious and widespread human rights violations in Venezuela, in line with the 1984 Cartagena Declaration on refugees.

In sum, according to Oliveira (2020), the six events described above were fundamental in the replacement of the 'Foreigners' Statute'. The arrival of Haitians and Venezuelans, which demanded that Brazilian authorities rethink and reform regulations to deal with the new migrants into the country, was fundamental to the process of replacing the old legislation, which had been based on ideas such as national security, fear of migrants and the closing of borders. Thus, in 2017, a new legal framework for migration was approved, largely based on the guarantee of the rights of migrants and emigrants – Law 13,445 (LEI n. ° 13.445). In the next section, we present the new Brazilian migration law, its progress regarding human rights and some vetoes which prevented the law from being even more progressive.

5.3.1   The New Brazilian Migration Law

Brazilian migration law has shifted from a restrictive emphasis to a human rights-based approach. Law 13,445 (2017) grants migrants a series of prerogatives, which were previously only conferred on Brazilian nationals. Among the main changes introduced by the new migration law were: '1. Reducing bureaucracy in the process of migratory regularization; 2. Institutionalization of a humanitarian visa policy; and 3. Non-criminalization for migration reasons'[5] (Guerra, 2017, p. 1723).

According to Guerra, unlike the 'Foreigners' Statute', the new Brazilian migration law dealt with migrants as subjects with rights and guarantees throughout the national territory, under equal conditions with nationals. He lists a series of rights which were not previously conceived, namely:

> [...] the inviolability of the right to life, freedom, equality, security and property; rights and civil, social, cultural and economic freedoms; the right to freedom of movement within the country; the immigrant's family reunion with their spouse or partner and their children, family and dependants; protection measures for victims and witnesses of crimes and rights violations; the right to transfer resources from your income and savings; personal data to another country, subject to the legislation; the right of assembly for peaceful purposes; the right of association, including unions, for lawful purposes; access to public health services and assistance and social security, under the terms of the law, without discrimination on grounds of nationality and migratory status; broad access to justice and comprehensive legal assistance, free to those who prove insufficient resources; the right to public education, the prohibition of discrimination on grounds of nationality and migratory status; a guarantee of compliance with legal and contractual labour obligations and the application of labour protection rules, without discrimination on grounds of nationality and migratory status; the right of access to information and guarantee of confidentiality regarding the personal data of the immigrant; the right to open a bank account; the right to leave, to remain and to re-enter the national territory, even while the application for residence is pending extension of stay or transformation of visa into residence; and the immigrant's right to be informed about guarantees for the purpose of migratory regularization. (Guerra, 2017, p. 1725)[6]

Although the new migration law expanded migrants' rights, it received 21 vetoes by President Michel Temer (2016–2018) before it was enacted, reducing the law's extension of rights of migrants. One of the most widely-protested vetoes was that of Article 118, which would permit migrants who had entered the country before July 6, 2016, to be granted a residence permit, regardless of their previous migratory situation. The justification for the veto was that an amnesty could not be granted because it was not possible to specify the date of entry of the migrant into the country.

Two other important vetoed articles were, first, one (1°, § 2°) guaranteeing Indigenous people and traditional populations the right to free circulation on lands they had traditionally occupied. The justification given for the veto was that such a concession would weaken national sovereignty, as well as the government's right to

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[5] Translated by the authors into English.

[6] Translated by the authors into English.

control borders. Another controversial veto by President Temer was that of Article 4, § 2 and 3, which would have allowed migrants to take part in civil service, apart from those positions reserved for native Brazilians according to the Brazilian Constitution of 1988. The Presidency argued that the veto of that article was justified because it contradicted the Brazilian federal constitution and the national interest. According to Moraes (2017), the vetoes were clearly rooted in the 'old view' linked to the 'Foreigners' Statute', which considered migrants as a potential threat to the nation, and disregarded the fact that after arriving in the country, the migrants usually sought to build their lives, contributing to the country they were living in.

Article 1, § 1, I, was also vetoed by President Temer. It contained the definition of the concept of 'migrant'. The reason given for the veto was that the definition was very broad, including foreigners with residence in a border country, it extended equality to any foreigner, and violated Article 5 of the Brazilian National Constitution of 1988. Finally, another relevant veto related to extending access to services (public health, social assistance and social security) to visitors. The veto was justified on the grounds that it could represent additional fiscal pressure for the country and increase public spending.

According to Oliveira (2018), such vetoes were the result of pressure from conservative groups, who at that time composed the government and had increased in influence in Brazilian society in recent years. The vetoes could be understood as remnants of the 'Foreigners' Statute' where migrants were viewed as a threat to the national economy and sovereignty. Ricci and Silva (2018, p. 29) argues that the vetoes were 'vestiges, still not erased, of the hierarchical Brazilian society'.[7]

Thus, while the new Brazilian migration law of 2017 had its central focus on increasing migrants' rights and guarantees, the vetoes demonstrated some regression to the idea of protecting the National State and the maintenance of national sovereignty. In that sense, the migrants were seen again with eyes of distrust, and as a potential danger to Brazil. The vetoes represented a setback by the Brazilian authorities in guaranteeing fundamental and expanded migrants' rights.

Another point to be highlighted is the fact that due to the new migration regulation, the Brazilian National Immigration Council (CNIg) now only deliberates on issues related to labour migration. As the country has no migratory authority, there is no specific governmental office to deal with the analysis of humanitarian concessions or migration situations which are not covered by the law. Recently, the Venezuelan migration to Brazil and claims to refugee status were dealt with by the Ministries of Justice and Public Security and the Ministry of Foreign Affairs, through the Brazilian National Council for Refugees (CONARE). Their refugee claims were accepted based on item III of Article 1 of Law 9,474, 1997 – the serious and widespread violation of human rights.

In sum, as Oliveira (2020) points out, the 'Foreigners' Statute', which prevailed from 1980 and 2017, has been challenged since its origin, either by new regulations or the arrival of new migration flows. The events mentioned above, such as Law

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[7] Translated by the authors from Portuguese.

9,474, which regulates the Refugees Statute of 1951; the amnesties in 1998 and 2009; the issuing of CNIg (National Immigration Council) normative resolutions; the 'Agreement for Nationals of the States Parties to the Southern Common Market' (Mercosur), including Bolivia and Chile, for the free circulation of people; and the arrival of Haitians in 2010 and Venezuelans in 2015 led to the need for an update of the legal framework. Thus, between 1990 and 2017, there were several progressive measures that sought to circumvent the restrictions of the 'Foreigners' Statute' and welcome migrants and refugees into Brazil. The new migration law, although it underwent some vetoes, is an important step forward in the direction of expanding human rights to migrants and refugees.

In the next section, we construct a brief synthesis of migration in Brazil between 2010 and 2020. We summarize the most relevant findings presented in the OBMIGRA Annual Report. In doing so, we have reconsidered and re-analysed the data to construct an overview of migration in Brazil between 2010 and 2020. The numbers provide us with relevant information to demonstrate that the new migrants in the country have a diverse profile, and have faced diverse inequalities. Analyzing this data, we argue that although the new legislation was an important step towards granting human rights to migrants, there is still a long way to go to better fulfill migrants' needs to access better living conditions. In this vein, we highlight some migrants' accounts about their difficulties in the labour market, in accessing education and health services, and their experiences of racism.

5.4   The Main Characteristics of Migration in Brazil (2010–2020)

From 2010 to 2019, there were 1,085,673 migrants registered in Brazil. Of this total, 399,372 were women (36.7%). According to Hallak Neto and Simões (2020, p. 82), migration to Brazil during this decade can be divided into two sub-periods:

(a) the 5 years between 2010 and 2014, when there was a significant increase in the volume of immigrants, movements were associated with the high dynamism of the economy and the increase of the Brazilian labour market; and
(b) the second one, between 2015 and 2019, in which the volume of immigrants fluctuated, due to the effects of the economic crisis of the 2015–2016 biennium, but also due to the entry of new migratory flows, especially from Central America and the Caribbean and South America, especially from 2017 to 2019.

The total number of migrants employed in the formal labour market increased from 55,100 in 2010 to 116,400 in 2014 and then to 147,700 in 2019. Haitian migration stands out as the main factor in this growth. In the first half of the decade, other nationalities also gained prominence, such as Colombians, Peruvians and Venezuelans. At the beginning of the decade, Europeans made up around 30% of the

migrant workers in the country, but by 2019 their participation in the formal labour market had decreased to only 10.3%.

Thus, between 2010 and 2015, migration to Brazil gradually increased and included a diversity of countries of origin. Subsequently, from 2015 on, the formal labour market was composed of more migrants from South America and the Caribbean. This increase was mainly due to the arrival of Haitian and Venezuelan workers. They together totalled 47.9% of those formally employed in the migrant labour force in Brazil in 2019 (Hallak Neto & Simões, 2020, p. 86).

Migrant's location in Brazil was also transformed. Hallak Neto and Simões (2020) showed that in 2010, formal migrant workers were strongly concentrated in the southeast region. However, with the arrival of new migrant flows, such as Haitians and Venezuelans, the concentration of migrants moved, mainly towards the Greater South region (São Paulo, Paraná, Santa Catarina and Rio Grande do Sul) and later to some areas of the Midwest states. The Haitians were the most employed nationality in the three states of the southern region of Brazil (Paraná, Santa Catarina, and Rio Grande do Sul), where they occupied positions in activities such as the slaughter of animals for export. Thus, the southern and southeastern regions were the main settlement areas for migrants to Brazil. Together, they accounted for 83.5% of total migrants employed in the formal labour market in 2019.

With respect to migrant profile in the formal labour market, migrants are now younger than before. According to Hallak Neto and Simões (2020), in 2010 more than half of migrant workers were aged between 40 and 65 years, but after the economic and political crisis in 2015 most of the migrants in the Brazilian labour market were younger. In 2019, 63.8% of the total of migrant workers were aged between 20 and 40 years old. Central America and the Caribbean (78.0%) and South America (62.5%) were the regions providing the highest concentrations of migrants in this age group.

Regarding gender, there are more men migrants than women in this period. Tonhati and Macedo (2020) have shown that, in 2019, women occupied 43,800 posts. This is equivalent to 30% of the total (147,700 in formal employment). North American migrants comprised 41% of the women in the formal labour market, with South American migrants making up 35%. The Central American and Caribbean migrants were the third largest group (26%). Although this region had the highest number of migrants in formal posts, a large majority of workers were men. Only among the African migrants were there more female than male migrant workers.

According to Tonhati and Macedo (2020, p. 113), the majority of migrant women in formal employment in Brazil are between 20 and 39 years old, they have a high school level of education, and come from countries such as Haiti, Venezuela, Cuba, and Paraguay. The Federation Units (UFs) that employed the most migrant women were the state of São Paulo and the three southern states of the country (Paraná, Santa Catarina, and Rio Grande do Sul).

With regards to occupation, Tonhati and Macedo (2020, p. 123) migrant women are mostly located in three niches: cleaning, service activities, and slaughterhouses, which mainly employed Haitian and Venezuelan women. While Haitian women tend to be employed in cleaning, production or sale of food (including

slaughterhouses), the Venezuelans occupy service activities, such as retail workers, cashiers, office clerks, market clerks, and administrative assistants.

Furthermore, the authors found income gaps between migrant men and women. The migrant women with the highest incomes were mostly from the richest countries of the so-called Global North. However, women from the Global North earn on average 50% less than migrant men with the highest incomes, who are also from Global North countries. In the case of migrant men and women with the lowest incomes, male migrants earned 3.6% more than women. Thus, gender gaps are lower among low-income migrants. This is mainly due to the fact that migrants occupy low-paying jobs. Interestingly, Migrant women with high income have an average income more than 80% higher than migrant women from low income.

Moving on to colour and race, Hallak Neto and Simões (2020) have found that recent migration to Brazil has been characterized by a growth in the Black population. While in 2010, Black migrants represented 13.9% of migrant workers in the country, in 2016 they reached 45.0%, and in 2019, 56.9%. While Black migrant workers have become the most significant migration group in Brazil, due to the arrival of people from African countries and Haiti, the participation of white workers, for example Europeans, North Americans and Japanese, decreased in the formal labour market from 79.8% (2010) to 39.7% (2019). However, although the numbers of white migrants have reduced, they have continued to earn much higher incomes than Black migrants. For example, migrants from North America and Europe earn, on average, R$ 19,776 and R$ 14,867 monthly, while migrants from Central America and the Caribbean (mainly from Haiti) and African countries earn the lowest incomes, on average, R$ 1760 and R$ 2515. Thus, white North America migrants in Brazil can earn 11 times more than Black Central American or Caribbean migrants.

Despite the rights achieved through the new legal framework, the data analysed showed some evidence of the lack of policies to overcome social inequalities based mainly on gender and race. According to Cavalcanti et al. (2020), in a study carried out among Haitian migrants[8] in Brazil, racism was mentioned as one of the difficulties faced in the labour market. Venala, a Haitian woman, provides testimony of discrimination that clarifies the experiences of racism. Her voice well-illustrates what the numbers do not show. Venala was interviewed in in Curitiba (a city in the south of Brazil in August 2018). At that time, she worked in a fast-food company. She reported:

> I remember once that I was with my boss, I was eating, I was already seven months in the company, and there were people that came after me who always stayed at the delivery, at the cashier… At the cashier, you don't need to talk a lot, because the person only speaks the order and you place the order on the screen, it's very easy, by then I already knew how to do everything, so I didn't understand, why could I not do such positions? But, one day I was talking about it with a guy, a co-worker, and I said "why do I only have to stay on the grill?", because staying on the grill is bad, you burn every day, then he said "oh, because you're

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[8] The interview accounts were translated by the authors from Portuguese to English.

> Black, your skin can take more, I'm white, I can't stay on the grill. If you get burned no one will see.

In the same study, Haitian migrants have reported their difficulties accessing health services and even facing prejudice when they try to use them. Amelie, for example, who like Venala was interviewed in Curitiba in August 2018, mentioned facing discrimination when going to a health center. She reported: "once I went to a general practice center and the nurse treated me badly, she complained: 'Haitians only know how to make children, they came here with a lot of children'. But it is something that has no meaning, because health service is public, for everyone […]". Besides, discrimination Haitians also reported difficulties in providing documents to be able to access the Brazilian Public Health Services: "in Haiti, you go to the health unit and you don't need a registration since you were born, but here it is different, you have to register to get it, but people don't know how to do that, they don't understand how works" (Geneva, interview August 2018).

In addition, a more recent study carried out with Venezuelan migrants in Brazil in 2019 by[9] Barbosa et al. (2020) reports that migrants have difficulties in accessing education services. The study found that education workers usually are not aware that documentation from the origin country is not required for migrant and refugee children to enroll in school. The Venezuelans reported that schools usually request the translation of their documents, such as diploma, school records, certificates, and so on. In many cases, they do not have those documents or they are not accepted. This has led children, youths and even adults to be unable to access education. As reported by Rosalva, (interview, São Paulo, March 2019) and Carolina (interview, São Paulo, March 2019), respectively:

> So we were doing all the papers to come: we took my son out of the school, taking all the papers from the school, legalizing… we brought our money and savings, we sold our car, we sold all of our kitchen, our work tools, all the kitchen equipment, everything, the freezer, we leave only our house, because we are unable to sell it, but it is not easy to get into the school. There are the documents, nobody understands the documents from there, they want translation, they do not know which level to put in the school. It's difficult.

> […] to enroll my daughter in school we knew that we had to have a document with CPF. Although my daughter was enrolled in school by a friend who declared herself responsible. We left her to enroll only after we went to get the document. (Interview with Carolina, 36 years old, 03/25/2019)

To summarize, in Brazil between 2010 and 2019, migrants and refugees were mostly Black males, of working age and with higher education levels, mostly from South America and the Caribbean, (Haiti and Venezuela), living in the southern and southeastern regions of the country. The inflow of migrant women has seen a growth trend in the last 5 years, and inequalities of income are very high between men and women, and between Black and white migrants. Moreover, qualitative empirical studies have shown that although Brazilian migration law changed in 2017, and has expanded migrant human rights, it is clear that the country still lacks policies and

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[9] The interview accounts were translated by the authors from Portuguese/Spanish to English.

guidelines addressing more everyday needs of these groups. The regulations of entry, visas and documentation are essential to regularize the migratory situation of the new arrivals, but there are still other areas which need improvement. There is a need to provide guidelines with information about the Brazilian education and health system; policies which facilitated the access, enrollment and registry with these services; advocacy regarding equal labour rights and opportunities for men and women, Black and white migrants or refugees, and campaigns against racism and xenophobia. Thus, in the case of Brazil, in the last decade there has been some improvement in providing legal rights to migrants living and working in the country, but they still lack social integration, which goes beyond providing documentation.

While this was the picture of migration in Brazil between 2010 and 2019, 2020 brought a number of unpredicted challenges. In this last section, we will focus on the transformations brought about by the COVID-19 pandemic to the Brazilian migration scene, and as we are still living under the pandemic, we speculate about some of the emerging problems it presents in migration mobility in the context of Brazil.

5.5   The Impacts of the COVID-19 Pandemic on Migration to Brazil

As argued by Arias-Maldonado (2020, p. 3) "the COVID-19 pandemic has impacted on a globalized world in which the circulation of people, goods, and information has reached an unprecedented magnitude and speed." The COVID-19 pandemic has affected human mobility in an unprecedented and systemic way. It has reached almost all countries of the world, causing impacts in health systems and in the economy, social relations, tourism, culture and borders. Migrants, refugees and asylum seekers have also been strongly affected by the COVID-19 pandemic. The virus has become globalized, ignoring borders and restrictive policies. It has led many migrants and refugees to become immobilized and/or have to postpone their migratory projects, or to remain in transit for extended periods.

In Brazil, border movements and the registration of migrants and refugees have been severely impacted by the COVID-19 pandemic. According to data from Federal Policy (STI, SisMigra and STI-Mar), which controls the Brazilian borders, the movements in and out dropped from millions to a few thousand in 2020. The entry of migrants declined to its lowest level in the last 20 years, and asylum seekers' claims fell to levels comparable to the beginning of the decade.

According to Cavalcanti and Oliveira (2020), the COVID-19 pandemic resulted in the greatest reduction in movement in and out of the country in a decade. They have shown, based on data from the Brazilian International Traffic System (STI) that, since 2010, there was no record of a deep decline in movement (entrances and exits) at the Brazilian borders until the numbers started to drop in March 2020. From that month on, the number of migrants arriving in the country suffered an

unprecedented decline compared with the decade from 2010 to 2019. For instance, in 2019 the average monthly volume of movement (in and out) at the Brazilian borders was almost 2.5 million people, while in the months of April and May 2020, the numbers reduced to around 90,000. In June and July 2020, the numbers reduced even further to less than 40,000. There was a slight increase in August, but still not to levels comparable to previous years (less than 200,000).

According to Cavalcanti and Oliveira (2020), the movement of people through the land borders, especially the Brazilian northern Amazonian frontier, were severely affected. As Tonhati and Cavalcanti (2020, p. 175) have shown, in the last decade, 'the North Amazon border was "removed" from the periphery and became "located" at the centre of political and academic debates' regarding migration into the country. The North Amazon border was the gateway for Haitians, and later for Venezuelans, as the two main migrant groups arriving in Brazil during the last decade. Thus, the northern Amazon became a door into Brazil for new migrant groups, but with the arrival of the COVID-19 pandemic, this frontier was the first to be closed by the Brazilian authorities,[10] affecting migrants and refugees in transit, especially Venezuelans, who regularly cross the border to buy food, hygienic supplies and/or access education and health services. Subsequently, other land borders were closed too.

Cavalcanti and Oliveira (2020) have shown that, throughout the months of April and May, there were still some entries, mainly by waterways, but these went down to almost zero throughout the months of June and July 2020. In August, the number of entries increased again, especially by air. These dynamics were due to regulations issued by the Brazilian federal government, which, in general, treated its borders differently. The air border was opened before the others, privileging migrants who could afford to arrive in the country by air, but making it difficult for those who could only move across land borders. This led to the biggest fall in the entry of Venezuelans, who constituted one of the main migrant groups in Brazil in this decade. The chart below illustrates the dramatic fall in movement across the Brazilian borders (Fig. 5.1).

Regarding asylum claims, Cavalcanti et al. (2020) have shown that these also decreased dramatically. Considering the months from January to August 2020, there was a 56.7% reduction in the number of requests compared with the same months of 2019. The COVID-19 pandemic impacted the number of asylum claims of Venezuelans, Haitians, and Cubans who were the three main nationalities to request asylum in Brazil in the decade preceding 2020 (Silva et al., 2020). According to Simões et al. (2020), in the first 4 months of 2020, the numbers of Venezuelan refugee requests reduced by 45.1% when compared with the third quarter of 2019. The numbers of asylum applications also dropped among Haitians (25.3%) and Cubans (30.4%) (Fig. 5.2).

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[10] Ordinance n° 125 of 19 March 2020, which, through its Article 1, restricted the entry of foreigners – except residents of the country – from countries bordering Brazil, with the exception of Uruguay. Likewise, the enactment, on 17 March of Ordinance n° 120 'exceptionally and temporarily' restricted entry into the country, by road or land, of foreigners from Venezuela.
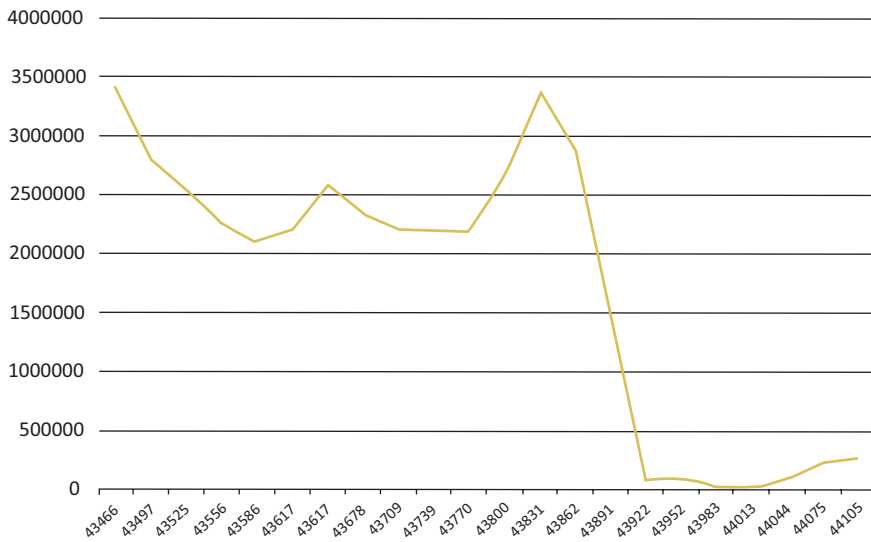
Fig. 5.1 Movements at border posts, by month of registration, Brazil 2019/2020. (Source: Cavalcanti et al. (2020, p. 46))
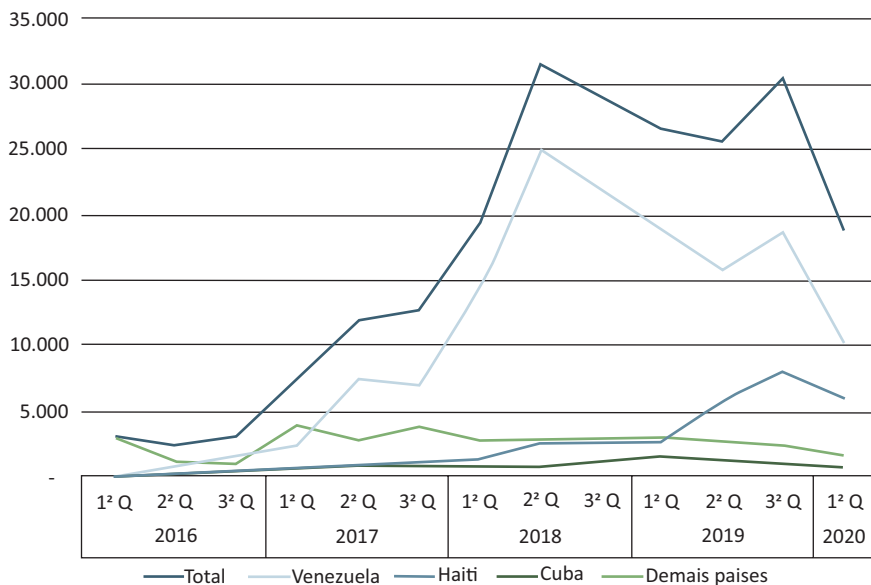
Fig. 5.2 Number of asylum requests in Brazil, by quarter, according to selected countries (2016–2020). (Source: Simões et al. (2020, p. 9))

The COVID-19 pandemic also impacted migrants' employment in the Brazilian formal labour market. Cavalcanti and Oliveira (2020) indicate that the impact was

strongly felt among migrants from April 2020. In this month, the volume of admissions fell by almost 60%, compared with the same month in 2019. There was also an increase in layoffs. There were more than 3000 fewer jobs for migrants in April. In May and June, the volume of admissions increased slightly, but it was still far from what was observed in the same months of the previous year.

For the two main migrant groups in the formal labour market in Brazil, the Haitians and Venezuelans, the numbers appear to have been less affected by the COVID-19 pandemic, especially for those working in the slaughterhouses in the southern regions of Brazil. Most admissions of migrants in 2020 were to work in the slaughter of pigs. This activity admitted 57% more and dismissed 5.7% fewer migrants in the first half of 2020 compared with 2019. Similar behaviour was observed in the sectors of poultry slaughter and supermarkets. While slaughterhouse activity grew, restaurants and the hospitality sector were badly affected by the pandemic. The reduction of consumption of food outside the home led to this sector admitting 46% fewer migrants, with a negative balance in the first half of 2020. The construction sector also registered a drop in hiring and an increase in layoffs. The balance remained similar in the first quarter of 2019.

The COVID-19 pandemic impacted the employment of migrants differently in the different regions of the country. São Paulo, for example, had a positive employment balance in the first half of 2019, while in the same period in 2020 it had a negative balance of 1136, with migrants in São Paulo facing more layoffs than admissions in the first half of 2020. Meanwhile, the three states of the South Region, which became the home of a large percentage of Haitians, for example, registered an increase in the balance, which was already positive in 2019. In the North, a region with states that are the gateway for many migrants, in particular Venezuelans, the volume of dismissals increased by 3.4%, while hires fell by 23.2%. In the Northeast and Midwest Regions, there was also a reduction in hiring and an increase in dismissals.

Finally, as Cavalcanti and Oliveira (2020) have observed, the effects of the COVID-19 pandemic were proportionally more intense for women migrants than for men. The volume of admissions up to June 2020 was 27.5% lower for women than in 2019, a reduction that was 16.1% for men. In terms of balance, both remained positive from January to June each year, but the drop in relation to 2019 was 15.2% for men and 47.9% for women. The data about the impacts of the COVID-19 pandemic on women need to be further analysed, but the above figures already show that female migrants have been more affected than males, with lower employment and more dismissals.

To sum up, the COVID-19 pandemic has strongly affected migrants and refugee mobility to Brazil. The Brazilian policy restrictions on mobility impacted the two main inflows of migrants of the last decade into the country – Haitians and Venezuelans. The northern Amazon border, which has been the main gateway for Haitians and Venezuelans, was the first to be closed and the last one to experience a loosening of restrictions (up to the present). It has affected the migrants in transit to Brazil, and even access to food, hygienic supplies and health and educational services. Furthermore, the data presented above shows that the COVID-19 pandemic

has generally reduced the number of refugee claims, and migrants, men and women, have faced increased dismissals, living under the hardship of unemployment.

Thus, we can affirm that migrants in transit to and within Brazil, from 2020 onwards, have faced new challenges. One the one hand, we can speculate that the drop in numbers of arrivals will continue, as the country has a large number of people who lost their lives to the COVID-19 pandemic and has faced a deep economic and political crisis. On the other hand, in a longer timeframe, it is also possible to think that the country may receive more migrants. The new flows can increase if the country enlarges its vaccination system and, then, may attract people from Global South countries, in which there are no vaccines or free health system. It is still an open question, but it will probably be an emerging challenge in the South America pattern of mobility.

Besides, there are also many other challenges to migrants and refugees in everyday life in Brazil. The Covid-19 pandemic made the health system overcrowded while the education system became mostly on-line. Accordingly, as UN Women (2020) has shown, migrants, particularly women migrants, do not have a safe place to leave their children to go to work. They, then, have been the most affected by unemployment, but also are facing difficulties accessing health services for prenatal care or accessing contraceptives, and have suffered from an increase in domestic violence. In addition, the country faces an increase of the dollar, meaning that most migrants are no longer able to send remittances to their families. It is still important to mention that migrants usually are doing jobs such as cleaning, catering, services in restaurants, shops, and slaughterhouses, places in which they are highly exposed to contamination by the COVID-19 virus. These are problems which are impacting the well-being of migrants and are some of the most prominent challenges which countries such as Brazil have to face in regard to migration.

5.6   Concluding Remarks

One of the objectives guiding this chapter was to shed light on some emerging problems in migration and mobility patterns in Brazil from 2010 onwards. We have argued that, since 2010, mainly due to the arrival of new migration flows, particularly the Haitians and Venezuelans, Brazil has had to update and create new migration regulations and policies to respond to the new migration demands. The question posed was: *How have the new migration flows led the country to create a new migration regulation?* The increase in the numbers of new arrivals from the northern Amazon border (Acre, Amazonas, and Roraima) obliged Brazilian authorities to regularize the migratory situation of these groups, so that they could live and work in the country. The pressures on border cities, which were unable to receive migrants, led the issue of migration to the media and enlarged the debate in the public sphere. The visibility of the issue led to the creation of a high-pressure environment for the approval of the new legislative framework. We have recounted how Brazil replaced its old migration law (the 'Foreigners' Statute'), which prevailed between 1980 and

2017, with the new migration regulation (Law 9,474, in 2017). Although the new Brazilian migration law underwent some vetoes, which prevented the law from being even more progressive, it was an important step forward in the direction of expanding human rights to migrants and refugees.

The chapter, then, has provided a review of the main characteristics of migration in Brazil between 2010 and 2019, analysing data on gender, level of education, labour activities, income, and race. In doing so, we addressed the question: *To what extent have the new migration flows opened the debate and demand for new policies regarding access to education, health, better labour conditions, among others?*

In the last decade, the migration picture in Brazil has mostly been composed of young (20–40 years old), Black male migrants from the Caribbean and South America, mainly Haitians and Venezuelans. These migrants are living and working in the Greater South Region of the country (São Paulo, Paraná, Santa Catarina, and Rio Grande do Sul). However, during the second half of the decade, the data showed an increase in migrant women, with more women entering the country and looking for jobs. The majority of migrant women are young (20–39 years old), with a high school level of education and hailing from countries such as Haiti, Venezuela, Cuba, and Paraguay. Migration to Brazil, then, has been marked by a diversity of groups as well as inequalities, for example, in terms of income, between men and women, and between Black and white migrants. Moreover, the chapter demonstrated that the country still lacks policies to address the everyday needs the migrants. The regulations of entry, visas and documentation are essential to regularize the migratory situation of the new arrivals, but there are still other areas which need improvement. In this line, we argue that, nowadays, the migration debate in Brazil calls for researching and creating policies which allow migrants to have better access to education and health services, better labour conditions, as well as taking measures against racism.

Finally, while this was the picture of migration in Brazil in the last decade, 2020 brought a number of changes and new challenges with the COVID-19 pandemic strongly affecting migrants' and refugees' mobility to Brazil. The COVID-19 pandemic not only reduced the number of migrants arriving in the country, it also affected refugee claims and caused many migrants, both men and women, to face an increased risk of dismissal. Moreover, the number of migrants entering the formal labour market suffered an unprecedented decline compared with previous years. Thus, the COVID-19 pandemic inaugurated a new moment in the study of migration--in general, as it has strongly impacted human mobility--and in the case of migration to Brazil in particular. We would like to conclude this chapter with some suggested new avenues for further research. Other challenges for migration to Brazil include, first, how migrants' and refugees' access to education and health systems has been affected; second, how the country has addressed the income inequalities between migrant women and men, and Black and white migrants; and lastly, to what extent the COVID-19 pandemic may impact migration globally, and what role might Brazil play in it.

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Chapter 6
Contradictions and Shifts in Discourse and Application of the Refugee System in a Mixed-Migration Context: The Ecuadorian Case

Jennifer Moya, Consuelo Sánchez Bautista, and Jeffrey D. Pugh

6.1   Introduction

The refugee system in the Americas is codified in instruments like the Refugee Convention and Protocol, the Cartagena Declaration, the Mexico Action Plan and Brazil Declaration, and implementing legislation within member states. However, there is a widely recognized gap between institutional rights protections and implementation in practice. This chapter traces the case of forced migration in Ecuador—especially of Colombians and Venezuelans—to advance the argument that the conceptualization and application of the refugee system has shifted considerably over the past decade as the boundaries that separate refugees from other migrants in discourse, policy, and practice have blurred. Domestic political incentives, external changes like the Colombian peace agreement, and especially the rapid increase in Venezuelan migration flows have led to a shift in discourse and policy. This shift has moved from an openness and protection orientation that relies on generosity, rights, and solidarity narratives to an ambiguous openness that masks the regression of a rights-based refugee regime, exposing contradictions in the system, to open nationalistic securitization. The chapter draws on discourse analysis of political speeches and media stories in Ecuador, as well as compilations of migration statistics from the Ecuadorian Ministry of Foreign Relations, to advance the argument that

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domestic and international actors have engaged in a heated negotiation and messaging competition over the nature and goals of migration policy in Ecuador in the face of distinct population flows over time.

6.2 Theoretical Foundations of Migration Securitization and Discourse Between National and International Actors

International institutions are a reflection of the interests and goals of their member states, and help coordinate collective action that is in these states' interest, but they also develop a degree of autonomy, independent organizational identities and interests, and seek to influence state behaviors (Barnett & Finnemore, 2004). Given that the value added by many international organizations is the legitimacy they enjoy and the technical capacity and experience that they have developed in specific issue areas, they sometimes insert themselves into national political spaces not merely as neutral forums for state or sub-state negotiations, but as political actors with the ability, willingness, and desire to apply pressure to states and non-state actors to adhere to principles and practices that are in line with the international organization's culture and mission (Rincón et al., 2019). Dai (2007) notes that international organizations, despite lacking any formal jurisdiction, are often able to promote practices at a domestic level that adhere to international norms and goals by proposing frameworks and narratives that are then deployed and sometimes adapted by local political entrepreneurs and constituencies with overlapping or shared goals, who use the international support to bolster the leverage of their own position within the domestic political debate, and in so doing, also increase the power of the international organization.

In the migration policy arena, the United Nations High Commission for Refugees (UNHCR) seeks to promote the idea of obligations to protect refugees and respect the principle of non-refoulement, making common cause with domestic human rights NGOs and ombuds offices. Likewise, the International Organization on Migration (IOM) promotes the notion of safe, orderly migration and the illegitimacy of exploitation of migrant workers (IOM, 2006). In certain contexts and time periods, these institutions may form mutually-beneficial coalitions with labor organizations, the Church, and other domestic constituencies with compatible interests, though differences in mission and relationship with the state can sometimes result in divisions across national vs. international, state vs. non-state, and other lines.

Institutions help to provide the structure in which political decisions are made and migrant human security and integration or exclusion is prioritized in particular host countries. These structures also include political-economic cycles, North-South post-colonial hierarchies of power, and social orders of patriarchy and racism. However, the collective meaning through which populations interpret these structures, select collective memories and narratives, and legitimize specific

policies and practices go beyond institutions to norms. The construction and diffusion of norms, which are defined as "a standard of appropriate behavior for actors with a given identity," (Finnemore & Sikkink, 1998) or more simply as a collectively shared "social agreement about who should do what" within a particular society (Jurkovich, 2019, 2020), involve the negotiation of identities as well as expectations about the boundaries of collective behavior.

Part of the fierce debate over migration is precisely over how to define *we* in society, what the expectations and obligations are of native-born citizens and of newcomers, and the desirability of allowing migrants to fully integrate into the host community. The powerful role that norms play in shaping the 'logic of appropriateness' for migration policy, exclusionary vs. inclusive societal practices and for the behaviors of migrants themselves is made more complex by the fact that there is sometimes a gap between the norms expressed in formal laws and institutions and those that resonate most strongly and have a persuasive effect on people's actions and attitudes. Indeed, tolerance for migrant presence in a country may be conditioned on informal expectations of migrants' political and social invisibility (Pugh, 2018, 2021). Some norms depend on the status of the migrant in question—whether they are forced migrants/refugees fleeing violence or those who migrated for economic reasons, or something in between, and whether they have received legal authorization from the receiving state to enter and remain.[1] Jeffrey Kahn (2019) posits that law—both international refugee law and domestic legislation and institutions that interpret and implement these international norms and standards to guide state behavior—is not composed of static texts, but rather is the site of constant (re)making of juridical architectures, adaptive or experimental bureaucratic practices and frequently follows a dialectic between human rights activists and those within the state attempting to meld the juridical framework to their desired de facto practice or outcome (as well as convergences of activists and potential allies within the state).

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[1] Important legal distinctions exist that set refugees apart from other categories of migrants, and the protections they enjoy as well as the regime of international institutions supporting their protection does matter for their experience and security in a host country. Those who seek asylum because they are fleeing a well-founded fear of persecution in their home country because of their membership in particular groups defined by the Refugee Convention and whose home governments are unwilling or unable to offer protection have the right to request protection from the host country. As such, in this chapter, we will refer specifically to refugees (those who have received this recognition and protection from the host state), asylum seekers (those who have formally applied for it and are in the process of awaiting the state's decision), and forced migrants (a broader category to refer to all people fleeing violence and seeking protection, whether or not they meet the narrow Convention definition of a refugee, and whether or not they have accessed the protection system that they may deserve protection from). However, one of the key points of this chapter is that the distinctions that matter greatly in law may become blurred and less meaningful in the way politicians frame people coming into the country and the way that media narratives describe them. Therefore, we often refer to 'migrants', which include both refugees and people who move from one country to another for other reasons (like economic opportunities), since many of the social and political dynamics of securitization and discrimination apply in similar patterns to various categories of migrants.

Law and institutions represent sites for the negotiation of identity claims and policies toward migrants, but narratives, discourses, and media framing also play an important role in shaping the way a host society thinks about migration and the relationship between migrants and native-born citizens. A collective national identity is defined in large part by who is excluded, and migrants are often seen as perpetual outsiders representing a 'suspect community' that must prove themselves in order to try to belong (Breen-Smyth, 2014). Thus, a focus on the narratives that seek to distinguish between insiders and outsiders, friends and enemies, allies and threats can help illuminate the social construction of insecurity, coexistence or polarization, and the normative boundaries of acceptable action around migration integration and control (Ferreira, 2019).

The securitization literature describes the ways in which political actors propose a frame or narrative about an issue that they claim to represent an existential threat to some referent (like culturally different or economically disadvantaged migrants coming in large numbers, threatening to compete with native-born workers or erode the widespread acceptance of some cultural or moral characteristic of the host population). Through speech acts and implementing practices, they emphasize the potential harm to the referent that this threat represents, and use it to rationalize the need for exceptional measures to protect against the threat (Buzan et al., 1998; Bigo, 2002; Balzacq et al., 2010). These coercive exceptional measures might not be acceptable as a normal course of action in everyday politics, such as allowing for indefinite detention of suspects without due process, or impunity for extrajudicial assassination, or enhanced surveillance in domestic spaces. Rather, they require a crisis discourse that frames the inflow of migrants as an urgent threat that invokes the need for a 'state of exception' to protect against it (Agamben, 2005; Pugh, 2020).

Communication researchers and migration scholars within political science have built on the theoretical framework of securitization to carry out innovative and insightful empirical studies of media and political rhetoric. In doing so, they have detailed and traced the evolution, debate, and promotion of particular migration narratives, and connected these narratives with the diffusion of norms, attitudes about migration, and the acceptance or rejection of competing migration policies (Farris & Silber Mohamed, 2018; Pugh & Moya, 2020; Crawley et al., 2016; Moya, 2020).

Migration policies and discourses rarely follow a binary logic between restrictive and open, positive and negative. Instead, ambiguities abound in the construction and implementation of policies and practices to regulate the entry and integration of migrants into host states. These include discursive conflation of refugees with other sorts of migrants, as well as practices designed to deter migration that in practice also makes it difficult for asylum seekers to access international protections or even the territory of a potential receiving state through 'remote control borders' (FitzGerald, 2019). In the context of the Global South in particular, a number of authors have identified practices by which receiving states accept or even tacitly encourage migrants to enter (often with the motivation of benefiting economically from their labor or skills), while creating bureaucratic obstacles or institutional innovations to prolong or make indefinite the process of achieving full integration or naturalization (Norman, 2020; Lori, 2019). Beyers and Nichols (2020) examine

the ways in which the Ecuadorian government, without explicitly engaging in a mass deportation campaign, designed indirect approaches to funnel Venezuelan migrants out of the country as they left in desperation as a result of a strategic approach of 'government through inaction'.

In these cases, the public policy position of the state is ambiguous, unclear, or occasionally directly opposed to the de facto content of its actions. This may provide opportunities to satisfy multiple political incentives and constituents, or to claim international credit for diplomatic leverage while mitigating the real obligations the state incurs in its implementation of migrant policies. It can also reduce transparency, increase corruption, or reduce the degree to which rights protections and security are experienced in practice, even when they are guaranteed in law and discourse.

In the remaining sections of this chapter, we will examine the case of migration reception in Ecuador, particularly the evolution over time from a system dominated by Colombian refugees and asylum seekers to a mixed and complex one that added Venezuelan forced as well as economic migrants, a substantial number of whom see themselves as transit migrants with intentions to continue on to other countries. We begin by tracing the changes over time in population flows, state responses in selecting and restricting the populations recognized as refugees, and in new visa categories, laws, and dominant societal discourses. Then, we analyze how the state and non-state actors responded to these shifts in discourse and practice, attempting to negotiate the collective meaning through which migration in general and the boundaries of the refugee regime in particular was understood by advancing competing narratives through political discourse and through the media.

6.3   Shifting Legal Frameworks, Shifting Population Flows in Ecuador: Colombians, Venezuelans, Refugees, Migrants

Ecuador is a relatively small country compared to other countries in Latin America, with a population of slightly more than 17 million people. However, over most of the past two decades, it has been the largest recipient of refugees and asylum seekers in Latin America. (Pugh, et al., 2020) With a progressive constitution that supports an open-door policy, Ecuador hosted more than 70 thousand refugees as of 2021. Because of its open policies and because it is a neighboring country, Colombians found Ecuador to be an appealing option to seek refuge to escape the armed conflict in their own country, especially after Plan Colombia escalated the level of violence and displacement beginning in 2000.

Statistics show that arrivals, departures, net migration, the number of asylum seekers, and the number of refugees between 1989 and 2018 were dominated by Colombians. However, from 2013 to 2017 Venezuelans gradually began entering Ecuador in larger numbers, accelerating dramatically in 2017 and 2018 (Ministerio de Gobierno, 2020). The reasons why Colombians and Venezuelans come to

Ecuador have different roots. On the one hand, the majority of the Colombian population is escaping from the armed conflict, while Venezuelans are escaping from an economic and political crisis (Castillo & Reguant, 2017). Both populations seek to protect their lives, but are addressed by the migration policies of the host country in different ways. Likewise, the international refugee regime is better defined and offers stronger protection for cases of violent conflict like Colombia than for mixed flows like those fleeing the Venezuelan governance crisis. This section traces the changing migrant population dynamics in Ecuador in order to identify potential causes for shifts in Ecuador's migration response and, through an examination of visa and refugee policy, uncover what the state response reveals about who is valued, and the pressures and incentives to which they are responding.

After the creation and implementation of the mobile registration initiative "Enhanced Registration" in 2009 with co-funding from UNHCR and the Ecuadorian state, Ecuador doubled the number of registered refugees. Its initiatives were directed to refugees from all over the world; however, until February 2021, 96.95% of the refugee population was of Colombian origin. In 2018 and 2019, the patterns of migratory flows changed dramatically. The economic and political crisis in Venezuela unleashed a massive displacement of Venezuelans abroad. In less than 2 years, Venezuelans represented double the number of Colombians who applied for asylum in Ecuador. The high number of applications and the massive entry of Venezuelans resulted in a tightening of the requirements to enter Ecuador or to acquire refugee status, according to nationality (Pugh et al., 2020). Progressively since 2016, narratives that oppose open borders with regulations, militarization of borders, and stricter documentation for migrants have been strengthened. The year 2020 ushered in a new visa system in order to handle the high number of Venezuelan migrants in the Ecuadorian territory. The Ministry of Foreign Affairs and Human Mobility of Ecuador provides statistical details, summarized in the next section, that allow us to analyze and understand migratory flows in Ecuador and their relationship with recent changes in migration policies.

6.3.1   Arrivals, Departures, and Net Migration in Ecuador: Colombians and Venezuelans (2010–2019)

The arrivals and departures of Colombians to Ecuador have been consistent throughout the past decade. However, the behavior of the arrivals and departures of Venezuelans to Ecuador has drastically changed. Between 2010 and 2019, the arrivals and departures of Colombians to Ecuador have oscillated between 13% and 28% of the general total of all net migration to the country. From 2010 to 2012 there was a constant increase in arrivals of Colombians. In 2012, the highest number of Colombian arrivals in the last decade was reported in Ecuador. From 2013 to 2018 there was a decrease in the arrivals of Colombians. In 2019 the number of arrivals of Colombians increased slightly. On the other hand, the arrivals and departures of Venezuelans have oscillated between 3% and 35%. From 2010 to 2016 the
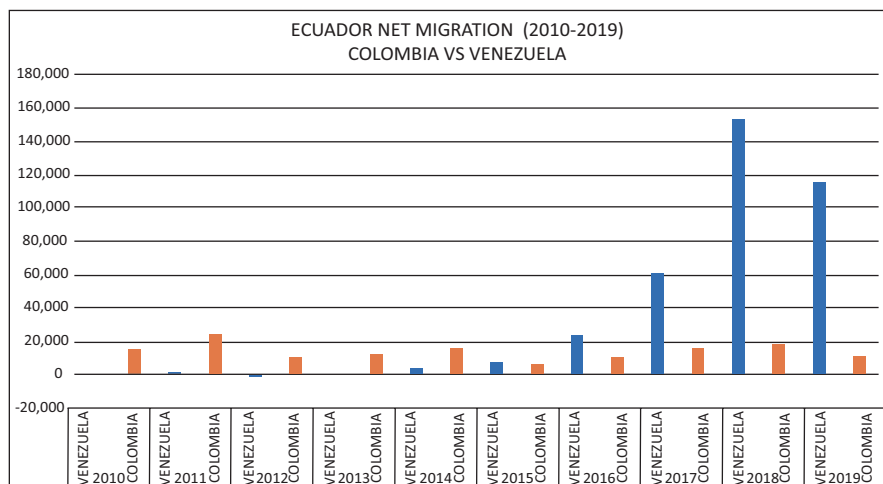
Fig. 6.1 Ecuador net migration Colombia Vs. Venezuela. Period (2010–2019). (Source: Ministerio de Gobierno (2020))

percentage of Venezuelan arrivals never exceeded 10% of the general total. In 2017, Venezuelan arrivals increased to 14% and in 2018 the percentage increased to 35%, the highest percentage of Venezuelan arrivals reported in the last decade. In 2019, arrivals slightly decreased but continued to represent 20% of the general total (Fig. 6.1).

The statistics reflected that in the last decade, the net migration of Colombians and Venezuelans in Ecuador was mostly positive. The net migration of Colombians ranged between 6000 and 24,239 people in the last decade but did not exceed 25,000 people in the same period of time. The net migration of Venezuelans ranged between 23 and 153,786 people. The rapid increase in migratory flows of Venezuelans is one of the important factors generating changes in migration policies in Ecuador.

6.3.2 Asylum Seekers Statistics

In addition to overall migration trends, it is also important to understand the dynamics of how Colombians, Venezuelans, and others have accessed the refugee system to request asylum and receive recognition as refugees (or not), and how this process has changed over time. According to the Ministry of Foreign Affairs and Human Mobility, from 1989 to 2018, the asylum applications presented belonged mostly to Colombians. In October 2018 the statistics stated that 75.54% of the applications submitted from 1989 to 2018 were submitted by Colombians, 20.51% by Venezuelans and only 3.95% belonged to the rest of the countries. However, for 2019 these percentages changed dramatically. The history of applicants by country of origin revealed that in just 7 months, applications from Venezuelans had doubled

Table 6.1 Comparison: Percentage history of applicants disaggregated by country of origin (1989–Oct 2018) vs. History of applicants disaggregated by country of origin (1989–May 2019)

| History of applicants disaggregated by country of origin (1989–Oct 2018)			History of applicants disaggregated by country of origin (1989–May 2019)		
Country	Colombia	Venezuela	Other	Colombia	Venezuela	Other
Percentage	75.54%	21.51%	3.95%	49.87%	47.74%	3.39%

Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2018)

and continued to increase rapidly. On May 31, 2019 the Minister of Foreign Affairs published that Venezuela went from being responsible for 20.51% of applicants, to 46.74%. The rest of the countries were responsible for 3.39% of applicants, and Colombia continued leading the number of applications in 2019 with 49.87%. These statistics reflect the incredible speed with which migratory flows are changing in Ecuador. These numbers also reflect the needs of the people who are arriving in Ecuadorian territory. They express that protection is something that needs to be guaranteed (Table 6.1).

According to UNHCR, in its MIES-UNHCR protection monitoring report (May–August 2019), "Despite the increase in the number of applications, Venezuelans who request protection as refugees continue to represent a minority compared to the total number of Venezuelan citizens residing in Ecuador and who may be in need of international protection." (United Nations High Commission for Refugees [UNHCR], 2019, p. 8) The situation becomes more complex, recognizing that not everyone who might deserve protection will request it, and not everyone who requests asylum will obtain it. The following graph represents in a more specific way the flow of requests submitted by Colombians and Venezuelans in the Ecuadorian territory during the key period between January 2018 and September 2019 (Fig. 6.2).

This graph represents the time period where the most relevant changes in the petitioners' statistics occurred. During this time, the applications submitted by Venezuelan citizens since March 2018 double those submitted by Colombians. According to the Ministry of Foreign Affairs, this pattern is maintained from 2018 to 2021. The latest report published on February 1, 2021 indicates that the requests of Venezuelan citizens exceeded those of Colombians since 2018, where the first changes were evidenced. During these last 3 years the percentage exceeds the requests of Colombians for the first time. 57.3% of the requests were presented by Venezuelans. 38.8% of the requests correspond to Colombians and 4.7% represent requests from other countries in the world.

These numbers reflect the changes in asylum seeker rates by population over time, but it is equally important to distinguish and analyze the (much smaller) percentage of these asylum seekers who were ultimately recognized as refugees by the Ecuadorian state, and how this rate fluctuated over time and by population. The drastic increase in Venezuelan asylum applications compared to consistent numbers of Colombian applications highlighted above suggests both that a lack of alternative legal migration pathways may have pushed some Venezuelans toward the asylum system, and also that the Colombian peace deal has not eliminated the demand by
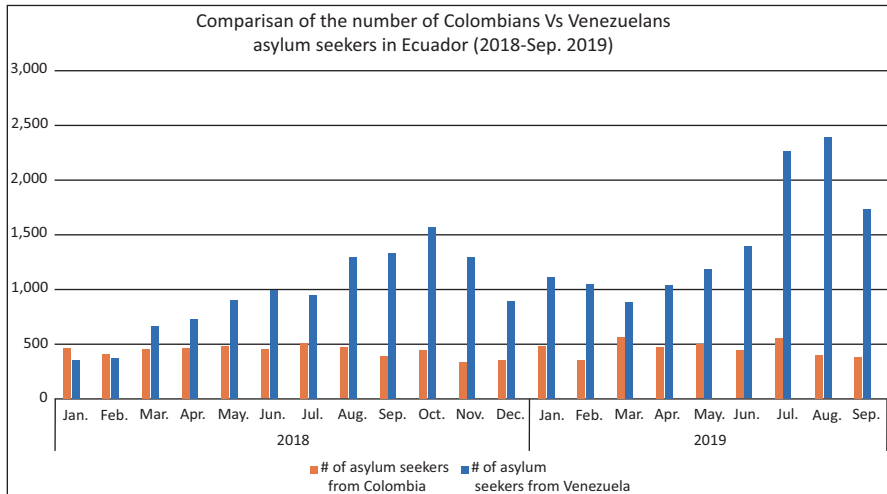
Fig. 6.2 Comparison of the number of Colombians Vs. Venezuelans asylum seekers in Ecuador (2018–Sep 2019). (Source: UNHCR. Ecuador: MIES-UNHCR protection monitoring (May–August, 2019))

Colombians for protection in Ecuador. The recent institutional system in Ecuador may have been a contributing factor to both problems.

As will be shown in the next section, the Ecuadorian government reduced refugee acceptance rates to much lower percentages than ever before, especially between 2014 and 2017 when fewer than 5% of asylum applications were approved (Pugh et al., 2020). This makes the situation more complex, since in the same period of time, migratory flows skyrocketed. By 2018, Ecuador faced a saturation of its current refugee system and decided to change its processes. Simultaneously, the Ecuadorian government tried to maintain a narrative that welcomes and protects migrants and refugees, while also implementing new, more strict regulations that made immigration more difficult. Specifically, these new conditions not only made entry more difficult, but also established more stringent requirements for staying in the country.

6.3.3   Refugee Statistics

Ecuador's reputation as a welcoming receiving country for refugees has been well established over the past two decades. Ecuador's constitution supports human mobility, and since 2008 prohibits discrimination based on nationality or immigration status. However, this graph shows the changes in refugee statistics that have been recognized from 1989 to January 2021. Statistics for the last few years clearly show a reduction in the number of people who received refugee status in Ecuador (Fig. 6.3).

HISTORY OF RECOGNIZED REFUGEES IN ECUADOR.
(1989-2021)
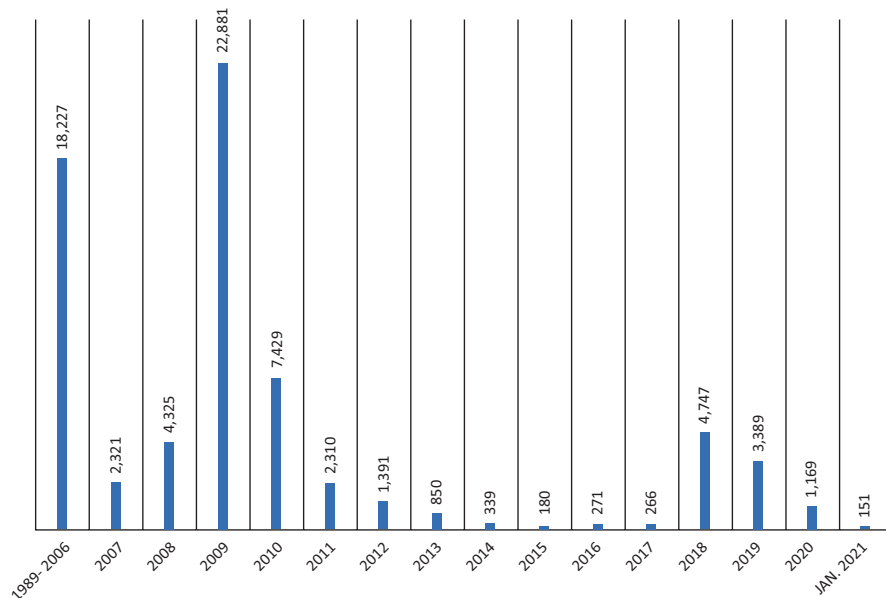
Fig. 6.3 History of recognized refugees in Ecuador by year. Period (1989–Jan 2021). (Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2021))

From 2007 to 2010 there were a fairly high number of refugees in Ecuador. In 2009, thanks to the "Enhanced Registration," in only one year, more than 22,000 people were granted refugee status. However, after 2010, the number of refugees decreased significantly. In 6 years (2011–2017), 5607 refugee status were granted. In 2018, the number rose sharply, but decreased again as additional restrictions were imposed.

Comparing the data related to asylum seekers and refugees, the refugee statistics for 1989–2021 continue to show that 96.95% of the recognized refugees in Ecuador are Colombian, compared to 0.73% that are Venezuelan. This percentage makes it clear that the acceptance rate of Venezuelan petitioners has not moved with the same speed as the applications submitted. The following graph illustrates the number of refugees, asylum seekers and the acceptance rate between 2000 and 2019, highlighting in stark relief the miniscule number of asylum claims that were approved over much of the past decade. This shows that the variation in the number of refugees receiving recognition does not only vary by nationality, but changes over time as political incentives, governmental practices, and migration discourses shift (Fig. 6.4).

Refugee status has been increasingly supplanted by other types of visas that lack the regime of international protections and obligations provided by the refugee regime, especially as new populations enter that have more complex origins that do
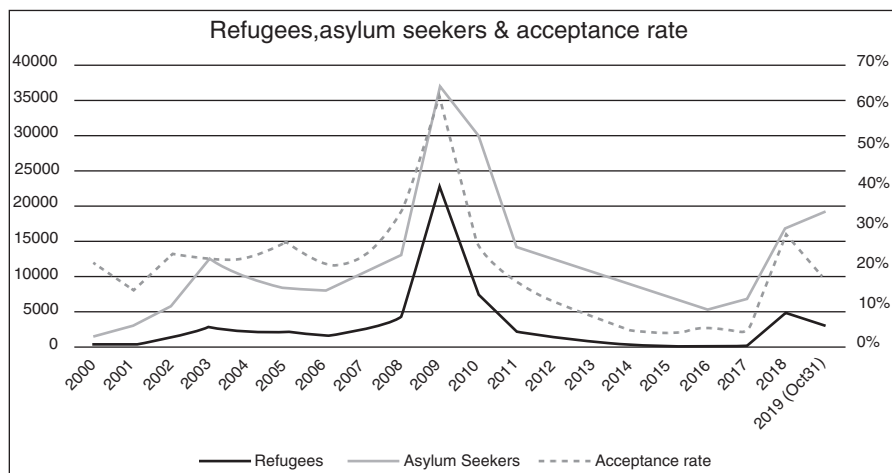
Fig. 6.4 Number of refugees and Asylum seekers, and Acceptance Rate, 2000–19. (Source: Ministerio de Relaciones Exteriores y Movilidad Humana (2019a, b))

not necessarily fit neatly within the criteria of the 1951 Refugee Convention. Because the rapid increase in Venezuelan migration has reshaped the political context and migration policy in Ecuador, the next section examines the legal and institutional responses of the Ecuadorian state to this influx, and the ways that the existing Colombian population has also been affected.

6.3.4 Changes in Ecuador with the Introduction of a New Visa for Venezuelans

The visa system in Ecuador has changed rapidly in the past few years after the massive arrival of Venezuelans. In the face of record arrivals from that country, Ecuador implemented additional border entry controls and changed its visa system. In 2019, "Executive Decree 826 stipulated that Venezuelan citizens must present a visa upon entry to the country as of August 26, 2019." (Ministerio de Gobierno, 2019) The same decree introduces the possibility of acquiring humanitarian visas for Venezuelans who entered the country irregularly until July 26, 2019. This amnesty measure regularized 38,243 Venezuelan citizens from August 26, 2019 to August 13, 2020, through the temporary VERHU humanitarian visa. During 2020, the official website of the Ministry of Foreign Affairs implemented additional divisions for temporary visas and removed others like the VERHU to create a temporary visa modification to try to accommodate the needs of the Venezuelan population.

By the beginning of 2020, Ecuador had stipulated three types of visas for which Venezuelans could apply: temporary visas, temporary visas with international protection, and permanent resident visas. More than 47,000 Venezuelans were able to

process visas in 2020 to stay in Ecuador even though the requirements were quite strict, and the processing fees could exceed $400 dollars per person. 72.46% of the visas issued overall from January to September 2020 were issued to Venezuelans. The temporary visas did not effectively consider the needs and characteristics of the Venezuelan migrant population. In the first months of 2020, the Ministry of Foreign Affairs was mostly issuing *temporary visitor* visas. However, this changed drastically throughout the year with the addition of *temporary resident visas*, in order to respond "more effectively" to the complex needs with which Venezuelan migrants arrive in Ecuador and to recognize the reality that they were not mere visitors. However, the measures implemented by the visa system to stay in Ecuador were criticized by the Venezuelan organizations in Ecuador, who argued that as a consequence COVID-19, they had lost their jobs and could not pay the $50 dollars processing fee of the humanitarian visa. With the elimination of the humanitarian visa, access to a visa was even more difficult. However, the humanitarian visa was the most economical option for migrants seeking regularization.

Analyzing the statistics of migratory flows and the changes in the visa system over time as the preceding sections have done reveals a story, and when matched with shifts in the political environment and the discourses that define collective understandings of migration, this analysis provides additional evidence of the policy and institutional effects of political and discursive negotiation. Statistics act as puzzle pieces, linking the parts of a reality that is experienced in a context. Each number that was coded in this analysis includes individual stories that narrate the difficulties with which these migrants arrived and stayed in Ecuador. In reality, these numbers transcend and can reveal the modification of immigration laws and therefore impact the lives of all migrants and refugees arriving in a country like Ecuador.

6.4 Ambiguous Protections, Contested Discourses, and the Social Construction of Mobility in Ecuador

Despite Ecuador's reputation as a welcoming receiving country for refugees and international migrants, these populations have faced, in general, different challenges along their migration journeys into the country, involving barriers related to entrance, documentation, permanence conditions, access to rights and services, and social and economic integration (Álvarez Velasco, 2020; Eguiguren, in press; Pugh, 2021; Ortega & Ospina, 2012; United Nations, 2017). Over the last 15 years a number of overlapping and interacting factors have shaped migrants' and refugees' experiences as well as institutional and social arrangements to provide them with protection and rights as guaranteed in the 2008 Constitution. Internal dynamics—such as electoral campaigns, divergent political perspectives regarding free movement, and modifications to the governance of the migration and refugee systems—and external factors related to the Colombian conflict and peace processes, the

Venezuelan migration influx that has intensified since 2015, and regional and global migration dynamics have all impacted migrants' and refugees' lives in Ecuador. Concurrently, discourses and frameworks about migration and migrants' rights have morphed according to these internal and external dynamics and events. As other scholars have also pointed out (Eguiguren, in press), the human rights and the security frameworks have coexisted even in times of the most progressive discourses on human mobility in the country (Pugh, 2017).

Based on duality and ambiguity, the purpose of this section is twofold. Through an analysis of some government and humanitarian institutions' voices and public opinion collected from media discourses (newspaper articles, online news videos, and tweets) focused on migration in Ecuador—especially of Colombians and Venezuelans—we illustrate, first, how the asylum and refugee processes carrying international protections have been de-emphasized over time while "human mobility" and migration have been emphasized (Sajjad, 2018). This has reinforced greater control by the Ecuadorian state in a move to advance the protection of the country rather than the refugees and immigrants. Second, we argue that domestic political and electoral incentives have driven both the emphasis on migration/universal citizenship (enfranchisement of Ecuadorian emigrants abroad) and the shift in policy implementation beneath the rhetorical shell (responding to backlash against refugees and ties with criminality). Part of this change has involved shifting power dynamics and competing normative discourses between UNHCR and other international organizations on the one hand and the Ecuadorian state on the other. These two processes show, in general, how migration has been a key site for the (re)construction and negotiation of protection, solidarity, and securitization measures. Although we have separated these arguments for the purpose of our analysis, both of them overlap as the internal and external dynamics and the narratives about migration, migrants, and refugees are all interrelated.

6.4.1 Shifting the Referent: From Protecting Migrants to Protecting the Territorial State

Discourses about migration are not only narratives about the topic but also "a constituent part of migration as a phenomenon" (Van Dijk, 2018, p. 230). In this sense, the voices of different government actors, United Nations agencies, and local humanitarian actors also shape migration itself since they are a "form of social and political (inter)action" (Ibid.). While it is possible to find various references in the news from the Ecuadorian government and UNHCR representatives saying that Ecuador has opened its doors to receive the greatest number of refugees in the region, these headlines are also often accompanied by contents about in/security issues involving immigrants and refugees and their countries of origin, border control, human trafficking, stricter documentation and visa requirements for entry and permanence, and deportation. Reported cases of refugees and immigrants involved

in felonies and a high and unexpected influx of foreigners have served as the basis for arguments favoring increased security measures by the state. In the framing of these stories, Ecuador, its citizens, and its borders, are the ones to be protected since the refugee system, the migration law, and the principle of free movement have been taken advantage of in order to generate a feeling of insecurity and chaos, not only in the country but in the region.

A series of events have led to a weakening of protective measures toward immigrants and refugees in the country and the intensification of security actions. As an example, in 2010, under a combined narrative of protection and security, the country of free movement started to impose visas on citizens from certain countries such as Afghanistan, Cuba, Ethiopia, Kenya, Nigeria, and Somalia, among a few others. In a news article about this issue (*Inter Press Service,* 2020), this decision was justified under the argument of an "unusual migratory flux" from such countries which was indicative of human trafficking, according to the Subsecretary of Migration cited in the report. However, in this same piece, the reporter also suggested that the United States might have been putting some pressure on Ecuador since it was thought that citizens of Africa and the Middle East countries arriving in Ecuador were in transit to the U.S (Álvarez Velasco, 2020). Additionally, according to this same report, another representative of the Ministry of Foreign Affairs argued that, "Among the hundreds of foreigners getting married with Ecuadorians […] there are some looking to get an Ecuadorian passport to move around easier […]." These people, among them "illegal" Colombians, Cubans, Pakistanis, and Chinese citizens, were presenting "adulterated documents" to justify *de facto* unions and marriages, according to the report. As a result, added the author of the article, "the Ecuadorian government announced the suspension of naturalization rights to the foreigners involved in the falsification of documents" and the implementation of surveillance strategies involving the Ministry of Foreign Affairs and the Civil Registry to prevent new fraudulent acts. These cases, representative of foreigners/people deceiving the state or committing fraud, were then brought to the front as justifications for the implementation of broader protective measures in favor of the State.

As a contrast with the times when asylum seekers and people in refugee-like situations were broadly supported by the refugee regime, a news report that appeared in *El Comercio* entitled "These are the types of visas Venezuelan citizens can apply to in Ecuador" (2018) highlighted the "unusual" influx of immigrants into the country arriving from Colombia and the different pathways to regularization of immigrants. Like many news reports that cite the origin and numbers of immigrants or refugees entering or living in the country, this piece stressed that 3000 Venezuelans entered in one day. Citing the number of immigrants or refugees or showing images of massive numbers of people entering the country or gathering in public spaces is a quantification strategy, replacing human stories with aggregate numbers (Van Dijk, 2018) that suggest that the country does not have control of its borders or is overwhelmed by the "unusual" numbers of immigrants (Van Dijk, 2018). Such images also serve to justify the country's need of protection, the connection of migration with crime, and the implementation of securitization measures, such as the

militarization of borders with the aim to "avoid the entrance of foreigners who might be carrying arms, munition, explosives," as a colonel patrolling the northern border with Colombia has recently affirmed (*El Comercio*, 2021a). The quantification strategy also serves to reinforce the idea of the generosity of the country and how much the Ecuadorian government and other institutions have done for refugees and immigrants, an imaginary that is also reinforced through the emphasis on the unique actions implemented by the government as the official voices in the referred news report highlighted.

This latter argument, the "generosity" and solidarity of the Ecuadorian state actually de-emphasizes the international human rights regime and the binding obligations of the refugee regime, both of which would provide refugees an inherent *right* to claim protection and basic services rather than relying on the good will of the host state as a "savior." Instead, there has been a steady increase in both state-building policies and narratives prioritizing state autonomous decision-making rather than adherence to the international refugee regime or application of human rights frames that would leave the locus of interpretation and enforcement within international institutions (Pugh, 2021; Pugh & Moya, 2020).

Restrictions to access to the refugee system, pathways to regularization, rights, security, order, and chaos also emerge as overlapping topics in news reports. The vice minister of Human Mobility cited in this same news report and the embedded videoclip (*El Comercio*, 2018) emphasized that the Constitution grants "*foreign persons in the Ecuadorian* territory the same rights and duties as Ecuadorians" [emphasis added by the authors]. Although the vice minister deprived foreign persons of any agency by not attributing them an action verb in his sentence such as living, visiting, or arriving, he emphasized that they have access to health, education, and "almost everything as Ecuadorian citizens have access to." He highlighted that the government "has to follow the line of protection of human rights according to the security of the country" and that "unless the Constitution changes, this is something that cannot change." He also noticed that "*refugio* is not a type of visa but an institution" and that the Venezuelans who do not meet the requirements to apply for the refugee status might apply for a Unasur visa, a "unique type of visa in the world," "a thing really exceptional and extraordinary," and the maximum effort that the country can afford to support Venezuelans since this document is provided without the need to demonstrate a period of residency or tourism in the country. Although he also recognized that access to this visa is limited for some Venezuelans due to its cost, he argued that "making it cheaper does not only depend on the *Cancillería,* but it is a topic to coordinate with other institutions such as the *Mesa Nacional de Movilidad Humana* and the Ministry of Interior," which is in charge of the security issues in the country.

According to the vice minister, coordinating with other national institutions "with competencies on migration issues"—despite the Ministry of Foreign Affairs and Human Mobility being the lead agency for migration policy in the country—, listening to the Ecuadorian population, and considering the national interests are also priorities in the context of "unusual" flows of immigrants. The vice minister also asserted that not implementing requirements for the entrance

would imply that the institution he represents "is not meeting its duty of regulating migration flows." Implicitly he recognized that both the current requirements and the economic barriers to access a visa help to regulate and control the number of immigrants accessing the country by asserting that "we are interested in having an orderly migration" since "the worst thing that might happen to Ecuador is having a kind of *migratory chaos and that it is not known what happens with the citizens entering the country*."

Lastly, in the context of commenting on the rights of refugees and immigrants, the vice minister also stressed that among the state's "tremendous efforts, they have the responsibility to listen to the Ecuadorian population and to find a balance amidst this difficult situation that Ecuador is going through in terms of the influx of Venezuelan citizens, while emphasizing the wellbeing of the Ecuadorian population and the rights and wellbeing of the foreigners living in and entering to the country." Once again, protection, human rights, and security are mixed among the arguments to support an orderly migration. More importantly, the vice minister's perspective suggests that not only national security, but public opinion has the power to influence decision making concerning human mobility principles and rights granted to immigrants and refugees through the national Constitution. However, what the vice minister seems to forget is that the constitution that grants rights and protection to immigrants and refugees was ratified by 70% of the population back in 2008 (Pugh, 2017).

The ambiguity of this contemporary state discourse actually traces a line of continuity from the latter part of the previous president Correa administration, undermining superficial analyses that claim that the primary change in migration policy was between the open Correa administration and the nationalistic Moreno one. In contrast to this argument, president Correa in 2010 was already previewing the same ambiguous mixed messages later showcased by the current vice minister's narrative. In response to criticism from political opponents in the National Assembly, Correa argued, "It is absurd to claim that because of our policy of free human mobility and planetary citizenship, insecurity has increased… However, we are doing a very careful study to see if there is any relationship between the entrance of citizens of certain countries and the increase in insecurity. If this hypothesis is verified, you can rest assured that we will make any changes and take any measures that are necessary. We have our priorities clearly in mind, and the primary one is the welfare and security of the Ecuadorian people. We cannot fall into romanticism. I repeat, if it is necessary to harden our immigration policy, that is what we will do" (Correa, 2010). Like the vice-minister's language quoted above, Correa also cited public opinion, prioritizing majoritarian Ecuadorian citizen opinions/interests over human rights protections, and relied more on solidarity/generosity messages than on rights messages to justify his open migration policies (providing him the flexibility to change the policies as political/electoral incentives shifted, which indeed happened as he issued a restrictivist Decree 1182 in 2012 making it much more difficult to receive asylum status).

The impacts of these two forces, national security and public opinion, are significant since they have the power not only to influence but also justify government

decisions and actions such as the militarization of the borders to control migration flows, reduction of refugee acceptance rates, or to increase mechanisms for deportations, as introduced in the latest modifications to the Organic Law of Human Mobility in 2021. The vice minister's argument of considering public opinion in decision making processes and migration issues is also relevant in a context of "intolerance, xenophobia, and aporaphobia, which stigmatize and criminalize people in migration situations" as the Ombuds offices of Colombia, Ecuador, and Peru recently denounced (*El Comercio*, 2021b). Nonetheless, xenophobia, discrimination, and limited economic and social inclusion opportunities are not recent problems, since Colombian refugees were discriminated against in general since their arrival to the country as has been analyzed by scholars and described in different news reports (Ortega & Ospina 2012; Sánchez Bautista, 2013; Santacruz Benavides, 2013; Ripoll & Navas-Alemán, 2018; Romo-Pérez, 2020; *La Hora*, 2003; *Plan V*, 2019). However, since their need for international protection seemed to have diminished in the context of the 2016 Colombian peace agreement and their situation has increasingly become more invisible due to the recent flows of Venezuelans (Pugh et al., 2020), the impacts of the more recent security measures on their access to the country and to asylum and protection are not usually commented on in the public media consulted. In addition to the ambiguities between discourses of sovereignty/public opinion vs. international rights protection described in the preceding section, we turn now to a brief examination of the ways in which expectations of political invisibility and gratitude that are often embedded in dominant state narratives serve to undermine migrant agency and delegitimize the participation of migrants (both refugees or economic migrants) in decisions that directly affect their lives.

6.4.2   Political Invisibility, Expectations of Gratitude, and Migrant Agency

Whereas news reports citing the UNHCR and the national government usually follow a narrative that highlights individual stories of refugees' struggles in their country of origin, resilience, and relative economic 'stability' in Ecuador, migrants of all kinds are challenged with discrimination and insecurity in Ecuador, especially in the face of expectations of depoliticization that can demand their submissiveness rather than activism in the face of hardship or injustice (Gómez Martín & Malo, 2019; Pugh, 2021). One refugee asserted such a phenomenon in a video report by *teleSUR* (*teleSUR*, 2019) while camping in front of the UNHCR office in Quito in 2019. On this occasion, a group of Colombian refugees and asylum seekers camped in front of the UNHCR offices in Quito demanding protection and resettlement to a third country in Europe since, according to the refugee families, they were being persecuted in Ecuador by the groups that forced them to flee Colombia. In a news report by *El Comercio* (2019a) a press release from the UNHCR in Quito is cited, presenting the institution as providing all the possible means for refugees to feel safe, such as reviewing their cases and supporting their local "reintegration," but

arguing that resettlement does not depend on the UNHCR but on receiving countries' governments who determine, as an "act of solidarity," how many refugees they can admit.

Since refugees were arguing that they were being persecuted in Ecuador, they did not accept the option of local integration, which was already limited for them. The report cited the UNHCR saying that they [UNCHR] "regret that, despite *all their efforts* to support the Colombian families, *only two of them had accepted their help*." While the messages of protection and support from the UNHCR were emphasized and the argument of third countries as the decision makers regarding access to resettlement justified the inaction of the UNHCR, Colombians were represented as rejecting the "help" of the agency, which suggests that Colombians really did not wanted to be helped. This reinforces what Caroline Moulin (2012) describes as a 'logic of gratitude' that is often wielded against refugees and asylum seekers who engage in political contestation or claim rights in ways that are portrayed as presumptuous. In the same report a tweet from UNHCR Ecuador is cited, which reiterated the institution's commitment to support refugees and find solutions to "the families that *occupied the public space outside of their* offices in Quito." After the UNHCR press release, the Colombian families were forcibly removed from the public space in front of the UNHCR offices by the police.

The response of the UNHCR and the local Ecuadorian government in this case was limited to provide temporary shelter to the families in order to remove them from the public space. This "operation was supported by the National Police and the local municipality as part of its Social Plan" (*El Comercio*, 2019b). Other institutions, such as the local Red Cross, donated sanitary kits, and others organized food donations, as affirmed in the same news report. Interestingly, the word *operativo* implies an action by the police in the context of crime or a security action involving armed forces against a threat, consistent with the securitizing narratives mentioned earlier. Nonetheless, the responses by the institutions correspond to traditional emergency and humanitarian actions to provide temporary relief. They do not offer, however, permanent solutions to Colombians' protracted forced displacement and their lack of human security conditions in their country of asylum. As it is common in many news reports, the pieces by *El Comercio* (2019a, b) closed citing that Ecuador is the major recipient of refugees in Latin America, while avoiding questioning the removal of the families from the public space and the potential indifference (Margheritis, 2013) of the limited answers provided by the UNHCR office and the Ecuadorian government to meet their commitments to protect the refugee population and offer them suitable permanent solutions.

Analyzed in a broader context that considers the difficulties some Colombian refugees face regarding local integration, the impossibility of their return to Colombia even after the 2016 peace agreement, and the lack of institutional support and international solidarity to resettle refugees in third countries, the limited responses provided by the UNHCR office and the Ecuadorian national and local governments to the claims of Colombian refugees in 2019 suggest a debilitated and limited refugee system in urgent need of restructuring so that it is able to guarantee refugees' rights and offer real suitable solutions to their protection needs.

This example shows that the consequences of ambivalent discourses and contradictions in the institutional reception systems may have especially dire consequences for Colombian refugees and forced migrants whose exclusion from spaces of participation—or even from safe spaces to exist—could lead to a precarity that carries life-or-death consequences. When their exclusion or neglect is justified by their 'inappropriate' political activism or their failure to show sufficient gratitude, the formal protections guaranteed by international law and the regime of protection may not distinguish them as clearly from other migrants in the discrimination they experience. While Venezuelan migrants also reported in interviews with the authors feeling pressure not to participate in political activism and a fear of being labeled with discourses of 'troublemaker' and 'criminal' if they did so, they seemed more willing to organize collectively than Colombians, and to insert their collective voice via organizational representatives into media narratives.

6.5   Conclusion

This chapter has explored the complex intersections among migration flows, migration law, and the discourses that domestic state and non-state actors promote to try to shape the collective understanding of migration, including the manipulation and shaping of the boundaries of the refugee system and the way it is experienced in practice. By examining the case of Ecuador, the largest recipient of refugees and asylum seekers in Latin America and a country that has maintained a welcoming reputation while simultaneously and gradually hollowing the content of its protections for refugees and practices of integration, we hope to have exposed the complications and ambiguities shaping migrant reception and the negotiation of law and state institutions to demarcate and cope with different categories of foreign persons coming into the country. The juxtaposition of the evolution of laws and policies with the political incentives and narratives promoted by the state and by non-state actors illustrates a dynamic tension that seeks to ultimately manipulate the quantity and composition of migration flows into the country. Ecuador's experience can shed light in understanding other receiving countries in Latin America and the Global South that grapple with sudden influxes of migrants and which seek to balance a desire for an international reputation of solidarity with responding to domestic political constraints and incentives for more restrictive approaches.

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Chapter 7
The Legality of (Im)mobility: Migration, Coyoterismo, and Indigenous Justice in Southern Ecuador

Ulla D. Berg and Lucía Pérez Martínez

7.1 Introduction

In the past decade, migration and mobility trends in South America have become increasingly complex and multi-directional. Migration to the United States remains a key feature in Latin America; however, intraregional migration within South America itself has grown significantly due to economic crises and political instability, violence and conflict, and environmental and climate change (IOM, 2019). The ongoing political and economic crisis in Venezuela is the most acute example of this tendency; a crisis which has displaced an estimated five million Venezuelans to the entire subcontinent. The subcontinent has also seen an increase in transit migrants from other parts of the world, including Africa and Asia, heading towards the United States. These population movements and mobilities have been met with new forms of migration management, border control and surveillance, most recently as a result of the shutdown of national borders due to COVID-19. But even prior to the pandemic, the lack of flexible immigration and visa policies allowing migrants and refugees to migrate safely and with authorization has contributed to deepening the markets for human smuggling operations. A growing body of literature has documented the existence of numerous profitable human smuggling operations not only along the U.S.-Mexico border (Sanchez, 2016, 2018), but throughout the US-Mexico-Central America corridor where migrants travelling north attempt to bypass border controls in Central America and Mexico (Brigden, 2018; Sanchez, 2018; Velasco, 2018).

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Accurate data on migrant smuggling is complicated and hard to come about for various reasons. Baird and van Liempt (2015) have suggested that due to the difficulties of differentiating entirely between trafficking and smuggling, there is a double disadvantage – conceptual and methodological – in studying migrant smuggling. Smuggling and trafficking, they argue, are mostly distinguished "by the fact that the latter implies the involvement of victims, but smuggling does not" (2015, p. 3).[1] Most research, they conclude, has been marked by a polarity that is difficult to overcome, one that either criminalizes or victimizes the migrants who move through unauthorized routes. To get beyond this conceptual and methodological impasse, Baird and van Liempt advocate instead for the need for new approaches which can both generate empirics about migrant smuggling but also engage the ethics of knowledge production about such processes and systems.

In this article we strive to overcome some of the limitations in existing studies identified by Baird and van Liempt. We both distance ourselves radically from the criminalizing gaze on migrant smuggling and recognize with great emphasis the agency of migrants in these practices, an approach which also distances our work from victimizing glances. In Latin America, "migrant smuggling," or tráfico de migrantes in Spanish, is a term used by the State and the media to describe the unauthorized transportation of migrants across national borders often implying financial gain and exploitation, but it does not typically reflect everyday understandings within migrant communities regarding available travel options. As we shall see below, coyoterismo is a long-standing institution in Southern Ecuador, especially in Cañar province where it is embedded in community life, migration practices, and even in the political, organizational and community justice structure. We approach coyoterismo from the perspective of family and trust networks and consider the historical-cultural factor that centers the role of the community in everyday life in indigenous communities of Cañar. Although we position ourselves in favor of approaches that recognize human rights, our analysis here does not focus on the tension between control and state protection inherent to this perspective. We instead focus on other legal systems in play such as indigenous justice (justicia indígena) in contexts of migration from the region. Indigenous justice is here understood as a set of rules, procedures, and local customs of coexistence and social control that indigenous peoples utilize to regulate their internal affairs.

While Ecuadorian migration to the US has been ongoing since the 1960s, the migration of indigenous Ecuadorians from Cañar – or Kañaris – is much more recent.[2] Since the 2000s, members of communities in Cañar have travelled north in significant numbers via clandestine routes using a network of migration facilitators – coyoteros, guides, smugglers and moneylenders – which make up the area's migration infrastructure. Clandestine migration is expensive and involves significant investments on behalf of prospective migrants and their families. Some coyotes

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[1] For the UN definition of human trafficking see OHCHR (2000).

[2] In this chapter we use the Kichwa spelling – Kañari – to name the indigenous ethnic group which inhabits the territories of the modern provinces of Cañar and Azuay.

therefore offer migrants a second and even a third chance when and if they are detained and deported when attempting to cross the U.S.-Mexico border. Some migrants deported from this border decline the offer to re-migrate and decide instead to stay in Cañar and attempt to recover their investment using indigenous justice (*justicia indígena*) since the regular Ecuadorian justice system is not very efficient for this purpose. If there are excessive or additional expenses in case of kidnappings, if the coyotero has not reported back on the whereabouts of the traveler, or if the migrant has been detained at the US-Mexico border, indigenous lawyers contracted by migrants' families may also use indigenous justice to intervene, recover investments, and attempt to repair any damages.

This chapter examines the strategic uses of multiple legal systems among migrant families and communities which shape Kañari understandings of their own migration projects including the relationship between migrants and facilitators, the opportunities afforded through migration, and the risks inherent in irregularized migration. In the following sections, we first give some necessary context to the social institutions of indigenous societies in Ecuador and to the history of migration in the area. We then examine the judicialization of coyoterismo and explore the tensions between indigenous and ordinary justice systems. We build on recent scholarship on coyoterismo, migrant smuggling and migration facilitation, which go beyond abstract and normative discussions of migrant smuggling as a matter of cruel villains and innocent victims (Zhang et al., 2018; Triandafyllidou, 2018), and offer instead an empirically grounded analysis which illustrates how the migration infrastructure in Cañar – as in other places in the Global South – is made up of complex social and economic networks at the intersection of family, community, individual and collective mobility aspirations, and political relationships.[3] While the focus in much recent critical scholarship on migrant smuggling has been on migration facilitation as a service and a strategy through which migrants can increase the odds of success and reduce risks underway (Sanchez, 2017), scant attention has been paid to how migrants and their communities mobilize multiple justice systems to confront and hold smugglers accountable to the safe arrival and well-being of migrants en-route. In this chapter, we offer a case study of coyoterismo and the judicialization of migrant smuggling in Cañar with the aim of contributing to a broader understanding of the intersection of irregularized migration and legal pluralism which characterize much contemporary migration not only in Ecuador, but also elsewhere in the Global South.

7.2   Migration and Indigenous Society in Southern Ecuador

Canton Cañar is located in the southern highlands of Ecuador, also called the Austro region. According to Ecuador's 2010 census, Canton Cañar had approximately 60,000 inhabitants of which about 80% correspond to the rural population (ODNA, 2008). Poverty is widespread in the area, especially in the sectors with the largest indigenous population, and largely related to socio-economic issues such as the minifundization of land tenure, lack of access to water, and unemployment (Berg & Herrera, 2022; Fock & Krener, 1977/2019). At the national level the multidimensional poverty rate reaches 68.7% for the rural population, while in the cities it is 26.8% (INEC, 2020).

Cañar's economy is sustained by multiple activities. Its economically active population combines agricultural activities, temporary jobs as construction laborers, and informal commerce. In the last 20 years, migration to the United States has become one of the main economic strategies to diversify household earnings.

Ecuadorian migration to the United States was minimal prior to the 1960s and primarily related to the Panama hat trade (Kyle, 2000). At the end of the 1970s and beginning of the 1980s, the provinces of Azuay and Cañar became the region with the highest out-migration rate in the country (Álvarez Velasco et al., 2020). The first significant wave of migrants came from cities and rural communities in Azuay and Cañar, including Ecuador's third-largest city, Cuenca. These migrants settled primarily in New York City (Pribilsky, 2007; Miles, 2004). Many of these earlier migrants acquired lawful permanent residency status in the United States with IRCA's amnesty provision in 1986 and later sponsored the legal migration of other family members (Jokisch & Pribilsky, 2002). A second wave of migrants left Ecuador in the late 1990s when the country experienced a severe economic crisis. Many Ecuadorians continued to emigrate to the United States while others went to Spain and Italy (Gratton, 2007; Herrera, 2012).

Emigration from Ecuador decreased between 2007 and 2014, but since 2014 it has increased again, following cycles of economic growth and depression (Álvarez Velasco et al., 2020, p. 16). Migration from the province of Cañar specifically has not decreased in more than 20 years except briefly during the beginning of the COVID-19 pandemic when many countries in the region closed their borders to migrants.[4]

The condition of irregularity which characterizes US-bound migration flows from Southern Ecuador prevents migrants from returning regularly to their home communities and they are often absent for years at a time, or even decades. Many migrants opt to bring their family members to the United States, thus increasing the demand for coyote services. Involuntary returns from the United States in the form of deportations have also occurred regularly over the past decades (Hiemstra, 2019) and many deported migrants will return to the United States at the first

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[4] See the (Im)mobilities in the Americas (2020) project for an overview of the impact of COVID-19 on migration flows in the region.

opportunity (Berg & Herrera, 2022). Despite these limitations on mobility, studies show that this is a deeply transnational territory with high-level circulation of people and resources through remittances, constant communication mediated by a variety of technologies, and the quasi-institutionalization of coyoterismo (Herrera, 2013; Miles, 2004; Pribilsky, 2007; Pedone, 2006). This context of intersecting mobilities has impacted not only the reconfiguration of transnational families (Berg & Herrera, 2022), but also the organization of local community institutions and practices. One of these is the indigenous justice system whose entanglement with transnational migration has been little studied in both the migration literature and in studies of human smuggling.

Although indigenous justice has been practiced ancestrally in Ecuador's indigenous communities, it was not recognized until the country's penultimate constitution of 1998 (Article 191); however, this recognition did not grant jurisdictional functions for its exercise. It was not until the Constitution of 2008 that universal citizenship and the plurinational state were recognized. Article 171 of the 2008 Constitution states that peoples and nationalities can exercise indigenous justice within their territories, under the observance of the Constitution, and within the framework of human rights. Still, there were no clear mechanisms to resolve the incompatibilities between customary indigenous law and international human rights law endorsed by the Ecuadorian state. One initiative which came about in tandem with the constitutional mandate, was the creation of Indigenous Prosecutors' Offices under the State Attorney General's Office, with the aim of creating a bridge between indigenous practices of justice and the ordinary justice system. Despite the change with the 2008 Constitution, and the development of some secondary regulations, such as the Organic Law of Constitutional Guarantees and the Code of the Judicial Function, their practical application has not ceased to be cumbersome and conflictive (Grijalva Jiménez, 2012). This becomes particularly evident in the legal tensions surrounding coyoterismo practices in Ecuador's migrant sending regions where the State and local communities frequently have different views on how migration-related conflict should be resolved and penalties applied in migration-related disputes. But before going into the details of the judicialization of coyoterismo, we first briefly review the role of coyoterismo in facilitating and maintaining networks of migration from Cañar.

7.3 Coyoterismo and the Infrastructure of Irregularized Migration in Cañar

Popular media and official anti-trafficking policy discourses in Ecuador and globally typically frame migrant smuggling as organized crime where smugglers are pictured as hardened male criminals who prey on vulnerable migrants and subject them to cycles of violence, abuse, and exploitation (Sanchez, 2017). Sometimes migrant smuggling is also conflated with drug smuggling, even if the two

infrequently intersect (Izcara-Palacios, 2015). Such representations are based on normative views of legitimate versus illegitimate mobility and often accompanied by persistent constructions of migrants as agency-less victims. But coyoterismo is deeply rooted in rural communities of Cañar and migrants are often complicit in maintaining the institution because they rely on it for their present and future mobility projects. In this section, we examine this community aspects of coyoterismo and show how clandestine migration facilitation is rooted in local social structures and mobilized within networks of family, kin, and co-ethnics, based on practices of reciprocity and social obligation. In analyzing the complexities of the institution of coyoterismo including the social role of the coyote in the community and the agency of migrants who use these services, we highlight the social mechanisms in place to hold coyotes accountable to local migrant-sending communities.

Migration from Cañar to the United States has since its beginnings occurred largely via unauthorized routes and using various kinds of "migration merchants" (Kyle, 2000), most commonly referred to as coyotes or coyoteros and chulqueros, the latter referring to local money lenders whose presence is long-standing in the Austro region (Carpio Benalcazar, 1992; Kyle & Liang, 2001). The Kañari refer to this form of irregularized migration which takes place in the context of already transnational family and social networks as "irse por el camino," "por la chacra," or "por la pampa" (Pribilsky, 2007).

During the first wave of emigration from Ecuador, a few middle-class mestizo families, mostly from Cuenca, controlled both the coyoterismo and the chulquero markets. Kyle (2000, p. 66) writes that typically a transaction would begin with a tramitador making a "sales pitch" to the prospective migrant in their home village, offering to arrange all necessary documentation and travel arrangements for the trip. The tramitador will then connect the prospective migrant with a chulquero, or money-lender, who at a considerable interest rate will finance the cost of the trip taking family land, property, or cattle as collateral (Pribilsky, 2007).

With the increase in indigenous migration from Cañar since the 2000s, knowledge about the migration process proliferated in local social and family networks and some networks grew into more formally established indigenous-owned coyoterismo businesses. In addition to this "indigenization" of the institution of coyoterismo, there is also an ongoing broadening of participating actors including women.[5] Prospective migrants have in past years increasingly contracted coyote and chulquero services locally, even within their own community or extended family. Stone-Cadena and Álvarez Velasco (2018) suggest how this change in the ethnic and regional composition of the coyotero industry might end up favoring indigenous migrants due to expectations that ethnic solidarity will hold indigenous coyotes more accountable since the coyoteros and their customers are members of the same community (2018, pp. 201–202). However, as we show below, these transactions rarely occur without conflict and indigenous justice plays a key role in establishing

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[5] See Sanchez (2016) for a discussion of women's participation in clandestine human smuggling operations, especially in the U.S. Southwest.

accountability structures to regulate the relationship between coyotes, chulqueros, and their migrant customers.

The coyote is often a well-known and respected figure in the communities of Cañar. It is not uncommon that individual coyotes or coyotero families amass substantial political and economic power even if their activities are only supplemental to other economic activities and remain public secrets. Despite national campaigns in Ecuador to criminalize irregularized migration as "migrant smuggling" or "trafficking" (Ruiz Muriel & Álvarez Velasco, 2019), local communities do not generally view coyoterismo as a criminal activity but as a necessary service to facilitate mobility project and ensure safe passage to the United States. There is a transactional aspect to the relationship and an expectation that both sides will comply with the often orally sealed contract. Trust is key here and as community members themselves coyotes have little incentive to cheat or short-change their customers. Many coyotes offer several travel attempts should a prospective migrant be returned before or upon arrival at the US-Mexico border. Migrants will confront coyotes and seek reimbursement mostly if the coyote declines to offer additional attempts in case of a "failed" migration, or if the migrant does not wish to try again. In those cases, migrants selectively use legal tools from both ordinary and indigenous justice systems to confront the coyotes or chulqueros.

As such coyoterismo is a malleable institution. As global and regional migration control policies change over time, coyotes must adapt their services to changing policy contexts, markets, and customer demands. Clandestine migration routes north have changed significantly over the last decades and continue to change. For example, before 2000, the first leg of the trip from Ecuador used the maritime route from the northern coast of Ecuador and up along the Pacific coast to Guatemala (Thompson & Ochoa, 2004). In Guatemala, migrants would disembark and continue north through Mexico using a gamut of transportation options including walking for segments of the journey. The coyote who arranged for this first leg of the trip mostly handed migrants over to other guides as they moved north. In more recent years, travel arrangements have commonly involved flights to Honduras and lately Mexico where Ecuadorians between 2018 and 2021 didn't require a visa.[6] From there, migrants travel the last part of the trip over land to the US-Mexico border. In 2020, a new maritime route via the Bahamas appeared as migrants sought new ways of escaping the economic hardship produced by the coronavirus pandemic (Guambaña, 2021).

The users of migrant smuggling services in Ecuador has also changed over time. Previously, the typical migrant was the male breadwinner leaving his family in Cañar. Now, more women than ever before migrate North and the number of unaccompanied children whose migrant parents are already in the United States is also growing (Berg & Herrera, 2022; Ruiz Muriel & Álvarez Velasco, 2019). With increased deportations from the United States back to the Austro region – 29,026

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[6] In August 2021, the government of Mexico suspended the visa waiver for Ecuadorians to "help ensure that Ecuadorians do not fall prey to human trafficking networks" (Gobierno de México, 2021).

deported Ecuadorians between 2001 and 2019 (Berg & Herrera, 2022) – incidents of remigration after deportation are also common. Furthermore, Ecuador is also an important transit country for extra-continental migrants from Africa, the Caribbean, and the Middle East passing through Ecuador en route to the United States (Álvarez Velasco, 2020).

Given these new scenarios of multiple mobilities, it is not surprising that human smuggling needs and services have proliferated. Scholars have found that migrants are recruited into smuggling networks at different points during the trip North (Brigden, 2018; Quito Heredia, 2014) including when stuck in transit through the Central America-Mexico-U.S. transit corridor (Frank-Vitale, 2020). Migrants who have accumulated experience through several trips north may take other migrants along and little-by-little establish themselves as coyotes. Indeed, several deported migrants in our study reported using their previous migration experience to make the trip from Ecuador to Honduras or Mexico on their own. If they brought a friend or two, they could even make some money to pay for their own crossing into the United States.

The proliferation of forms of migration facilitation also presents the need to activate mechanisms of accountability to avoid swindling, fraud, and exploitation of prospective migrants and their families. If a migration journey fails, the traveler has several options. They can either re-attempt the trip within a given timeframe or decide to stay in Ecuador and try to recover part of their investment. This can happen by appealing informally to the coyote or by using either indigenous or ordinary justice mechanisms to remedy the losses.

7.4   Legal Pluralism and the Judicialization of Migrant Smuggling in Cañar Migrante

Throughout Ecuador's colonial and postcolonial history, indigenous justice has coexisted with ordinary justice, partly due to the lack of state presence throughout the national territory, especially in areas where inhabitants have been systematically subalternized and excluded from the national project. Not surprisingly, this coexistence between justice systems has been fraught with conflict due to frequent clashes of jurisdictions between indigenous communities and national/official judges and sometimes led to direct criminalization of those who execute indigenous justice and to a certain clandestineness of its practice. Yet studies have shown that an important characteristic of indigenous justice, rooted as it is in local cultural practices and ability to circumvent the rigidity of a written norm, is its capacity to adapt to different environments and situations (Llásag, 2012a, 2012b; Brandt, 2017). Despite these tensions, indigenous communities have persistently exercised indigenous justice both to resolve conflicts internal to their communities or between communities and as a form of resistance "from below" to the white mestizo national project (De

Sousa Santos, 2012). This form of malleability and refusal to conform to the authority of the state is alive and well among the Kañaris.

In Cañar migrante, the combined exercise of justice to process conflicts and litigation that affect inhabitants in changing social and mobile contexts has also produced a specialization within this complex judicial system. Thus, for example, we find indigenous lawyers with university degrees who are formally accredited by the State as professionals in this branch, who specialize in indigenous justice procedures and are themselves Kichwa speakers. These professionals own law firms and clinics, generally located in the capital city of Cañar province, or in more urbanized towns of the surrounding area, and catering to indigenous residents who turn to them with different requests often related to migration. Clients include migrants including deportees who have hired coyote services and want to recover their investments or families whose relatives have disappeared en route to the United States but who are still required by coyotes to pay for the service in full. Clients also include coyotes themselves who face situations with their own migrant clients or legal issues within the ordinary justice system; women whose migrant partners have stopped sending remittances for their children; and finally, migrants abroad whose remittances have been misused by relatives in Ecuador. The indigenous lawyers, using both legal systems at their disposal, provide their clients with alternatives to attempt to solve each situation. Below, we specifically analyze conflict resolution in situations related to US-bound migration and coyoterismo.

One Indigenous Affairs prosecutor – the positions created by the state in 2008 in the regions with the highest percentage of indigenous population (De Sousa Santos, 2012) – described the strengthening of indigenous justice among the Kañari in the following way:

> Indigenous justice in the last six or seven years has gained a lot of strength here in the province. Around the year 2000 there were many cases of theft (hurto) and rustling (cuatrerismo) in which communities acted just to act, without any direction. But since 2005 there has been a boom and now there are professional people, mostly lawyers, in each community who, together with their leaders, have promoted the administration of indigenous justice and they have consolidated the organization. Just in the province of Cañar, there must be more than twenty indigenous lawyers, some with degrees up to the fourth level and some studying for Ph. D. (Interview with Prosecutor for Indigenous Affairs in Canton Cañar, July 25, 2017)

Whereas the Indigenous Prosecutors report to the State Attorney's General Office, the role of indigenous lawyers is to advise communities so that they can exercise indigenous justice without conflicts with the State. However, the important judicial decisions are made by and carried out within the community organizations. An office clerk to one indigenous lawyer operating in the area told us:

> (…) We simply advise. It is the communities that solve the issue, not us. We as lawyers are there simply as one more member of the community and nothing more. We tell those who write down: write like this, write like that, and we advise them: don't do this, this is wrong, this is good, but it is the community that solves, not us. (Interview with legal clerk in Cañar, July 30, 2017)

During our research in Cañar, we observed how indigenous justice operates in localities and communities transformed by human mobility and sometimes produces tensions with the ordinary legal system. We also observed how the transnational dimension and reach of the institution of coyoterismo produces a complex intersection of official legal systems across international borders. Below we discuss three situations with local and transnational dimensions in which both indigenous justice and ordinary justice intervene to resolve migration-related disputes.

7.4.1 Failed Migrations, Reparations, and Coyote Accountability

When migrants are "returned" by migration authorities in the North, the coyote typically offers up to two additional attempts to complete the trip for the same payment. However, traumatic experiences en route ranging from extortion by irregular groups and mafias, robberies, sexual violence, murders, or accidents during strenuous journeys (Aguilar, 2014; De León, 2015; Frank-Vitale, 2020; Quito Heredia, 2014; Thompson & Ochoa, 2004) sometimes cause "returned" migrants to give up on the migration project entirely. In these situations, the contracting party claims before the indigenous justice the full or partial refund of the payment (up to $17,000 per traveler in 2019). This money is often borrowed from the migrant's relatives or from local chulqueros. Due to the informal nature of coyoterismo, there is often no written contract between the migrants and the "señores coyotes", as some locals call them indicating a certain class position. This becomes important when seeking to resolve a dispute. Juan Guamán,[7] one of the Prosecutor for Indigenous Affairs in Canton Cañar, relates these cases as follows:

> Above all, when the person traveling has been detained, whether in Mexico or in Arizona, and deported to Ecuador, then the victim or the traveler will have deposited about 10 to 12 thousand dollars to the coyotes; but let's say they no longer want to try because the trip has been terrible, a pure path of suffering (un viacrucis); then they go to the coyote and say: "Give me back the money," and the coyote says: "No, because I already spent x amount of money on your trip, I can't give your money back now. (Interview, Prosecutor for Indigenous Affairs in Canton Cañar, July 25, 2017)

To resolve such a situation the ordinary justice system is not very effective. It is slow and involves high economic costs and levels of corruption and even a high chance of imprisonment and deprivation of liberty for the poorest citizens (Nuñez, 2006; Coba, 2015). Richard, one of the members of the San Pedro Indigenous Justice Consortium whose story we will share later in the chapter, reflects on the limitation of ordinary justice for indigenous communities:

> Well, here in Cañar, problems between families, and problems with rustlers and coyotes abound. If someone brings in a coyote to seek justice, what do the authorities do? Say, I am

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[7] All names used in the sections below are pseudonyms.

a coyote, you report me, I have money, they put me in prison and my family goes to the prosecutor's office and says: 'here take this [money]' - and they 'warm his hand,' they give him, say, five thousand dollars - but ask them to let me go. What are the authorities doing? They leave the coyote free, and the injured party can't do anything about it. Is that justice?! Instead, what does indigenous justice do? It chases the coyote! The indigenous justice has even tracked down a State Prosecutor who stole US$10,000 from a man from Ingapirca [a nearby town]. The indigenous justice system made him return the money! If it had not been for indigenous justice, the prosecutor would have stolen the $10,000. (Interview with Richard, July 28, 2017)

Richard's statement is supported by the data shared with us by the Prosecutor for Indigenous Affairs in Cañar when interviewed for this study. In his assessment, there are about 30–40 cases of illegal trafficking of migrants each year, but only in exceptional cases do these complaints reach a sentence. Victor, one of the indigenous lawyers interviewed, compared coyoterismo in the area to a mafia:

There is resistance and there are also retaliations. The practice of putting pressure is happening a lot. You know, coyoterismo is a mafia and there are always networks. If there are complaints [against the coyotes], there will always be persecutions, threats, and sometimes intimidation, and many times they end up reversing processes. Sometimes the complaints are abandoned, no evidence is provided, and that is why there is no conviction. The prosecutor has one year to gather evidence and if no evidence is generated, the case is archived. That has happened too. (Interview with Victor [pseudonym], July 28, 2017)

Contrary to the opinion given by the Indigenous Prosecutor's office, this lawyer considers that ordinary justice is incapable of achieving "redress" or reparation for "victims" whose migration has failed. In fact, indigenous justice seems to be much more efficient in this regard, since it obligates the perpetrator to repair the material damage caused and generally returning at least part of the money to the victim. To achieve such agreements, the lawyer mediates between the parties with the goal of getting the coyote, who is also part of the community, to give in:

(…) These claims have been resolved in the community, especially the well-organized communities exercise this right. The action is collective: the accused is arrested, and the community meets with 50 or 100 delegates, the investigation begins, and there is significant social or psychological pressure [on the accused]. This may produce the returns or compensations immediately, or alternatively, a document with deadlines is signed. (Interview, Prosecutor for Indigenous Affairs in Canton Cañar, July 25, 2017)

Despite the possible retaliations, on occasion, victims may file criminal complaints through the ordinary justice system to pressure the coyote to recognize the damage. Once this objective is completed, the complaint is withdrawn. However, in case of massive scams, for example, if a coyote has taken advantage of a whole group of travelers, this strategy does not work, since the defendant will prefer to pay with jail if the total amount claimed is too high. Victor, one of the indigenous lawyers interviewed, puts it this way:

In cases where the coyotes manage to compensate the damages and settle in investigation phase, the judicial process culminates. But in cases of massive fraud when the amounts add up to hundreds of thousands of dollars, and if there are no deaths, the defendants are left with a sentence of 5 to 7 years, and the case just fades away because there is no patrimony. The majority [of coyotes] do not have patrimony [in their name], that is all premeditated.

> All assets acquired illegally are simply disposed of or hidden in the name of third parties. When prosecuted these assets do not appear, there is nothing on record, and that is one of the ways in which they manage to settle. Out of desperation people compromise up to half the amount, if they paid $10.000, they sometimes end up getting only $5.000 back. (Interview with Victor, July 31, 2017)

Despite that very few cases of coyoterismo are prosecuted through the ordinary justice system, another indigenous lawyer, León, who collaborates with Prosecutor Guamán, indicates that the legal mandate to compensate victims sometimes harms the coyotes, whom he also sees as potential victims of scams:

> Whenever possible, [the victims] get more out of the poor coyote by lying about the amount. Maybe they paid $9,000, but they make a complaint under oath for $14,000, because someone advised them to get more out of it. But this also depends on the lawyer who files the complaint. (Interview with León, July 30, 2017)

What cases like this shows is that, on the one hand, the ordinary justice system alone cannot resolve the litigation of coyoterismo in the canton; on the contrary, impunity, threats and high economic costs are the norm. On the other hand, indigenous justice can also not operate in a completely autonomous way either and must use the ordinary justice system in complex ways and according to each situation to be more efficient.

In the following section, we show how the positionalities of the different actors in these situations fluctuate in complex ways between one justice system and the other, and that indigenous justice itself is a field of dispute constituting a crucial realm of political power within the social and ethnic group in question.

7.4.2   Migrant Deaths and Ordinary Justice

According to Ecuador's constitution, criminal cases must, in principle, be treated by ordinary justice; however, in Ecuador, unlike in Peru, indigenous justice intervenes more frequently in criminal matters (Brandt, 2017). This is one of the most critical points of tension with the State and several indigenous communities, including those of Cañar, typically seek to intervene with indigenous justice in criminal matters, given that these matters deeply disturb the harmony of the community.[8]

The ordinary justice system, which classifies coyoterismo as a criminal matter, intervenes most frequently in cases of coyoterismo when it involves the death of a migrant, especially in cases that have reached national or international news. This is consistent with the caricatured manner in which the Ecuadorian state constantly stages its "efforts" to contain irregular migration while at the same time taking limited action to solve the origin of the problem of irregular migration (Ruiz Muriel & Álvarez Velasco, 2019). These contradictions can be observed, for example, when a

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[8] See for example the case of La Cocha in Cotopaxi (Llásag, 2012b) and the case of San Lucas in Saraguro (Ávila Linzán, 2012).

special police unit await the arrival of migrants deported from the United States twice a month at the Guayaquil airport to investigate "signs of trafficking." Most deported migrants have lived abroad for substantial periods of time and are not up to date with available coyote services. Additionally, they hardly have any incentives to offer any information to the State about the ways coyotes operate their businesses should they even have such information.

The case of Noemí Álvarez Quillay, which became the object of both national and international attention in 2014, illustrates the intervention of the ordinary justice system when a migrant death becomes a politicized media event. Every year hundreds of migrants die on their way to the United States especially while crossing the border in desert states like Arizona (De León, 2015). In March 2014, a 12-year-old girl, Noemí, left her home in the community of El Rosario to reunite with her parents in the Bronx, NY. A month later, the police detained her with a coyote in Ciudad Juárez, Mexico. The Mexican authorities took her to a shelter for unaccompanied migrant children. According to the news reports, she was in a precarious emotional state and had suffered different types of abuse (Sosa, 2014). A few days later, she was found hanging from a shower curtain rod in the shelter's bathroom. Her death was determined a suicide by the Mexican authorities. Noemí's case received extensive national and international attention (Dwyer, 2014; Sosa, 2014). Former President Correa even issued a public statement during the Sabatina, a widely viewed televised report offered to the nation every Saturday during his tenure as president. As a result of the public attention, an investigation was initiated ex officio and in the absence of any complaint. The National Prosecutor's Office coordinated directly with the Mexican justice system to identify those responsible for Noemí's death and eventually captured a Guatemalan coyote with networks in Cañar. Those involved were sentenced to 16 years in prison. Unfortunately, Noemí's case is not an isolated event. Between 2007 and 2013, the whereabouts of 992 unaccompanied minors who left Ecuador by air to Honduras and did not return to the country remain unknown (Aguilar, 2014).

According to interviews conducted for this study, Noemí Álvarez Quillay had left with local coyotes from El Tambo. An Indigenous prosecutor from the area told us that members of the family and the community tried to route Noemí's case through the indigenous justice system to avoid the imprisonment of the main coyote who was a relative, but ultimately didn't succeed. They stated:

> In the case of Noemí Álvarez, the community did an indigenous justice process, but once the ordinary justice begins the criminal process, the indigenous justice system must send its leaders [to announce] the "decline of jurisdiction", according to article 345, 346, 347 of the Organic Code of the Judicial Function. They say that they proceed with the decline. Once they have presented before the judge of penal guarantees, the judge opens the period of evidence for three days. He says: 'gentlemen, you must "prove" that you are indigenous and that you are legally constituted in your community.' In the case of Noemí, the decline of jurisdiction was presented before the judge of penal guarantees, but the judge did not budge; then it was presented before the Court of Criminal Guarantees, who also did not give in. Subsequently, in the Provincial Court of Justice, they requested the decline and presented the trial record indicating that no person can be tried twice for the same crime, and still the court did not give in. Finally, it went to the Constitutional Court, and this court has also not

given way. Why? Because these are cases of crimes involving death, and the prosecution will never allow the crime to remain in impunity. (Interview with Indigenous prosecutor, July 25, 2017)

It is striking that an indigenous prosecutor would associate indigenous punishment, or ajusticiamiento, with impunity. What this tension between justice systems reveals is a complex and sometimes contradictory economy of life and death; a moral economy in which the State in a very capricious way selects which lives deserve justice and how such justice should be achieved. Likewise, it also reveals that justice itself is a field of dispute between different groups and legal systems where some want to safeguard the sovereign image of the State, and others want to guarantee that irregular migration, in the absence of a regular option, remains accessible for subalternized communities. We also learned from an indigenous lawyer who intervened partially in this case from the indigenous justice perspective that the grandfather with whom Noemí lived in the community, had requested a mediation with the coyotes in order to be financially compensated. This process was carried out in parallel to the state judicial process. This example shows how the ordinary and indigenous justice systems not only occasionally overlap but can also operate informally in entirely parallel ways.

It is clear to us that the community's incentive to initiate the case as indigenous justice or "lower it from ordinary justice to indigenous justice," as indicated by the Indigenous Prosecutor of El Tambo, is a strategy to protect the coyote and thus guarantee future possibilities of migration through such networks. However, such efforts do not resolve the issue of impunity, the desire of individuals who are scammed to recover their money and, more importantly, ease the pain of the loss of family members to the arduous journey north.

7.5   Youth Gangs, Migration, and New Challenges for Indigenous Justice

Richard is a community member and part of the San Pedro Indigenous Justice Consortium, an organization formed in Alto Cañar in 2014. His participation in disputes between justice systems have a political and ethnic dimension, which illustrates the transversality of migration in processes of social change.

Richard traveled to the United States at the end of the 1990s with a coyote from Cuenca for whom his father worked as a recruiter (*enganchador*). He left in part because of a problem with the ordinary justice system which had prosecuted him for alleged theft of a lost crop in the modality *al partir*.[9] After a decade living in the United States, Richard is detained and deported after a fight in a bar. Upon his return

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[9] The modality 'al partir' is a modality of cultivation of land common in Ecuador, in which peasants who do not have property work the land of another. By way of rent, they pay the owner of the land with half of the harvest (Fock & Krener, 1977/2019).

to Ecuador, he reinserts himself into the community but is later condemned again by ordinary justice precisely and paradoxically so for participating in the exercise of indigenous justice in a conflict related to international migration in his community. Richard's story shows how justice, or justice systems, both shape and is shaped by vital migratory experiences of the Kañari while also changing their communities in tandem with larger changes within the urban, market-oriented majority society (Brandt, 2017, p. 7). These societal transformations including migration have an important impact on both local conflicts and the ways in which indigenous justice functions. For example, Ávila Linzán (2012) has analyzed how the Saraguros, who have a significant record of international migration to Spain, see their community's migration experience as a "flight of leaders" that would concomitantly affect the exercise of indigenous justice at home (leaders need to be present for indigenous justice to be exercised). Above all "the impact occurs in the appearance of new community conflicts that they (the community members) see as a direct consequence of the migratory phenomenon" (Ávila Linzán, 2012, pp. 426–427). Llásag (2012b) makes the same observation among the indigenous people of Cotopaxi, who have experienced significant internal migration and urbanization processes.

The cultural transformations that migration produces among the youth is one of the conflicts that communities of Cañar, like those of Cotopaxi and Saraguro, must face. These are sometimes related to alcoholism, drugs, and the formation of gangs by return migrants from the United States. In the case of Cañar, one such gang made up of young migrants or children of migrants is Las Sombras Negras (The Black Shadows). Richard participated in a community process of punishing and bringing to justice (ajusticiamiento) some of the boys from this gang – an action which was later described in a 2017 report published by the regional human rights organization INREDH:

> Las Sombras Negras were formed by migrants who returned from the United States and wanted to implement an organization like the Central American mara gang. They became involved in micro-trafficking and working as recruiters for coyoteros, robberies and are also seen as the authors of some murders. Several young people began to steal small objects in order to obtain money to buy drugs and stay in the gang. (Saavedra et al., 2017, pp. 9–10)

The community members of the San Pedro Indigenous Justice Consortium punished these young people and concluded the process with what they call a healing act. This act involves baths in cold water and the use of nettle and other medicinal plants. These practices were questioned by the ordinary justice system which sees them as a violation of Human Rights, however, from the perspective of the indigenous communities, they have a ritual and exemplary significance. Richard shares his perspective and frustration with us:

> The governor himself brought us two leaders of the gang "Las Sombras Negras", to bring them to justice, indigenous justice. If indigenous justice was wrong, then why did the governor bring the two leaders of the gang to us? If we are kidnappers, why did he bring us the two leaders? Of the two, one turns out well and the other turns out bad. The one that turned out wrong continues with the same routines, and the one who turned out well came [back] and said: thanks to indigenous justice my life has changed. Do you really think that [he] would have changed with ordinary justice? No way!

Richard's point is that whereas ordinary justice only punishes for wrong-doings, indigenous justice seeks to change behaviors for the long term. But the indigenous leaders in San Pedro who dealt with the case of Las Sombras Negras soon faced another lawsuit as retaliation. A resentful community member who according to Richard had swindled his aunt and fraudulently appropriated her land played a key role in the unfolding of events. When this community member was brought before the law of the community for the issue with his aunt, he filed a complaint for kidnapping before the ordinary justice, alleging that he had been forcibly taken from his home against his will to be present at the time of the trial assembly.[10] This complaint was followed by others who ended up causing Richard and other members of the indigenous justice consortium to be accused of kidnapping and extortion by the official state justice system (Saavedra et al., 2017). Six community leaders from San Pedro were imprisoned because of this conflict and only received an amnesty in June 2020.[11]

Such conflicts between community members and between justice systems is linked to the political polarization that the country experienced under the presidency of Rafael Correa (2007–2017), who despite his progressive profile persistently persecuted social leaders, especially from indigenous communities and organizations. The Attorney General's Office itself acknowledged that between 2009 and 2014 there had been at least 400 judicial processes every year for crimes against the security of the State, among them, more than a hundred per year for crimes of sabotage and terrorism directed at indigenous leaders (Ospina, 2021). According to the INREDH investigation (Saavedra et al., 2017), what happened with the Indigenous Justice Consortium in San Pedro could be defined as a persecution against community leaders of indigenous justice. During the judicial process, Richard had the opportunity to meet with government officials who accompanied the process in Cañar and he related his conversation with them to us:

> Indigenous justice has done things which ordinary justice has not been able to do. Ordinary justice, do you know what it is for? It only serves to steal money, that's what it is good for. On this occasion, I said to the Minister: 'You, the government delegate, the vice-president's delegate, I will give you an example and you please answer me. You have 20 heads of cattle, and when they take ten, how many do you keep? Ten, correct. Now, the 10 heads that were stolen from you, are you going to leave those alone? Let the thieves take them away? You are not going to do that, right? You are going to file a complaint with the Prosecutor's Office and for that you are going to have to pay for a lawyer. The lawyer, what is he going to say? And the Prosecutor's office, what are they going to say? They will tell you to go to the place where the cows were taken. Very well, they all go there to see if there are any witnesses. There is nothing! The case ends there. So, you lose! You lose the cows, you lose the money for the lawyer. On the other hand, the indigenous justice, what can it do? The indigenous justice persecutes the guilty person until finding their whereabouts, and when that occurs, what will we have achieved? We have recovered the cattle, and even given a "punishment" to the person who stole it. What is ordinary justice going to do? Nothing. (Interview with Richard, July 28, 2017)

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[10] It was not the first time this community member was implicated in an event of indigenous justice. Previously, a coyote had charged him for the migration of his daughter. The migration failed and through indigenous justice this community member was able to recover part of his investment.

[11] For more information, see INREDH (2020).

The perceived effectiveness of indigenous justice described here has increased significantly since the conflict in San Pedro. Many Kañari have good reasons to distrust the ordinary Ecuadorian legal system due to the historic abuses they have suffered as indigenous peoples. The processes of irregularization, historic subalternization, and political criminalization of indigenous leadership have together pushed indigenous communities to use their own institutions as the only alternative to access true justice and to build accountability around the local institution of coyoterismo which is crucial to livelihoods and social reproduction in the region.

7.6   Conclusions

This chapter has explored the intersection between irregularized migration and indigenous justice in Southern Ecuador. By starting from an understanding of coyoterismo as a community-based activity embedded in the social fabric of migrant-sending communities, we have examined the limits of the contractual relationships established between smugglers (coyoteros), money-lenders (chulqueros), and migrants and their families who rely on these services to sustain their transnationally mobile livelihoods. Specifically, we have shown how indigenous migrants from Cañar make use of multiple legal systems to assert their agency and establish accountability vis-a-vis the coyotes who facilitate the region's ongoing migration to the United States.

Although the chapter deals with a very particular case, it contributes to broadening our knowledge of migrant smuggling in the Global South as a grounded social and cultural practice through which people access international migration. Considering both transnational dimensions and local understandings of opportunities and risks in migrants' places of origin and calling into question taken for granted conceptions about victims and victimizers, our study contributes ethnographic evidence to understand how subalternized populations in Latin America confront their lack of legal options for migration. In this effort to empirically situate migrant smuggling as something other than just ruthless criminal activity with dire consequences for innocent victims, we have focused on how local communities use both indigenous and ordinary justice to reduce loss and remedy potential abuses in irregular migration.

On the one hand, we have shown how indigenous justice is mobilized in contexts of migration most importantly around the issue of recovering money from coyotes when migration fails. Sometimes ordinary justice is also used for this purpose, but the Kañari have little confidence in this system. On the other hand, indigenous justice is also preferred when a community seeks to prevent a member from being imprisoned for coyoterismo within the ordinary system. In this way, indigenous justice allows for the protection of the institution of coyoterismo, which is beneficial to both sellers and buyers of migration facilitation services. For the coyote, satisfied customers means referrals to other family members, increased economic gains, and a reputation of reliability which might turn into social and political

capital. For the prospective migrant and their families and communities in the area, coyoterismo is a necessary social and economic infrastructure to ensure ongoing mobility projects. It should be remembered here that these strategies are motivated by the significant differences between the two systems. While ordinary justice is punitive and seeks to imprison those it deems guilty, indigenous justice is both reparative and corrective: the accused is obliged to return what was stolen through material reparation, and healing and reintegration into the community is understood to be more effective than the punitive logic of imprisonment, because the accused is ultimately an ongoing member of the community. Finally, the indigenous justice system is also applied to cases of conflicts in the community that its members understand to derive from the migration process including gang activity. Young migrants or children of migrants are seen as having been harmed and/or "corrupted" in the United States and must be coached back into the ranks by indigenous justice.

We want to end by making a final comment about the national and transnational context. The progressive Ecuadorian Constitution of 2008 produced two crucial paradoxes affecting the life and social organization of the Kañari. On the one hand, the progressive declaration of "universal citizenship" did not cease to be selective to those who have economic resources and class and racial privilege and can emigrate – or immigrate – through regular channels. On the other hand, the recognition of plurinationality in the 2008 Constitution accepts indigenous justice but only within their own local jurisdictions or territories and under the observance of the State and international human rights regimes. These paradoxes have become open forms of discrimination and criminalization of communities who must use coyoterismo to fulfill their migratory and vital projects and of indigenous people who use indigenous justice systems to recreate their communities and sustain them in the light of ongoing state coloniality and global transformations. For the Kañari both paradoxes are part of their ongoing predicament as indigenous peoples in a racist and neocolonial state and in a globalized capitalist system. To this must be added that the social condition produced by the irregularity of their migration follows the Kañari to their destination. With very few options for migrating with state authorization most Kañari have been persistently forced to migrate via irregular routes and live as undocumented migrants. The only form of "family reunification" available to them is to continue to use the facilitation services of migrant smugglers to bring their family members to the United States.

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Part III
Racism Xenophobia and Struggles Over Migrant's Rights

Chapter 8
Institutional and Social Xenophobia Towards Venezuelan Migrants in the Context of a Racialized Country: The Case of Peru

Cécile Blouin and Cristina Zamora Gómez

8.1 Introduction

Until 2015, Peru did not recognize itself as a migrant-receiving country (Busse & Vásquez Luque, 2016). Although Peru, like other countries the region, has faced many changes in migration patterns including transit migration from Haiti, the self-perception as a country of emigrants was still predominant until the onset of Venezuelan migration in 2016 (Álvarez Velasco, 2020; Busse & Vásquez Luque, 2016; Lausent-Herrera, 2009). Venezuelan migrants fleeing from humanitarian, political, and socioeconomic crises have predominantly migrated within South America and especially to Peru and Colombia, the two principals' recipients with almost 1.2 million and 1 million Venezuelan migrants, respectively (UNHCR, 2021). Both countries had seen their migration dynamics transformed with this unprecedented and fast-growing migration. In the case of Peru, this migration has not been accompanied by a comprehensive rights-guaranteeing immigration policy, but rather by a confused policy characterized by exceptional and temporary measures at first, and later by restrictive measures including a visa requirement to enter the national territory and the impossibility of seeking asylum, among others (Blouin, 2021a). With the pandemic, the closure of borders and militarization took center stage.

According to the National Institute of Statistics and Informatics (INEI), in 2019, 35.6% of the Venezuelan population residing in Peru suffered some form of discrimination. Discrimination affected more women than men. Of the total Venezuelan migrant population residing in Peru who reported having suffered discrimination,

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64.9% reported incidents on the street or in public places, 48.1% in the workplace, 25.6% in public transport, and 10.9% in their community or neighborhood (INEI, 2019). Discrimination against migrants reflects a broader pattern: Peru, despite being multiethnic, has been profoundly marked by structural discrimination against Indigenous people and Afro-Peruvians (Callirgos, 2015; Drinot, 2006).[1]

In this context, indicators of rejection and xenophobia towards the Venezuelan population have increased between 2017 and 2019 (IOP, 2019, 2020). These reactions, far from being uniform, are expressed differently according to gender, social class, and ethnicity (Freier & Pérez, 2021; Pérez & Ugarte, 2021), inserting themselves into the structural dynamics of discrimination in Peru (Callirgos, 2015). In addition, the category of the non-citizen as a person denied the rights associated with nationality simply because they are foreign, is configured to justify exclusion. This is in total contradiction to the supposition of universal equality and the institutional discourses in place to fight xenophobia.

The literature around xenophobia and racism against migrants is predominantly focused on South-North migration and there are few studies around the phenomenon of xenophobia in the context of South-South migration, especially in South America. In the case of countries such as Chile, Argentina or Brazil that have received migrants from the region in the last 20 years, studies have emerged in the last decade (Stefoni et al., 2017; Tijoux Merino & Córdova Rivera, 2015; Chan & Strabucchi, 2020). While there is a growing academic interest in xenophobia, research has not focused on the case of Peru, with the exception of a regional study from Oxfam International (2019) and a recently-published paper by Freier and Pérez (2021). Moreover, in the case of Peru, scholars have not explored how xenophobia and racism intersect and connect. Addressing this gap, this chapter examines xenophobia in Peru against the Venezuelan community from an institutional and social perspective, addressing how both perspectives are relational and self-sustaining in a context of racialization. On one hand, we examine the construction of an exclusive migration policy that positioned the migrant as a threat. On the other hand, we analyze the perceptions of Venezuelan migration by the local population who define migrants as a threat to their security, employment, or culture. Although aware of the importance of the media in the rise of xenophobia, this chapter focuses on how xenophobia is produced by institutional practices and their social repercussions.

We use a mixed methodology that combines literature and political-normative analysis with quantitative data analysis. The surveys conducted at the Institute of Public Opinion of the Pontificia Universidad Católica del Perú in 2018 and 2019 on xenophobia will be used as a primary and principal source for exploring the perceptions of the Peruvian population. Aware of the methodological limitations of surveys, we complete our analysis with recent qualitative studies on Venezuelan migration.

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[1] According to the 1st National Survey 'Perceptions and attitudes on cultural diversity and ethnic-racial discrimination' 53% of respondents think that Peruvians are racist or very racists (Ministerio de Cultura, 2018).

The chapter begins with an analysis of the concepts of xenophobia, racism, and hate speech. Starting with a literature review, we study the points of convergence and differences between these concepts and their distinct meaning in South America in general, and in Peru in particular. We then explain the institutional xenophobia in Peru with a study of the legal background –in both international and national arenas – and the evolution of migration policy in Peru. The third section explores social xenophobia in three mains areas: employment and economy, culture, and criminality. We end by briefly giving some conclusions and suggesting some possible areas for future research.

8.2   Literature Review: Xenophobia, Racism, Discrimination and Hate Speech

Xenophobia, as defined by the Merriam-Webster Online Dictionary, is "fear and hatred of strangers or foreigners." This is a classic definition of xenophobia that relates to a psychological state of hostility or fear. However, more recent research has focused on understanding the relationship between xenophobia and ethnocentrism or nativism (Yakushko, 2009). Ethnocentrism is the attitude of a social group, including a nation-state, that considers its own culture or group superior to others (Hagendoorn & Sniderman, 2001). For its part, nativism describes negative feelings towards immigrants and migration. Nativism, according to Higham (1988), is related to the idea that migration entails the loss of economic status for nationals. The hackneyed mantra is: "they take away our jobs." This is an ideological threat, which is not supported by solid economic studies, but when supported by media coverage can spread toxically. In the nativist approach national identity is based on birth (Esses et al., 2005). In her study of illegal aliens in the United States, Nagai develops the concept of 'legal racialization' that produce 'alien citizens' with formal citizenship but who remain 'alien in the eyes of the nation' (Ngai, 2004, p. 8). Their belonging to a specific ethnic group defines them as permanently foreigner despite being US citizens.

Racism and xenophobia are intersecting systems of social oppression. Racism as a system of oppression is based on histories of subordination, slavery, colonialism, and segregation. According to Quijano, race has "proved to be the most effective and enduring instrument of universal social domination" (2014, p. 780). The notion of race has its origins in America where it was used by colonizers to legitimate their power and domination. The explanation for racism is found in the domination and exploitation of one social group over others. The way to justify this domination is by creating the fiction of race: phenotypic markers, such as skin color, that are visible and that allow differentiating groups of people (Castles & Miller, 1993). The category of race is, however, also malleable and has to be studied in its particular context and moment (Koopman, 2021).

The Spanish conquest of Peru in the sixteenth century created a colonial society with castes which were both legal and ethnic categories (Drinot, 2006). The independence of the country did not abolish racism, but rather created different legal and social mechanisms for excluding Indigenous and Afro-Peruvians.[2] Rather than using categories such as 'white', 'Indian', or 'Black', most Peruvian people identify others and themselves as 'mestizos' (Callirgos, 2015). However, far from the idea that 'we are all mestizo', Indigenous and Afro- Peruvian continue to be racialized. On the other hand, white skin color is associated with economic prosperity and family happiness by the mainstream media (Portocarrero, 2013). According to Portocarrero, 'the "whitening utopia" (*blanqueamiento*) means the colonization of the imaginary of Indians and mestizos. It is a promise of recognition that encourages a strategy based on effort and perseverance' (Portocarrero, 2013). As in Colombia, marrying and having a family with someone whiter is perceived as a good strategy to 'improve breed (in Peru) or family (in Colombia)' (Koopman, 2021). According to De la Cadena, Peruvian intellectuals from the highlands can be also '*blanqueados*' (whitened). Their higher levels of education cover for their '*serrano*' (highland Indigenous) phenotype (De la Cadena, 1998). In this sense, racism in Peru has shifted from race to culture and class. In Peru as in many other South American societies, race and class intersect, so classifying individuals within a racial group also means classifying them socio-economically and culturally (Callirgos, 2015).

In the case of xenophobia, the justification for oppression emanates from one's status as a foreigner. Although phenotypic traits are not central in this definition, in many occasions' migrants are racialized. In both discourses of oppression, a binary factor operates. Racism defines who is above and below on a scale of humanity, that is, which body is exploitable: the racialized body. Xenophobia defines who is threatened (the nationals) and who threatens them (the foreigners). This binary logic of xenophobia is influenced by the globalized fear economy (Ahmed, 2004). Both systems of oppression – like all systems of oppression – are fundamentally based on creating differences between people, and then assigning a differential value to those differences to the point of making them essential. Finally, these systems marginalize one group from the other. This is how "otherness" is built. This "otherness" plays a major role in the construction of citizenship. Sachetti pays attention to three related, but slightly different concepts: population (inhabitants), people (specific group) and nation (a, unified group with citizenship). From a legal point of view, those who hold all human, civil and political rights are citizens who belong to the nation (Sachetti, 2009). Citizenship is in this way an elevated category with respect to the resident population within national borders. Migrants, and especially irregular ones, are excluded from citizenship.

Little attention has been paid, however, to the mechanisms of racism against migrants and xenophobia in South-South migration contexts. A recent study from

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[2] For instance, until 1980, there was a literacy requirement to vote in Peruvian national elections. This discriminatory criterion excluded a great portion of the population and especially Indigenous and Afro-Peruvians who did not have access to education (Drinot, 2006).

Oxfam International (2019) reveals that positive and negative perceptions of the effects of immigration coexist in the collective imagination of the countries where South-South migration occurs. In the case of Peru, which does not have a tradition of receiving migration, the response to South-South migration is ambivalent. On the one hand, society and institutions have responded with understanding and solidarity. This reaction can be related to the history of emigration to Venezuela but also to political discourses of welcoming which were predominant between 2016 and 2017. On the other hand, in a second moment, the association of immigrants with insecurity, the collapse of social services, and the general desire for immigrants to leave the country as soon as possible, have constituted a politics of rejection which have permeated Peruvian society (Blouin, 2021a).

Hate speech occupies a more violent place in the system of oppression. We argue that to in order for a society to produce hate speech there must have been public policies permissive of xenophobia. Behind hate speech is an institutional endorsement. The idea of criminalization plays a fundamental role in hate speech towards migrants. Migrants are seen as a threat to sovereignty, public welfare, and national security (Freier & Pérez, 2021). Once xenophobia is constructed and endorsed by institutions, it is a short passage to hate speech. In contexts where migration does not occur through safe and regular channels, hate speech becomes more evident. There is a very strong link between the idea of illegality and criminality. Although it is not a crime according to International Law,[3] most "illegal" migrants are considered criminals. In fact, it is the state that creates the categories of legal or illegal migrants in the production of migration law (De Genova, 2002); states promote illegality by not creating safe migration channels for some groups of "undesirable migrants" even while for other groups, state powers choose to create facilities for regular migration. This idea of illegality and criminality is augmented by border technologies. As Domenech argues, the marking of borders and their militarization, "provide a symbolic solution to the transnational phenomenon of global migration: they narrate to the citizen that the state protects against the unwanted migrant who is not welcome" (Domenech, 2018, p. 39). Thus, "otherness" is also related to physical borders which represent the delimitation between "us" and "them" at the root of xenophobia.

In this chapter, we choose to distinguish between institutional xenophobia and social xenophobia. Whereas social xenophobia refers to the ways society expresses its fear of foreigners, institutional xenophobia focuses on how institutional actors target migrants as a source of problems through formal legislation and public policies as well as discourses and practices. We use this difference to shed light on how xenophobia is expressed differently by different actors with different levels of influence and responsibility in society. Doing so allows us to highlight, on the one hand, the role of public actors in generating fear and hostility against migrants in societies through legislation, speeches, and bordering practices. On the other hand, we can

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[3] See e.g., the Protocolo Contra el Tráfico Ilícito de Migrantes por Tierra, Mar y Aire, que Complementa la Convención de las Naciones Unidas Contra la Delincuencia Organizada Transnacional (Oficina de las Naciones Unidas contra la droga y el delito, 2005).

analyze how this mainstreaming discourse is assimilated by the population through oppressive and discriminatory behavior towards migrants.

8.3   The Construction of Institutional Xenophobia: Discourses and Practices

In 1965 the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) was signed. Although the Convention dates from 1965 and the context of apartheid, racial discrimination is still current, along with the hate speech that emanates from it. The convention concerns people who suffer discrimination on the ground of race, color, lineage, or national or ethnic origin, and its Article 4 provided the first manifestation of the prohibition of hate speech in International Human Rights Law.[4]

The part of the convention related to substantive law urges states to prohibit manifestations of racial discrimination throughout their territories. More specifically, states must endeavor to eliminate norms and/or practices that could lead to such discrimination. General Recommendation 35 of the Committee on the Elimination of Racial Discrimination (CERD), 'combating racist hate speech,' highlights that: 'Racist hate speech can take many forms and is not confined to explicitly racial remarks'.[5] The convention therefore recognizes that hate speech can take many forms beyond explicitly racist discourses (Jiménez Sánchez, 2020).

The Peruvian state ratified the ICERD in 1971, and article 2.2 of the Political Constitution of 1993 establishes equality before the law. The new Migration Law, which replaced the Foreigner Law (*Ley de Extranjería*) of 1991 (considered obsolete), was anchored in a vision of national security far from the protection and guarantee of migrants' human rights (Zamora et al., 2022), but did formally recognize human rights of migrants in several areas including education, access to justice, and health. Article VIII specifically states the principle of non-discrimination: 'The State promotes the abolition of any type of discrimination and the elimination of any type of prejudice in migration issues and rejects especially xenophobia and racism' (our translation). This reference to racism and xenophobia is unique to this law. The legal framework around discrimination and racism in the country is fragmented

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[4] Article 4 affirms that: "States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form."

[5] "The Committee considers that the following contextual factors must be taken into account: the content and form of the speech (…); the economic, social, and political climate prevalent at the time the speech was made and disseminated (…); the position or status of the speaker in society and the audience to which the speech is directed (…); the reach of the speech, including the nature of the audience and the means of transmission (…); the objectives of the speech: speech protecting or defending the human rights of individuals and groups should not be subject to criminal or other sanctions (…)." (Committee on the Elimination of Racial Discrimination [CERD], 2013)

and mostly focused on the criminalization of discrimination. In 2000 (Ley No. 27270), the crime of discrimination was added to the Peruvian Penal Code and for 17 years the description and the motives of discrimination have been modified to better respond to new forms of discrimination. In 2017 (Decreto Legislativo No. 1323), 'nationality' and 'migratory status' were added to the large list of grounds of discrimination such as race, religion, sex, age, disability, etc.

Despite the formal rejection of xenophobia in the law, xenophobic institutional discourses and practices have increased in the last 4 years. The municipal and regional elections in 2018 (Berganza & Blouin, 2021) and the presidential election campaign of 2021 were characterized by the xenophobic discourses of several candidates. Moreover, the former President of Peru, Martin Vizcarra, declared publicly in June 2019 that 'bad elements' from Venezuela needed to be removed at the same time as he was promoting the need for the humanitarian visa and facilitating a massive deportation operation with the Interior Ministry (Blouin, 2021a). Similar declarations had also been made by local authorities in Lima and other cities in Peru (Berganza & Blouin, 2021).

To understand the complexities and contradictions of the Peruvian Migration Law, we use the concepts of 'hostility policies' and 'selective hospitality policies' proposed by Domenech (2020) for the Argentinian context. Both policies, though contradictory, coexist in the management and control of migration. The hostility policy 'condenses multiple practices and representations of actors whose interventions have the effect of criminalizing and securitizing migration and borders' (Domenech, 2020, p. 6) (our translation). Some examples of these types of practices may be new tactics of border control, deportations, or the militarization of borders. We argue that this type of hostility characterized by the criminalization and securitization of migrants is directly connected with institutional xenophobia in the case of Peru. This type of xenophobia creates fear against migrants by different means but also shapes public opinion, making the foreign population a scapegoat for the country's structural problems such as insecurity and informality. Institutional xenophobia is also performed at different levels by different actors such as the national government, including the executive and legislative powers, and municipalities. On the other hand, the selective hospitality policy differentiates between desirable or undesirable migrants and promotes the regularization of the welcome, 'deserving' migrants. These concepts shed light on the heterogenous, changing, and dynamic characteristics of migration control (Domenech, 2020).

In the Peruvian case, hostility and selective hospitality measures have been present from the adoption of the new Migration Law (Decreto Legislativo 1350) in 2017 and the adoption of the Temporary Stay Permit (*Permiso Temporal de Permanencia, PTP*) for several specific groups between 2017 and 2018.[6] The regularization

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[6] The first PTP (Decreto Supremo No. 001-2017-IN) was established for foreign parents of Peruvian children who need to obtain migratory regularisation. This measure was adopted to respond to the necessities of victims of intimate partner violence who were unable to obtain a regular status in the country without the authorization of their violent husbands (Zamora et al., 2022). The following PTPs were only made available for Venezuelan migrants (Acosta et al., 2019).

mechanism of the PTP as a temporary, exceptional, and group-limited measure illustrates the concept of selective hospitality. Despite this first welcome measure, step-by-step the Peruvian government has adopted a myriad of new regulations to limit the arrival of Venezuelan migrants and their regularization in the country, including requiring new documents for entrance, a passport and visa, and limitations on the right to asylum (Blouin, 2021a). The justification for these regulations was the necessity of national security and protection of the national population. This type of justification is related to the essence of xenophobia. By creating the idea that Peru needs more regulation to protect the country from migrants, the State creates an atmosphere of fear and threat. The same new regulations of the requirement of a passport and humanitarian visa establish that some groups considered vulnerable such as older migrants or children could enter the country without complying with the regulation (Blouin, 2021a). This exception clearly expresses the categorization of migrants as either 'vulnerable' or 'criminal'. The first group needs support to enter and live in the country while the other needs to be removed. In reality, however, this form of exception is not functioning well in practice and many migrants face rejection and illegality (AI, 2020).

The xenophobic responses to migration are also composed of distinctive practices of criminalization of migrants, especially, but not only, directed to Venezuelan migrants. The rise in the visibility of expulsions by the sensationalization in the media has contributed to the climate of hostility toward this population in particular (Blouin et al., 2020). The pandemic has also been an excuse for militarization of Peru's border control at the beginning of 2021, which has reinforced the policy of hostility (Zamora et al., 2022). This militarization has also had consequences for other populations such as the Haitian migrants who were stranded in Brazil between February and March 2021 when they tried to enter Peru to continue their journey to the North of the continent (*Gestión*, 2021). We argue that militarization is highly significant in catalyzing xenophobic responses. By implementing a warlike response to migrants' movements, the Peruvian State legitimates the rejection and hostility against the invading others.

Hostility towards migrants has also been encouraged by the increase in identification raids. This practice, which occurs throughout the national territory, but especially in Lima and the border zone of Tumbes, foments fear of deportation and uncertainty for Venezuelan migrants (Blouin, 2021b). These operations are normally carried out at the behest of the National Superintendency of Migration (MIGRACIONES) with the cooperation of the police. Another important element for our analysis is the visibility of these raids, which take place in public areas such as markets and main squares. These practices are therefore not only violent towards migrants themselves but also impact the perceptions of migrants among the native population. MIGRACIONES has also signed several collaboration agreements with municipalities to promote migration control, which is particularly worrying since, in theory, migration is not within the jurisdiction of municipalities. Nevertheless, some municipalities, including the city of Cusco, have even adopted discriminatory laws to exclude Venezuelans from the labor market (Berganza & Blouin, 2021).

The institutional xenophobia is also palpable in the Peruvian Congress, where in the last 2 years xenophobic bills have proliferated (Coordinadora Nacional de Derechos Humanos Perú et al., 2020; Defensoría del Pueblo, 2020) – a tendency which contradicts the few initiatives taken by this power in relation to migration over the last decade.[7] The projects, presented by different political parties,[8] aim to reinforce migration control by changing the rules for deportations (Draft Law N°5625-2020; Draft Law N° 4958-2020), creating a new crime of 'illegal re-entering', erasing the mechanism of PTP (Draft Law N° 5349-2020),[9] and changing the causes of deportation, including for misdemeanors (Draft Law N° 07079/2020-CR) In other words, these bills are part of the hate speech discourses and practices that criminalize migration. Moreover, none of the congressional representatives have proposed a progressive law project around migration. Overall, all of the projects have worked to consolidate the idea of migrants as a threat, contributing to the institutional xenophobia of the executive power and other actors.

8.4 Social Xenophobia

By social xenophobia, we mean the rejection of migrants by society. In this section, we analyze the perceptions and reactions of Peruvian citizens to Venezuelan migration. We support our findings with three surveys conducted by the IOP between 2018 and 2020. This section is divided into three areas: employment and economy, culture, and criminality.

8.4.1 Employment and Economy

As in other contexts (Rzepnikowska, 2019; Yakushko, 2009), surveys show that Venezuelan migrants are perceived as an economic threat responsible for society's structural problems such as job shortages, unemployment, and economic crises. Indeed, the employment and economy appeared as an important source of anxiety for the native population in Lima in surveys conducted in both 2018 and 2019. The perception that jobs are being lost to migration is widespread among the native population: the percentage in agreement with the statement "Venezuelans are taking jobs away from many Peruvians" ranged between 73% (2018) and 76% (2019) (IOP, 2019, 2020). Secondly, the vast majority of respondents see the consequences of immigration on the economy as negative: the statement "the arrival of so many

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[7] The Migration Law was in fact not debated in Congress since it was adopted by the Executive Decree.

[8] One of the principal problems in Peru is the fragility of its political parties. This characteristic could be an explanation for anti-migration positions in Congress (Blouin et al., 2020).

[9] This bill was archived in November 2020.

Venezuelans will harm the Peruvian economy" saw more than 70% agreement (73% in 2018 and 77% in 2019) (IOP, 2019, 2020). Regarding migration policies, between 13% and 14% (IOP, 2019, 2020) of participants agreed with the statement "allow them [migrants] to come while there is work available". There was no substantial change between 2018 and 2019 that might explain the fear of nationals of job loss due to the arrival of Venezuelans. Some authors argue that Venezuelans are seen as competitors of the native population who are inserted in an informal labor market characterized by its elasticity and capacity to contain a large number of workers (Koechlin Costa et al., 2019).

This perception is also related to institutional xenophobia. Peru has not reformed the Law on Hiring Foreign Workers (Decreto Legislativo n. ° 689) since 1991. This law was adopted during the autocratic government of Alberto Fujimori and is accordingly anchored in nationalism and protectionism of national workers. This law limits access to employment of foreigners to 20% of a company's payroll regardless of the size of the company. This has strong impacts on micro and small enterprises that cannot legally hire foreigners. Besides, the goals of this law contradict the PTP which was designed for labor integration.

It is also important to understand this data in the light of the socio-economic conditions of the job market in Peru and how these conditions impact both national and Venezuelan workers. At the end of 2019, 697,000 Peruvians were seeking employment, a total of 17 million workers (Gamero & Pérez, 2020). Generalized informal work[10] is a principal trait of the job market in Peru (OIT, 2018) and particularly affects certain groups such as young people and women. This sector plays a fundamental role in the economy of many families since the informal sector, and especially self-employment, is an opportunity when possibilities for formal work are closed (Sánchez Barrenechea et al., 2020). The vast majority of Venezuelan migrants are inserted in this informal job market for legal and economic reasons (Blouin, 2019). According to the INEI 88.5% of Venezuelans working as employees do so without a contract (Instituto Nacional de Estadística e Informática, 2019). They face precarious labor conditions such as lower salaries, long hours of work,[11] and discrimination in the workplace (Blouin, 2019; Instituto Nacional de Estadística e Informática, 2019; Koechlin Costa et al., 2019).

ENPOVE data show that 6% of Venezuelans are unemployed, a much higher percentage than the Peruvian national unemployment rate of 3.9% (Bahar et al., 2020). Unemployment is 3 times higher for Venezuelan women (Instituto Nacional de Estadística e Informática, 2019). In this context, 20% of Venezuelans who are

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[10] There is a large debate around the definition of "informal work". The absence of a work contract and thus social rights such as social security is generally considered definitive of informal work. However, it is important to use a larger framework to understand the vulnerability of formal works and the impossibility of formalization of informal jobs in the Peruvian context (Cuenca & Urrutia, 2018).

[11] According to the INEI, 69.4% of this population are over-employed, that is, they work 51 to more hours per week (38.4% from 51 to 70 h and 31.0% more than 71 h). 22.7% work between 31 and 50 h a week and only 7.9% work less than 31 h a week.

working are self-employed (Instituto Nacional de Estadística e Informática, 2019). For Koechlin Costa et al. (2019) self-employment among Venezuelan migrants is motivated by different causes, from past experiences to the necessities of care. The first reason for choosing self-employment is linked to the possibility of a higher salary without the control of an employer. The second reason is the necessity of a flexible schedule to take care of the family, especially for Venezuelan women who are usually in charge of reproductive tasks. Moreover, precarious work conditions and situations of abuse by employers in previous jobs are also motivations for opting for a self-employment. Another explanation would be discrimination. Direct hiring discrimination has been reported, for instance, restaurants that advertise that they are 'looking for waitresses, not Venezuelan' (Sánchez Barrenechea et al., 2020). Thus, the possibility of finding a paid dependent job is extremely difficult. In the case of those who find a job despite these conditions, discrimination does not disappear and is expressed through insults, humiliation, and mistreatment, directly related to their nationality, from employees, colleagues, and also clients in the case of shops and restaurants (Sánchez Barrenechea et al., 2020). In this context, many migrants find in self-employment an escape from these situations of discrimination.

Regarding the perceptions of the characteristics of Venezuelan migrant workers, we can observe several shifts during the years studied. In 2018, 74% of the respondents agreed with the statement, "the majority of Venezuelans who arrive in Peru are hard-working and enterprising people," while in 2019 the percentage fell to 52% (IOP, 2019, 2020).

Hard work and entrepreneurship (*emprendedurismo*) are well valued in Peru because of the precarious conditions of employment and the few social programs that exist to face these conditions.[12] We also notice in several studies with Peruvian employers that the 'bad experiences' reported by them began to create a certain image of 'the good' versus 'the bad' Venezuelan employee (Blouin, 2019; Sánchez Barrenechea et al., 2020). This type of myth is also important in the construction of the *other*, in this case as a migrant worker. Women migrants face specific gender stereotypes such as "*roba maridos*" (husband stealers), since they are perceived as more beautiful and pleasant than Peruvian women (Sánchez Barrenechea et al., 2020). Thus, they also deal with more situations of gendered abuse and discrimination (Koechlin Costa et al., 2019; Sánchez Barrenechea et al., 2020).

The changes in this perception can also be explained by shifts in institutional discourses and practices. In 2017, the former President of Perú described Venezuelans as people in need with severe economic problems in their own country. At the same time, he promoted the PPT for (temporary) inclusion in the workforce. In a second moment, from 2018 to 2019, the Government has implemented various bureaucratic strategies to irregularize them, with a discourse related to the rhetoric of fear and threat.

This shift is also concomitant with the changes in the profile of Venezuelan migrants, and especially the level of education. The composition of Venezuelan

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[12] For instance, there is no unemployment insurance in Peru.

migration to Peru between 2017 and 2019 shifted from highly educated people to more middle- and low-class migrants with little or no higher education (Blouin, 2019; Coordinadora Nacional de Derechos Humanos Perú et al., 2020). It is indeed not surprising that the percentage in agreement with the statement, 'Venezuelans residing in the country have had a good education in their country' dropped from 69% in 2018 to 45% in 2019 (IOP, 2019, 2020). Beyond the statistics, it is necessary to read this result in the national context of discrimination. In Peru, discrimination is a complex phenomenon that overlaps many variables such as education. Having or not having higher education in Peru is one more argument for discrimination, where most privileged people normally reach the highest level of education. As we have explained, education can be a powerful whitening factor (De la Cadena, 1998). Without education, Venezuelans are more likely to face discrimination.

8.4.2 Culture

The goal of xenophobic discourses is to discriminate between differences. In this sense, differentiation is a mere instrument that justifies different treatment. Thus, the more these differences are essentialized, the more justified the unequal treatment will be. Racist discourse postulates an essential biological determination to culture but its referent may be any group that has been 'socially' constructed as having a different 'origin,' whether cultural, biological, or historical (Anthias & Yuval-Davis, 1983, p. 67). Cultural questions remain central because they are linked with nationalism and nativism. Unlike race, which is determined by birth, culture is presented as a reality of 'acquired nature' (Gil-Benumeya, 2018, p. 57). This creates the paradox that the subordinate group chooses and assumes that nature. Thus, individuals themselves are held responsible for their status as excluded: 'they do not adapt to our customs.'

In the Peruvian national reality, minorities or ethnically differentiated social groups characterized by cultural heterogeneity and linguistic plurality have differentiated access to rights due to structural and powerful strategies of domination (Callirgos, 2015; De la Cadena, 1998; Portocarrero, 2013). This problem of discrimination towards cultural pluralism is rooted in public institutions, although civil society organizations are struggling to lay the foundations for inclusive and multicultural citizenship. Thus, the discourse of otherness is a familiar discourse.

In this work and especially for the Venezuelan migrants in Peru, we argue that cultural difference is one of the central concepts in the creation of an *us* and a *them*. Race has been partially displaced by culture as a central concept in the creation of difference (De la Cadena, 1998). In this sense, race and culture intersect in the phenomenon of discrimination. Despite this background, few studies have focused on racial and cultural aspects of Venezuelan migration to Peru (Berganza & Solórzano, 2019). Although cultural diversity is one of the less controversial items in the

surveys[13] there is a perception of great cultural differences among the native population.

To the question, "how similar are the customs and way of life of Peruvians and Venezuelans?" 41.3% of the respondents in 2018 answered, 'very/quite different' (IOP, 2019). Geographical analysis of the data shows differences between rural and urban areas: 44% in Lima-Callao and 42.4% in the urban interior agreed, while 33.8% of the respondents in the rural interior agreed. This is particularly interesting since cultural customs differ widely between rural and urban areas and the perceptions of diversity, for instance of accent or language, can be seen quite differently. However, this data can be explained by the fact that more Venezuelans live in the cities and most of them in the capital. According to the socio-economic level of the respondents, the percentages ranged between 34.4% (on the A/B economic scale), 45.6% (on the C economic scale), and 40.6% (on the D/E economic scale).[14] These findings are interesting because they capture some nuances around the capacity for openness to other cultures that do not necessarily correlate on an economic scale. It is necessary to deepen these aspects to better understand the dynamics of inclusion and exclusion. The survey from 2019 that focused on Lima/Callao showed that the percentage increased: 51% of the respondents agreed that the customs and way of life of Peruvians and Venezuelans are 'very/quite different' while in 2018 for this city the percentage was 44% (IOP, 2018).

Regarding the perceptions around occupation of public spaces by migrants, 40% of the respondents answered, 'yes, many' to the following question: have you seen Venezuelans on the public highway in your neighborhood or town? (IOP, 2019). It is important to note that for Lima and Callao this percentage has not shown a significant increase (only 1 point) between 2018 and 2019, despite the increase in the number of migrants (IOP, 2020). There is a belief assigned to the Venezuelan community in Peru that Venezuelans occupy much more public space than nationals (Blouin, 2019). As in other contexts (Rzepnikowska, 2019, p. 70),[15] some attributes, such as language in the case of Venezuelans in Peru, can be considered as a privilege and manner of erasing differences between "*us*" and "*them.*" However, the accent, the clothes, and the way of occupying public space constitute markers that differentiate Venezuelan migrants from Peruvians. These markers are also essentialized by media and institutional actors, permeating the collective imaginary.

Regarding intercultural issues, 54.6% agreed with the statement "Venezuelans residing in Peru should learn about Peruvian culture, customs and traditions." The

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[13] In the survey around immigration in general (IOP, 2018), 45.9% of respondend in the affirmative to the question, "does immigration strengthen cultural diversity?" Those surveyed also believe that immigration increases unemployment (79.9%); that it generates social conflicts (78.1%); that it occupies jobs (77.8%); and that it increases crime (70.1%).

[14] The scale of socioeconomic levels follows the values defined by Ipsos Perú. Thus, the A / B scale has an average monthly income between 12,660 and 7020 soles. The C scale shows an average income of 3970 soles and the D/E scale has a range between 2480 and 1300 soles per month (Ipsos, 2020).

[15] The author analyses the privilege of *whiteness* of Poles in the United Kingdom.

geographical analysis of this question shows that in Lima-Callao, where most Venezuelan people live, more people agreed with the statement (66.3%) than in the rural interior (42.3%). This difference can be explained by the fact that in rural communities there is no great concern for the dominant cultures since their own culture has been overshadowed (Callirgos, 2015; Drinot, 2006). The subordination and remoteness of rural sectors concerning the capital implies that they recognize the Venezuelan culture as a non-dominant one, against which they do not need to defend themselves. According to the socioeconomic level of the respondents, the percentages ranged between 59.7% in the A/B level; 59.9% at level C; and 49% at the D/E level. Between 2018 and 2019, for Lima/Callao this statement has slightly varied from 81% to 89%. This statement is in line with the Migration Law which establishes that foreigners must respect the historical and cultural legacy of Peru (article 10.6) and demonstrates the importance of culture as a marker of difference from the 'other'. Thus, institutional actors have also played an important role in defining how migrants have to integrate. Although the 'peruanidad' or the construction of national feeling is fragile, it has been to be defended against all odds and especially against the threat of immigration (Cutillas, 2019). Overall, hatred towards everything that has to do with "the Venezuelan," the *Venezuelanphobia*, entails presenting the whole of Venezuelans as members of a homogeneous, uniform culture, dangerous to Peruvian values.

8.4.3   Criminality

The negative perceptions around migration in Peru are, as in other contexts, linked to criminality. Freir and Pérez argue that Venezuelans in Peru suffer from a 'nationality-based criminalization which encompasses experiences where migrants are seen as a potential criminal or accused of a crime, such as a robbery or murder, based on his or her Venezuelan nationality' (Freier & Pérez, 2021). Based in qualitative and quantitative data, they found that criminalization of the Venezuelan nationality was the main aspect of nationality-based xenophobic discrimination (Freier & Pérez, 2021).

Despite the lack of data to support the supposed nexus between Venezuelan migration and the rise in indicators of insecurity (Bahar et al., 2020), the views around the link between criminality and migration have dramatically shifted between 2018 and 2019. By the end of 2018, 55% of respondents agreed with the statement that "many Venezuelans are involved in criminal activities in Peru" (IOP, 2019), while at the end of 2019 this percentage increased to 81% (IOP, 2020). This increase coincided with the shifts of migration policies discussed above, from the selective hospitality policy to the hostile policy against Venezuelan migrants. We observe that institutional xenophobia is central to this process. The discourses of municipal authorities in Lima during 2019 were especially violent against Venezuelan migrants and constituted hate speech discourses. For instance, in San Juan de Lurigancho, the most populated district in the capital, the mayor publicly

described Venezuelans as "lumpen" and criminals, urging their return to Venezuela (Berganza & Blouin, 2021). The misperception and confusion around illegality and criminality are also a source of the criminalization visible in the Congress and discourses such as the official and public announcement by the former president of the need for a humanitarian visa. This rise is also linked to the role of the media in the criminalization of Venezuelan migrants (Freier & Pérez, 2021). These results can explain the announcement of the creation of a special security unit dedicated to crimes committed by migrants in early 2020, which is an example of institutional xenophobia (Inmovilidades en las Américas, 2021).

Other important insights of the surveys are linked to the perception of fear and trust. In 2018, only 39% of respondents agreed that "the majority of Venezuelans are unreliable or dishonest people". However, in 2019, this percentage rose to 61%. Agreement with the statement, "I am very mistrustful of Venezuelans who arrive in Peru" increased from 40% to 68%, and fear towards this population (agreement with the statement "I am afraid of Venezuelans who arrive in Peru") increased from 24% to 52%. Trust and especially fear, as we have commented before, are at the root of the xenophobic feeling of rejection. The feeling of fear is a driver of xenophobia. The hate discourses and hostile policies have nourished this feeling of mistrust and fear. The feelings of fear and mistrust are therefore also essential data to understand the negative opinions of Venezuelan migrants and the desire for more restrictive migration policies.

Surveys show that Peruvians have asked for more restrictive policies since 2018 but with a certain shift to more restrictive policies in 2019. Despite the steady percentage in agreement with "allow whoever wants to come," (2% in both surveys) other statements such as "apply strict limits on the number of Venezuelans who can come," increased from 55% to 66% between 2019 and 2020. The agreement with the tougher measure "bans Venezuelans from entering Peru" almost doubled in only one year, from 17% in 2018 to 30% in 2019. These results are key to understanding the links between institutional and social xenophobia. The request for more restrictions by the population is at the same time backed up by hostile policies. Instead of disarticulating hate speeches and demonstrations of rejection, political actors use these discourses as weapons for their own political goals such as presidential political elections. The electoral campaign for the presidency of Peru, in addition to using migrants as scapegoats for citizen security problems, has ignored the needs of around one million Venezuelans who have been disproportionately impacted by the pandemic in a clear demonstration of indifference on the part of the state. Proof of this is the absence of concrete proposals to guarantee the rights of the Venezuelan population in the various government plans (IDEHPUCP, 2021).

8.5   Conclusion

Although there is a growing academic interest in xenophobia in South America (Chan & Strabucchi, 2020; Tijoux-Merino, 2013; Guizardi & Mardones, 2020), research has not focused on deepening and highlighting the links between xenophobia and racism. There is also incipient research on Peru due, in part, to the recent changes in migration trends. We have examined the institutional and social xenophobia in the context of a racialized country. By doing so, we have argued that xenophobia is not only implemented by institutional actors but also reproduced by society in general. As the literature has already shown in the Global North, employment, culture and crime act as a differentiating element to create the discourse of fear of foreigners that sustains xenophobia. Public institutions and the media are principally responsible for these misperceptions.

This chapter sheds light on the economic, social, and cultural exclusions that migrants experience. These forms of exclusion are shared with other sectors of the population such as the Indigenous population. Our study suggests that the institutional xenophobia against Venezuelan migration in the country, expressed through legislation as well as informal and formal practices of exclusion such as expulsions, have portrayed migrants as invaders. We have also claimed that the data revealed by the different surveys need to be understood in light of the characteristics of Peruvian society which have long had and maintain strong structures of inequality and racism. So, the structural and complex racialization that operates in the country is also nourished by a special hatred against the foreigner who threatens the fragile sense of nationhood in Peru. Thus, we have observed the emergence of a feeling of *Venezuelanphobia* as a hatred towards everything that has to do with 'the Venezuelan.' These exploratory findings contribute to the analysis of xenophobia in the region and could be used to inform comparisons with other countries that share historical and social backgrounds with Peru, such as Colombia or Ecuador. Further studies should deepen our understanding of institutional and social xenophobia in the context of racialization through ethnography or other types of qualitative studies.

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Chapter 9
When Migrant Pain Does Not Deserve Attention: Institutional Racism in Chile's Public Health System

Check for updates

María Emilia Tijoux Merino and Constanza Ambiado Cortés

> *We dedicate this text to Monise Joseph, Joseph Henry, Benito Lalane, Rebeka Pierre, Wislande Jean, Joane Florvil, and to those who have confronted institutional racism in public health services in Chile.*

9.1 Introduction

The analysis of institutional racism and its links to the abuse of immigrants requires analyzing "race" and racism, concepts seldom used in research on contemporary immigration in Chile. These concepts have, better yet, been resisted and replaced by euphemisms, such as "exclusion", "discrimination", or "criminalization". In view of this and due to the frequent abuses that migrants experience, our research has focused for several years on the forms and manifestations that anti-immigrant racism has acquired in Chile.[1] The centering of racism in the analysis of immigration is an urgent task, especially as the current government implements migration policies that seek to "put the house in order" (Cooperativa.cl, 2018; EFE, 2021). This potent slogan has been used by President Sebastián Piñera since 2018, when he took office for the second time. He has fostered discourses that characterize immigration as a "problem" and that blame immigrants for uncertainties and

[1] For more, see Tijoux (2016); Tijoux and Córdova (2015), among other articles and book chapters.

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precariousness in Chilean society. When authorities and institutions construct, repeat, and promote these notions of immigrants, many people consider them as truths and act accordingly, thus naturalizing the assumption that citizens' lives are worth more than immigrants' lives.

We understand racism as a system of ideologies, discourses, practices, representations, and stereotypes; a social relationship; and a system of power that racializes immigrants, communicating to them that the outside is their true place as they momentarily occupy a space that pertains to the sovereign (Tijoux & Trujillo, 2016). Deployed in various forms and shifting over time and across societies, racism is plural, violent, and cunning. The furtive violence of everyday racism comes from laws and protocols that generate or reproduce hierarchical "differences" and inequalities.

The term "institutional racism" emerged in 1964 in the United States, after the abolition of segregation. Carmichael and Hamilton (1967) were organizers, activists, and intellectuals who promoted "black consciousness" or "Black Power" and who theorized the existence of a veiled racism that stemmed from colonialism, slavery, and class relations and saw ingrained in institutional practices. These authors argued that colonial and slave histories continued to shape the "inferior" status of the colonized and to naturalize the "superior" place of the colonizers, and that these forms of racialization were propagated through contemporary political, economic, and social institutions. That is, racism was not only expressed in prejudices and stereotypes, but also written into legislation, regulations, and administrative rules, without necessarily being overtly expressed. Institutional racism had become part and parcel of the structure of the dominant social order.

Institutional racism was also a subject of analysis in the United Kingdom. It was evident in London during violent events against the black population in 1981, when a teenager died as a victim of police brutality in Brixton. The government commissioned Lord Scarman[2] to write a report, which highlighted conflicts with police who used force indiscriminately. A new code of behavior for the police was drafted, but it was never enforced. Scarman concluded that the police force was "institutionally racist" (Law, 2015). In 1993, also in the United Kingdom, a British teenager from Plumstead (London) named Stephen Lawrence was murdered while waiting for a bus. This time the report was entrusted to William McPherson,[3] who referred to the "subtle" nature of institutional racism, which he considered as harmful as "confessed" racism. For McPherson, when an institution did not provide a person with an adequate professional service because of his or her skin color or origin, this constituted a form of racism. In addition, the report warned that what was most

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[2] However, Margaret Thatcher rejected the idea that unemployment and racism had been the cause of the riots.

[3] Sir William McPherson, a retired High Court judge, is the author of an extensive report on the murder of Stephen Lawrence in the United Kingdom. The report made 70 recommendations to show "zero tolerance" for racism and included measures to transform the attitude of the police and to get the civil service, the judiciary, and other public organizations to respond and change their attitudes (Quinn, 2019).

serious was the permanence of this form of racism, since the police as an institution refused to recognize it or to combat its existence and causes.

In Chile, research on racism against the Mapuche people characterizes a nation-state that has signaled the Mapuche out as the "Other" or as a danger and threat. In this context, racism is often expressed in terms of the ethnocentricity of decisions made by dominant groups, as Verónica Figueroa (2020) points out. Chilean racism is a legacy of colonial domination and it is lodged in hierarchical racial categories linked to capitalism – which, like racism, also veils its violence (Millamán, 2001). Some studies on institutional racism in Chile address laws and policies, including the uneven uses of the anti-terrorist law (Pairicán, 2014). The Inter-American Court of Human Rights has annulled convictions against Mapuche people, arguing precisely that they suffered discriminatory treatment. In fact, the racial unevenness of police operations and the abuse of power against the Mapuche people have been the subject of multiple studies (Araya et al., 2020; Arroyo & Torreblanca, 2020).

Yet, in Chile, racism has also been present in institutional contexts, such as education – for example, in the differentiated treatment of students in schools where whiteness is a clear measure of socioeconomic differences (Webb & Radcliffe, 2018); or in the media, whereby the Chilean press constructs negative images of the Mapuche people as the Other, as opposed to the Chilean (Sáez, 2014). Indeed, institutional racism in Chile is pervasive and has existed for a long time (Diario Uchile, 2021).

Although the literature on immigration in Chile has not focused on racism as a category of analysis in institutional forms, recent literature in migration studies has documented the distinct legal and administrative conditions that immigrants face, as compared to citizens (Cabieses et al., 2017; Liberona, 2015; Liberona & Mansilla, 2017; Núñez & Torres, 2007; Scozia et al., 2014).

Given this fact, this chapter proposes to contribute to the debate and research on racist discrimination suffered by immigrants in public health centers in Chile. This research demonstrates the everyday reproduction of institutional racism in the field of health services. Methodologically, we worked through a qualitative approach and analyze the comments of public health professionals in semi-structured interviews and those of immigrants in focus groups. Beyond the everyday institutional racism that we observed, racism was also quite evident in overt stereotypes and prejudices used to explain or justify unequal treatment or mistreatment.

9.2 Access to Healthcare and Immigration in Chile: A Necessary Review

In recent years, health research has taken interest in immigrants. In a literature review, Zepeda Vega and González Campos (2019) point out that most of the research conducted has focused on describing the health conditions and precariousness of immigrants and on barriers to healthcare access, as forms of discrimination and exclusion. Many of these studies are descriptive. Some describe the health

vulnerability of immigrants from demographic data and health behaviors, observing that migration itself is often the result of conditions of impoverishment and precariousness that adversely affect health in the first place (Benítez, 2018; Cabieses et al., 2017; Cabieses & Oyarte, 2020). Others study healthcare spaces to describe both individual discriminatory acts and institutional and legal problems inhibiting access to healthcare rights (Bernales et al., 2017; Cabieses et al., 2017; Cortés et al., 2010; Liberona & Mansilla, 2017; Núñez & Torres, 2007; Torres & Garcés, 2013). There are also a few studies that have attempted to describe the discrimination perceived by immigrants in health centers in psychological terms, including the effects of discrimination on the mental health of immigrants (Lahoz & Forns, 2016; Ramírez-Santana et al., 2019; Urzúa et al., 2016).

We are particularly interested in developing studies on barriers, discrimination, and the exclusion of immigrants in the healthcare system, in a context where access to healthcare for immigrants is uncertain and confusing. In recent years, the Ministry of Health has generated decrees that ensure medical benefits regardless of migratory status, such as emergency care or healthcare during pregnancy, but, despite these legal advances, people are still widely excluded from the healthcare system and those who do access it are often treated as a burden to the system (Cabieses et al., 2017; Liberona, 2015). The social welfare system has been repeatedly studied to demonstrate inequalities in access to healthcare. For example, data from the 2017 Casen Survey estimated that the percentage of non-coverage among adult immigrants was 15.8% and that of children under the age of 18 was 20.2%, higher figures than those detected a decade prior. A secondary analysis of this survey concluded that immigrants are 7.5 times more likely to have no health insurance, as compared to Chilean citizens (Cabieses & Oyarte, 2020)– a situation that Benítez (2018) suggests should be carefully considered, as this figure has only increased despite the fact that legislation *expanded* access to these services (e.g., formally enabling affiliation to the public healthcare system, Fonasa,[4] among undocumented persons).

Other qualitative studies address the everyday forms of discrimination that cause immigrants to avoid seeking healthcare in the first place (Cortés et al., 2010; Núñez & Torres, 2007). Some studies highlight the poor treatment or lack of respect that immigrants face (Torres & Garcés, 2013), insofar as immigrants are treated as illegitimate patients (Liberona, 2015; Liberona & Mansilla, 2017). In this sense, Liberona (2015) argues that the legal framework enables uneven treatment, generating feelings of anger or frustration among immigrants. This author highlights that the relationship between patient and professional is already asymmetrical, which amplifies any characterization of the immigrant as an "Other". By the same token, Liberona and Mansilla (2017) document the predisposition of some health officials to negatively perceive these patients, qualified in some instances as an economic burden for the system and an epidemiological risk for national public health. This study demonstrates that even with regulations that ensure a certain baseline of care, such a baseline is often not met due to the discretionary provision of services.

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[4] Fonasa refers to Chile's public health insurance system, which provides financial coverage for healthcare in public and private establishments.

Bernales et al. (2017) points out that another challenge for the care of immigrants is the instability and lack of knowledge about regulations and care strategies. They add that institutions lack tools and implementation strategies for culturally-sensitive care. Finally, these authors consider that healthcare workers are vulnerable to the demands of health authorities to perform new tasks without new resources and to implement regulations without having participated in decision-making or having been trained.

In terms of immigrant children and pregnant women, Cabieses et al. (2017) point out that, although their rights to healthcare are recognized by the state, they are subject to the discretion of administrative bureaucracy and the whims of healthcare officials, permitting inequalities in the quality of service provided. They also highlight that the lack of information regarding regulations and rights for the protection of immigrants shapes their arbitrary treatment.

In sum, research suggests that discrimination is pervasive. It is important to consider the causes of this mistreatment. On the one hand, the historical-political construction of Chile as a white or Eurocentric nation-state persists as a legacy of colonization and, on the other hand, the state actively reproduces immigrants as a "problem". Sayad (1999) argues that thinking about immigration requires thinking about the state, since –fundamentally– this is the organism that defines the immigrant. We must examine state institutions to understand the reproduction of anti-immigrant racism and the ongoing racialization of groups, not only as the effect of intentional action, but also of policies that passively differentiate and impact racialized groups differently. After all, differences in "race" do not exist as a biological or cultural fact, but because individuals and institutions treat distinct groups of people differently, *as if* race did exist (Fassin, 2002).

Immigrants are exposed to various forms of mistreatment that begin with their emigration, multiply during their journey(s), and continue after crossing borders or immigrating. The most frequent health problems during their migrations include injuries, hypothermia, burns, anemia, cardiovascular problems, and complications related to pregnancy and childbirth, among others. They are also subject to violence – particularly children – and disease during the journey. They often need access to appropriate healthcare.

9.3 Daily Interactions in Healthcare Centers: Between Treatment and Mistreatment

In this section, we present part of the results of a FONIS study that we conducted between 2019 and 2020 in public healthcare centers in the city of Santiago de Chile.[5] The objective was to analyze the social interactions between healthcare

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[5] Fonis project SA1810123: "El desafío de las competencias culturales en la atención primaria de salud: estudio de la socialización entre usuarios inmigrantes y profesionales de la salud en la Comuna de Quilicura", directed by María Emilia Tijoux.

professionals and immigrant patients – mainly of Haitian, Venezuelan, Peruvian, and Colombian nationalities.

The professionals' criticisms of immigrants were directed at their lack of knowledge of the Chilean way of life, the country's social norms, and, above all, healthcare regulations. However, these criticisms extended to comments on intimate family life, childcare practices, housing, dress, and speech and communication. Some professionals argued that those who arrive in a new country should prepare themselves, be aware of the culture and of the limits of their own cultures, and recognize the limits of their integration.

Immigrants struggled with facing professionals who considered them as a distant or incomprehensible Other, an issue addressed by Simmel (1908) when examining forms of socialization through reciprocal interaction. The "form" is dictated by the institutions and the "content" is dictated by the actions, decisions, or purposes of those who participate in the interaction. And yet it seems that even when the encounter took place in isolation, the social distance between the immigrant and the healthcare professional remained.

The interactions narrated by professionals and patients showed their social positioning in the context of healthcare. The person was recognized first as a migrant and then as a patient who, being an immigrant, carried a stigma. "Being a patient" referred to a denomination and a place that was earned. That is, the immigrant had to adapt to the context in order to become recognized as a patient. A sort of "conversion" was necessary, which implied a radical transformation to replace one habitus with another (Bourdieu & Passeron, 1977), a process that Durkheim (1938/1990) refers to as a new vision of the world that can emerge under pressure.

One professional explains how they seek to educate immigrants under the precepts of Chilean principles:

> If you manage to educate them well, yes, they do take care of themselves, and that is why it is also perhaps more complex to educate a Haitian patient, because first there is a language issue that, that needs to be improved, and the other thing is that it is also cultural, of, of awareness that, that oral health is not just about going to fix [something], or to clean, or to take out, but also involves personal work at home. Here we try to educate them in the sense of oral hygiene and everything, we give them a hygiene kit as well, so we try to focus our treatment on educating the patient, but patients who come for sporadic consultations, it is more difficult. (E12)
>
> C: Is it difficult for them to follow a treatment, indications?
>
> Yes, it is difficult for them to follow instructions, sometimes even to ask for medication, you give them an indication here and finally you have to accompany them to the other place where they have to go because sometime they even run away. (E12)

The professionals' treatment was ultimately rooted in assumptions about cultural behaviors or social and psychological characteristics of immigrant groups. Some argued that when an immigrant had a "more acute", "more complicated", or "more compromised" health condition, there was "not much to reverse" (E25), due to the "bad" (E29) or "super limited" (E11) education of the immigrant (E20). Some participants pointed to Peruvians and Haitians as those with "less awareness" (E31) or "more backward" (E13) practices, due to their "limited cultural wealth" (E3). Others conjectured that there were "many illiterate people" among these immigrant

groups – unlike Venezuelans, who were "well educated" (E4), "super prepared" (E25) and "take very good care of their health" (E10). These professionals also commonly doubted that immigrant patients could understand medical indications and worried that their health could become complicated if, for example, immigrants ingested a medicine incorrectly or did not correctly clean their children's noses when they had respiratory problems. In short, multiple medical professionals in our study complained of supposedly essential characteristics of most immigrant groups that made their work difficult, rendered treatment less effective, and restricted their treatment options.

Peruvian and Haitian cultures, for these professionals, were also marked by "machismo" (E3), "religion" (E1), and "a magical religious thinking" (E24) that showed "many perceptions that are almost myths, almost based on legend, almost like the perceptions of old ladies" (E11). The professionals argued that the consequences of these beliefs were evident in patients' evasion of recommendations and their use of alternative treatments, including Haitian women who sought out "permanent" contraceptive methods or persistent poor "habits, aptitudes" (E18) among some patients regarding hygiene or newborn feeding. In short, some professionals reflected, "it is not easy to take care of immigrants" (E12); "it is difficult to educate them" (E1); "it is hard for them to follow instructions" (E15), until "they learn Chilean behaviors and customs" (E28). Thus, some professionals described seeking a balance between patient punishment and treatment flexibility:

> We go between two poles, between punishment and flexibility, so we try to find agreements in this. Always looking for balance. That is what I am aiming at. And the work is also oriented to that, understanding that people have their thoughts, their culture, their religion in some cases where, uh, the intervention that one can do has to look for that. To find the balance between all that. (E24)

In turn, the migrants in this study referred to the treatment they were given as distant encounters that lacked empathy and consideration for what they requested or felt. They pointed out that professionals avoided looking at them, did not touch them, and sometimes did not speak to them. They noted that some immigrants avoid healthcare centers due to abuses of power, medical negligence, and humiliation. These relations also led some to try not to get sick or save money to pay for a private clinic, avoiding public healthcare centers, except for emergencies:

> Yes, I went and they were taking out my tooth, because it hurt me a lot and I felt that my face was like – I don't know exactly, and I started to scream a little bit because it hurt me, and the doctor told me "but if you keep screaming, I'm going to put you outside, because you Haitians scream for anything, you always scream, whatever, for whatever, you scream, if you keep on like that I'm going to put you outside", that's what he told me. And I find that unfair because we are people and we have feelings, we can feel things, even though – I don't know – yes, I am Haitian, but that doesn't mean I have no feeling, I can't feel, I can't feel something, I can't hurt, I can't scream, I can't say what I feel; I left that day very disappointed because I find that very unfair, that he said that to me. (FG4-E1)

For the professionals, the immigrants tended to represent a sicker body "with more damage" (E19), with "very high blood pressure" (E25), with untreated diseases or late diagnoses, lacking previous examinations, clinical records, or prescriptions.

In other words, for many of the research participants, the immigrant patient appeared as an irresponsible and damaged subject – particularly Haitians, as compared to Chileans. That is, the professionals criticized Haitian patients in particular for the poor public health system in Haiti and their lack of knowledge of the Chilean system.

This sum of "problems" worried these professionals because of the limited resources they had available, as these patients required more attention and more time for care, a problem for a system where "time is money" (E19) and "resources are lacking for so many people" (E6).

We would like to consider closely a series of commentaries from among these healthcare professionals:

> The foreigner usually consults when it is more complicated; the Chilean consults when he starts to feel small discomforts, then yes. So, when you see a foreigner, generally in your office, you have to think that they already represent more work than you would expect for a Chilean (...). Acute symptoms such as respiratory, more in children; abdominal, but acute; it is very unlikely to detect patients (…) with chronic pathologies – that is, that is done along the way, because they consulted for something acute, you see that there is something and you start there, as if to look for some chronic disease, and then you start, you try to say, come to check-ups, comply with treatment, but more foreigners consult for some acute symptoms. (E1)
>
> I have not had the chance to talk to them about this; it is my perception, but no, you see them here, because of their indicators; they are patients with uncontrolled pathologies, that they... I don't know, you ask them, 'how long ago did you arrive?' I don't know, say, 6 months, 3 months, 1 year, and do they go to the doctor's office? No, they have no awareness, I don't know if they are educated – (it is) cultural, as far as I have been able to understand". (E31)

According to some professionals, migration had not only changed things in daily interaction in the healthcare office, but, more broadly, it also affected the Chilean public health system due to changes made in relation to this "type of patient". This is how another professional put it:

> the issue of immigrants is an issue that is not well examined yet (…) today I was told about the issue of health check-ups: Patients you ask for an examination do not understand or do not want to understand – for example something as basic as a hip X-ray – to see if there is a type of dysplasia, and they do not bring it – that is, they are not aware because they do not give it importance, because in their countries they are not important, and mainly the Haitian population is the one that has more problems with language, and suddenly they understand if radiography is said similarly in Creole as in Spanish, and yet they do not do it because they do not give importance to the issue". (E4)

The "difference" of the immigrant person, rooted in the idea of a homogenous "multitude", seemed to increase the workload by producing an "overload of care" (E2) that supposedly "stresses" (E8) and "collapses" (E31) the public health system:

> In terms of the patients, the population covered is also different, for example, this CESFAM, which covers a large population, a lot, we attend many, many patients with over capacity – that is, the schedules we have are sometimes not enough for the number of people who are enrolled. (E2)

> With immigrant patients, to be very honest, for example, Haitian patients, it's as if I see them all the same – I see them all the same; I wouldn't know how to tell them apart. There is a Haitian woman who has learned a lot of the language, and she is very cool, and we have seen her, and we recognize her, but not the other patients, no. (E32)

According to these professionals, the overload had negative effects on care and impacted material or infrastructural resources, due to the need to translate information into Creole, request more tests or supplies, or respond to more acute medical crises:

> Yes, yes definitely, if in the end the materials should be of the same quality for everyone, it should be the same quality of material for two people, but there are situations in which this has not happened because there are no resources, so we already had a certain stock and that is what we had; now we are trying to make an effort to translate it and have another alternative, and so that is the reason why they are not the same, and now we do not have the resources that were destined for this, we no longer have enough ... (E27)
>
> at the beginning it was atrocious because we were used to people coming from Peru, then they started to arrive, I don't know, Colombian women and men too; they took a lot; they came to take tests or preservatives; what do I know, but, just when they came to us (…) and we already could not work well, that is when Haitians started to arrive. (E20)
>
> we have had an increase in Haitian pregnant patients and therefore an increase in the number of deliveries here for a long time... there were many years during which no deliveries were attended here; however, with the Haitian population, I mean, we have to attend I don't know, 5 or 6 deliveries a month. Here or sometimes at home, so obviously we have had to increase our resources also (…) ... because if before we used to manage, for example, a delivery kit, which was in case of emergency, now we have had to buy 4 more, for example. (E31)

A noteworthy, repeated criticism of Haitian patients – mainly women – considered them to be irresponsible because of the large number of children they had and a perceived lack of care for them. The following interviewee hardened her criticism further, adding that they waste supplies and that "all of them" get pregnant:

> ...Haitian women, who have many children – in fact, they do not take care for themselves, and they come here because they have missed their menstrual periods and have they taken a pregnancy test? No. They want that since somehow or other all the supplies are from the public service; then you have to go and buy the pregnancy test – I don't have money. We have pregnancy tests here that are for specific issues – rapes – and [despite] giving them a medicine, giving them the prescription, and [giving] them the pregnancy test, (…) they are all pregnant, with small babies! (E32)

Regarding the expense or what is explicitly stated about the "theft of resources", this interviewee relates part of an experience and her feelings of injustice:

> Just as the doctor told me when she was operating on me, there are nurses who have told me – that is, they feel that we are stealing resources from them because there are Chilean people who are also dying of cancer and they say: if they give that hour to you or they give that treatment to you, they are taking it away from a Chilean. It has happened to me; it has happened to me, but I say that it is because, of course, I have a serious disease, which many Chileans also have, and even some have told me – that is, it happens mostly in the infirmary and in the reception area, when you enter the hospital, for example. They receive you because you have to give your history and everything; it bothers them because they have to attend to the immigrant and they feel that the immigrant is being given priority over the Chilean. (FG7-E3)

According to some interviewees, Haitian patients –particularly women– did not want to learn Spanish. In turn, the Creole language, understood as a barrier, was criticized and racialized. The professionals said that the person had to arrive speaking Spanish to be able to communicate or the presence of cultural facilitators who spoke Creole and Spanish (generally Haitian professionals from various fields with an ambiguous name and role) were required to translate. Moreover, however, professionals argued that beyond language, the "complexity" of communication had a cultural or educational origin:

> Haitian women do not have a good command of the language. I feel that they do not make any effort; they are not going to make any effort to learn it because of a cultural issue (...). So, I don't know if they didn't understand because now I tell you, that's why I tell you, they didn't understand or there is a cultural issue of putting up with the pain because it hurts, having a baby hurts. So, because here, as I said, the population increased, the number of maternity care centers increased, but at the same time, many of these mothers arrive to have their baby here, but to have a baby is a process, at least a couple of hours, sometimes hours, but at least a couple of hours, 2 hours, so for that lady to arrive with her baby hanging here, she has to endure it. So, I don't know why she didn't go to the hospital, with all the risk involved in having a baby in the street, or at home, or even here, because as I said, we are a basic service, if a baby comes with a complication, it obviously complicates the situation, but I don't know if they don't understand, they didn't understand the instructions, or they don't have [the means] to move and they went straight to the hospital, but finally they still arrive here, and they collapse here. We have no more care to give them than primary attention, an evaluation, a quick monitoring of the baby, and then to the hospital. (E31)

A Haitian patient who had arrived a little late for her appointment told us about the differential treatment she received:

> I was pregnant; I am aware that I am late, I arrive 5 minutes later than the time I should be seen, and I say, "madam I am late" and she [says] "no, the midwife is not going to attend you" (…) and I was waiting, waiting, and another person was coming. I don't know what nationality, she was white, and the lady was pregnant – the same, we had the same time and I arrived first, and when the lady passed, the official said "go and sit down, they will weigh him" and I said "but, lady, if I and she had the same time, why did you let her pass and I didn't?" "Ah, no, you are very negligent, you don't come on time". It was my second time. I left the office crying because these things seem very, very, very bad to me. (FG4-E2)

Sometimes it seems that there is an intention to understand. But in professional-patient interactions, racial discrimination often predominates, couched in criticisms about the adaptation of the person to Chile, the need to educate himself or herself, and ultimately the criticism for coming to Chile in the first place:

> I went to the course, as I tell you; we obviously learned several tips (…) When I can, when I have the time, I try to apply them; it is not a thing that I practice on a daily basis, but I try a little to practice it a little when I can (…) ... It was actually optional to attend that course; it was not mandatory; I wanted to go, as to understand the subject a little bit more and to be given some tools to be able to at least ask basic questions ... (…) But I also feel that there is a lack (…) That is, we are willing to do it, but why do we have to adapt ourselves to them? (E31)

According to some professionals, learning Creole would encourage the immigrants to become accustomed to a supposed dependency:

I think we are going to end up learning Creole faster than they [learn Spanish] (…) '*Kouche sou vant piki*' [meaning] 'lie down on your belly to get your medicine'. And they laugh, and they understand right away, but that is still one way or another encouraging them not to learn. (E32)

Like any other person, a migrant patient needs care in health centers, but as we have already said, due to the treatment received, they often prefer not to attend or to seek the means to obtain private care. This is what a Haitian mother and a Venezuelan father did:

I came here in the SAPU, with my son. He had a strong pain in his ear, and I came, and the child was screaming, screaming, crying loudly, and he had such a high temperature. I went to the window and they registered me; about 1 hour passed, it was about 5 in the morning because the child could not sleep all night. I came at 5 in the morning and they made me wait about 1 hour, 1 hour and a half, and they never called me. They had not called any of the wards and another person started talking and I went to the window and I said, but the child is crying and has a fever, and there was a lady there and she said 'you have (...) you have a thermometer? and do you know that the child has a fever?' I told her, but madam, it is not my son's normal temperature and she ignored me (...) And when I went to [name the private clinic] and saw the pediatrician, she looked, touched the baby, said, "What hurts?" (…) And in the end she discovered that the child had an ear infection. That's why he had such a fever. (FG4-E2)

They had the child's shirt taken off; she saw her from far away; she didn't even go to see her or anything, and she said it was plague and gave her some medicine and the child got over-infected and we had to go to the [name of a private clinic]. (...) In other words, the girl was even in intensive care. The doctor told my wife at that time that if the antibiotic drugs, which were high spectrum, did not do anything, they could not do anything more; if they did not have any effect at that moment, he did not have to do anything with the child, in other words; she practically died. (FG7-E2)

It is not a matter of different cultures, but of sick people and emergencies to which one might react in similar ways. Although there are deficiencies in the public system that are expressed in the precariousness of hospitals and health care network centers, the lack of supplies, and the poor mental health of professionals, the way in which immigrants are treated differently under the guise of cultural difference should be considered:

How do I tell you? Well, they are different cultures, therefore they have (…) other ways of expressing themselves (...) Sometimes they are (…) very confrontational let's say. From the window, they arrive demanding attention. I don't know on what grounds – they come in as if one has to give them priority (...) and then they are left waiting, and their waiting time increases, but it is not a matter of discrimination. If we attend to them, as I said, urgently (…) suddenly in the staff it generates a kind of rejection because one already knows that a Haitian patient is approaching and is already ready (…) not to fight, but is already ready to have an exchange of words, to tell you something... (E31)

The following quotations reflect additional criticisms regarding the poor management of pain among Haitian immigrants, as compared to Chileans:

I imagine that because of a cultural issue, they have a different way of handling pain... Pain, illness, so you see, pain is super subjective – that is, the same pain will hurt you differently than me; it will hurt you in one way; it will hurt me in another way; it will hurt the other person.... but they are very extroverted in that sense; they scream; they do not care if there

are children, if there are patients in pain as well. For them their pain is their pain and they scream wherever they are and they scream and throw themselves on the floor. So, in other words, you see the Chilean patient, on occasion some may have fainted and everything, but in general the Chilean patient talks to you, explains to you: 'It hurts, I feel bad' (…) He complains, but the Haitian patient does not. He screams; he screams; sometimes they are here, here we have a little treatment room where there are several patients undergoing treatment and they are undergoing treatment and they are screaming... (E31)

   Suddenly when the Haitian girls arrive with a lot of pain (...) I don't know if I should say loud, but they express a lot of pain. So, they scream; they cry, they faint, but the fainting was not fainting, so they kind of decompensate the SAPU environment, and therefore one has to run, go in, and then it turns out that it was not so bad... (E29)

These quotations refer us to Barkat's (2005) notion of "body of exception", whereby he refers to a body subjected at all times and in all places to the state of exception. Only some bodies are subjected to this state. In this case, it is the bodies of immigrants, due to racism. Beyond stigmatization or exclusion, what we observed was indifference to the suffering of immigrants. Is it perhaps a matter of "letting him/her die" (Foucault, 1976)? In this regard, Tevanian builds on Barkat's concept, arguing that it helps us to "think the aesthetic dimension of the social and political problem that is discrimination: inequality in treatment goes hand in hand with a difference in perception, and therefore with a particular aesthetic relationship of the body of the other" (Tevanian, 2017, p. 59).

   Even when immigrants in this study were received by health professionals who expressed their goodwill or conviction of public service by pointing out that they attended everyone equally, a closer look did not reflect equal treatment. Rather, a socio-political construction of the immigrant intervened – a construction that the state has cultivated through racializing discourses and practices that have been disseminated by the media and repeated by a large part of Chilean society. These conditions expose immigrants to mistreatment in different forms, even when such treatment is delivered along with kind words. The immigrant person often recognizes racist mistreatment that is veiled by polite gestures and, although they may not understand it, the very repetition of discriminatory acts, words, and gestures instills in immigrants the notion that they occupy a different status in the healthcare system than Chilean citizens.

9.4   Final Words

Racism is a socially constructed system that has been anchored in our institutions for a long time. The ideology on which it is based is the belief that there is a hierarchy among essentially distinct human groups. To understand this ideology at play in the public health system in Chile – as in the education or justice systems, we should look to its modern origins in the transatlantic slave trade of the sixteenth century, where racism was the central ideology for justifying the slave trade. Contemporary discrimination is often ingrained in systems or institutions that organize and treat people differently, according to their skin color, culture, sex, social class or origin, in effect denying or limiting access to rights, goods, and services.

In this chapter, we set out to describe the institutionalized racism that affected immigrants in Chile in the public health system and the ways in which immigrants have resisted and endured it. The stories of the medical professionals brought us face to face with an everyday racism embedded in the functioning of health institutions. For the professional, we found that the "immigrant" is often conceived of as a contradictory figure. On the one hand, it is an object of charity, a poor stranger who should be helped. On the other hand, this subject is often conceived of as an external threat to the system that over-uses and abuses limited services. The professional blames the healthcare system in abstract terms, but also feels authorized, due to their role as "expert", to deliver uneven care based on racialized characterizations of patients. The healthcare system, in turn, endows them with a decision-making power to act upon immigrants according to their discretion. Among immigrants, we documented stories of repeated mistreatment and discrimination that led some to evade the healthcare system altogether. Others were even left with feelings of helplessness. As one patient observed, "One cries no more (…) I for example am not going to do anything. What am I going to do? Nothing" (FG4-E1).

Foucauldian biopolitics refers to a new logic of government in Western liberal societies that promotes wellbeing and productivity through healthy living and regulations that protect and cultivate the population. However, as Foucault pointed out, this concern focuses on "saving" *the population*, while exposing external Others to risk and death. This becomes increasingly clear in relation to migrations taking place throughout the world during the COVID-19 pandemic. In this context, the Chilean state has set out to "order the house", expelling, persecuting, detaining, and depriving immigrants of rights, diminishing the immigrants' pain in relation to that of the Chilean population. Thus, it is necessary to examine the Chilean state to identify the policies and institutions that do not recognize the equal rights of all human beings and enable the reproduction of racism in public health spaces.

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Chapter 10
Inequalities and the Social Process of Categorizing: Migrant Work in Argentina's Garment Industry

Sergio Caggiano

10.1 Introduction

Migrant associations, like other social organizations, generally form around social categories. As migration objectifies nationality (Sayad, 1998), national categories are often the touchstone of these associations. On other occasions, being a migrant—regardless of one's country of origin—becomes relevant in and of itself, allowing diverse national identities to converge. Though it may not be exceedingly common, in cases of labor migration, the category of "workers" can also become the principal motivation for getting organized and fighting for rights. In recent years, as the prevalence of women migrants has received attention, organizations specifically targeting migrant women have formed. The demands expressed by these women's associations are related to the inequalities their members face, inequalities that are approached as the offshoots of two categories—woman and migrant—without questioning the inequalities themselves.

Some migrant associations, however, have noted the importance of the relations between inequalities and categories, and have addressed these relationships more emphatically than other social organizations. This can be attributed to the dynamic and complex features that migration contributes to belonging. The revision of this relationship between inequalities and categories also has to do with the reflexivity migration brings, particularly in relation to aspects of life migrants previously took as given (Schnapper, 1988), i.e., nationality, citizenship, class, gender, generation, etc., all of which are revised in light of new frameworks of interpretation.

The principal source of debates and friction between migrant associations is related to the category that can best explain the injustices migrants face. When the inequality itself becomes the focus, however, the broader relationship between

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categories and inequalities can itself become an issue. Certain migrant associations have begun to engage with a question popular in the social sciences in recent years, that of whether inequalities and the source of inequalities are categorical. This leads in turn to the question of how categories operate in social life and to an exploration of inequality, another notion that is often taken as a given.

Specifically, this article addresses worker associations that formed at garment workshops in the Argentine capital and Greater Buenos Aires in the past 15 years, as the large number of Bolivian migrants running or working in these factories created a truly ethnic labor market.[1] Most of the worker associations that formed have drawn on an ethno-nationalist conception of identity, on the one hand, and on a moral and legal conception of class, on the other. However, an alternative position gradually took hold, especially in groups with a large number of younger migrants or first-generation Argentines, emphasizing the need to consider the multiple inequalities at stake. These young people noted their reluctance to choose from among the available categories of identity, given that, in their view, the real challenge was identifying how these categories related to inequalities. These youths believed that the social and political organizations that grouped garment workers should work to make these multiple inequalities visible, not pigeonhole them in a single category.

Beyond the political implications of thinking about inequalities and social categories in this way, the input of these young migrants helps us to understand how the two are related. In this regard, the first analytical step is to specify these inequalities, that is, to explore what objects of inequality are produced and reproduced and who are the subjects involved (Pérez Sainz & Mora Salas, 2009). The question as to what inequalities arise in garment workshops yields multiple concrete answers, as in any social situation. Within the workshops, a person's unequal position varies in relation to a range of matters (pricing, work hours, type of activity, sales channels, etc.). When a confrontation related to these objects of inequality arises, social classifications and categories come into play. The question as to who will be party to these struggles depends on an active process of politicizing some of these objects of inequality.

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[1] I conducted ethnographic fieldwork in Buenos Aires and La Plata (capital of the province of Buenos Aires) in 2009, 2012, 2016, and 2019. As part of this fieldwork, I held 26 unstructured individual and group interviews with migrant members of associations representing both workers and employers from the garment industry, as well as with migrants and non-migrants from garment unions and other associations that protect the rights of workers in this sector. Participant observation at meetings and public activities was another facet of this work. Over the course of these interviews and observations, migrant work in garment workshops became increasingly politicized. During the different stages of the fieldwork, I also tracked coverage of the topic in the migrant press, though the tracking proved difficult given that many of the publications did not come out regularly. In 2019, I expanded my review of the immigrant press with a systematic analysis that drew on secondary sources and the verbal and written interventions by members of the migrant associations on blogs, YouTube channels, and the digital archives of community media outlets. (Some of the data presented herein has been published in Caggiano, 2014, 2019).

Specifying inequalities has repercussions on two parallel analytical levels. First, this focus offers a specific path for understanding the interconnection or fusion of social categories. A concrete analysis of the ways in which mechanisms for generating inequalities (exclusions, exploitation, distanciation, hierarchies) are linked is an entry point for explorations that seek to go beyond existing categories (class, gender, nationality, generation, etc.)

On the other hand, specifying inequalities draws attention to the coexistence of different systems of representation (Hall, 1996) and frameworks for interpreting them. Different systems and frameworks for attributing meaning to social positions and relations exist in any society. These frameworks are used to define the objects and subjects of inequalities. Migratory movements bolster these different frameworks of representation and interpretation. The case analyzed here underscores how the availability of alternative viewpoints, often opposing or incongruent, plays a role in politicizing inequalities.

This article is organized as follows. The first section provides a brief overview of the main positions in the debate surrounding inequalities, categories, and social classification. In the following section, the conditions of migrant workers in Argentina's garment industry are described, before turning to the stances of the different organizations in the third section. The insights of certain migrants regarding conflict lead into the fourth section, which explores how actors define themselves in relation to their struggles against certain inequalities. The three final sections (one on the objects of inequality and two on those affected by the inequalities) contain the analysis and main argument of the article, specifying the objects of inequality and the politicization of subjects in relation to them. In addition, the last two sections examine the analytical repercussions of specifying inequalities for research on multidimensional and interdependent social inequalities and for a consideration of the different interpretative frameworks that come into play. In addition to summarizing the main findings of the article, the conclusions reveal that inequalities and the creation of inequalities are categorical, provided these categories are viewed dynamically.

10.2 Inequalities, Categories, and Social Classification

In his landmark work, Charles Tilly delved into the forms, causes, and consequences of persisting inequalities and their ties to categories. Paired categories of inequalities like black/white, man/woman, citizen/foreigner, he noted, "do crucial organizational work." Durable inequality depends, largely, on "the institutionalization of categorical pairs" (Tilly, 1998, p. 8).

Rogers Brubaker has, however, criticized Tilly because he "shows how inequality can be categorical, but he does not show how categorical the generation of inequality really is" (Brubaker, 2015, p. 15), arguing that distinct categories of difference—like citizenship, gender, or ethnicity—help produce and sustain durable inequalities in different ways. Brubaker distinguishes between "two forms of

inequality: inequality between *categories of positions* and inequality between *categories of persons*" (2015, p. 39). He notes that the access to opportunities and rewards on the basis of categories of persons persists in the modern age, but its force has waned significantly over the past two centuries. In other words, though it is possible to consider that "[s]trictly categorical inequality between clusters of positions is the rule […] strictly categorical inequality in the allocation of persons to positions, or in the social production of persons, is the exception" (Brubaker, 2015, pp. 45–46). The author adds that "[i]nequality has increased dramatically in recent decades. But it has not become more categorical" (Brubaker, 2015, p. 46).

In my opinion, an emphasis on social categories as evolving and interwoven can enrich both Tilly's and Brubaker's approaches to inequality. The two authors acknowledge the important role of historical dynamics in the processes they describe. Yet in the case of Tilly, social categories appear, at times, as the outcome of a process confined to the past that culminates precisely with a certain distribution of categories. For Brubaker, although historical dynamics remain active, the distinctions between one category and another persist: racial, ethno-national, class, gender, and other categories all have their own independent history, regardless of eventual overlap or complementarity.

Underscoring the historical dynamic of these categories implies focusing on the social process of classifying and categorizing, not taking its results as a given. As in the old but still relevant question by E. P. Thompson on class formation, it is conflict that allows the main actors to come forward, interests to be staked, and the interests of others to be acknowledged or dismissed (Thompson, 1963). The process of producing classifications and categories goes hand in hand with the production and reproduction of inequalities. Social classification "refers to long-term processes in which people vie for control of the basic spheres of social existence; its outcomes configure how power is distributed" (Quijano, 2000, p. 367).

In order to advance our understanding of the processes and categories of social classification, it is thus necessary to explore what it is that actors seek to control within these basic spheres of social existence. Specifying the objects of inequality will contribute to an understanding of the process by which social categories form and are transformed. Precisely because of the dynamic nature of this process, these categories overlap and are interwoven.

10.3   Migrant Work and Labor Conditions in the Garment Industry

Throughout the world, business strategies such as outsourcing production, subcontracting, and hiring informal workers tend to hit low-income migrant workers the hardest (Portes, 1995; Sassen, 1991). This is particularly true in the garment industry (Green, 1996; Montero, 2011; Ness, 2005), where outsourcing to small informal workshops and piece-rate pay allow big brands to stay afloat in a highly unstable

sector characterized by volatile demand (Quinteros, 2000). Major apparel brands thus limit their own activity to design, molds, branding, image, marketing, and sales (D'Ovidio, 2007). Though it is impossible to know exactly how many garment workshops exist in Argentina's capital and Greater Buenos Aires, at the beginning of the 2010s there were an estimated 15,000 (Arcos, 2013).

As in other sectors such as agriculture, seasonal work, domestic work, restaurants, and hotels, informality in Argentina is a particular problem in the garment sector, which mainly employs Bolivian migrants. After a marked drop during the second half of the 1990s, clothing production was one of the most dynamic sectors in the country's economic recovery following the 2001–2002 crisis (Montero, 2011). During the crisis, outsourcing and the subcontracting of garment workshops increased, and this trend continued even during the economic growth of the following decade (Boffi, 2013). Despite a sustained rise of the gross domestic product following the 2001–2002 crisis, informality hovered at around 37% for over 10 years (Bertranou & Casanova, 2013), and, according to industry estimates, experienced little change during the second half of the 2010s. Considering the number of unlicensed facilities and informal workers, more than 80% of clothing production in the city and province of Buenos Aires is thought to have been done in less-than-legal conditions during those years.

A percentage of the clothing produced at the garment workshops is sold at sprawling informal markets, some of which supply small retail stores across the country. The rest goes to major Argentine and transnational companies and labels that outsource to them. In the face of inadequate state control—or none at all—and the rekindling of an ethno-national identity that facilitates migrant worker recruitment (Caggiano, 2012), the resulting ethnic job market (Parra García, 2019) adapted aspects of the popular Andean economy to the intense exploitation and flexibilization associated with neoliberalism.

The intermediaries between workers and major brands are the Bolivian owners of garment workshops, some of which are family-run and range in size from small to medium, generally with 20–30 sewing machines, though sometimes more.[2] Though many are now successful business people, the fact that sweatshop owners are often tailors themselves serves as a promise of success for those currently sewing at the workshop. This also means that the owners are very familiar with the living and working conditions of their employees, as they had similar experiences when they were tailors. Some of the workers in their garment workshop may also hail from their community or origin, or even be family members, suggesting a certain proximity between owners and workers. At the same time, when most of the current sweatshop owners were themselves tailors two or three decades ago, the owners were either Koreans or Jews. This leads many to represent their advancement as a milestone for Bolivians, while suggesting a threat by external forces looking to push them out of a niche they have formed.

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[2]When the companies/brands are large, the chain can expand and become more complex, with intermediary companies and workshops hired by the large brands re-outsourcing to other production units that then manufacture the garments (Boffi, 2013).

10.4   Migrant Organizations, Discussions, and Reflexivity

According to Pries and Sezgin (2012), for many years studies of migrant associations focused on their role in integration processes. Certain early works explored the economic, political, and cultural impact of organizations in the destination country (Devoto & Míguez, 1990; Fernández, 1992). More recently, as part of transnational studies, a good number of scholars have focused on the cross-border activities of these organizations (Itzigsohn, 2009; Portes & Fernández-Kelly, 2015). On the other hand, interest has turned to lobbying by migrant associations and even their involvement at protests and rallies (Flam & Lloyd, 2008; Sezgin, 2008).

Migrant organizations play a key intellectual role to the extent to which they "express, accelerate, channel, trigger, control and forge the public perceptions and the self-awareness of social life, social practices, tensions, conflicts and claims of migrants" (Pries & Sezgin, 2012, p. 300). In this regard, they are very much involved in encoding and categorizing mobility and in determining whether relations can be considered unequal, fair, or unfair.

In prior works, I have examined how Bolivian migrant associations (or the social organizations working with this population) approach the overlap of class and nationality in Argentina's garment industry (Caggiano, 2014, 2019). In the middle of the 2000s, an unlicensed garment workshop caught fire in the Buenos Aires neighborhood of Caballito. Two adults and four children, all Bolivians, died in the fire. Subsequent state interventions to shut down other illegal workshops, combined with worker protests, brought the working and living conditions in these workshops to the public eye.

The two largest social organizations—Fundación La Alameda and the Asociación Civil Federativa Boliviana (ACIFEBOL)—adopted completely different stances on the matter. The first of the two organizations spoke of the infringement of workers' rights, using a language of class that ultimately boiled down to a moral critique of "trafficking" and "slave labor" (Montero Bressán, 2018).[3] The second organization launched an ethno-national defense of sources of work for *paisanos*, citing the discrimination "the community" suffered. La Alamada and many migrants accused the ACIFEBOL of defending Bolivian workshop owners who exploited their fellow countrymen and women (Caggiano, 2014, 2019).

Since then, the issue of the garment workshops has become a thorny one for the migrants themselves, many of whom are extensively involved in the debate. In 2010, for example, at the II Conference of Bolivian Organizations held at the Bolivian Consulate in Buenos Aires, the discussion focused on whether organizations should be formed around "culture and customs, or around the condition of

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[3] The Textile Workers Association (UTC), part of La Alameda's Cooperativa 20 de diciembre, gathered information and reported the "underground sweatshops" to the authorities. It also encouraged workers to form internal committees at licensed textile factories, unlike the Trade Union of Garment Workers (SOIVA), which never got actively involved in what was happening at these workshops. In 2007, the UTC merged into a new, larger organization, Fundación La Alameda, which had more funding and ties to international foundations (Barattini, 2010; Caggiano, 2019).

exploited workers." Some of those in attendance argued in favor of overcoming the issue by appealing to the unity of "the Bolivian people" and "workers," noting that this "was not a contradiction but instead two parts of a single identity" (II Encuentro de organizaciones sociales de la colectividad boliviana, 2010).

In its coverage of the event, the most important paper of the Bolivian community in Argentina, *Renacer*, made its contribution to the debate: "What are we," the journalist asks, "Native peoples, Bolivians, or exploited workers?" A bit later, the participants decided that this was an issue "to be resolved as part of the process" (Aparicio, 2011).

A short time later, a tense but fruitful dialogue between the groups Colectivo Situaciones and Simbiosis Cultural, and intellectual Silvia Rivera Cusicanqui, explored some of the nuances of the debate. Activists, many of whom were young, and—in the case of Simbiosis Cultural—Bolivian migrants or first-generation Argentines, discussed the challenge of interpreting family relations and community traditions in the context of global capitalism. With regard to certain organizations that claimed to represent the community—particularly ACIFEBOL, which defended the garment workshops—the migrant groups were unequivocal in their criticism: "Mafia-like, nationalistic, and in awe of the pecking order" (Colectivo Situaciones and Simbiosis Cultural, in Rivera Cusicanqui et al., 2011, pp. 11, 16).[4]

A Bolivian intellectual visiting Argentina, Rivera Cusincanqui drew on another framework—that of legitimate domination and paying one's dues—to interpret the situation of Bolivian garment workers. Unlike organizations like La Alameda and the mass media, Rivera Cusicanqui did not see "slavery" as a concept that would shed light on these complex forms of exploitation and subordination. "Young people are always poor" but "while allowing themselves to be exploited, they are also building their microenterprise," (Rivera Cusicanqui et al., 2011, pp. 19–20). According to the author, youth trust in a system of "deferred reciprocity" (Rivera Cusicanqui et al., 2011, p. 21) in which exploitation is viewed as necessarily temporary. The complex process of manumission suggests a progressive autonomy of the migrant workers with regard to the exploiter, under the understanding that someday, the exploiter will treat them as equals and compensate them for their efforts through prestige. This also implies a "circuit of giving back" in another sense: "This person was exploited and now it's his or her turn to exploit" (Rivera Cusicanqui et al., 2011, p. 8).

At the end of 2015, another fire—this one in the Flores neighborhood—revived the dialogue and gave the movements new strength. Two children died in that blaze, both children of sweatshop workers who were also injured. The night after the fire, La Alameda held a mass in front of the workshop. After one of the group's key members had been elected to the city legislature, the organization continued to

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[4] Though the book cover mentions only the two groups, "Rivera Cusicanqui et al." is cited in the book credits. Given that the book is in fact a dialogue between the two groups and the author, and the aim here is to distinguish between the opinions of the two, the reference "Colectivo Situaciones and Simbiosis Cultural, in Rivera Cusicanqui et al." will be used in reference to the statements by the group and "Rivera Cusicanqui et al." in reference to the author's own statements.

denounce these "underground sweatshops," always homing in on a certain legally and morally abhorrent aspect, like the fact that thousands of children were living in the workshops.

ACIFEBOL remained active but gradually lost ground to a new organization, the Committee for Alternative Garment Industry Work (COTAI), which other actors see as the more or less direct heir of the association. COTAI has, on occasion, actively addressed xenophobia in areas such as access to healthcare and has also defended the workshops without considering the heterogeneity of the Bolivian migrant population, thus reiterating ACIFEBOL's ethno-nationalist approach.

With these developments, new activisms common since the mid-2000s were restored. On the one hand, there was a moralistic and class-driven activism against discrimination tied to a global agenda (Pries et al., 2012), connecting the issue of migration with criminal justice (Mansur Dias, 2014). On the other, there was an activism drawing on community ethno-nationalism that steadfastly defended the garment workshops without taking a critical look at what occurs behind their doors.

In the meantime, the same day as the fire, the group that would go on to become the Flores Fabric Workers Assembly (ATF) met for the first time, with the support and involvement of members of Simbiosis Cultural and tailors, neighbors, and teachers from local schools, along with representatives from organizations and unions affiliated with the Argentine Workers Confederation (CTA). The newly-formed assembly developed a novel approach to the issue and consolidated some of the concepts that Simbiosis had been working on for several years.

In its first announcement, the ATF laid the groundwork for understanding garment production in the region. They noted that the garment workshops, like the small farms in Greater Buenos Aires and other Bolivian labor niches, are not "a 'Bolivian' problem," but part of circuits of production and consumption that involve society as a whole. They underlined the heterogeneity of "Bolivian migrants," a group that includes both "workers" as well as "entrepreneurs." At the same time, they came out staunchly against a "witch hunt" and a crackdown on informality "because when the persecution of popular illegalities begins, it quickly evolves into racist persecution of the poor" (Zuker, 2015).

The announcement, like several public interventions of one of the most well-known members of both the assembly and Simbiosis Cultural, insisted on moving past a perspective that distinguished only between victims and victimizers. Like Simbiosis before it, the ATF instead proposed to explore the complexities of the circuit of production and consumption and the many factors on which it depends. A setting characterized by a lack of regulations and labor flexibilization relies on different class positions, the calculations and aspirations of tailors who hope to own a sweatshop someday, the memories of the sweatshop owners who were once in their shoes, the actual potential for social mobility in an adverse socioeconomic context with no alternative routes, and horizontal and vertical *compadrazgo* relations (Albó & Barnadas, 1990).

10.5 Reformulating the Question

Scholars in different spheres of academia have commonly explored the tension between class versus ethnonational belonging in migrant associations—and which of the two prevails (Devoto, 2003, p. 312). Different cases reveal the diverse variables that can come into play. In the case of Moroccan migrants in Paris, for example, Dumont (2008) has explored the question of whether a migrant organization prioritizes class identity (emphasizing its ties to French trade unions or other local organizations that defend people's rights) or national identity (with strong connections to state agencies back in Morocco). Chung (2005), in a study on Korean migrant associations in Los Angeles, California, has distinguished between the more apolitical, ethnic organizations formed by migrants with a better socioeconomic position, and the more universalist, progressive associations formed mainly by workers. Among Northwest African migrants to France, Baillet (2001) noted almost the opposite: the universalist associations, heirs to a long tradition of integration in the destination country, attract more well-off migrants (and their descendants), while the members of the associations focused on ethnicity tend to be poorer. In a case study on Mexicans working at greengrocers mainly owned by Koreans or Korean-Americans in New York city, Ness (2005) found that the isolation of the job tended to reinforce connections with fellow Mexicans. In a context of an ethnic division of labor and a lack of ties with established migrant organizations, these coworker relations served as a launch pad for organizing and making demands.

Research such as this would seem to address concerns like those expressed at the II Conference of Bolivian Organizations, ones that can be boiled down to the question posed in the newspaper *Renacer*: "what are we?" Some of the considerations and variables presented in these studies can be applied to the case of the Bolivian migrants to Buenos Aires. However, in keeping with Thompson, I believe it is more productive to apply the question of "what are we" to the specific struggles of these migrants. In other words, perhaps the guiding question is not so much "what are we", but "what is the struggle—and what is the object of inequality targeted in that struggle—that makes us what we are?" The rewording of the question and the identification of the object of the struggle make it necessary to pinpoint other aspects of the debate between organizations.

Some pieces in the newspaper *Renacer* have examined these aspects, particularly the fundamental difference between discrimination/lack of recognition and migrant exploitation. These questions are also a key part of political reflections of Simbiosis Cultural, whose fundamental aim was summarized in a book by one of its most well-known members as unveiling "the terrible inequalities within our migrant community" (Vasquez, 2010, p. 26). In this wording, the conceptual limits of "community" are recognized and the community is also assumed to be "ours." This is because the book, which the author describes as an "outcome of internal work" within the association, strives "to understand the many contradictions [of] the Bolivian community" (Vasquez, 2010, p. 35).

10.6   What Are the Objects of Inequality?

These contradictions are related to inequalities both within the community and beyond. While the question of "inequalities between whom"—in or out of the community—is one of two key questions, it falls flat, as Pérez Sainz and Mora Salas (2009) have noted, without another question: "what are the objects of inequality?" In other words, addressing the concerns surrounding community and inequalities means identifying the object of the inequalities.

If the focus is on the organization and control over production, the owners of small workshops are complicit in—and personally benefit from—the appropriation of surplus labor by major companies. Yet if the focus is on the circuit of garment sales and the immense value ascribed to it, it becomes clear that the big brands—which set the price per garment that workshop owners will be paid—profit by cornering the garment market, to the detriment of small factory owners and the tailors themselves.

If, instead, the emphasis is on the work of reproduction, the appropriation of women's work by certain men is equally daunting. In this regard, most women at the workshops are hired on a verbal contract that requires great flexibility, requiring them to cook instead of sew, for example, depending on the seasonal demand; or to juggle household work with garment work in their own homes, in the case of small family-run workshops. There are also obstacles for women to receive on-the-job training to improve their skills and with it, qualify for better job (Caggiano, 2022).

In addition, this form of appropriating women's labor at the workshops is a topic that has only recently been addressed, and by only a handful of migrant organizations. This brings to light another key aspect of the situation, which is that men—especially husbands, but also fathers or brothers—are often opposed to women's activism, revealing that political participation and the drawing up of public demands are also structured asymmetrically (Caggiano, 2022).

Respect is distributed unequally as well. In a discriminatory context, migrants experience a lack of social recognition of their achievements and trajectories, even when they are economically successful. The urban celebrations of Bolivian patron saints, often sponsored by the garment manufacturers and greengrocers, provide workshop owners with an opportunity for recognition (through sponsorship) and, by association, recognition of the tailors that work for them as well (Tassi et al., 2013).[5]

In other words, the three sweeping types of inequalities noted by Therborn (2006, 2011) are present and active here in different ways. The first are resource inequalities, which can be seen in the appropriation of labor time, in the cornering of

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[5] Social hierarchies are expressed and reiterated at these community celebrations. In order to qualify for certain roles within the festivities, a hefty outlay is required. The covering of community expenses and the public exhibition forge ties of reciprocity that strengthen the circuits for worker recruitment and the illusions of being successful in the destination country (Caggiano, 2012; Giorgis, 2004).

manufacturing niches, the ascription of value, and the double burden. Existential inequalities refer to the lack of respect, disparagement, and limits on others' autonomy or ability to participate in decisions. Third, vital inequalities are present from the start and are tied to the social construction of unequal life opportunities—the fires in the sweatshops being perhaps the most extreme example—and living conditions that increase the incidence of respiratory diseases like tuberculosis (Goldberg, 2014).

The mechanisms by which inequalities are produced and reproduced —distanciation, exclusion, hierarchization and exploitation, as Therborn notes (2006, 2011)— all come into play almost simultaneously in this case. Interestingly, while certain mechanisms are a better fit for certain types of inequality, a single mechanism can influence different inequalities. Exclusion, for example, can apply to a market niche or to a circuit of value ascription, but also to who gets to speak in public. Exploitation clearly structures the extraction of surplus in the production of a marketable good, but also the appropriation of unpaid care and reproductive tasks.

When asking, then, what objects of inequality come into play, myriad yet highly specific examples appear. At times, it seems impossible to address more than one of them at a time, resulting in contradictions. Identifying different and specific objects of inequality is a first step toward shedding light on the apparent aporias of migrant (and perhaps other) activism.

10.7   Inequalities Between Whom 1: Entangled Inequalities

The question "inequalities between whom" can only be posed after the objects of inequality have been politicized. This is an active process in which the objects themselves are defined or redefined, and the actors involved in the struggle and their positions are produced or transformed. Because, as Quijano has noted, "peoples" can have "a place and a role with regard to controlling work and another very different and even opposing place or role when it comes to controlling sex or subjectivity, or in power institutions. And these may change over time" (2000, p. 369).

The exploitation of tailors and the management of the production system by major brands depends on garment workshop owners cornering the ethnic labor market; these owners are, in turn, fearful of being ousted from this niche. While, as I mentioned, migration objectifies national belonging (Sayad, 1998), it is common for some of the inequalities to be structured around the exclusion or distancing of an ethnic or national group. Group organizations like ACIFEBOL or COTAI are not, then, the only ones to foster a community-wide struggle: the struggle also requires a number of agents in the destination country who contribute to this objectification. When La Alameda interprets the exploitation of tailors as neglecting to meet one's duties or comply with the rules, inequality is instead attributed to wrongdoers who turn their back on their responsibilities versus honest workers who see their rights being violated. Other mechanisms link other inequalities and add internal hierarchies to exploitation, like the varying levels of prestige (and payment) ascribed to

caretaking tasks or the garment manufacturing tasks often assigned to women, such as cutting, ironing, folding, stacking, cleaning, removing threads, etc. These tasks especially fall on women and younger migrants, particularly those hailing from rural areas or Indigenous communities. On the whole, migrant organizations rarely consider this an issue.

As a result, a research on the entanglements of structures of inequality (Costa, 2011) could make an initial contribution. The process that Matsuda referred to as "asking the other question"[6] is enriched if the forms and mechanisms of inequality are specified. Instead of merely citing "gender inequality," "racial inequality," "class inequality," etc.—expressions that rarely contribute to a greater under-standing—this means bringing to light the process of social classifications, the rankings associated with specific objects of inequality, and their mechanisms. Thus "exploring how categories of race, class and gender are intertwined and mutually constitutive, giving centrality to questions like how race is 'gendered' and how gender is 'racialized', and how both are linked to the continuities and transformations of social class" (Davis, 2008, p. 71) is only possible if the objects of inequality are specified.

As a result, social categories do not operate transparently or unequivocally. Social categories are inevitably comprised of heterogeneous, mismatched elements. Brubaker has argued that although inequality has increased in recent decades, it has not become more categorical. This only holds true if what the sociologist refers to is the increasing difficulty for institutionalized power-operators to impose clear, distinctive labels. Such labels were never so clear, after all, at the level of concrete interactions, at least not in the Latin American context.

It is impossible to analyze class structure without considering race and ethnic belonging in Argentina—and, indeed, across Latin America. The same applies to analyzing Indigenous identity outside of class structure, or being a man or woman outside of ethnic hierarchies, and so on. In fact, foreignness is also a category tied to class, sex-gender, and social-racial systems, among others. Yet this is not an exercise in abstract classifications but the outcome of disputes over multiple inequalities.

In the circuit of sweatshops, people adopt different positions in the face of various objects of inequalities. The first task for any social struggle involves defining what actors participate in these inequalities. Yet precisely because there are so many inequalities, the resulting panorama cannot be a list of simple and differen-tiated categories but an imbrication of composite and continuously developing categories.

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[6] "When I see something that looks racist, I ask, 'Where is the patriarchy in this?' When I see something that looks sexist, I ask, 'Where is the heterosexism in this?' When I see something that looks homophobic, I ask, 'Where are the class interests in this?'" (Matsuda, 1991, as cited in Davis, 2008, p. 73).

10.8 Inequalities Between Whom 2: Systems of Representation

With the aim of specifying inequalities, Simbiosis Cultural and the ATF started a second important movement. Though seemingly paradoxical, the explicit demand in response to internal inequalities within the community was "open the garment workshops." At the end of June 2015, 2 months after the Flores workshop burned down, the ATF distributed a flier with an eloquent subtitle, "Lifting the Popular, Migrant Economy out from the Ghetto." "In the face of the easy solution of obligatorily shutting down," the group instead proposed "opening the workshops to understand them." The idea was for the "broader system" in which the workshops are immersed—and the "beliefs" that help sustain them—to surface (ATF, 2017, p. 3).

This demand, which lays out a goal and the measures to achieve it, reveals that the objects and subjects—the "what" and the "whom"—of inequalities are defined in relation to different interpretative frameworks. This is often decisive in migratory contexts, as Pries suggests when observing how migrants "*simultaneously* position themselves in the system of social inequality of their community of origin and in the social structure of their destination community" (Pries, 1997, p. 37). Yet more than two interpretative frameworks are at stake here because there are a vast number of diverging frameworks in both the society of origin and the destination. When put into play through dialogues of varying scopes between the different agents, these frameworks comprise alternative "systems of representation" for the same work and production process, as Stuart Hall explained. And each "produces a different definition of the system. Each also locates us differently […] Each thus *situates us* as social actors or as a member of a social group in a particular relation to the process" (Hall, 1996, p. 39).

Returning to the exchange between Rivera Cusicanqui, Colectivo Situaciones, and Simbiosis Cultural, when the sociologist argues against the idea of so-called slave labor, she proposes instead exploring a particular logic of labor organization at the workshops connected to Andean systems of production, circulation, and consumption. The members of Situaciones and Simbiosis, in contrast, argue that the workshops, as the unit of reproduction of the garment industry, are an integral part of the capitalist economy. This is a fundamental point. It is about more than the fact that there are different systems of social relations, but also the degree and level of autonomy or dependence that exists between them. How long can a non-capitalist logic survive within capitalism? How much does such a logic contribute to capitalism—and how much does it call capitalism into question or transform it? Can this logic develop separately from capitalism? How does being part of capitalism affect the shape that logic takes? Is this logic an autonomous system of relations or yet another twist in the convergence of all historically known forms of labor "around and under the thumb of the capital-salary relationship […] and of the global market" (Quijano, 2008, p. 188)?

The giving back of prestige noted by Rivera Cusicanqui and the recognition of its worth in the Andean world are carried over to the workshops. In this carry-over, changes occur. The exchange of prestige, honor, or acknowledgment will find its place in ways of recognizing worth and assigning a value to it within contemporary capitalism (Boltansky & Esquerre, 2016). How can the exchange of prestige be tied to capital accumulation? Is it part of getting the most from a workforce—or does it fall within the realm of a *compadrazgo* system that is both horizontal and vertical? Perhaps the answer is yes in both cases.

Different institutions are enmeshed in a complex weave. With their hierarchies and regulations, Andean family relations are part of the global garment manufacturing system. Capitalist relations are part of the economics of celebrations (*fiestas tradicionales*); these celebrations integrate the capitalist economy. None of these or other institutions emerges from these imbrications unaffected. And the multiple times and spaces of transnational migration only add more complexity: where does one follow through on differed reciprocity? How long is the deferral? When and where does the ostentation that plays a role in recruiting a workforce come into play? (Caggiano, 2012).

And if the conversation turns to trajectories, timing, and systems of representation, it is no surprise that youth is another topic of discussion. When applied to garment workshops, the idea that "young people are always poor" and need to pay their dues (Colectivo Situaciones and Simbiosis Cultural, in Rivera Cusicanqui et al., 2011, p. 19) brings up another reticulum of inequalities. In community economies with limited capitalization and mechanisms for regulating surplus, intergenerational inequalities are laid out so that, ideally, they will be distributed among all community members over the course of their lifetimes. Yet in Buenos Aires, young migrants from communities like these, youth from urban areas, or Argentines whose parents are migrants do not occupy unequal positions just in terms of their elders, but also among themselves and in relation to other youth (and other adults) who are neither migrants nor first-generation Argentines. It is no coincidence, then, that the young members of organizations like Simbiosis (Groisman, 2019) are the ones expressing another point of view altogether. They note, with some degree of irony, "The vast majority of the sons and daughters of workshop owners have no desire to attend 'sweatshop university.' They prefer the other kind" (Colectivo Situaciones and Simbiosis Cultural, in Rivera Cusicanqui et al., 2011, p. 25).

Opening the workshops, and discovering and sharing the interpretative frameworks and systems of representation involved could lead, in some cases, to using other frameworks and systems of representation for the purposes of comparison. It may also serve, quite simply, to put the frameworks on display and facilitate a discussion about the very logics for understanding (and combating or defending) inequalities. Opening the garment workshops and the systems of representation is the second step toward shedding light on the apparent aporias of migrant (and perhaps other) activism.

10.9   Conclusions

Migrant work in Argentina's garment industry already has a history of action and political reflection set off by fires in sweatshops. Major media outlets, international organizations, and certain state agencies have described this work by invoking concepts like slavery, human trafficking and servitude, and criminality.

From the moment in which the topic appeared on the public agenda, social organizations have been involved and were, in fact, in many ways responsible for getting it on the agenda. Some of these organizations engage in a fluid exchange with the mass media, international organizations, and state institutions about these notions and approaches. The organizations formed and headed by migrants took another path, focusing exclusively on the migrant community and defending the garment workshops. In the face of a defense of garment workers by La Alameda (and previously, by UTC) from the outside —a defense that workshop owners often experienced as an attack against them—ACIFEBOL (and later, COTAI) organized a defense from within.

Over time, organizations like Simbiosis and community media outlets like *Renacer* paved a new path: opening garment workshops. It is no coincidence that those in favor of this path are youth, many of whom were born in Argentina to migrant parents or migrated as children. Put off by notions like slavery, servitude, and criminality, and confident that the issue is not about—or is about more than—discrimination, they use a broader concept, always in plural, and always underscoring the need to be specific: inequalities. Not from the outside and not only from within. Opening the workshops can allow myriad inequalities to be unraveled by considering the "multiple, fluid structures of domination" in which the workshops are immersed (Mohanty, 1991, p. 13).

The first aim of this article has thus been to specify the objects of inequalities. Instead of relying on the existing definition of inequality among the actors involved, the challenge was to explore types and mechanisms of inequality and its concrete objects. This is essential to understanding how social classifications and categories take shape in the struggle surrounding these objects.

This analysis makes two contributions. First, it takes the sum of categories one presumes to understand (class, gender, nationality, generation, etc.) and transforms it into a concrete analysis of the enmeshed dimensions of difference and inequality associated with mechanisms (exclusion, exploitation, distanciation, hierarchization) that generate resource, vital, and existential inequalities.

The second contribution, which is captured in the call by the organizations to open the workshops, is the need to identify the systems of representation and the interpretative framework that give meaning to social relations and positions. The diverse systems available in a society and those that are put into motion during migration to link different societies offer alternative—and sometimes conflicting or incongruent—points of view.

In their own recursive reflexivity, then, the organizations shed light on the relationship between social categories and inequalities. Inequality is categorical whenever there are things that can and cannot be done based on whether someone ascribes to—or is ascribed to—an institutionalized category of belonging. An example is someone who is trained to be in a certain ethnic labor niche, as well as someone who has no other option; or someone who will automatically be assigned a certain role in a workshop because she is a woman or a recent arrival from a rural community. Finally, the creation of inequalities is also categorical if we understand the categories to be dynamic, the unstable outcome of struggles to transform or maintain inequalities. Inevitably, these are categories that are compounded, imbricated, and always open to interpretation within alternative systems of representation.

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