

# **Understanding the Tide: A Comparative Analysis of Policy Responses to Refugee Inflows**



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To my parents, for their love and support throughout all my life ...

To Roxana, *eres toda mi vida* ...



## **Declaration**

I certify that the thesis I have presented for examination for the PhD degree of The London School of Economics and Political Science is solely my own work other than where I have clearly indicated that it is the work of others (in which case the extent of any work carried out jointly by me and any other person is clearly identified in it).

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I confirm that Research Article 2 was jointly co-authored with Prof. Feline Freier (Universidad del Pacifico, Peru), and I contributed 50% of this work.

**Statement of Publication**

I confirm that Research Article 1 has been published in the academic journal International Migration Review. The full quote is Hammoud-Gallego, Omar (2021). “A Liberal Region in a World of Closed Borders? The Liberalization of Asylum Policies in Latin America, 1990-2020., *International Migration Review*. ISSN 0197-9183 (In Press).” This article has been written in North American English to satisfy the requirements for publication.

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## Abstract

This doctoral dissertation is composed of three research articles, and it examines the development, determinants and effects of migration and asylum policies. The first article explains the development of asylum policies in Latin America and tests claims by scholarship about the existence of a ‘liberal turn’ in asylum policies across the region. To address this issue, I develop a new methodology – called the Asylum Policies in Latin America (APLA) Database – to measure policy outputs on asylum across Latin America over time. Applying this new methodology, I codify the asylum legislation of 19 Latin American countries, over a 31-year period (1990-2020), using 65 indicators. By discussing trends and outliers, the article confirms the existence of a ‘liberal turn’ in asylum policies across the region.

In the second research article, my co-author and I explain the rationale behind the expansion of refugee protection across Latin America. More specifically we ask, what factors drove Latin American countries to significantly expand refugee protection over the last two decades? By using a mixed methods approach – which includes both a series of nested regression models and process tracing together with evidence from in-depth interviews – we show how government ideology and regional integration explain the liberalisation of asylum policy across the region. We also find that this asylum policy liberalisation process was mostly symbolic.

Finally, the third research article examines the effects of visa restrictions in a context of mass displacement and porous borders. In it, I estimate the effect of introducing visa restrictions on migrants' likelihood of travelling and the effects of such visa restrictions on migrants' well-being. I do so by studying the recent mass displacement of Venezuelan nationals through a difference-in-differences research design. Findings suggest that the introduction of visa restrictions increased irregular entry and irregular visa status for migrants while also leading to changes in their priorities. Unexpectedly, I do not find evidence of increased irregularity leading to more incidents of violence suffered by migrants. This article contributes to the literature on the effectiveness of visa restrictions and its findings have broad public policy implications.

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# **Chapter 1**

## **Introduction**

## 1.1 Introduction

Mass forced displacement is one of the most salient public policy issues of our era. The mix of aging societies and rising populism in the Global North, coupled with the massive displacement of individuals – be it man-made or climate-change induced – from and within the Global South have led to issues of migration and asylum being at the forefront of public policy and academic discussions in recent years (Dennison and Geddes 2019; Hainmueller and Hopkins 2014; Hatton 2021). As of mid-2020, the United Nations' High Commissioner for Refugees (UNHCR) estimated that around 82.4 million people had been forcibly displaced world-wide. Of these 82.4 million, 26.4 million are refugees and 3.9 million are Venezuelan nationals displaced abroad in recent years. The rest is made up mostly people forcibly displaced within their own countries (UNHCR 2021).

In the face of increasing challenges to societies world-wide – exacerbated by the ongoing Covid pandemic – about how to manage large numbers of migrants forcibly displaced from their countries and regions, as well as about how to integrate migrants already in host countries, current academic and public policy discussions have mostly focused on existing evidence from countries in the Global North (Beine et al. 2016; de Haas, Natter, and Vezzoli 2015; Helbling et al. 2017). The lack of evidence from the developing world – where around 86% of forcibly displaced individuals live – is disconcerting as it is in regions of the Global South where the urgency of adopting working migration and asylum policies clearly lies (UNHCR 2021). To address existing gaps in the literature on migration and asylum policies, this dissertation addresses three main research questions that have significant academic and public policy implications:

1. How do asylum policies develop over time?
2. What are the factors that explain changes in asylum policies?

3. What is the effectiveness of migration policies in dissuading migrants from crossing international borders? And what effects do these have on migrants themselves?

Each of the three research articles that constitute this dissertation deals with one of these research questions within the context of Latin America. The first research article develops a methodology – based on the existing International Migration Policy and Law Analysis (IMPALA) methodology – to measure asylum policies at the regional level, thus collecting data on region-specific policy measures that would otherwise not be found in other contexts (Beine et al. 2015, 2016; Gest et al. 2014). This methodology - called the APLA (Asylum Policies in Latin America) database - is then applied to create a data set on asylum policies in 19 Latin American countries over 31 years (1990-2020) using 65 indicators to track their development over time. The article then identifies a series of regional and sub-regional trends towards more complex and liberal asylum policies as well as pointing out outliers in the Latin American region. Finally, it discusses possible avenues for further research based on this new dataset, now available online. Thus, this article contributes both to the academic discussion as to how to measure changes in asylum policies (and migration policies more in general) as well as contributing empirically to the academic and public policy discussion on asylum policies, by providing a database on asylum policies in a region that – until recently – had often been overlooked by the literature (Cantor, Freier, and Gauci 2015).

The second research article of this dissertation instead, seeks to understand the factors that determined the previously identified liberalisation trends in the APLA database. By adopting a mixed-methods research design, the article – co-authored with Feline Freier – first, builds a series of Tobit and spatial panel data models to test the determinants of changes to asylum policies. Second, based on process tracing and a series of 125 in depth elite interviews, seeks to explain the causal mechanisms behind our previous statistical results for the cases of Argentina and Mexico. While our findings suggest that government ideology

and regional integration played an important role in the liberalisation of asylum policies in Latin America, we do not find evidence for some key predictors such as immigrant and emigration stock, as well as democratisation. Our analysis concludes by hypothesising that the liberalisation of asylum policies across the region can be understood as a mostly symbolic effort of status signalling, rather than the adoption of policies to implement. Evidence from the on-going Venezuelan displacement crisis seems so far to confirm our hypothesis, as countries throughout the region decided not to use their existing pieces of legislation and instead opted for ad-hoc migratory arrangements (Chavez Gonzales and Echeverria Estrada 2020; Freier and Parent 2019; Selee et al. 2019; Selee and Bolter 2020). This article thus contributes to existing literature on the determinants of asylum policies – and of migration policies more in general – as it shows which were the factors that influenced the adoption of liberal asylum policies throughout a whole developing region, thus developing a new set of theoretical frameworks for the analysis of asylum policy adoption across the world. Furthermore, it suggests how 'signalling' might play a role in other policy areas, beyond that of refugee protection. Finally, the article clearly shows how migration and refugee policy cycles often seem to go hand in hand.

The third and final research article that makes up this dissertation seeks instead to deal with the effectiveness of migration policies rather than focusing on their content. In it, I study the effectiveness of visa restrictions in dissuading would-be migrants to cross international borders and how these policies affect migrants' well-being. To conduct this analysis, I use a newly published micro data set of around 85,000 forcibly displaced migrants across Latin America, 80,000 of whom are Venezuelans. I estimate how migrants' irregular entry into the host country and lack of regular visa changed after the introduction of visa restrictions in three South American countries (Chile, Ecuador, and Peru) and compare that to the case of Colombia, where over the same period, no visa restrictions were introduced. This research article thus adopts a difference-in-differences research design. The article finds that visa

restrictions increased the numbers of migrants entering the host country irregularly and – consequently – also of migrants lacking a regular visa status. In terms of the effects of such policies on migrants, unexpectedly, I do not find that it increases their likelihood of having suffered some form of violence. However, I do find that the introduction of visa restrictions leads to a change in migrants' well-being in that their priorities shift away from seeking employment and towards the need to regularise their migratory status. Whilst recognising the limits of this article's findings in terms of their external validity, they clearly point toward the limited effectiveness of imposing visa restrictions within certain contexts and how they negatively affect the migrant population, thus bearing significant public policy implications if further validated.

## 1.2 Rationale

While much attention has been given to multilateral agreements to manage migration – such as the Global Compact on Migration or the 'Quito Declaration' approved by South American governments to deal with the initial displacement of Venezuelan nationals in 2018 – migration and asylum policies still remain the bedrock of national politics (Acosta, Blouin, and Freier 2019; IOM 2021a; MPI 2018; MREMH 2018). A notable exception on asylum are the countries of the European Union as they have uniquely delegated asylum policy making to a supra national entity, i.e. to the European Union itself (Bonjour, Ripoll Servent, and Thielemann 2018; Thielemann 2012, 2018; Zaun 2017, 2018). Understanding the way such policies on migration and asylum develop, which factors determine changes in their policy content, and how effective they are in their aims – as well as the effect they have on migrants themselves – are some of the most fundamental questions that scholars have variously sought to address over the last decade (Beine et al. 2015; Bjerre et al. 2015; Czaika and de Haas 2013, 2017; de Haas 2011; de Haas et al. 2019; de Haas, Natter, and Vezzoli 2015, 2016;

Helbling and Kalkum 2018; Helbling and Leblang 2019; Ortega and Peri 2009; Thielemann 2004, 2006, 2012; Thielemann and Hobolth 2016)

The salience of migration and asylum policy issues in general can easily be gauged from survey data on attitudes towards immigrants. As of 2016, in Europe, immigration was viewed as the number one public issue, with 52% of Europeans holding a negative view of immigration (IOM 2021). In Britain alone, as of 2019, 44% of the surveyed population thought that immigration should be decreased, although its salience has decreased slightly since the Brexit referendum (The Migration Observatory 2021).

Yet, attitudes towards immigrants in Latin America are seldom better, and in fact, survey data from Latinobarómetro shows that attitudes towards migrants are even worse in the region where in 2018, an overall 63,3% of all respondents across Latin America reported having a negative view of immigrants. The percentage of respondents with a negative view of immigrants is markedly higher in countries such as Colombia (81,7%), Ecuador (83,4%), and Peru (71,8%) that have in recent years experienced mass immigration from Venezuela, with the three countries hosting respectively 1.7 million, 429,700 and one million Venezuelan nationals (Latinobarómetro 2021; R4V 2021).

Thus, being issues of migration of concern not only for citizens in the Global North, but also across developing regions such as Latin America – it is of paramount importance to understand how countries in these regions – with different policy tools – and often much lower resources and state capacity than their counterparts in the Global North, can effectively deal with migrants and asylum seekers’ inflows.

Before continuing though, I need to clarify some important conceptual distinctions between different types of migrants that will be used across this dissertation. According to the International Organization for Migration (IOM), an international migrant is ‘Any person

who is outside a State of which he or she is a citizen or national, or, in the case of a stateless person, his or her State of birth or habitual residence. The term includes migrants who intend to move permanently or temporarily, and those who move in a regular or documented manner as well as migrants in irregular situations' (IOM 2019). Throughout this dissertation I will refer to 'international migrants' as simply 'migrants', as I do not deal with internal migration, i.e. migration within the borders of the same country.

While the distinction between international migrants and refugees is not always as clear cut as international conventions might suggest (e.g. think of people migrating due to an economic crisis caused by a war), this dissertation focuses on two specific types of international migrants: asylum seekers and refugees, i.e., people who migrate for reasons that would fall under the 1951 Geneva Convention, or any regional refugee definition – or who would be eligible for other 'humanitarian' permits, according to various national pieces of legislation (De Andrade 2019; Hathaway and Foster 2014; Hurwitz 1999; Maarouf Arnaout 1987; McAdam 2007; UNHCR 1951, 1984; Wood 2014).

More specifically, I focus on two legal definitions of who is a refugee: first – as defined in the 1951 Geneva convention – a refugee is a person who 'owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (UNHCR 1951). Second, as defined in the 'Cartagena Refugee Declaration' – a document adopted by most countries in Latin America (see research articles 1 and 2) – refugees are also 'persons who have fled their country because their lives, safety or freedom have been threatened by generalised violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order' (Arboleda 1995; UNHCR 1984).

It is important to note that to be recognised as a refugee, an international migrant needs to apply for ‘refugee status.’ Until the host country has not completed the recognition process, the applicant is considered an ‘asylum seeker,’ which is a status that guarantees the non-refoulement to the country of origin but is temporary in nature and does often not include the right to work or access certain social services. Throughout this dissertation I will often refer to Venezuelan asylum seekers and refugees as ‘migrants,’ given that very few countries – as discussed in research article 3 – have granted them with some form of humanitarian protection (notably Brazil and Mexico). However, that might be starting to change, especially in view of Colombia’s new 10-year humanitarian visa for Venezuelan nationals and the granting of a one-year humanitarian permission to live and work for Venezuelan nationals in the United States (Grandi 2021; Migración Colombia 2020; NYT 2021a, 2021b).

### **1.3 Regional Focus on Latin America**

Much of existing research on migration and asylum policies has overlooked developing regions, especially Latin America. In fact, despite 86% of refugees living in the Global South, much of the public policy debate and academic research has historically focused on the Global North and the policies developed there to receive migrant and asylum seekers (Barthel and Neumayer 2015; Bjerre et al. 2015; Helbling et al. 2017; Helbling and Kalkum 2018; Neumayer 2004, 2005; Ortega and Peri 2009; UNHCR 2021a). Only recently, have scholars began to diversify and study migration and asylum policy processes across developing regions (Blair, Grossman, and Weinstein 2020; Cantor, Freier, and Gauci 2015; Ceriani and Freier 2015; Crisp 2010; Freier and Holloway 2019; Stevens 2013; Tsourapas 2017, 2019; Wood 2014).

This lack of engagement of migration and asylum policy scholars – especially in Latin America – has been explained mostly by two main factors: first, the region has historically – until the onset of the current Venezuelan crisis – been perceived as a region of ‘emigrants’ rather than ‘immigrants,’ with people fleeing authoritarian regimes, generalised violence and economic underdevelopment (Acosta and Freier 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Hammoud-Gallego 2021; Hiskey, Montalvo, and Orcés 2014; Jonakin 2018; McIlwaine 2011). Second, as in most developing countries, data on migration policies and reliable numbers on migration flows were until very recently difficult to get by – if collected at all.

Out of all developing regions though, why is Latin America worth studying at all in the fields of migration and asylum policies? I suggest three answers. First, in the field of migration and asylum policies, Latin America has been mostly neglected until very recently, as scholars mostly focused on ‘receiving’ countries in the Global North (Cantor, Freier, and Gauci 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Hollifield 1992, 2004). This existing gap in migration and asylum policy research is therefore worth filling as increasingly more people migrate across the region, as shown by the Venezuelan migration crisis. Second, some Latin American countries have a long tradition of political asylum dating back to the late 19th century (Harley 2014). A tradition that has been reinforced in 1984 with the approval of the ‘Cartagena Refugee Declaration,’ which – copying heavily the then 1969 Organisation of African Unity’s refugee definition – expanded the concept of refuge beyond that of individual persecution to include asylum based on massive violations of human rights – among others – that make permanence in the country of origin unsustainable (De Andrade 2019; Arboleda 1995; Berganza, Blouin, and Freier 2020; Maldonado Castillo 2015; OAU 1969; Reed-Hurtado 2017).

Finally, and most importantly, due to the displacement of Venezuelans induced by the economic crisis and political repression in their home country, the region has been experiencing mass displacement without precedence, with an estimated 4.5 million people having left Venezuela over the last few years (UNHCR 2021a). The new policies that have been put in place as a response to this unexpected migration flow, present an important case study to understand how middle-income countries can successfully – or not – deal with the arrival of hundreds of thousands of individuals within a context of mostly stagnant economic development, high inequality, and rather weak state capacity. Lessons learned from the analysis of this region can open the door for further research and innovative policy solutions to adopt not only in Latin America, but across the developing world.

## 1.4 Methodology

This dissertation has a distinctive methodological approach. Rather than relying on purely quantitative analysis or only on comparative analyses of policy content, it blends both approaches. Such mixed methods approach allows to leverage the strength of regression analysis, while being able to dwell into the causal mechanisms that underpin much of the policies under study (Gerring 2004; Lieberman 2005; Rohlfing 2008). Each research article included in this dissertation thus uses a blend of different methods to answer its main research question.

For instance, in the first research article of this dissertation, while the development of the new methodological approach on how to operationalise asylum policies relies on an inductive qualitative analysis of existing policy measures, it also proposes ways in which to aggregate the data to produce dependent variables for further analysis. Furthermore, the code and dataset that underpins the research article is already available online on GitHub. In the

second research article instead, my co-author and I use a mixed methods approach which relies first on a series of Tobit and spatial linear panel data models to explore the relation between our dependent variable and key explanatory factors. We then, by making use of process tracing and information from 125 in-depth elite interviews with policy makers across Latin America, seek to explain the causal mechanisms behind the statistically significant correlations identified previously.

Finally, in the last research article of this dissertation, I adopt an advanced quantitative research design – a difference-in-differences (DID) – to study the effectiveness and effects on migrants’ well-being of introducing visa restrictions in some countries. The DID is a research design widely used to study the effects of public policies (Bertrand, Duflo, and Mullainathan 2004; Brewer, Crossley, and Joyce 2017; Goodman-Bacon 2021; Mckenzie 2020; McKenzie 2020; Wing, Simon, and Bello-Gomez 2018). To conclude, not only is the variety of methodological approaches a key characteristic of this dissertation, but also the fact that all the code used to produce the outputs observable in this thesis is already online – or ready to be published online – as an example of transparency. I hope this approach will inspire other scholars and will contribute towards solving the ‘replicability crisis’ currently present in scientific research.

## 1.5 Theoretical and Empirical Contributions

This dissertation makes several contributions both to the literature on migration and asylum policies, as well as empirical contributions in terms of data collected and made available for public consumption. For instance, the first research article of this dissertation contributes in several ways to existing theories on migration policy indices. First, it develops a clear strategy for the analysis of migration policies that avoids what I term the ‘OECD bias’ present in most

of these indices, as most existing migration policy indices – such as IMPALA – consider only policy measures present in the legislation of countries in the Global North (Beine et al. 2015, 2016; Bjerre et al. 2015; Gest et al. 2014; Goodman 2015; Helbling et al. 2017). Second, I develop a clear aggregation strategy to classify policy measures as restrictive or not that allows to plot policy regulatory complexity and liberalisation over time. Third, using this new database, I provide the first systematic long term cross-country analysis of how asylum policies have developed in the Latin American region and confirm claims from the existing literature that countries across Latin America have developed an increasingly more complex and liberal legal framework for the protection of refugees. This liberal trend in asylum legislation stands in contrast to findings of increased restrictiveness over the same period across OECD countries. Additionally, APLA demonstrates the existence of intra-regional variation. Finally, I conclude the article by showing how this new database allows to test existing hypotheses in the field of asylum policy development and formulate new ones, as well as laying out a framework for the comparative study of asylum policies across the globe.

On the other hand, in terms of the empirical contribution of the Asylum Policy in Latin America (APLA) database, I provide for the first time highly disaggregated data on a whole developing region on which no previous data collection of this kind had been undertaken. To my knowledge, the only effort to collect data on asylum policies systematically in the developing world has been done by Blair, Grossman, and Weinstein (2020). However, while they collect data on most developing regions, Latin America is not included in their Developing World Refugee and Asylum Policy (DWRAP) database. On the other hand, the DEMIG dataset – another widely cited migration policy index – has coded only four Latin American countries: Argentina, Brazil, Chile, and Mexico.<sup>1</sup> Other migration policy indices such as Immigration Policies in Comparison (IMPIC) explicitly target only OECD countries (Helbling et al. 2017; Helbling and Kalkum 2018). Lastly, on top of the theoretical

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<sup>1</sup>See <https://www.migrationinstitute.org/data/demig-data/demig-policy-1/download-the-data/demig-policy-data-downloads> (Accessed June 21st, 2021).

and empirical contributions of this article mentioned here, not only this dataset, but also the whole code used to calculate variables and plot figures has been shared online on GitHub and is available as an R-package, as an example of how future researchers might contribute to end the above-mentioned ‘replicability crisis.’<sup>2</sup>

The second research article of this dissertation instead contributes to the literature on the determinants of asylum policies. We contribute to scholarship on this topic by showing how some factors identified by the academic literature – such as government ideology and regional integration – play a role in explaining increasingly more complex and liberal asylum policies in Latin America, while others – such as democratisation, international migrants’ stock and diaspora size – do not (Basok 1990; Betts 2011; Goodwin-Gill 2008; Jacobsen 1996; Loescher 2001; Milner 2009; Preston 1992; Rosenblum and Salehyan 2004; Salehyan and Rosenblum 2008). This article further contributes to the literature on asylum policy development by – for the first time – focusing on systematic asylum policy variation in Latin America.

Moreover, this article also adopts a new methodological approach to the study of migration policies, which we hope will be used as a reference for future research. In fact, much of existing research on migration and asylum policies either uses a purely qualitative or quantitative approach. Our aim is to bridge this existing gap – which occurs throughout the social sciences – and provide a useful template of how a first systematic regression-analysis based approach can be used to identify statistically significant correlations that are then used to explore more in depth the causal mechanisms behind these correlations using process tracing and qualitative evidence such as interviews.

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<sup>2</sup>The APLA Dataset and replication code for all the figures in the article are available online at [https://github.com/HammoudG/APLA\\_Dataset](https://github.com/HammoudG/APLA_Dataset). The APLA dataset is also available as an R package on GitHub. Instructions on its use can be found here: [https://hammoudg.github.io/APLA\\_Dataset/index.html](https://hammoudg.github.io/APLA_Dataset/index.html).

Finally, the third research article of this dissertation contributes to two different strands of the literature on migration. Regarding the former, it contributes to existing research on the effectiveness of introducing visa restrictions by showing how – in a context of porous borders and mass displacement – the introduction of visa restrictions does not stop migrants from crossing borders. These findings – to my knowledge – provide for the first time empirical evidence on the effects of visa restrictions on actual migration flows, including irregular migrants, as scholarship has otherwise focused on the effects of visa restrictions using only official border entry data (Czaika and de Haas 2017; Czaika, de Haas, and Villares-Varela 2018; Czaika and Neumayer 2017; Neumayer 2010).

Second, this third research article shows how different migratory options – either regular or not – affect migrants' well-being (Andersson 2014, 2016; Pugh 2021; Vogt 2018; Wolf 2021) and their labour market integration prospects (Aggarwal, La China, and Vaculova 2016; Bosh and Farre 2013; Ceritoglu et al. 2017; Clemens, Huang, and Graham 2018; Sak et al. 2018; Stave and Hillesund 2015). It does so by first focusing on migrants' likelihood of suffering violence, which – surprisingly – finds that it is not higher in migrants who entered host countries irregularly rather than through official border crossings. Second, the article contributes to the literature on migrants' well-being by demonstrating how having to switch towards irregular entry channels shifts migrants' priorities away from seeking employment, and instead leading them to allocate their already scarce resources to regularise their migratory status. This article thus shows how these restrictions negatively affect migrants' well-being, while also not necessarily bringing the reduction in immigration flow that policy makers ostensibly aimed for.

## 1.6 Thesis Outline

This dissertation is composed of three research articles, which correspond respectively to chapters 2, 4 and 6. Chapter 3, 5 and 7 correspond to each article's appendix. Each article follows a broadly similar structure: each is led by a theoretically relevant research question that introduces the article. In the second part, the three articles develop a theoretical framework based on existing research. In the third part, the empirical section takes place. Finally, each article concludes with a summary of the findings, its contribution, consequences for policy making and future research. This dissertation concludes in chapter 8 with a summary of what has been done, the implications of the findings of this dissertation for future research, and its broader public policy implications.



## **Chapter 2**

# **A Liberal Region in a World of Closed Borders? The Liberalization of Asylum Policies in Latin America, 1990 - 2020**



## **Abstract**

Recent scholarship has claimed that countries across Latin America have been adopting an increasingly liberal and more advanced legal framework for the protection of refugees. Yet little systematic cross-country evidence beyond case studies exists to back up this claim. To address this gap in the literature, I develop a new methodology – called the Asylum Policies in Latin America (APLA) Database – to measure policy outputs on asylum across Latin America over time. Applying this new methodology, I present the results of the codification of 19 Latin American countries, over a 31-year period (1990-2020), using 65 indicators to track the development of policy measures on asylum. The findings from this new database confirm the claim from the existing literature that countries across Latin America have developed an increasingly more complex and liberal legal framework for the protection of refugees. This liberal trend in asylum legislation stands in contrast to findings of increased restrictiveness over the same period across OECD countries. The APLA Database represents a unique contribution to the fields of migration and refugee studies, as it provides systematic data on the nature and development of asylum policies in Latin America through highly disaggregated data on policy outputs. Additionally, APLA demonstrates the existence of intra-regional variation. This dataset allows scholars to develop and test hypotheses in the field of asylum studies and provides a reference database for comparative analyses of refugee policies in Latin America, as well as a framework for the comparative study of asylum policies across the globe.

## 2.1 Introduction

Forced displacement is a salient global issue. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), by the end of 2019, there were 79.5 million forcibly displaced people in the world, of whom 26 million were refugees (UNHCR 2020).<sup>1</sup> Despite evidence that around 85% of refugees and people in need of international protection live in developing nations, most research on the legislative frameworks for the protection of refugees has focused on OECD countries (Bjerre et al. 2018; Helbling et al. 2017; Helbling and Kalkum 2018). Until the Venezuelan displacement crisis in 2015, Latin America was one of the least-researched regions in the field of refugee studies, likely also because of its low refugee numbers, compared to other regions such as the Middle East or East Africa (Freier and Holloway 2019; Freier and Parent 2019; International Crisis Group 2018; Pugh 2017; Selee et al. 2019; UNHCR 2020). However, in Latin America, scholars have claimed, a new liberal turn in asylum policies has taken place as part of an overall liberalization of migration policies in the region (Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Ceriani 2011; Ceriani and Freier 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Freier 2015). Nonetheless, little systematic cross-country evidence, beyond case studies, has been produced to substantiate this claim. This article, therefore, asks: Have asylum policies in Latin America become more liberal, as scholars of the region suggest?

There are two additional reasons to focus on asylum in Latin America. First, Latin American countries have a historically long tradition of political asylum, which dates as far back as the 1889 Montevideo Treaty on International Penal Law (Harley 2014). This tradition has been concretely reinforced since 1984, when the informal process that kickstarted the development of a regional refugee protection framework in Latin America began (Barichello

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<sup>1</sup>The APLA Dataset and replication code are available online at [https://github.com/HammoudG/APLA\\_Dataset](https://github.com/HammoudG/APLA_Dataset). The APLA dataset is also available as an R package on GitHub. Instructions on its use can be found here: [https://hammoudg.github.io/APLA\\_Dataset/index.html](https://hammoudg.github.io/APLA_Dataset/index.html).

2016; De Andrade 2014). Second, Latin America is currently experiencing its most significant displacement of people across the region since the Central American crisis of the 1980s (Acosta, Blouin, and Freier 2019; Berganza, Blouin, and Freier 2020; Chavez Gonzales and Echeverria Estrada 2020; International Crisis Group 2018; Selee et al. 2019; Selee and Bolter 2020). Due to the deteriorating economic and political situation in Venezuela, the UNHCR estimates that in recent years, 4.5 million people have left the country (UNHCR 2020), a significant number for a country that until recently had a long history of attracting migrants from other parts of Latin America (Bahar and Dooley 2019; International Crisis Group 2018).

To confirm the existence of a liberal trend in asylum policies in Latin America, this article develops a new methodology – the Asylum Policies in Latin America (or APLA) Database – which allows scholars to thoroughly analyze how asylum policies have changed over time across all Spanish-speaking countries in Latin America, plus Brazil. Complementing the methodology upon which it is based – the International Migration Law and Policy Analysis (or IMPALA) methodology – this new approach takes a regional focus, allowing the in-depth analysis of asylum policies in Latin America (Gest et al. 2014; Beine et al. 2015, 2016). I present the results of the codification of asylum policies applying this new methodology in 19 Latin American countries between 1990 and 2020, using a series of 65 policy measure indicators to track how asylum policies evolved over time. This codification is the first of its kind produced for most countries in Latin America. Equally important, I also suggest a way to aggregate these data to study trends in regulatory complexity and liberalization over time.

The findings from the APLA's data aggregation confirm claims from the literature that the legislative framework for the protection of refugees in Latin America became increasingly more complex and more liberal between 1990 and 2020 (Acosta and Freier 2015; Ceriani and Freier 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Freier and Gauci

2020; Hammoud-Gallego and Freier 2021; Harley 2014; Menezes 2016). This liberal trend stands in contrast to more restrictive trends identified by the literature in OECD countries (Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018). More specifically, data from APLA show that most reforms in refugee policies took place in the first decade of the 2000s, which matches a period of high economic growth in Latin America, driven by rising commodities prices and the pink tide - a period in which most Latin American governments, especially in South America, were led by left-wing governments, many of them populists (Reid 2017). Pink tide governments, such as those of Lula in Brazil, Correa in Ecuador, and Chavez in Venezuela, were characterized by personalistic approaches to politics and a focus on progressive economic and social policies (Panizza 2009; Panizza and Miorelli 2009). APLA data show a close-to-uniform rise across all Latin American countries, with the exceptions of Cuba, the Dominican Republic, and Honduras. Additionally, the overall trend toward increased regulatory complexity and liberalization seems to have been more marked in South America than in the rest of the region.

This article is organized as follows. I begin with a discussion of the literature on trends in migration and asylum policies in OECD and Latin American countries. Second, I review and compare existing migration and asylum indices to establish if any can be used to study the development of asylum legislation in Latin America. Third, I describe the principles behind the APLA Database. Fourth, I present the findings from APLA data, which confirm the claims from the literature on the liberalization of asylum policies in Latin America, and discuss trends, outliers, and the adoption of specific policy measures across the region. I conclude by summarizing the findings, clarifying this new methodology's limits, and discussing the implications of this research for the wider study of international migration, as well as its repercussions beyond Latin America.

## 2.2 Theoretical Framework

A wide qualitative literature has dealt with trends in the development of migration policies, mostly within OECD countries (Hollifield 1992; Meyers 2000, 2002; Huysmans 2002; Boswell and Hough 2008; Geddes 2008). A common theme of this work has been the convergence of migration policies within traditional destination countries, which seem to adopt similar policies to deal with comparable migration flows (Consterdine and Hampshire 2019; Hollifield 1992; Meyers 2002). However, empirical studies seeking to quantify migration policies and plot their trends over time have, so far, not been unanimous in their conclusions about such trends in migration and asylum policies (Beine et al. 2015, 2016; Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018; Rayp, Ruyssen, and Standaert 2017). Using the DEMIG dataset, for example, De Haas, Natter, and Vezzoli (2018) found that since 1945, in the 45 countries included in their dataset, migration policies have generally become more liberal, with Helbling and Kalkum (2018) coming to similar conclusions for the 1980-2010 period. On the other hand, Beine et al. (2016) found that from the 1990s onwards, migration policies have become increasingly more complex and restrictive. Rayp, Ruyssen, and Standaert (2017) reach a similar conclusion to that of Beine and collaborators.

Scholarship on asylum in European countries has also so far not been unanimous on their trends. Most discussion of trends on asylum policies split between those supporting the “Fortress Europe” concept and those believing that the European Union (EU) acts as a liberal constraint on the more restrictive tendencies within individual countries, without consensus (Bonjour, Ripoll Servent, and Thielemann 2018; Hampshire 2016; Hatton 2009; Hatton 2017; Hatton and Moloney 2015; Thielemann 2012, 2018; Thielemann and El-Enany 2009). Only one study by Blair, Grossman, and Weinstein (2020) examines trends in asylum policies across the developing world, by looking at African, Middle Eastern, and South Asian

countries. Their codification suggests that asylum policies in those countries have become more liberal over time.

Concerning Latin America, largely qualitative scholars, such as Acosta, Freier, and Cantor, seem to agree that policy liberalization has taken place in the fields of both economic migration and asylum policy, beginning in the 1980s with the return to democracy of most Latin American countries and reaching its peak in the 2000s (Acosta 2018; Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Cantor and Mora 2015; Ceriani 2004, 2011; Ceriani and Freier 2015; De Andrade 2014; Hammoud-Gallego and Freier 2021; Harley 2014; Loescher 2001; Maldonado Castillo 2015; Martinez and Stang 2006; Menezes 2016; Reed-Hurtado 2017).

The main issue with the current state of the literature on migration and asylum policies, then, is that no index has tried to estimate the actual changes in asylum legislation and, thus, confirm this liberalization trend across Latin American countries in a way that allows comparison both over time and across countries. To fill this gap, I develop a new methodology that seeks to address the main concerns of existing migration policy indices, as reviewed in more detail below, but also applied here, uniquely, to the Latin American context.

## 2.3 Current Migration Policy Indices

In recent years, a variety of migration policy-related indices have blossomed as part of an increased interest among scholars in this field. These migration policy indices attempt to measure migration and asylum policies, from levels of border openness to the effectiveness of integration policies (Beine et al. 2016; Bjerre et al. 2018; Coppedge et al. 2011; Gest et al. 2014; Goodman 2015; Haas, Natter, and Vezzoli 2015; Scipioni and Urso 2017). Goodman (2015) counts 10 different migration-related indices, many overlapping in the policy measures

they address and none building on the other, whereas Scipioni and Urso (2017) report that around 12 migration indices have been developed over the last 15 years, with more continuing to be added (Blair, Grossman, and Weinstein 2020; Pedroza and Palop-García 2017).<sup>2</sup>

Most of these indices are developed by taking into account three core principles: *conceptual validity*, *measurement*, and *transparency* (Bjerre et al. 2018; Gest et al. 2014; Helbling et al. 2017). The first – *conceptual validity* - requires a clear conceptual identification of the dependent variable so that no overlaps occur between closely linked, yet different, variables (e.g., between the law and its actual implementation), thus avoiding interpretation and causal inference difficulties. The second principle – *measurement* - is that the quantitative aggregation of the different policy aspects produces a variable that represents a valid concept for use in further analysis. Last, to allow for replicability and to follow the third principle, the whole process to construct such indices must be *transparent*, from the codification rules to the aggregation methodology, and the actual data must be easily accessible. Adherence to these three principles guarantees overall reliability, consistency, and replicability in findings (Bjerre et al. 2018; Coppedge et al. 2011; De Haas 2011; Gest et al. 2014; Goodman 2015; Haas, Natter, and Vezzoli 2015; Rayp, Ruyssen, and Standaert 2017; Scipioni and Urso 2017).

Considering the three principles guiding the development of migration policy indices mentioned above, which index could be the best fit for analyzing asylum policies in Latin America? IMPALA is a comparative classification methodology for migration and asylum policies which captures the presence or absence of specific migration-related policies within a country's legislation and focuses exclusively on border entry restrictions (i.e., it does not

<sup>2</sup>However, Goodman (2015) and Scipioni and Urso (2017) also point out that even if many of these indices have been developed methodologically, they have rarely been implemented. This lack of implementation is most likely due to the extensive resources needed to build such databases and the limited academic reward for doing so.

deal with integration policies).<sup>3</sup> Designed to study the development of migration policies and compare them across countries and over time, IMPALA gathers its data using a set of coding frames, developed through an expert-driven inductive method in a pilot study of various OECD countries (Gest et al. 2014; Beine et al. 2015, 2016).

All IMPALA questions follow a binary coding logic that indicates either the presence or the absence of a specific policy measure. The arithmetic un-weighted sum of all restrictive policy measures summarizes the level of a migration policy's restrictiveness or openness.<sup>4</sup> Provided that IMPALA investigates only *de jure* border policies, it guarantees conceptual clarity, as the policies measured do not overlap with others, such as integration policies, or with the actual implementation and effects of migration policies. Moreover, given that each question in IMPALA's questionnaires is referenced with the source used for the codification, transparency and replicability are guaranteed (Scipioni and Urso 2017). Furthermore, unlike other indices that rely on secondary sources, IMPALA uses primary legislation - that is the laws, decrees, regulations, and constitutions of the various countries for its codification - lessening the risk of relying on subjective coding by country experts.

However, IMPALA is not the only methodology that seeks to measure *de jure* migration policies across countries over time. Recently, similar migration policy indices have been developed, such as the DEMIG (Determinants of International Migration), the IMPIC (Immigration Policies in Comparison), and the DWRAP (Developing World Refugee and Asylum Policy) databases (Blair, Grossman, and Weinstein 2020; Haas, Natter, and Vezzoli 2014; Helbling and Kalkum 2018). DEMIG produced a comprehensive database, with the goal of investigating how migration policies affect migration processes and dealing exclusively with the direction of changes in migration policies (Goodman 2015; Haas, Natter, and Vezzoli

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<sup>3</sup>IMPALA, thus, deals with what Hammar (1985) famously defined as 'immigration policy' (i.e., policies that regulate migrant inflow), not 'immigrant policies' (i.e., the economic, social and political rights of migrants once they are in the country).

<sup>4</sup>An alternative aggregation method will be suggested in the next section.

2015). While representing a good example of a policy database, DEMIG can only study policy trends within a country, given its exclusive focus on changes in policies, without holding a baseline point of reference, and cannot be used to compare policies across different units. Thus, it is unfit as an index to study the cross-country development of asylum policies.<sup>5</sup>

On the other hand, IMPIC is specifically developed to address this issue of comparison both over time and across countries. Like IMPALA, it uses primary legislation and regulations as sources for its codification, adopts a binary coding strategy, and avoids producing a weighted aggregation methodology (Helbling et al. 2017). Despite these clear strengths, IMPIC's number of indicators for each migration category is quite limited, producing not only a very partial picture of the elements that comprise legislation on asylum in a specific country but also, as Scipioni and Urso (2017) note, very little variation within countries over time. Also, as is the case for most migration indices, IMPIC focuses on OECD countries and, thus, overlooks the possible idiosyncratic features of migration and asylum policies that might develop within other regions, especially non-OECD countries (Helbling, Simon, and Schmid 2020). As I discuss below, IMPALA suffers from the same 'OECD bias' in the indicators it considers as well.

A more recent asylum policy index worth mentioning is the DRWAP index developed by Blair, Grossman, and Weinstein (2020), which codifies asylum policies in the Middle East, Africa, and South Asia, based on analysis of national legislation. Their approach draws on a series of questions on 54 indicators of policy measures and closely resembles the IMPALA approach, although using different categories. However, there is an important difference between the DRWAP and IMPALA approaches – namely, the way they develop their coding frames. The former does so deductively, following UNHCR policy reports, while the latter

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<sup>5</sup>Moreover, DEMIG has, so far, only coded four Latin American countries: Argentina, Brazil, Chile, and Mexico. See <https://www.migrationinstitute.org/data/demig-data/demig-policy-1/download-the-data/demig-policy-data-downloads> (Accessed March 2nd, 2021).

uses a more inductive approach, which leverages existing legislation and should give the advantage of capturing regional specificities.

Other migration policy indices include the EMIX policy index by Pedroza and Palop-García (2017), which focuses on ‘diaspora policies,’ and Thielemann’s (2004) ‘deterrence index,’ which quantifies countries’ asylum rules within five policy areas. Solano and Huddleston’s (2020) MIPEX (Migrant Integration Policy Index) focuses on the adoption of policies to integrate migrants in 52 countries, including four in Latin America (Argentina, Brazil, Chile, and Mexico). Lastly, Hatton (2009, 2017) and Hatton and Moloney (2015) have developed an index on asylum policies which includes 15 indicators divided in three groups. However, their codification is based on secondary reports written by country experts and is limited to changes in each country’s policy relative to the previous year, following a logic similar to that of DEMIG, rather than overall measures of liberalization or restrictiveness (DEMIG 2015; Haas, Natter, and Vezzoli 2015).

While the above-mentioned migration policy indices are valuable contributions to the literature, to answer this article’s main research question, IMPALA seems to be the most suitable, as it allows in-depth comparisons of policy measures over time and across countries. Additionally, the IMPALA approach offers several advantages. First, given its high level of disaggregation, it offers unlimited combination possibilities, allowing researchers to select sets of variables according to their research purposes. Second, the use of a simple binary codification strategy facilitates the data’s use by researchers. The DRWAP methodology comes the closest, but for this research, a coding frame produced using an inductive method – through analysis of existing legislation – is more suitable, as it allows us to capture policy measures specific to one region.<sup>6</sup>

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<sup>6</sup>For a more comprehensive survey of all relevant migration and asylum policy indices, years of coverage, and overlaps, see Blair, Grossman, and Weinstein (2020), Gest et al. (2014), Goodman (2015), and Scipioni and Urso (2017).

In the next section, I discuss the IMPALA methodology's limitations and present the APLA as a complementary methodology in which I expand IMPALA to include some fundamental policy indicators prevalent at the regional level in Latin America. I conclude the section by clarifying some aspects of the methodology, presenting its possible uses, and discussing the codified data for Latin America.

## 2.4 The APLA: Asylum Policies in Latin America Database

Although IMPALA is a promising reference methodology to solve theoretical puzzles regarding the determinants and effects of refugee policies and their variation across countries, it has two main limitations. First, as de Haas, Natter, and Vezzoli remark (2015, 2), IMPALA is limited in its 'data collection by a pre-determined set of policy variables, which means that idiosyncratic, country-specific migration policies are missed out.' Second, instead of convincingly addressing the conceptual question about how to measure restrictiveness, liberalization, or regulatory complexity, the developers of IMPALA, like those of IMPIC, simply suggested adding arithmetically the restrictive policy measures, with no weighting scale (Beine et al. 2015, 2016; Gest et al. 2014).<sup>7</sup>

Regarding the first limitation, I suggest a possible solution through the development of the new APLA Database. Whereas it might be true that no pre-defined coding frames will ever fully capture all characteristics inherent in a country's asylum policy, producing a set of questions for each country would not be useful for cross-country comparison, as minor differences and idiosyncratic features are surely present in many pieces of legislation. Instead, as this new APLA database aims to explain the development of asylum policies and to compare them across countries, an all-encompassing coding frame for each country would

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<sup>7</sup>IMPALA's developers have alternatively proposed to interpret the absolute increase in the numbers of entry tracks for each migration category as a measure of policy restrictiveness.

be of little explanatory use. The real challenge is to capture *at least* the core right-enhancing and right-denying aspects of migration and asylum policies, especially within a certain group of countries which we might expect to have more similarities among them, due to factors such as political membership in a regional or interest group, or geographical clustering. Examples of such groups are not only EU countries but also other areas of the world, such as Latin America, Africa, or the Middle East (Maarouf Arnaout 1987; Milner 2009; Reed-Hurtado 2013).

An additional issue with IMPALA is that since its coding frames have been developed using a limited number of globally unrepresentative countries, many aspects of regional legislation are not captured by it.<sup>8</sup> This lack of representativity in the countries used to produce IMPALA's coding frames translates into an 'OECD bias' which ignores many policy measures present in other world regions. To address this issue, I suggest designing a coding frame on asylum policies for a specific region of interest – Latin America in this case – where a set of region-specific policies on asylum have been developed. Certain policies might develop at the regional level, due to the common challenges that each country within the region faces, or through general efforts of regional integration. In the case of asylum policies, countries set shared standards through joint declarations, resolutions, action plans, policy diffusion, institutional learning, or directives and regulations (for the case of the EU) (Braun and Gilardi 2006; Cornelius et al. 2004; Ghezelbash 2018; Gilardi and Wasserfallen 2019; Meseguer and Gilardi 2009).

To develop a methodology capable of including regional policy measures of Latin American asylum policies, I have designed an APLA coding frame, using the same inductive method adopted by IMPALA: I have chosen a representative sample of Latin American countries (Argentina, Brazil, Colombia, Ecuador, Mexico, Peru, and Venezuela), analyzed

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<sup>8</sup>The IMPALA coding frames have been developed by analyzing the migration policy measures present in the legislation of the following countries: Australia, the United States, the Netherlands, Spain, the United Kingdom, and Luxemburg. For a justification of this choice, see Gest et al. (2014, 268).

their current asylum legislation, and for each policy measure not included in the humanitarian IMPALA coding frame, I developed an indicator that accounts for presence or absence of that policy measure into a country's legislation. This selection of countries is representative of asylum policies in Latin America for the following reasons: Argentina and Brazil are the countries that, according to Freier (2015) and Freier and Gauci (2020), have incorporated the highest number of best practices on asylum policies in the region, as identified by the UNHCR, while Peru has incorporated the lowest number of such best practices.<sup>9</sup> On the other hand, Ecuador and Venezuela have been included because they are the Latin American countries that have received the most asylum-seekers in the last two decades (before the beginning of the Venezuelan crisis) and people in need of international protection due to the protracted civil war in neighboring Colombia (Acosta, Blouin, and Freier 2019; Gottwald 2004, 2016; Pugh 2017; Selee et al. 2019; UNHCR 2008) . Lastly, I have included Mexico, due to its undisputable importance as a diplomatic and political actor within the region.<sup>10</sup>

APLA comprises two binary indicators: one tracking the presence or absence of a policy measure in the legislation and a second tracking if, given that the first value is present or absent, the policy measure in question is restrictive or not toward asylum-seekers and refugees.<sup>11</sup> Also, I kept the original questions from the humanitarian IMPALA coding frame, as developed by Beine et al. (2015, 2016) and Gest et al. (2014), and added them to the APLA coding scheme. Thus, APLA does not substitute, but complements, what has already been done under IMPALA. APLA consists of 65 indicators, divided into seven different categories: legal framework, qualification, reception and detention, exclusion and cessation,

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<sup>9</sup>A list of these best practices is available in Spanish at [www.acnur.org/es-es/buenas-practicas.html](http://www.acnur.org/es-es/buenas-practicas.html) (accessed March 2nd, 2021).

<sup>10</sup>While I have not produced other coding frames so far, the same principles could apply to produce regional coding frames for other parts of the world.

<sup>11</sup>For more details on the codification process, see 'Codebook for Users: IMPALA and the APLA,' available in the Online Appendix. It is important to note that codification processes often have some degree of subjectivity, especially when it comes to assessing whether a policy is 'liberal.' However, each case where a judgment call was made in the codification is specified in the Codebook and in the comment section of the APLA Database.

procedure, internal rights, and rights of children.<sup>12</sup> Eight indicators relate to the ratification of international agreements, while the other 57 concern national legislation. 34 indicators were already included in IMPALA, whereas 31 are new indicators developed specifically for Latin America.

IMPALA's second main limitation is its understanding of 'restrictiveness' as the number of restrictive policies measures in a legislation, or the number of 'entry tracks' (i.e., how many different pathways for entry into a country exist). As Goodman (2015) points out, the challenge of proper aggregation is to make sure that the values aggregated 'reflect the concepts they purport to represent' (Goodman 2015, 1907). Policy indices, such as those measuring democracy, usually add the various policy indicators, using a variety of weighting schemes, whether based on factor analysis, item-response theory, or other weighting schemes (Bjerre, Römer, and Zobel 2019; Blair, Grossman, and Weinstein 2020; Coppedge et al. 2011; Helbling et al. 2017; Jackman 2009; Munck and Verkuilen 2002; Treier and Jackman 2008). In this first article I conduct using APLA data, I suggest two alternative aggregation strategies to IMPALA, one to measure the development of regulatory complexity over time and another to calculate liberalization.<sup>13</sup> In this article, I define regulatory complexity as the gradual process whereby countries adopt increasingly dense asylum policies (i.e., broader and more detailed).

Liberalization, on the other hand, is conceptualized as the process whereby the proportion of right-enhancing policy measures increases over time, compared to the proportion of right-denying policy measures in a country's asylum legislation. In theory, regulatory complexity and liberalization are two different concepts that do not necessarily overlap. However, as Zaun argues, in practice, these two concepts often go hand-in-hand, given that 'the combination of weak regulation and high standards does not exist, as weak regulators face difficulties

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<sup>12</sup>These categories are present in the original IMPALA coding frames. The concept of 'internal rights' is borrowed from the IMPIC database.

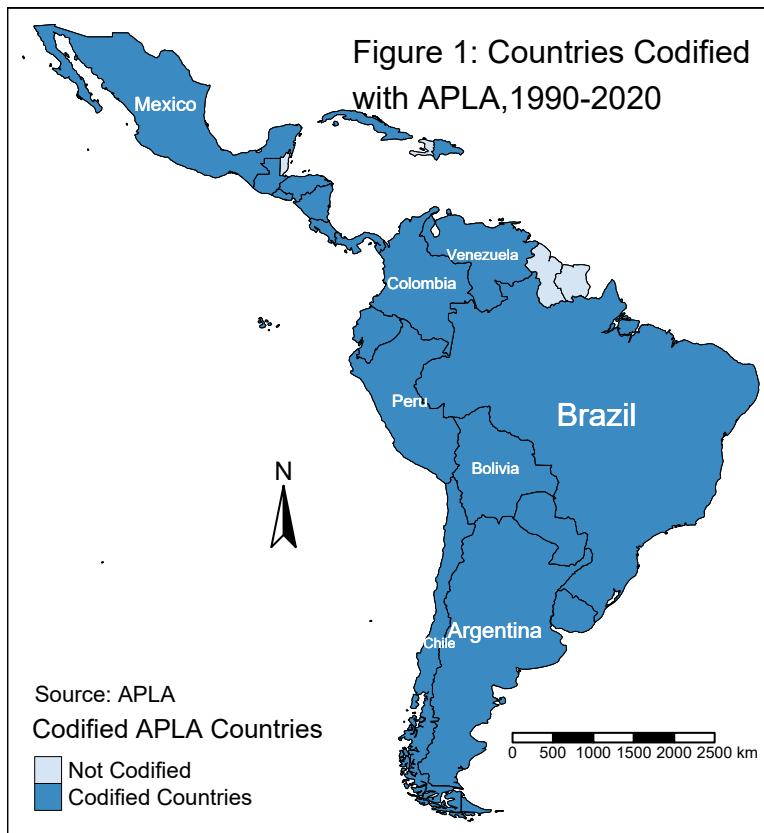
<sup>13</sup>The rationale for measuring these two variables is discussed below.

in enforcing refugee protection' (Zaun 2016, 138; 2017). Alternatively, it could further be argued that increasingly complex policies represent the creation of a progressively wider legal framework for the protection of asylum-seekers and refugees, which did not exist before. In the next section, I provide empirical evidence to support the claim that regulatory complexity and liberalization of asylum policies in Latin America between 1990 and 2020 fundamentally overlapped.

To measure 'regulatory complexity,' I use the proportion of measures incorporated in each legislation each year, using the 57 national legislation indicators included in APLA and exclude the eight indicators that refer to the ratification of international treaties. I measure 'liberalization' by taking those policies adopted in each country-year and selecting the proportion of restrictive to non-restrictive measures, as identified by a simple binomial identification.<sup>14</sup> The simplicity of these aggregation methodologies reflects their conceptual clarity, clarifies the relation between different policy measures, while avoiding arbitrary weighting schemes, and allows scholars to easily replicate the findings of any study using APLA data (Helbling et al. 2017; Munck and Verkuilen 2002).

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<sup>14</sup>See the Online Appendix for more information on data selection and coding process.



The APLA Database currently contains the codification of 19 Latin American countries for a 31-year period, starting in 1990, as is shown in Figure 1.<sup>15</sup> I have codified all Spanish-speaking countries, plus Brazil, as these countries are considered to form the Latin American region. Other countries present in the region – mostly Caribbean islands – have not been codified, as they often constitute a separate regional group not part of Latin America (Harley 2014; Reed-Hurtado 2013). The APLA Database's codification process took place as follows. I began by searching for references to national legislation in Refworld.org, the UNHCR repository of legal information on asylum policies. I then analyzed each Latin American country's current asylum law, after codifying the text through an in-depth analysis using the APLA indicators, I searched the text for references to previous legislation, which I then

<sup>15</sup>This and all other maps do not show all countries in the region.

codified. This information was complemented by analysis of scholarship on asylum in each country, where available.

The choice of codifying from 1990 is explained by two factors. First, most Latin American countries re-democratized around this time, coming out of a series of Cold War-era dictatorships; thus, before this date, most Latin American countries produced considerably more refugees than they accepted (Chasteen 2011; Loescher 2001). Second, the regional process that kicked off the development of a common asylum framework began after the 1984 Cartagena declaration, the result of a meeting between academics, civil servants, and the UNHCR to find a common response to the forced displacement caused by the Central American civil wars of the 1980s (Barichello 2016; De Andrade 2014, 2019; Harley 2014).<sup>16</sup>

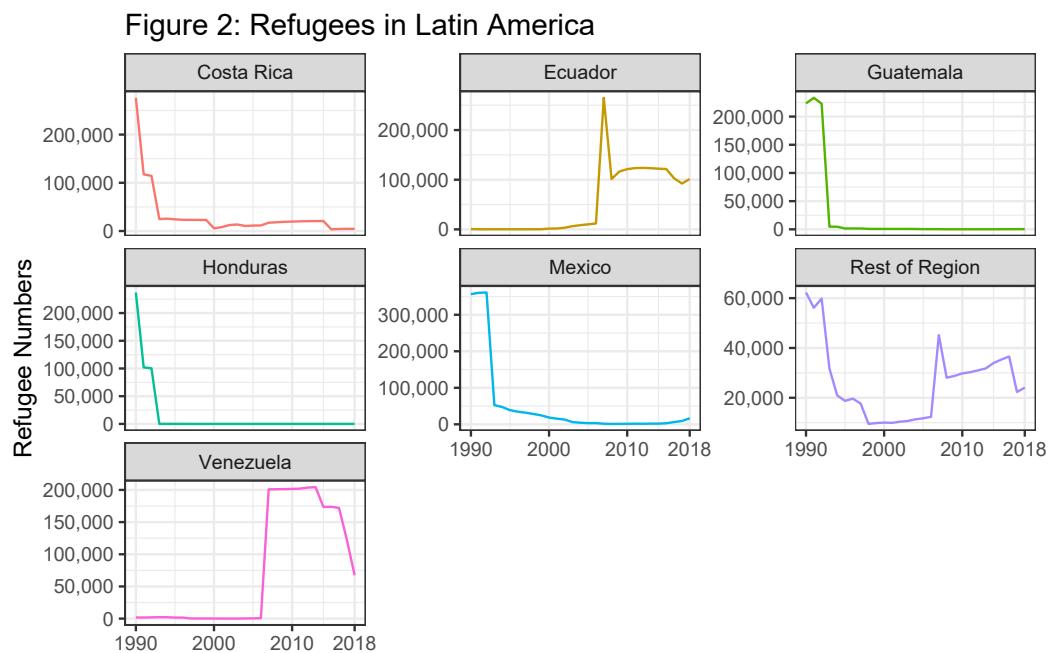
In the following section, I present the main findings from the analysis of the APLA Database. I begin by presenting the context of forced displacement in Latin America and then discuss trends in asylum policies across the region. Later, I compare these trends to those of other migration policy indices across the globe, before discussing the inclusion or exclusion of policy measures in some legislation, pointing to outliers, and hypothesizing about the reasons behind the adoption of some unexpected policy measures.

## 2.5 Empirical Findings

According to UNHCR data, until 2018, refugee numbers in Latin America had been considerably low from an international perspective. As Figure 2 shows, Central American countries and Mexico recorded high refugee numbers in the early 1990s, before dropping substantially,

<sup>16</sup>The ‘Cartagena’ refugee definition widens the 1951 Geneva Convention refugee definition to include ‘persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violations of human rights or other circumstances which have seriously disturbed public order’ (UNHCR 1984).

as the region's civil wars came to an end. Numbers increased again in the early 2000s, although mostly in Ecuador and Venezuela, both of which experienced an influx of refugees fleeing Colombia's internal conflict (Brown 1996; Gleditsch 2016; Gottwald 2004, 2016; UNHCR 2008). These relatively low numbers of refugees, and their geographical clustering in either the Central American or Andean region, explain why, before the Venezuelan migration crisis that began in 2015, the salience of migration and asylum issues had been substantially limited in the region (Acosta, Blouin, and Freier 2019; Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020)

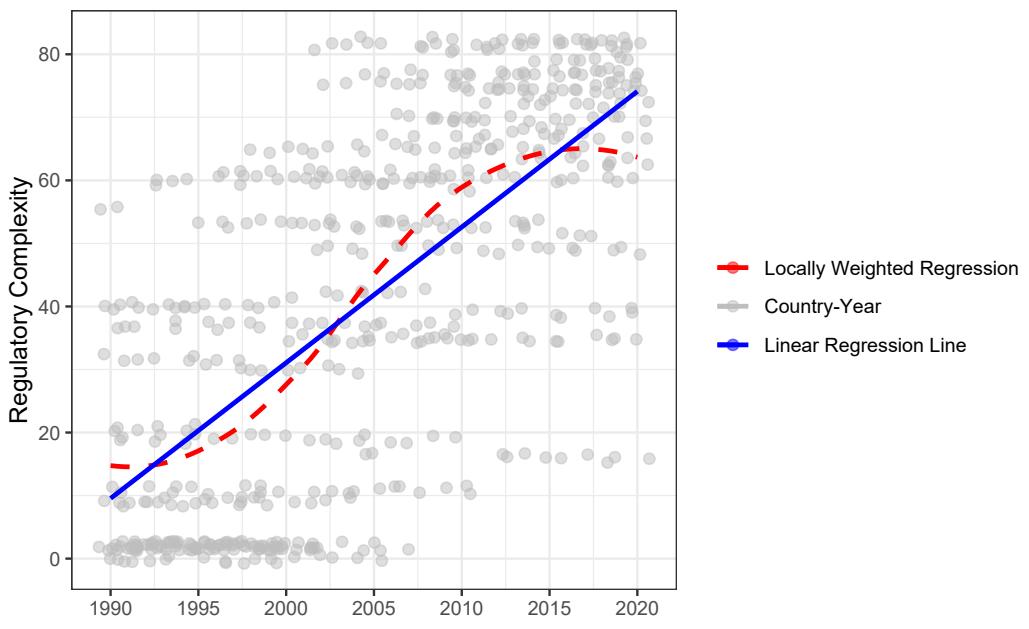


Source: UNHCR

Aggregating data from APLA, I develop two indicators to show trends in 'regulatory complexity' and 'liberalization' across countries. Regulatory complexity measures the numbers of policy measures included into each country's asylum legislation, with a range from 0 (no asylum legislation) to 100 (inclusion of all policy measures on asylum identified by APLA). On the other hand, liberalization calculates the ratio of liberal to non-liberal policy

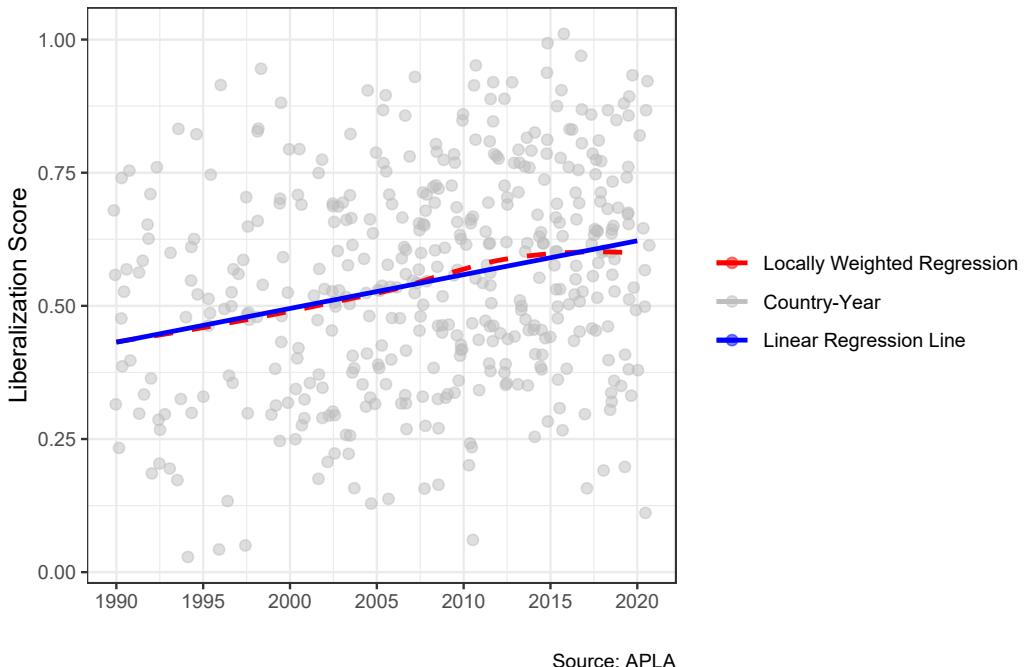
measures included in a country's legislation, where a liberalization score of 1 would represent a country with only liberal policies and 0 a country with only restrictive policies. The results of these aggregations are shown in Figures 3 and 4. Figure 5 shows the development of regulatory complexity at the country level over time.

Figure 3: Regulatory Complexity of Asylum Policies in Latin America



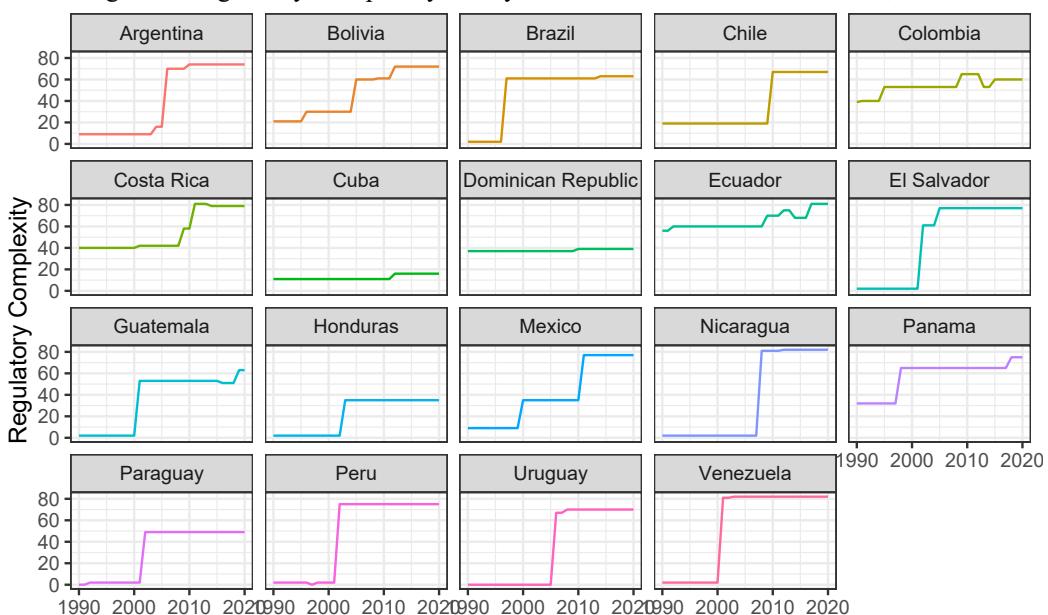
Source: APLA

Figure 4: Liberalization of Asylum Policies in Latin America



Source: APLA

Figure 5: Regulatory Complexity in Asylum Policies across Latin America, 1990-2020



Source: APLA

Figure 3 shows a clear process of increased regulatory complexity over the last 31 years, with a steep rise in the 2000s. Over the same period, those same policies have also become

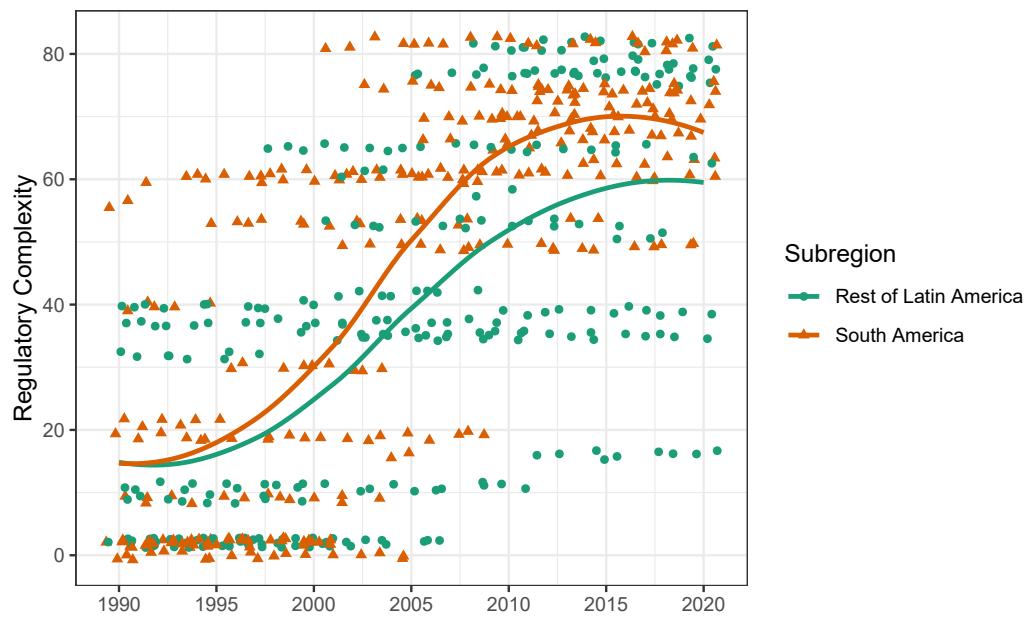
gradually more liberal - that is, right-enhancing policies for asylum-seekers and refugees have increased over time, compared to right-denying ones, as shown in Figures 4 and 9. These trends confirm findings from earlier studies about asylum legislation's increasingly liberal character in Latin America (Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Ceriani and Freier 2015b), with all countries adopting new, or reforming existing, legislation on asylum, with a few exceptions discussed below. This trend toward liberalization contrasts clearly with trends toward more restrictiveness identified by the IMPALA and Rayp, Ruyssen, and Standaert's (2017) databases, while confirming trends identified by DEMIG and IMPIC for OECD countries and the DRWAP index on asylum policies across the developing world (Africa, Middle East, and South Asia) (Beine et al. 2015, 2016; Blair, Grossman, and Weinstein 2020; de Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018).

There is other evidence to support the thesis that the increase in regulatory complexity mirrors a process of liberalization. For instance, by observing trends in Figure 5, we can clearly see how most Latin American countries did not have a developed legislative framework for the protection of refugees in the early 1990s, with few exceptions, such as Colombia, Ecuador, and Costa Rica. Since then, all countries in Latin America, except Cuba and the Dominican Republic, have adopted new legislation on asylum. However, as trends also clearly show, only Bolivia, Colombia, Ecuador, and Mexico seem to have substantially reformed their legislation over time, while in the rest of the region, once adopted, legislation was mostly left untouched. This one-off adoption of asylum policies suggests that Latin American countries in the first decade of the 2000s mostly adopted new frameworks for the protection of refugees that did not exist earlier, rather than reforming existing legislation. We can, thus, infer that for the period under study, regulatory complexity and liberalization have clearly overlapped, as most countries adopted asylum legislation for the first time. However, it is important to note that given that now, almost all Latin American countries have

developed legal frameworks on asylum, any further changes in regulatory complexity are not likely to be associated automatically with liberalization in Latin America, if not elsewhere.

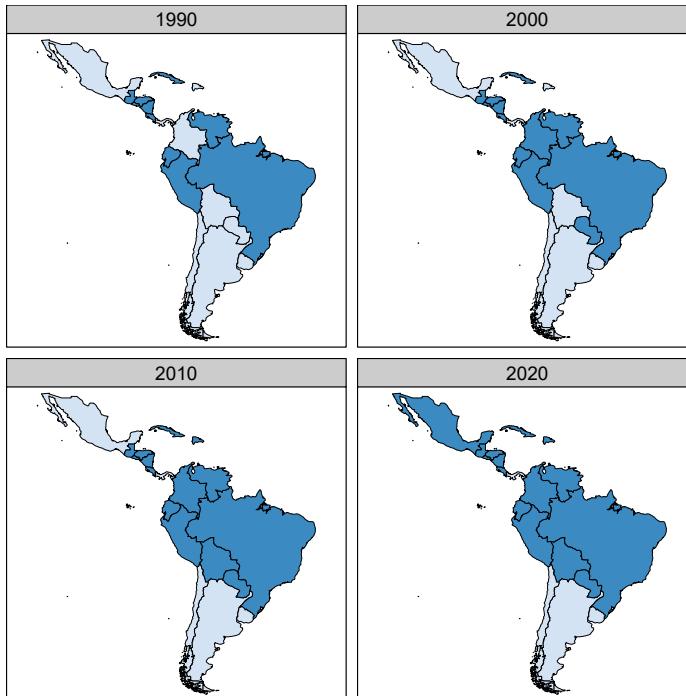
An important additional question to ask, given the results in these trends, is whether this increase in the liberal character of asylum policies happened uniformly or differentially across the region. As Figure 6 shows, there clearly is a gap concerning the liberal character of asylum policies between countries in South America and those in Central America and Mexico. South American countries seem to tend toward more regulatory complexity, and hence liberalization, than do Central American countries and Mexico. Notwithstanding the fact that Cuba represents a clear outlier, in 2020, out of the five countries with the lowest score in regulatory complexity, four were outside South America. The analysis of the determinants of this difference between subregions is clearly of interest, although beyond this article's scope.

Figure 6: Regulatory Complexity, Latin America by Subregion



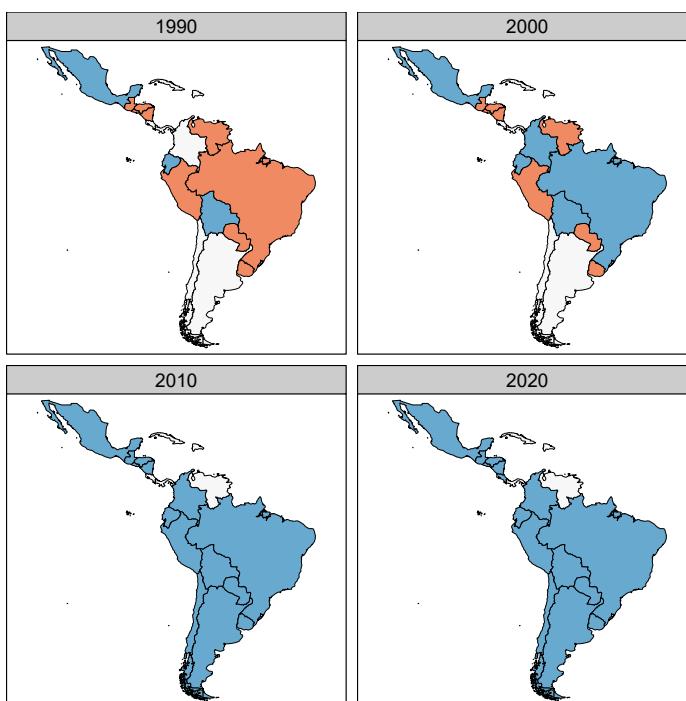
Source: APLA

Furthermore, looking at how different indicators have developed over time can provide additional evidence of how these two processes of increased regulatory complexity and liberalization overlap. For instance, Figure 7 shows the gradual incorporation between 1990 and 2020 of the right to asylum into the Constitutions of all Latin American countries, apart from those of the southern cone (Argentina, Chile, and Uruguay), whereas Figure 8 shows the steady incorporation of the Cartagena refugee definition into most legislation in the region, with a few telling exceptions: Cuba, the Dominican Republic, Panama, and Venezuela. The fact that only these four countries did not include the generous regional refugee definition reveals much about the alleged process of liberalization in the region: apart from Cuba, which has historically produced many more refugees than it has received, the other three countries all have recent histories of immigration, the Dominican Republic from neighboring Haiti and Panama and Venezuela from Colombia (Gottwald 2004; UNHCR 2008, 2015; Young 2017). Even if these flows of migrants and refugees are relatively low as a percentage of total population, it is still not surprising that anti-immigrant sentiment in these countries, as shown by Meseguer and Kemmerling (2018), is among the highest in the region.



**Figure 7:**  
Asylum into Constitution  
Source: APLA

■ Not Included  
■ Included into Constitution



**Figure 8:** Cartagena Refugee Definition  
Source: APLA

■ No or Underdeveloped Legislation  
■ Not Incorporated  
■ Cartagena Incorporated

In the Online Appendix, I present a series of maps for 42 of the 57 policy measures included in the legislation of the Latin American countries that I measure through the APLA

Database. These maps track the incorporation of the most relevant policy measures over time, such as the recognition of environmental refugees, the existence of special procedures for the mass influx of refugees, and the presence of a subsidiary protection status.

As Figure 5 shows, all Latin American countries in the database incorporated new policy measures on asylum between 1990 and 2020. However, as mentioned earlier, the development of legislation in the 1990s, as well the number of times their policies changed, varies substantially. Already in 1990, countries such as Ecuador, Colombia, and Costa Rica had substantial legislation on asylum, regardless of its actual application. On the other hand, in the same year, countries such as Brazil, El Salvador, Paraguay, Uruguay, and Venezuela did not have any legislative framework on asylum. As of 2020, though, most countries had a regulatory complexity score higher than 60, although only three countries scored higher than 80: Ecuador, Nicaragua, and Venezuela.

Ecuador's score is not surprising, as the country had a developed framework for refugee protection already in 1990 and was welcoming of refugees, especially Colombians, during the 2000s, becoming the host of Latin America's biggest recognized refugee community. Despite a small hiccup in 2012, when the then-president approved Decree 1182, which sought to remove the Cartagena refugee definition from its legislation (a measure overturned by the Constitutional Court in 2014), Ecuador has passed very open migration and asylum policies in recent years,<sup>17</sup> concluding in 2017 with the approval of the 'Organic Law of Human Mobility,' an all-encompassing law with very generous provisions for asylum-seekers and refugees. This law includes, among other things, the right to refuge for people fleeing environmental disaster, recognition of applicants who might have already been recognized

<sup>17</sup> Sentencia N.002-14-SIN-CC, Caso N.0056-12-IN and 003-12-IA Acumulados. The sentence is available at: <https://portal.corteconstitucional.gob.ec/FichaRelatoria.aspx?numdocumento=002-14-SIN-CC> (Accessed on March 3rd, 2021).

as refugees in a third country, and the availability of free legal advice during the asylum process.<sup>18</sup>

The liberal character of Ecuador's migration and asylum policies has drawn interest from scholars of the region, who have variously explained that liberal character through reference to the left-wing ideology of the country's governments, diaspora politics, and open hostility toward the Colombian government deemed responsible for the violence and displacement in the border area (Freier and Holloway 2019; Gottwald 2004; Margheritis 2011; SJR 2016; Walcott 2008). These observations suggest that the factors mentioned above, especially government ideology and foreign policy, played a great role in the adoption of asylum policies in Ecuador.

The stories behind the development of asylum legislation in Nicaragua and Venezuela seem very different. The former passed its first complete asylum law only in 2008 (Law 655), adopting a very high standard of protection and wording closely resembling official UNHCR guidelines. These very high protection standards and the legislation's wording suggest strong UNHCR input in the development of the legislation, which guarantees not only free legal assistance to asylum-seekers but also priority to vulnerable individuals, while also explicitly recognizing refugee status for persecution due to gender.<sup>19</sup> Although the actual application of such legislation is beyond this article's scope, these generous provisions seem to suggest that such policies were adopted more with a symbolic intent than an intent to implement.

Venezuela, by contrast, passed its first asylum law in 2001 (Official Gazette Number 37.296 of 03.10.2001) and implementation rules two years later (Decree 2.491 of 2003). The Venezuelan law and its rules address many of the issues common in asylum legislation across the region, especially progressive ones such as recognition of refugee status due to

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<sup>18</sup>References to these articles are, respectively, in questions Q204, LA9, LA47 of the APLA Database available in the Online Appendix.

<sup>19</sup>LA63, LA47, LA65 (APLA Database).

gender persecution, established procedures for mass influxes, and special rights for child asylum seekers.<sup>20</sup> On the other hand, Venezuela is the one of the few Latin American countries that have not incorporated the Cartagena refugee definition within its legislation, thus precluding refugee recognition for most people fleeing neighboring Colombia, who were not individually, but often collectively, persecuted or fled widespread violence and human rights violations (Gottwald 2004, 2016; UNHCR 2008).

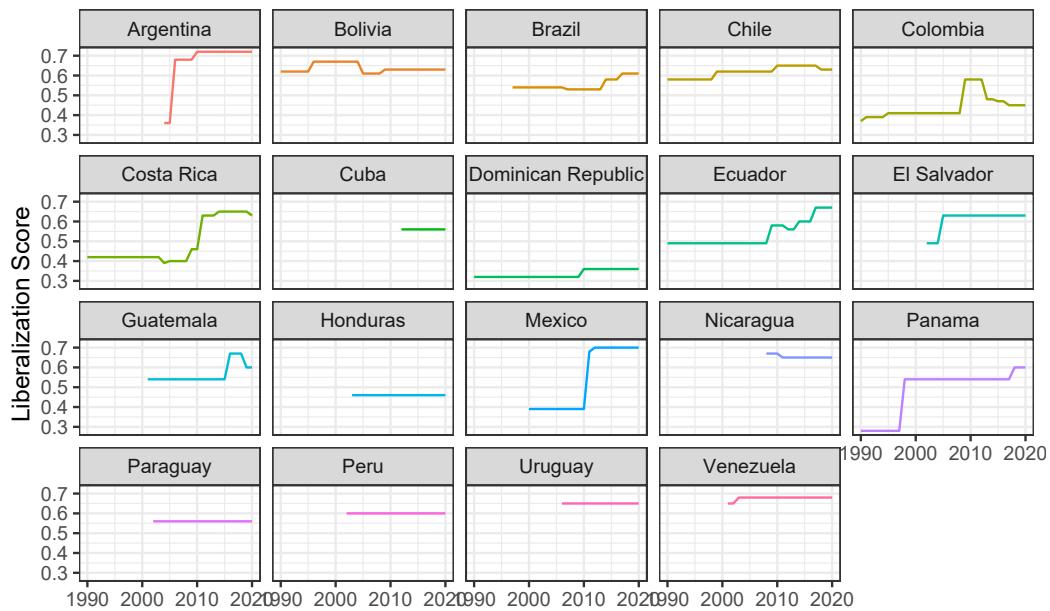
At the very bottom of the trends on regulatory complexity in Figure 5 is Cuba, with a score of 16 out of 100. In Cuba's one-party regime, there is currently no law dedicated to asylum and very few mentions of refugees within different pieces of legislation. Cuba is the only Latin American country that, as of 2020, had not ratified the 1951 Geneva Convention on asylum,<sup>21</sup> yet the country also has a different understanding of what a refugee is than that of any other Latin American country, with reference to neither the Geneva nor the Cartagena refugee definitions. On article 80 of its Migration law (Decree 302 of 2012), Cuba's refugee definition reads:

Will be considered refugees those foreigners or stateless people whose entry will be authorized and who had to emigrate due to a social calamity, war, environmental disaster, or similar event. They will temporarily reside in Cuba while conditions in their country of origin return to normality. (Author's own translation)

<sup>20</sup>LA65, LA11, Q190 (APLA Database).

<sup>21</sup>Apart from Venezuela, which also has not officially ratified the convention but has ratified the 1969 New York Protocol. See Q5 (APLA Database).

Figure 9: Liberalization in Asylum Policies across Latin America, 1990-2020



Source: APLA

On the other side, the liberalization scores reported on Figure 9 show liberalization as a ratio between liberal and non-liberal policies on asylum in each country. These scores are useful for a variety of reasons. First, liberalization scores can be understood as an indicator of policy-makers' intentions, whereby those countries with the highest score can be interpreted as having had policy-makers intent to extend refugee rights or at least wanting to give the impression that they had done so. Second, these scores can be used as a guideline to select case studies for further research. Finally, this indicator provides further confirmation that the increase in regulatory complexity in asylum policies across Latin America reflects a process of liberalization in that increasingly, more rights have been granted *de jure* to asylum-seekers and refugees.

Nonetheless, this liberalization index also has clear limitations that should be recognized when using it. First, being a proportional measure, it inevitably considers all policies equally, which they are not. For example, Venezuela has a high score even though it has not adopted the Cartagena refugee definition, which severely limits the likelihood of refugee recognition

in the country. Hence, a thorough review of the policy measures which compose a country's asylum policy should be undertaken before making any decision about case study selection based on the liberalization score alone. I avoid using any weighting scheme to address this issue, however, as any weight attached to a certain policy measure would be arbitrary, and discourage the use of this index as a dependent variable in regression models. Second, liberalization can be defined differently, and the threshold of policy measures for inclusion in the index (nine, in this case) can be set at different levels. Contextual understanding of the case studies and clarity on the assumption of the research being conducted are, thus, necessary before conducting further studies using this index.

As mentioned above, the liberalization score can help in the selection of case studies for further analysis. For instance, while Argentinean and Mexican legislation received the highest scores in 2020, the Dominican Republic achieved the lowest. In the case of Argentina, the country passed its first complete Refugee Law in 2006, the first since the Decree 464 of 1985 that created the committee in charge of the recognition of refugees, but without clear procedures about the process and applicants' rights. The new 2006 legislation, however, includes such progressive rights as recognition of the declarative character of the refugee condition, acceptance of applications from refugees who had already been recognized in a third country but were not safe there, and easy recognition of asylum applicants' academic and professional qualifications.<sup>22</sup> By contrast, Mexico reformed its asylum law between 2011 and 2012, which currently includes policy measures to ensure the safety of applicants vis-à-vis their country of origin, granting asylum based on persecution due to gender, and giving priority to especially vulnerable people in the asylum recognition process.<sup>23</sup>

At the bottom of the index on liberalization is the Dominican Republic, which updated its legislation on migration, including asylum, in 2004 (Law 285) but passed the rules regulating

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<sup>22</sup>LA15, LA5, LA27 (APLA Database).

<sup>23</sup>LA51, LA65, LA63 (APLA Database).

it only in 2011 (Decree 632). Still, the Dominican Republic's legislation is ambiguous and offers little in terms of clear rights to asylum-seekers and refugees. The lack of a developed legislative framework for the protection of refugees is likely due to the historical inflow of Haitians into the country, which the Dominican Republic has always sought emphatically to disincentivize, going so far as to strip Dominicans of Haitian origin of their citizenship (UNHCR 2015; Young 2017).

In addition to these analyses based on trends of regulatory complexity and liberalization shown above, the APLA Database allows scholars to monitor the development over time of specific policy measures. For instance, Figure 10 shows how Mexico, Panama, and Peru had included at some point in their legislation some measures requiring applicants to apply for asylum in any third country of transit, before being able to apply for it in their own countries. As of 2020, this measure, which closely resembles the principles from the Dublin Regulation, remained in only Peru's legislation. Further research should investigate which processes led policymakers to adopt such a policy measure in the first place and eventually to drop it in the case of Mexico and Panama.

Similarly, as reported in Figure 11, some countries decided to offer free legal assistance to asylum applicants. Was this process similar in Nicaragua and in Brazil? What might explain the incorporation of such policy measures in these very different countries? The ability to comparatively analyze – and thus develop research questions – on the adoption of policy measures in various countries in Latin America is one of the APLA Database's advantages.

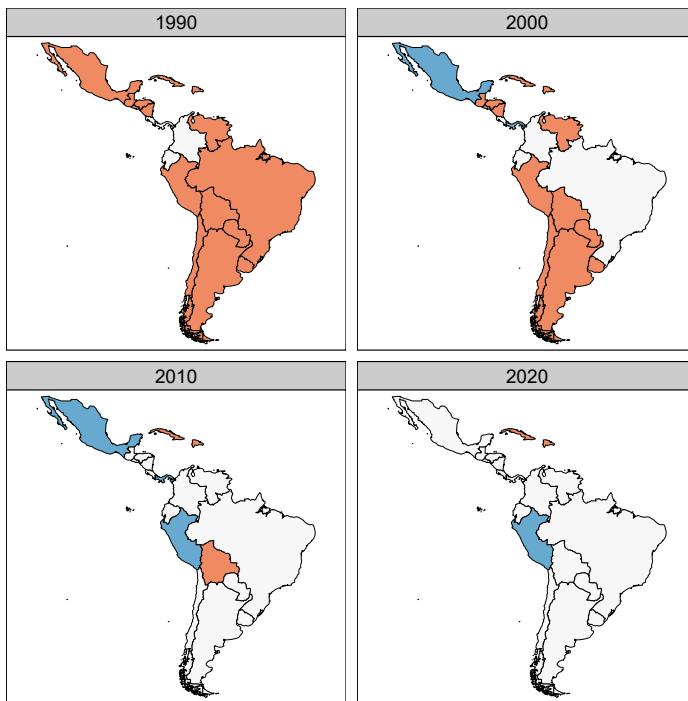


Figure 10:  
First Country of Asylum  
Principle  
Source: APLA

No or Underdeveloped Legislation  
Legislation but Not Included  
Included into Legislation

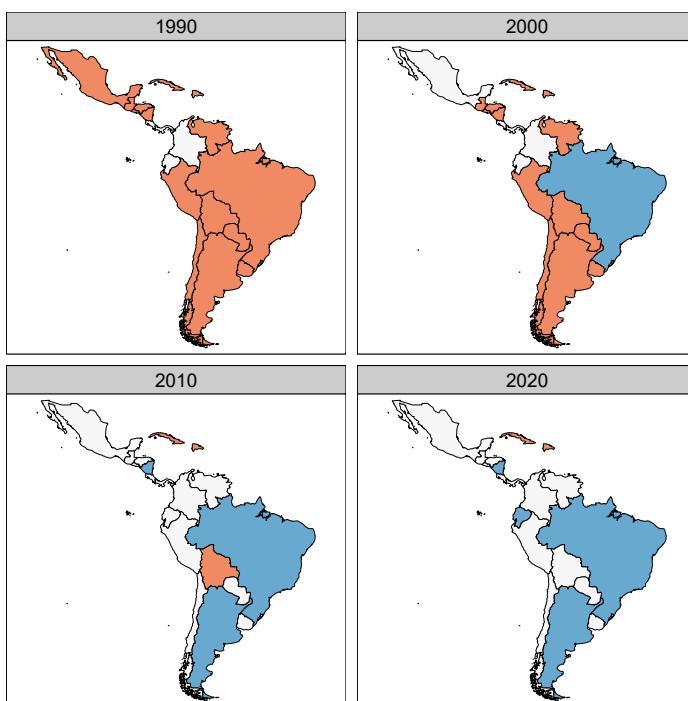


Figure 11:  
Free Legal Assistance  
Source: APLA

No or Underdeveloped Legislation  
Not guaranteed  
Guaranteed

Further research can also analyze the development of both overall trends and individual policy measures and seek to explain variation in policy measures across Latin American

countries. While regulatory complexity can be used as a dependent variable in regression models, the use of individual policy measures included in the APLA Database is likely to be limited to two research areas: the selection of case studies and comparative analysis of the incorporation of specific policy measures in legislation across various countries over time.

## 2.6 Conclusion

Most scholarship on asylum in Latin America suggests that a liberal turn in asylum policies has taken place in the last decade (Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Freier and Gauci 2020) . However, no study to date has sought to empirically substantiate this claim. To fill this gap, I developed APLA, a methodology to study asylum policies in Latin America, which complements the existing IMPALA methodology. The APLA Dataset seeks to address two main issues that IMPALA and most migration indices face: their ‘OECD bias’ (i.e., the fact that most indicators are developed through an analysis of policy measures that exist mostly within OECD countries) and the lack of a clear aggregation strategy to conceptualize restrictiveness, liberalization, or regulatory complexity.

Additionally, I have applied this new codification methodology to the legislation of 19 Latin American countries for a total of 31 years, using 65 different indicators on policy measures, which I then aggregated to summarize trends in regulatory complexity and liberalization over time and to show trends in selected policy measures. This research confirms findings from the existing literature about the recent liberalization of asylum policies in Latin America (Cantor, Freier, and Gauci 2015; Ceriani and Freier 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020) and produces a database and methodological approach that scholars can use to study the evolution of asylum policies in Latin America and conduct

similar research for other world regions. In doing so, such work can help highlight the geographic reach and limits of the trends, identified by scholarship on OECD countries (de Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018), toward more restrictive policies.

Empirical findings from APLA also show how trends in regulatory complexity and liberalization have so far overlapped in the region. These trends, however, do not seem to have been homogeneous, with clear outliers, such as Cuba and the Dominican Republic, with low regulatory complexity scores or Venezuela and Panama being among the few countries that did not include the regional refugee definition in their laws. Similarly, my finding that some countries, such as Mexico and Peru, included a ‘first country of asylum’ principle in their legislation raises many questions regarding the policy-making process in Latin America and the role of learning from policies abroad, such as the EU’s Dublin Regulation.

Additionally, the newly codified APLA Database allows researchers to formulate and test new hypotheses on the development of asylum policies in Latin America that until now, could only be researched through in-depth case studies or process-tracing historical research. APLA data can be used as well by policy-makers and practitioners as a reference database to investigate past policies, understand the development of asylum policy in the region, and compare the actual legislative status-quo across countries (Scipioni and Urso 2017). This codification of Latin American asylum policies for a 31-year time span, thus, widens the scope of future studies on asylum policies beyond indices mostly focused on OECD countries (Bjerre et al. 2018; Goodman 2015; Scipioni and Urso 2017).

The APLA Database also facilitates work on the processes that led to the adoption of liberal policies in Latin America, as well as their actual implementation, yet the research presented in this article also has consequences for the study of asylum beyond Latin America. To start, the new codified data constitute a public good for the wider community of researchers

and policymakers, who can develop and test further hypotheses in the field of asylum in a developing global region for which until now, no systematic data on asylum were available. Also, a similar approach to APLA might be developed to analyze economic migration policy as well.

Additionally, the APLA approach shows that there are many regional specificities in asylum legislation. These regional specificities likely reflect the fact that neighboring countries face similar challenges and, thus, seek to learn from one another how to deal with forced displacement. Future studies will need to confirm the possible mechanisms behind this process of policy diffusion (Braun and Gilardi 2006; Gilardi and Wasserfallen 2019; Meseguer and Gilardi 2009). Further research also might seek to emulate the APLA approach by producing policy indicators that are regionally specific to, for example, the Middle East or East Africa to compare policy responses to refugee inflows over time across regions. Furthermore, the new methodological approach associated with APLA provides evidence that regardless of the lack of reliable data to study refugee flows across countries in the developing world, scholars can still pursue highly informative in-depth cross-country studies of asylum policies. Such approach will allow researchers to better understand what makes up individual asylum policies, to study which factors might influence their evolution, and to provide a useful tool for researchers and practitioners, given the number of indicators included in this new methodology and the possible combinations that this highly disaggregated database allows.

Nonetheless, this methodological approach has some limitations. The APLA Database, like most migration indices, focuses on *de jure*, not *de facto*, policies. According to Gest et al. (2014), the blending of migration policies and asylum ‘on paper’ with their actual application in much of the existing research makes many migration indices flawed. This blending of *de jure* and *de facto* is indeed a crucial difference. As an example, the former director of

the Division of International Protection at UNHCR, Volker Turk, himself recognized that while many Latin American countries have developed generous regional policies to protect refugees, too often, Latin American governments do not implement those policies as laid out in the law (UNHCR 2010, 2013). It must be recognized, then, that the analysis of legal frameworks cannot provide the full picture in which researchers might be interested and that further in-depth case studies are needed to confirm the rationale behind these policies' adoption and eventual applications. Still, having a good understanding of the policy measures that compose legislation can help policy-makers, researchers, and practitioners assess the implementation of protection policies in different countries and even support the former in holding governments accountable for their incomplete application of the law, thus benefiting the people who need it the most: refugees themselves.



## **Chapter 3**

**Appendix: A Liberal Region in a World  
of Closed Borders? The Liberalization of  
Asylum Policies in Latin America, 1990 -  
2020**

Updated March 10<sup>th</sup>, 2021

## **Codebook for Users**

## **IMPALA and the APLA Database**

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## **Codebook for Users – IMPALA and the APLA Database**

1. Rules of the APLA database
  - 1.1 The IMPALA and APLA Coding Frame
  - 1.2 The (Mis)Uses of this Codified Data
  - 1.3 How to Read the APLA Codification
  - 1.4 Rules of Codification
2. Categories
3. Country-Years and Sources
  - 3.1 Country-Years Coded and Sources
4. Aggregation Logic for Hypotheses testing
  - 4.1 Regulatory Complexity Variable
  - 4.2 Liberalization Variable

## 1. Rules of the Asylum Policies in Latin America (APLA) Database

In the following sections I present (1.1) the main differences between IMPALA and APLA, (1.2) the possible uses of this database, (1.3) how to interpret the data from the dataset, and (1.4) how the different indicators have been codified.

### 1.1 The IMPALA and APLA Coding Frame

IMPALA stands for ‘International Migration Law and Policy Analysis’ methodology and is a methodology developed to study various types of migration policies across countries over time (Beine et al. 2015, 2016; Gest et al. 2014). APLA stands for the ‘Asylum Policies in Latin America’ database. APLA is based on the same codification logic as IMPALA, but seeks to overcome two of the main issues IMPALA seems to have: 1. Its ‘OECD bias’ in the selection of the policy indicators, and 2. Its lack of a clear aggregation methodology to analyze levels of liberalization or restrictiveness. Both the IMPALA and the APLA are built using a set of coding frames on asylum policies. The questions in the IMPALA and APLA coding frames are divided in **Country Track Level** and **Entry Track Level**.

In the **Country Track** level humanitarian coding frame – the *only* type of coding frame addressed in the APLA – the questions deal with general policies regarding the asylum system at the national level, such as the relevant treaties signed, and the general legislation, rules and decrees concerning the awarding of the status of refugee status, or eventual subsidiary status.

In the **Entry Track** level coding frame, the questions deal with the specific requirements and rights associated with each track. A track identifies – although with exceptions – different types of visas, migration permits, that bring with them different conditions in terms of working and other types of rights. In the case of the APLA, I produce no track level coding frame, as in most cases asylum legislations in the region do not offer subsidiary protection and rely instead on the difference between refugees, and individuals whom are granted political asylum. Therefore, the APLA for Latin America does not develop additional entry track questions, as the most relevant questions are already covered at the Country Track level (for more detail on how the IMPALA methodology works, see: Beine et al. 2015, 2016; Gest et al. 2014).

## 1.2 The (Mis)Uses of this Codified Data

### What IMPALA and the APLA are useful for

The way data is collected, codified, and aggregated determines its possible uses. In the case of the APLA, this database has been developed with two main goals in mind: **first**, to study the development of asylum policies over time in Latin America, and **second**, to compare the main characteristics of these policies, how they developed, and which might be the trends or outliers within a specific region.

On the one hand, this database allows scholars to inquire questions regarding the development of asylum policies within countries: which factors have influenced the development of a set of policies? Why have certain policies been included only at a certain point in time? How many changes in policies have there been over the last roughly 30 years?

On the other hand, the APLA database can help researchers compare the asylum policies among different countries, in different points in time: why did country *x* grant a certain set of rights to asylum seekers in time *t*<sub>1</sub>, whereas country *y* did not? Which factors have led country *a* to produce a series of changes to its asylum policies over a certain period, whereas country *b* has not changed its asylum policy in the same period? How do immigrant and asylum seekers' inflow affect the development of asylum legislations across the Latin American region? Are asylum policies converging, becoming increasingly more complex, or are there different clusters of policy types? Also, what explains the existence of outliers in terms of regulatory complexity and Liberalization?

### What IMPALA and the APLA are not useful for

It should be clear to any user of indices that the questions answerable by an index are often limited. In the case of IMPALA and the APLA their limitation to *de jure* policies have consequences on their use in research. IMPALA and the APLA cannot be used in the study of the implementation of asylum policies, for the following reasons: **first**, the interpretation of the law varies across countries, so that in a country the interpretation – and therefore the implementation – of a policy might differ from that of another country. **Second**, the interaction between asylum policies and other policies are not considered in this codification, for instance, a country might have a very generous asylum policy, but could well have at the same time a strict policy on allowing any

possible asylum seekers into the country, as in the case of Australia. **Third**, spill-over effects are not considered, that is the fact that when a migration channel become more difficult to access, migrants usually seek to enter a country nonetheless, but under a different migratory status, even an illegal one.

**Fourth**, the use of the aggregated results of the IMPALA and APLA codification efforts *as explanatory variables* to control for in a wider regression models should be carefully considered, as the choice of the variables to include might lead to big variations in the results. Yet, the use of the regulatory complexity aggregation as a dependent variable might be easier to justify, once the assumptions of one's own research are made clear, as it includes all indicators. Using the results of *Liberalization* as a dependent variable, on the other hand, is *highly discouraged*, as by treating all variables equally, it provides a false sense of the possible applications of the legislation, and therefore of the aims of the policy makers. **Lastly**, any use of this database should always take into consideration the wider context in which asylum policies are applied: historical, economic, political, and social. Only a conscious and careful use of this index will allow researchers to infer causal claims from it.

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### 1.3 How to Read the APLA Codification

#### *Example*

LA7.<sup>1</sup>

Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].<sup>2</sup>

Qualification <sup>3</sup>	Presence/Absence Value <sup>4</sup>		Openness/Restrictiveness Value <sup>5</sup>		Sources <sup>6</sup>	Comments <sup>7</sup>
	Yes	No	0	1		
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Decree 597 of 1984, Art.34bis	

<b>1</b>	<b>ID Number of Question</b>	Each ID identifies a specific question for the codification. Q-questions are original IMPALA questions, LA-questions are APLA questions.
<b>2</b>	<b>Question</b>	Question being codified. This same question is asked across all the countries included in the database, for all the various years.
<b>3</b>	<b>Category</b>	It identifies which type of policy is addressed by the question.

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		<p>In this codification effort, seven different categories are considered. Each question belongs to a category. Categories can sometimes partially overlap. These are:</p> <p>Legal Framework Qualification Reception and Detention Exclusion and Cessation Procedures Internal Rights Rights of Children</p> <p>For more information about the use and choice of categories see section 2 of this codebook.</p>
<b>4</b>	<b>P/A Value</b>	<p>Presence/Absence Policy Value - Binary</p> <p>Answer is YES if the policy is <b>present</b> in the legislation analyzed</p> <p>Answer is NO if the policy is <b>absent</b> from the legislation analyzed</p>
<b>5</b>	<b>R/O Value</b>	Restrictiveness/Openness Policy Value - Binary

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		<p>Answer is 1 if <b>as a result</b> of the coding of the “P/A Value” the policy is <b>restrictive</b></p> <p>Answer is 0 if <b>as a result</b> of the coding of the “P/A Value” the policy is <b>not restrictive</b></p> <p>When coding, the codifier must consider the following question “<i>Does the absence or presence of a certain policy make the overall policy more open or more restrictive?</i>” As <b>open</b> the codifier regards any policy that favors and enhances the rights of the asylum seeker/recognized refugee. As <b>restrictive</b> the codifier regards any policy that disadvantages and denies rights to the asylum seeker/recognized refugee. A policy that is neither restrictive, nor open, will be classified as open, that is with a 0.</p>
<b>6</b>	<b>Source</b>	It identifies the source(s) used to codify this indicator. It refers to the actual legislation valid for the year considered. Only in the case of international treaties, I use as a source the United Nations website on international treaties.
<b>7</b>	<b>Commentary</b>	Any necessary or relevant comments on the coded question

## 1.4 Rules of Codification

The codification process follows a clear procedure with the objective of achieving reliability and comparability over-time across-countries, as well as ensure the transparency and replicability of the codification process. This is especially important given that, in certain cases, some codifications require a judgment call, as the answer might not be straightforward, especially regarding the identification of certain policy aspects as restrictive or not. In this section I explain the rules that I have followed in the codification of each question and bring some examples of coding decisions I have made.

### General Issues

Policies for a country are not fully coded if the country does not have an asylum policy in the year considered. However, certain countries, whilst not having a proper law on asylum in a certain year, can have policy measures concerning refugees in their legislation (e.g. in the case of Cuba, the Penal Code does not sanction refugees for entering the country illegally, even if no proper asylum legislation is in place), or have signed international agreements that regard - among others - the protection of refugees. In those cases, I code the single policy measure that is present in the legislation, even in absence of a wider asylum law.

Laws on asylum are usually divided between the actual 'Law' and the 'Rules' that govern the law. Each is coded separately, depending on the year of approval in parliament. International treaties are coded as positive if they have been ratified (not signed). Ratifications indicate the consent of a state to be bound to an agreement, in this case an international treaty.

Another general rule in the codification process is that *if* the question asks for a specific policy measure (e.g. the recognition of the declarative character of the refugee condition), then this must be spelled out clearly in the law. Otherwise it is coded negatively. It should be remembered that the objective of the IMPALA and APLA is not to study the application or the interpretation of the law. IMPALA aims to capture the objectives of the lawmakers in the development of the policy.

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Below, I spell out the codification rules for all the 65 different policy measure indicators, divided according to the category in which they belong, and explain some of the judgment call made through the use of examples.

### ***Legal Framework***

**International Treaties:** All treaties are codified only starting from their date of accession or ratification.

**Ratification:** The codification of policy measures relating to international treaties and covenants are coded as positive (Presence/Absence Value Yes) only in case the international instrument has been acceded or ratified. The mere signature of the international instrument is coded as negative, given that the signature is subject to ratification and does not establish a consent to be bound to the treaty. Only the ratification or accession to an international instrument establishes a consent. It is for this reason that I code as negative the absence – or only signature of a treaty – and code it positive once an international instrument has been ratified, or acceded, as according to the Vienna Convention on the Law of Treaties of 1969.<sup>1</sup>

**On Q5 (Is the country party to the UN Convention relating to Refugees? ('Party to' means ratified):** concerning the ratification of the 1951 Geneva Convention, I have given an Absence/Presence Value of Yes to Venezuela even if it has not actually signed the 1951 Convention, given that it has ratified the 1967 Protocol. Whilst allegedly contradicting the question, in substance the ratification of the 1967 Protocol binds the country to respect all the aspects of the 1951 Geneva Convention.

### ***Qualification***

**On Q200 (Does this track afford protection to persons who may arbitrarily be deprived of their life if returned to their country of origin?):** This question is coded with a P/A value of yes,

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<sup>1</sup> For a summary see here: <http://ask.un.org/faq/14594> (acceded April 8<sup>th</sup> 2019).

if the legislation explicitly mentions that applicants cannot be sent back to countries where they might be deprived of their life.

**On Q202 (Does this track afford protection to persons who have been displaced as the result of an ongoing armed conflict within a particular country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that refugees are considered those who had to flee due to an ongoing armed conflict.

**On Q204 (Does this track afford protection to persons who have been displaced as the result of a natural/environmental disaster?):** This question is coded with a P/A value of yes, if the legislation explicitly considers refugees people who have been displaced as a result of an environmental disaster.

**On Q278 (Is there any alternative status (subsidiary protection) for persons seeking protection, other than refugee status?):** concerning the presence of a subsidiary protection regime (other than one based on the 1951 Geneva Convention and its 1967 Protocol), I have coded as negative (Restrictiveness/Openness Value of 1) the presence of an alternative regime for possible asylum seekers, as the presence of a subsidiary protection regime creates a two-tiered refugee system, where those with subsidiary status usually have less rights than those with a conventional 1951/1967 Convention refugee status.

**On Q280 (Does the country provide protection to persons who may be subjected to torture if returned to their country of origin?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants cannot be sent back to countries where they might be subjected to torture, or other degrading and dehumanizing treatments. This includes the mention of risks to the applicant's security and freedom.

**On Q133 (Are asylum seekers detained in some circumstances while their claims are being processed?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can be detained while they wait for their application to be processed.

**On Q274 (Are asylum seekers informed of their rights during this screening process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the authorities have the obligation to inform asylum seekers – when these are applying for refugee status – of the necessary steps they need to take in order to be successfully recognized as refugees.

**On Q188 (Are asylum claims that are deemed to be weak or unfounded subject to fast track processing?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that requests from applicants who are deemed unlikely to be recognized as refugees are subjected to a fast-track process.

**On Q170 (Are asylum seekers advised about their rights in a language they can understand? [i.e. do they have a right to an interpreter?]):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the right of applicants to be advised about the procedures related to their recognition as refugees in a language they can understand. This includes the right to a free interpreter during the interviews made as part of the recognition process.

**On Q172 (Are asylum seekers required to submit a written application?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers need to submit a written application to begin their refugee application. This is considered to be a negative request, as in many cases refugees might not be able – or feel comfortable – to write about their request. Furthermore, this adds a bureaucratic layer to the process that can be easily exploited to deny an asylum request.

**On Q174 (Do applicants have a right to an interview/oral hearing?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that as part of the recognition process, the applicant is interviewed in order to assess her/his asylum claims.

**On Q180 (Do applicants have a right to legal assistance or representation?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants have the right to a legal representative.

**On Q184 (Is there a time limit within which asylum seekers must file an application after entering the country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after having entered the country, an applicant has a limited amount of time to apply for asylum.

**On LA7 (Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal**

**conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].):** This question is coded with a P/A value of yes, if the refugee definition included in the legislation reflects that of the Cartagena Declaration, or a variation thereof.

**On LA9 (Does the law recognize the right to asylum for people already recognized as refugees in a third country, but whose life, freedom and dignity the host country cannot guarantee?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that also people who have already been recognized as refugees in a third country have the right to apply again for recognition in the country, if the third country in question cannot guarantee the life, freedom or dignity of the refugee.

**On LA65 (Can an individual be recognized as a refugee for persecution based on gender?):** This question is coded with a P/A value of yes, if the refugee definition mentions gender explicitly as one of the reasons for the recognition as a refugee. It is the case that gender can already practically be considered included as a reason for persecution, as it is recognized in the literature that ‘membership of a social group’ can indeed include gender (Hathaway and Foster 2014) However, in this case I consider the question positive only if gender is mentioned explicitly in the legislation.

### ***Exclusion and Cessation***

**On Q101 (Can refugee protection be denied and/or restricted because an applicant has been in contact with authorities or has remained for a certain period (but not settled) in another country in which they could have sought protection?):** This question is coded with a P/A value of yes, if the legislation explicitly applies a “third safe country principle”, by which it means that if the applicant could have sought refuge in a third transit country, where s/he remained for a certain period but did not apply, a justification must be provided as to why that was the case, otherwise the recognition request is denied. Also, if the legislation explicitly mentions that any contact with authorities of the country of origin are prohibited, the P/A value is coded as yes.

**On Q103 (Can refugee protection be denied to applicants who could avoid persecution by relocating to a different part of their state of origin?):** This question is coded with a P/A value

of yes, if the legislation explicitly mentions that applicants must explain why they could not relocate within their country of origin, and instead need to apply for asylum abroad.

**On Q107 (Can refugee protection be denied to applicants who have committed crimes against peace, war crimes or crimes against humanity before entry?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed crimes against peace, war crimes, or crimes against humanity cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q113 (Can refugee protection be denied to applicants who represent a danger to national security?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who are considered a danger to national security, or public order, cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q109 (Can refugee protection be denied to applicants who have committed serious non-political crimes outside the country of refuge (before entry?)):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed serious non-political crimes outside the host country cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q253 (Can refugee protection be denied to applicants who have committed serious non-political crimes within the country of refuge?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed serious non-political crimes inside the host country cannot be recognized as refugees; or if they have already been, they might lose that status.

**On Q208 (Are asylum seekers whose protection claims are rejected given a time limit to leave the country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions a time limit to leave the country in case the asylum request was denied.

### ***Reception and Detention***

**On LA11 (Are there any special provisions for cases of mass influx of asylum seekers?):** This question is coded with a P/A value of yes if the legislation explicitly mentions measures to address possible mass influxes of refugees.

**On LA13 (Does the law guarantee that asylum seekers will not be penalized for entering the country illegally?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers will not be penalized for having entered the country illegally.

**On LA15 (Does the law recognize the declarative character of the refugee condition? (This implies that asylum seekers have the same rights as refugees, as they are refugees waiting to be recognized as such by the host state)):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the refugee condition has a declarative character, that is, that refugees and asylum seekers have the same rights.

**On LA17 (Does the law sanction authorities who fail to pass on to the relevant institution a request for asylum? [That is, does the law mention the duty of public officials to remit a submission for refugee status to the competent authorities?]):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the responsibility migration or any other public authorities must pass on to the responsible authorities a request for asylum.

**On LA19 (Can the asylum seeker remain in the country where the application has been made until the last instance of her/his situation has been defined?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers have the right to stay in the host country until all instances of the asylum process have been concluded, including administrative appeals.

### ***Rights of Children***

**On Q145 (Can child asylum seekers be detained?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that children are among those that can be detained by public authorities during the recognition process as refugees.

**On Q190 (Are special procedures used or accommodations made for unaccompanied or separated children?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions special procedures to protect children or adolescent asylum seekers, especially when unaccompanied.

**On Q194 (Is a guardian appointed to assist the unaccompanied or separated child applicants?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the duty of the state to allocate a guardian/tutor to any unaccompanied child or adolescent applicant for refugee status.

### ***Internal Rights***

**On Q320 (Is the entrant granted protection with the option of applying for permanent status after a certain period of time?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after having been recognized as a refugee, the refugee in question has the right to stay permanently, or to apply for any type of permanent status, or even to acquire the citizenship of the host country.

**On Q54 (Does the permit allow the entrant to work?):** This question is coded with a P/A value of yes if the legislation explicitly mentions the unrestricted right to work for asylum seekers or recognized refugees.

**On Q58 (Can applications be made at the border/ports of entry?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants for refugee status can submit their requests at border areas of the country, and that their applications cannot be refused, or they be sent back.

**On LA23 (Does the law recognize the unity of the family as a fundamental right of the refugees?):** This question is coded with a P/A value of yes, if the policy specifies that the unity of the family is one of the leading principles of the asylum policy. This might comprise the 1. Recognition of family members as refugees once the main applicant has been recognized, and 2. It mentions the duty of the state to keep the family united, in accordance to what specified in the 1951 Geneva Convention.

**On LA27 (Does the law ease the recognition of academic and professional qualifications earned in the country of origin?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that state authorities have the duty to recognize either the academic or the professional credentials – or both – of recognized refugees, if these match national standards and no bilateral agreement is in place with the sending country. This includes that the recognized refugee will be exempted from providing certain documentation if it requires the involvement of the home country authorities.

**On LA29 (Does the identification document provided to the recognized refugee mention her/his status as a refugee?):** This question is coded with a P/A value of yes, if the policy does not explicitly say that the identification document provided to recognized refugees does not mention their status. The mentioning of the refugee status on the identification document is considered negative, as it imperils the anonymity of the refugee and is often not recognized in certain countries by officials who rarely see them.

### *Procedure*

**On Q172 (Are asylum seekers required to submit a written application?):** This question is coded with a P/A value of yes, if it is not stipulated explicitly in the policy that the applicant can submit an oral request for asylum. Otherwise formulated, the P/A value is no, if the legislation explicitly grants the right to submit a request for asylum orally. A P/A value of yes is considered restrictive.

**On LA31 (Does the law guarantee the right to access the asylum process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that any foreign individual has the right to access the asylum process.

**On LA33 (Can the application for refugee status be submitted through the UNHCR?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can submit their asylum requests through an office of the UNHCR.

**On LA35 (Can the application for refugee status be submitted through a legal representative?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can submit their asylum requests through a legal representative.

**On LA37 (Does the law recognize confidentiality as a fundamental part of the refugee application process?):** Confidentiality is coded with a P/A value of yes, if 1. it is recognized as one of the leading principles in the whole refugee recognition procedure, 2. If the communication procedures include confidentiality as one of their guiding principles.

**On LA39 (Does the law guarantee that the lack of documentation will not impede the applicant from submitting her/his request for refugee status?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the lack of documentation will not hinder the asylum seeker from submitting her/his application for refugee status.

**On LA41 (Does the law include a right to appeal and to a fair trial in case of a first negative decision?):** This question is coded with a P/A value of yes, if there is an actual appeal possibility, or at least an administrative revision of the case by competent authorities.

**On LA43 (Is the institution in charge of reviewing appeals independent from the one of the first instance?):** This question is coded with a P/A value of yes, if there is an actual appeal, and the commission revising the appeal is not within the same ministry or agency as the one chairing the commission. The only exception is if the Minister her/himself is in charge of reviewing the appeal request.

**On LA45 (Does the law guarantee the gratuity of the whole refugee application process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that all the documentation required during the asylum process is gratuitous for the applicant or stipulates a general principle of gratuity.

**On LA47 (Does the law guarantee free legal assistance to the asylum seeker?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the state has the responsibility to provide a legal representative to the applicant for asylum, without any of the costs charged to the applicant.

**On LA49 (Does the law state that the interview process should take into account the social and cultural background of the applicant?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that during the interview process, the social background of the applicant will be considered, so that for instance, the applicant can be interviewed by someone of the same sex.

**On LA51 (Does the law prohibit national authorities from contacting the country of nationality, or origin, of the applicant, unless when expressly requested by the latter?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that state authorities in need of information related to the application of the asylum seeker cannot contact the authorities of the nation of origin of the applicant without the expressed consent of the applicant her/himself.

**On LA53, LA55 (Does the committee in charge of reviewing and granting refugee status include a member of the UNHCR?/ Does the committee in charge of reviewing and granting refugee status include a member of the civil society or a representative of the Ombudsman's Office?):** the question regarding the presence of a UNHCR or Ombudsman's representative in the refugee status review committee is coded as positive, even if only under invitation. This choice is due to the ambiguity in the formulation of the law, which sometimes clearly requires UNHCR or the Ombudsman's representatives to be invited, whereas sometimes this aspect is kept ambiguous (e.g. in Venezuela's case).

**On LA57 (In case of a negative decision in the last instance of appeal (if applicable), is UNHCR informed of it before any action is undertaken to remove the applicant?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the state has the duty to inform the local office of the UNCHCR in case of first, or second instance negative decisions regarding an applicant for refugee status.

**On LA59 (In case of rejection in the first instance of the application, is there a reasonable time limit to submit an appeal request? (Reasonable is understood as more than 2 weeks' time)):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after the delivery of the news that the first instance request has been denied, an applicant for refugee status has 15 days or more to submit an appeal request.

**On LA61 (Are there any special measures in place to guarantee women's access to the asylum procedure?):** This question is coded with a P/A value of yes, if the law 1. Specifically mentions women's right to apply independently from their husbands, partners, 2. The law states clearly that all the procedures in the asylum process will be individualized.

**On LA63 (Are there special provisions in place for vulnerable asylum seekers, or asylum seekers with special needs?):** This question is coded with a P/A value of yes, if the law 1. Defines who vulnerable people and people with special needs are, and 2. Gives them priority in the refugee recognition process. This question regards especially people victims of sexual abuse, torture, disabled, old-age applicants, not necessarily children. For children's specific rights refer to Q190, Q94, and Q145.

## 2. Categories

Theoretically, the IMPALA and APLA database could contain a greater amount of questions to pursue a more complete codification. However, a decision must be taken regarding which questions to codify and which to include in the different efforts of aggregation. As this database is thought to be used by scholars interested in (1) studying the development over time of asylum policies in a country, and in (2) comparing the adoption of a set of asylum policies between two countries or more, I have selected the questions to codify using a set of criteria described here below. Each question must belong to one of the seven criteria set below to be codified. Questions regarding the interpretation or implementation policies have been consciously not included in the APLA database coding frame. However, if in the future any researcher might be interested in complementing IMPALA and the APLA with additional coding to complement this database, this will surely be welcome.

These categories overlap substantially with the original ones developed in IMPALA.

1. Questions regarding international treaties and constitutional arrangements that regulate the treatment of refugees, as well as some broader policy measures on asylum in general (**Legal Framework**)
2. Questions regarding grounds for recognition as a refugee or to qualify for humanitarian/subsidiary status (**Qualification**)
3. Questions regarding the reception and detention of asylum seekers (**Reception and Detention**)
4. Questions regarding the exclusion of certain individuals from asylum, refugee or subsidiary status, as well as questions regarding the termination of that status (**Exclusion and Cessation**)

5. Questions regarding the processing of asylum seekers (**Procedure**)
6. Questions regarding rights granted to asylum seekers, refugees, subsidiary status and length of such permit (working permit, living allowance, etc...). (**Internal Rights**). The name of this category is inspired by the IMPIC Database (Helbling et al. 2017).
7. Questions regarding children asylum seekers, refugees, and other particularly vulnerable individuals. (**Rights of Children**)

### 3. Country-Years and Sources

In this section I present the legislation used to codify and produce the APLA dataset. This list represents all the relevant legislations on asylum in Latin America. Any gaps or missing legislation are my responsibility and I welcome any corrections to update the database.

#### 3.1 Country-Years Coded and Sources

Country – 1990 2018	Sources
Argentina	Constitution of Argentina of 1853 (Reformed in 1994) Decree 8712 of 1961 Law 17468 of 1967 Law 22871 of 1981 Law 23160 of 1984 Decree 464 of 1985 Migration Law 25871 of 2004 Refugee Law of 2006 Resolution 1551 of 2008 Rule of Migration Law 25871 of 2010 Decree 1036 on Syrian Refugees of 2016 Rule of Migration Law 25871 of 2017
Bolivia	Political Constitution of 1967 Political Constitution of 1995 Political Constitution of 2004 Political Constitution of 2008 Political Constitution of 2009 Supreme Decree 19639 of 1983 Supreme Decree 19640 of 1983 Supreme Decree 24423 of 1996 Law 2071 of 2000 Supreme Decree 28329 of 2005 Law 251 of 2012 Supreme Decree 1440 of 2012
Brazil	Constitution of Brazil of 1988 Decree 50215 of 1961 Decree 70946 of 1972 Law 6815 of 1980 Decree 99757 of 1990 Law 9474 of 1997 (Refugee Law) Internal Rule of CONARE of 1998 Normative Resolutions of CONARE

	Conjunct Resolution of CONARE and Justice Ministry of 2017 Portaria Interministerial of 2019 (N.9 and 10)
Chile	Political Constitution of 1980 Political Constitution of 2005 Decree Law 1094 of 1975 Decree 597 of 1984 Law Chile Movil of 1999 Law 19880 of 2003 Law 20430 of 2010 Decree 837 of 2010
Colombia	Political Constitution of 1886 Political Constitution of 1991 Law 35 of 1961 Law 65 of 1979 Decree 2817 of 1984 Decree 1598 of 1995 Decree 2450 of 2002 Decree 4503 of 2009 Decree 2840 of 2013 Decree 1067 of 2015 Resolution 317 of 2014 Resolution 1272 of 2017
Costa Rica	1949 Constitution Law 6079 of 1977 Decree 14845-G of 1983 Law 7033 of 1986 Decree 29986-G of 2001 Decree 32195-G of 2004 Law 8487 of 2005 Law 8764 of 2009 Rules 36831-G (of Law 8764) of 2011 Sentence of the 'Tribunal Contencioso Administrativo', Section IV, Vote: 0103-2014 IV
Cuba	1976 Constitution 1976 Migration Law 1976 Foreign Aliens Law Reforms Constitutions: 1978, 1992, 2002 2012 Migration Law 2019 Constitution
Dominican Republic	Law 95 of 1939 Resolution 694 of 1977 Decree 1569 of 1983 Rules of Migration 279 of 1983 Decree 2330 of 1984 Law 285 of 2004 Decree 631 of 2011

	Political Constitution of the Dominican Republic of 1966 Political Constitution of the Dominican Republic of 1994 Political Constitution of the Dominican Republic of 2002 Political Constitution of the Dominican Republic of 2010 Political Constitution of the Dominican Republic of 2015
Ecuador	Constitution of Ecuador of 1979 Constitution of Ecuador of 1998 Constitution of Ecuador of 2008 Decree 3293 of 1987 Decree 3301 of 1992 Decree 1635 of 2009 Decree 1182 of 2012 Sentence of Constitutional Court N.002-14-SIN-CC Organic Law of Human Mobility 2017 Rules of the Organic Law of Human Mobility 2017
El Salvador	Decree 167 of 1983 Decree 918 of 2002 Decree 79 of 2005 Decree 839 of 2009 Constitution of the Republic of El Salvador of 1983
Guatemala	Decree 22 of 1986 Decree 95 of 1998 Governmental Agreement 383 of 2001 Decree 27 of 2003 Decree 46 of 2007 Decree 44 of 2016 Acuerdo de Autoridad Migratoria Nacional 2019. N. 1-4. Political Constitution of the Republic of Guatemala of 1985 Political Constitution of the Republic of Guatemala of 1993
Honduras	Decree 208 of 2003 Rules of Migration and Aliens Act (Reglamento Ley de Migracion y Extranjeria) Political Constitution of the Republic of Honduras of 1982
Mexico	Mexican Constitution of 1917 (Reformed in 2011 and 2016) Ley de Población of 1974 (changed in 1990, 1992, 1996, 1999, 2008, 2009, 2010, 2010 <sup>a</sup> , 2011, 2011 <sup>a</sup> , 2012, 2014, 2015) Federal Law of Administrative Procedure of 1994 (last change in 2018) Rule of Ley de Población of 2000 (changed in 2006, 2011, 2012, 2018) Migration Law of 2011 (changed in 2013, 2013a, 2014, 2016, 2017, 2107a, 2018, 2018a) Refugee Law of 2011 Rule of Refugee Law of 2012 Rule of Migration Law of 2012 (changed in 2013, 2014) Updated Refugee Law of 2014

Nicaragua	Decree 1096 of 1982 Law 655 of 2008 Law 761 of 2011 Decree 31 of 2012 Political Constitution of the Republic of Nicaragua 1987
Panama	Political Constitution of 1972 Law 5 of 1977 Decree 100 of 1981 Resolution 461 of 1984 Decree 23 of 1998 Law 25 of 2008 Law 81 of 2011 Law 24 of 2013 Decree 5 of 2018 Decree 113 of 2018
Paraguay	Constitution of the Republic of Paraguay of 1967 Constitution of the Republic of Paraguay of 1992 Law 978 of 1996 Decree 18295 of 1997 Law 1938 of 2002
Peru	Constitution of the Republic of Peru of 1979 Supreme Decree N.001-85-RE of 5 Julio de 1985 (N/A) Political Constitution of Peru of 1993 Supreme Decree N.060-99-RE of 1999 Asylum Law of 2002 Refugee Law of 2002 Supreme Decree N.199-2003-Re or Rule of Refugee Law of 2003 Migration Decree of 2017 Decree on Rule of Migration of 2017 Temporary Protection of Venezuelans of 2017
Uruguay	Constitution of the Oriental Republic of Uruguay 1967 (with reforms) Law 19076 of 2006 Law 18382 of 2007 Law 18250 of 2008 Decree 394 of 2009
Venezuela	Constitution of Venezuela of 1961 Constitution of the Bolivarian Republic of Venezuela 1999 Organic law on Refugees of 2001 Rules of the Organic law on Refugees of 2003

## 4 Aggregation Logic for Hypotheses Testing

In this section I present the aggregation strategy and practical steps used to produce the Regulatory Complexity and Liberalization dependent variables out of the APLA dataset.

### 4.1. Regulatory Complexity Variable

For each country-year, I select 57 indicators (out of the 65 indicators of the database) to produce the regulatory complexity variable. The eight indicators excluded regard questions on international treaties' ratification. Out of the 57 indicators selected, I select for each country-year those that include the word "Art" (for *Article*) in the 'Source' column. The presence of the word "Art" in the 'Source' column indicates that the policy measure is addressed in the legislation in a specific article and can therefore be considered included. The indicators with no articles of reference mean that the legislation does not address the issues included in those indicators, neither positively nor negatively. The percentage of indicators with the word 'Art' out of the 57 general indicators constitutes the dependent variable "Regulatory<sub>cy</sub>".

$$\text{Regulatory}_{cy} = \frac{\text{Regulatory\_Complexity}_{cy}}{\sum \text{RegulatoryIndicators}} * 100 \quad (1)$$

Where  $\text{Regulatory}_{cy}$  is the dependent variable result of the division between the number of indicators included in the legislation of country  $c$  in year  $y$  – counted using the reference to an article in the Source section –, over the total number of indicators, 57 in this case. The result multiplied by 100 is the dependent variable  $\text{Regulatory}_{cy}$ . Given the choice to limit the analysis to the indicators clearly included in a legislation by focusing on the presence or absence of the word "Art", I am underestimating the proportional adoption of these policies, as some of them are addressed, but given that are not included in decrees or regulations, but rather in the internal regulations of the national refuge agencies, they do not have articles. This means that in some cases the proportional adoption might in fact be higher. This could lead to an underestimation of the adoption of asylum policies for those governments that give national refuge agencies substantial autonomy in setting up their own criteria for the processing of asylum claims.

#### 4.2. Liberalization Variable

To measure Liberalization, I produce an aggregated variable by undertaking the following. Given that every indicator tracks not only the presence, or absence, of a policy measure in a legislation, but also its restrictive, or liberal, character, I select the policies codified as 0 (liberal) and divide their sum in year  $y$  by the total of policies codified as 1s and 0s in that specific year  $y$ , that is

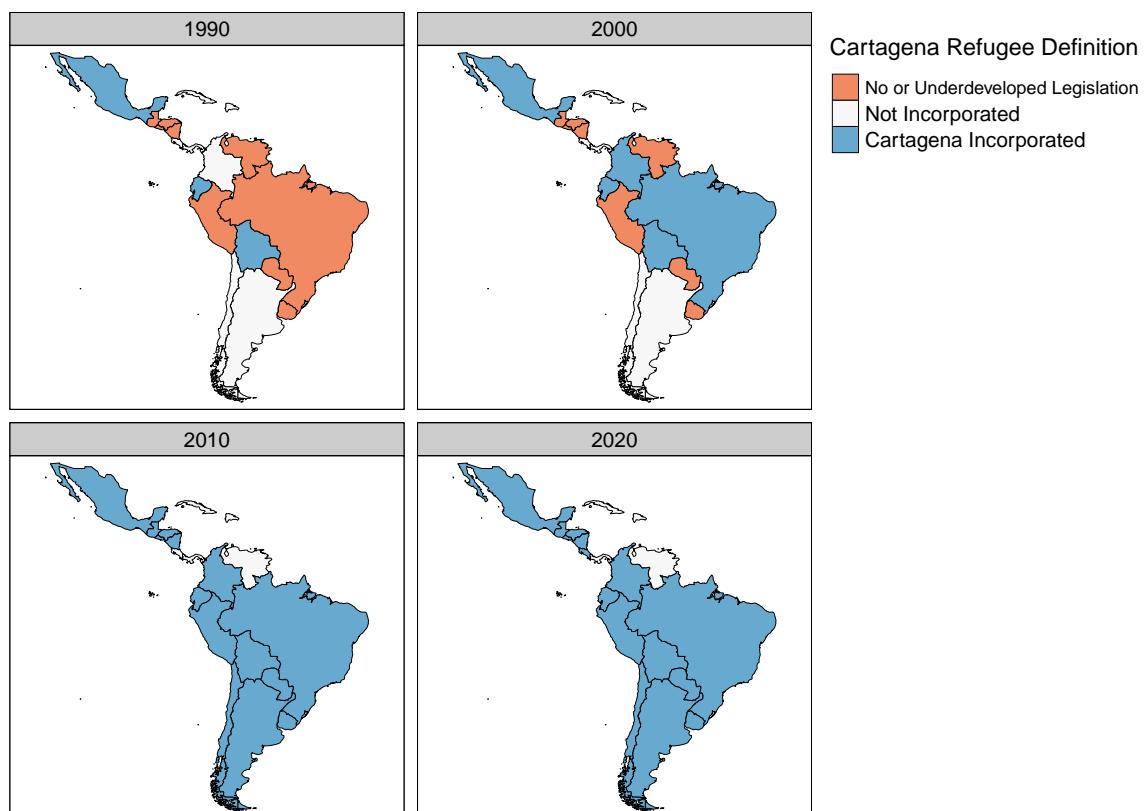
$$LiberalisationScore_{cy} = \frac{\Sigma LiberalPolicies_{cy}}{\Sigma RestrPolicies_{cy} + \Sigma LiberalPolicies_{cy}} \quad (2)$$

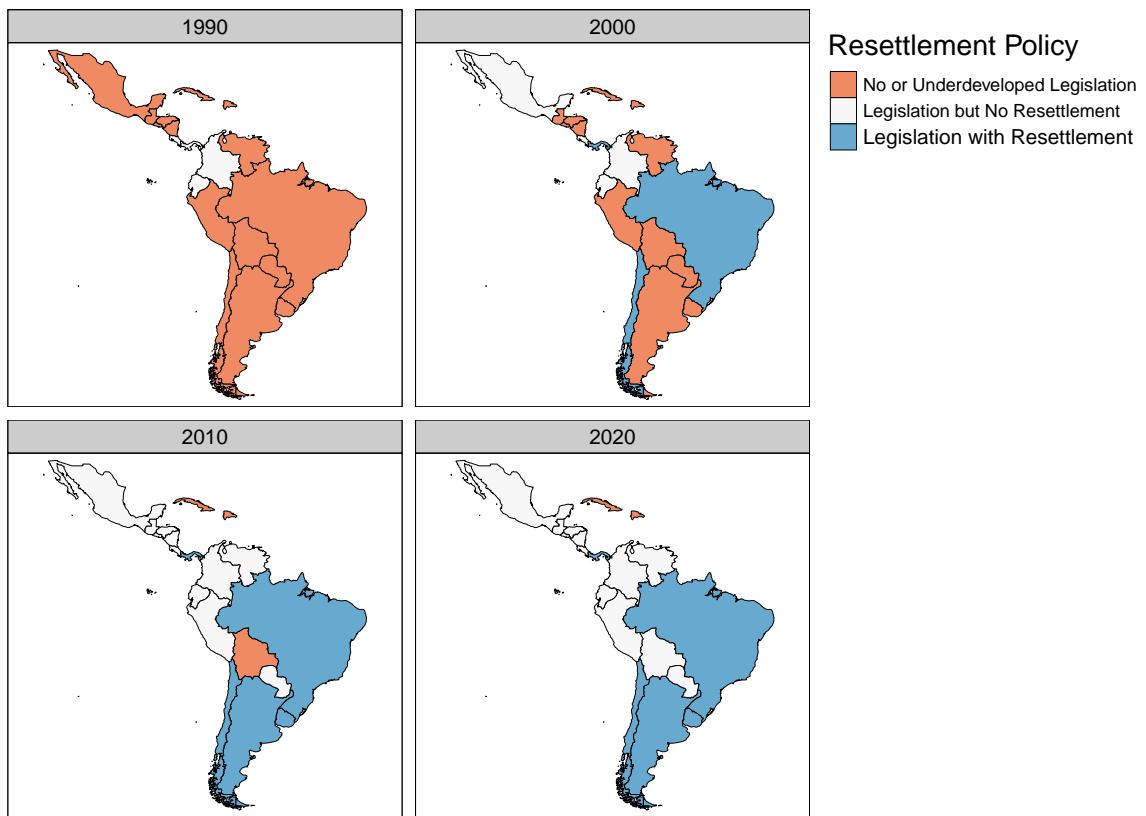
In order to produce a reliable indicator, I exclude those years in which  $\Sigma RestrPolicies_{cy} + \Sigma LiberalPolicies_{cy}$  is  $< 9$ . Usually, countries that have less than 9 total policies codified in a certain year have underdeveloped legislations that are often not used. For this reason, and because those Liberalization Scores would not be reliable indicators – being based on very few observations – I consider only those where  $\geq 9$ . The Liberalization Score is in fact a measure of Liberalization over time, where a Liberalization Score value of 1 would represent a country  $c$  with an asylum legislation in year  $y$  with only liberal policies, and a 0 would represent the asylum legislation of country  $c$  in year  $y$  with only restrictive policies.

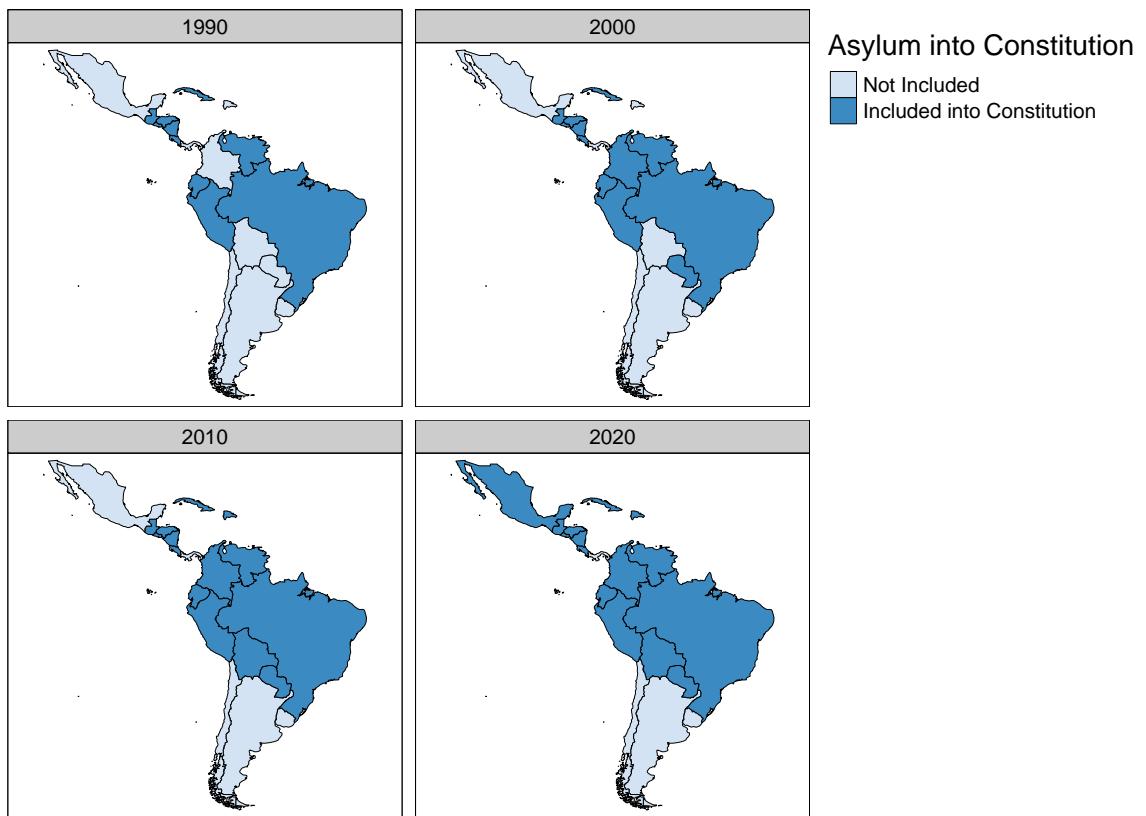
# Maps of Policy Measures Included in Legislation 1990 - 2020

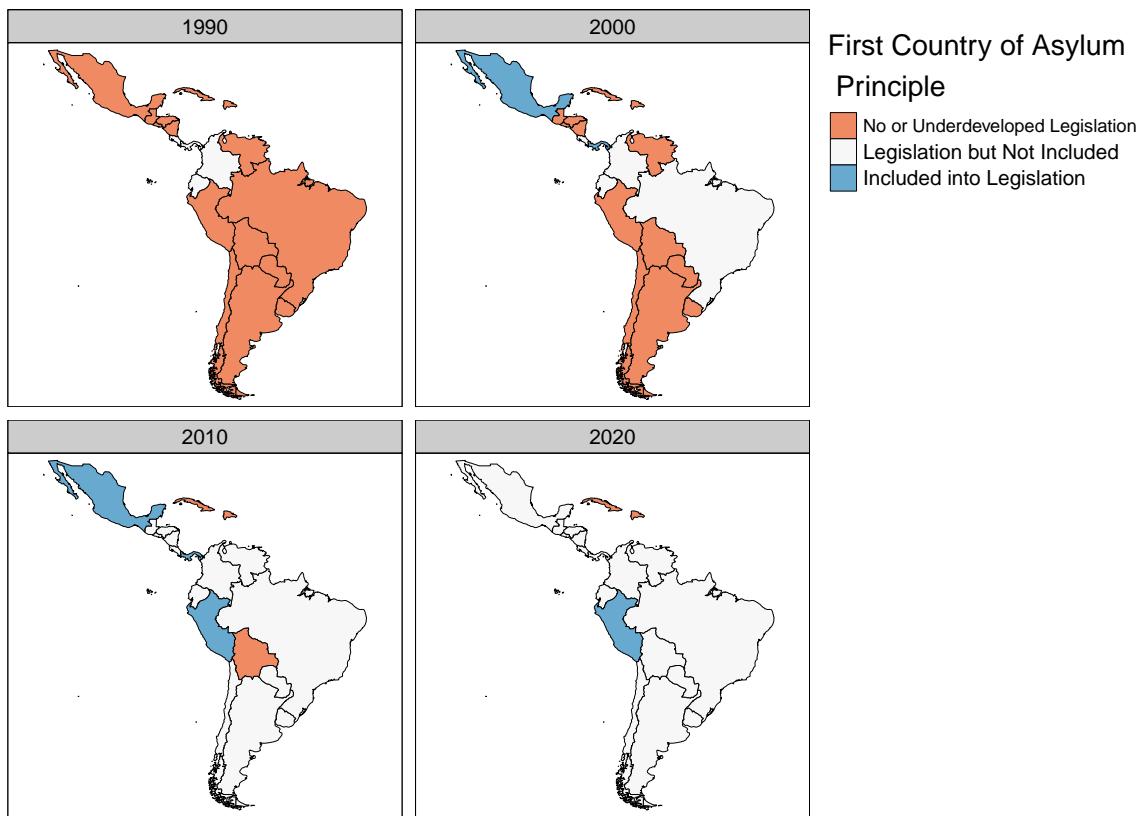
Omar Hammoud Gallego, LSE

04/03/2021





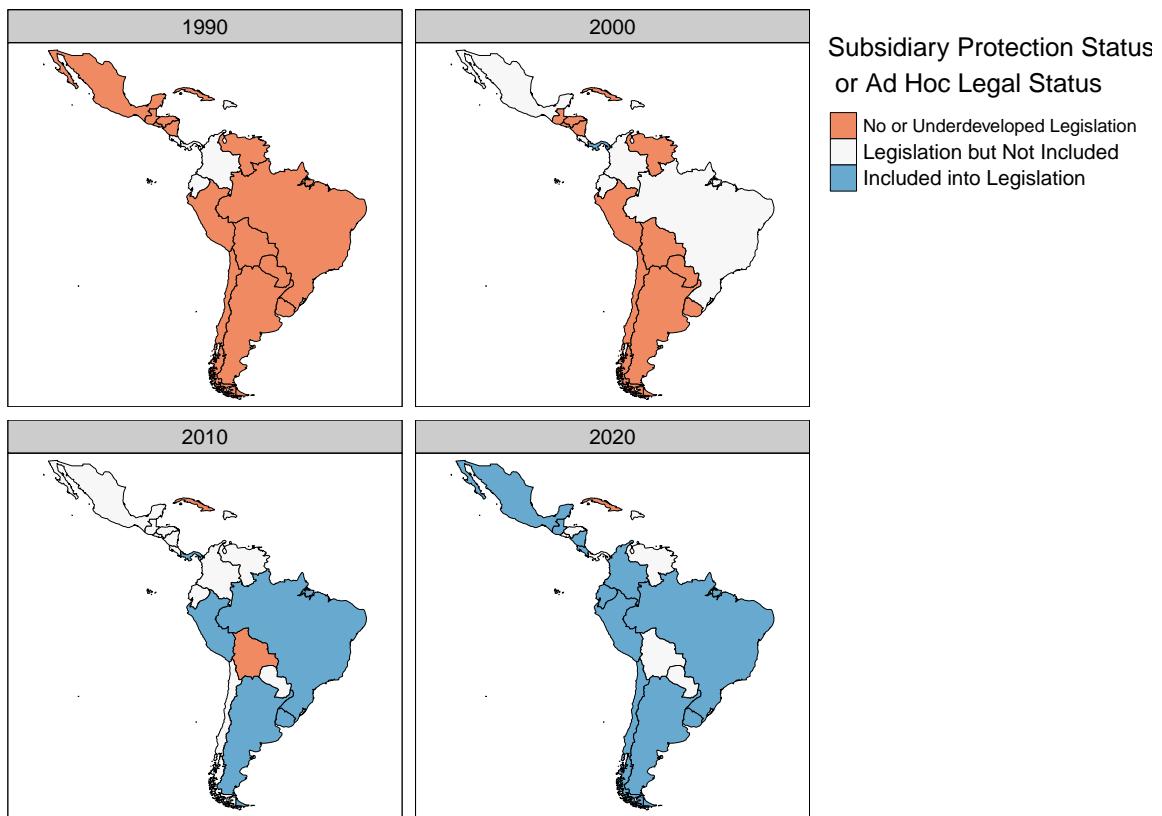


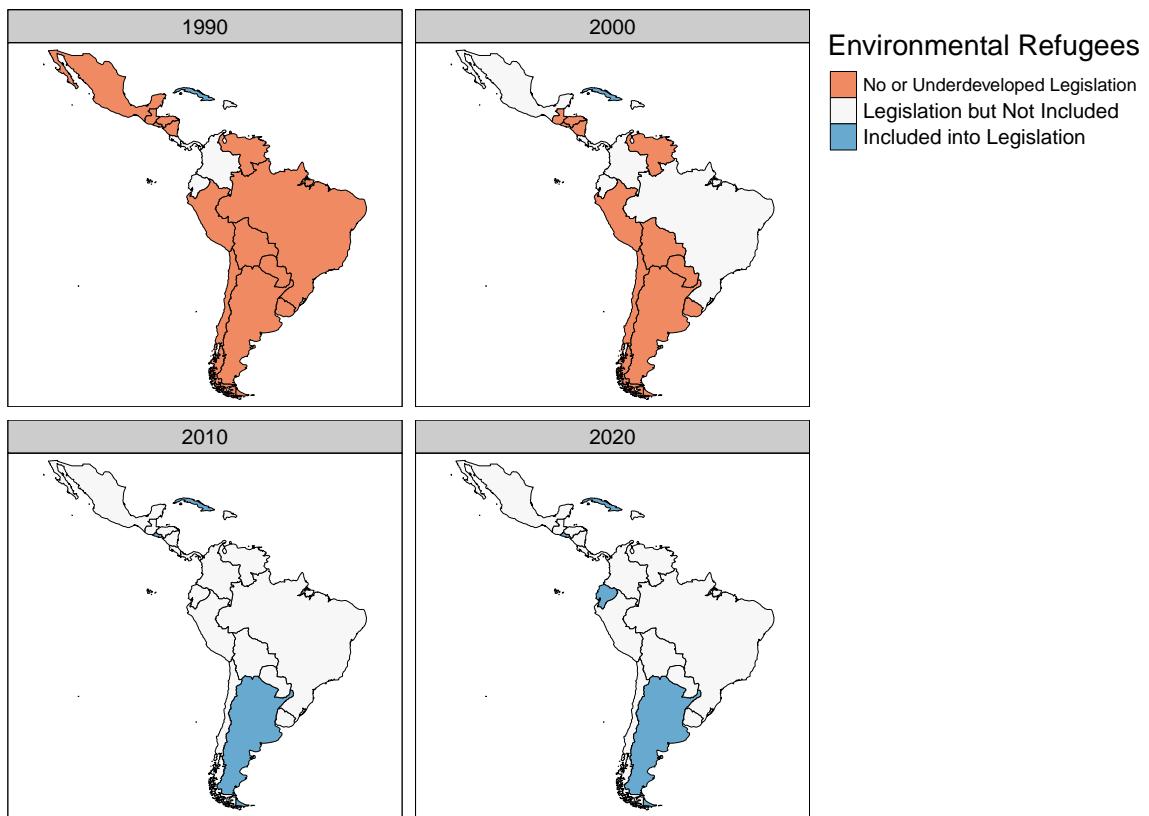


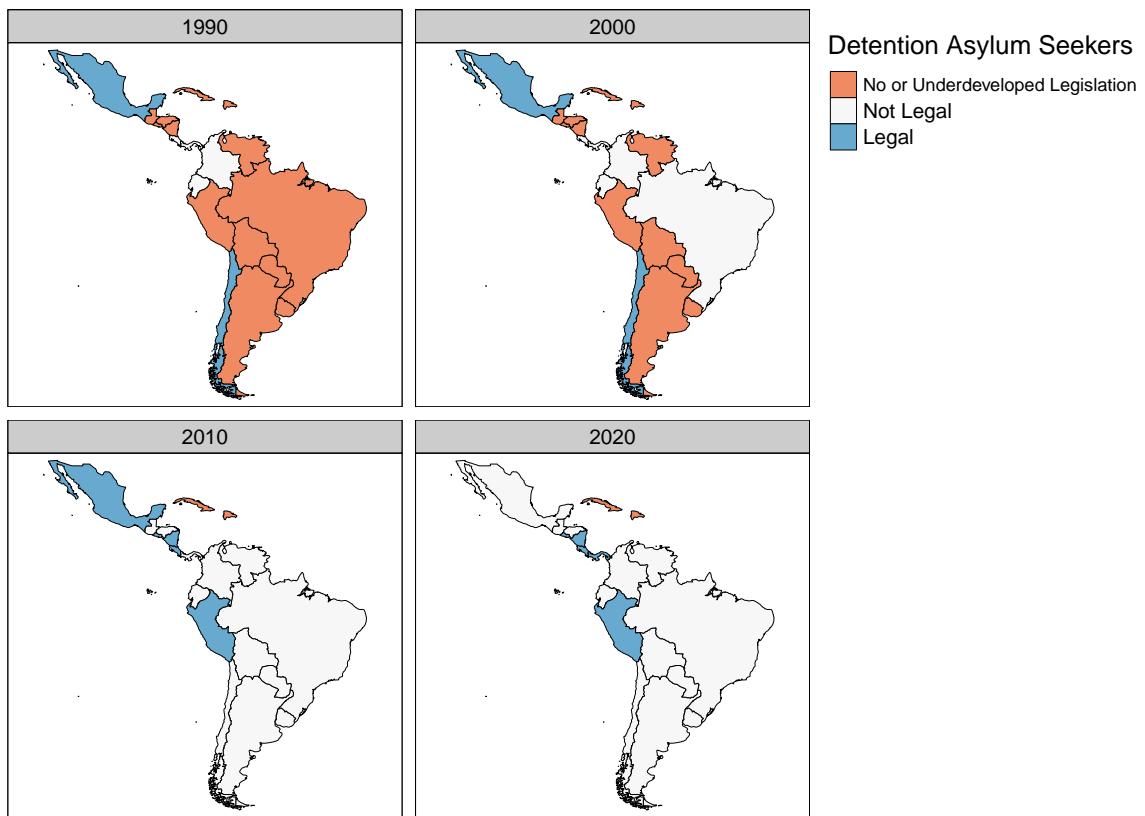
### First Country of Asylum

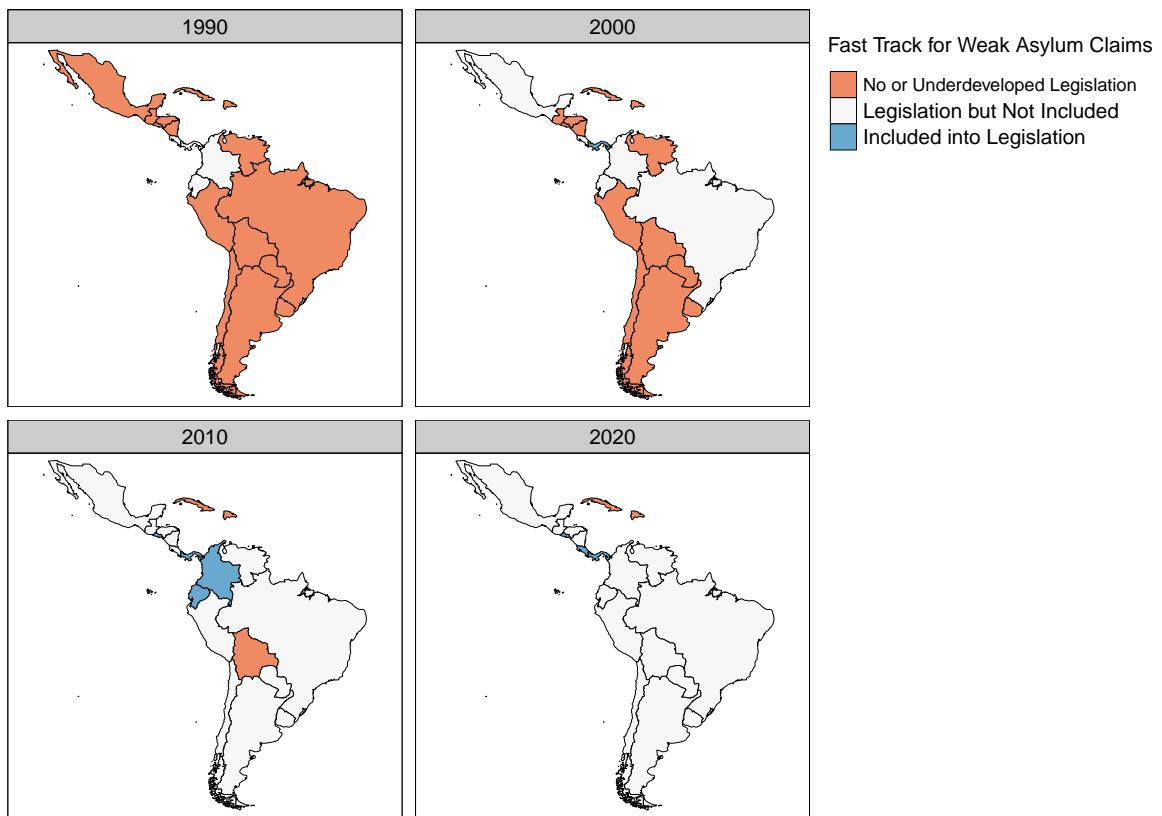
#### Principle

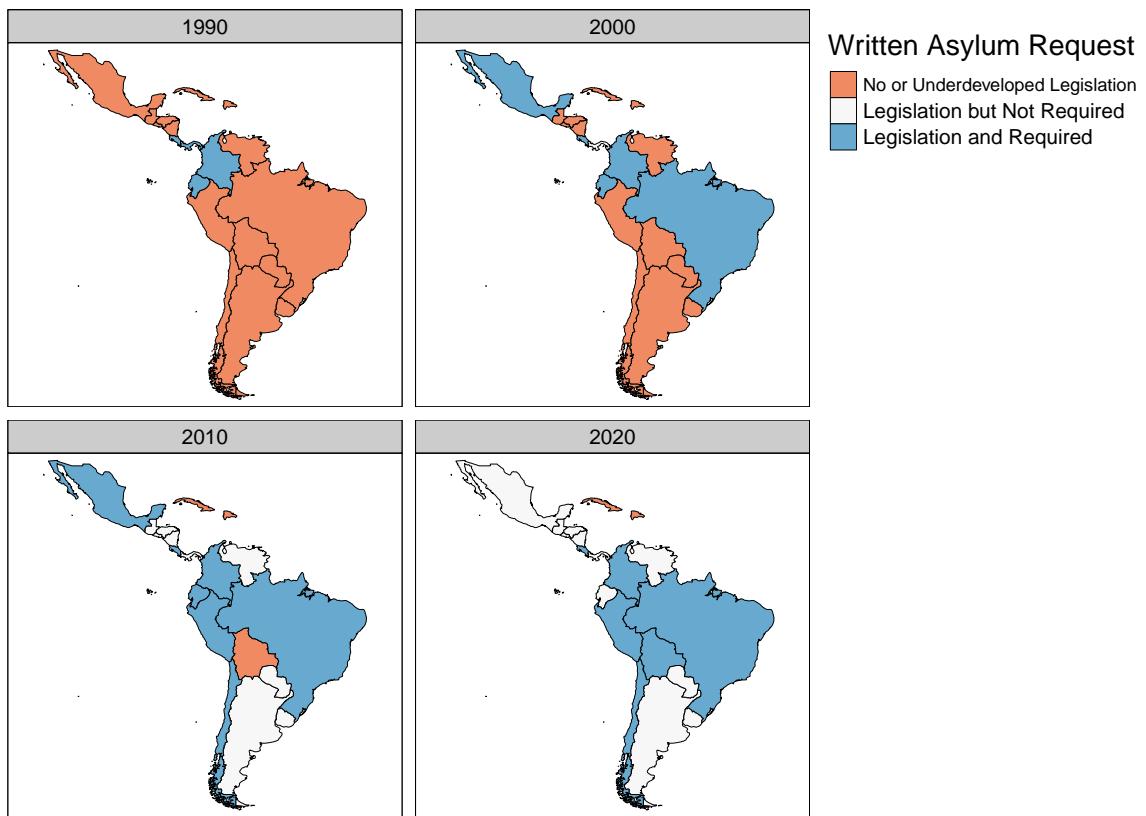
- No or Underdeveloped Legislation
- Legislation but Not Included
- Included into Legislation

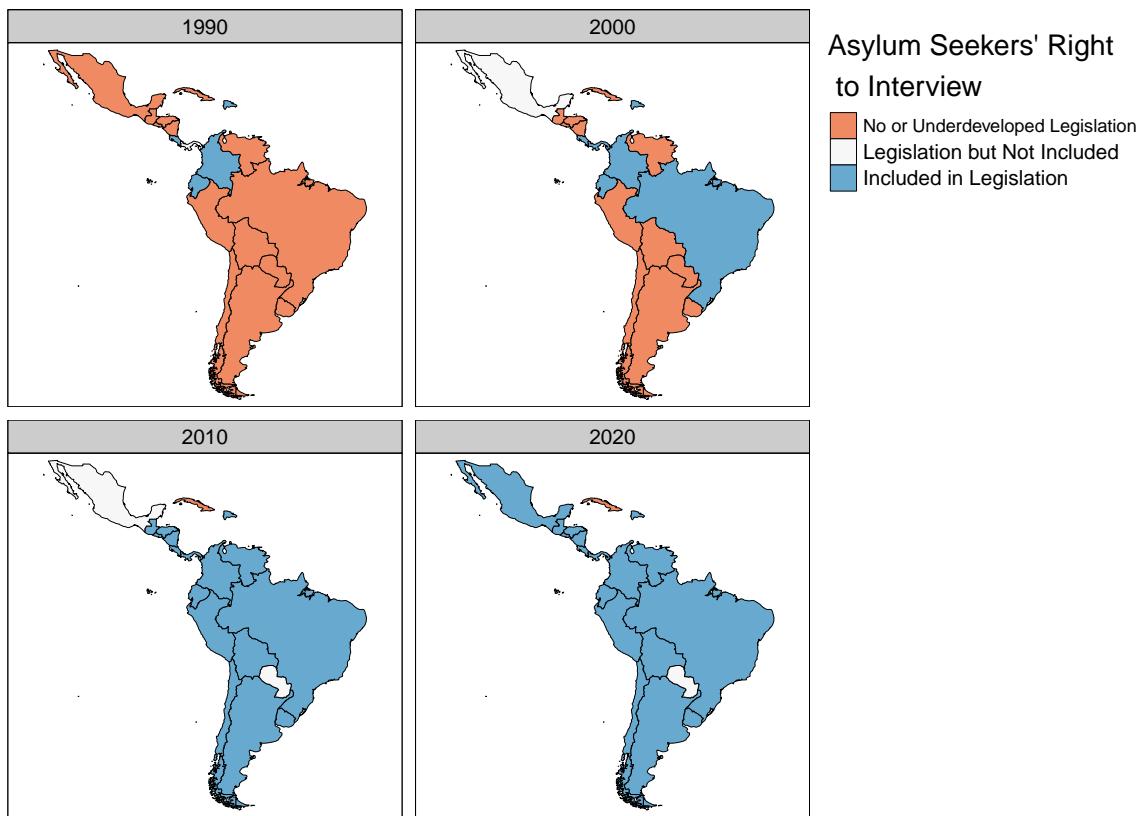


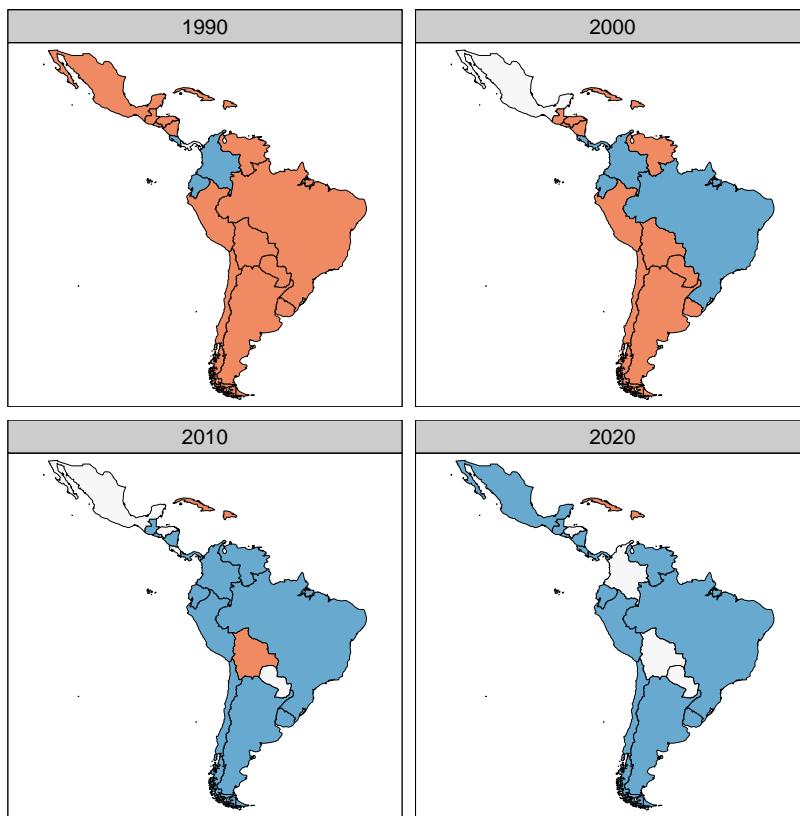






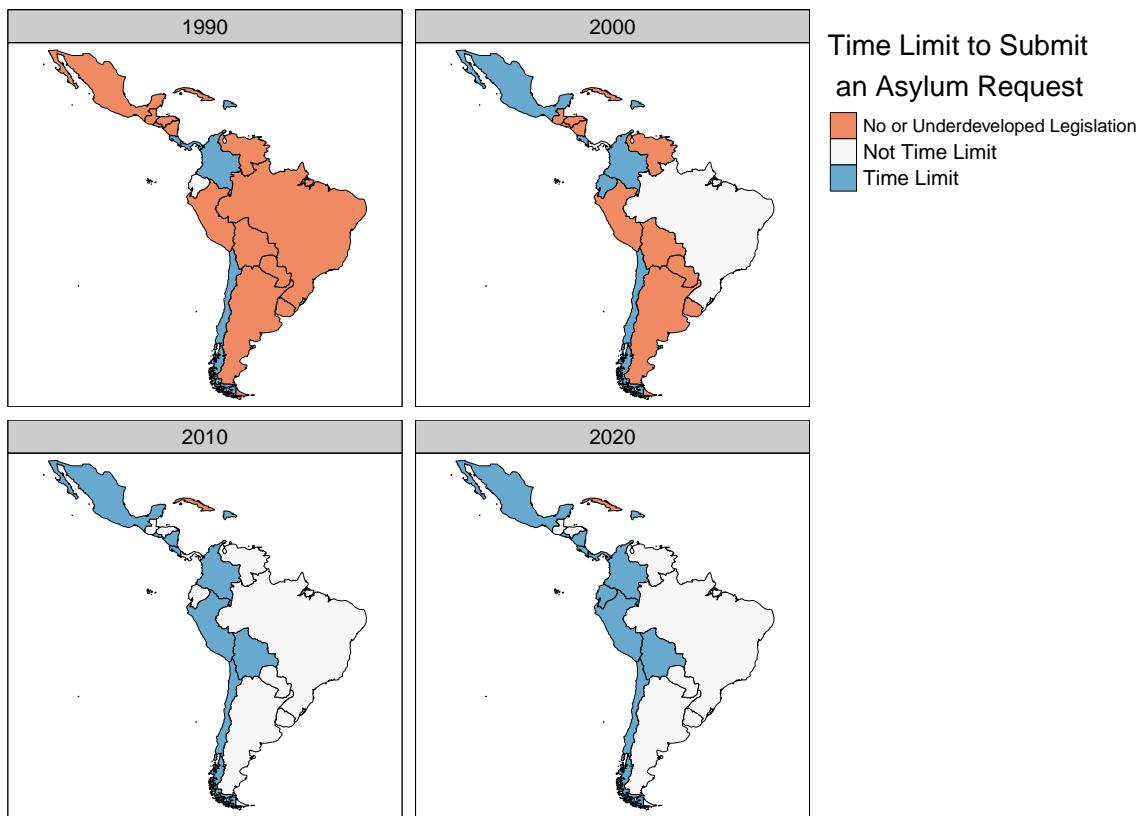


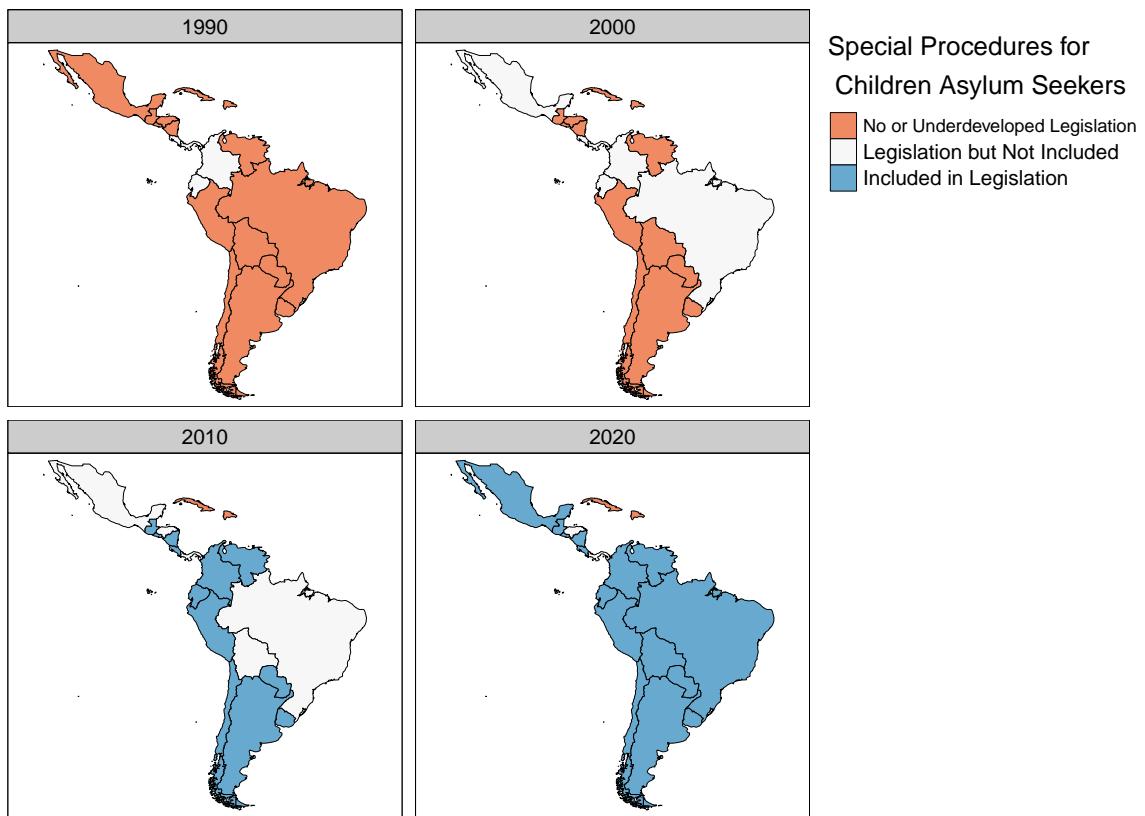


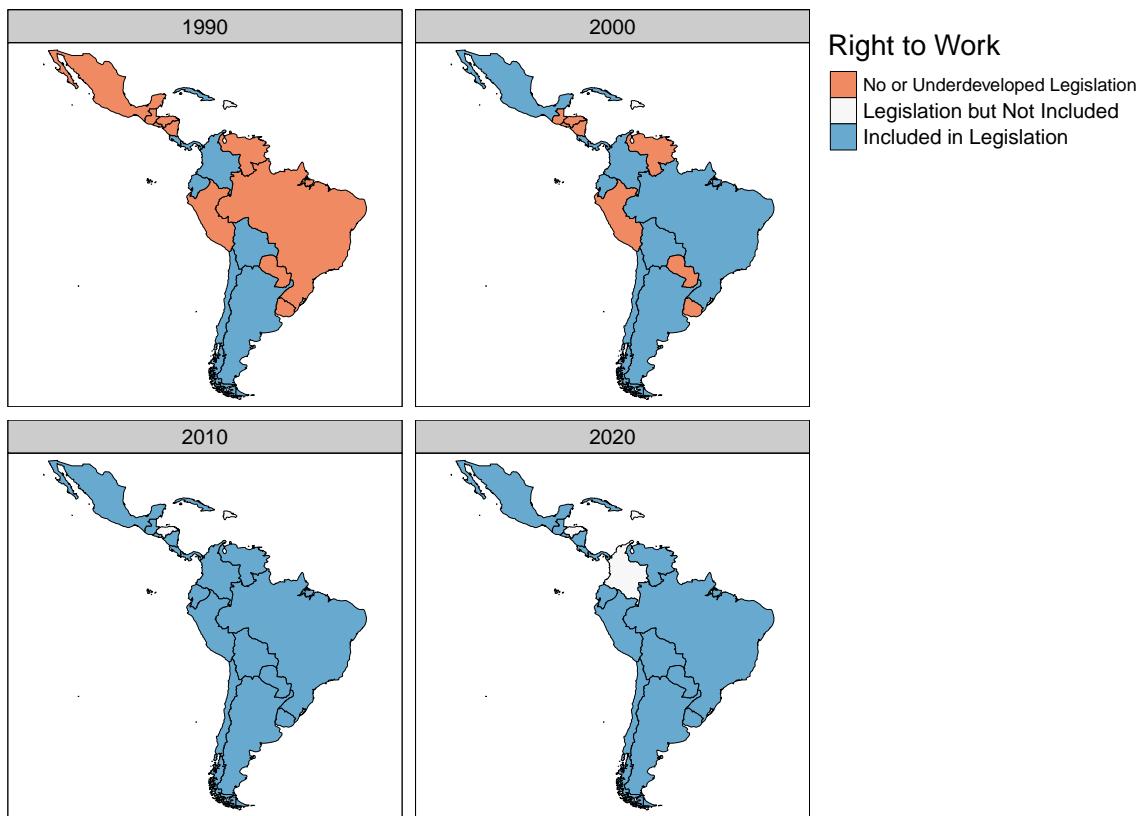


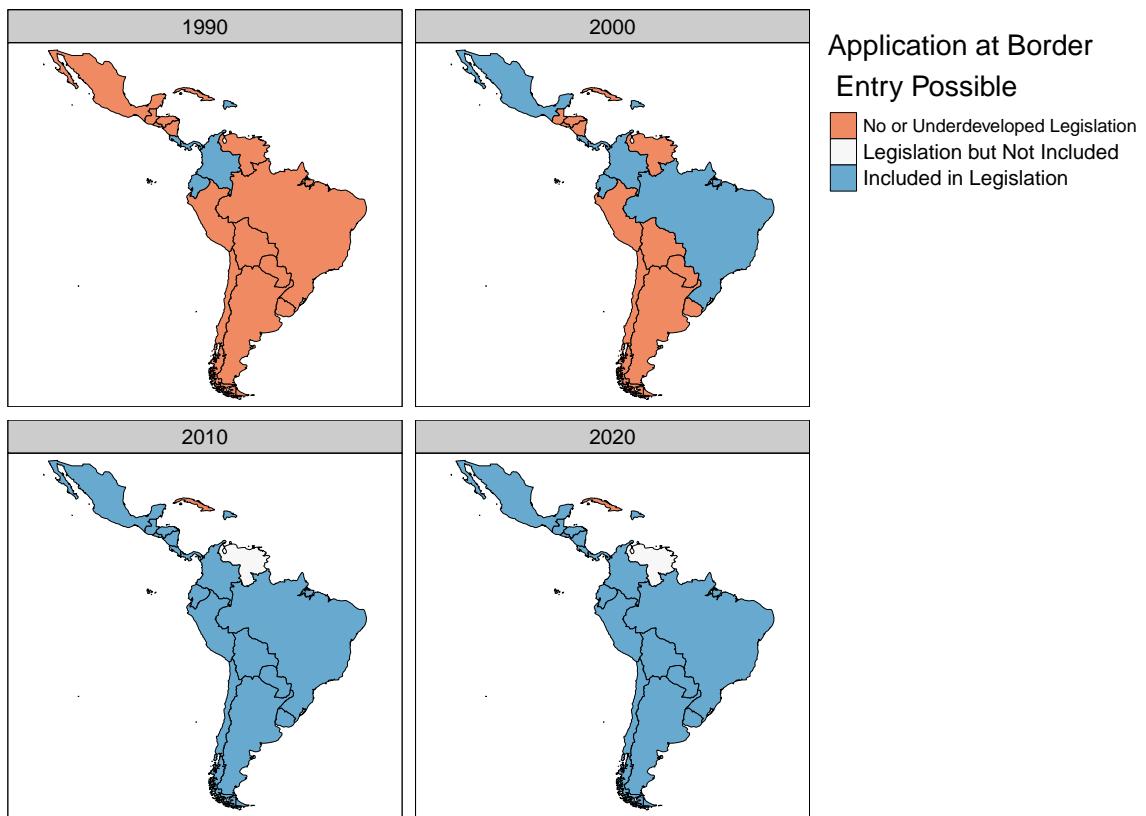
### Asylum Seekers' Right to a Legal Representative

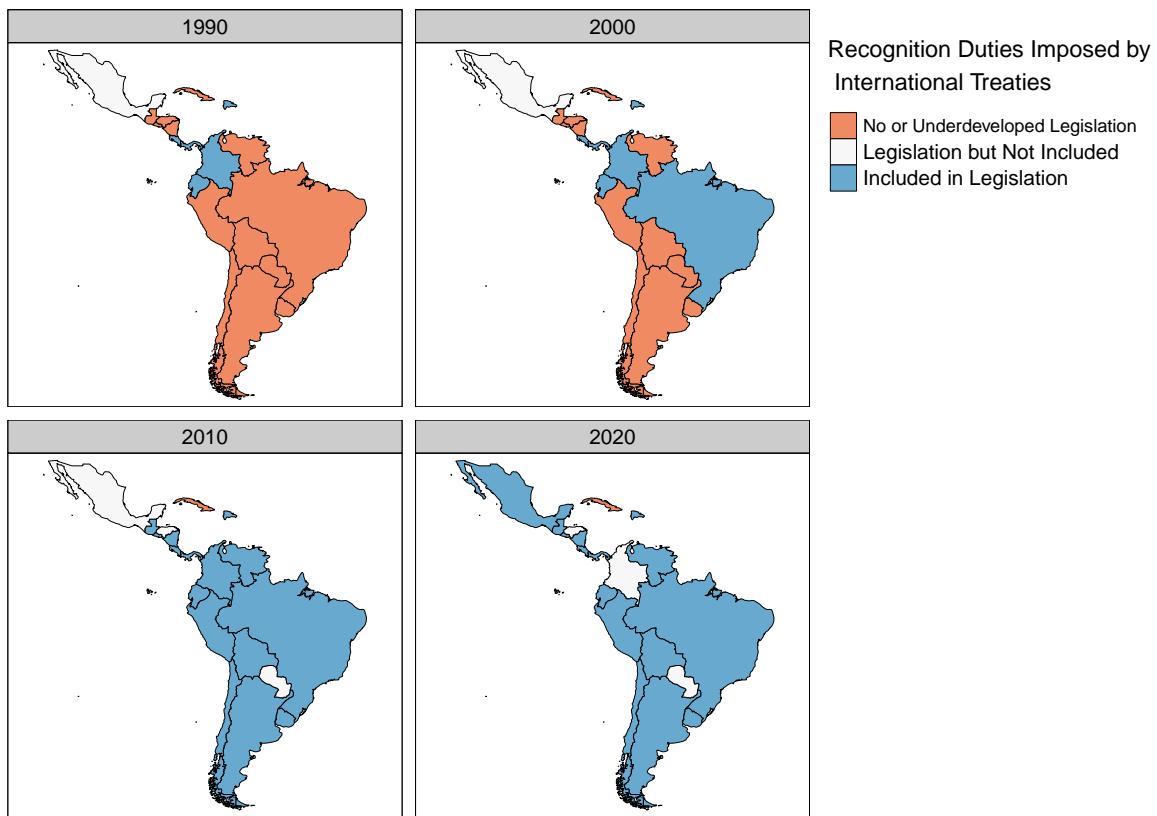
No or Underdeveloped Legislation  
 Legislation but Not Included  
 Included in Legislation

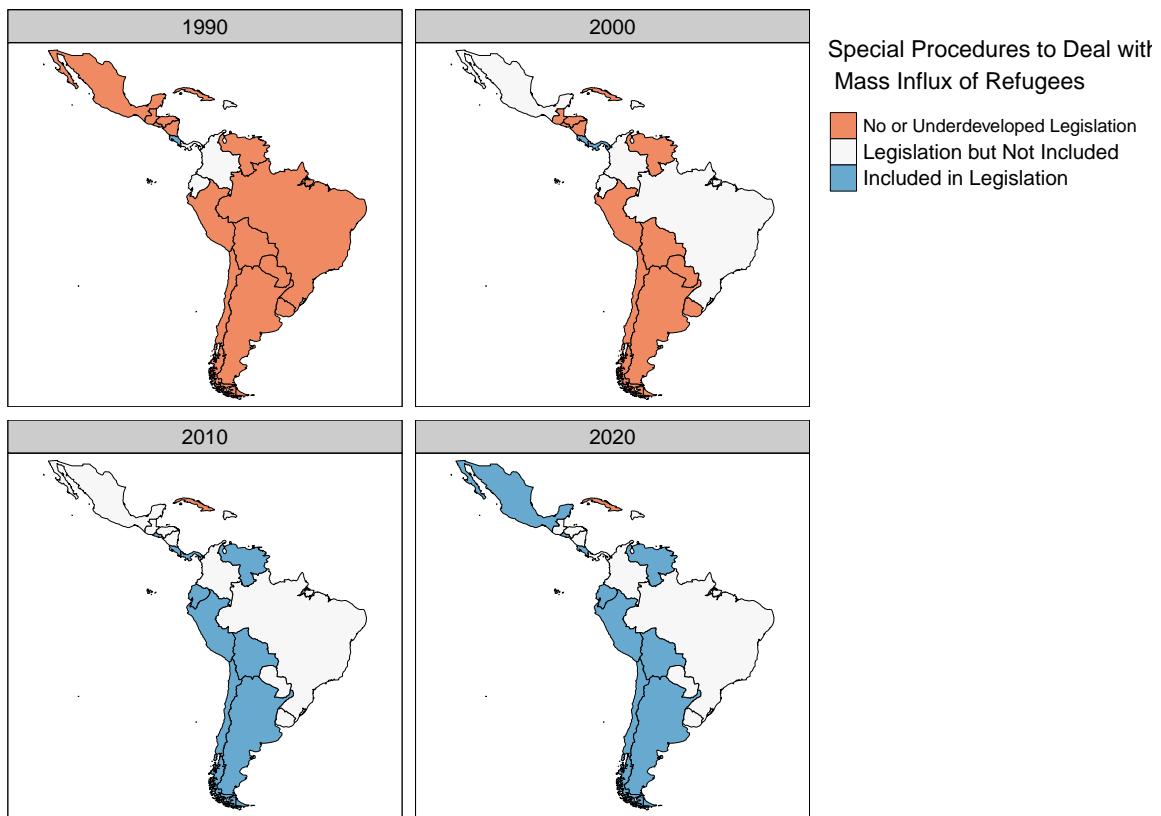


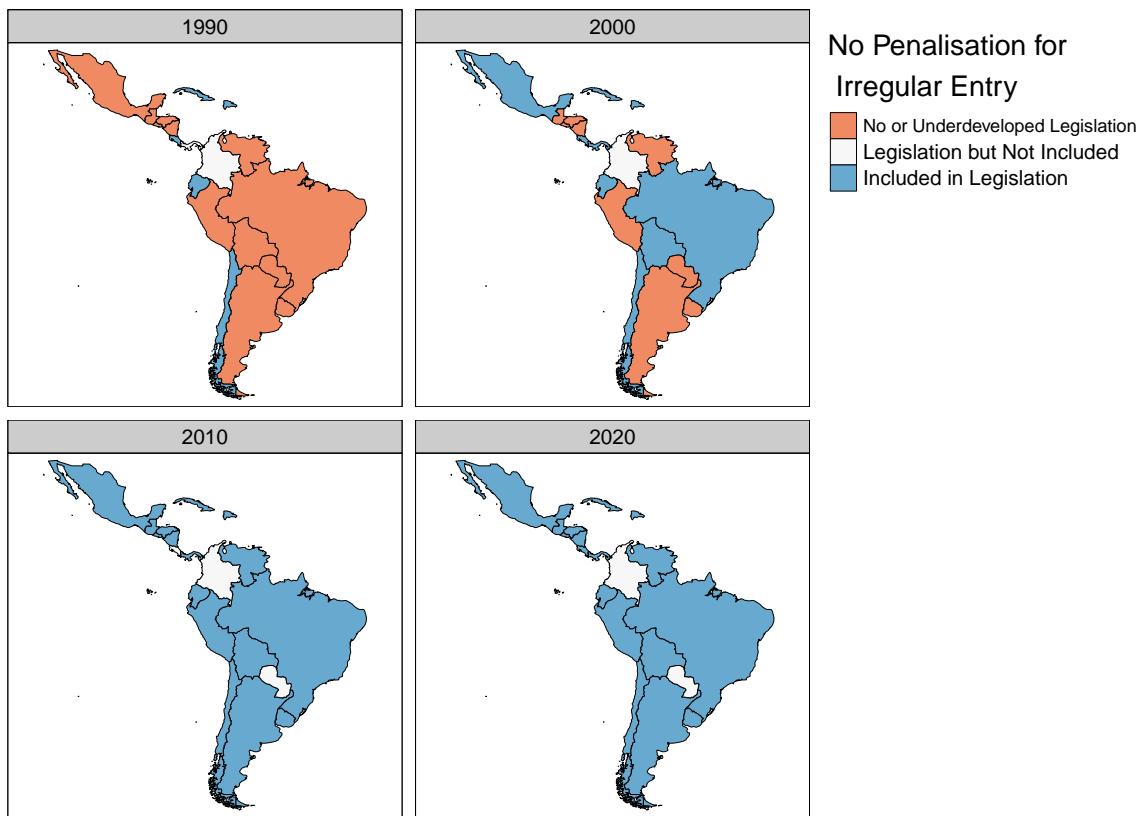


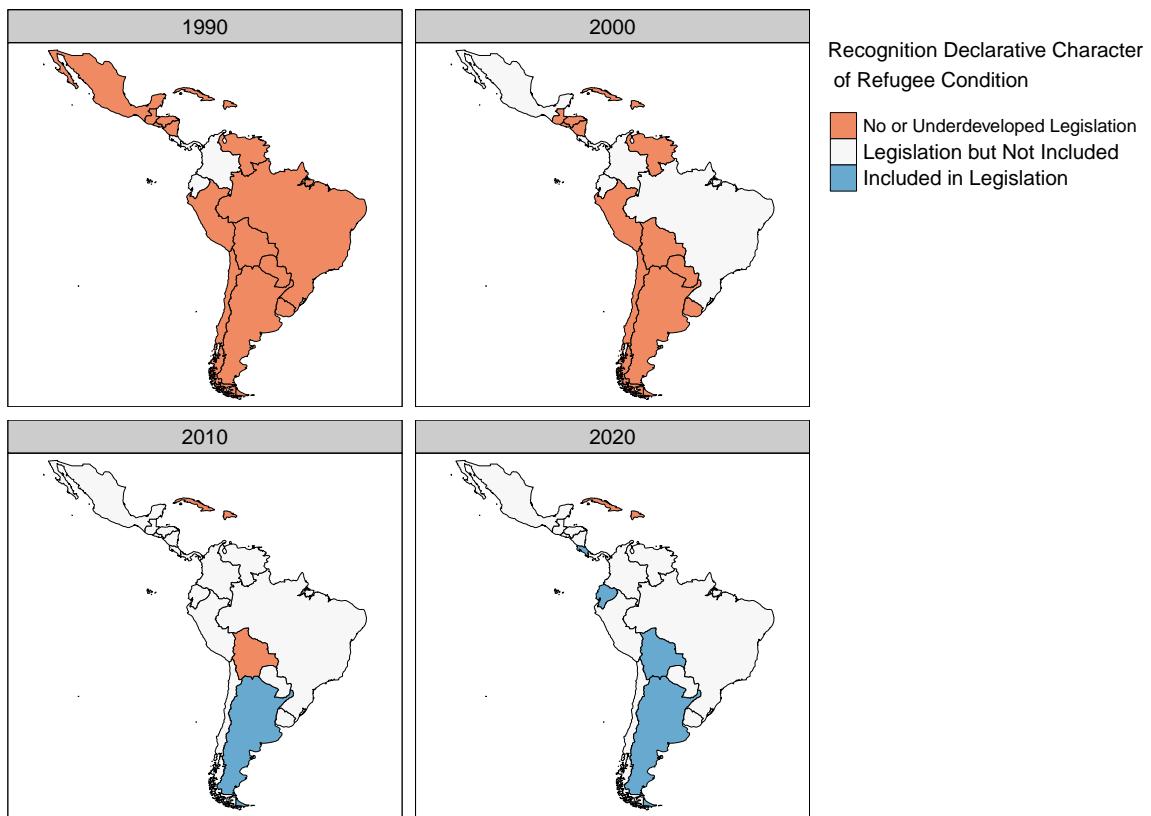


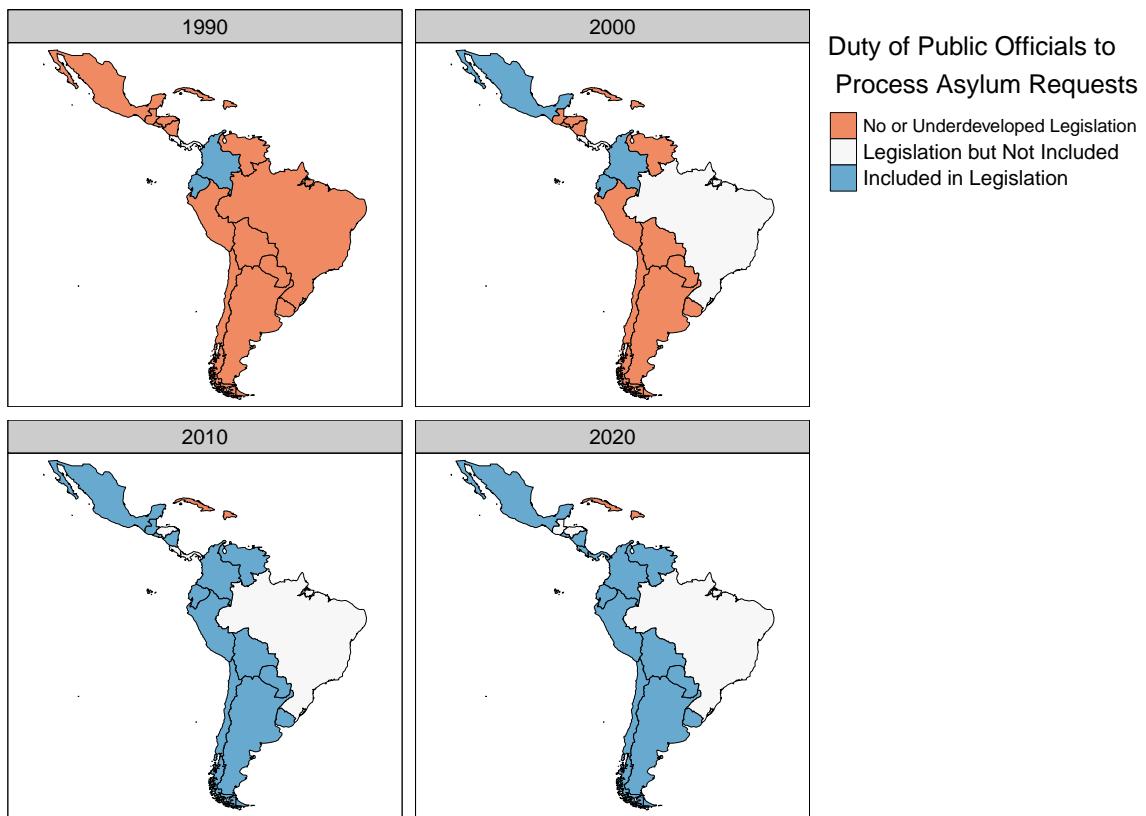


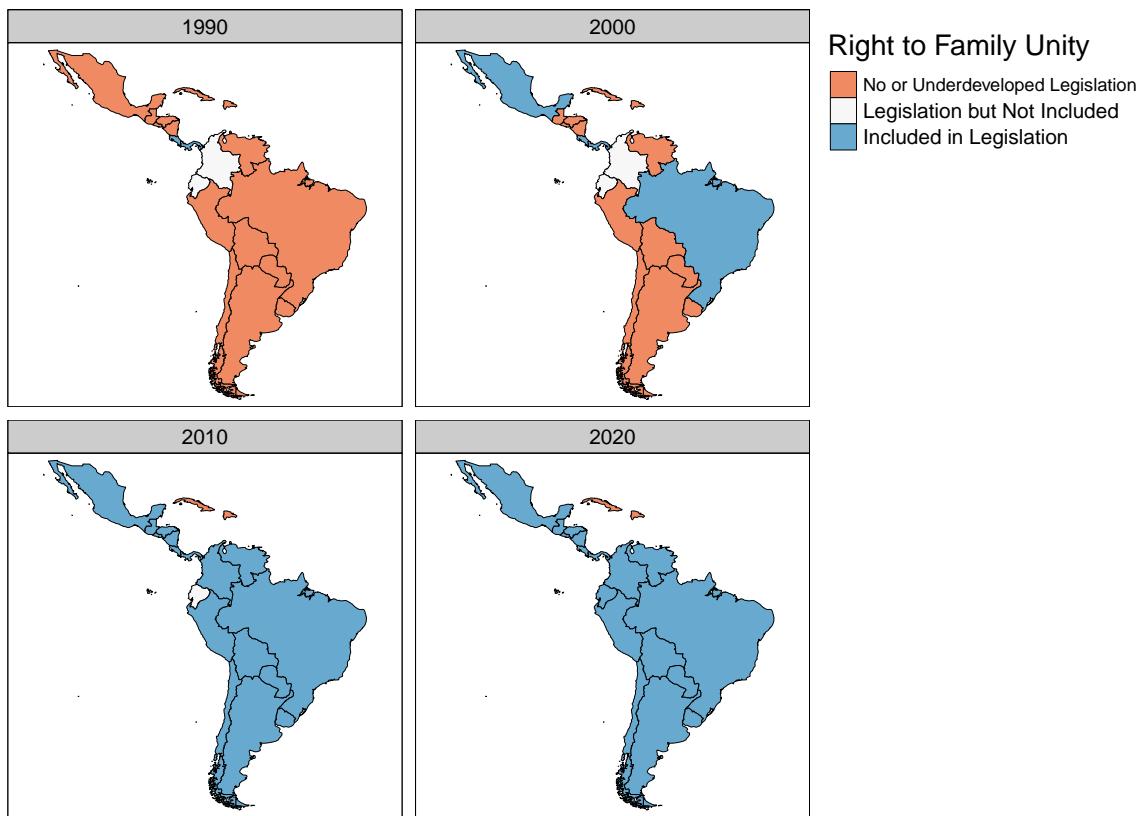


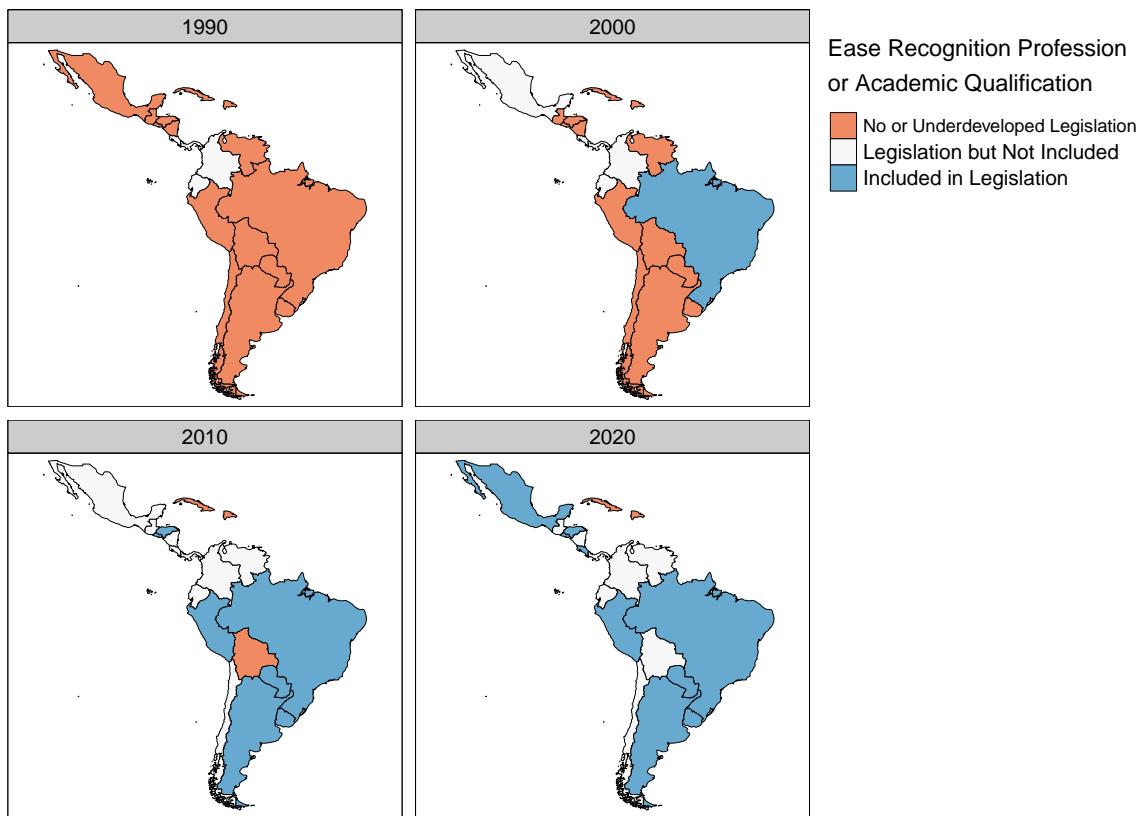


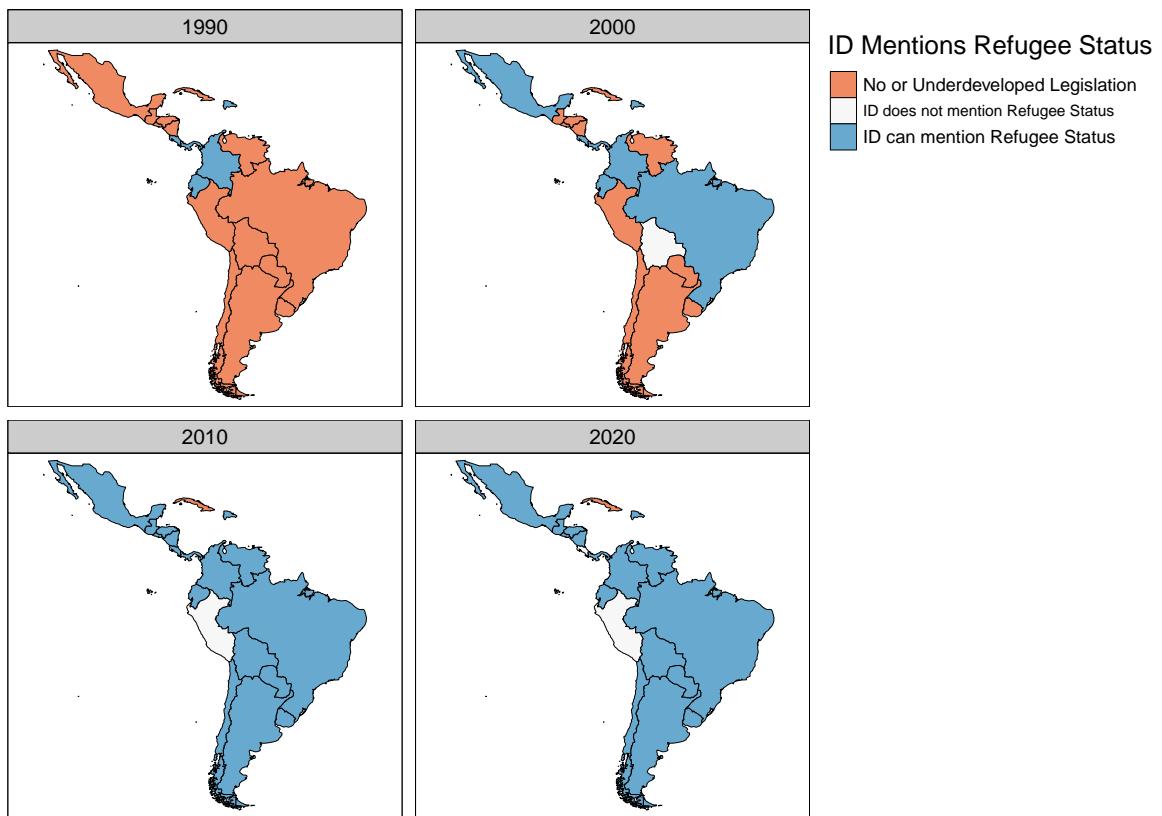


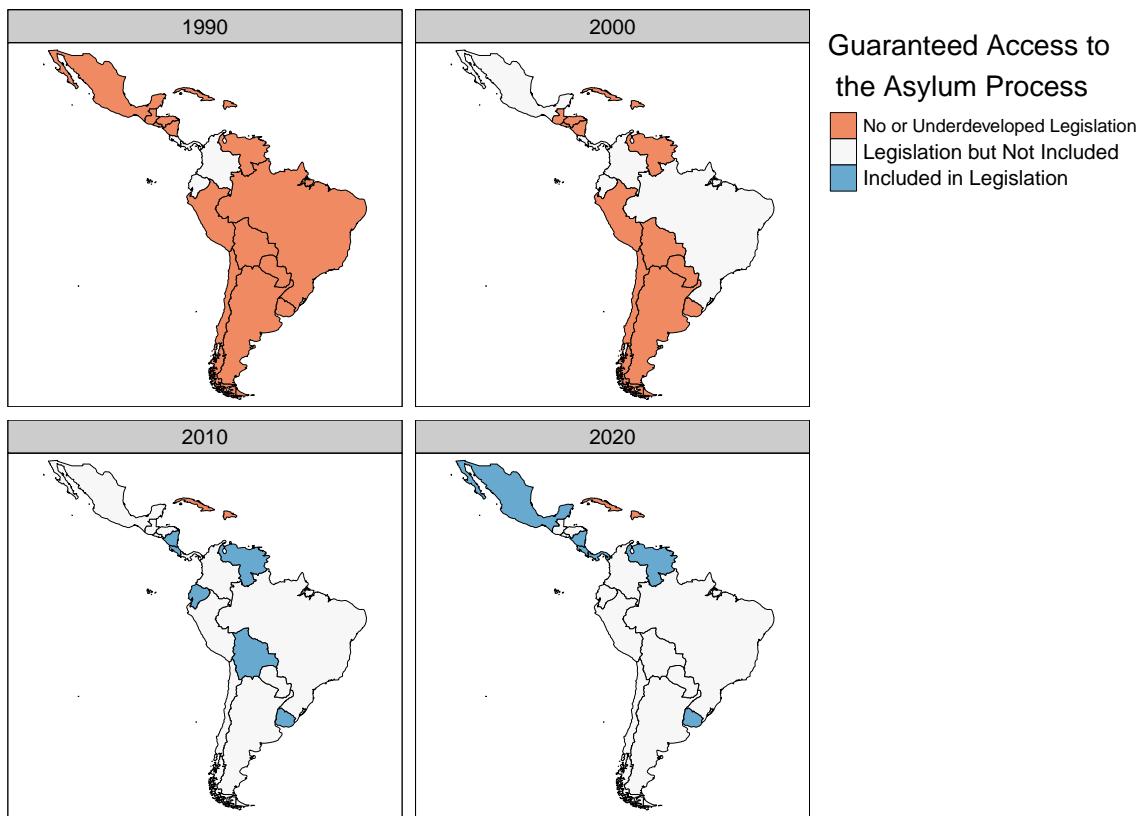


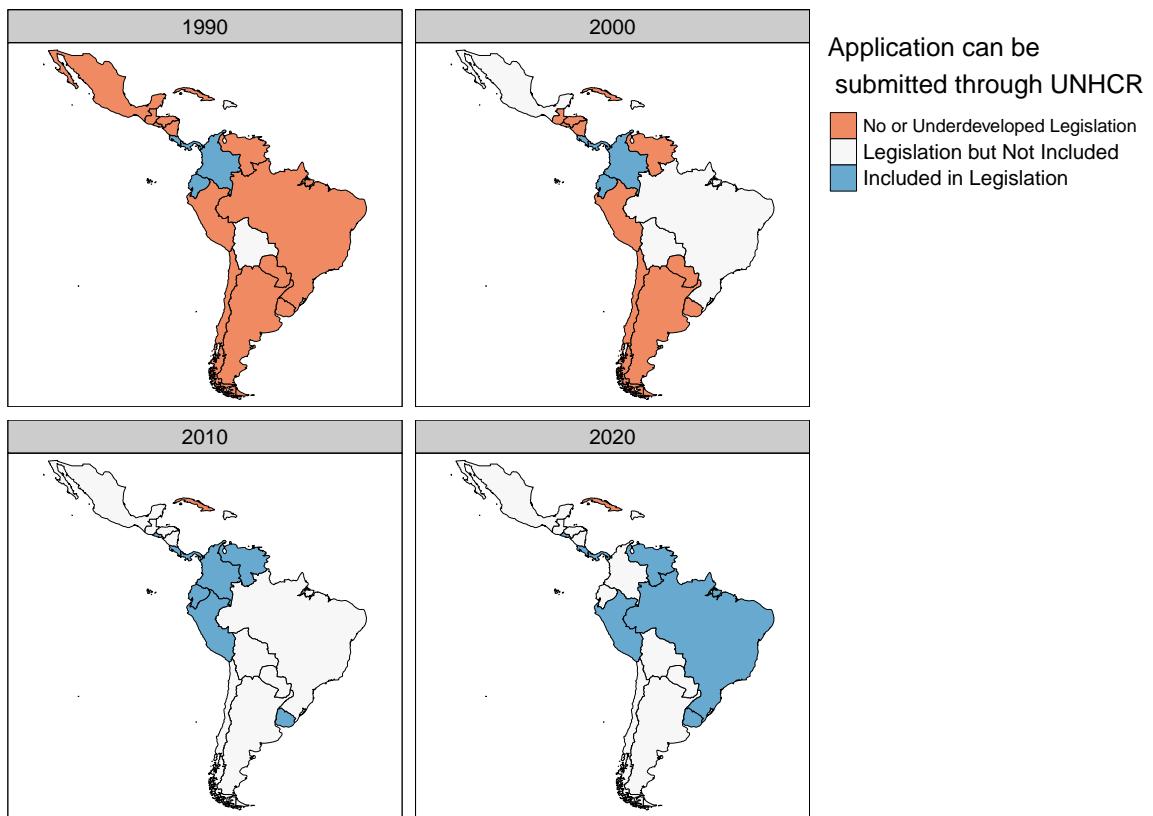


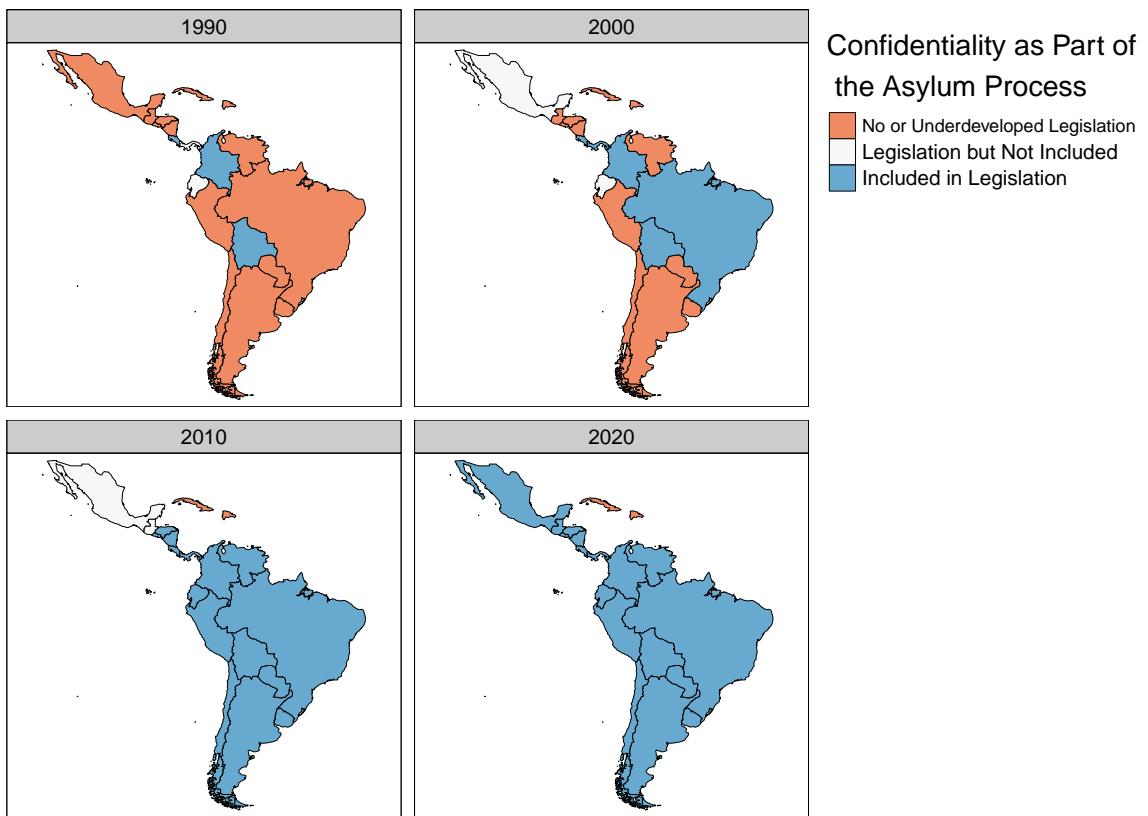


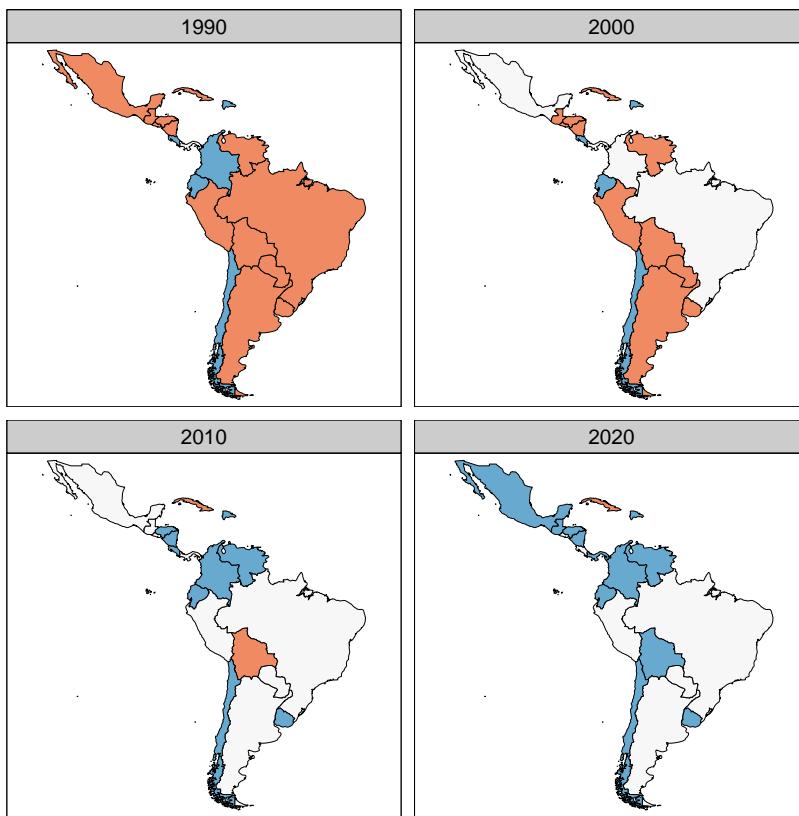






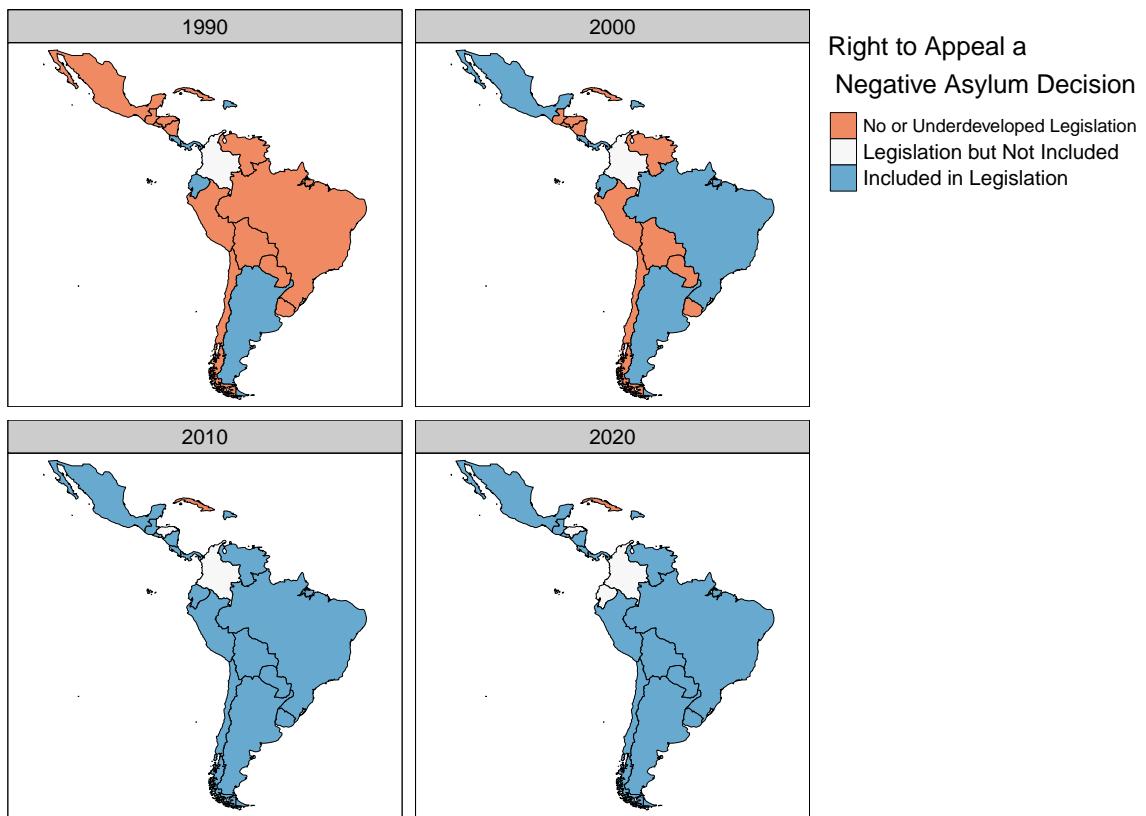


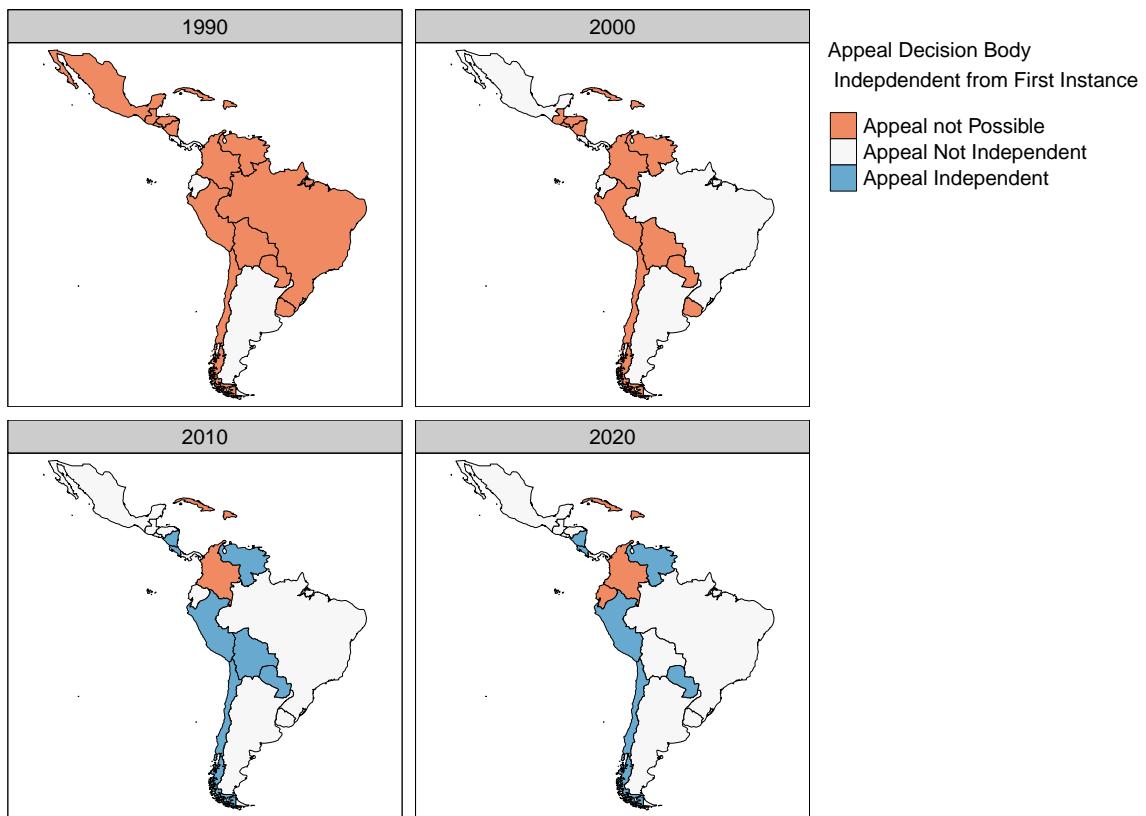


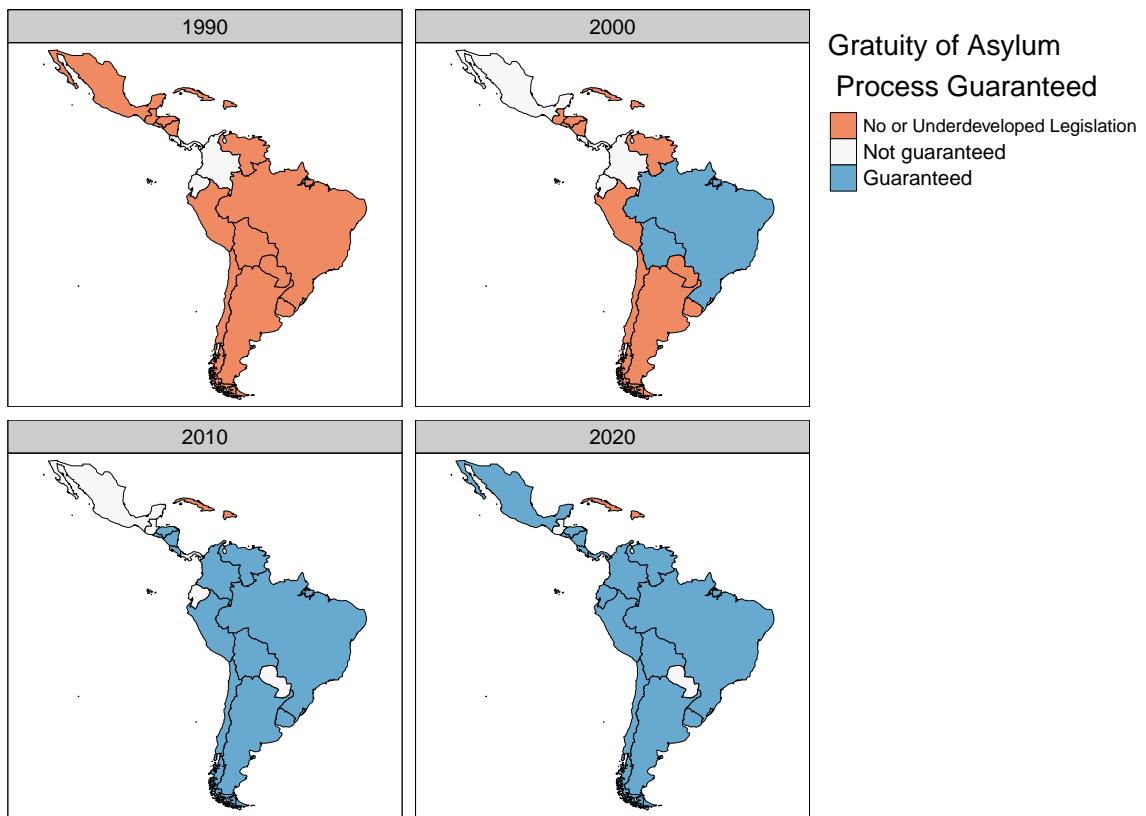


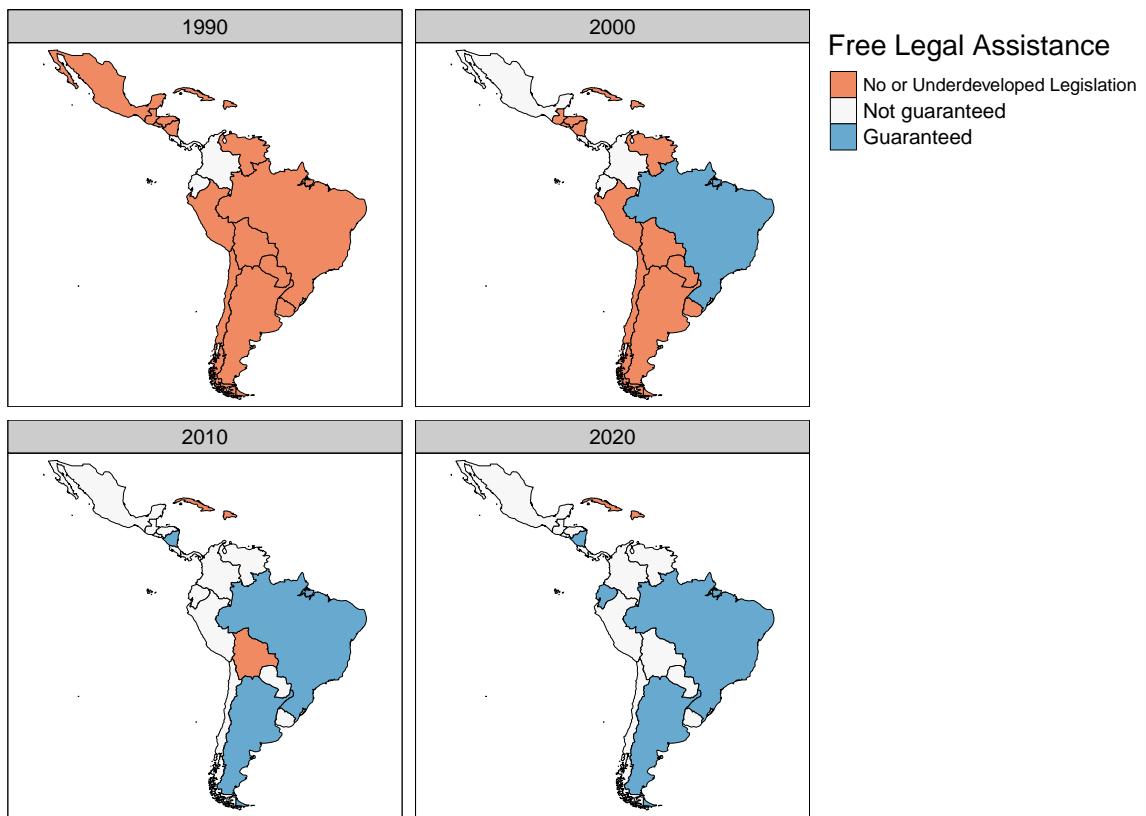
Lack Documentation not an  
Obstacle to the Submission  
of an Asylum Request

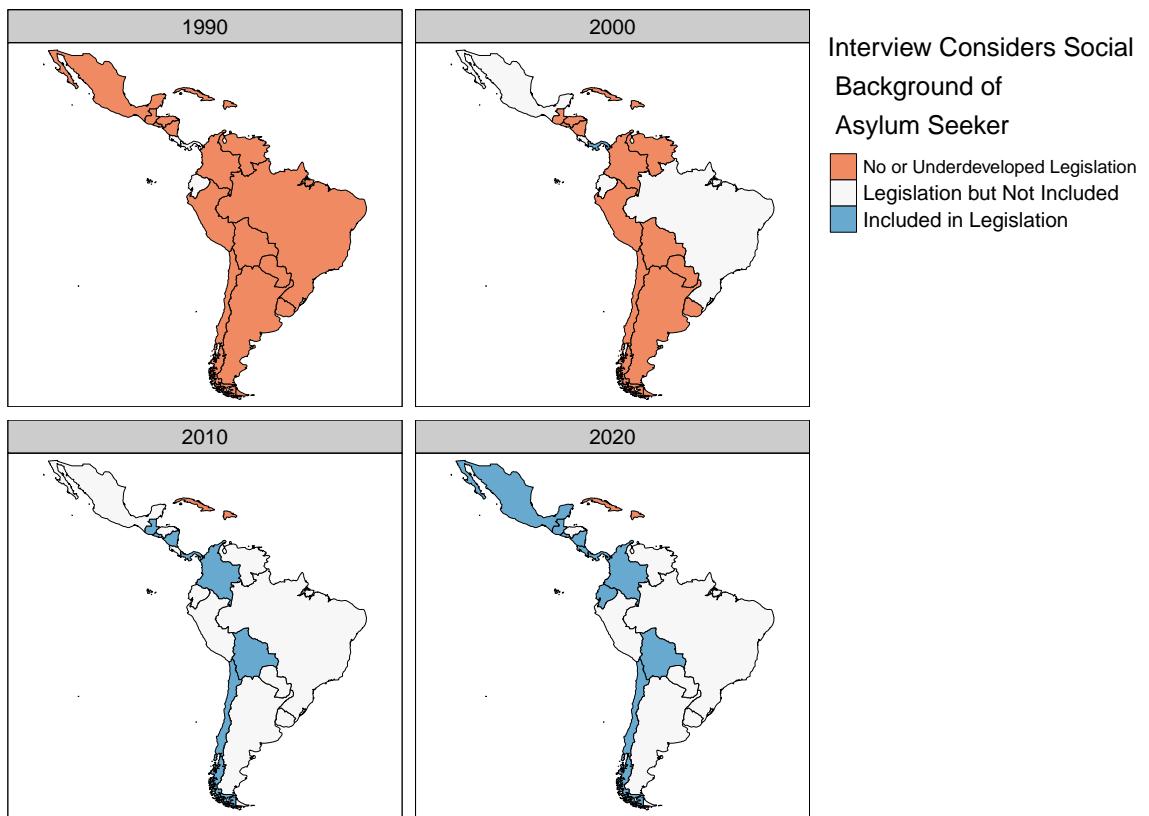
Orange: No or Underdeveloped Legislation  
White: Legislation but Not Included  
Blue: Included in Legislation





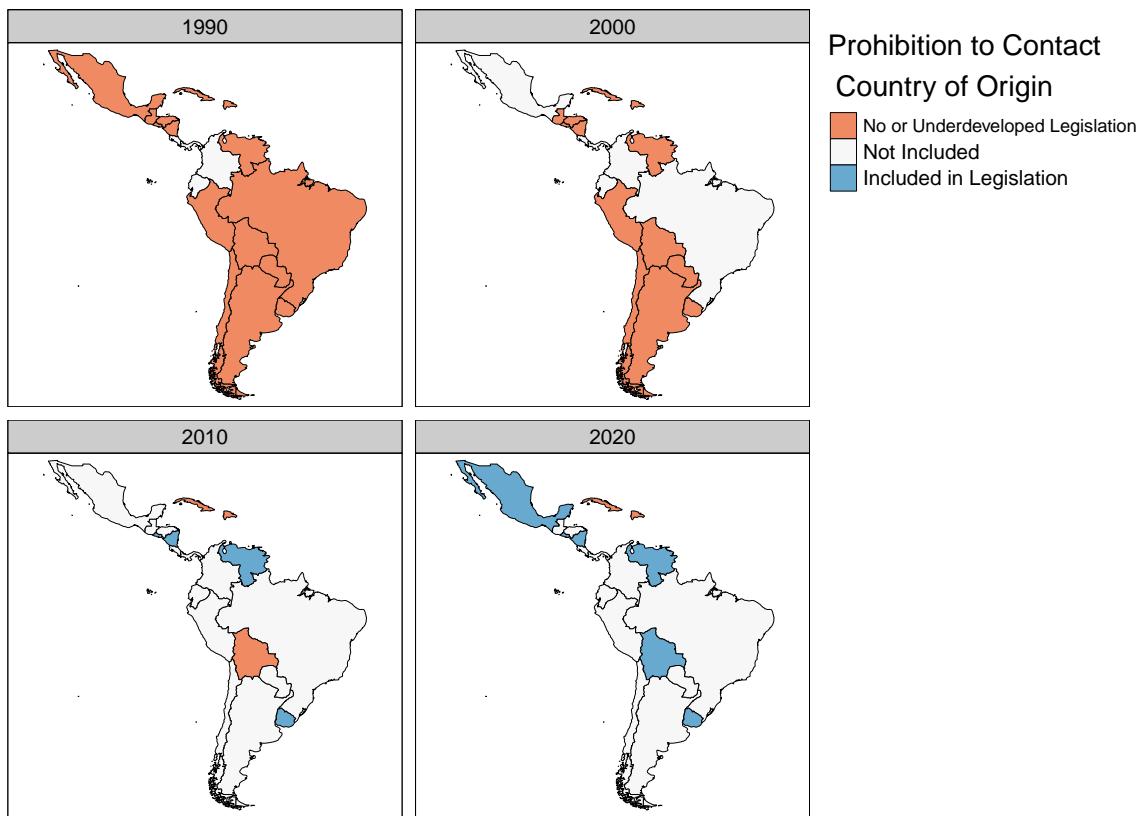


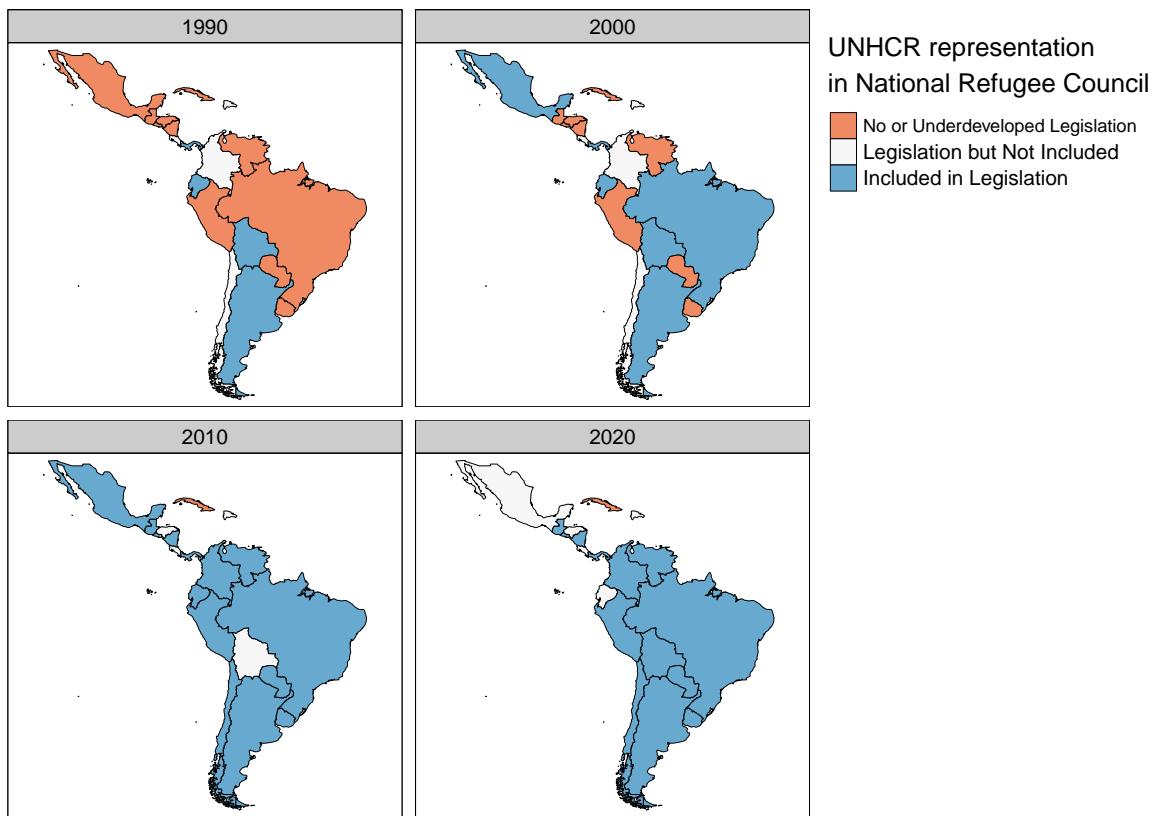


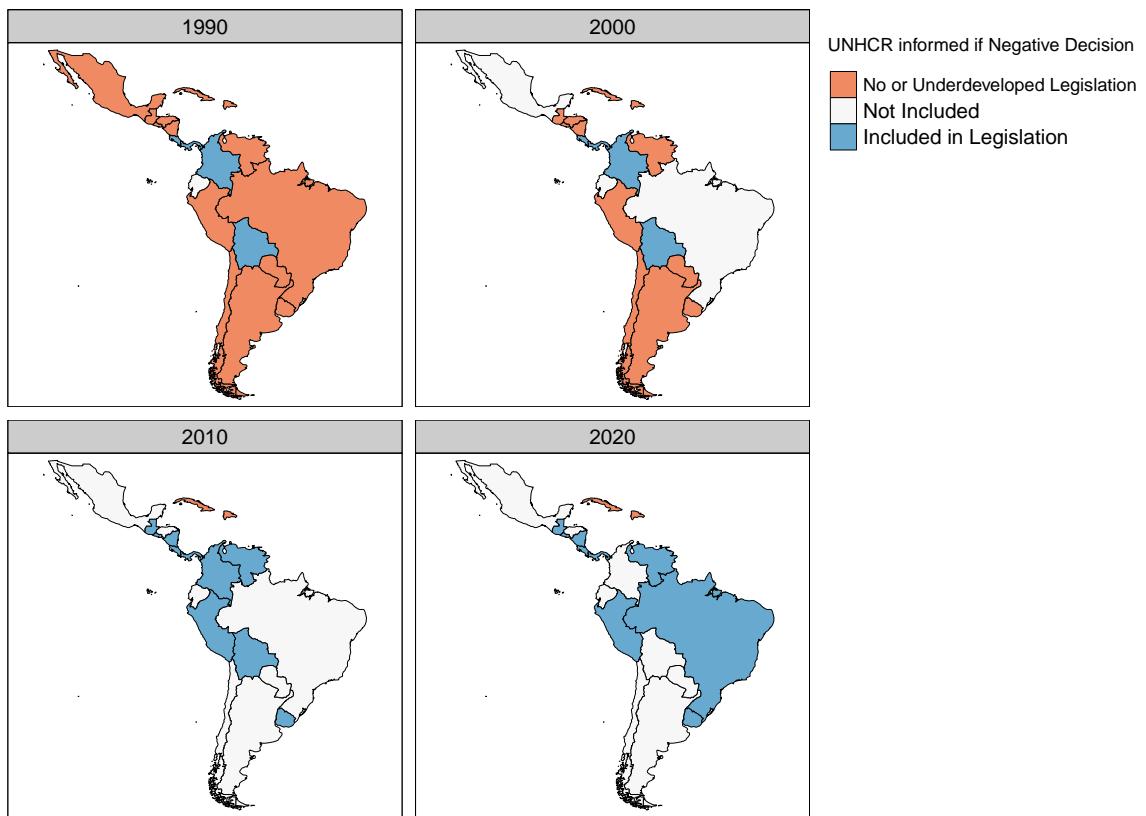


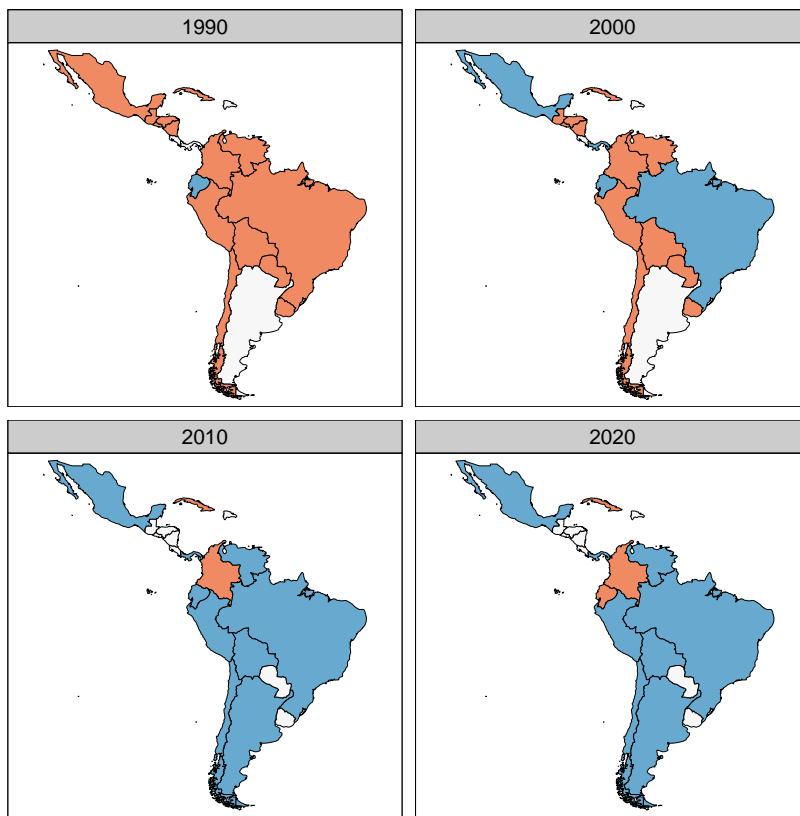
Interview Considers Social  
Background of  
Asylum Seeker

No or Underdeveloped Legislation  
Legislation but Not Included  
Included in Legislation



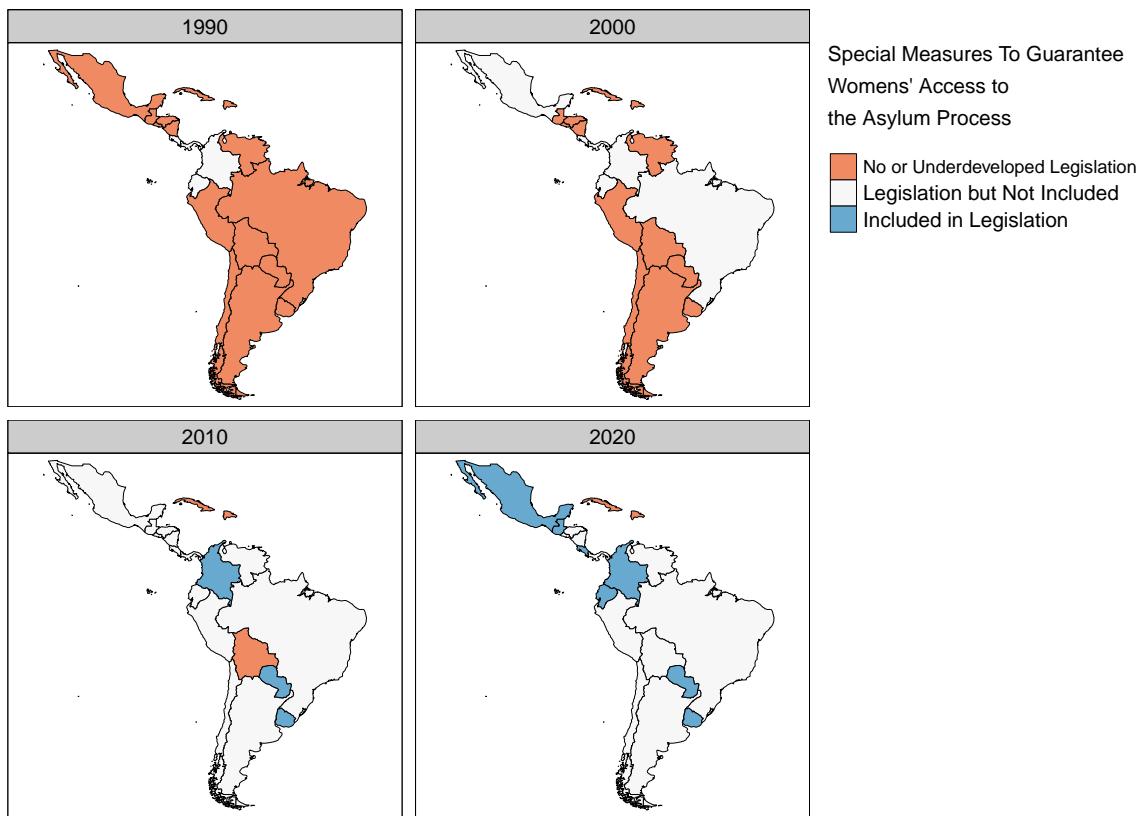


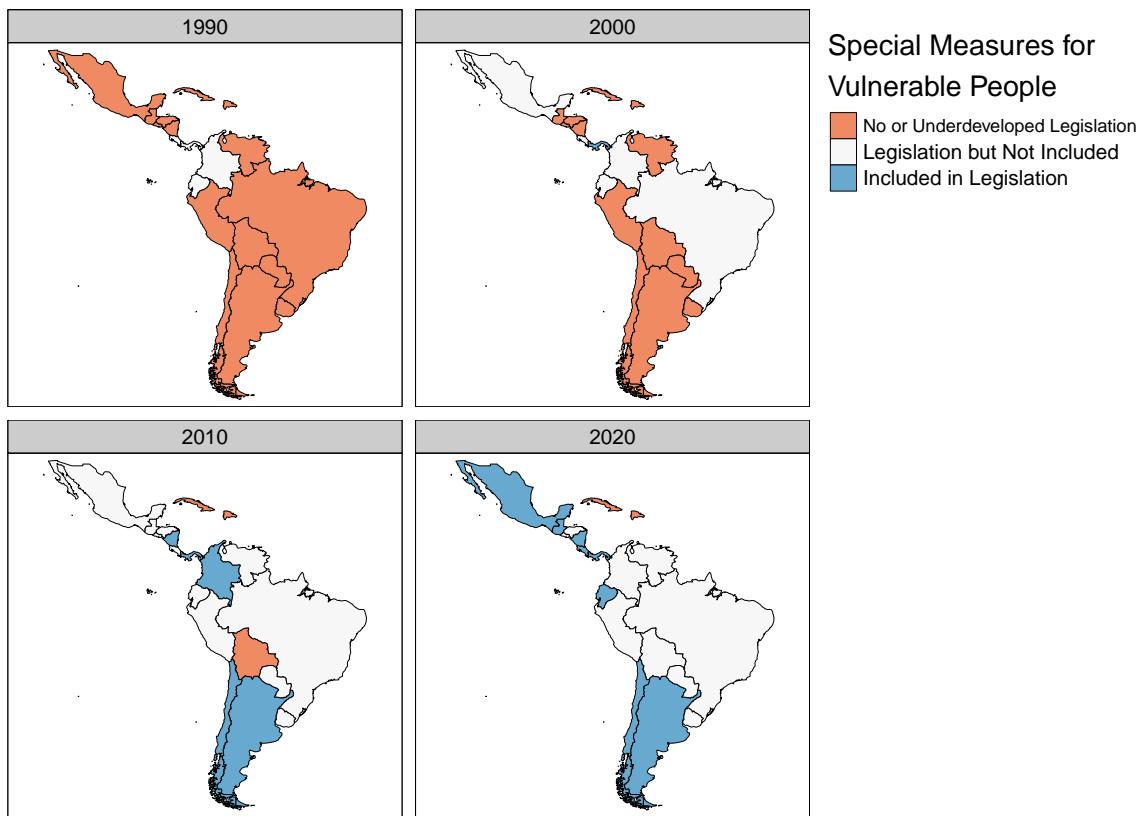


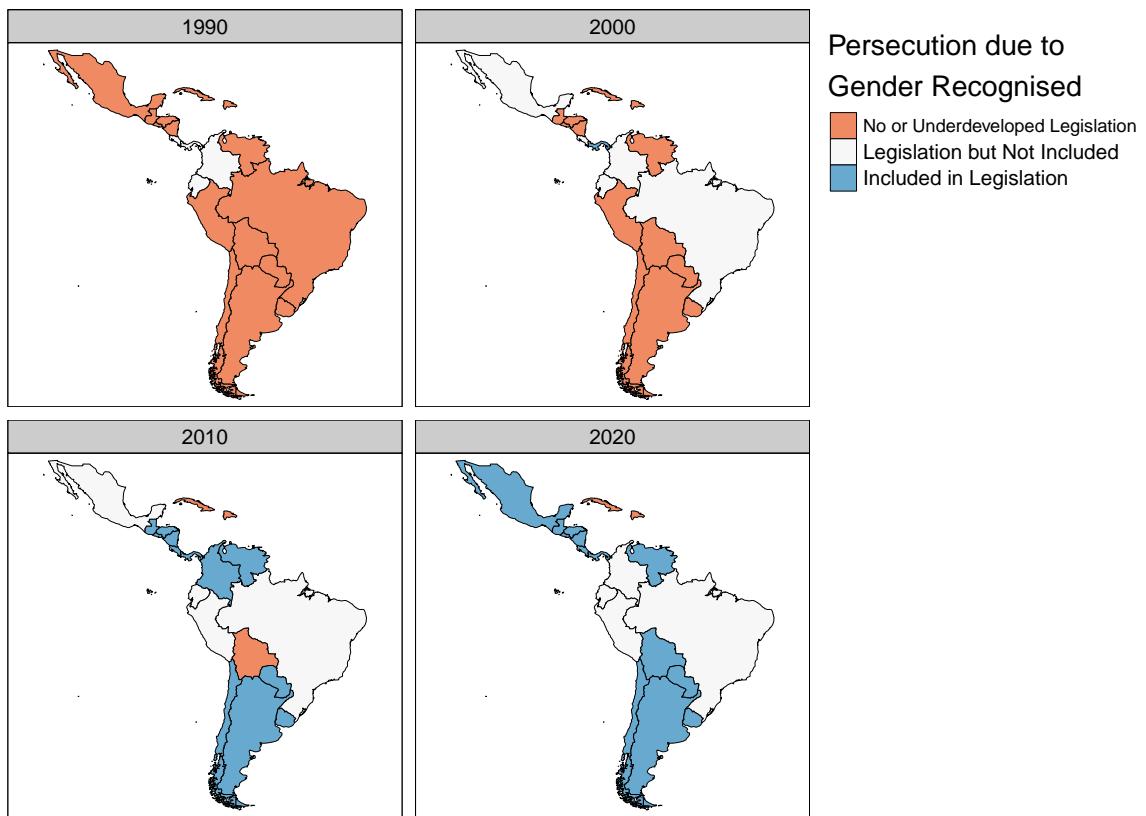


### Reasonable Time to Submit an Appeal

- Appeal not Possible
- Less than 15 Days
- 15 Days or More







# APLA 1990 2020 - The Asylum Policies in Latin America Database

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Start of Block: Default Question Block

Q1 Which country are you coding?

▼ Argentina (1) ... Venezuela (19)

---

Q2 Which year are you coding?

▼ 1990 (68) ... 2020 (98)

---

Q5 Is the country party to the UN Convention relating to Refugees? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

---

Q7 Has the country made any reservations? ('Reservation' are conditions on ratification of the instrument a state can have placed)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q9 Is the country party to the UN Convention Against Torture? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q11 Is the country party to the Optional Protocol to the Convention Against Torture? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q13 Is the country party to the International Covenant on Civil and Political Rights? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q15 Is the country party to the First Optional Protocol to the International Covenant on Civil and Political Rights? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q17 Is the country party to the Convention on the Rights of the Child? ('Party to' means ratified)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q19 Is the country party to the Optional Protocol to the Convention on the Rights of the Child? ('Party to' means ratified. This question relates to the third optional protocol: Optional Protocol to the Convention on the Rights of the Child on a communications Procedures)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q200 Does this track afford protection to persons who may arbitrarily be deprived of their life if returned to their country of origin?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q202 Does this track afford protection to persons who have been displaced as the result of an ongoing armed conflict within a particular country?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q204 Does this track afford protection to persons who have been displaced as the result of a natural/environmental disaster?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q278 Is there any alternative status (subsidiary protection) for persons seeking protection, other than refugee status?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q280 Does the country provide protection to persons who may be subjected to torture if returned to their country of origin?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q133 Are asylum seekers detained in some circumstances while their claims are being processed?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q274 Are asylum seekers informed of their rights during this screening process?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q188 Are asylum claims that are deemed to be weak or unfounded subject to fast track processing?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q170 Are asylum seekers advised about their rights in a language they can understand? [i.e. do they have a right to an interpreter?]

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q172 Are asylum seekers required to submit a written application?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q174 Do applicants have a right to an interview/oral hearing?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q180 Do applicants have a right to legal assistance or representation?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q184 Is there a time limit within which asylum seekers must file an application after entering the country?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q101 Can refugee protection be denied and/or restricted because an applicant has been in contact with authorities or has remained for a certain period (but not settled) in another country in which they could have sought protection?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q103 Can refugee protection be denied to applicants who could avoid persecution by relocating to a different part of their state of origin?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q107 Can refugee protection be denied to applicants who have committed crimes against peace, war crimes or crimes against humanity before entry?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q113 Can refugee protection be denied to applicants who represent a danger to national security?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q109 Can refugee protection be denied to applicants who have committed serious non-political crimes outside the country of refuge (before entry)?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q253 Can refugee protection be denied to applicants who have committed serious non-political crimes within the country of refuge?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q208 Are asylum seekers whose protection claims are rejected given a time limit to leave the country?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q145 Can child asylum seekers be detained?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Rights of Children (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q190 Are special procedures used or accommodations made for unaccompanied or separated children?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/>
Rights of Children (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q194 Is a guardian appointed to assist the unaccompanied or separated child applicants?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/>
Rights of Children (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q320 Is the entrant granted protection with the option of applying for permanent status after a certain period of time?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Internal Rights (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q54 Does the permit allow the entrant to work?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Internal Rights (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q58 Can applications be made at the border/ports of entry?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Exclusion and Cessation (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA1 Does the law explicitly recognize the duties imposed on the State by the 1951 Geneva convention and other related ratified international treaties?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA3 Is the right to asylum included into the Constitution?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA5 Does the law explicitly include the possibility to resettle refugees from third countries?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Legal Framework (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA7 Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom

have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA9 Does the law recognize the right to asylum for people already recognized as refugees in a third country, but whose life, freedom and dignity the host country cannot guarantee?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA11 Are there any special provisions for cases of mass influx of asylum seekers?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA13 Does the law guarantee that asylum seekers will not be penalized for entering the country illegally?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA15 Does the law recognize the declarative character of the refugee condition? (This implies that asylum seekers have the same rights as refugees, as they are refugees waiting to be recognized as such by the host state)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA17 Does the law sanction authorities who fail to pass on to the relevant institution a request for asylum? [That is, does the law mention the duty of public officials to remit a submission for refugee status to the competent authorities?]

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA19 Can the asylum seeker remain in the country where the application has been made until the last instance of her/his situation has been defined?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Reception and Detention (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA23 Does the law recognize the unity of the family as a fundamental right of the refugees?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Internal Rights (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA27 Does the law ease the recognition of academic and professional qualifications earned in the country of origin?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Internal Rights (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA29 Does the identification document provided to the recognized refugee mention her/his status as a refugee?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Internal Rights (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA31 Does the law guarantee the right to access the asylum process?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA33 Can the application for refugee status be submitted through the UNHCR?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA35 Can the application for refugee status be submitted through a legal representative?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA37 Does the law recognize confidentiality as a fundamental part of the refugee application process?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA39 Does the law guarantee that the lack of documentation will not impede the applicant from submitting her/his request for refugee status?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA41 Does the law include a right to appeal and to a fair trial in case of a first negative decision?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA43 Is the institution in charge of reviewing appeals independent from the one of the first instance?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA45 Does the law guarantee the gratuity of the whole refugee application process?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA47 Does the law guarantee free legal assistance to the asylum seeker?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA49 Does the law state that the interview process should take into account the social and cultural background of the applicant?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA51 Does the law prohibit national authorities from contacting the country of nationality, or origin, of the applicant, unless when expressly requested by the latter?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA53 Does the committee in charge of reviewing and granting refugee status include a member of the UNHCR?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA55 Does the committee in charge of reviewing and granting refugee status include a member of the civil society or a representative of the Ombudsman's Office?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA57 In case of a negative decision in the last instance of appeal (if applicable), is UNHCR informed of it before any action is undertaken to remove the applicant?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1) <input type="checkbox"/>	No (2) <input type="checkbox"/>	0 (1) <input type="checkbox"/>	1 (2) <input type="checkbox"/> (1) (1)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA59 In case of rejection in the first instance of the application, is there a reasonable time limit to submit an appeal request? (Reasonable is understood as more than 2 weeks time)

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA61 Are there any special measures in place to guarantee women's access to the asylum procedure?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA63 Are there special provisions in place for vulnerable asylum seekers, or asylum seekers with special needs?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Procedures (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

LA65 Can an individual be recognized as a refugee for persecution based on gender?

	Presence/Absence Value	Openness/Restrictiveness Value	Sources	Comments
	Yes (1)	No (2)	0 (1)	1 (2)
Qualification (1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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## **Chapter 4**

# **Refugee Protection as Signalling: Explaining Latin America's Liberal Asylum Laws**



## Abstract

What drove the countries of an entire region to significantly expand refugee protection in the 21st century? In this paper, we adopt a mixed-methods approach to explain the liberalisation of refugee legislation across Latin America. First, we use data from the new APLA database, on the development of refugee legislation for a 29-year period, to measure increased regulatory complexity, which reflects legislative liberalisation. Building on a series of nested Tobit and linear spatial panel data regressions, we then use this dataset to test conventional and region-specific determinants of policy liberalisation. Third, we draw from the existing literature, process tracing and 125 in depth elite interviews to shed light on the causal mechanisms behind these correlations for the case studies of Argentina and Mexico, thus lending causal validity and nuance to our quantitative findings. While our models do not support some key predictors identified by the literature, such as immigrant and emigrant stocks, and democratisation, we find evidence on the importance of leftist government ideology and regional integration. Nevertheless, the qualitative evidence presented suggests that the numbers of refugees and emigrants, as well as democratisation, matter, at least indirectly, in certain countries. Overall, we suggest that the liberalisation process in the region was mostly symbolic. The paper makes an important contribution towards understanding the determinants of refugee policies outside Northern receiving states.

## 4.1 Introduction

A substantial amount of research has sought to explain the determinants of refugee policies (Betts 2011; Boucher and Gest 2018; Haas and Natter 2015; Haas, Natter, and Vezzoli 2015; Jacobsen 1996; Lahav 1997; Loescher 2001; Meyers 2000; Rutinwa 2002), and the variations in the implementation of migration and refugee laws across countries (Hochman and Hercowitz-Amir 2017; Poutrus 2014; Sager and Thomann 2017; Schmälter 2018; Thielemann 2006, 2012, 2018). However, although around 86 percent of the total refugee population currently lives in the Global South, most of this research has focused on countries belonging to the Organisation for Economic Co-operation and Development (OECD), or 'Northern' receiving states (Freier and Holloway 2019; Helbling and Kalkum 2018; Helbling and Leblang 2019; Mayda 2010; Ortega and Peri 2009; UNHCR 2020).<sup>1</sup>

Although the 'downward spiral' in refugee law remains contested for the European Union (EU) (Kaunert and Léonard 2012; Thielemann and El-Enany 2009), scholars generally agree that since the early 1990s, governments of Northern receiving countries increasingly limited the access to protection and rights of asylum seekers and refugees (Castles, Haas, and Miller 2014; Gibney 2004; Steiner, Loescher, and Gibney 2003; Thielemann and Hobolth 2016). Further, myriad policy measures, even within the EU, such as safe third country provisions, dispersal and voucher schemes, were implemented to signal harshness in the treatment of incoming asylum seekers, seeking to deter their arrival (Fitzgerald 2020; Thielemann 2004).

The sparse studies of refugee policies in the southern hemisphere have focused on Africa and describe a parallel restrictive trend (Rutinwa 2002), which led Betts, Loescher, and Milner (2013) to conclude that also countries in the Global South, which continues to host the vast majority of the world's refugees, are beginning to place limits on the quantity and quality

<sup>1</sup>Bakewell (2009) points out that the South-North terminology does not fully correspond to historic and geographic realities and poses the normative risk of naturalising a development divide between the two hemispheres. Nevertheless, it provides a heuristically useful conceptualisation.

of asylum they offer.<sup>2</sup> This generalising assumption overlooks an intriguingly different development in Latin America. Legislative developments, especially in South America, do not mirror the trend of constricting access to asylum, but rather display policy liberalisation since the 1950s, culminating in the passing of exceptionally expansive refugee laws in the 21st century (Freier and Gauci 2020; Hammoud-Gallego 2021).

Despite this, Latin America remains a particularly understudied region, most likely due to it hosting low refugee numbers up until the onset of the Venezuelan displacement crisis in 2015 (Acosta, Blouin, and Freier 2019; Selee et al. 2019; Selee and Bolter 2020). Although the literature on immigration and refugee policies in Latin America has grown substantially, with an emerging focus on the reception of Venezuelan forced migrants (Freier and Parent 2019; Palotti et al. 2020; Selee et al. 2019), so far, few studies have analysed patterns of policy adoption, and the determinants of refugee policies in Latin America.<sup>3</sup> It is important to understand the determinants of refugee laws and policies in Southern regions, as they likely differ from Northern contexts. For instance, many countries in the Global South are net emigration countries, while at the same time hosting large refugee populations (UNHCR 2020).

Latin America ought to be of special interest to scholars of refugee policies for three reasons. First, at least *de jure*, Latin America has a long tradition of spearheading global efforts in the protection of refugees, which dates back to the 1889 Montevideo Treaty on International Penal Law (Harley 2014). While the original regional focus was on political, or diplomatic, asylum, the Cartagena refugee definition of 1984 – passed in the context of the contemporary Central American refugee crisis – positioned Latin America at the spearhead of progressive refugee protection (Arboleda 1995; De Andrade 2019; Freier and Gauci 2020; Hammoud-Gallego 2021; Reed-Hurtado 2017). Second, over the last three

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<sup>2</sup>However, new research by Blair, Grossman, and Weinstein (2020) disputes such findings.

<sup>3</sup>For a recent review of the literature, see Fernandez-Rodriguez, Freier, and Hammoud-Gallego (2020)

decades, the vast majority of countries in the region have developed increasingly complex, and 'liberal,' refugee policies, which includes the incorporation of the Cartagena refugee definition into national legislation (Freier and Gauci 2020; Hammoud-Gallego 2021). Third, a better understanding of the emergence of Latin American progressive refugee frameworks is important from an empirical perspective, in the context of current displacement crises, such as the exodus of hundreds of thousands Central Americans due to poverty and generalised violence, the mass displacement of around eight million Colombians – both internally and towards neighbouring countries – since the late 1990s, and the recent displacement of over 5.5 million Venezuelans due to their country's economic, political, and humanitarian crises (Selee et al. 2019; Selee and Bolter 2020; UNHCR 2021).

In this paper, we test and build political refugee theory based on evidence from the Asylum Policies in Latin America (APLA) Database, which shows how increased regulatory complexity reflects liberalisation in the refugee policies of Latin American countries over the last 31 years (Hammoud-Gallego 2021). First, we test both conventional and region-specific determinants of both immigration and refugee policies, as identified by the literature, through a series of nested Tobit and linear spatial panel data regressions. In the second part of the paper, we draw from process-tracing and elite interviews to nuance and shed light on the causal mechanisms behind these correlations in Argentina and Mexico. This mixed methods strategy allows us to maximise the benefits of both quantitative and qualitative approaches. Through the quantitative analysis we can robustly investigate the determinants of increased regulatory complexity across a large variety of cases. In addition, the qualitative section allows us to describe some of the causal mechanisms behind, and lend nuance to our empirical results (Gerring 2004; Lieberman 2005; Rohlfing 2008). An analysis of policy implementation is beyond the scope of this paper.

Our findings suggest that some of the key predictors identified by the literature, such as immigrant and refugee stocks, as well as democratisation and emigration, are not sufficient to explain the liberalisation of Latin American refugee policies, whereas government ideology and regional economic integration are strong predictors of policy change across the region.<sup>4</sup> However, our qualitative analysis strongly suggests that low refugee numbers mattered. We further throw light on the indirect impact of democratisation and emigrant stocks, or diaspora politics, through the passing of new immigration laws, which were key to refugee reforms. Overall, we suggest that legislative refugee liberalisation was mostly symbolic, i.e., that policy makers adopted such policies as ‘low cost’ signalling devices, rather than with the intention of policy implementation. Our study contributes towards expanding our understanding of the relationship between migration and refugee policies, and the determinants of refugee policies outside of Northern receiving countries, thus offering an important theoretical and geographical corrective to the refugee law and policy literature.

Regarding the paper’s structure, we first review the literature on the determinants of refugee policies developed both outside and within the Latin American context. Subsequently, we explain our methodology, justify the choice of models and data, and then build a series of nested Tobit and linear spatial panel data regressions to test the determinants of policy liberalisation. After presenting our quantitative results, we build on qualitative data to lead an in-depth discussion of the causal mechanisms behind this liberalisation focusing on two of the Latin American countries with the most progressive refugee protection frameworks: Argentina and Mexico. We conclude by summarising our findings, our theoretical and empirical contributions as well as pointing out avenues for further research.

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<sup>4</sup>The quality of data on migrants and refugees – especially in the Global South – is often based on general – if not politicised – estimations (UNHCR 2019a; UNICEF 2020), which negatively effects the reliability of our quantitative results.

## 4.2 Theoretical Framework

When seeking to explain the determinants of migration policies, scholars mostly reference either domestic or international factors (Boucher and Gest 2018; Cook-Martín and FitzGerald 2010; Hollifield 1992; Meyers 2000, 2002, 2004). Regarding the former, increasing numbers of migrant, as well as shifts in public opinion and security concerns, have often been mentioned as some of the main drivers of changes in migration policies (Adamson 2006; Boswell and Hough 2008; Geddes 2008; Haas et al. 2019; Haas and Natter 2015; Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018; Huysmans 2002; Ruhs 2015, 2018; Ruhs and Martin 2008). Other studies have focused on the role of government ideology – and specifically on left-wing governments' more generous stance towards migrants and refugees – with somewhat contrasting findings (Abou-Chadi 2016; Haas and Natter 2015; Haas, Natter, and Vezzoli 2016; Lahav 1997; Natter, Czaika, and Haas 2020). Meyers instead (2000, 2002, 2004) offers a more holistic approach by theorising that migration policies depend on the interaction between (1) socioeconomic factors, and (2) the type of immigration, while scholarship on international factors has focused on the role of regional integration, especially within the context of the European Union (Baldwin-Edwards 1997; Boeri and Brücker 2005; Geddes and Hadj-Abdou 2018; Thielemann 2012).

Concerning refugee policies more specifically, the domestic factors identified as determinants for policy change include democratisation, economic liberalisation, bureaucratic politics, shifts in public opinion, national security considerations, as well as the local community's absorption capacity (Cornelius et al. 2004; Jacobsen 1996; Milner 2009; Preston 1992). In terms of international factors, the literature has instead focused on foreign policy considerations (Basok 1990; Betts 2011; Loescher 2001; Rosenblum and Salehyan 2004; Salehyan and Rosenblum 2008) and the role of supranational institutions, especially the European Union and the United Nations High Commissioner for Refugees (UNHCR) (Lavenex

2016; Thielemann 2004; Thielemann and El-Enany 2009; Thielemann and Hobolth 2016). To summarise, in countries of the Global North, scholars have mainly sought to explain restrictive shifts in refugee law and policy with security and socio-economic concerns and discourses, which in turn fuelled the rise of right-wing populist parties (Boswell 2007; Haas, Natter, and Vezzoli 2016; Helbling and Kalkum 2018).

Regarding Latin America more specifically, until recently, studies have focused on legislative and policy liberalisation, also discriminating between domestic and international factors (Acosta and Freier 2015b; Acosta and Geddes 2014; Caicedo 2019; Cantor and Mora 2015; Ceriani 2004, 2011; Gauci, Giuffre, and Tsourdi 2015; Martinez and Stang 2006). Domestically, low immigration numbers, high emigration, and populist politics of the so-called Pink Tide – a period in which left-leaning governments won presidential elections across the region (Ludlam and Lievesley 2009; Panizza and Miorelli 2009; Philip and Francisco 2010) – have been considered as the main domestic drivers of immigration policy change (Acosta 2018; Acosta and Freier 2015b; Brumat and Torres 2015; Cantor, Freier, and Gauci 2015; Ceriani and Morales 2011; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; González-Murphy and Koslowski 2011; Nicolao 2010). Here, a novel theoretical aspect is the role of large diasporas, and how their engagement with politics back home has made the discussion on migrants' rights attractive in domestic political debates (Acosta and Freier 2015a; Margheritis 2010, 2011, 2012; Paarlberg 2017). Internationally, authors have pointed to the importance of regional integration for the liberalisation of migration policies across the region, especially the approval of the Southern Common Market (MERCOSUR) Residence Agreement of 2002, which allowed most citizens across South America to easily move to work and study within the region (Acosta 2018; Braz 2018; Ceriani and Freier 2015; Ceriani and Morales 2011; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Gardini 2010, 2012; Gardini and Labert 2011; Novick 2008, 2013), as well as normative

counter-positioning against the immigration policies of Northern countries (Acosta and Freier 2015b).

With a view to refugee policies, studies on the domestic determinants of policy changes in Latin America have stressed the low refugee numbers and the importance of the re-democratisation context, in which many countries sought to distance themselves from their authoritarian pasts by pursuing human rights-based policies (Acosta and Freier 2015b; Braz 2018; Cantor, Freier, and Gauci 2015; Freier and Holloway 2019; Reed-Hurtado 2017; UNHCR 2020). Concerning the international determinants of such policy changes, given the absence of a regional supranational institution capable of imposing refugee policies across countries, the pro-active role of the UNHCR has been identified as essential in setting regional standards to which most of the countries sought to adhere (Lavenex 2016; Loescher 2001; Turk, Edwards, and Wouters 2017). We summarise the factors identified by the literature in Table 4.1.

Table 4.1 Determinants of Asylum and Migration Policies as identified by the literature

	General Literature	Latin America Specific
<i>Determinants of Migration Policies</i>		
<b>Economic Liberalisation</b>	x	x
<b>Emigration Numbers</b>		x
<b>Government Ideology</b>	x	x
<b>Immigrant Numbers</b>	x	x
National Security Concerns	x	
Public Opinion	x	
<b>Regional Integration</b>	x	x
<i>Determinants of Asylum Policies</i>		
<b>Democratisation</b>	x	x
<b>Economic Growth</b>	x	
Engagement of UNHCR and other Institutions	x	x
Foreign Policy Concerns	x	x
National Security Concerns	x	
Public Opinion	x	
<b>Refugee Numbers</b>		x

Although the literature tends to distinguish between immigration and refugee policy determinants, in practice, immigration and refugee policy cycles often overlap and policy determinants for both policy types need to be evaluated in tandem. Thus, in our empirical models, we will consider the determinants identified for both migration and refugee policies. Additionally, the literature on ‘status seeking’ by emerging economies might as well apply to the context of refugee policy. Such literature, assumes that the wealthier countries become, the more resources they can afford to invest in ‘status signalling’ policies that range from the adoption of nuclear energy to the passing of laws for the protection of refugees, thus increasing the international reputation of the country concerned (Carvalho and Neumann 2014; Pu 2017; Renshon 2017; Wolf 2011).

Given the insights provided by the literature discussed above, we can hypothesise that several complementary factors explain the phenomena of increased regulatory complexity and consequent liberalisation in Latin American refugee policies. We formulate three broad hypotheses based on expectations from the literature: first, increasingly more democratic and left-wing governments are more likely to pass liberal refugee policies. Second, economic liberalisation and increased regional integration allow governments to expand refugees’ rights. Third and final, countries with low immigrant and refugee numbers can more easily pass liberal refugee policies. By addressing these three main hypotheses, we contribute to existing literature in two ways: first, by estimating the effects of factors identified in the general literature within the Global South, and second, to test the relevance of region-specific factors as hypothesised by recent literature on migration and refugee law and policy in Latin America.

## 4.3 Quantitative Analysis

### 4.3.1 Methods

We build two series of empirical models to explain the increase in refugee policy liberalisation in Latin America over the last three decades: we first estimate a series of Tobit regressions, and then complement our analysis by developing linear spatial panel data model that considers the interdependence in policy change among the various countries in the region. We use Hammoud-Gallego's (2021) regulatory complexity as a dependent variable, which aggregates the policy indicators included in the legislation of each country-year out of 57 indicators related to national legislation included in the APLA Database. For the period analysed (1990-2018) regulatory complexity and liberalisation overlap.

In our models, we study the influence of the political factors such democratisation and government ideology, and further include economic indicators such as trade as a percentage of GDP as well as changes in GDP per capita. We hold that trade is a good indicator of both regional integration and economic liberalisation in the case of Latin America for two main reasons: first, within the period under consideration, several initiatives were undertaken to further economic development and foster intraregional trade, such as the creation of the Southern Common Market (MERCOSUR) in 1991 and the Andean Community in 1996. This was a period marked by the region's increased participation in the global economy, the adoption of a more neoliberal economic model – known as the Washington Consensus – paired with deepening intraregional trade (ECLAC 2020, 77; Panizza 2009). Second, we use actual change in trade as it reflects a *de facto* economic liberalisation and not just mere *de jure* one. Additionally, we also study the effect of immigrant and refugee stocks on changes to refugee policies. If our theoretical expectations are correct, we should find a negative or non-significant correlation between the number of migrants and refugees and the process of

policy liberalisation. This result would likely suggest that the process of increased regulatory complexity should be understood as symbolic adoption with little intentions of using such legislation in practice, as suggested by the literature on status signalling. Finally, we include diaspora size, based on the numbers of Latin American nationals (disaggregated per country) living in the United States and Spain (combined) as a percentage of the total population of the country of origin for each of the years considered in the models.<sup>5</sup> Given the lack of an ad-hoc indicator, we choose these two countries, as they have historically been the most important destination countries for Latin American migrants (Hierro 2016; Margheritis 2016; Weeks 2010). We do not study the effect of public opinion on migrants, as no data is available for all the country-years under consideration. We also exclude national security concern in regard to migration from our models, as no clear factor to operationalise it exists. Finally, we investigate UNHCR engagement and foreign policy concerns in the qualitative section.

We therefore estimate the following two general model series to research the determinants of increased regulatory complexity: (1) a Tobit regression with standard errors clustered at the country level; and (2) a spatial panel data model, both with country and years fixed effects:

#### 1: Tobit General Regression Model

$$Y_{i,t} = x_{i,t}\beta + \alpha_i + \xi_t + \sigma v_{i,t}$$

Where  $Y_{i,t}$  is the latent outcome variable Regulatory Complexity,  $x_{i,t}\beta$  is a vector of explanatory variables,  $\alpha_i$  and  $\xi_t$  respectively the country and year fixed effects, and  $v_{i,t}$  is a random,

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<sup>5</sup>The formula to produce a measure of emigration is  $MigSpainUS_{i,t} = (Pop_{i,t}US + Pop_{i,t}Spain/PopOrigin_{i,t}) \times 100$ . Where  $Pop_{i,t}US$  is the population of country  $i$  at time  $t$  in the United States, and  $Pop_{i,t}Spain$  is the population of country  $i$  at time  $t$  in Spain, and  $PopOrigin_{i,t}$  is the total population of country  $i$  at time  $t$  in the country of origin. The result multiplied by 100 gives a credible estimate of emigrants as a share of the total population of the country of origin.

standard normal disturbance term while  $\sigma$  is the standard deviation of the disturbance term, with subscripts  $i = 1, \dots, 19$ ;  $t = 1990, \dots, 2018$ .

Our lineal autoregressive model (SAR) is similarly specified as follows:

## 2: Linear Spatial Panel Data Model

$$Y_{i,t} = \rho W Y_{i,t} + x_{i,t} \beta + \alpha_i + \xi_t + v_{i,t}$$

Where the  $nx1$  column vector of the dependent variable is  $Y_{i,t}$  and the  $nxk$  matrix of the regressors are  $x_{i,t}$ . In our spatial model,  $\rho$  is the spatial dependence coefficient associated with the spatial lag of regulatory complexity,  $W$  refers to the  $ixi$  matrix which defines the spatial arrangements of country-units  $i$ , known as spatial weights (with  $w_{ii} = 0$ ), calculated using their Euclidean distance according to the geographical coordinates of each country's capital, and  $v_{i,t}$  is the error term (Belotti, Hughes, and Mortari 2017).

Before discussing our results, we justify our choice of empirical models. First, we apply panel data models to account for the non-independence between our observations within a country over time. As our dependent variable is naturally left censored at zero, as the dataset includes years in which no legislation on refugee protection was present, we use a series of Tobit models. We confirm the results of our findings by fitting Poisson, Quasipoisson as well as OLS regressions (in the appendix). On top of these, we also fit a linear spatial panel data model to account for the non-independence between our observed units (countries) given their geographical proximity (Ward and Gleditsch 2008). Tables 4.2 and 4.3 show the results of our Tobit models.

### 4.3.2 Data

In both models, our dependent variable of regulatory complexity comes from the APLA Database (Hammoud-Gallego 2021). As discussed in Hammoud-Gallego (2021), we understand increased regulatory complexity as the process by which countries adopt denser, more detailed, and sophisticated policies over time, and liberalisation as the increase of right-enhancing policy measures that favour refugees. It is indispensable to precise that these two processes do often – though not always – overlap. However, they do overlap for the period under study (Hammoud-Gallego 2021; Zaun 2016, 2017). In Latin America, more specifically, increased regulatory complexity in most cases reflects the creation of new legal frameworks for the protection of refugees not previously in place, as discussed in Hammoud-Gallego (2021) (Cantor, Freier, and Gauci 2015; Ceriani and Freier 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Freier and Gauci 2020; Selee et al. 2019). We do not use Hammoud-Gallego's (2021) liberalisation variable as it uses an arbitrary threshold that would bias the results.

We control for the level of democracy using the polyarchy value provided on the Varieties in Democracy (V-Dem) database (Coppedge et al. 2011; 2019). The advantage of using this indicator, over other measures of democracy, is its use of a continuous variable to measure democracy, thus allowing us to distinguish between different levels in the quality of a country's democratic institutions. It also provides a more sophisticated measure of democracy, than the more commonly used Polity IV database (Lindberg Staffan et al. 2014; Treier and Jackman 2008). In order to control for party ideology of the executive, we use the Database of Political Institutions (Cruz, Keefer, and Scartascini 2018), which is also used by de Haas and Natter (2015) to test the influence of party ideology on migration policy using their Determinants of International Migration (DEMIG) database. We code as 1 for left-wing government ideology and 0 for otherwise (centre or right). To construct our dependent

variable on emigration rates, we use data from United Nations Department of Economic and Social Affairs (UN DESA).<sup>6</sup> World Bank data is used for the international migration stock, GDP per capita, and trade as a percentage of GDP.<sup>7</sup> Lastly, we use UNHCR data for refugee numbers.<sup>8</sup> Overall, our database is balanced, and the analysis of the structure of the data is available in the appendix.

### 4.3.3 Results

In Tables 4.2 and 4.3, we run different specifications of our models to study the possible correlation between different categories of explanatory factors and our dependent variable. In model 1, we consider the possible effect of political factors only; in model 2, economic ones; while in models 3 and 4, we study the effect of migrant and refugee numbers on regulatory complexity. We run these last two models separately to avoid possible collinearity. Finally, in model 5, we include all our controls plus emigration. The Tobit models are left-censored at zero, to account for the lack of legislation in many countries until the early 2000s, with standard errors clustered at the country level.

The Tobit model 5 shows how having a left-wing government correlates with a 16.70 percentage point increase in regulatory complexity, holding all other variables constant. Similarly, a one percentage point increase in trade as a % of GDP correlates with a 0.31 percentage point increase in regulatory complexity, again holding all else constant. Results from Table 3, where we lag our dependent variable by one and three years, further confirm

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<sup>6</sup>Data from the UN DESA is available at: <https://www.un.org/en/development/desa/population/migration/data/index.asp> (Accessed August 12th, 2021).

<sup>7</sup>Data from the World Bank on the International Migration Stock across various countries is available at: <https://data.worldbank.org/indicator/SM.POP.TOTL.ZS> (Accessed on August 19th, 2019). They reported data every five years. We repeated the number for a specific year for the following four so as not to eliminate observations from the models.

<sup>8</sup>Data from the UNHCR data on recognised refugees and people in refugee-like situation is available at: <http://popstats.unhcr.org/en/overview>. (Accessed October 15th, 2019).

Table 4.2 Tobit Models

<i>Dependent variable: Regulatory Complexity</i>					
	(1)	(2)	(3)	(4)	(5)
VDEM Polyarchy	−7.36 (7.25)				−3.43 (7.41)
Left-Wing Gov	18.33*** (2.13)				16.70*** (2.13)
Change in GDP per capita		−0.14 (0.26)			−0.08 (0.22)
Trade as perc. of GDP		0.38*** (0.05)			0.31*** (0.05)
International Migration Stock			−0.97 (0.76)		−0.77 (0.90)
Refugees as perc. of pop.				0.89 (0.92)	1.79 (1.15)
Emigrants in US and Spain					−0.59 (0.52)
<i>Fixed-effects</i>					
Country	Yes	Yes	Yes	Yes	Yes
Year	Yes	Yes	Yes	Yes	Yes
Observations	551	551	551	551	551
Log Likelihood	−2,215.21	−2,240.62	−2,258.01	−2,258.33	−2,202.34

Note: Left-censoring models at zero with clustered standard errors at country level

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 4.3 Tobit Models (Lag 1 and 3 years)

<i>Dependent variable: Regulatory Complexity</i>				
	One Year Lag		Three Year Lag	
	(1)	(2)	(3)	(4)
VDEM Polyarchy	−8.57 (7.68)	−2.92 (8.39)	−12.66 (8.59)	−13.63 (9.22)
Left-Wing Gov	15.82*** (2.10)	15.86*** (2.10)	14.37*** (2.15)	14.48*** (2.15)
Change in GDP per capita		−0.05 (0.22)		0.32 (0.26)
Trade as % of GDP	0.27*** (0.05)	0.29*** (0.05)	0.16*** (0.06)	0.15** (0.06)
International Migration Stock		−0.70 (1.02)		0.18 (1.15)
Refugees as % of pop.		4.69* (2.43)		−2.48 (5.13)
Emigrants in US and Spain		−0.67 (0.55)		−0.30 (0.59)
<i>Fixed-effects</i>				
Country	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Year	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Observations	532	532	494	494
Log Likelihood	−2,152.27	−2,150.32	−2,009.30	−2,008.04

Note: Left-censoring models at zero with clustered standard errors at country level

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

the direction and statistical significance of our coefficients. Against most of our theoretical expectations, we do not find any statistical evidence across any of our models on the importance of democratisation, economic growth, the stock of international migrants or refugee, or the number of emigrants. However, as mentioned above, the lack of a relationship between changes in the number of refugees and liberalisation suggest that most of these policy adoptions were likely symbolic, as they were adopted in a context where there was little need to develop such policies. Results from OLS, Poisson and Quasipoisson regressions, using the same specifications, show similar results, as reported in the appendix.

#### 4.3.4 Spatial Panel Regression

We complement the analysis of the models above by implementing a series of spatial panel data regressions, as reported in Table 4.4. These models are useful to estimate how closely clustered units interact with each other (Elhorst 2010; Ward and Gleditsch 2008). We estimate two series of Spatial Autoregressive Models (SAR), as well as Spatial Error Models (SEM), both with fixed and random effects. The former refers to the spatial extension of a linear regression model, whereas the latter analyses the spatial dependence on the disturbance process. In the SAR model,  $\rho$  is the coefficient for the endogenous variable  $WY_{i,t}$ , which represents a function of the neighbouring values of Regulatory Complexity. With  $\rho \neq 0$ , the off-diagonal elements of the matrix imply the existence of spatial spill overs. On the other hand, in the SEM model,  $\lambda$  is the coefficient expressing the value of the correlation among the errors (conditional on  $W$ ), and  $W$  is the weight matrix built using the coordinates of the country-units, which represents the structure of neighbourhood influence among the residuals.

The coefficients from the SEM models can be interpreted as standard OLS models, whereas SAR models are more complicated to interpret as the spatial spill overs in the model

Table 4.4 Regulatory Complexity Spatial Panel Data Models with Country-Year Fixed Effects.  
 Source: APLA Database, V-Dem Database, Political Institutions Database, UN DESA, World Bank.

	SAR RE	SAR FE	SEM RE	SEM FE
<b>Main</b>				
V-DEM Polyarchy	-1.27 (7.42)	-2.43 (7.58)	-1.39 (7.10)	-2.18 (7.86)
Left-Wing Gov	18.3*** (1.87)	15.5*** (1.86)	17.3*** (1.90)	15.6*** (1.88)
Change in GDP per Capita	-0.14 (0.19)	-0.100 (0.20)	-0.052 (0.21)	-0.11 (0.20)
Trade as % of GDP	0.26*** (0.054)	0.29*** (0.059)	0.27*** (0.054)	0.30*** (0.060)
International Migration Stock	0.055 (0.87)	-0.71 (1.03)	0.040 (0.88)	-0.70 (1.05)
Refugees as % of Population	0.29 (1.54)	1.33 (1.56)	1.94 (1.61)	1.16 (1.57)
Emigrants in US and Spain	0.44 (0.47)	-0.69 (0.57)	-0.31 (0.48)	-0.70 (0.58)
<b>Spatial</b>				
$\rho$	0.67*** (0.034)	-0.38** (0.14)		
$\lambda$			0.77*** (0.030)	-0.33* (0.14)
<b>Variance</b>				
$\ln \theta$	-1.37*** (0.22)			
$\sigma_e^2$	239.7*** (14.9)	201.0*** (12.2)	241.6*** (15.1)	202.2*** (12.3)
$\ln \phi$			-0.24 (0.36)	
Observations	551	551	551	551
$R^2$	0.347	0.088	0.150	0.123

Standard errors in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

must also be included in the interpretation (Golher and Voss 2016). Still, in both cases, Models 1-4 confirm our findings from the Tobit models, with government ideology and trade being positively correlated with our dependent variable, and remaining statistically significant, regardless of the model or the type of effects used. Moreover, the spatial autocorrelation coefficients  $\rho$  and  $\lambda$  are statistically significant in all our models. Additional discussions on our spatial models and different specifications of the models, including disaggregating effects into direct and indirect, can be found in the appendix.

To summarise, our models offer evidence for the relevance of government ideology and regional integration in the process of adoption – and reform – of new refugee policies in Latin America.<sup>9</sup> Lastly, using the V-DEM polyarchy score as a measure of democratisation, we find no clear-cut relation between democratisation and regulatory complexity. The same is the case for economic growth, immigrant and refugee, as well as emigrant stock.

## 4.4 Qualitative Discussion

### 4.4.1 Methods and Case Selection

In the next section, we seek to nuance our quantitative findings and explain the mechanisms behind the correlations found through the quantitative analysis, including for those factors for which we did not find statistically significant evidence. Here, we draw from secondary literature, as well as on 125 in-depth elite interviews conducted in Argentina and Mexico between 2012 and 2019. Given that our aim in this paper is understanding legislative liberalisation, we focus on the laws of Argentina (2006) and Mexico (2011) as two of the

<sup>9</sup>These findings about the relevance of left-wing governments in the adoption of liberal refugee policies contradict the findings from de Haas and Natter (2015) using the DEMIG dataset.

most progressive legislative frameworks in South and North/Central America (Freier and Gauci 2020). Our purposeful case selection rests on the extreme and diverse case method.

Extreme cases are selected because of their severe or unusual value on the independent (X) or dependent (Y) variable of interest. Although, at first glance, this method seems to violate the principle of not selecting on the dependent variable (Brady and Collier 2010; King et al. 1994), the extreme case is adequate when it serves exploratory purposes (Seawright and Gerring 2008, 302). The diverse case method requires the selection of cases which are intended to represent the full range of values characterising X, Y, or some particular X/Y relationship (Seawright and Gerring 2008). As extreme cases, Argentina and Mexico represent two of the most liberal refugee frameworks in South America and North/Central America, respectively. At the same time, they reflect different migratory and political contexts, regarding immigration, refugee flows, political ideology, diaspora politics and regional integration. The juxtaposition of the two cases allows us to identify possible variations in policy determination processes, possibly representing different subregional geopolitical contexts.

Argentina's General Law on the Recognition and Protection of Refugees (*Ley General de Reconocimiento y Protección al Refugiado, N° 26.165*) was passed on 8th November 2006, reflects the principles of both the 1951 Refugee Convention and the 1984 Cartagena Declaration, and replaced the executive's Decree 464/85 of 1985, which had lacked provisions for safeguarding the fundamental rights of asylum seekers (Ceriani and Morales 2011) . According to the UNHCR, the law provides a very solid framework for the full exercise of refugees' rights (UNHCR 2006b). The law not only lives up to international standards, such as the principle of non-refoulement, non-discrimination, no penalty for irregular entry, the family unity principle, the best interests of the child, and confidentiality (Ceriani and Morales 2011), but it is also exceptional in that it stipulates a) that asylum-seekers are protected by

the principle of non-refoulement from the moment they are subject to the country's authority, even outside its territory; b) group determination of refugee status in case of a mass influx of asylum-seekers; and c) that authorities will take into account the needs and the cultural values of the applicant when considering requests for family reunification. According to Freier and Gauci's (2020) coded comparison of legislative good practices in the region, Argentina presents the most progressive law in the region.

Mexico's Law on Refugees and Complementary Protection on the other hand (*Ley sobre Refugiados y Protección Complementaria*) was passed on January 27th 2011, and likewise complies with international commitments regarding both the 1951 Refugee Convention and the 1984 Cartagena Declaration of 1984. The law enjoys the full endorsement of the UNHCR. Echoing the Argentine law, Mexico's law incorporated good practices, such as refugees' and asylum seekers' permission to work, access to health services including health insurance, access to education, and the revalidation of studies. The Mexican law further includes gender as a ground for persecution. Freier and Gauci (2020) identify Mexico as the Latin American country with the third most progressive refugee law in the region, next to Costa Rica, and after Argentina and Brazil.

The method applied here is process tracing based on original interview data with 125 politicians, NGO and international organisations' representatives, media coverage of relevant events and speeches, and existing secondary sources. Through process tracing the researcher can establish the "causal chain and causal mechanisms" between independent variable[s] and the dependent variable (George and Bennett 2005, 6). Ideally a range of qualitative sources gained through secondary academic material, official documents, as well as interviews are used to formulate and test hypotheses (George and Bennett 2005; Gerring 2004). Process tracing can potentially address problems of endogeneity and confounding variables when

outcomes of interest share dynamic, as opposed to static, relationships (Hollifield and Wong 2013).

In the selection of elite interviewees, we did not aim to gain a representative sample of all actors involved in policy liberalisation, but rather tried to select those who had been most relevant in the policy-making process (Tansey 2007). Key informants helped identify the first interviewees, who then made recommendations for additional candidates once the fieldwork began, thus resulting in a snowballing method. This approach was particularly important to identify interviewees who had been central in the policy-making process without displaying a dominant public profile. The interview process followed a list of semi-structured questions. As these questions differed from interview to interview, individual questions are not included in the appendix to this thesis. The development of these questions was itself informed by significant preliminary research based on process tracing and legal analysis. The average time was one hour. With the permission of the interviewees, all interviews were recorded. Both in the cases where interviews were or were not recorded, detailed interview notes were also made. All interviews were transcribed to ensure that the full interview content was captured accurately and to improve the reliability of analysis. In the following discussion we provide our own translation of interview excerpts.

#### **4.4.2 Discussion**

##### **Overlapping Policy Circles**

Argentina and Mexico confirm our theoretical hypothesis that migration and refugee laws do not develop independently, but rather in parallel. In both cases, the political battles were fought regarding the countries' immigration laws, which were reformed in 2004 in Argentina, and in 2011 in Mexico. In both countries, the political and public debate centred on the

reform of the countries' migration laws – in the context of broader human rights reforms – with the refugee laws' reforms emerging in the shadow of the new migration laws, shielded from the spotlight of public attention. An Argentine civil society representative explained:

With the refugee law there was no public debate... The refugee law was never a public issue, it was not an item on the agenda. My impression is that it was always a much more technical issue, and it is an issue that in Argentina has never been very well understood... The refugee law was like a minor concern for very few people, very few people were aware that Argentina had refugees, it was always a picturesque thing, the migrant always appeared as something much more visible or more conflictive.

Similarly, a civil society representative in Mexico found:

For Mexico, the law [that matters] is the immigration law. Asylum [refugee protection] in this country is not a matter of regulations; it is not a relevant issue. If you listen, see the news... the issue of refugee protection is not an issue in the public agenda.

Thus, the factors that enabled the passing of the new, progressive immigration laws (Acosta and Freier, 2015) likely had a spill-over effect on the passing of the country's refugee laws. As we will discuss below, some of the determinants identified by the literature that we found not to be statistically significant, such as democratisation, number of emigrants, and refugees, had a direct impact on immigration law reforms, and a related indirect impact on refugee laws.

### **Political Ideology, Human Rights and Signalling**

Rather than re-democratisation, our models found that leftist political ideology matters for refugee policy liberalisation. Here, a closer look at the re-democratisation process in the region, the rise of the so-called Pink Tide of the 2000s, in which left-leaning governments won presidential elections across the region, and the increasing importance of human rights discourses in the region is key. Indeed, the literature posits that re-democratisation led to a new focus on human rights, which in turn helped the agenda-setting of immigration and refugee policy liberalisation (Acosta and Freier 2015b; Ceriani 2004, 2011).

Across Latin America, re-democratisation took place since the mid-1980s. However, formal democratisation processes do not necessarily go hand in hand with progressive human rights reform, including progressive refugee protection. Indeed, democratisation across the region remained superficial. As Long (2018) points out, very often, commitments to liberal democracy were broad but not deep: they included ambitious plans for sub-regional and hemispheric trade, the region's expansion in UN Peacekeeping, global environmental governance and global trade regimes. *De jure* democracy was supported, but regional democratic norms were applied unevenly, and weak state capacity undermined the gains from democratic governance. Soon, discontent with neo-liberalism set the stage for the Pink Tide executives. It is possible that we did not find any results for the levels of democracy, as it is not institutionalised democratisation, but human rights discourses that mattered for policy liberalisation, which were promoted especially by Pink Tide leftist executives (Grugel and Fontana 2019).

In Argentina, electoral democracy was restored in 1983. Six years later, the country experienced the first peaceful transfer of power from one political party to another since 1916. In 1994, a constitutional reform with a strong human rights focus was passed. However, true democratisation was hindered by the “hyperpresidentialism” of both Raul Alfonsín

(1983-89) and Carlos Menem (1989-1999) (Bonner 2005). It was Peronist Nestor Kirchner who shaped a more liberal discourse on immigration after he won the presidential election in 2003. Having himself been persecuted by the last dictatorship, Kirchner showed himself generally preoccupied with human rights (Maurino 2009), specifically those of immigrants and refugees, or political asylees (Garcia 2010; Nicolao 2010). Reflecting his leftist ideology, and populist tendency, Kirchner further openly criticised the immigration policies of the U.S. and Europe and asked for political solidarity and reciprocity in international migration management (Acosta and Freier 2015b).

At the same time, human rights movements in Argentina have historically been strong, and human rights organisations and the State led a relatively equal dialogue about which rights are integral to democracy since 1983 (Bonner 2005). Migrants' rights have been a topic of concern for the Argentinian civil society since the 1990s, and NGOs played a major role in pressuring the state to tackle its immigration and refugee reforms and advance technically sound laws (Ceriani and Morales 2011). Thus, it was neither democratisation nor political ideology per se, but the human rights-focused presidential strategy of Kirchner that opened a window of opportunity for civil society organisations to press for migrants' rights based on political coherence. As an Argentina civil society representative explained:

Because what happened is that Kirchner came to power with a very low share of the vote, with very little legitimacy, with 23% of votes. One of Kirchner's strategies to solidify his power was to approach the historical human rights organisations... [it was] the human rights issue, not a migration issue, *the human rights issue*. In the context of this relationship between Kirchner and the human rights organisations, a more receptive dialogue between organisations that worked for the new migration law and the executive was also made possible... So we took advantage of this rapprochement to tell them: look, the [new]

migration law is a *human rights* law.... And then, the executive told its own deputies to support this project [in congress]!

In Mexico, democratisation efforts also started in the early 1980s, but took more than twenty years to take hold (Magaloni 2001). The Institutional Revolutionary Party (PRI) remained in power due to elite unity, the authoritarian nature of electoral institutions, and massive – though bought – electoral support (Muñoz 2009). Electoral democracy was fully restored in 1997, and three years later, in 2000, the country experienced the democratic transfer of power from the revolutionary PRI that had been in power since 1929, to the conservative National Action Party (PAN) under Vicente Fox.

The struggle for democracy in Mexico was mainly about free and fair elections, and human rights – other than those directly related to electoral competition – were not at the core of the opposition movements' agenda. The Mexican government's approach to human rights only changed significantly under Vicente Fox, from the conservative PAN party (2000–2006), who “developed a new approach, which involved Mexico's opening to international monitoring and assistance, the ratification of important international instruments, the promotion of constitutional and legal reforms, changes in government institutions, and the elaboration of a National Human Rights Program” (Muñoz 2009). The subsequent PAN government under Felipe Calderón (2006-2012) followed in Fox' footsteps and in May 2011, passed a constitutional reform on human rights that gave constitutional status to all human rights that were guaranteed in international treaties to which Mexico was party. In an interview, the head of the National Migration Institute (INM), Salvador Beltrán del Río expressed that he saw the constitutional human rights reform as the basis of both the new immigration and refugee laws:

Since 1917, we already had individual guarantees, but now we have human rights. This nominal change is a *great change of ideas...* All authorities are now obliged to revise their actions, laws and agreements to see whether these conform with human rights. It is based on the constitutional reform, that we have a new migration law based on this idea [of human rights], a new refugee law based on this idea [of human rights], a new law to combat human trafficking based on this idea [of human rights]. These are different laws to the same effect.

At the same time, Mexico's eagerness to present itself as an international guarantor of human rights was key. Comparing the developments in Argentina and Mexico, Pablo Ceriani, former Vice President of the United Nations Committee on the Protection of the Rights of Migrant Workers and their Families gave a nuanced account of how the human rights discourses in the context of re-democratisation, and the inconsistencies between constitutional and international commitments to human rights ideals, played out differently in the two countries:

[The development] is parallel in the sense of the role civil society played, but it is different regarding some factors that served as arguments. In Argentina, [civil society] used the historical vision of Argentina as a country open to migration, as reflected in an open constitution and a law that contradicted the constitution. So, one had that argument: that you have an open constitution and until 2003 you had a migration law that was clearly repressive and contrary to the constitution. In Mexico the argument that was used, in my opinion, was the country's schizophrenia itself. Why? Because especially from the mid 90's onwards there was a change in Mexican foreign policy where Mexico became one of the standard bearers in the defence of the human rights of migrants in the international arena, in the bilateral arena in relation to the United States and

in the universal arena in the role that Mexico plays in the United Nations, for example with the approval in 1990 of the convention on the rights of migrant workers, so that the countries begin to ratify it. Mexico was one of the first countries to ratify it. So, Mexico from the 90's onwards became a key country in the international arena for the defence of migrants' rights. But at the same time, inwardly it had the general population law which was the exact opposite of what Mexico has been asking the United States for decades - a law that until 2008 imposed up to 10 years of imprisonment for infractions to the rules of entry.

Here, Ceriani explains how constitutional and international human rights standards adopted in the re-democratisation processes served as a leverage for civil society actors to put pressure on both governments to reform their laws for the sake of policy coherence. He also alludes to the importance of Mexico's diaspora politics, which will be discussed in the following section.

In the context of international human rights signalling, the critical juncture that led to the reform of Mexico's immigration and refugee laws was the massacre of 72 kidnapped Central American migrants in Tamaulipas in December 2010. On 22 August 2010, the Los Zetas drug cartel murdered 72 undocumented migrants, mainly from Central America, in the municipality of San Fernando, Tamaulipas. The migrants were abducted from a bus and brought to a ranch, and when they refused to join the cartel, they were blindfolded and shot in the back one by one. The Fernando massacre caused international outcry from human rights groups and political condemnation from governments across the Americas.

At the same time, senators across all banks expressed the need for a new law in the aftermath of the Tamaulipas massacre. Mexico's political parties, including the PRI, the Revolutionary Democratic Party (PRD), and the PAN, all voiced support for improving the treatment of migrants. Interviews with the technical secretary of the Population Commission

of the Mexican Senate and Senator Rubén Velázquez (PRD) amongst others, confirmed that the domestic and international pressure triggered by the Tamaulipas massacre significantly favoured the passing of both laws. As Ernesto Rodriguez, head of the research unit of the country's migration department Instituto Nacional de Migración (INM) put it in an interview:

The fact that the laws were passed so speedily is the result of a specific conjuncture. This specific conjuncture was the massacre of 72 migrants in Tamaulipas in 2010, which put the topics of migrants' rights, the insecurity of migrants, and migrants' abductions on the political forefront. This was the context in which the laws were published and, I think, put on a fast track. The [migration] law was presented [in the Senate] in November of 2010 and in May 2011 it was published. This is something unheard of in the Mexican legislation.

Reflecting what Acosta and Freier (2015) have discussed in the area of progressive immigration laws, the Mexican case suggests that countries might have sought to signal their belonging to the international refugee regime – and hence the international community of democratic countries – by adopting highly symbolic policies that, at the time of adoption, most of them thought they would rarely, if ever, implement. As a former Director of International Migration of the Argentina Foreign Ministry explained:

During the last decades there was a great emphasis on the issue of human rights that became universalised. Here, the international impact was obviously important, but there is also a convergence of what came from the outside, let's say, the new international mandate, with internal developments... But I was saying the other day, not all that is signed is implemented. And this applies both to changes in international law and domestic reforms.

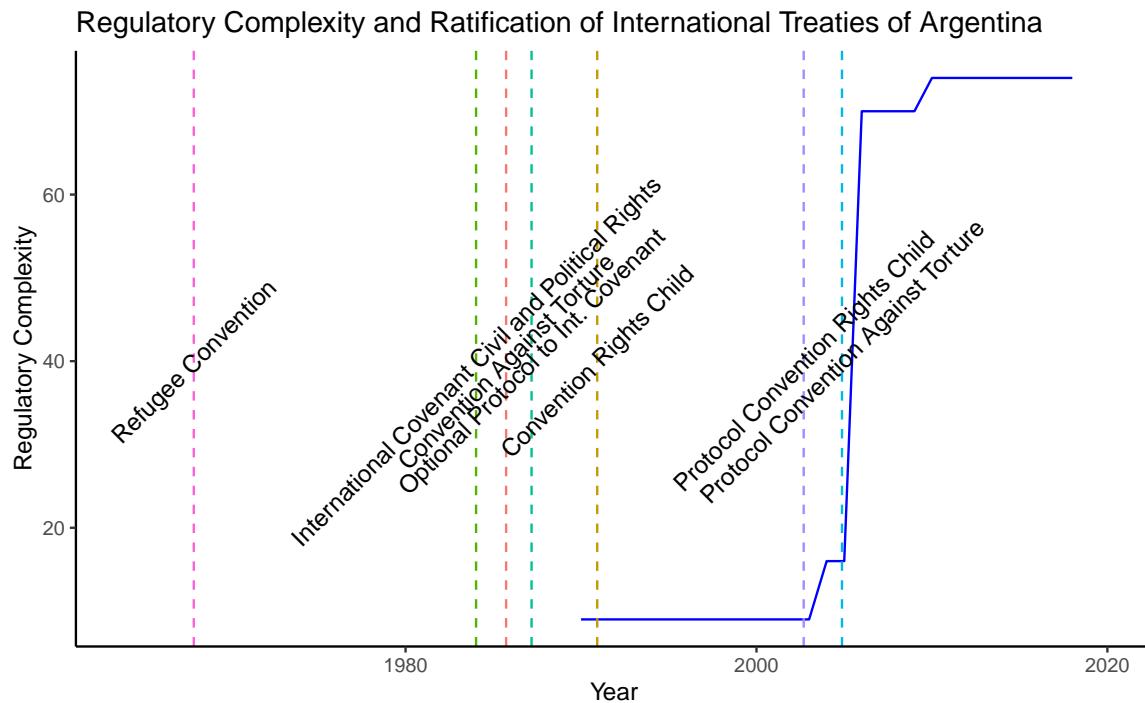


Fig. 4.1 Human Rights Treaties and Asylum legislation in Argentina. Source: APLA Dataset

Figure 4.1 and 4.2 show the correlation between the signing of international human rights treaties and regulatory complexity in both countries and suggests their larger influence in the case of Mexico.

### Diaspora Politics and Regional Integration

Our models also suggest a correlation between regional economic liberalisation and integration and regulatory complexity. Here it is crucial to acknowledge that, in practice, there was a clear relation between democratisation and regional integration: democratic elections spread, economic barriers fell, and regional commitments to democracy were made and strengthened (Long 2018).

For South America, it has been pointed out that regional integration advanced significantly under Pink Tide executives, who were eager to introduce social items to the MERCOSUR

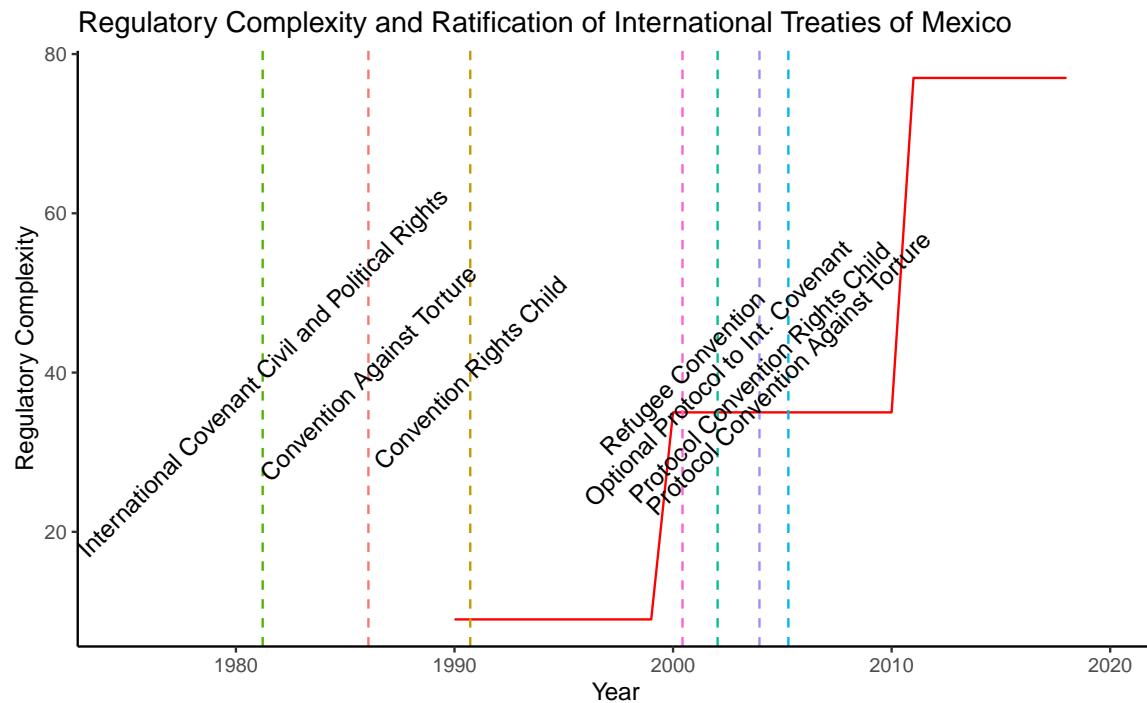


Fig. 4.2 Human Rights Treaties and Asylum legislation in Mexico. Source: APLA Dataset

agenda, which had grown stagnant in its original purely economic aim of boosting trade and establishing internal markets (Margheritis 2012). Brazil had proposed an exceptional migratory amnesty for MERCOSUR nationals on 30 August 2002 that would have been accessible for six months for all undocumented regional migrants in the four member states of Argentina, Brazil, Paraguay, and Uruguay. In response, Argentina proposed a permanent rather than a temporary mechanism so that MERCOSUR nationals would always have access to regular status (Alfonso 2012, 48). In this context, Argentina and Brazil had been competing for ideological ‘post-neoliberal regional leadership’ (Margheritis 2012). Migration and refugee policy liberalisation were thus linked to regional integration under South America’s left-wing executives, and the rejection of ‘imperial’ Northern policies (Freier and Holloway 2019). As a high-ranking Argentinian foreign ministry official explained:

The regional integration process really had a substantive weight in this. Because suddenly it was a fact that it was not possible to integrate the economy, it was

not possible to integrate companies without integrating the labour markets. Now, we have to take note that this also had ups and downs because already in the early 1990s the technical subgroups [of MERCOSUR] aimed at resolving the issues of labour integration, social security and employment, the free movement of labour appeared as an immediate objective... [But] towards the middle of the 90's, economic changes took place in Argentina, which led to a very marked neoliberal policy, very, very crude. And then the integration process was also redefined and that objective, shall we say, disappeared. The social issue. Everything social disappeared... So there was also a very strong setback in the 90s... Then, towards the end of 2002, with the [Argentine] elections already held, the residence agreement for nationals of the southern framework and associates was signed. And that is the big step, notice that this was even before our law.

In the case of Mexico, post-colonial scholars have criticised regional integration in the context of implementation of the North American Free Trade Agreement (NAFTA) since 1994 as the enforcement of neoliberal policies, which – in addition to promoting privatisation, deregulation, and economic liberalisation – ultimately had a negative impact on the working class, and led Mexico to impose a securitised approach on migration governance at its southern border (Delgado Wise and Covarrubias 2006). United States' influence on Mexican migration governance is unquestionable. As Murillo, the head of legal department of UNHCR for the Americas, put it in an interview:

Of course, there is an ever closer connection because the border does not run between Mexico and the United States anymore. The border runs between Panama and the north. There is a very strong emphasis on the issue of security and migration control, which explains a heightened interest in administrative

detentions of migrants, including refugees and asylum applicants, and their interception at airports and offshore.

However, our interview results suggest that the impact of regional integration also fostered the need for human and migrants' rights signalling in the context of Mexico's diaspora politics. Both the immigration and refugee law reform can only be understood in the context of the structural emigration of Mexican citizens to the U.S., and the fact that 12 million Mexican emigrants, or 10 percent of the Mexican population, lived in the United States as of 2011. Although the Mexican-born population in the U.S. started to decline in 2010, the on-going efforts to improve the situation of (irregular) Mexican citizens in the U.S. put pressure on the Mexican government to reform its restrictive immigration law for the sake of political coherence (Passel, Cohn, and Gonzalez-Barrera 2012).

President Vicente Fox (2000-2006), who made a migration accord with the United States a pillar of his foreign policy, argued for freer migration and more open borders, as a logical extension of NAFTA. A fundamental philosophical shift, away from the "policy of no policy," took place in the Secretariat of Foreign Relations (SRE). Mexican authorities went from turning a blind eye to unauthorised migratory flows across its northern border, to taking a more active stance on migration management (FitzGerald 2009). As soon as Fox took office, he called for bi-national negotiations with the U.S. to address immigration reform.

Although President Fox could not achieve a migration reform, and Calderon downplayed his predecessor's vocal expectations of a bilateral migration accord, he was clearly interested in the same goal of legalised flows (*ibid.*). With the end of the "policy of no policy" came the need for political coherence: as the Mexican government began calling attention to the protection of the human rights of Mexicans in the United States, and as alluded to in the previous section, the country was confronted with being accused of failing to grant foreigners

in Mexico the same civil rights and workplace protections it demanded for Mexican nationals abroad. As Ernesto Rodriguez, head of the research unit of the INM put it in an interview:

Mexico had to be coherent. If you ask for x right for Mexicans, the right has to be given to foreigners [in Mexico]. If we ask for certain things in terms of normativity, you have to apply them here.... It is a principle, not a technicality. It is like a baseline, that is to say to be coherent, you can't get angry because the other does what you do her - or the other way around. What you ask for, is what you have to implement here.

The need for political coherence in the context of regional integration, emigration and its diaspora politics motivated Mexican lawmakers to work towards new immigration and refugee laws that could then be swiftly passed as the window of opportunity of the Tamaulipas massacre opened.

Lastly it should be noted, that in the background, the UNHCR played an important facilitating role in regional refugee norm emulation, through its support of the development of a regional system of asylum, which after the Cartagena Declaration of 1984, continued with the 1994 San Jose Declaration on Refugees and Displaced Persons, the 2004 Mexico Plan of Action, and the 2010 Brasilia Declaration on the Protection of Refugees and Stateless Persons in the Americas. The UNHCR not only eased regional meetings, but familiarised the countries in the region with the newly emerging norms, and assisted domestic legislative reforms (Cantor and Mora 2015; De Andrade 2014; Harley 2014; Loescher 2001; Maldonado Castillo 2015; Menezes 2016; Reed-Hurtado 2017).

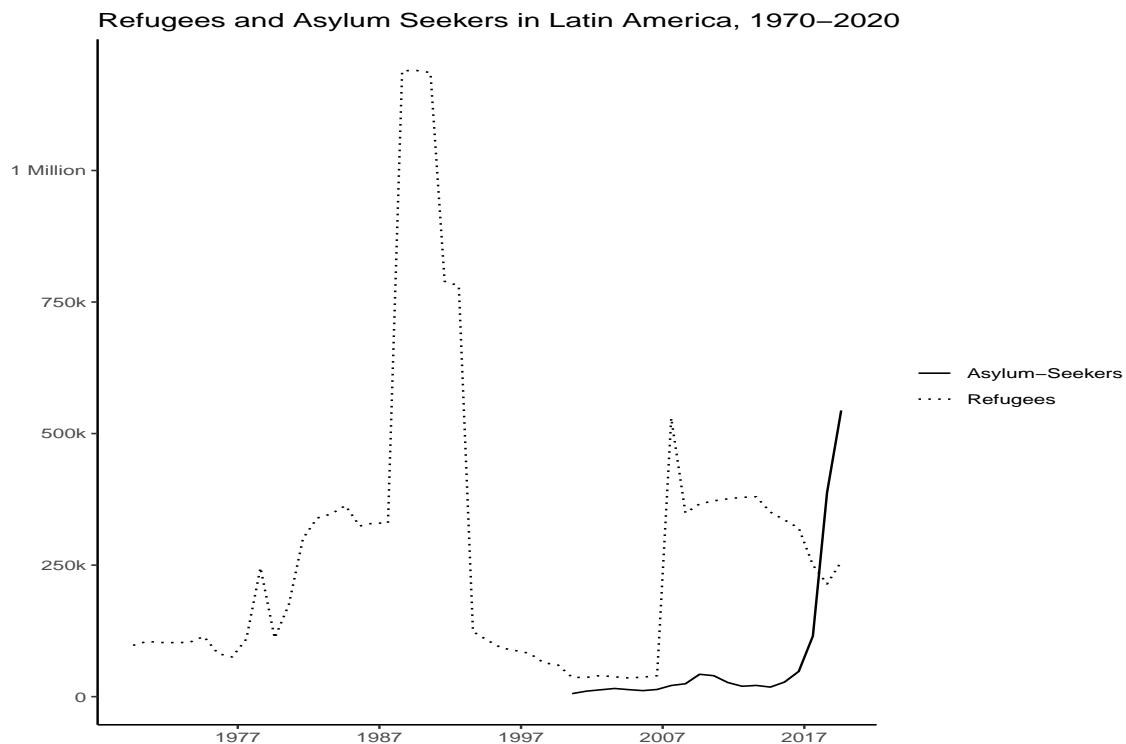


Fig. 4.3 Refugees and Asylum Seekers in Latin America (1970-2014). Source: UNHCR Population Database

### 'Low Cost' Refugee Protection?

In our models, we did not find a significant correlation between low refugee numbers and regulatory complexity. As discussed above, this might be due to broader data quality issues. Indeed, our qualitative results suggest that low refugee numbers did matter in Argentina and Mexico. According to interviewees in both countries, the low refugee numbers in the country since the early 1990s explain why the development of the refugee law remained a technical process. Figure 4.3 shows low numbers of asylum claims in most Latin American countries from the early 1990s. Historic exceptions have been the 1960s and 1970s, when the military dictatorships in the Southern Cone led to tens of thousands of refugees in the region and other parts of the world, and the 1980s when internal conflict and human rights violations led to the mass displacement of Central Americans (Terminiello 2014).

The gradual democratisation of the region in the 1980s and the closure of refugee camps in Mexico and Central America in the mid-90s, together with the voluntary repatriation movements to Guatemala, El Salvador, and Nicaragua, reduced the number of asylum-seekers and refugees (UNHCR 2006a). At the end of the 90s, internal and external forced displacement in and from Colombia increased, and hundreds of thousands of Colombians looked for protection, especially in Ecuador, Panama, and Venezuela (Gottwald 2004, 2016; SJR 2016; UNHCR 2008). In 2000, Latin America only hosted 38,000 refugees (or 0.1 percent of the world's refugee population), and less than 5,000 asylum seekers.<sup>10</sup>

With a view to our case studies, the numbers of refugees in Argentina and Mexico were very low when the new refugee laws were passed in 2004 and 2011 respectively. Argentina hosted over 45,000 recognised refugees in the early 70s, and Mexico over 350,000 up until the early nineties. Yet, when looking at the years before the expansive refugee laws were passed, Argentina only hosted 3,051 refugees in 2005 (0.08 percent of the total population) and Mexico 1,364 in 2010 (0.01 percent of the total population) (see Figure 4.4) (HDE 2020).

*In sum*, our qualitative findings confirm our theoretical assumption that the artificial separation between immigration and refugee policies does not reflect overlapping and intertwined immigration and refugee policy making processes in practice. Our findings further nuance our quantitative results. Regarding our first hypothesis (increasingly more democratic and left-wing governments are more likely to pass liberal refugee policies), our qualitative data suggests that we did not find democracy measures to be statistically significant, because what mattered was the increasing importance of human rights discourses that emerged in the broad context of democratisation and that were either used as political leverage by domestic

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<sup>10</sup>Due to the Colombian refugee crisis, by 2013, these figures significantly increased to about 380,000 refugees (3 percent of the world's refugee population) and 23,000 asylum seekers, but these were concentrated mainly in Ecuador and Venezuela. Since 2015, the mass displacement of Venezuelan citizens, who – scholars and the UNHCR agree – should be recognised as refugees under the Cartagena refugee definition, has led to a new increase of asylum applications in the region, with close to 800,000 asylum seekers and around 150,000 refugees by early 2021 (Berganza, Blouin, and Freier 2020; HDE 2020; Selee and Bolter 2020; UNHCR 2019b).

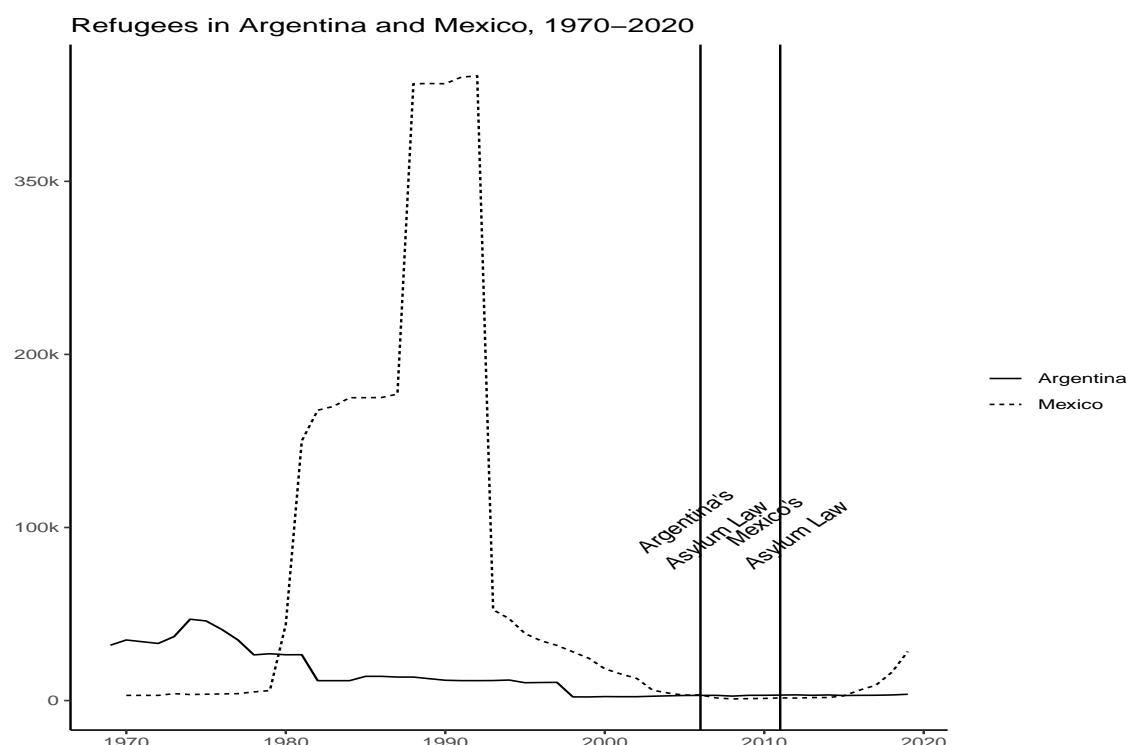


Fig. 4.4 Refugees and people in refugee-like situations. Source: UNHCR Population Database

civil society actors, or led governments to reform their refugee laws as normative human rights signalling in the international arena. It is likely that we find political ideology to be statistically significant because left wing governments in Latin America have been especially prone to adopting such human rights discourses. Regarding our second hypothesis (economic liberalisation and regional integration allow governments to expand refugees' rights) we found that regional integration mattered for policy liberalisation in the context of leftist ideological leadership in South America and was linked to diaspora politics in the case of Mexico. Finally, regarding the third hypothesis (countries with low immigrant and refugee numbers can more easily pass generous liberal refugee policies) it is likely that we do not find these to be statistically significant due poor data quality, as discussed above. Indeed, our case analysis suggests that refugee law liberalisation as human rights signalling until recently indeed had a low political cost both in terms of the salience of migration and asylum in the public debate, as well as in terms of fiscal costs related to hosting refugee populations. This is indeed not the case anymore, as Venezuelan displacement has put migration at the top of many South American governments' agendas (Selee et al. 2019; Selee and Bolter 2020).

## **4.5 Conclusion**

In this paper, we have sought to explain the adoption of more complex and liberal refugee laws in Latin America over the past three decades. First, we discussed and juxtaposed the determinants of both the general and region-specific literatures on the determinants of both migration and refugee policies. We then developed a series of models to test several of the most discussed policy determinants, before lending additional nuance to our results based on the qualitative case studies of Argentina and Mexico. We find statistical support for the impact of leftist government ideology and economic liberalisation or regional integration on refugee law liberalisation. We do not find any statistical evidence for democratisation,

immigrant, refugee and emigrant numbers. Although statistically not significant, we show that most countries in the region adopted such high standards of refugee protection while hosting close to no refugees. Through the discussion of our case studies, we show that these low refugee numbers indeed mattered in rendering legislative refugee reforms politically non-salient, and that both diaspora politics and democratisation processes had an indirect impact on refugee law liberalisation, by providing the context in which migrants' rights discourses flourished and the immigration laws of both countries were reformed in a first step.

Our work contributes to the existing literature on the determinants of refugee laws and policies in at least three ways. First, on the theoretical side, our paper rejects the artificial separation between the determinants of immigration and refugee policies found in the literature. Our findings suggest significant overlap between the immigration and refugee policy making processes, which likely apply more broadly. If immigration and refugee reforms develop in tandem, immigration and refugee policy determinants should not be artificially separated. Second, on the empirical side, we leveraged a unique dataset and qualitative evidence on Latin American refugee legislation through a mixed methodological approach, which allowed us to produce robust empirical findings, as well as nuance the causal mechanisms underlying them. Third, in stark contrast to the findings in the 'Northern' centric literature, our analysis suggests that the liberalisation of refugee laws in Latin America should be considered as 'low cost' refugee protection in that these laws were passed largely for signalling human rights adherence to both domestic and global audiences. Our findings further suggest that legislative immigration and refugee reforms as human rights signalling may be correlated, but are not limited to executives with leftist ideology, as the case of Mexico shows.

With a view to further research regarding the determinants of immigration and refugee laws and policies in Latin America, additional factors such as public opinion, or xenophobia, and national security concerns, that have already been identified as having influenced policy reactions to Venezuelan displacement, should be included. Scholars should also focus on the conditions under which governments implement these laws and how, providing a more comprehensive understanding of refugee status determination procedures. Indeed, emerging studies on the reception of Venezuelan forcibly displaced migrants and refugees suggest that – with very few exceptions – governments in the region are not applying their refugee laws, and, most importantly, the ‘Cartagena’ refugee definition, but rather, develop alternative, and increasingly restrictive, *ad hoc* policy responses.

Further research should also test our findings, such as the importance of leftist ideology, regional integration, human rights discourses, and signalling, in policy areas and regions beyond Latin America. Signalling as a rationale for policy reform is not limited to migration issues. Our findings likely do not *only* apply to the policy making processes concerning refugee protection but should be tested in other areas in which Latin America has taken a “progressive” stance, for example regarding environmental policies or those championing LGBTQ+ rights. At the same time, the determinants of refugee law reforms in Latin America – though clearly influenced by the idiosyncratic events that took place in the region – might shed some light on policy making on immigration and refugee policies in other regions of the globe, especially in other developing, migrant sending and refugee hosting countries.

## **Chapter 5**

# **Appendix: Refugee Protection as Signalling: Explaining Latin America's Liberal Asylum Laws**

## 5.1 Introduction

This annex to the paper "Refugee Protection as Signalling: Explaining Latin America's Liberal Asylum Laws" is subdivided as follows: in section 5.2 we present the summary statistics and the distribution of our dependent variable. In section 5.3, we apply a series of statistical tests to scrutinise the structure of our data, in order to justify our choice of regression models, both non-spatial and spatial.

In the section 5.4, we then report the results from ordinary least square (OLS) panel data model. We also show results from OLS panel data models with the dependent variable lagged by one and three years. In section 5.5 and 5.6, we show results from Poisson and Quasipoisson models, also using the same specifications as in the Tobit models presented in the main article. The former are used in count data models, whereas the latter are used as they take into account the overdispersion of our data. We report the results from all these different models to show how even using slightly different methods, the direction – and often the statistical significance – of the explanatory variables in our models do not change. Last, in the section 5.7 we show results from our linear spatial panel data models, disaggregating between direct and indirect effects, and clarify the difference between our SAR (Spatial Autoregressive) and SEM (Spatial Error) models.

## 5.2 Model Variables

In this section we begin by presenting the summary statistics of the variables included in our models (Table 5.1).

Some issues arise: first, – as shown in Figure 5.1 – our dependent variable is not normally distributed, and a simple log is not useful due to the presence of too many zero (given that

Table 5.1 Descriptive Statistics

Statistic	N	Mean	St. Dev.	Min	Max
Regulatory Complexity	551	40.30	28.15	0	82
VDEM Polyarchy	551	0.65	0.20	0.08	0.93
Left-Wing Gov	551	0.40	0.49	0	1
Change in GDP Per Capita	551	1.93	3.73	-18.17	16.26
Trade as % of GDP	551	61.08	29.43	14	167
International Migration Stock	551	2.24	2.40	0.00	13.40
Refugees as % of pop.	551	0.13	0.55	0.00	8.85
Emigrants in US and Spain	551	3.77	4.04	0.06	21.53

most countries in Latin America did not have meaningful asylum legislation until the early 2000s). It is for this reason that we decided to apply a Tobit model as the main model, and then use a Poisson panel data regression model here in the appendix in which we interpret our data as count data. Similarly, in our explanatory variables (not shown here), we see that while some variables have somewhat normally distributed data, most of them have either long tails, or are heavily skewed towards the left – in most cases. Also, in most cases, the presence of zeros in various variables (e.g. for the variable refugee as a proportion of the population in the host country) suggests that logging them is not a recommendable option. Nonetheless, in the Poisson models, we can log ( $\log_e$ ) our dependent variable

$$\eta_{i,t} = \log(\mu_{i,t})$$

as that allows us to assume that the transformed mean of our dependent variable follows a linear model.

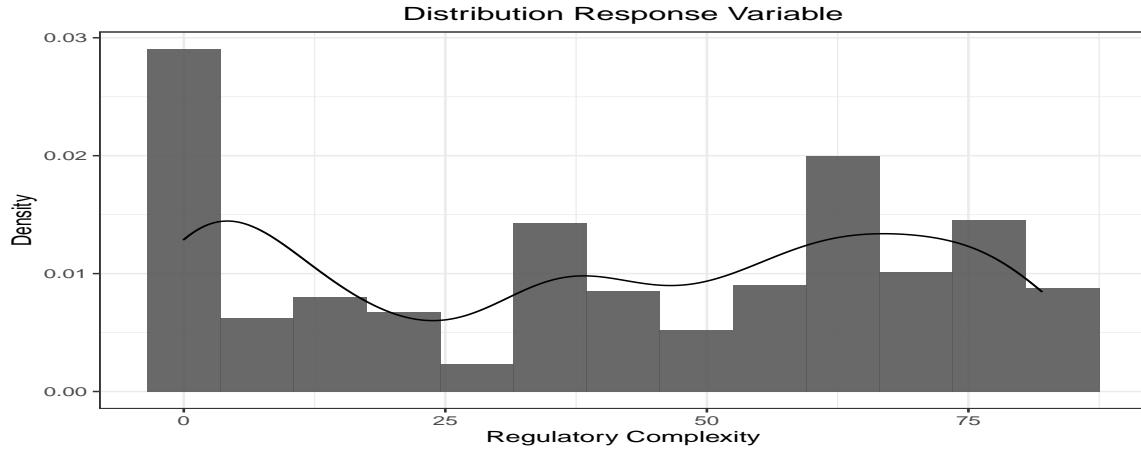


Fig. 5.1 Regulatory Complexity Distribution. Source: APLA Database.

### 5.3 Structure of the Data and Best Model Fit

In this section we perform a series of statistical tests to understand the structure of our data and which models fit best. We test contemporaneous correlation of the residuals across the countries included in our model through the application of two tests: the Breusch-Pagan LM test of independence and the Pesaran CD test (Hsiao, Pesaran, and Pick 2012). Given our results, we reject the null hypotheses of no cross-sectional error correlations in both tests, thus confirming that there is indeed cross-sectional dependence among the countries considered in our sample (respectively,  $\chi^2 = 906.2150674$ ,  $df = 171$ ,  $p\text{-value} = 1.8699109 \times 10^{-100}$ ;  $z = -3.5280754$ ,  $p\text{-value} = 4.1859289 \times 10^{-4}$ ). We also conduct a Breusch-Godfrey/Wooldridge test for serial correlation – which might lead our results to have smaller standard errors and higher  $R^2$  coefficients than they are ( $\chi^2 = 327.3143932$ ,  $df = 29$ ,  $p\text{-value} = 3.0645852 \times 10^{-52}$ ). We apply it and reject the null hypothesis of no serial correlation, which we must then consider in our results. Moreover, to check for stochastic trends, we conduct a Dickey-Fuller test, which confirms that our series is stationary (Dickey-Fuller = -6.2194549, Lag = 2,  $p\text{-value} = 0.01$ ). Finally, after conducting a Breusch-Pagan test, we reject the null hypothesis of homoskedasticity, and therefore confirm the detection of heteroskedasticity (Breusch-Pagan =

125.8112289,  $df = 53$ ,  $p\text{-value} = 7.4043262 \times 10^{-8}$ ). Given the results of the tests above, in our Tobit models the standard errors are clustered at the country level, whereas in the OLS (in Appendix) we apply robust estimators (HC4) (Millo 2017).

In addition to the above, we conduct a Hausman test to check whether to use random effect or fixed effects models ( $\chi^2 = 127.8851378$ ,  $df = 7$ ,  $p\text{-value} = 1.7379474 \times 10^{-24}$ ). The test checks whether the unique errors are correlated with the regressors, and the null hypothesis is that the unique errors do not correlate with the regressors (Dougherty 2016). As the  $p$ -value is significant, we use fixed effects rather than random effects as our models of choice. Additionally, we apply the F test for individual effects and the Breusch-Pagan test for balanced panels to check the need for time-fixed effects (respectively,  $F=13.896684$ ,  $df_1$  and  $df_2= 28, 497$ ,  $p\text{-value} = 3.0112036 \times 10^{-46}$ ;  $\chi^2 = 920.979129$ ,  $df = 2$ ,  $p\text{-value} = 1.0278344 \times 10^{-200}$ ) (Croissant and Millo 2008). We reject the null hypothesis that no time-fixed effects are needed and therefore include them in our fixed-effects regressions. Finally, we run a Monte Carlo simulation of Moran I test – a measure of spatial autocorrelation – to test the relation between the values of our dependent variable and the location where it is measured. To calculate Moran's I, we first build an inverse matrix of the distance between the different countries of the region based on their coordinates, and then run 1000 simulations of the test (Statistic=0.0084067, Observed Rank=997,  $p\text{-value}=0.003$ ). Based on its results we reject the null hypothesis of zero spatial correlation in our dependent variable and therefore complement our earlier models with a series of spatial panel data models to test the determinants of regulatory complexity and liberalisation, while taking into account spatial spill overs (LeSage and Pace 2009; Ward and Gleditsch 2008).

Figure 5.2 shows the distribution of the Moran I residuals, whereas Figure 5.3 plots the relation between our dependent variable Regulatory Complexity on the x-axis, and the same variable but spatially lagged on the y-axis. The slope of fit equals Moran I. The upper-right

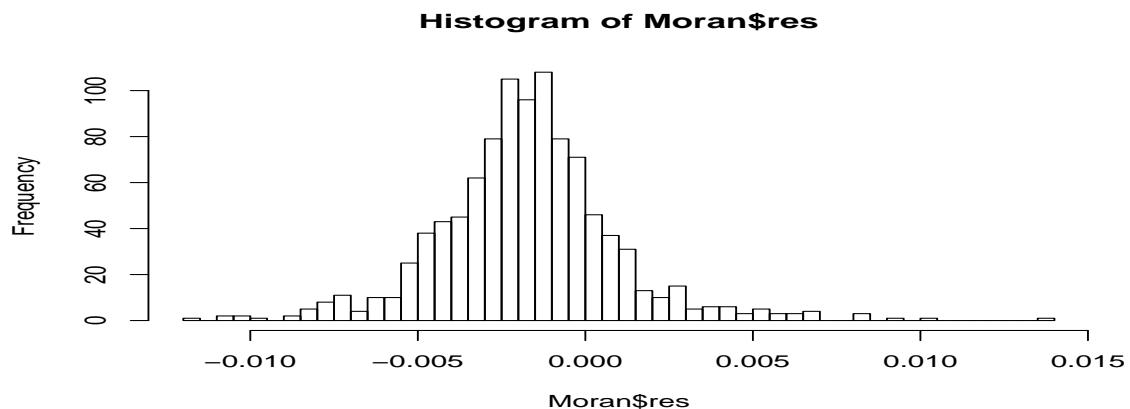


Fig. 5.2 Moran I Residuals

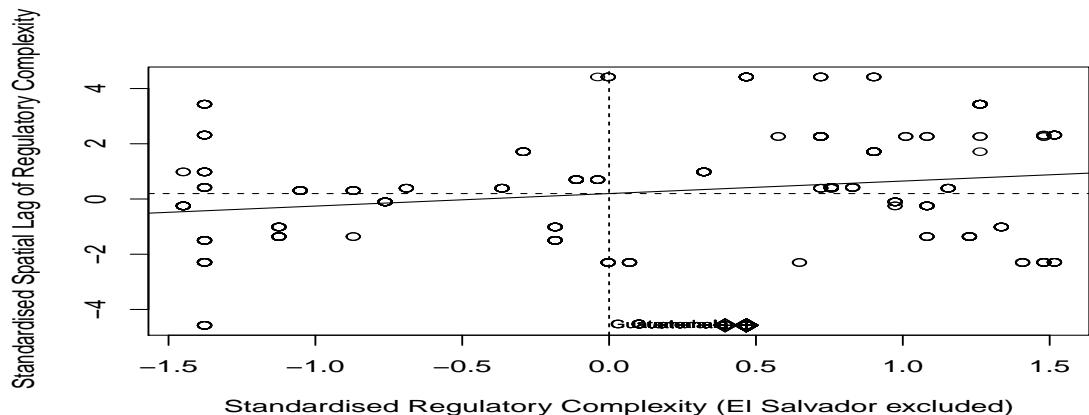


Fig. 5.3 Plot Moran I Test. El Salvador is excluded as it is a statistical outlier.

and lower-left quadrants represent positive spatial correlation, that is, countries that are geographical neighbours have similar values. Opposite to these, the upper-left and lower-right quadrants represent negative spatial correlation, whereby countries close to each other have dissimilar values. In both axes the variable is standardised. We exclude El Salvador from the plot, as it seems to be a big outlier, and its inclusion does not allow to perceive the actual pattern in the data.

## 5.4 Linear Models

In this section we present the results of our OLS panel data models following the specification of the Tobit models specified in the paper. We present these results to show that regardless of the model used, our coefficients' directions remain as expected. Table 5.2 and Table 5.3 report the results of standard OLS panel data models, without and with one and three year lagged responsive variable respectively. We do not standardise the coefficients of our regression models to avoid “apples to oranges” comparisons (King 1986). We apply HC4 estimators, as suggested by Cribari-Neto (2004) and Zeileis (2004). We do not apply the function `vcovHAC` as it cannot be used for panel data (Millo 2017).

Table 5.2 OLS Panel Data Regression

<i>Dependent variable: Regulatory Complexity</i>					
	(1)	(2)	(3)	(4)	(5)
VDEM Polyarchy	−7.85 (26.94)				−3.99 (26.89)
Left-Wing Gov		17.42*** (4.56)			15.84*** (4.42)
Change in GDP Per Capita			−0.14 (0.26)		−0.09 (0.25)
Trade as % of GDP				0.38** (0.16)	0.31** (0.13)
International Migration Stock					−0.82 (2.35)
Refugees as % of pop.					0.70 (2.79) 1.40 (1.67)
Emigrants in US and Spain					−0.62 (1.82)
<i>Fixed-effects</i>					
Country	Yes	Yes	Yes	Yes	Yes
Year	Yes	Yes	Yes	Yes	Yes
Observations	551	551	551	551	551
R <sup>2</sup>	0.14	0.07	0.001	0.0004	0.18
Adjusted R <sup>2</sup>	0.06	-0.02	-0.09	-0.09	0.09

*Note: Robust SE in parentheses*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 5.3 OLS Panel Data Regression (Lag 1 and 3 years)

	<i>Dependent variable: Regulatory Complexity</i>			
	One Year Lag		Three Year Lag	
	(1)	(2)	(3)	(4)
VDEM Polyarchy		-1.45 (28.55)		-3.89 (28.63)
Left-Wing Gov	14.80*** (4.05)	14.70*** (3.87)	13.14*** (2.93)	12.97*** (3.18)
Change in GDP Per Capita		-0.21 (0.25)		0.26 (0.40)
Trade as % of GDP	0.27** (0.12)	0.28** (0.13)	0.21* (0.12)	0.22* (0.13)
International Migration Stock		-0.72 (1.72)		-1.40 (2.23)
Refugees as % of pop.		1.81 (4.87)		0.11 (18.04)
Emigrants in US and Spain		-0.64 (1.92)		-0.55 (2.23)
Country Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
Observations	532	532	494	494
R <sup>2</sup>	0.15	0.15	0.11	0.12
Adjusted R <sup>2</sup>	0.06	0.06	0.02	0.02

Note: Robust SE in parentheses

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

## **5.5 Poisson Models**

To further confirm our findings, we apply a series of Poisson models used with count data. Poisson regression are usually applied to account for the non-normal distribution of the dependent variable, and assume its variance to be a function of the mean. However, as our dependent variable is over-dispersed, below we also use a series of Quasipoisson models to further confirm our findings.

Table 5.4 Poisson Panel Data Regression on Regulatory Complexity with Country-Year Fixed Effects. Source: APLA Database, V-Dem Database, Political Institutions Database, UN DESA, World Bank, authors' own estimates.

Model:	Dependent Variable: Regulatory Complexity				
	Incidence Rate Ratio				
Variables	(1)	(2)	(3)	(4)	(5)
VDEM Polyarchy	0.76 (0.72)				0.89 (0.81)
Left-Wing Gov	1.56*** (0.24)				1.47*** (0.21)
Change in GDP Per Capita		1.00 (0.01)			1.00 (0.01)
Trade as % of GDP		1.01** (0.01)			1.01* (0.01)
International Migration Stock			0.85 (0.18)		0.86 (0.13)
Refugees as % of pop.				0.95 (0.23)	1.08 (0.12)
Emigrants in US and Spain					0.97 (0.05)
<i>Fixed-effects</i>					
Country	Yes	Yes	Yes	Yes	Yes
Year	Yes	Yes	Yes	Yes	Yes
<i>Fit statistics</i>					
Observations	551	551	551	551	551
Squared Correlation	0.661	0.646	0.649	0.638	0.676
Pseudo R <sup>2</sup>	0.51345	0.50386	0.49336	0.48457	0.53321
BIC	8,631.22	8,789.19	8,949.39	9,094.14	8,368.86

One-way (Country) standard-errors in parentheses

Signif. Codes: \*\*\*: 0.01, \*\*: 0.05, \*: 0.1



Fig. 5.4 Source: APLA Database, V-Dem Database, Political Institutions Database, UN DESA, World Bank, authors' own estimates.

## 5.6 Quasipoisson Models

In this section we present results from Quasipoisson models. These models are used to account for the overdispersion present in our data. Overdispersion is found when the main assumption of Poisson models, i.e. that  $mean(Y) = \sigma^2(Y)$  is not met. In our case, the Quasipoisson model reported in Table 5.5, model 5, shows that the dispersion parameter is around 8.9, that is,  $\sigma^2$  is eight time the mean. This confirms the presence of overdispersion. Table 5.6 reports the results of Quasipoisson regressions with the dependent variable lagged by one and three years.

Table 5.5 Quasipoisson Regression

<i>Dependent variable: Regulatory Complexity</i>					
	(1)	(2)	(3)	(4)	(5)
VDEM Polyarchy	−0.28 (0.30)				−0.12 (0.44)
Left-Wing Gov	0.45*** (0.07)				0.38*** (0.06)
Change in GDP Per Capita		−0.0004 (0.01)			0.0002 (0.01)
Trade as % of GDP		0.01*** (0.002)			0.01*** (0.002)
International Migration Stock			−0.16** (0.07)		−0.15 (0.09)
Refugees as % of pop.				−0.05 (0.34)	0.08 (0.47)
Emigrants in US and Spain					−0.03 (0.02)
Country Fixed Effects	Yes	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes	Yes
Observations	551	551	551	551	551
Dispersion Parameter	9.26	9.36	10.7	10.01	8.92

*Note: Robust SE in parentheses*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

Table 5.6 Quasipoisson Regression (Lag 1 and 3 Years)

<i>Dependent variable: Regulatory Complexity</i>				
	One Year Lag		Three Year Lag	
	(1)	(2)	(3)	(4)
VDEM Polyarchy		−0.19 (0.36)		−0.57 (0.37)
Left-Wing Gov	0.37*** (0.07)	0.36*** (0.07)	0.37*** (0.07)	0.35*** (0.07)
Change in GDP Per Capita		−0.003 (0.01)		0.01 (0.01)
Trade as % of GDP	0.01*** (0.002)	0.01*** (0.002)	0.01*** (0.002)	0.01*** (0.002)
International Migration Stock		−0.13** (0.07)		−0.18** (0.09)
Refugees as % of pop.		−0.06 (0.23)		−0.29* (0.17)
Emigrants in US and Spain		−0.02 (0.02)		−0.02 (0.02)
Country Fixed Effects	Yes	Yes	Yes	Yes
Year Fixed Effects	Yes	Yes	Yes	Yes
Observations	532	532	532	494

Note: Robust SE in parentheses

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

## 5.7 Linear Spatial Panel Data Models

In this last section we briefly clarify the difference between our Spatial Autoregressive Models (SAR) and the Spatial Error Models (SEM). Additionally, we present our SAR models – both with fixed effects and random effects – disaggregating the effects by type: direct, or indirect. We start with our SEM model that is specified as follows:

$$Y_{i,t} = \beta_0 + \gamma_{i,t} + \delta_{i,t} + \zeta_{i,t} + \eta_{i,t} + \theta_{i,t} + \kappa_{i,t} + v_{i,t} + \alpha_i + \xi_t + \nu_{i,t}$$

$$v_{i,t} = \lambda W v_{i,t} + \varepsilon_{i,t}$$

The model resembles a standard OLS model, except that  $v$  includes the weight matrix  $W$  and spatial coefficient  $\lambda$  that measures the average strength of spatial correlation among the error terms. On the other hand, the SAR model implies that the changes in an explanatory variable in any geographical point will affect the value of the dependent variable regardless of the location of the latter. Further discussions on the characteristics of these models are beyond the scope of this paper’s research question. Last, we clarify why we show our SAR models disaggregated by effect type in Tables 5.7 to 5.9. As Golgher and Voss (2016) explain, direct effects represent the “the expected average change across all observations for the dependent variable in a particular region due to an increase of one unit for a specific explanatory variable in that region.” Opposite to this concept are indirect effects, which represent “changes in the dependent variable of a particular region arising from a one unit increase in an explanatory variable in another region.” In our case, what they define as “regions” are the countries in Latin America considered in our study. Therefore, indirect effects show how changes in some of the explanatory variables in one country effectively spill over into another.

Table 5.7 Regulatory Complexity Spatial Panel Data Models. Main Effects.

	(1) SAR FE	(2) SAR RE
<b>Main</b>		
V-DEM Polyarchy	-2.43 (7.58)	-1.27 (7.42)
Left-Wing Gov	15.5*** (1.86)	18.3*** (1.87)
Change in GDP per Capita	-0.100 (0.20)	-0.14 (0.19)
Trade as % of GDP	0.29*** (0.059)	0.26*** (0.054)
International Migration Stock as % of Population	-0.71 (1.03)	0.055 (0.87)
Refugees as % of Population	1.33 (1.56)	0.29 (1.54)
Emigrants in US and Spain as % of Pop.	-0.69 (0.57)	0.44 (0.47)
<b>Spatial</b>		
$\rho$	-0.38** (0.14)	0.67*** (0.034)
<b>Variance</b>		
$\sigma^2_e$	201.0*** (12.2)	239.7*** (14.9)
$\text{lgt}\theta$		-1.37*** (0.22)
<b>Observations</b>	551	551
$R^2$	0.088	0.347

Standard errors in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Table 5.8 Regulatory Complexity Spatial Panel Data Models. Direct and Indirect Effects.

	(1) SAR FE	(2) SAR RE
<b>LR_Direct</b>		
V-DEM Polyarchy	-2.17 (7.87)	-1.09 (8.31)
Left-Wing Gov	15.6*** (1.81)	19.8*** (1.89)
Change in GDP per Capita	-0.081 (0.19)	-0.13 (0.20)
Trade as % of GDP	0.30*** (0.058)	0.28*** (0.057)
International Migration Stock as % of Population	-0.72 (1.01)	0.063 (0.92)
Refugees as % of Population	1.42 (1.57)	0.41 (1.67)
Emigrants in US and Spain as % of Pop.	-0.70 (0.59)	0.47 (0.53)
<b>LR_Indirect</b>		
V-DEM Polyarchy	0.54 (2.30)	-2.01 (15.4)
Left-Wing Gov	-4.36*** (1.30)	35.6*** (5.78)
Change in GDP per Capita	0.023 (0.057)	-0.24 (0.37)
Trade as % of GDP	-0.084** (0.028)	0.51*** (0.13)
International Migration Stock as % of Population	0.20 (0.30)	0.12 (1.67)
Refugees as % of Population	-0.39 (0.46)	0.76 (3.01)
Emigrants in US and Spain as % of Pop.	0.21 (0.19)	0.79 (0.91)
Observations	551	551
<i>R</i> <sup>2</sup>	0.088	0.347

Standard errors in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$

Table 5.9 Regulatory Complexity Spatial Panel Data Models. Total Effects.

	(1) SAR FE	(2) SAR RE
LR_Total		
V-DEM Polyarchy	-1.62 (5.67)	-3.10 (23.7)
Left-Wing Gov	11.2*** (1.78)	55.5*** (6.87)
Change in GDP per Capita	-0.058 (0.14)	-0.38 (0.56)
Trade as % of GDP	0.21*** (0.046)	0.80*** (0.18)
International Migration Stock as % of Population	-0.52 (0.73)	0.19 (2.59)
Refugees as % of Population	1.03 (1.15)	1.17 (4.68)
Emigrants in US and Spain as % of Pop.	-0.50 (0.42)	1.26 (1.43)
Observations	551	551
<i>R</i> <sup>2</sup>	0.088	0.347

Standard errors in parentheses

\*  $p < 0.05$ , \*\*  $p < 0.01$ , \*\*\*  $p < 0.001$



## **Chapter 6**

# **The Short-Term Effects of Visa Restrictions on Migrants' Well-Being: A Difference-In-Differences Approach on Venezuelan Displacement**



## **Abstract**

Most countries across the globe introduce visa restrictions to regulate immigration, yet little is known about their effect on migrants' decision to migrate and their well-being. I study the recent mass displacement of Venezuelan nationals, and through a difference-in-differences research design, I compare the effect of introducing visa restrictions in certain countries across South America. I use a data set of 85,000 migrants - mostly Venezuelans - surveyed by the UNHCR as part of its monitoring activity of migrants' well-being in the Latin American region. Findings suggest that visa restrictions increased irregular entry and irregular visa status for migrants while also leading to changes in their priorities. Unexpectedly, I do not find evidence of increased violence suffered by migrants who switch towards irregular entry channels. This research contributes to the academic and policy debate on the effectiveness of visa restrictions, as well the literature on the effects of migration policies on migrants' well-being.

## 6.1 Introduction

Whilst the discussion on migration policies has often focused on how such policies develop (Beine et al. 2016; Blair, Grossman, and Weinstein 2020; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Haas, Natter, and Vezzoli 2015, 2016; Helbling and Kalkum 2018), their controversial effectiveness (Czaika, Haas, and Villares-Varela 2018; Salter 2003), or on institutional constraints set on various types of polities (Freeman 2006, 2011; Hollifield 2004; Joppke 1998), no study so far has been able to empirically assess the actual effectiveness of introducing visa restrictions under conditions of mass displacement and porous borders, or the effects of these restrictions on migrants' well-being. Although some studies (Czaika and Haas 2017; Neumayer 2010; Thielemann 2006) have variously assessed the effects of visa restrictions on migration and asylum numbers, due to a lack of reliable empirical cross-country data, more detailed assessments on the effects of migration policies on migrants themselves - especially in developing countries - are long overdue.<sup>1</sup>

This paper aims to fill this gap in the literature by focusing on the effectiveness of introducing visa restrictions in countries experiencing mass migration in a context of porous borders, as well as on the effects of these restrictions on migrants' well-being. The intent is thus to answer seminal research and policy questions such as: How effective are visa restrictions in deterring migrants' from travelling within a context of mass displacement and porous borders? What are the negative externalities for migrants who switch from a legal to an irregular crossing channel? And finally, how does the irregular status of migrants affect their priorities once in the host country? These are highly relevant research questions both for contemporary migration-related policy debates, as well as for academic discussions on

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<sup>1</sup>All the replication code is available on GitHub at [https://github.com/HammoudG/UNHCR\\_Microdata\\_LAC](https://github.com/HammoudG/UNHCR_Microdata_LAC). The data used on this paper can be accessed upon request directly to the UNHCR at <https://microdata.unhcr.org/index.php/home>

the effectiveness of imposing visa requirements within a context of mass displacement and porous borders, and on the effects of such policies on migrants' well-being.

To that aim, I use recently collected microdata of migrants surveyed by the United Nations Higher Commissioner for Refugees (UNHCR) and partner organisations as part of their monitoring activity of migrants' well-being in the Latin American region. The UNHCR microdata was collected as part of the agency's recent efforts to support national governments in their response to the inflow of Venezuelan migrants, who represent around 80,000 of the surveyed individuals (UNHCR 2019b). Since 2015, it is estimated that more than five million 400 thousand Venezuelans have left their country and moved mostly to other Latin American nations. The vast majority have moved within South America into four geographically and culturally close countries: Colombia, with an estimated population of around 1.7 million Venezuelans, Ecuador (around 429,700), Peru (around 1 million) and Chile (around 457,300) (Acosta, Blouin, and Freier 2019; Chavez Gonzales and Echeverria Estrada 2020; R4V 2021). This displacement was due to the increasingly dire social, economic and political conditions in Venezuela, compounded by hyperinflation and political repression (International Crisis Group 2020).

Beyond the scale of the displacement of Venezuelan nationals, the four countries mentioned above represent important cases to study the effectiveness of introducing visa restrictions within a context of mass migration and porous borders, and their effects on migrants' well-being. Additionally, it is necessary to stress that despite being eligible for asylum in most Latin American countries, Venezuelans have been unable to get recognised as refugees in most countries except for Brazil and Mexico (Berganza, Blouin, and Freier 2020; Chavez Gonzales and Echeverria Estrada 2020; Selee and Bolter 2020), and thus their only realistic options to cross borders have been either by entering regularly by using any reasonable

excuse e.g. as tourists, or irregularly.<sup>2</sup> Most Venezuelans' options to enter regularly narrowed down in 2019 as visa restrictions were imposed. As of June 2019 Chile, Ecuador and Peru announced the introduction of visa restrictions for Venezuelan nationals, who until then had been able to enter those countries without the need for a visa. This was compounded by Peru's decision in October 2019 of not renewing temporary residence permits for many Venezuelans (El Peruano 2019). In this study, I compare the effects of the introduction of these visa restrictions in Chile, Ecuador and Peru with the situation of Venezuelan migrants in Colombia, where such visa requirements were not introduced.

The variation in migration policies in these four countries allows for a difference-in-differences (DID) research design, where the former are considered the treatment group, with Colombia being the only control case. As this research makes use of cross-sectional data, I can only estimate the short-term effect of such visa restrictions. The focus of this research is on four outcome variables: irregular entry, lack of a regular visa, violence suffered, as well as migrants' priorities once in the host country. The former two allow to study the effectiveness of visa restrictions in deterring migrants from entering the country at all, while *violence suffered* analyses the negative well-being effects on migrants who switch toward irregular entry routes into the host country. Finally, migrants' priorities after and before the introduction of visa restrictions show how the introduction of these visa restrictions affected migrants' well-being, especially their likely labour market integration. This analysis is limited to data collected in 2019.

The findings from this paper show that that introducing visa restrictions within a context of mass displacement and porous borders increases irregular entry and lack of a regular

<sup>2</sup>According to legislation on asylum in place across most of Latin America, a refugee's definition extends beyond the 1951 Geneva Convention definition to include: "persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order." Scholars and the UNHCR widely agree that most of these conditions apply to the current Venezuelan crisis. (UNHCR 1984, 2019a)

visa once in the host country, that is, that visa restrictions are highly ineffective in deterring migrants from crossing frontiers. This situation of irregularity in turn negatively affects migrants' well-being as they shift their priorities away from seeking employment to having to invest resources in trying to regularise their legal status, thus spending valuable resources that could have been used in a more productive way, had they been allowed to enter the country regularly. Finally, I do not find evidence to suggest that migrants switching towards irregular migration channels are more likely to suffer episodes of violence, although further research is needed before drawing any conclusions.

The microdata used in this research does not allow to make inferences about the effects of imposing visa restrictions on the absolute numbers of people deciding to migrate. Yet, these findings hold important lessons to be learned when dealing with situations of mass displacement and porous borders across the globe, which will exacerbated in the future due to climate change induced displacement. By mass displacement I understand a situation in which a shock - be it an armed conflict, or a natural disaster - leads a numerous amount of individuals and families to decide to leave their country of origin. Porous borders are those between nations that cannot realistically be patrolled either because of their geographical characteristics (e.g. borders are too wide), or because of low state capacity. Both factors realistically characterise the border areas of the four countries under study. The validity of the findings of this study is limited to situations where both these conditions apply.

Finally, the findings of this research are of high significance not only for current scholarship, but also for public policy. While scholarship so far had only been able to theorise about the effects of introducing of visa restriction in such contexts, and only estimate the effects of visa restrictions using regular migration channels (Czaika and Neumayer 2017; Neumayer 2010), I provide an estimate of the probability of individuals switching towards irregular crossing channels once regular migration becomes unviable. Additionally, I show how the

lack of a regular residency permit negatively affects migrants' well-being as they need to spend more time and resources trying to regularise their legal status, rather than being able to focus on working soon after arriving in the host country.

The article is structured as follows. In the first part I discuss the academic literature, formulate hypotheses to test, and recount the changes in the legislative frameworks on migration in the four case studies. Second, I present the data. Third, I estimate the general *DID* model and discuss its assumptions. Fourth, I engage with the results of the various *DID* models, and run some robustness tests. Finally, I discuss these results before concluding with a discussion about the findings, their limitations and possible paths for further research.

## 6.2 Theoretical Framework

The first concern of this research is 'visa restrictions': these are the most important policy tools on which governments rely to 'monitor, control and limit the cross-border flow of people' (Neumayer 2010). These allow governments to pre-screen and therefore keep out 'undesirable' or 'risky' profiles who might pose a threat to the country, or as Neumayer summarises: 'visa restrictions are likely to deter both welcome and unwelcome travelers' (Czaika and Neumayer 2017; Neumayer 2010, 172).

Many scholars have critically evaluated the effectiveness of visa restrictions and other policy instruments in decreasing the inflow of migrants (Czaika and Haas 2013; Czaika, Haas, and Villares-Varela 2018; Salter 2003; Thielemann 2006). As Czaika and Haas (2017) succinctly summarise, this latter group of scholars suggests that it is mainly structural factors that drive people's willingness to travel, and therefore migration policies only change 'the way' people travel, rather than influencing the actual decision to do so, regardless of how sophisticated such policies have become (Bonjour 2011; Broeders and Engbersen 2007).

Additionally, due to a lack of data, many scholars have decided to focus on migration and asylum policy development, with little focus on the effects of such policies (Beine et al. 2016; Blair, Grossman, and Weinstein 2020; Haas, Natter, and Vezzoli 2015).

Yet, while most of the empirical literature has focused on the quantifiable effects of visa restrictions using data on official entries (Barthel and Neumayer 2015; Czaika and Haas 2017; Neumayer 2004; Ortega and Peri 2009), academics have so far not been able to estimate the effectiveness of these visa restrictions in a context of mass displacement and porous borders, where data on entries might be difficult to collect. For instance, few reliable quantitative analyses have been conducted in countries where visa restrictions are imposed between neighbouring countries, whose borders are wide and therefore difficult to patrol, and within a context of mass displacement due to catastrophic economic, social and political conditions in the country of origin (Czaika and Hobolth 2016). These type of analyses have so far been difficult to conduct due to limited reliable data on irregular migration flows (Haas 2008), so that extant research on irregular migration is mostly limited to qualitative case study analysis (Andersson 2016; Echeverría 2020). To fill this gap in the literature, in this research I will test the hypothesis that within a context of mass displacement and porous borders, faced with visa restrictions migrants will cross borders irregularly, and end up with an irregular visa status.

The second concern of this research is migrants' well-being and how migration policies affect it. Particularly important is the issue of how much more likely it is that switching towards an irregular migration channel will affect migrants' likelihood of suffering some type of violence, as widely documented (Andersson 2014; Pugh 2021; Vogt 2018; Wolf 2021). While this likelihood depends on the context within which irregular migration takes place, it is beyond any doubt that this 'invisibility' towards the host country's authorities, leaves migrants heavily vulnerable to violence of all sorts, especially from those on which they rely

to safely enter their destination country and to access housing and employment once there (Gottwald 2004; Pugh 2017). Consequently, I hypothesise that switching from a regular to an irregular migration channel increases the chances of suffering an episode of violence.

The last focus of this research is on the labour market integration of migrants and refugees into the host society (Aggarwal, La China, and Vaculova 2016; Bosh and Farre 2013; Clemens, Huang, and Graham 2018). While the conditions under which labour market integration takes place in developed and developing economies are widely different, both in terms of higher informality rates in the latter, as well as different degrees of support from governmental institutions, scholarship agrees that accessing employment is crucial for both migrants and their host communities, who might reap the benefits of an improved economy in their communities. Even under conditions of informality, being regularly resident in the host country might lower the risk of labour exploitation, lower salaries and fear towards national authorities (Ceritoglu et al. 2017; Sak et al. 2018; Stave and Hillesund 2015).

Such conditions of high informality are a common feature of labour markets across some Latin American countries, where around half of all jobs are informal (Salazar-Xirinachs and Chacaltana 2018, 22). However, whereas in certain countries of South America such as Ecuador and Colombia around half of the native population works informally, informality rates reach almost 70% of native workers in Peru. In all these countries, informality rates for Venezuelan migrants are considerably higher (Selee and Bolter 2020, 43). To further confirm this, Figure 6.1 depicts the occupation of the respondents in our dataset. Unsurprisingly, it shows that street selling and informal employment are the most common occupations, except for the case of Chile. The latter has a more developed economy that is much more favourable to the labour market integration of migrants (Aldunate et al. 2019).

Under these conditions of high labour market informality, having entered irregularly, or being regularly resident in the host country might not affect by much migrants' likelihood of

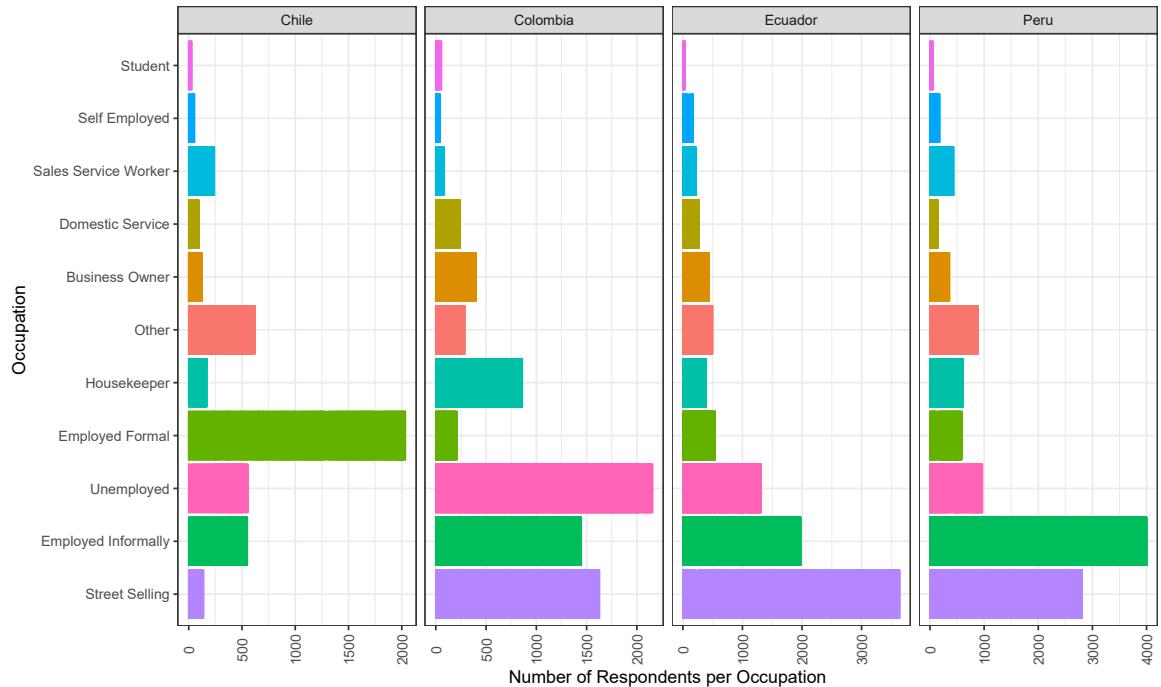


Fig. 6.1 Distribution of Respondents by Occupation. Source: UNHCR Microdata

working formally, but it can surely help contribute to their societal integration and personal well-being as being regular residents migrants can avoid possible abuses from authorities, middlemen and employers. It is therefore reasonable to suggest that irregular migrants are likely to prioritise regularisation over their closest priority: seeking employment. Based on this assumption, I hypothesise that being irregularly in the host country is highly likely to shift migrants' priorities from seeking employment as soon as they reach the host country, to seeking to regularise their migratory status. Regularising would allow migrants to guarantee their and their families' stability and long term integration, thus taking precedence over seeking employment following their arrival in the host country

To summarise, the main idea underlying this research is that in a situation of porous borders and mass displacement the imposition of visa restrictions does not substantially reduce the inflow of migrants. What these restrictions do instead, is that they lead to an increase in irregular entries, and consequentially to an increase in the negative externalities

usually associated with irregular migratory status. In this study we focus on two such externalities: the likelihood of suffering episodes of violence, and the priorities of migrants with or without the proper migratory status.

I therefore formulate three hypotheses: first, that the introduction of visa restrictions leads to an increase in individuals entering and therefore residing irregularly in the host country. This hypothesis is tested using two dependent variables: irregular entry and lack of a regular visa. Second, an increase in irregular status leads to increases in episodes of violence suffered by migrants either in the host or transit country, due to their 'invisibility' in the face of authorities, as well as because of their reliance on smuggling and other illegal armed groups to bring them across the border. Last, the irregular status of migrants will lead to a change in their priorities, in that they will seek to regularise their situation first, compared to migrants who are legal residents, and who are therefore able to focus on integrating straight away into the labour market, and therefore into society at large, even if they work informally.

By testing the hypotheses above, this paper seeks to answer some fundamental questions in migration research that have often been neglected due to the unavailability of microdata on irregular migrants. Beyond the academic relevance of this topic, this research aims to answer a fundamental policy question of high relevance for contemporary policy-making on migration, especially within contexts of mass displacement and porous borders in developing nations.

### **6.2.1 Legislative Framework**

To understand the effects of the introduction of visa restrictions on Venezuelans, we need first to clarify the political and legislative context in which these changes took place. As Selee and Bolter (2020) report, until 2015, when Venezuelan emigration took off as a result

of the worsening political and economic crisis - compounded by hyperinflation - Venezuelan nationals had had visa-free access to many countries in Latin America, and in most of South America an ID card was enough for Venezuelans to be able to travel across borders.

This was possible as a result of regional integration efforts - especially in South America - that had taken place over the two previous decades through institutions such as MERCOSUR, CAN, CARICOM and UNASUR, as well as through a series of multilateral agreements facilitated by a temporary ideological convergence of governments in the region, which led to the development of an overall quite liberal legal framework on migration and asylum (Cantor, Freier, and Gauci 2015; Ceriani and Freier 2015). In their study on the development of the asylum system across Latin America, Fernandez-Rodriguez, Freier, and Hammoud-Gallego (2020) discuss how - in addition to the factors mentioned above - low refugee numbers as well as economic growth contributed to the adoption of such generous refugee policies in the region.

In September 2018 11 countries of the region - including the four countries under study - signed the 'Quito Declaration,' a non-binding agreement where they all pledged to keep their frontiers open to Venezuelans fleeing chaos back home, and to accept even expired passports as documents for entry. However, faced with the inevitable backlash from public opinion, as hundreds of thousands of Venezuelans crossed into their countries, several countries imposed restrictions in the months following the declaration (Acosta, Blouin, and Freier 2019). The table below shows the number of Venezuelan migrants according to category in each country.<sup>3</sup>

As this trend accelerated, by the end of 2018, with the exception of Argentina, Brazil and Ecuador, all the other top receiving countries had introduced passport requirements for Venezuelans, where earlier an ID might have been sufficient. The introduction of passport

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<sup>3</sup>There is some data incoherence for Chile, in that - according to R4V - there are more legally registered migrants than the total number of migrants including those estimated to be irregularly in the country.

Table 6.1 Official Estimates of Venezuelan Migrants and Refugees as of June 2021. Source: r4v.info

Country	Residence Permits	Asylum Seekers	Recognised Refugees	Total Estimate including Irregular
Chile	610,000	2,800	14	457,300
Colombia	730,000	19,600	771	1,700,000
Ecuador	202,500	13,600	410	429,700
Peru	465,900	532,300	2,600	1,000,000

requirements should not be underestimated as they were - and still are - very difficult to obtain for most Venezuelans. In addition to that, in 2018 Chile stopped its policy that allowed tourists to transition to work visas once in the country, which had been widely done by Venezuelans until then. Chile also introduced a new visa of 'Democratic Responsibility' for Venezuelans that allowed them to travel directly from Venezuela, but had various disadvantages, its cost, waiting period, need of a passport and criminal history certificate being the most prominent ones (Selee et al. 2019).

Finally, between June and July 2019, with a few weeks' difference between them, Chile, Ecuador and Peru imposed more limiting visa requirements. From June 22nd Chile stopped allowing Venezuelans into the country as tourists, while Ecuador announced on July 25th that from August 26th Venezuelans would require a visa to enter the country. Similarly, Peru announced on June 6th that from June 15th Venezuelans would need a visa to enter the country. It should be pointed out that in all the three cases above, Venezuelans were allowed to apply for the required visas while in a transit country. Still, costs, waiting period, the lack of a passport and employment, made this a non-viable option for most migrants. Of the four case studies, only Colombia decided not to introduce a visa requirement, although it does require passports for entry, even if it allows Venezuelans who live in the border region to apply for a Border Mobility Card (El Mercurio 2019). Table 6.2 reports the date from which passports were required, and when visa restrictions were announced and imposed.

Table 6.2 Introduction of Visa Requirements. Source: Selee and Bolter 2020, El Mercurio 2019

Country	Visa Requirement Announced	Visa Requirement Introduced
Chile	June 22nd 2019	June 22nd 2019
Colombia	Not Applicable	Not Introduced
Ecuador	July 25th 2019	August 26th 2019
Peru	June 6th 2019	June 16th 2019

As Selee and Bolter (2020) report, the introduction of these restrictions drastically cut the numbers of regular border crossings in the three countries above: as an example, while in June 2019 around 24,000 Venezuelans had entered Chile as tourists, in August that figure had gone down to 1,000 entries. Similarly, legal entries decreased in Peru from 88,000 in June to 19,000 the following month. Exception to these visa requirements were kept for children, pregnant women, over 60s, and people with medical conditions. Figure 6.2 below shows the official entries of Venezuelan nationals into Colombia and Ecuador in 2019 (INEC 2021; Migración Colombia 2021). The plot clearly shows how a few days before the introduction of visa requirements in Chile and Peru, as well as just before the implementation of the visa requirement in Ecuador itself, the number of entries of Venezuelans as tourists drastically increased. In the days following the implementation of the visa requirement for Venezuelans in Ecuador, the number of entries as tourists plummeted, whereas in Colombia no such change is observed. The slight increase in entries to Colombia between July and August matches a similar number of exits (not shown here), suggesting that most Venezuelans who entered Colombia in those months, used it as transit to reach Ecuador before the imposition of visa restrictions in the latter in August.

Willing to tackle irregular migration, countries in the region had stepped up programmes to regularise irregular migrants with ad-hoc migratory permits already in 2017. While Colombia introduced the PEP (Permiso Especial de Permanencia, *Special Stay Permit*), Peru developed the PTP (Permiso Temporal de Permanencia, *Temporary Stay Permit*), while

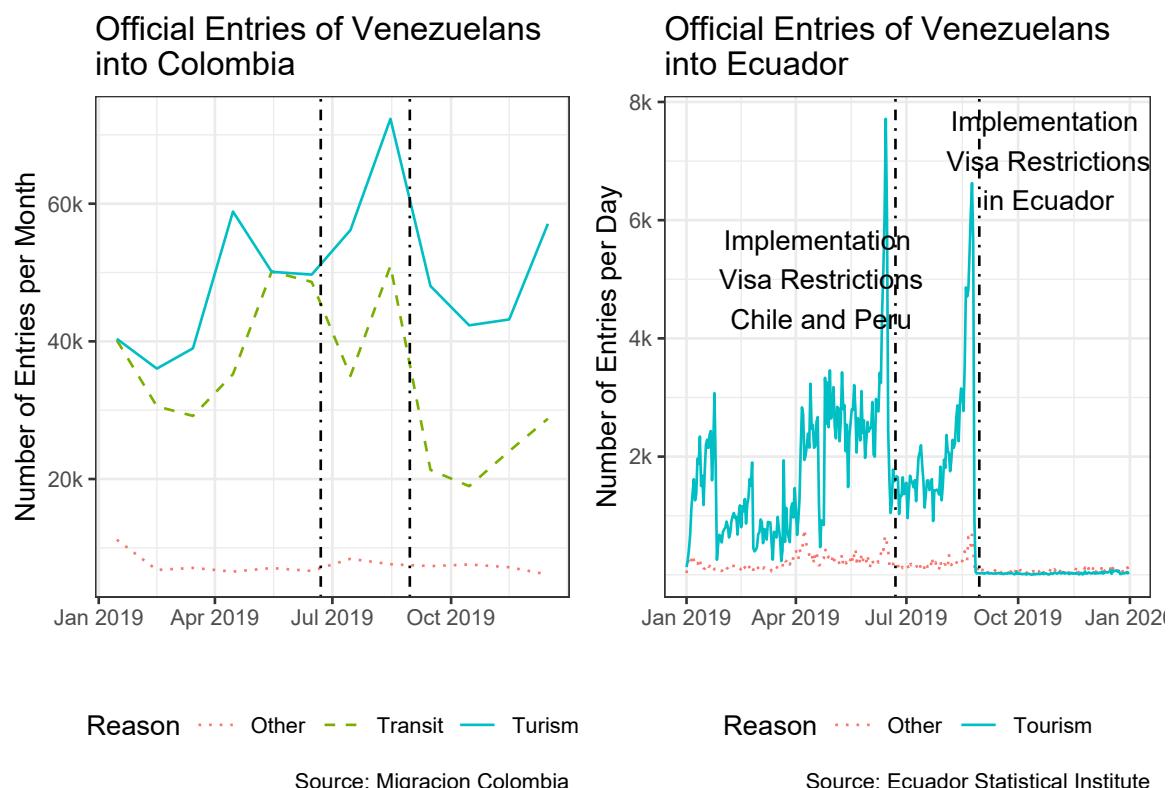


Fig. 6.2 Official Entries of Venezuelans by Reason of Travel

Ecuador came up the ‘*Exceptional Visa for Humanitarian Reasons*.’ While these permits have regularised hundreds of thousand of individuals, all have serious shortcomings, such as the Colombian PEP that does not allow Venezuelans a path to permanent residency (R4V 2021; Selee and Bolter 2020).<sup>4</sup> The Peruvian PTP on the other hand, allowed transition to permanent residency after a year, but application was limited in October 2019 (El Peruano 2019). Last, Ecuador’s *Exceptional Visa* granted applicants a two year residency permit, however regular entry was a pre-condition for application, which limited it as an option for many Venezuelans (Selee and Bolter 2020).

## 6.3 Data

The dataset on which this analysis is based is made of around 85,000 observations of migrants surveyed by UNHCR and NGOs across 10 Latin American countries as part of their monitoring activities. The surveys began in 2019, although inconsistently, and data has been made available under request up to 2020, when it was paused due to the ongoing pandemic. As confirmed by UNHCR and NGO officials involved in the data collection, all the interviews were conducted in person, both in border areas as well as in urban areas where migrants were known to have clustered. In the majority of cases migrants approached the UNHCR and the NGOs seeking support as soon as they arrived in the country, and the survey was immediately administered. It is therefore likely that vulnerable migrants are over-represented in the sampling. A field visit to an NGO centre in Lima, Peru, in September 2019 confirmed all of the above. The data was collected using a survey software developed by the UNHCR.

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<sup>4</sup>As of October 2020, Colombia had introduced a fourth round of PEP regularisation for all Venezuelans who had entered the country before the 31st of August 2020. (Migración Colombia 2020)

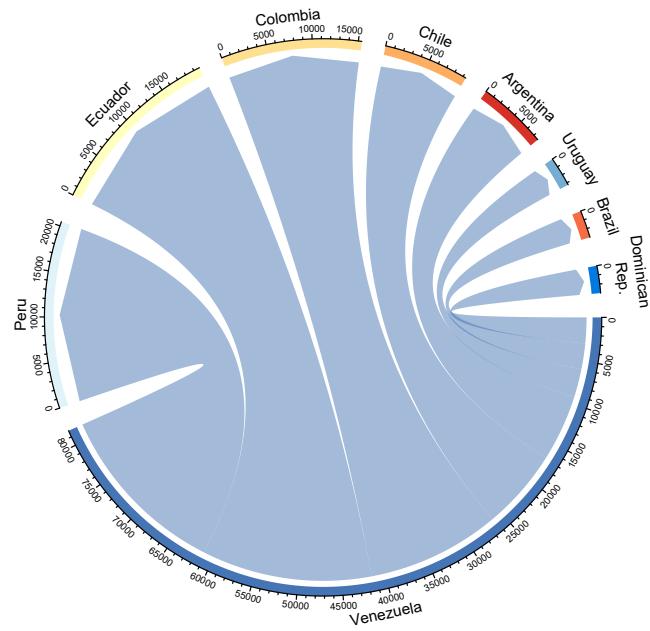


Fig. 6.3 Destination of Venezuelan Migrants surveyed by the UNHCR. Source: UNHCR Microdata

In Figure 6.3, the chord diagram shows where the vast majority of migrants included in the dataset come from, and in which country they were interviewed. Panama and Guatemala were excluded from this diagram, as they face different migratory conditions: Panama has a small but diverse set of migrants, whereas all migrants interviewed by the UNHCR and NGOs in Guatemala come from Honduras. Other less common nationalities are excluded from this diagram to ease its readability.

Figure 6.4 shows the number of people interviewed per country. The majority of the interviews took place between the beginning of 2019 and the first months of 2020, with Argentina, Brazil and Uruguay having fewer rounds of surveys. Because of that, I exclude Argentina, Brazil and Uruguay from this analysis. The distribution of survey rounds, and their intensity does not suggest that interview numbers changed after June 2019, when some countries introduced visa restrictions. Instead, the distribution of surveys seems to have been

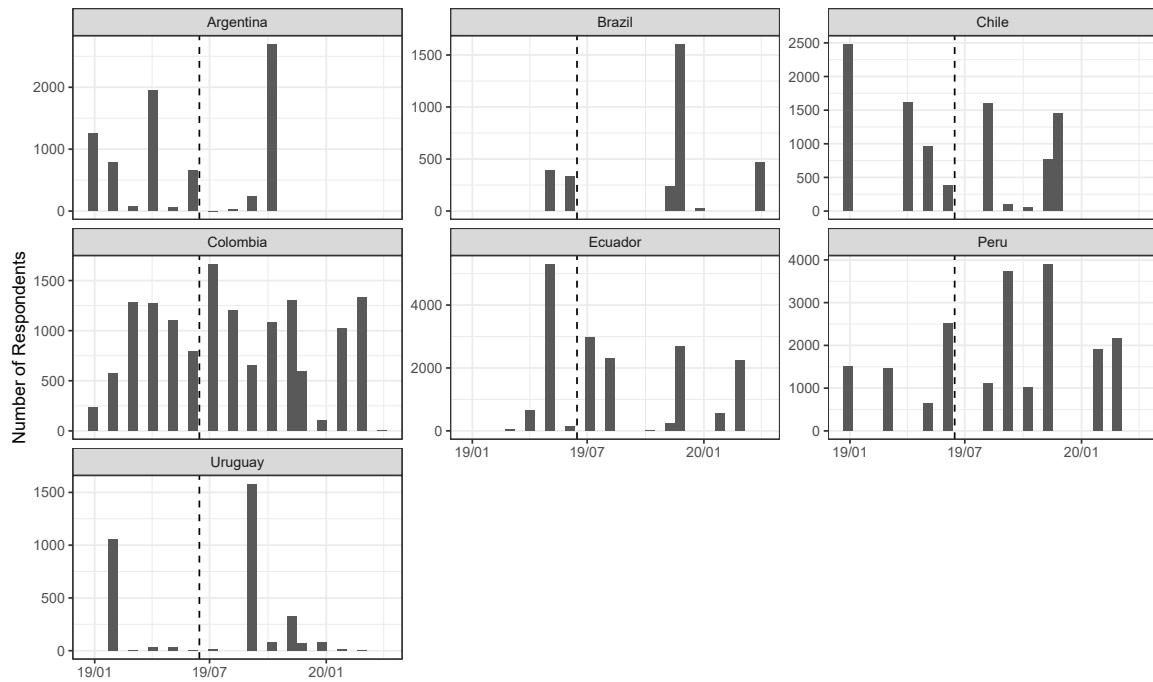


Fig. 6.4 Interviews per country. Source: UNHCR Microdata

dependent only on the capacity and willingness of the UNHCR and partnering NGOs to collect data.

Based on the data collection - and due to the anonymisation of the data then conducted by the UNHCR before publication - this micro data reports the month and year of interview, but gives only three broad ranges of the time of arrival in the country (0-6, 7-12, or > 13 months). This makes it more difficult to trace the exact date of entry of each respondent. However, based on the dynamics of the data collection mentioned above, further confirmed by the UNHCR staff involved, it is reasonable to assume that the vast majority of interviews took place within a month of arrival in the host country. Additionally, even if it were the case that a consistent error exists, that error would be similar both in the pre- and post-treatment period, thus not substantially affecting our results. In this analysis I therefore assume that month and year of interview equal the month and year of arrival. I further strengthen this assumption, by filtering only for those migrants who reported having arrived within six months in the host

country. However the need to make such assumption reflects a limitation in the data, and therefore of this study. By accepting this assumption, the data can be leveraged to study the effect of migration policies on the Venezuelan migrant population.

## 6.4 Methods

To test the hypotheses formulated above, I use a difference-in-differences (DID) research design, as these visa restrictions were announced in the same month (between June and July 2019) and introduced with short notice (see table 6.2), across all three countries of interest, whereas Colombia was the only one of the countries not to introduce such restrictions. After having specified the model, in the following section I discuss the parallel trend assumption and show the lack of significant differences between the pre- and post-treatment covariates to justify the suitability of the DID approach. The DID general model for each of the four dependent variables is:

$$Y_{i,t} = \alpha_i + \gamma TM_i + \lambda T_t + \delta(TM_i * T_t) + \theta + \varepsilon_{i,t}$$

Where  $Y_{i,t}$  is the binary response for unit  $i$  in period  $t$ , where period  $t$  is either  $t = 0$  for before, and  $t = 1$  for the period after the introduction of visa restrictions.  $TM_i$  is a dummy variable that is 1 for the treatment, and 0 for the control group,  $T_t$  is the time dummy, which is 0 for before and 1 after the introduction of visa restrictions, while  $TM_i * T_t$  is the interaction term between time and treatment.  $\alpha$  is the constant,  $\theta$  country fixed effects, and  $\varepsilon_{i,t}$  the error term. I collapse the periods in pre- and post-treatment periods, as they produce more consistent standard errors (Bertrand, Duflo, and Mullainathan 2004). The standard errors are robust to correct for heteroskedasticity in all models, as suggested by MacKinnon

and White (1985). Running the same models using a wild cluster bootstrap algorithm (not shown), as suggested by Roodman et al. (2019) to take into account the limited number of clusters, mostly confirm the findings, as further discussed below. The dependent variables are binary, coded as either 1 or 0, where 1 stands, respectively, for: irregular entry, irregular visa status, having suffered an episode of violence, and having legal documents as first priority. Irregular visa status differs from irregular entry in that in the case of the former, the migrant might have as well entered the host country regularly, but then overstayed her visa. Violence suffered includes different types of violences, from extortion by public officials to threats and even murder. I apply a standard OLS DID model which eases the interpretability of the coefficients.

Finally, I need to acknowledge that Colombia is an imperfect control case. This is so for the following reasons: first, due to the confrontations between Venezuelan opposition leaders trying to enter the country with aid via its terrestrial border, Venezuela shut off temporarily its border with Colombia in February 2019 (NYT 2019). Because of these events, the situation at the border can be hardly understood as a ‘pure’ control case with no changes of any kind. Second, while Colombia did continue to let Venezuelan nationals come into the country to stay - provided that they had a passport - the shifting deadlines of the temporary permits it provided led to high numbers of Venezuelans deciding to either enter the country irregularly, or, if they had entered regularly, not renewing their visas. Last, as shown in Figures 6.5 and 6.6, the vast majority of respondents in Colombia reported entering the country irregularly, with a higher percentage than at any point for any of the other case studies, even if it officially never introduced the same type of visa requirements as Chile, Ecuador or Peru. Having acknowledged all the limitations of using Colombia as a control case, I argue that it still remains the most reliable control case in the region - for which we have data - as it is the only one with similar migration flows where no legislative changes took place in the visa

requirement of Venezuelan migrants in 2019. The results of this research will need to be interpreted in the light of these limitations.

### 6.4.1 Parallel Trend Assumption

As with any DID design, in this article I identify the introduction of visa restrictions as the causal effect by assuming that had these restrictions not been introduced, the distributions of our dependent variables in the untreated case (Colombia) and the treated cases (Chile, Ecuador, and Peru) would have followed parallel trends. Therefore, to test the parallel trends assumption, I first plot the percentages of irregular entries and people with a regular visa permit by country in Figure 6.5. The first plot shows that the percentage of migrants who reported entering the host country irregularly increased in Chile and Peru in July 2019, while in Ecuador a clear increase happened after August 2019, when visa restrictions were introduced. For Colombia - that has constantly high numbers of irregular entries - no such change is visible. In fact there is a drop in irregular entries around September 2019, but that seems mostly to be due to the lower number of people interviewed that month, as Figure 6.4 demonstrates.

The second plot in Figure 6.5 instead shows a similar development looking at the proportion of migrants with an irregular visa status. This variable refers to the possession, or lack, of a regular visa to stay in the country. This differs from the variable about irregular entry mentioned above, as migrants might have entered regularly, but overstayed their visa, or, vice versa, they might have entered irregularly and then regularised their stay. As in the first plot, also here in Chile and Peru there is a steep increase in irregular status after June 2019. Oddly enough, for Ecuador this does not seem to be the case. This can be explained by the fact that in September 2019, the Ecuadorian government - likely expecting a steep increase in irregularity in Venezuelan migrants - began registering Venezuelans in the country in an

effort to eventually grant them some form of regular status (Selee and Bolter 2020, 18). Thus, trends in both plots seem to suggest that the parallel trend assumption might be justified, as far as trends are concerned.

However, as Kahn-Lang and Lang (2020) and Mckenzie (2020) discuss, *DID* is more plausible not only if the treatment and control groups have similar *trends* but also similar *levels*. Clearly, this is not the case for the control case, where the percentage of irregular entries and lack of regular visas is substantially higher than in the other countries. Does this affect the validity of the parallel trends assumption? I would argue that the assumption holds for the following reasons: first, although levels between the control and treated cases are different, there is no change in the control case's pre- and post-treatment trend, and second, while levels are different, the plots in Figure 6.7 show how the covariate distribution is equivalent in both the treated and control groups.

Still, it is likely the case that had the same intervention been applied to the control case, the effect would have been different than in the 'treated' countries, as levels of irregular entry and lack of visa are already very high. I suggest that Colombia might as well be considered a control case, but it is in fact a case that has already been treated in a period prior to the one considered in this study, and that the new 'treated' cases might in fact be just catching up with Colombia, where the trends in irregular entry and irregular visa status are stable in 2019. This reflection merely acknowledges one of the main limitations of the *DID* approach, in that the period chosen for the analysis inevitably influences the coefficients of interest in the *DID* models.

Figure 6.6 further explains this development by comparing the development over time of the various legal migratory statuses held by migrants. For instance, not only do irregular visa statuses increase across all 'treated' countries, but the data clearly shows also how 'tourist' visas were the most used in Chile, Ecuador and Peru before the introduction of

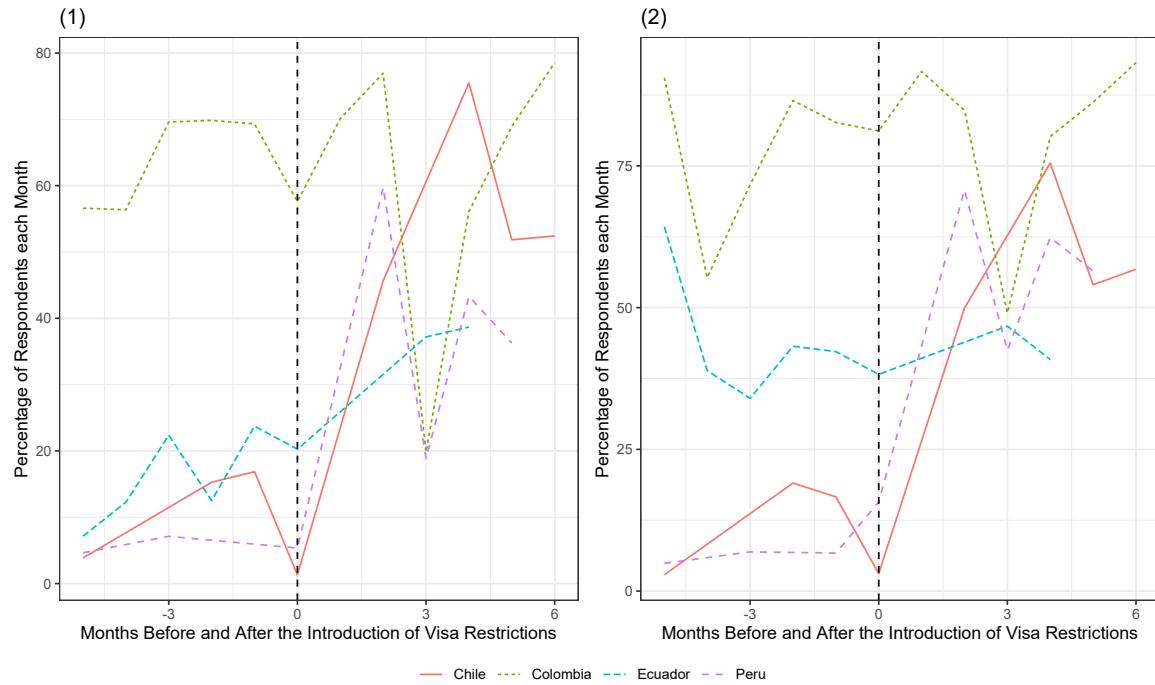


Fig. 6.5 Percentage of Respondents who reported entering the Country Irregularly (1) or not having a regular visa (2) in the host country. Source: UNHCR Microdata

restrictions. Focusing on tourist visas seems justified within the context of widespread informal employment, especially in Peru and Ecuador. As mentioned earlier, until June 2019 in Chile Venezuelans could switch from a tourist to a work visa once in the country. Likewise, in Ecuador and Peru few migrants realistically expected to work in formal sectors of the economy. For these reasons, entering through a tourist visa - whilst not necessarily allowing access to formal work - at least ensured some form of temporary legal residency.

#### 6.4.2 Covariates Distribution and Data Representativity

Additionally, to test for any differences in the pre- and post-treatment covariates, I plot in Figure 6.7 the frequency of selected key characteristics (age, sex, education) of respondents over time to ensure that no significant difference is present in the composition of respondents surveyed before and after the June 2019 threshold (Hartman and Hidalgo 2018; Kahn-Lang

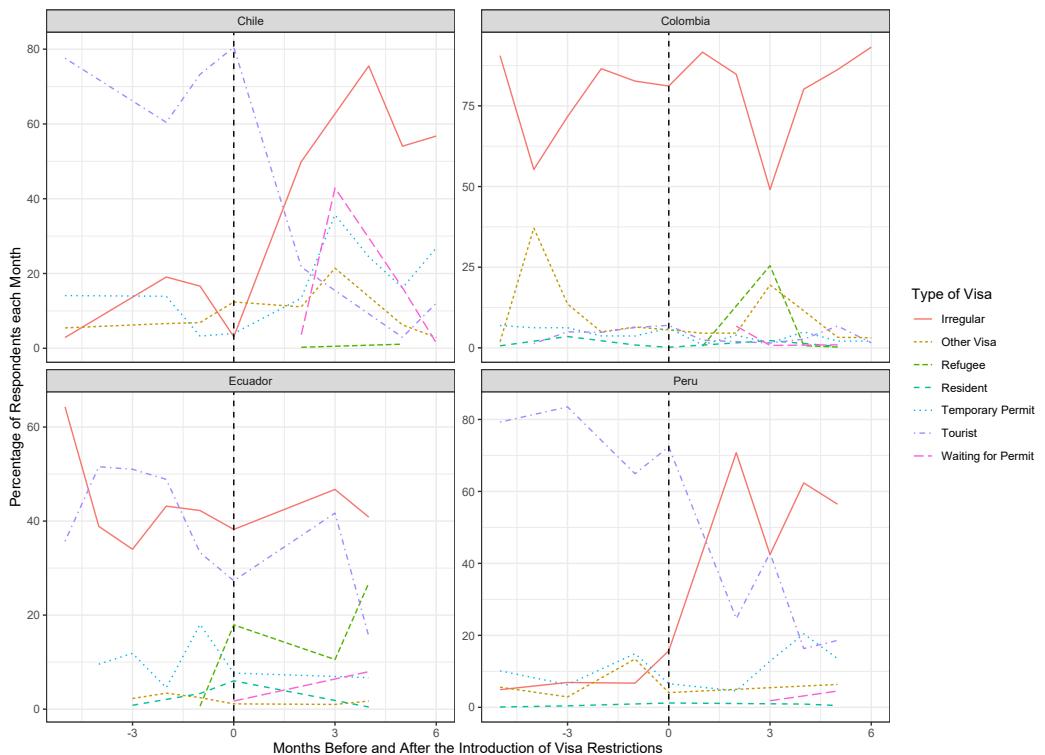


Fig. 6.6 Percentage of Respondents by Type of Visa. Source: UNHCR Microdata

and Lang 2020). The composition of respondents over time does not seem to have been changed by the introduction of the visa restrictions. The stability of these key categories suggests that there was no difference in terms of sampling bias before and after the introduction of restrictions, or that specific categories of migrants are more likely to enter irregularly a country than others. I avoid to perform a standardised means difference analysis as the ‘education’ variable - the only one where self-selection might theoretically be expected - has several missing observations which would affect its results (Austin 2011).

Having shown that there is no difference in terms of the composition of respondents over the year 2019, ideally I would need to ensure that the surveyed population is representative of the overall Venezuelan population in each host country. Unfortunately, nationwide censuses of the Venezuelan population in the different countries in South America is not yet available for the year 2019.

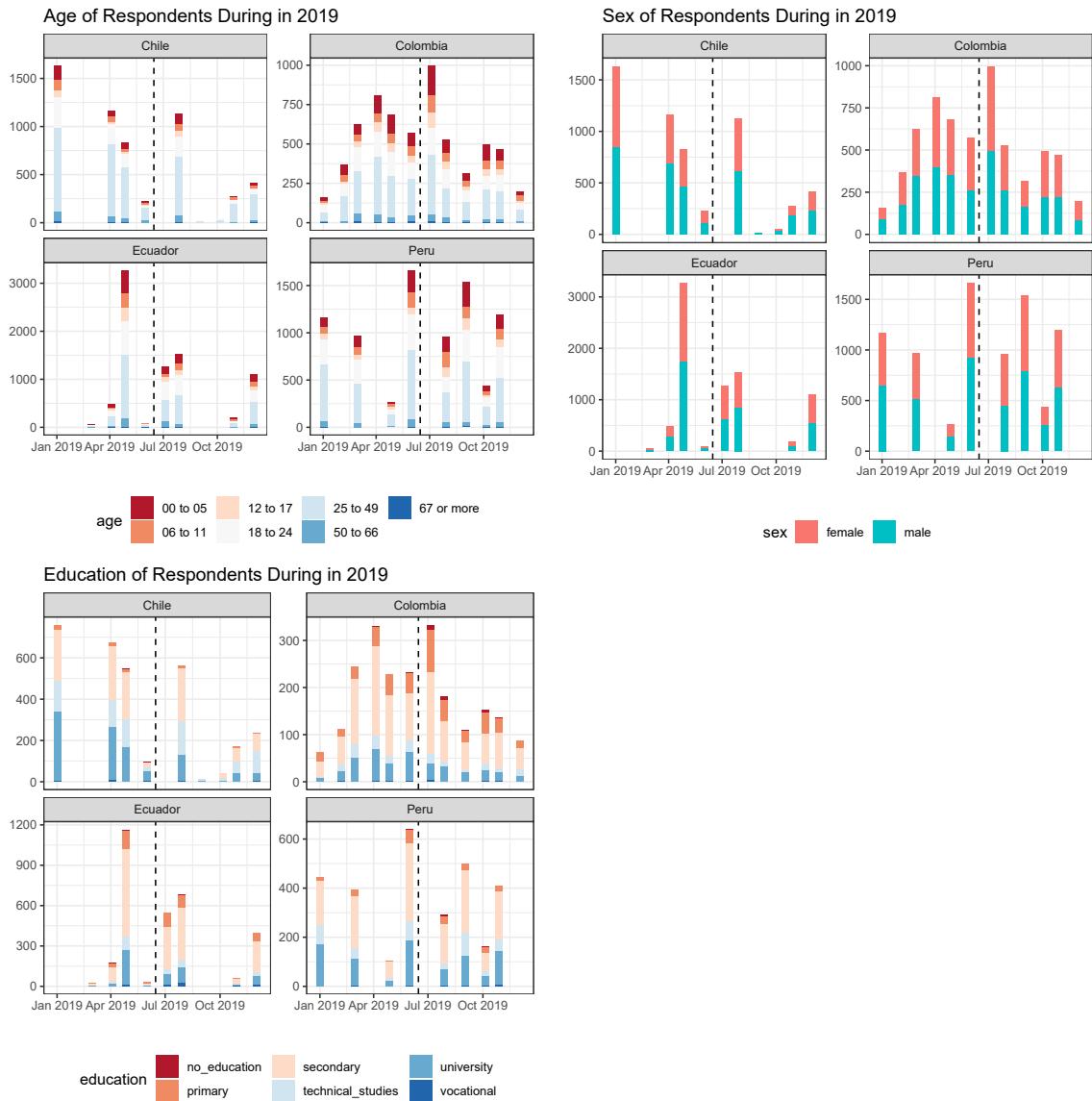


Fig. 6.7 Distribution of Main Characteristics of Respondents. Source: UNHCR Microdata

Still, as the main characteristics (age, sex and education) of the Venezuelan population in the region in a recent report by the Migration Policy Institute (Chavez Gonzales and Echeverria Estrada 2020) mirror closely those of the UNHCR micro data, for the purpose of this research, and waiting for the publication of nation-wide censuses of the Venezuelan population abroad, I assume that the UNHCR sampling is representative.

## 6.5 Results

Based on the modeling formulated above, here below I show the results of the *DID* regressions for the four dependent variables. Similar models to the ones reported below - with additional covariates - are shown in Appendix 4. Those models confirm the findings presented here. In Table 6.3 I show the results for the first three dependent variables: irregular entry, lack of a regular visa, and having suffered violence, where  $\delta$  (Diff-in-Diff) is the main coefficient of interest. The coefficient in the models below estimate the changes in the probability of the respective dependent variables (i.e., irregular entry, irregular visa, having suffered an episode of violence) from the period  $\delta = 0$  to the period after the introduction of visa requirements ( $\delta = 1$ ) for both the treated and control groups.

The first two results confirm theoretical expectations: the *DID* coefficient estimates the introduction of visa restrictions increased *irregular entry* (first column) by around 30 percentage points, compared to a situation where this had not happened. Similarly, in the second column, the *DID* coefficient confirms that the introduction of visa restrictions led to an increase in migrants without a *regular visa* of 35 percentage points over the same period in the treatment cases, compared to the control case. The similarity in magnitude suggests that these results are indeed robust and the magnitude credible.

The *DID* coefficient model in the third column instead, does not seem to validate the hypothesis that the introduction of these restrictions - and therefore the higher likelihood of entering and being irregularly in the country - leads to an increase in *suffering violence* as reported by migrants themselves. There are two reasons that could explain these results: first, it might as well be that this is indeed the case, and that following irregular channels does not substantially increase the levels of violence suffered by migrants in the context of Venezuelan displacement. Alternatively, it could be the case that many vulnerable migrants prefer not to report episodes of violence suffered, either because many forms of harassment in that context might be considered 'normal,' or out of a generalised fear of retaliation. Because of these two reasons, I suggest caution in drawing any hasty conclusion from these results, as further research is needed. Results from the implementation of wild cluster bootstrap algorithm confirm the robustness of these findings (not shown here). Additionally, running these same *DID* models excluding the months between the announcement and implementation of visa restrictions (only applies for Ecuador) confirms again both the magnitude and significance of these results (also not shown here).

The lack of any changes in the compositional distribution of migrants - as shown in the earlier section - might also suggests that the number of migrants was not significantly reduced by the introduction of visa restrictions. If that had been the case, it would have been likely that some form of self-selection of migrants would have changed their composition. However, there is not enough evidence to draw any definitive conclusion in this regard.

### 6.5.1 Priority Models for Legal Documents

Using the same *DID* approach as above, I run the models to test if the priorities of Venezuelan migrants changed after the introduction of visa requirements. Also in this case, the dependent variable is binary, with  $Y_{i,t} = 1$  when getting hold of legal documents is - respectively - the

Table 6.3 Regression Results - Difference-in-Differences

<i>Dependent variable:</i>			
	Irregular Entry	Irregular Visa	Suffered Violence
	(1)	(2)	(3)
Treatment	−0.52*** (0.01)	−0.65*** (0.01)	0.14*** (0.01)
Time	−0.01 (0.01)	−0.01 (0.01)	−0.004 (0.01)
Diff-in-Diff	0.30*** (0.01)	0.35*** (0.01)	0.003 (0.01)
Country FE	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Robust SE	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Ecuador	<i>Incl.</i>	<i>Incl.</i>	<i>Incl.</i>
Observations	27,860	28,125	27,912
R <sup>2</sup>	0.21	0.23	0.01
Adjusted R <sup>2</sup>	0.21	0.23	0.01

*Note:*

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

All standard errors are robust to account for heteroskedasticity.

first, second or third priority identified by the migrant, and  $Y_{i,t} = 0$  for any other priority. The results shown in Table 6.4 are robust for the first two priorities, that is, the introduction of visa restrictions changed the self-reported priorities of Venezuelan migrants, whose priorities shifted towards the need for legal documents - an indicator of their need to regularise. In the first column the *DID* coefficient shows an increase in 17 percentage points in self-reported need of legal documents as a first priority, with the *DID* coefficient in the second column reporting also an increase of 5 percentage points.

This shift suggests that introducing visa restrictions changed migrants' priorities from seeking employment as soon as they arrive, to seeking to regularise their situation, thus investing in these activities time and resources that could have been used otherwise, for instance to seek employment. However, implementing the wild cluster bootstrap algorithm on these models does not confirm the statistical significance of the findings, although it does confirm the direction of the coefficient in the first model. Thus, further research will be needed to establish the causal mechanisms behind these models.

### 6.5.2 Priority Models for Employment

To confirm the meaning of the results in the models above, I repeat a similar analysis for self-reported priorities, this time using "Access to Employment" as a dependent variable. The results in Table 6.5 seem to confirm the interpretation of the previous regression results, that is, that after the introduction of visa requirements, and the consequent higher likelihood of being irregularly in the country, seeking employment as a first priority decreased, substituted by the need to regularise the migrant's legal situation. This might also explain the short increase as a second priority, in that seeking employment as a first priority is displaced by the the need for legal documents. In these models, implementing the wild cluster bootstrap

Table 6.4 Regression Results - Difference-in-Differences. Legal Documents as Priority

	Legal Documents as Priority		
	First Priority	Second Priority	Third Priority
	(1)	(2)	(3)
Treatment	−0.11*** (0.01)	−0.02*** (0.01)	−0.004 (0.01)
Time	−0.14*** (0.01)	−0.06*** (0.01)	−0.04*** (0.01)
Diff-in-Diff	0.17*** (0.01)	0.05*** (0.01)	0.01 (0.01)
Country FE	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes
Ecuador	Incl.	Incl.	Incl.
Observations	28,125	28,125	28,125
R <sup>2</sup>	0.01	0.002	0.004
Adjusted R <sup>2</sup>	0.01	0.002	0.003

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

All standard errors are robust to account for heteroskedasticity.

algorithm confirms the negative direction of the coefficients with only the first model lacking in statistical significance at the .5 level (not shown here).

Table 6.5 Regression Results - Difference-in-Differences. Access to Employment as Priority

	Access to Employment as Priority		
	First Priority	Second Priority	Third Priority
	(1)	(2)	(3)
Treatment	0.12*** (0.01)	-0.05*** (0.01)	-0.03*** (0.01)
Time	-0.16*** (0.01)	-0.14*** (0.01)	-0.04*** (0.01)
Diff-in-Diff	-0.07*** (0.01)	0.02** (0.01)	-0.01 (0.01)
Country FE	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes
Ecuador	Incl.	Incl.	Incl.
Observations	28,125	28,125	28,125
R <sup>2</sup>	0.06	0.02	0.01
Adjusted R <sup>2</sup>	0.06	0.02	0.01

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

All standard errors are robust to account for heteroskedasticity.

### 6.5.3 Robustness

To confirm the results of the models above, I run two series of models. First, I re-run all the models excluding Ecuador, to take into account the fact that - although Ecuador introduced visa restrictions - it tried at the same time to regularise migrants without the proper paperwork, and consequently I test for any possible effects of leaving Ecuador out of the models. In the next section, I then plot the marginal effects on the different outcome variables over time.

Regarding the former, the *DID* coefficients in columns 1 and 2 in Table 6.6 not only confirm the results from the coefficients in Table 6.3, but also report a stronger magnitude in the coefficients, especially for irregular visa status, which is not surprising, given that Peru and Chile did not put in place the regularisation policies that Ecuador introduced following the introduction of the visa requirement. Similarly, the *DID* coefficients in Table 6.7 and 6.8 confirm the results of earlier analysis. In Table 6.7, *DID* coefficients are similar to the ones reported in Table 6.4, while in the first column in Table 6.8, the magnitude of the coefficient is considerably higher at –16 percentage points than the same model in Table 6.5. This difference can be explained by the fact that having Ecuador introduced a regularisation programme, migrants were less likely to need spending time to obtain legal paperwork and could instead focus on finding employment.

Table 6.6 Regression Results - Difference-in-Differences without Ecuador

<i>Dependent variable:</i>			
	Irregular Entry	Irregular Visa	Suffered Violence
	(1)	(2)	(3)
Treatment	–0.54*** (0.01)	–0.68*** (0.01)	0.14*** (0.01)
Time	–0.01 (0.01)	–0.01 (0.01)	–0.004 (0.01)
Diff-in-Diff	0.35*** (0.01)	0.45*** (0.01)	–0.02 (0.01)
Country FE	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Robust SE	<i>Yes</i>	<i>Yes</i>	<i>Yes</i>
Ecuador	<i>Excl.</i>	<i>Excl.</i>	<i>Excl.</i>
Observations	19,886	20,137	19,938
R <sup>2</sup>	0.26	0.34	0.02
Adjusted R <sup>2</sup>	0.26	0.34	0.02

*Note:*

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01

All standard errors are robust to account for heteroskedasticity.

Table 6.7 Regression Results - Difference-in-Differences. Legal Documents as Priority without Ecuador

	Legal Documents as Priority		
	First Priority	Second Priority	Third Priority
	(1)	(2)	(3)
Treatment	-0.09*** (0.01)	-0.02** (0.01)	0.0004 (0.01)
Time	-0.14*** (0.01)	-0.06*** (0.01)	-0.04*** (0.01)
Diff-in-Diff	0.12*** (0.01)	0.03*** (0.01)	-0.01 (0.01)
Country FE	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes
Ecuador	Excl.	Excl.	Excl.
Observations	20,137	20,137	20,137
R <sup>2</sup>	0.01	0.004	0.01
Adjusted R <sup>2</sup>	0.01	0.004	0.01

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

All standard errors are robust to account for heteroskedasticity.

Table 6.8 Regression Results - Difference-in-Differences. Access to Employment as Priority without Ecuador

Access to Employment as Priority			
	First Priority	Second Priority	Third Priority
	(1)	(2)	(3)
Treatment	0.15*** (0.01)	-0.04*** (0.01)	-0.03*** (0.01)
Time	-0.16*** (0.01)	-0.14*** (0.01)	-0.04*** (0.01)
Diff-in-Diff	-0.16*** (0.01)	0.001 (0.01)	-0.02** (0.01)
Country FE	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes
Ecuador	Excl.	Excl.	Excl.
Observations	20,137	20,137	20,137
R <sup>2</sup>	0.11	0.04	0.01
Adjusted R <sup>2</sup>	0.11	0.04	0.01

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

All standard errors are robust to account for heteroskedasticity.

Finally, I estimate the duration of the effect of introducing visa restrictions on the four main outcome variables of interest (Granger 1969). For all the plots I include the lags by five months before and leads six months after the introduction of visa restrictions, including countries fixed effects. No data is available for the first month following the introduction of these restrictions. These models only include the treated countries. Results are shown in Figures 6.8-6.11. In the first and second plot, the effect is stable over time, as expected. In the third plot, the point estimate for the variable 'violence suffered' does not show any change in trends between the pre- and post-treatment period, confirming earlier findings. Finally, the estimate for the fourth outcome variable does show a positive effect, although it seems to decrease over time. This could suggest that those arriving in the late months of 2019 found ways to regularise their status, e.g. by applying for asylum or new types of temporary permits. Plots in Figure 6.6 above seem to support this suggestion, as in all the treated countries, in the late months of 2019, new temporary visas or refuge statuses were being awarded, although the vast majority of respondents remained with an irregular visa status. Additionally, in the Appendix 3 and 4 I report the outcome of Survival Analysis which also confirms these findings.



Fig. 6.8 Duration of the effect of the introduction of visa restrictions on irregular entry.  
Source: UNHCR Microdata

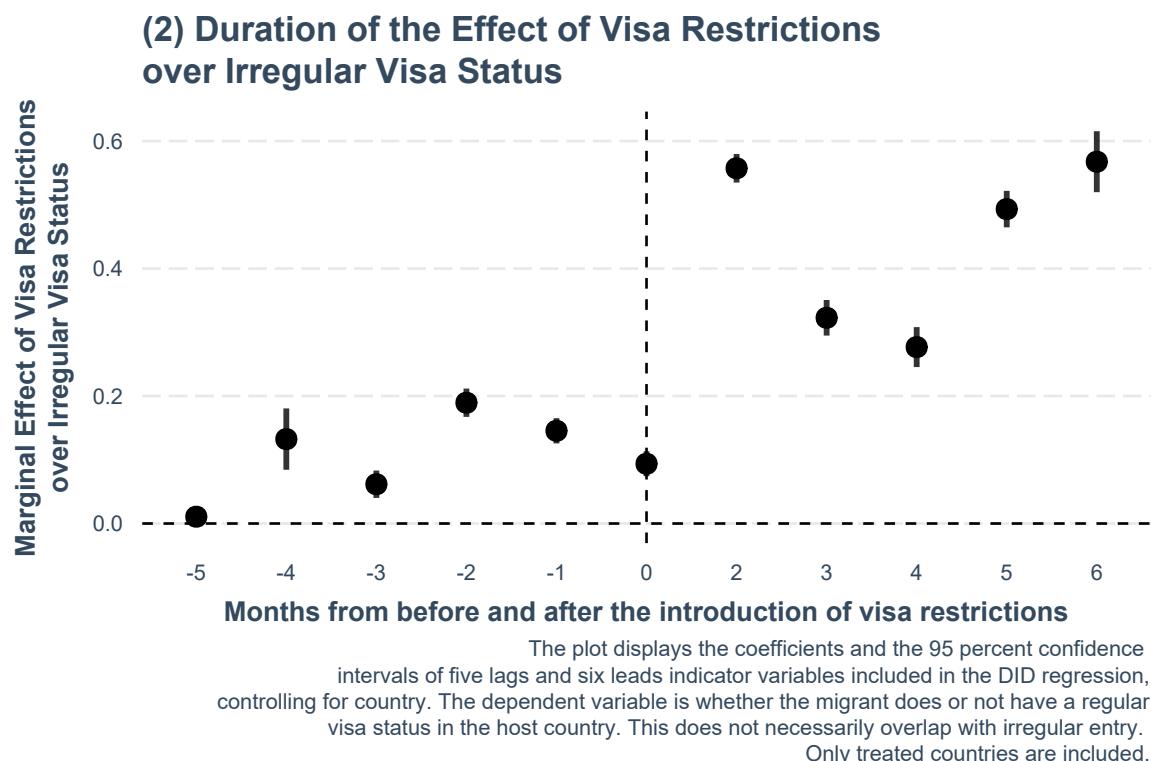


Fig. 6.9 Duration of the effect of the introduction of visa restrictions on irregular visa Status.  
Source: UNHCR Microdata

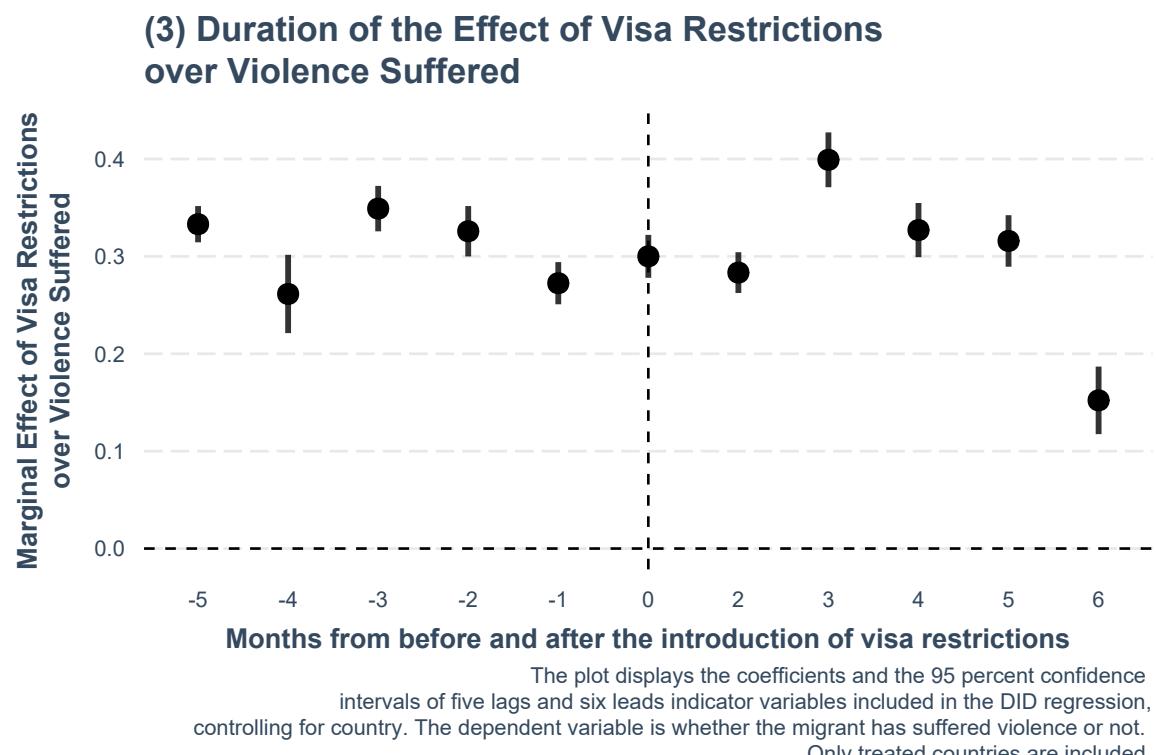


Fig. 6.10 Duration of the effect of the introduction of visa restrictions on violence suffered.  
Source: UNHCR Microdata

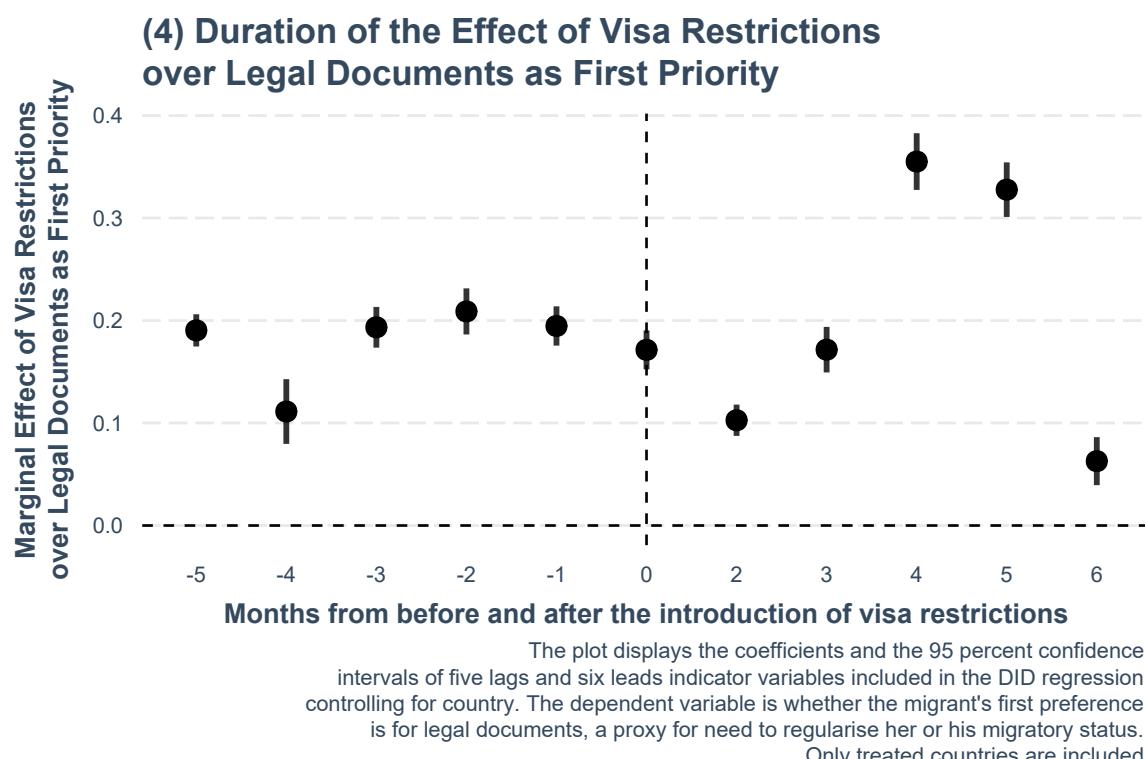


Fig. 6.11 Duration of the effect of the introduction of visa restrictions on legal documents as first priority. Source: UNHCR Microdata

## 6.6 Discussion

The results from the regression models confirm the first hypothesis: both irregular entry and irregular visa status increased as a consequence of the introduction of visa restrictions. The models estimate an increase of 30 and 35 percentage points respectively, which increases to 35 and 45 percentage points when Ecuador is excluded. Having confirmed that introducing visa restrictions correlates with – and quite likely seems to have caused – an increase in irregular entries and lack of a regular visa status in Chile, Ecuador and Peru, I then turn to confirm the unexpected finding that the introduction of these restrictions had no impact on migrants reporting having suffered episodes of violence. To do so, in Figure 6.12 I show a series of plots on violence reported over time. Contrary to the assumptions of the literature - and contrary to the formulated hypothesis - in this case it seems that the increase in irregularity does not correlate with increases in violence suffered by Venezuelan migrants. Various reasons might explain these results, not limited to the fact that migrants might feel uncomfortable talking about these issues with the survey providers. Still, it could as well be the case that in fact – in this case – irregularity did not lead to a higher risk of suffering violence.

The second and third plot report in Figure 6.12 respectively where the incident of violence took place, and the gender of the person that reported suffering violence. No clear variation in either case is observed over time. The data does not include information about *when* the accident took place. Thus, I cannot conclude that these introductions led to more or less violence suffered by migrants. Further studies will need to confirm this underreporting.<sup>5</sup>

Finally, to confirm findings from Table 6.4 that the irregular status of Venezuelan migrants led to a shift in their priorities towards the need to find legal documents and negatively affected their job search, I plot below in Figure 6.13 the distribution of first priorities from January to

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<sup>5</sup>For a discussion on the significance and patterns of missing data see Appendix 2

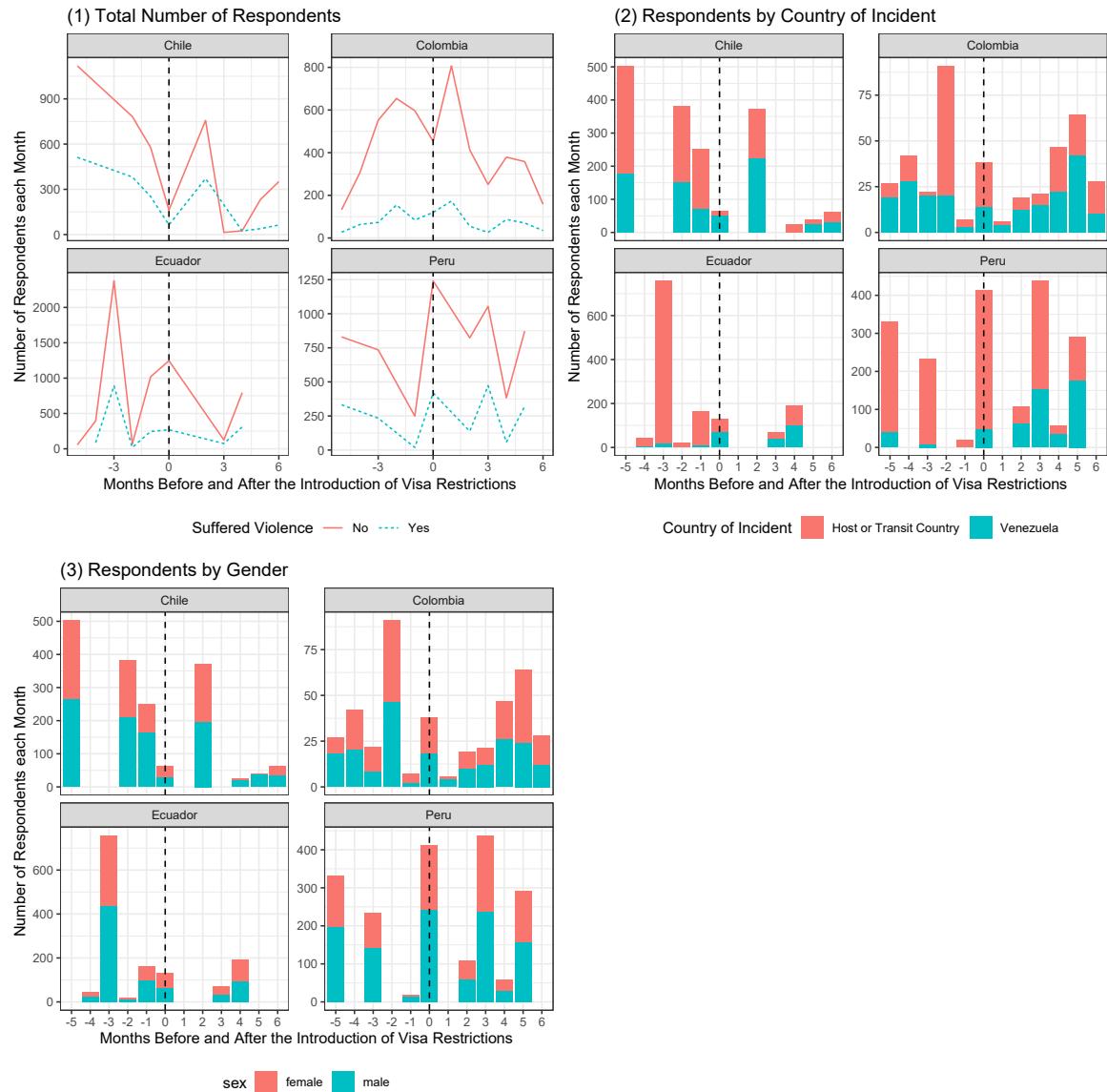


Fig. 6.12 Respondents who Suffered an Incident of Violence. Source: UNHCR Microdata

May and from July to December 2019. In the former it is clear how in the five months before June 2019, the first self-reported priority for migrants was to find employment, bar the case of Colombia, where many migrants already needed to find ways to regularise their migratory status. In the six months following June 2019 instead, in all countries where visa restrictions were introduced, the first priority became acquiring a legal documents of some sorts. This was already the case in Colombia before June 2019. Thus I can confirm that the increased irregular status of migrants shifted their priority away from seeking employment, towards seeking to regularise their irregular migratory status.<sup>6</sup>

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<sup>6</sup>Similar plots for the second and third reported priorities are available under Appendix 5

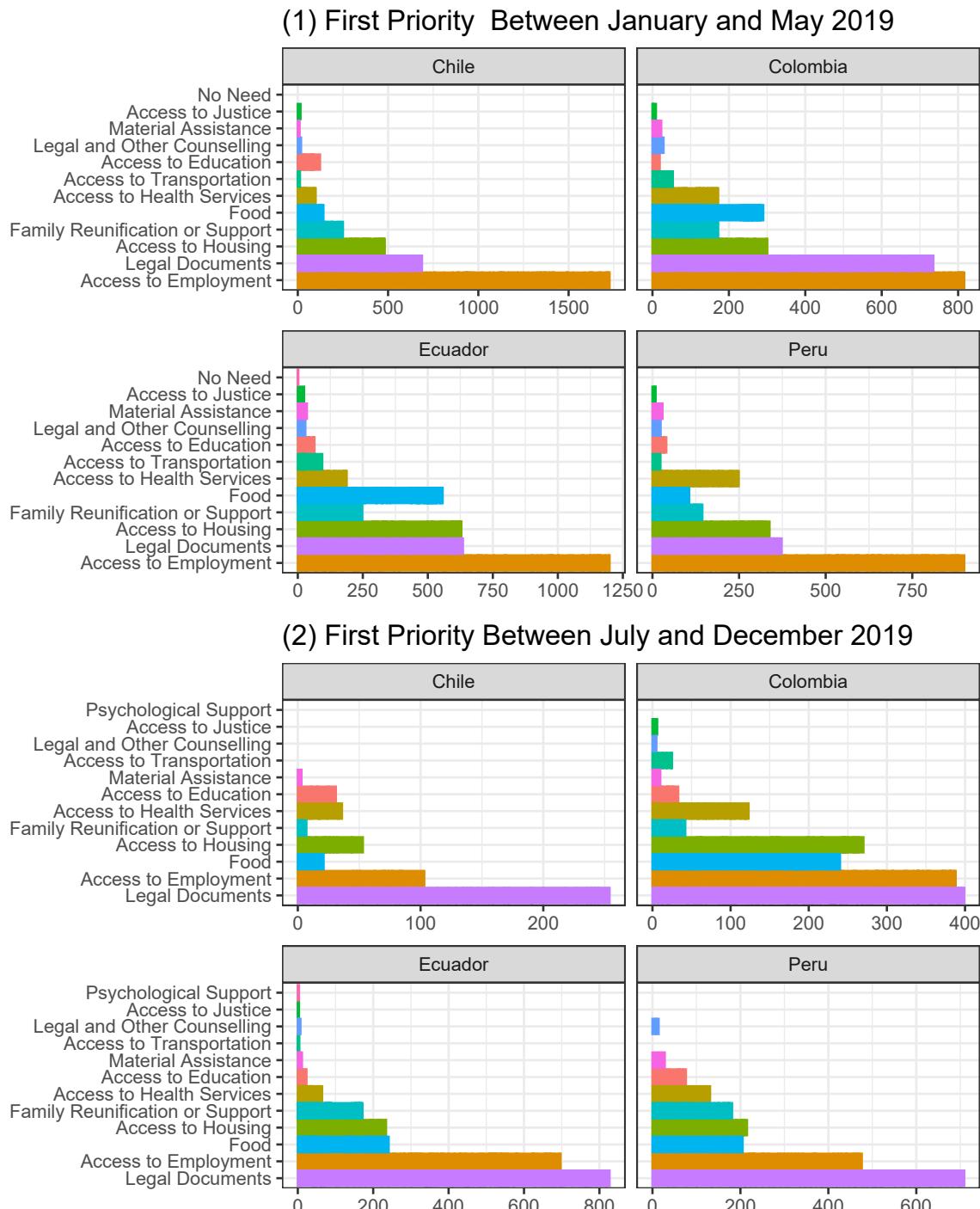


Fig. 6.13 First Priority of Venezuelan Migrants. Source: UNHCR Microdata

## 6.7 Conclusion

This research has asked several fundamental questions on the effectiveness of introducing visa restrictions, as well as on the effects of migration policies on migrants' well-being, in a context of mass displacement and porous borders. To answer these research questions, first, I discussed existing literature on this topic, developed some hypotheses and summarised the legislative framework on migration in the countries under study. Second, I have presented the data. Third, I have formulated a series of *DID* models, and discussed the assumptions on parallel trends and covariates. Fourth, I have presented the results of the models, and confirmed them running first the same models without Ecuador, then disaggregating the average marginal effects over time. I concluded by discussing the findings on violence suffered and shifts in priorities.

This research concludes that the introduction of visa restrictions led to a significant increase in irregular entry and irregular visa status in Chile, Ecuador and Peru, compared to Colombia where such restrictions were not introduced. While I am not able to infer that the introduction of these visa restrictions had no effect on the absolute numbers of entries, I can conclude that Venezuelan migrants - whose composition did not change from the pre-treatment group - decided to cross borders despite the lack of available legal entry channels. This suggests that imposing visa restrictions within a context of mass displacement and porous borders has limited effects, as migrants cross borders anyway. Again, the lack of change in the composition of individuals by some main characteristics, such as age, sex and education, shows no self-selection of people into irregularity, i.e. all categories of Venezuelan migrants were as likely to migrate regularly than irregularly.

Additionally, the findings of this article do not confirm the hypothesis that increased irregularity leads to more violence suffered by migrants. This finding is counterintuitive and

unexpected. A series of reasons might explain these results, including the lower number of people being willing to answer questions about violence suffered, either out of trauma or for fear of retaliation. Still, further research is needed before drawing any policy conclusions from these results. Last, this article also found that being irregularly in the country shifts migrants' priorities away from seeking employment towards the need to first regularise their migratory status, thus wasting valuable resources and time in the effort to secure their future in the host country. This research thus contributes both to the literature on the effectiveness of visa restrictions, as well as on the effects of migration policies on migrants' well-being.

However, it is also fundamental to recognise the limitations of this research. First, these results hold in this specific context: that of mass displacement and porous borders, as experienced by Venezuelans across South America. It is highly likely that in other contexts this would not be the case: think of the dangers migrants incur when seeking to reach Europe from the shores of North Africa. In those cases, while the availability of regular entry channels might not be an issue in the decision to travel for many migrants, surely the irregular channel leads them to suffer dramatic episodes of violence. Second, the findings of this research hold only for the case of mass displacement and porous borders. Clearly, under different geographical circumstances, the introduction of visa restrictions might indeed be effective, especially for countries far apart from each other, or with borders easier to patrol, as widely proved in the literature (Czaika and Neumayer 2017; Neumayer 2010). Still, this article offers further proof in favour of the 'structural factors' argument as the main drivers of migration, as opposed to the more politicised 'push-pull' framework. This insight is especially important for countries in the Global South where climate change-related migration is predicted to substantially increase in the next decades. Thus discussions on 'push-pull' factors should be avoided, especially in cases of mass displacement and porous borders such as the one studied in this research.

Third, due to the structure of the data, the only effects that can be reliably analysed are the short term ones. This research does not make any claim about the consequences of being irregularly in a host country for migrants in the long term. Fourth, the assumption in this study is that the introduction of such visa restrictions was done with the objective of stopping the inflow of people. Yet, it might also be the case that these visa restrictions were introduced mostly as a symbolic effort by governments eager to show to the electorate that they were ‘doing something’ about the continuous inflow of migrants from Venezuela. The regularisation effort, especially from part of the Ecuadorian government, just after the introduction of visa restrictions, could suggest that indeed that was the case, at least for the latter. Finally, as the representativity of the sample is assumed but not proved, these findings need to be contextualised, until the publication of reliable census data of Venezuelan migrants across all the countries under study.

Future research will need to confirm these findings, possibly in the same or a similar context, but also extending this type of study across other areas of the globe. Indeed, that will be possible only through extensive data collection by international institutions and national governments, given the considerable amount of resources necessary to collect enough representative data. In fact, research confirming or disproving the findings from this study will be fundamental in understanding the effects of policy making on migrants’ likelihood of travelling regardless of the legal means to do so, and the effects of migration policies on their well-being and priorities.

Finally, the findings of this research are highly relevant for policy making, especially given the recent momentous decision taken by the Colombian government to grant temporary protection to Venezuelan nationals for the next ten years (Grandi 2021). This decision recognised the dangers to both migrants and their host societies of leaving people in irregularity in the long term. While such regularisation policies are shunned by governments who believe

they will act as 'pull factors' for future migrants, they also offer the only viable option for a stable life for most migrants who are likely to migrate anyway, and for a safer society for the native population. Another policy option that governments should consider in cases of mass displacement are humanitarian visas that allow holders to enter into a country without any prior passport or visa requirements, while guaranteeing the right to live and work. The humanitarian visa option would work best if undertaken in a coordinated manner by all the countries who are likely to receive migrants anyway, thus avoiding them using dangerous irregular entry routes and fall into the pitfalls that come with being an irregular migrant in a country. This paper shows that imposing visa restrictions - under conditions of mass migration and porous borders - has no positive externalities neither for migrants' themselves nor for their host community.

## **Chapter 7**

# **Appendix: The Short-Term Effects of Visa Restrictions on Migrants’ Well-Being: A Difference-In-Differences Approach on Venezuelan Displacement**

## 7.1 Appendix: 1 Summary Statistics

In the table below I present the summary statistics for the countries analysed in the paper, i.e. it includes only data for Chile, Colombia, Ecuador and Peru. This represents the data as stored in the UNHCR microdata set, prior to the usual cleaning process undertaken before the analysis. All variables are categorical.

Characteristic	N	Summary Statistics, First Section				
		Overall, N = 28,495	chile, N = 5,752	colombia, N = 6,331	ecuador, N = 8,128	peru, N = 8,284
<b>entry_reg_irreg</b>	28,495					
		281 (1.0%)	0 (0%)	258 (4.1%)	14 (0.2%)	9 (0.1%)
<b>no</b>		8,901 (31%)	1,300 (23%)	3,933 (62%)	1,947 (24%)	1,721 (21%)
<b>si</b>		19,313 (68%)	4,452 (77%)	2,140 (34%)	6,167 (76%)	6,554 (79%)
<b>education</b>	28,495					
		17,005 (60%)	2,641 (46%)	4,079 (64%)	4,971 (61%)	5,314 (64%)
<b>high_eduation</b>		149 (0.5%)	34 (0.6%)	42 (0.7%)	32 (0.4%)	41 (0.5%)
<b>no_education</b>		96 (0.3%)	7 (0.1%)	40 (0.6%)	32 (0.4%)	17 (0.2%)
<b>primary</b>		1,240 (4.4%)	93 (1.6%)	456 (7.2%)	479 (5.9%)	212 (2.6%)
<b>secondary</b>		5,602 (20%)	1,186 (21%)	1,166 (18%)	1,776 (22%)	1,474 (18%)
<b>technical_studies</b>		1,636 (5.7%)	790 (14%)	191 (3.0%)	252 (3.1%)	403 (4.9%)
<b>university</b>		2,667 (9.4%)	986 (17%)	345 (5.4%)	530 (6.5%)	806 (9.7%)
<b>vocational</b>		100 (0.4%)	15 (0.3%)	12 (0.2%)	56 (0.7%)	17 (0.2%)
<b>sex</b>	28,495					
<b>female</b>		13,583 (48%)	2,576 (45%)	3,221 (51%)	3,875 (48%)	3,911 (47%)
<b>male</b>		14,886 (52%)	3,170 (55%)	3,104 (49%)	4,243 (52%)	4,369 (53%)
<b>other</b>		26 (<0.1%)	6 (0.1%)	6 (<0.1%)	10 (0.1%)	4 (<0.1%)
<b>age</b>	28,495					
		6 (<0.1%)	3 (<0.1%)	1 (<0.1%)	0 (0%)	2 (<0.1%)
<b>00 to 05</b>		3,869 (14%)	457 (7.9%)	1,050 (17%)	1,169 (14%)	1,193 (14%)
<b>06 to 11</b>		2,412 (8.5%)	356 (6.2%)	617 (9.7%)	683 (8.4%)	756 (9.1%)
<b>12 to 17</b>		1,860 (6.5%)	186 (3.2%)	491 (7.8%)	617 (7.6%)	566 (6.8%)
<b>18 to 24</b>		6,129 (22%)	1,003 (17%)	1,306 (21%)	1,953 (24%)	1,867 (23%)
<b>25 to 49</b>		12,708 (45%)	3,404 (59%)	2,499 (39%)	3,267 (40%)	3,538 (43%)
<b>50 to 66</b>		1,389 (4.9%)	314 (5.5%)	322 (5.1%)	412 (5.1%)	341 (4.1%)
<b>67 or more</b>		122 (0.4%)	29 (0.5%)	45 (0.7%)	27 (0.3%)	21 (0.3%)

<sup>1</sup> n (%)

Characteristic	N	Summary Statistics, Second Section				
		Overall, N = 28,495	chile, N = 5,752	colombia, N = 6,331	ecuador, N = 8,128	peru, N = 8,284
<u>nationality</u>	28,495	9,555 (34%)	1,756 (31%)	2,517 (40%)	2,826 (35%)	2,456 (30%)
<b>apatria</b>		35 (0.1%)	0 (0%)	8 (0.1%)	3 (<0.1%)	24 (0.3%)
<b>colombia</b>		217 (0.8%)	3 (<0.1%)	97 (1.5%)	97 (1.2%)	20 (0.2%)
<b>cuba</b>		5 (<0.1%)	0 (0%)	0 (0%)	3 (<0.1%)	2 (<0.1%)
<b>guatemala</b>		2 (<0.1%)	0 (0%)	0 (0%)	2 (<0.1%)	0 (0%)
<b>haiti</b>		5 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	4 (<0.1%)
<b>honduras</b>		3 (<0.1%)	0 (0%)	1 (<0.1%)	0 (0%)	2 (<0.1%)
<b>mexico</b>		4 (<0.1%)	3 (<0.1%)	1 (<0.1%)	0 (0%)	0 (0%)
<b>other</b>		110 (0.4%)	11 (0.2%)	8 (0.1%)	27 (0.3%)	64 (0.8%)
<b>venezuela</b>		18,559 (65%)	3,979 (69%)	3,699 (58%)	5,169 (64%)	5,712 (69%)
<u>suffered_incident</u>	28,495					
		215 (0.8%)	0 (0%)	192 (3.0%)	14 (0.2%)	9 (0.1%)
<b>no</b>		21,574 (76%)	4,038 (70%)	5,148 (81%)	6,145 (76%)	6,243 (75%)
<b>si</b>		6,706 (24%)	1,714 (30%)	991 (16%)	1,969 (24%)	2,032 (25%)
<u>residence_visa</u>	28,495					
		284 (1.0%)	0 (0%)	258 (4.1%)	17 (0.2%)	9 (0.1%)
<b>humanitarian_permit</b>		704 (2.5%)	6 (0.1%)	78 (1.2%)	620 (7.6%)	0 (0%)
<b>irregular</b>		12,123 (43%)	1,405 (24%)	4,906 (77%)	3,094 (38%)	2,718 (33%)
<b>otro</b>		1,386 (4.9%)	409 (7.1%)	543 (8.6%)	157 (1.9%)	277 (3.3%)
<b>pending_issuance</b>		335 (1.2%)	97 (1.7%)	41 (0.6%)	115 (1.4%)	82 (1.0%)
<b>permiso_temporal</b>		12 (<0.1%)	0 (0%)	12 (0.2%)	0 (0%)	0 (0%)
<b>residente</b>		1 (<0.1%)	0 (0%)	1 (<0.1%)	0 (0%)	0 (0%)
<b>residente_perm</b>		255 (0.9%)	9 (0.2%)	39 (0.6%)	166 (2.0%)	41 (0.5%)
<b>temp_resd_visa</b>		2,274 (8.0%)	443 (7.7%)	201 (3.2%)	835 (10%)	795 (9.6%)
<b>turista</b>		10,721 (38%)	3,075 (53%)	231 (3.6%)	3,096 (38%)	4,319 (52%)
<b>visa_work_study</b>		400 (1.4%)	308 (5.4%)	21 (0.3%)	28 (0.3%)	43 (0.5%)
<u>incident_country</u>	5,479					
<b>belize</b>		1 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	0 (0%)
<b>bolivia</b>		9 (0.2%)	9 (0.5%)	0 (0%)	0 (0%)	0 (0%)
<b>brazil</b>		2 (<0.1%)	0 (0%)	0 (0%)	0 (0%)	2 (0.1%)
<b>chile</b>		393 (7.2%)	276 (16%)	0 (0%)	0 (0%)	117 (6.1%)
<b>colombia</b>		1,319 (24%)	185 (11%)	193 (46%)	470 (33%)	471 (24%)
<b>curacao</b>		1 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	0 (0%)
<b>ecuador</b>		1,169 (21%)	184 (11%)	14 (3.3%)	693 (48%)	278 (14%)
<b>guyana</b>		1 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	0 (0%)
<b>mexico</b>		1 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	0 (0%)
<b>peru</b>		885 (16%)	326 (19%)	1 (0.2%)	30 (2.1%)	528 (27%)
<b>venezuela</b>		1,698 (31%)	725 (43%)	211 (50%)	232 (16%)	530 (28%)
<b>(Missing)</b>		23,016	4,047	5,912	6,699	6,358

<sup>1</sup> n (%)

Characteristic	N	Summary Statistics, Third Section				
		Overall, N = 28,495	chile, N = 5,752	colombia, N = 6,331	ecuador, N = 8,128	peru, N = 8,284
<u>priority_need_1</u>	28,495					
6,726 (24%)		1,372 (24%)	1,498 (24%)	1,804 (22%)	2,052 (25%)	
511 (1.8%)		172 (3.0%)	78 (1.2%)	89 (1.1%)	172 (2.1%)	
72 (0.3%)		15 (0.3%)	19 (0.3%)	27 (0.3%)	11 (0.1%)	
1,241 (4.4%)		140 (2.4%)	364 (5.7%)	255 (3.1%)	482 (5.8%)	
7,440 (26%)		1,930 (34%)	1,357 (21%)	2,041 (25%)	2,112 (25%)	
2,935 (10%)		593 (10%)	669 (11%)	917 (11%)	756 (9.1%)	
292 (1.0%)		14 (0.2%)	96 (1.5%)	105 (1.3%)	77 (0.9%)	
2,228 (7.8%)		187 (3.3%)	626 (9.9%)	833 (10%)	582 (7.0%)	
184 (0.6%)		14 (0.2%)	39 (0.6%)	51 (0.6%)	80 (1.0%)	
3 (<0.1%)		0 (0%)	0 (0%)	3 (<0.1%)	0 (0%)	
136 (0.5%)		18 (0.3%)	34 (0.5%)	32 (0.4%)	52 (0.6%)	
17 (<0.1%)		0 (0%)	4 (<0.1%)	7 (<0.1%)	6 (<0.1%)	
2,043 (7.2%)		315 (5.5%)	460 (7.3%)	600 (7.4%)	668 (8.1%)	
463 (1.6%)		128 (2.2%)	50 (0.8%)	167 (2.1%)	118 (1.4%)	
75 (0.3%)		3 (<0.1%)	12 (0.2%)	3 (<0.1%)	57 (0.7%)	
69 (0.2%)		15 (0.3%)	10 (0.2%)	14 (0.2%)	30 (0.4%)	
3,152 (11%)		691 (12%)	824 (13%)	917 (11%)	720 (8.7%)	
908 (3.2%)		145 (2.5%)	191 (3.0%)	263 (3.2%)	309 (3.7%)	
<u>priority_need_2</u>	28,495					
6,740 (24%)		1,372 (24%)	1,499 (24%)	1,805 (22%)	2,064 (25%)	
1,512 (5.3%)		322 (5.6%)	207 (3.3%)	499 (6.1%)	484 (5.8%)	
43 (0.2%)		3 (<0.1%)	14 (0.2%)	18 (0.2%)	8 (<0.1%)	
2,466 (8.7%)		557 (9.7%)	669 (11%)	544 (6.7%)	696 (8.4%)	
4,849 (17%)		943 (16%)	1,174 (19%)	1,370 (17%)	1,362 (16%)	
3,620 (13%)		942 (16%)	633 (10.0%)	985 (12%)	1,060 (13%)	
244 (0.9%)		14 (0.2%)	145 (2.3%)	27 (0.3%)	58 (0.7%)	
3,233 (11%)		373 (6.5%)	781 (12%)	1,290 (16%)	789 (9.5%)	
325 (1.1%)		36 (0.6%)	57 (0.9%)	152 (1.9%)	80 (1.0%)	
7 (<0.1%)		0 (0%)	0 (0%)	1 (<0.1%)	6 (<0.1%)	
210 (0.7%)		16 (0.3%)	66 (1.0%)	31 (0.4%)	97 (1.2%)	
14 (<0.1%)		0 (0%)	2 (<0.1%)	8 (<0.1%)	4 (<0.1%)	
1,117 (3.9%)		225 (3.9%)	207 (3.3%)	303 (3.7%)	382 (4.6%)	
393 (1.4%)		157 (2.7%)	29 (0.5%)	98 (1.2%)	109 (1.3%)	
155 (0.5%)		12 (0.2%)	5 (<0.1%)	22 (0.3%)	116 (1.4%)	
159 (0.6%)		20 (0.3%)	23 (0.4%)	71 (0.9%)	45 (0.5%)	
1,722 (6.0%)		386 (6.7%)	439 (6.9%)	505 (6.2%)	392 (4.7%)	
1,686 (5.9%)		374 (6.5%)	381 (6.0%)	399 (4.9%)	532 (6.4%)	

<sup>1</sup> n (%)

Characteristic	N	Summary Statistics, Fourth Section				
		Overall, N = 28,495	chile, N = 5,752	colombia, N = 6,331	ecuador, N = 8,128	peru, N = 8,284
<u>priority_need_3</u>	28,495					
		6,726 (24%)	1,372 (24%)	1,498 (24%)	1,804 (22%)	2,052 (25%)
acceso_a_educaci_n		1,673 (5.9%)	244 (4.2%)	453 (7.2%)	445 (5.5%)	531 (6.4%)
acceso_a_justicia		91 (0.3%)	15 (0.3%)	10 (0.2%)	11 (0.1%)	55 (0.7%)
acceso_a_salud		2,901 (10%)	484 (8.4%)	930 (15%)	599 (7.4%)	888 (11%)
acceso_a_trabajo		3,447 (12%)	609 (11%)	853 (13%)	1,244 (15%)	741 (8.9%)
acceso_a_vivienda		2,747 (9.6%)	588 (10%)	641 (10%)	743 (9.1%)	775 (9.4%)
access_transportation		210 (0.7%)	7 (0.1%)	42 (0.7%)	110 (1.4%)	51 (0.6%)
alimentaci_n		2,854 (10%)	382 (6.6%)	626 (9.9%)	1,109 (14%)	737 (8.9%)
apoyo_asistencia_material		530 (1.9%)	57 (1.0%)	74 (1.2%)	248 (3.1%)	151 (1.8%)
apoyo_psicos		16 (<0.1%)	9 (0.2%)	0 (0%)	7 (<0.1%)	0 (0%)
asesor_a_y_apoyo_en_varios_tem		459 (1.6%)	108 (1.9%)	112 (1.8%)	95 (1.2%)	144 (1.7%)
asesor_legal_prot		42 (0.1%)	3 (<0.1%)	7 (0.1%)	16 (0.2%)	16 (0.2%)
documentos		817 (2.9%)	160 (2.8%)	169 (2.7%)	178 (2.2%)	310 (3.7%)
family_reunification		855 (3.0%)	401 (7.0%)	114 (1.8%)	197 (2.4%)	143 (1.7%)
no_need		896 (3.1%)	386 (6.7%)	32 (0.5%)	82 (1.0%)	396 (4.8%)
otro		413 (1.4%)	32 (0.6%)	20 (0.3%)	83 (1.0%)	278 (3.4%)
regularizaci_n_de_estad_a_lega		1,672 (5.9%)	342 (5.9%)	346 (5.5%)	582 (7.2%)	402 (4.9%)
sup_family		2,146 (7.5%)	553 (9.6%)	404 (6.4%)	575 (7.1%)	614 (7.4%)
<u>occupation_coa</u>	28,495					
		18,447 (65%)	4,620 (80%)	4,185 (66%)	4,820 (59%)	4,822 (58%)
business_owner		401 (1.4%)	15 (0.3%)	125 (2.0%)	158 (1.9%)	103 (1.2%)
civil_servant		18 (<0.1%)	0 (0%)	2 (<0.1%)	4 (<0.1%)	12 (0.1%)
community_religious_leader		1 (<0.1%)	0 (0%)	1 (<0.1%)	0 (0%)	0 (0%)
dom_service		197 (0.7%)	12 (0.2%)	47 (0.7%)	96 (1.2%)	42 (0.5%)
driver		6 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	5 (<0.1%)
education_health_worker		2 (<0.1%)	2 (<0.1%)	0 (0%)	0 (0%)	0 (0%)
employed_formal		602 (2.1%)	392 (6.8%)	20 (0.3%)	106 (1.3%)	84 (1.0%)
employed_informal		2,572 (9.0%)	209 (3.6%)	457 (7.2%)	619 (7.6%)	1,287 (16%)
farmers_farm_worker		102 (0.4%)	15 (0.3%)	15 (0.2%)	66 (0.8%)	6 (<0.1%)
housekeep		637 (2.2%)	35 (0.6%)	212 (3.3%)	148 (1.8%)	242 (2.9%)
human_rights_defender		1 (<0.1%)	0 (0%)	0 (0%)	1 (<0.1%)	0 (0%)
journalist		6 (<0.1%)	6 (0.1%)	0 (0%)	0 (0%)	0 (0%)
other		354 (1.2%)	14 (0.2%)	60 (0.9%)	108 (1.3%)	172 (2.1%)
sales_services_worker		222 (0.8%)	54 (0.9%)	10 (0.2%)	78 (1.0%)	80 (1.0%)
security_officer		22 (<0.1%)	0 (0%)	0 (0%)	0 (0%)	22 (0.3%)
self_employed		111 (0.4%)	27 (0.5%)	18 (0.3%)	40 (0.5%)	26 (0.3%)
street_selling		2,802 (9.8%)	41 (0.7%)	468 (7.4%)	1,336 (16%)	957 (12%)
student		62 (0.2%)	16 (0.3%)	11 (0.2%)	8 (<0.1%)	27 (0.3%)
un_or ngo_worker		10 (<0.1%)	0 (0%)	0 (0%)	0 (0%)	10 (0.1%)
unemployed		1,920 (6.7%)	294 (5.1%)	700 (11%)	539 (6.6%)	387 (4.7%)

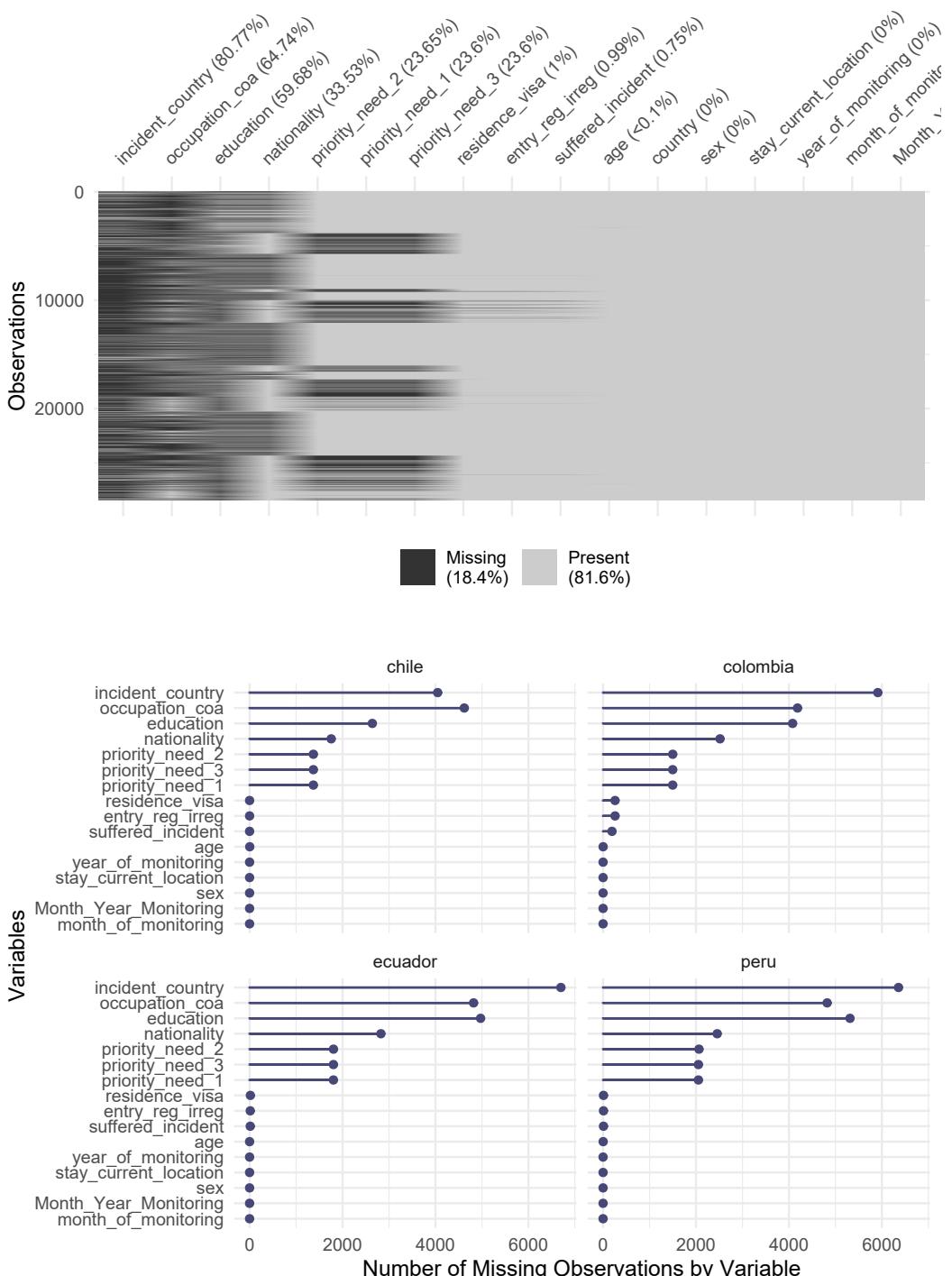
<sup>1</sup> n (%)

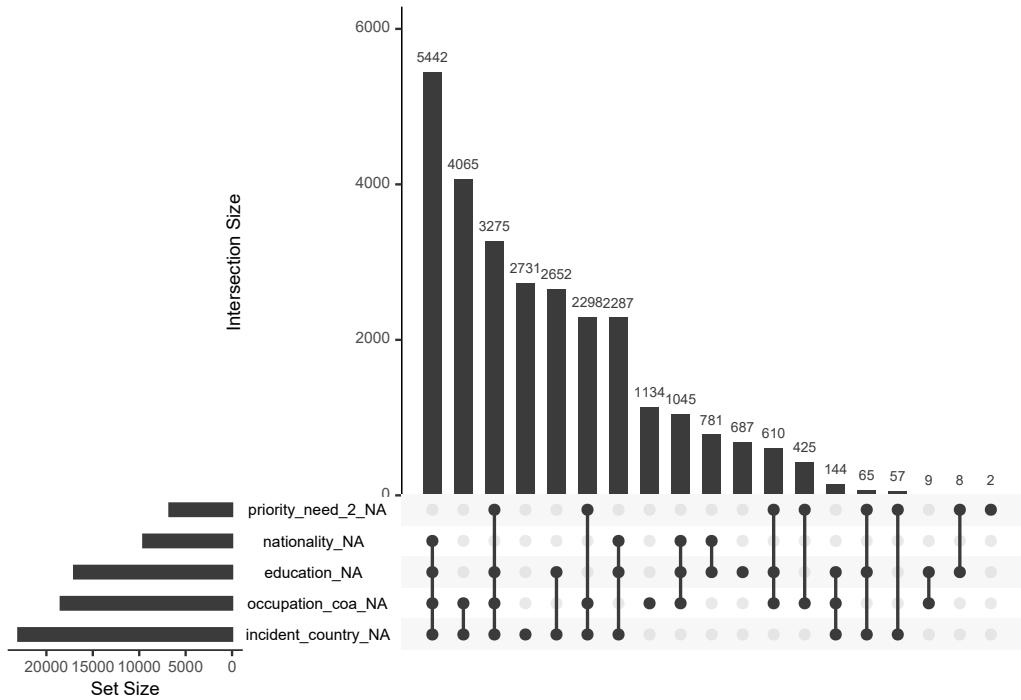
## 7.2 Appendix: 2 Missing Data Analysis

In this section I plot the absence of data from the dataset used in this paper. For the variables included in the analysis, it seems that there is little evidence of wide-ranging missing data with 81.6% of the whole dataset having valid entries, most of which are clustered in three variables, none of which is used in the DID modelling. As r Missing\_1 shows, valid data entries is mostly missing from 'incident\_country', where 80.77% of the rows concerning the country where the incident of violence took place are empty. This is followed by 'occupation\_coa' (occupation of respondent) (64.74%), 'education' (59.68%), nationality (33.53%), and the three priority needs, all with roughly 23% of observations missing. While in some cases - such as 'incident\_country', the lack of data might be understandable given that not every person reported suffering an incident of violence, the missingness of variables such as 'education' is more concerning and therefore warrants further analysis. The data in the plot below is arranged by country and year\_month of evaluation, which suggests that the data was not collected consistently in all countries, that is, in certain combinations of country/months the survey did not administer all the questions. The second plot further below clarifies which variables present are more often missing in each country. A preliminary overview of the data seems to suggest that data missigness is constant in the same variables across the four countries. The three variables most often missing are those related to the country of the incident of violence, the occupation and educational level.

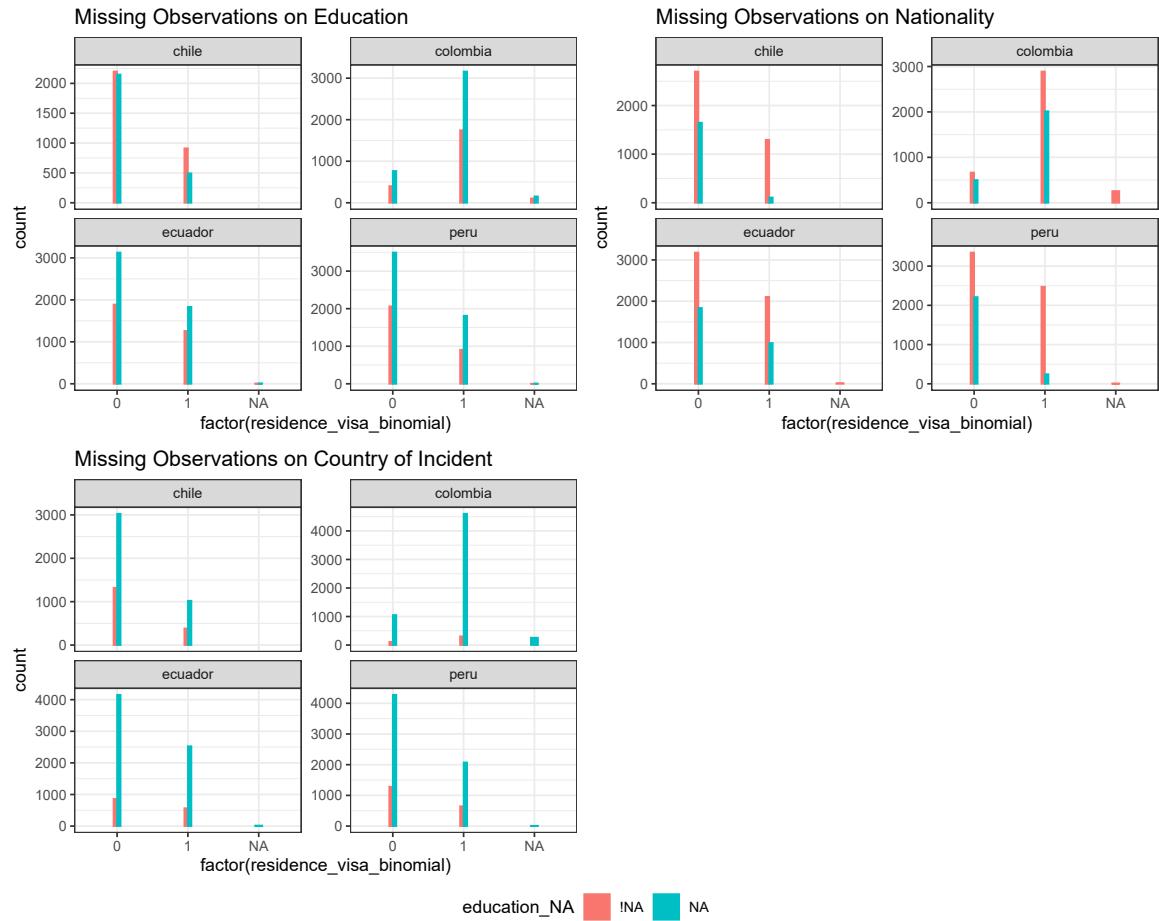
To find any possible bias in the missingness of the data, either in the collection of the data, or some form of self-selection of migrants into the dataset, in the third figure below I plot the numbers of interactions between missing observations in this data. On the left hand side, the horizontal bars show the most frequently missing variables. The vertical bars instead, represent the number of times the missing observations correlate. For instance, there are 5442 observations (out of a total of 28495) where all the four most missing variables

miss in the same observations, 4065 cases where occupation and incident\_country are both missing, but in no case are the five most common missing variables missing at the same time.





To further test for any possible bias in the missing data, I create bar plots comparing the observations where data is missing and where it is not, distinguishing between cases where migrants reported being irregularly in the country. For instance, in the first figure in the plot below there seems to be no significant difference in educational level reported by regular or irregular migrants, with the only exception of irregular migrants in Colombia. Given that Colombia is our control case with no policy change, I would claim that this difference in the collection of educational data between regular and irregular migrants ought not to be concerning for our final results. The second plot instead does not suggest irregularity was a good predictor of data missing on nationality in any case. Finally, the third plot also does not seem to be a good predictor of data missingness.



### 7.3 Appendix: 3 Survival Analysis

To confirm the results discussed above, I run a survival analysis on the four dependent variables. Unlike standard OLS models (Ordinary Least Square), survival analysis focuses not only on the outcome variable, but also on the relation between the event happening and time, allowing comparisons between groups experiencing the same event, as in the case of Venezuelan migrants experiencing the introduction of similar visa restrictions across various countries over the same period (Allison 2013, Brostrom 2012, Box-Steffensmeier 2004, Mills 2011). To conduct this analysis, I produce a Kaplan-Meier (KM) estimate of survival, one of the most widely used non-parametric methods in survival analysis. The KM estimator gives an estimation of the survival function at time  $t$ , denoted by  $\hat{S}(t)$ , which represents the probability of not experiencing an event at  $t_{(j)}$  (Mills 2011). The general formula below for the KM survival probability denotes ‘the probability of surviving past the previous failure time  $t_{(j-1)}$ , multiplied by the conditional probability of surviving past time  $t_{(j)}$ , given survival to *at least* time  $t_{(j)}$ ’ (Kleinbaum 2005).

$$\hat{S}(t_{(j)}) = \hat{S}(t_{(j-1)}) \times \hat{Pr}(T > t_{(j)} | T \geq t_{(j)})$$

In this case, time  $t$  is a month in the Year 2019, where 0 is the month of June for Chile, Colombia and Peru, and August for Ecuador. This approach allows to take into account the difference in dates in the introduction of visa restrictions, and analyse their effect in the ‘survival’ rate of migrants. In this case, ‘survival’ refers to the event in question not happening, which in the plot below refers respectively to: the migrant entering regularly, having a regular visa, not suffering an episode of violence, and *not* having legal documents as first priority.

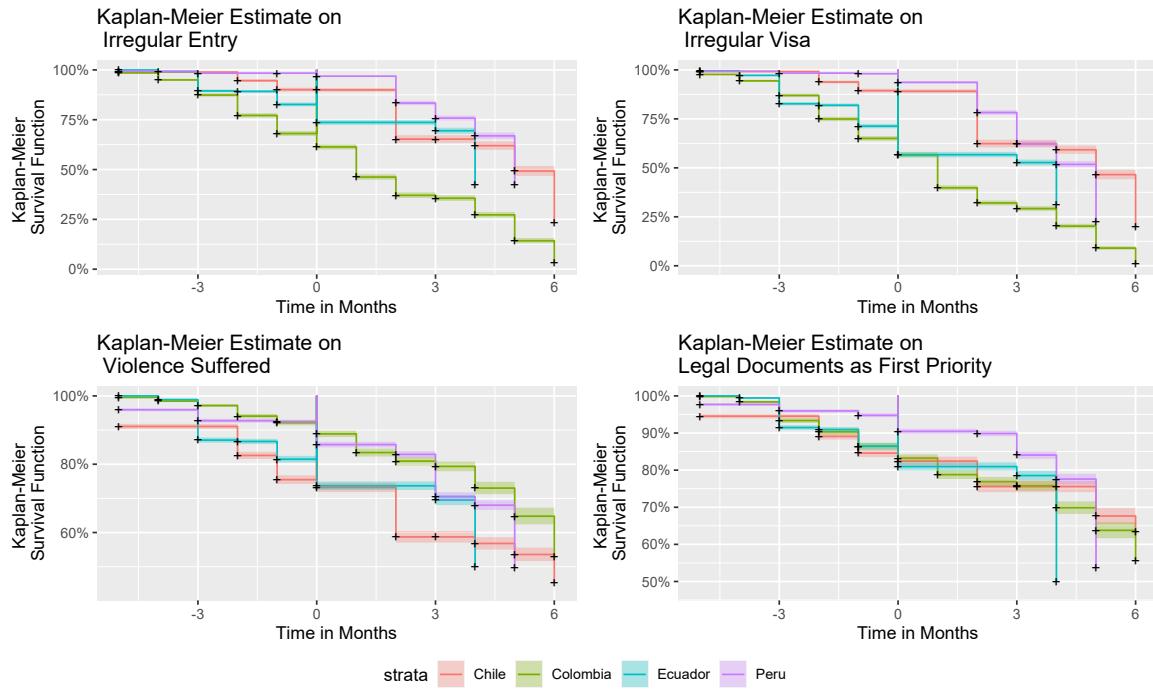


Fig. 7.1 Source: KM Estimates. UNHCR Microdata

As the first panel in Figure 7.1 shows, while Colombia's KM survival estimate for irregular entry decreases steadily over time, for the 'treated' countries, the survival rate starts to decrease only from month 0, when visa restrictions were introduced. A similar trend is observable in the second panel on irregular visas, whereas no distinctive trend exists for the third panel on violence suffered. Finally, the last panel shows a steeper decline in the survival rate for Ecuador and Peru, compared Colombia. The results of a further analysis conducted using the Cox Proportional Hazards Model is reported in the appendix. The latter allows to include in the model covariates such as age, sex and education. The results confirm the analysis from the KM estimates.

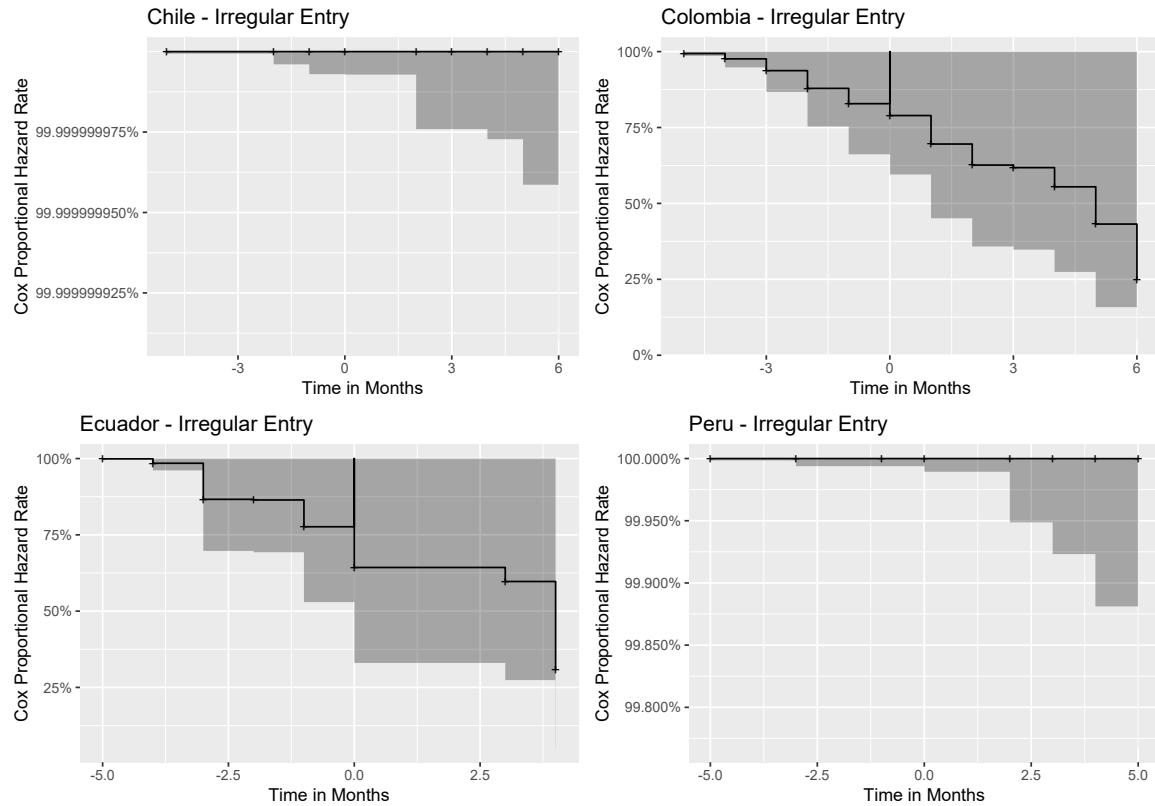


Fig. 7.2 KM Estimates Irregular Entry. Source: UNHCR Microdata

### 7.3.1 Cox Proportional Estimate

In this section, I present the empirical results from fitting a standard Cox regression for each country on the four dependent variables analysed in the paper, where I also control for education, sex and age. While the results confirm the findings from the Kaplan-Meier estimate applied in the robustness section, I would suggest that the statistical significance might be the effect of missing data, as analysed above, especially in the case of education.

Table 7.1 Event History Analysis Results - Cox Regression on Irregular Entry

	<i>Dependent variable:</i>			
	Chile Colombia Ecuador Peru			
	(1)	(2)	(3)	(4)
age06 to 11				
	(0.00)	(0.00)	(0.00)	(0.00)
age12 to 17				
	(0.00)	(0.00)	(0.00)	(0.00)
age18 to 24	14.93 (909.29)	0.50 (0.58)	0.25 (0.71)	14.45 (727.72)
age25 to 49	14.81 (909.29)	0.50 (0.58)	−0.08 (0.71)	14.06 (727.72)
age50 to 66	14.40 (909.29)	0.38 (0.59)	−0.15 (0.73)	14.44 (727.72)
age67 or more				
	(0.00)	(0.00)	(0.00)	(0.00)
educationprimary	15.12 (1,902.52)	0.34 (0.22)	−0.09 (0.31)	−0.92** (0.44)
educationsecondary	14.95 (1,902.52)	0.28 (0.22)	−0.38 (0.31)	−0.83** (0.42)
educationtechnical_studies	14.30 (1,902.52)	−0.11 (0.24)	−0.98*** (0.35)	−1.57*** (0.44)
educationuniversity	14.16 (1,902.52)	−0.30 (0.23)	−0.82** (0.32)	−1.26*** (0.42)
educationvocational	14.76 (1,902.52)	0.07 (0.43)	−0.86** (0.42)	−1.47** (0.65)
sexmale	0.54*** (0.07)	0.24*** (0.06)	0.05 (0.08)	−0.14 (0.09)
Observations	3,100	2,116	3,084	2,945
R <sup>2</sup>	0.06	0.04	0.02	0.03
Max. Possible R <sup>2</sup>	0.98	1.00	0.96	0.93
Log Likelihood	−5,642.87	−8,857.65	−5,067.45	−3,864.81
Wald Test (df = 9)	180.31***	75.17***	67.86***	70.77***
LR Test (df = 9)	197.44***	81.40***	71.49***	78.11***
Score (Logrank) Test (df = 9)	193.71***	76.64***	69.80***	76.22***

Table 7.2 Event History Analysis Results - Cox Regression on Irregular Visa

	<i>Dependent variable:</i>			
	Chile Colombia Ecuador Peru			
	(1)	(2)	(3)	(4)
age06 to 11				
	(0.00)	(0.00)	(0.00)	(0.00)
age12 to 17				
	(0.00)	(0.00)	(0.00)	(0.00)
age18 to 24	−0.56 (0.42)	−0.30 (0.38)	0.31 (0.58)	14.16 (536.78)
age25 to 49	−0.71* (0.41)	−0.31 (0.38)	0.06 (0.58)	14.15 (536.78)
age50 to 66	−1.05** (0.46)	−0.38 (0.39)	0.22 (0.59)	14.42 (536.78)
age67 or more				
	(0.00)	(0.00)	(0.00)	(0.00)
educationprimary	13.10 (684.42)	0.21 (0.20)	0.21 (0.27)	−0.42 (0.43)
educationsecondary	12.95 (684.42)	0.44** (0.19)	−0.06 (0.26)	−0.31 (0.42)
educationtechnical_studies	12.42 (684.42)	0.23 (0.21)	−0.15 (0.28)	−0.73* (0.43)
educationuniversity	12.13 (684.42)	0.25 (0.20)	−0.16 (0.27)	−0.61 (0.42)
educationvocational	12.75 (684.42)	0.15 (0.40)	−0.25 (0.33)	−1.50** (0.65)
sexmale	0.50*** (0.07)	0.21*** (0.05)	0.20*** (0.06)	0.05 (0.07)
Observations	3,100	2,212	3,091	2,947
R <sup>2</sup>	0.06	0.02	0.02	0.02
Max. Possible R <sup>2</sup>	0.98	1.00	1.00	0.98
Log Likelihood	−5,954.04	−11,687.35	−8,869.44	−6,020.70
Wald Test (df = 9)	169.57***	39.94***	53.70***	34.00***
LR Test (df = 9)	179.35***	40.18***	52.82***	44.76***
Score (Logrank) Test (df = 9)	177.73***	40.09***	54.11***	39.31***

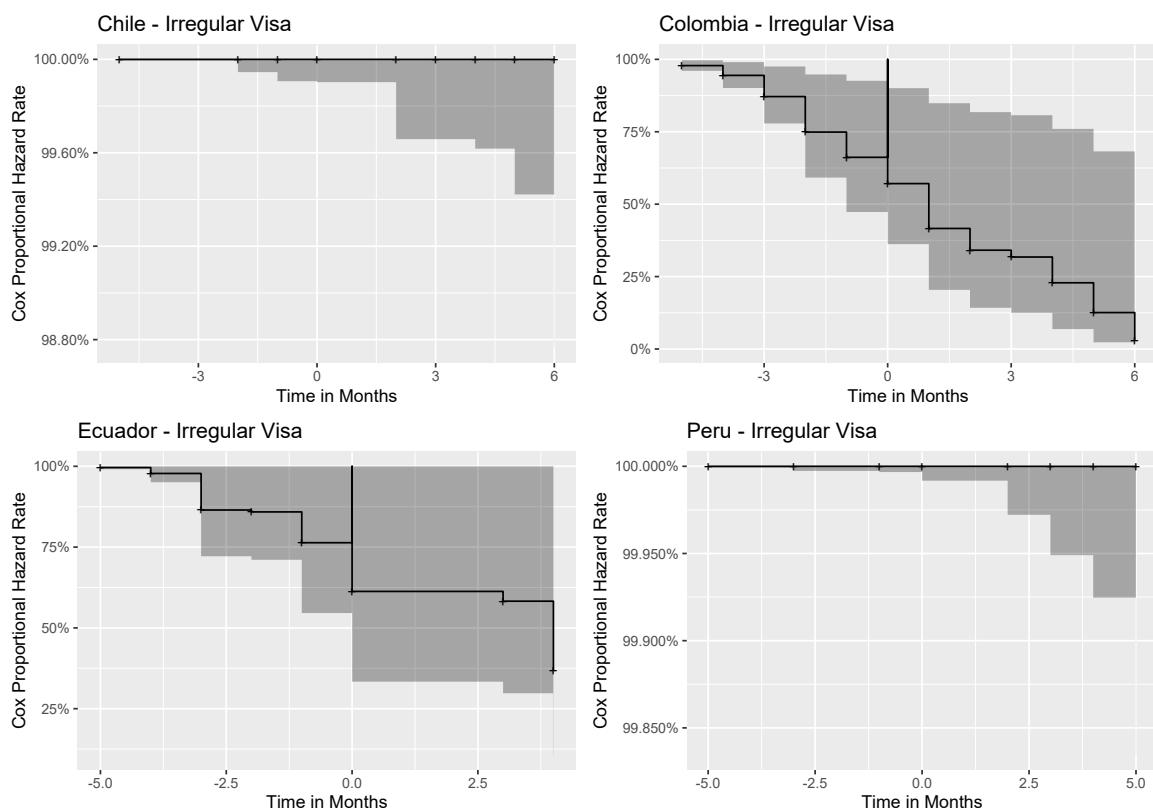


Fig. 7.3 KM Estimates Irregular Visa. Source: UNHCR Microdata

Table 7.3 Event History Analysis Results - Cox Regression on Violence Suffered

	<i>Dependent variable:</i>			
	Chile Colombia Ecuador Peru			
	(1)	(2)	(3)	(4)
age06 to 11				
	(0.00)	(0.00)	(0.00)	(0.00)
age12 to 17				
	(0.00)	(0.00)	(0.00)	(0.00)
age18 to 24				
	0.53 (0.58)	0.10 (1.01)	13.98 (772.07)	14.85 (1,202.29)
age25 to 49				
	0.19 (0.58)	0.11 (1.01)	13.96 (772.07)	14.90 (1,202.29)
age50 to 66				
	0.74 (0.59)	−0.17 (1.02)	13.88 (772.07)	14.23 (1,202.29)
age67 or more				
	(0.00)	(0.00)	(0.00)	(0.00)
educationprimary				
	13.80 (759.58)	0.79 (0.59)	−0.22 (0.35)	14.37 (930.79)
educationsecondary				
	13.86 (759.58)	0.98* (0.58)	−0.31 (0.34)	14.80 (930.79)
educationtechnical_studies				
	13.90 (759.58)	1.02* (0.60)	−0.03 (0.36)	15.12 (930.79)
educationuniversity				
	14.44 (759.58)	0.96 (0.59)	0.10 (0.34)	15.23 (930.79)
educationvocational				
	14.69 (759.58)	1.37* (0.82)	−0.07 (0.41)	14.87 (930.79)
sexmale				
	0.21*** (0.07)	0.24** (0.11)	0.09 (0.08)	0.39*** (0.07)
Observations	3,100	2,127	3,084	2,945
R <sup>2</sup>	0.03	0.01	0.01	0.03
Max. Possible R <sup>2</sup>	0.99	0.89	0.97	0.98
Log Likelihood	−6,652.72	−2,379.43	−5,188.96	−5,548.99
Wald Test (df = 9)	92.50***	11.48	20.89**	76.38***
LR Test (df = 9)	93.16***	12.58	24.24***	93.40***
Score (Logrank) Test (df = 9)	96.27***	11.72	23.16***	84.22***

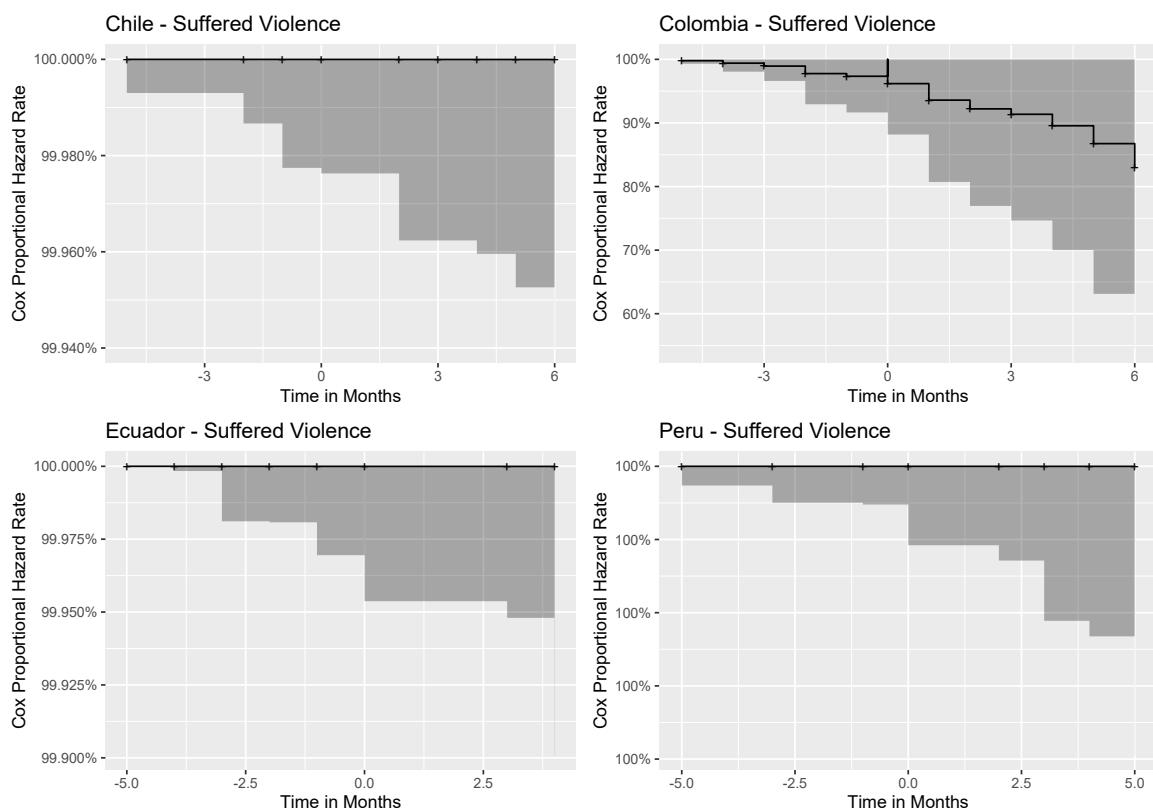


Fig. 7.4 KM Estimates Violence. Source: UNHCR Microdata

Table 7.4 Event History Analysis Results - Cox Regression on Legal Documents as First Preference

	<i>Dependent variable:</i>			
	Chile Colombia Ecuador Peru			
	(1)	(2)	(3)	(4)
age06 to 11				
	(0.00)	(0.00)	(0.00)	(0.00)
age12 to 17				
	(0.00)	(0.00)	(0.00)	(0.00)
age18 to 24	−1.56*** (0.40)	13.87 (808.15)	13.68 (862.58)	−0.34 (0.71)
age25 to 49	−1.35*** (0.38)	13.90 (808.15)	14.04 (862.58)	−0.42 (0.71)
age50 to 66	−0.65 (0.41)	13.69 (808.15)	13.88 (862.58)	−0.90 (0.75)
age67 or more				
	(0.00)	(0.00)	(0.00)	(0.00)
educationprimary	−0.07 (1.05)	0.89 (0.59)	0.59 (0.59)	−0.46 (0.74)
educationsecondary	0.37 (1.01)	1.32** (0.58)	0.87 (0.58)	−0.03 (0.71)
educationtechnical_studies	−0.05 (1.01)	0.95 (0.60)	0.64 (0.60)	0.02 (0.72)
educationuniversity	0.64 (1.01)	1.23** (0.59)	0.83 (0.59)	0.29 (0.71)
educationvocational	−13.84 (710.70)	0.21 (1.16)	1.05* (0.63)	0.09 (0.84)
sexmale	0.17* (0.09)	0.39*** (0.09)	0.07 (0.09)	0.21** (0.09)
Observations	3,100	2,212	3,091	2,947
R <sup>2</sup>	0.02	0.02	0.01	0.01
Max. Possible R <sup>2</sup>	0.90	0.95	0.93	0.92
Log Likelihood	−3,489.53	−3,238.00	−4,014.80	−3,694.33
Wald Test (df = 9)	62.27***	35.85***	22.03***	25.90***
LR Test (df = 9)	62.43***	42.53***	26.58***	27.67***

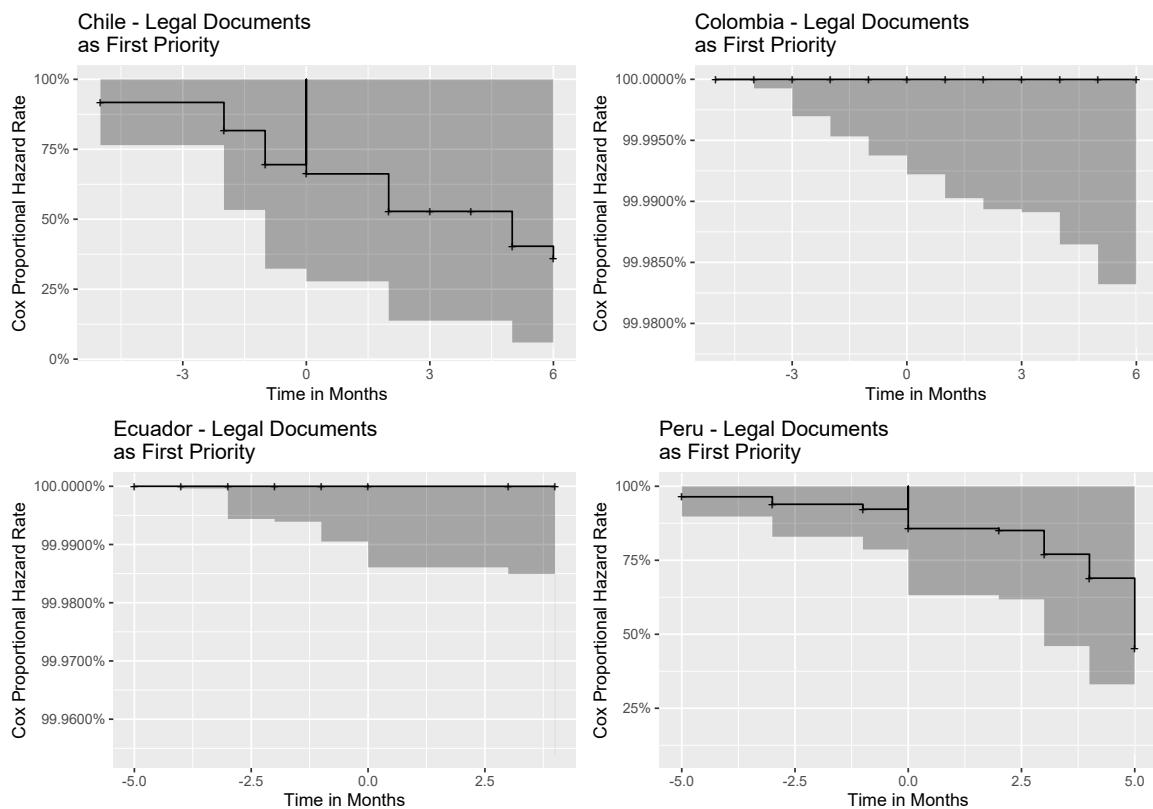


Fig. 7.5 KM Estimates Legal Documents. Source: UNHCR Microdata

## 7.4 Appendix: 4 Regression Models with Covariates

In the tables below, I show the results from the same regression tables as above, this time including the following covariates: age, sex and education. As the latter has many missing variables, as discussed above, I plot the four different models with and without education. The findings below confirm those of the simpler DID models shown in the paper.

Table 7.5 Regression Results - Difference-in-Differences

	<i>Dependent variable:</i>					
	Irregular Entry		Irregular Visa		Suffered Violence	
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	-0.41*** (0.02)	-0.42*** (0.02)	-0.60*** (0.01)	-0.63*** (0.01)	0.13*** (0.01)	0.13*** (0.01)
Time	-0.04* (0.02)	-0.03* (0.02)	-0.05*** (0.02)	-0.04** (0.02)	0.03* (0.02)	0.03** (0.02)
Diff-in-Diff	0.34*** (0.02)	0.38*** (0.02)	0.40*** (0.02)	0.48*** (0.02)	-0.06*** (0.02)	-0.09*** (0.02)
sexmale	0.03 (0.01)	0.04*** (0.01)	0.05*** (0.01)	0.05*** (0.01)	0.03*** (0.01)	0.04*** (0.01)
age.L	-0.19*** (0.04)	-0.23*** (0.04)	-0.03 (0.05)	-0.03 (0.06)	-0.10*** (0.04)	-0.08* (0.04)
age.Q	-0.06*** (0.03)	-0.09*** (0.03)	0.03 (0.04)	0.03 (0.04)	-0.05* (0.03)	-0.03 (0.03)
age.C	-0.04 (0.02)	-0.05*** (0.02)	-0.01 (0.02)	0.01 (0.02)	-0.03* (0.02)	-0.02 (0.02)
educationprimary	-0.02 (0.05)	0.01 (0.06)	0.01 (0.05)	-0.001 (0.05)	0.05 (0.04)	0.12*** (0.04)
educationsecondary	-0.08 (0.05)	-0.05 (0.06)	-0.01 (0.05)	0.02 (0.05)	0.06 (0.04)	0.14*** (0.03)
educationtechnical_studies	-0.19*** (0.05)	-0.17*** (0.06)	-0.08* (0.05)	-0.06 (0.05)	0.11*** (0.04)	0.20*** (0.04)
educationuniversity	-0.23*** (0.05)	-0.22*** (0.06)	-0.13*** (0.05)	-0.11** (0.05)	0.13*** (0.04)	0.21*** (0.04)
educationvocational	-0.12 (0.07)	-0.07 (0.09)	-0.04 (0.07)	-0.07 (0.09)	0.21*** (0.06)	0.33*** (0.08)
Country FE	Yes	Yes	Yes	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes	Yes	Yes	Yes
Ecuador	Incl.	Excl.	Incl.	Excl.	Incl.	Excl.
Observations	11,245	8,161	11,350	8,259	11,256	8,172
R <sup>2</sup>	0.22	0.27	0.24	0.34	0.02	0.03
Adjusted R <sup>2</sup>	0.22	0.27	0.24	0.34	0.02	0.03

Table 7.6 Regression Results - Difference-in-Differences. Legal Documents as Priority

	Legal Documents as Priority					
	First Priority		Second Priority		Third Priority	
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	-0.14*** (0.02)	-0.13*** (0.02)	-0.03** (0.01)	-0.02* (0.01)	-0.01 (0.01)	-0.01 (0.01)
Time	-0.15*** (0.02)	-0.15*** (0.02)	-0.07*** (0.01)	-0.07*** (0.01)	-0.06*** (0.01)	-0.05*** (0.01)
Diff-in-Diff	0.19*** (0.02)	0.15*** (0.02)	0.05*** (0.01)	0.03** (0.01)	0.01 (0.01)	0.0002 (0.01)
sexmale	0.02 (0.01)	0.02** (0.01)	0.02*** (0.01)	0.02** (0.01)	0.001 (0.01)	0.003 (0.01)
age.L	0.06 (0.05)	0.09 (0.06)	-0.06*** (0.02)	-0.08*** (0.01)	0.003 (0.03)	0.01 (0.04)
age.Q	0.03 (0.04)	0.06 (0.04)	-0.02 (0.02)	-0.03*** (0.01)	0.02 (0.03)	0.01 (0.03)
age.C	0.02 (0.02)	0.03 (0.02)	-0.001 (0.01)	-0.01 (0.01)	0.01 (0.01)	0.01 (0.01)
educationprimary	0.03 (0.03)	0.02 (0.04)	-0.01 (0.03)	-0.03 (0.04)	-0.04 (0.04)	0.01 (0.04)
educationsecondary	0.07** (0.03)	0.06 (0.04)	0.02 (0.03)	0.01 (0.04)	-0.04 (0.04)	0.01 (0.03)
educationtechnical_studies	0.04 (0.03)	0.04 (0.04)	-0.002 (0.03)	-0.01 (0.04)	-0.05 (0.04)	0.01 (0.03)
educationuniversity	0.08 (0.03)	0.08* (0.04)	0.01 (0.03)	-0.001 (0.04)	-0.05 (0.04)	0.004 (0.03)
educationvocational	0.11 (0.05)	0.02 (0.07)	-0.05 (0.04)	-0.10** (0.04)	-0.02 (0.05)	0.07 (0.06)
Country FE	Yes	Yes	Yes	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes	Yes	Yes	Yes
Ecuador	Incl.	Excl.	Incl.	Excl.	Incl.	Excl.
Observations	11,350	8,259	11,350	8,259	11,350	8,259
R <sup>2</sup>	0.02	0.02	0.01	0.01	0.01	0.01
Adjusted R <sup>2</sup>	0.01	0.02	0.01	0.01	0.01	0.01

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

Table 7.7 Regression Results - Difference-in-Differences. Access to Employment as Priority

	Access to Employment as Priority					
	First Priority		Second Priority		Third Priority	
	(1)	(2)	(3)	(4)	(5)	(6)
Treatment	0.14*** (0.02)	0.17*** (0.02)	-0.08*** (0.02)	-0.07*** (0.02)	-0.05*** (0.01)	-0.04*** (0.01)
Time	-0.19*** (0.02)	-0.19*** (0.02)	-0.17*** (0.02)	-0.17*** (0.02)	-0.06*** (0.01)	-0.06*** (0.01)
Diff-in-Diff	-0.10*** (0.02)	-0.18*** (0.02)	0.06*** (0.02)	0.03* (0.02)	0.02 (0.02)	0.01 (0.02)
sexmale	0.01 (0.01)	0.03*** (0.01)	0.02** (0.01)	0.02*** (0.01)	-0.01 (0.01)	-0.01 (0.01)
age.L	-0.01 (0.04)	-0.01 (0.05)	0.06 (0.05)	0.06 (0.06)	-0.05*** (0.02)	-0.05** (0.02)
age.Q	-0.003 (0.03)	0.01 (0.04)	0.04 (0.04)	0.04 (0.04)	-0.05*** (0.02)	-0.05*** (0.02)
age.C	-0.01 (0.02)	-0.01 (0.02)	0.05** (0.02)	0.05** (0.02)	-0.03*** (0.01)	-0.04*** (0.01)
educationprimary	-0.10** (0.05)	-0.11** (0.05)	0.07** (0.04)	0.10** (0.04)	0.003 (0.04)	-0.05 (0.05)
educationsecondary	-0.08* (0.04)	-0.09* (0.05)	0.05 (0.03)	0.08** (0.04)	0.01 (0.03)	-0.06 (0.05)
educationtechnical_studies	-0.11** (0.04)	-0.13** (0.05)	0.04 (0.03)	0.08** (0.04)	-0.004 (0.04)	-0.07 (0.05)
educationuniversity	-0.05 (0.04)	-0.08 (0.05)	0.05 (0.03)	0.08** (0.04)	0.004 (0.04)	-0.07 (0.05)
educationvocational	-0.05 (0.06)	-0.04 (0.07)	0.06 (0.05)	0.06 (0.06)	-0.002 (0.05)	-0.11* (0.06)
Country FE	Yes	Yes	Yes	Yes	Yes	Yes
Robust SE	Yes	Yes	Yes	Yes	Yes	Yes
Ecuador	Incl.	Excl.	Incl.	Excl.	Incl.	Excl.
Observations	11,350	8,259	11,350	8,259	11,350	8,259
R <sup>2</sup>	0.10	0.15	0.03	0.04	0.01	0.01
Adjusted R <sup>2</sup>	0.09	0.15	0.03	0.04	0.01	0.01

Note:

\*p&lt;0.1; \*\*p&lt;0.05; \*\*\*p&lt;0.01

## 7.5 Appendix: 5 Priorities over Time

### 7.5.1 Second Priority

The plots in Figure 7.6 also demonstrate that a shift in priorities took place across the four countries. In the first five months of the year, accessing employment and housing were the second priorities in most cases, whereas in the six months starting from July, accessing legal documents and employment - together with food - were the most cited second priorities overall. Chile is the only case where access to housing and health services are the most cited second priority.

### 7.5.2 Third Priority

Last, while plots in Figure 7.7 show how the third priority was much more diverse - with family reunification and accessing health services as some of the most cited priorities - after June 2019 accessing employment had clearly become a more important factor to consider. This is likely because seeking employment shifted from being the first priority towards second and third place, mostly because of the more pressing priority of seeking to regularise one's own migratory status.

To summarise, this exploratory plotting seems to confirm that indeed an increase in irregular entry took place after the introduction of visa restrictions in the 'treated' countries. This is confirmed by the number of irregular visa statuses in the same countries bar Ecuador, where the government actively tried to regularise migrants without the right migratory documents. However, the data does not seem to suggest that an increase in irregular entry and stay is associated with increased violence. Finally, the analysis of changes in priorities clearly shows how accessing employment shifted from overall first priority, displaced by the

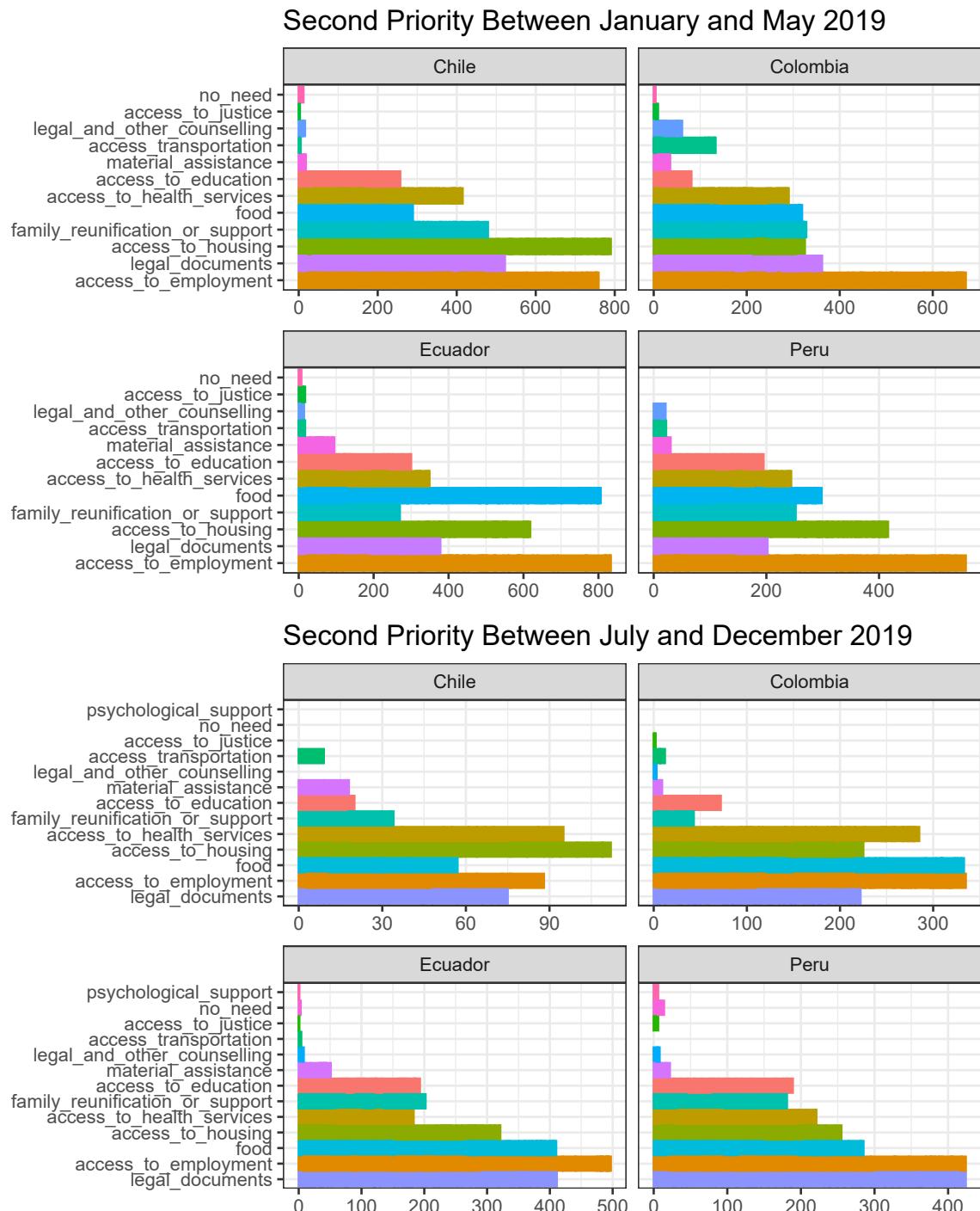


Fig. 7.6 Second Priority of Venezuelan Migrants. Source: UNHCR Microdata

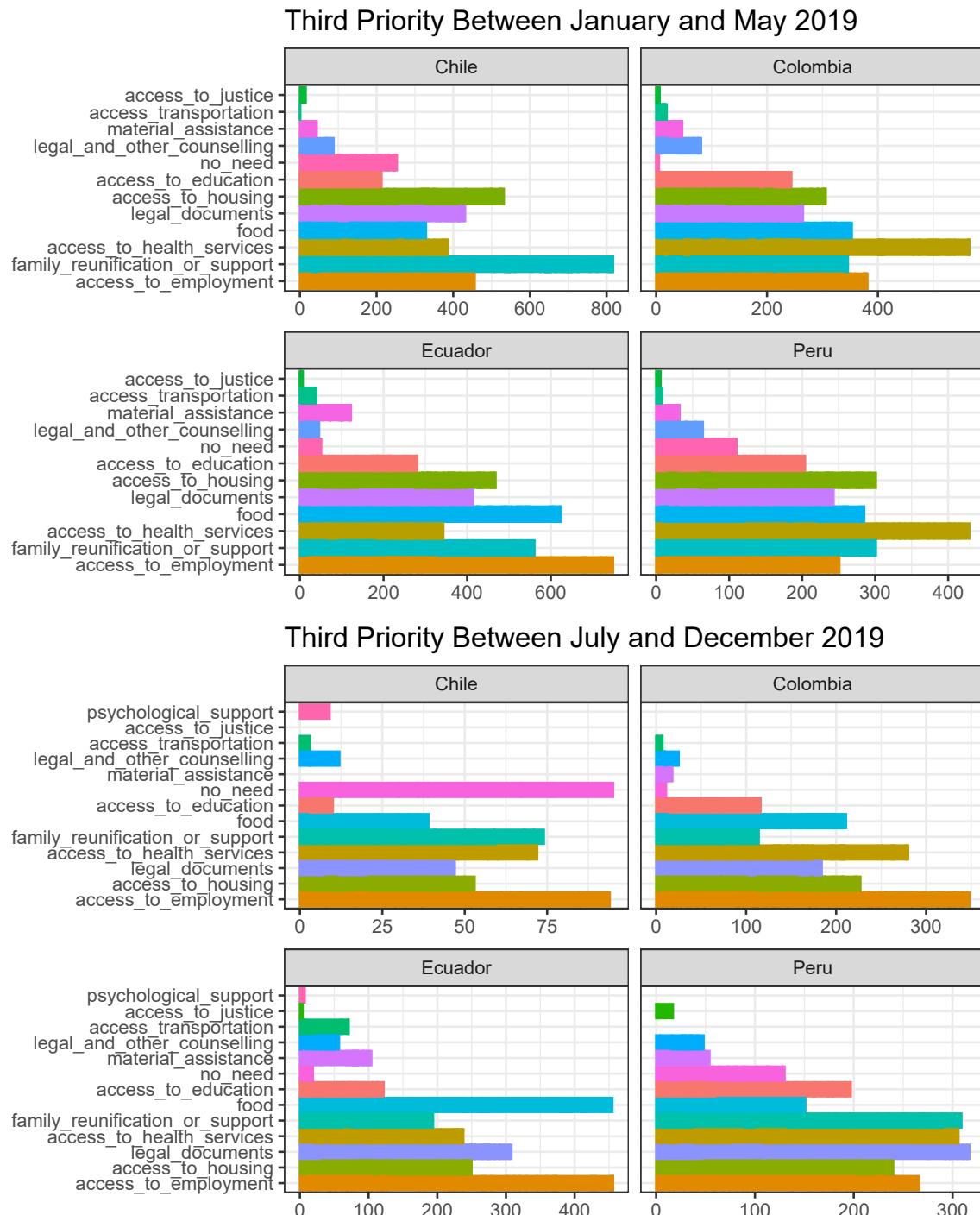


Fig. 7.7 Third Priority of Venezuelan Migrants. Source: UNHCR Microdata

need to regularise the migratory situation. Thus, the data so far seem to confirm at least three of the four hypotheses formulated above.

## 7.6 Appendix: 6 Difference in means and Proportions

### 7.6.1 Difference in Means of Outcome Variables

% Difference in Means Pre- and Post Treatment in Outcome Variable Irregular Entry

country	time	N	Mean	Std Error
Chile	0	3852	0.1	0.005
Chile	1	1877	0.485	0.012
Colombia	0	3216	0.653	0.008
Colombia	1	2760	0.645	0.009
Ecuador	0	6671	0.212	0.005
Ecuador	1	1303	0.384	0.013
Peru	0	4059	0.052	0.003
Peru	1	4122	0.361	0.007

% Difference in Means Pre- and Post Treatment in Outcome Variable Irregular Visa

country	time	N	Mean	Std Error
Chile	0	3852	0.107	0.005
Chile	1	1877	0.523	0.012
Colombia	0	3219	0.784	0.007
Colombia	1	2999	0.771	0.008
Ecuador	0	6680	0.372	0.006
Ecuador	1	1308	0.416	0.014
Peru	0	4059	0.099	0.005

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country	time	N	Mean	Std Error
Peru	1	4131	0.551	0.008

---

## % Difference in Means Pre- and Post Treatment in Outcome Variable Violence Suffered

country	time	N	Mean	Std Error
Chile	0	3852	0.314	0.007
Chile	1	1877	0.265	0.01
Colombia	0	3216	0.162	0.007
Colombia	1	2812	0.159	0.007
Ecuador	0	6671	0.226	0.005
Ecuador	1	1303	0.295	0.013
Peru	0	4059	0.247	0.007
Peru	1	4122	0.24	0.007

## % Difference in Means Pre- and Post Treatment in Outcome Variable First Priority

country	time	N	Mean	Std Error
Chile	0	3852	0.195	0.006
Chile	1	1877	0.135	0.008
Colombia	0	3219	0.27	0.008
Colombia	1	2999	0.134	0.006
Ecuador	0	6680	0.157	0.004
Ecuador	1	1308	0.339	0.013
Peru	0	4059	0.161	0.006
Peru	1	4131	0.176	0.006

### 7.6.2 Difference in Means and Proportions of Covariates

% Difference in Means of Pre- and Post Treatment Covariate Sex

country	time	N	Mean	Std Error
Chile	0	3852	0.545	0.008
Chile	1	1877	0.565	0.011
Colombia	0	3219	0.5	0.009
Colombia	1	2999	0.481	0.009
Ecuador	0	6680	0.529	0.006
Ecuador	1	1308	0.478	0.014
Peru	0	4059	0.546	0.008
Peru	1	4131	0.51	0.008

## % Difference in Proportions of Pre- and Post Treatment Covariate Age

		0	1
Chile	00 to 05	0.0103	0.0056
	06 to 11	0.0082	0.0045
	12 to 17	0.0041	0.0025
	18 to 24	0.0244	0.0111
	25 to 49	0.0814	0.0395
	50 to 66	0.0076	0.0034
	67 or more	9e-04	1e-04
Colombia	00 to 05	0.0176	0.0187
	06 to 11	0.0092	0.0124
	12 to 17	0.0081	0.0092
	18 to 24	0.0246	0.0212
	25 to 49	0.0478	0.0396
	50 to 66	0.0063	0.0048
	67 or more	8e-04	6e-04
Ecuador	00 to 05	0.0331	0.0072
	06 to 11	0.0193	0.0047
	12 to 17	0.0183	0.0034
	18 to 24	0.0591	0.0097
	25 to 49	0.0946	0.0192
	50 to 66	0.0124	0.0021
	67 or more	8e-04	2e-04
Peru	00 to 05	0.0175	0.0229
	06 to 11	0.0118	0.0151
	12 to 17	0.0078	0.0123

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18 to 24	0.0335	0.0325
25 to 49	0.067	0.0581
50 to 66	0.0066	0.0053
67 or more	1e-04	6e-04

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## % Difference in Proportions of Pre- and Post Treatment Covariate Education

		0	1
Chile	no_education	6e-04	0
	primary	0.0053	0.0028
	secondary	0.0663	0.0375
	technical_studies	0.0389	0.0304
	university	0.0711	0.0188
	vocational	8e-04	5e-04
Colombia	no_education	5e-04	0.0026
	primary	0.0168	0.0222
	secondary	0.0575	0.044
	technical_studies	0.0098	0.0067
	university	0.0215	0.0122
	vocational	5e-04	5e-04
Ecuador	no_education	0.0021	5e-04
	primary	0.0346	0.0061
	secondary	0.13	0.0236
	technical_studies	0.0186	0.0032
	university	0.0425	0.0063
	vocational	0.0039	0.0011
Peru	no_education	8e-04	7e-04
	primary	0.0089	0.0094
	secondary	0.068	0.0605
	technical_studies	0.0188	0.0164
	university	0.0428	0.0318
	vocational	4e-04	0.0011

## 7.7 Appendix: 7 Plotting of Models

In this section, I plot the coefficient estimates of the regression models reported in the main text of article plus the ‘counterfactual’ for the four dependent variables. The line labelled ‘counterfactual’ shows how the treated group would have changed in the absence of the treatment, based on the assumption that it would follow the changes in the control group (Colombia in this case). As estimated and reported in the first plot, had the treatment countries not introduced visa restrictions, it is reasonable to estimate that irregular entries would have stayed low at less than 20% of entries, with irregular visa status also slightly above 20%. In the post-treatment group instead, irregular entries made 40% of total entries, and irregular visa status slightly less than 60% of the total. Last, the plotting of the coefficients of the dependent variable *violence suffered* in Figure 7.8 confirms, there are no differences between the treatment and counterfactual groups. The fact that the control case has lower incidents of violence might suggest that the length of the migration journey makes it more likely that migrants will suffer some sort of violence at some point. Yet, evidence also here, is inconclusive.

The plots in Figure 7.9 show how legal documents as first preference increased in the treated group, and how it would have otherwise gone down, as shown in the ‘counterfactual’ line. Thus had the visa restrictions not been introduced, it would have been less likely migrants would have to spend time on regularisation instead of seeking directly employment.

Finally, as the plots of the models in Figure 7.10 demonstrate, also in the control case, access to employment seems to be losing significance over time. An overview of the priorities Figures in the main text and Appendix 5 clearly shows why this is the case. In the *post-treatment* period in Colombia the percentage of people reporting the need for food as a first and second priority increased substantially, likely because of the worsening economic

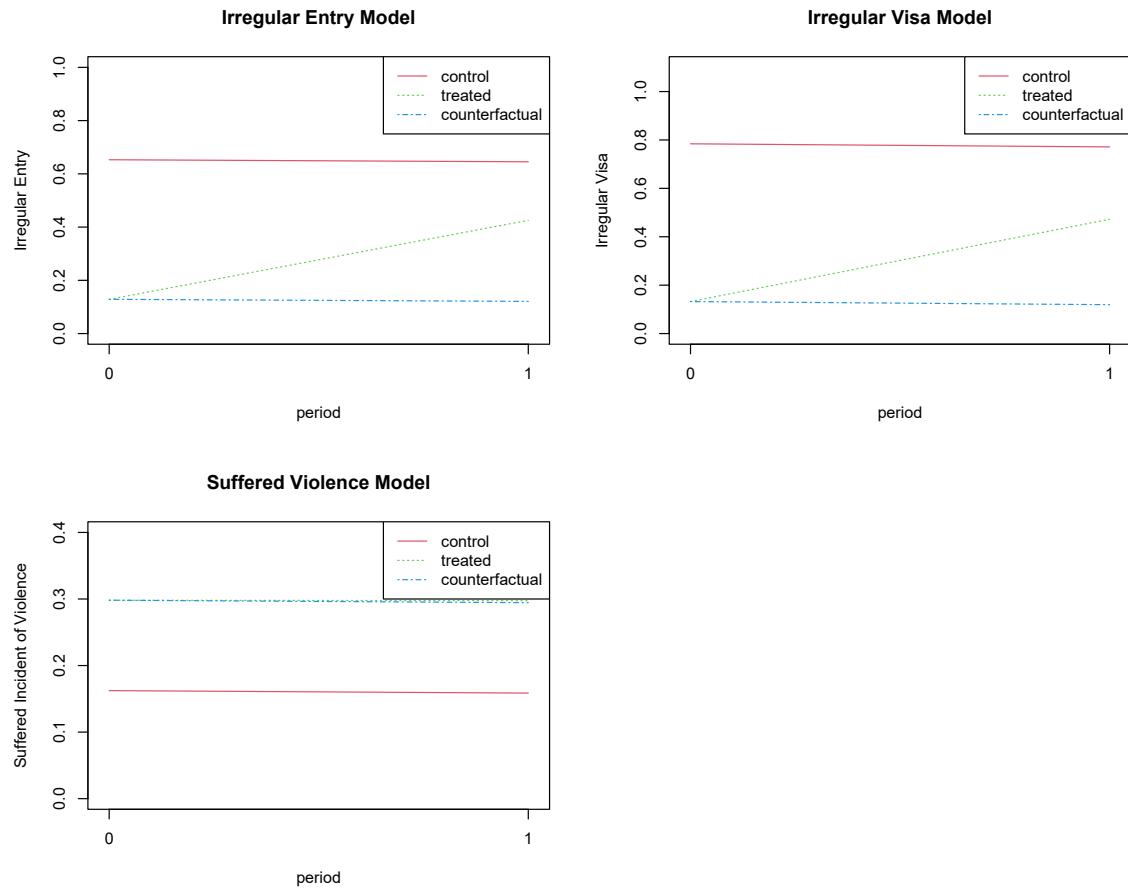


Fig. 7.8 Plot of DID Models with Counterfactual. Source: UNHCR Microdata

conditions in Venezuela. Given that “food” as a priority increased, seeking employment as a priority was necessarily negatively affected. This explains the downward trend in the plots below for the control case in the *post-treatment* period.

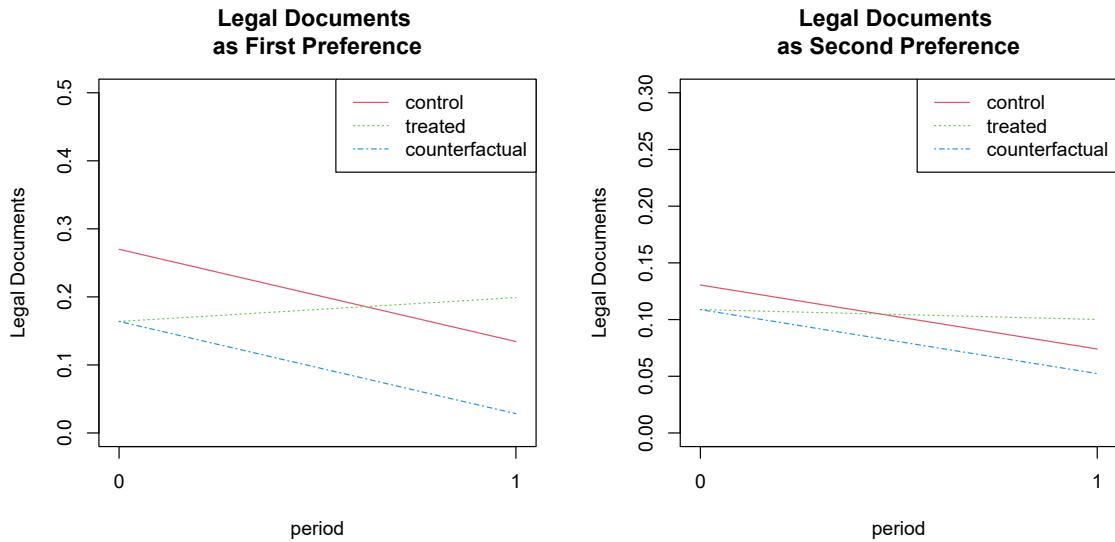


Fig. 7.9 Plot of DID Models with Counterfactual. Source: UNHCR Microdata

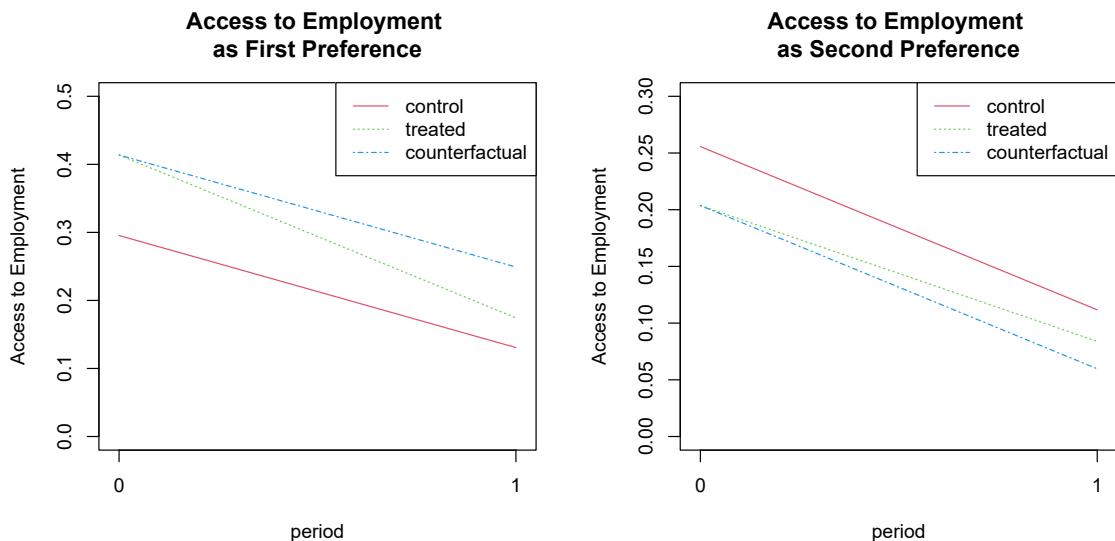


Fig. 7.10 Plot of DID Models with Counterfactual. Source: UNHCR Microdata



# **Chapter 8**

## **Conclusion**

## 8.1 Conclusion

This dissertation has investigated the development, determinants and effects of migration and asylum policies. It has done so by focusing on these three issues with reference to the Latin American region. This thesis has asked three main research questions, each of which has been addressed in a research article:

1. How do asylum policies develop over time?
2. What are the factors that explain changes in asylum policies?
3. What is the effectiveness of migration policies in dissuading migrants from crossing international borders? And what effects do these have on migrants themselves?

To address the first research question, and test claims made in the literature on migration in Latin America about a ‘liberal turn’ in asylum policy in the region, I have developed a new methodological approach – called the Asylum Policy in Latin America (APLA) database (Acosta and Freier 2015; Cantor, Freier, and Gauci 2015; Fernandez-Rodriguez, Freier, and Hammoud-Gallego 2020; Freier and Gauci 2020). I then applied this new methodological approach to codify the asylum legislation of 19 Latin American countries over a 31-year period from 1990 to 2020. Finally, I have analysed the data collected, plotted trends, and discussed outliers in terms of regulatory complexity and liberalisation across the region.

This article makes several contributions to the literature on asylum policies: first, the APLA methodology overcomes existing ‘OECD’ biases and lack of aggregation strategies present in extant migration policy indices, such as IMPALA or IMPIC. Second, it empirically confirms claims about a ‘liberal turn’ in asylum policies across the region by plotting trends and outliers in regulatory complexity and liberalisation over time. Third, it makes an

empirical contribution by providing a publicly available database on asylum policies across Latin America for a 31-year period.

The second research article instead focuses on the factors that explain changes in asylum policy. First, the article analyses which of the factors previously identified as relevant by the literature - both OECD-oriented and Latin America specific - explain asylum policy variation by using aggregated data from the APLA as a dependent variable. It finds that some factors such as leftist government ideology and regional integration explain the increased liberalisation of asylum policies in Latin America. Second, it uses process tracing and evidence from 125 in-depth elite interview with policy makers across the region to understand the causal mechanisms behind the statistically significant correlations identified previously. The article concludes by showing how the adoption of the most liberal standards took place in those countries that hosted close to no refugees. Thus, the article concludes by explaining how these liberal policies on asylum were likely developed for an international audience, as symbolic statements, rather than because of any evident need to have such policies in place or because of any intentions to implement them. We believe that Latin American governments' responses to the on-going Venezuelan crisis further validates our findings.

This second research article has two main contributions. First, it contributes to the literature on the factors determining variation in asylum policies by identifying factors relevant in a developing region such as Latin America and explaining the actual aim of legislators when adopting such policies. We believe this is the first such empirical contribution to this field in Latin America. Second, we contribute through a new methodological research design that seeks to blend both advanced quantitative and qualitative methods, which we hope will serve as a reference for similar studies on migration and asylum policies – and more widely in the social sciences – in the future. Finally, the third research article of this dissertation focuses on the actual effectiveness of migration policies in deterring border

crossings, and about the effects that such policies have on migrants' well-being. By using a difference-in-differences research design, the article shows how the introduction of visa restrictions led to an increase in irregular entries and irregular visa statuses. Unexpectedly though, the article does not find any meaningful positive correlation between irregular entries and the likelihood of suffering violence. Finally, the article shows how migrants' priorities shifted after the introduction of visa restrictions, with Venezuelan migrants having to invest their already scarce resources to regularise their migratory status instead of being able to immediately seek employment. The results are further corroborated running the DID model without Ecuador and plotting the marginal effect of visa restrictions on each of the four dependent variables over time.

This final article makes several contributions to both the theories on the effectiveness of migration policies, as well as those on migrants' well-being (Andersson 2014, 2016; Pugh 2017, 2021; Vogt 2018; Wolf 2021) and their labour market integration prospects (Aggarwal, La China, and Vaculova 2016; Bosh and Farre 2013; Ceritoglu et al. 2017; Clemens, Huang, and Graham 2018; Sak et al. 2018; Stave and Hillesund 2015). First, it shows how introducing visa restrictions does not seem to have the intended effects of dissuading migrants from crossing international borders, within a context of mass displacement and porous borders. Second, while these findings do not show an increase in violence suffered, they do find that being irregularly in the host country affects migrants' priorities in that they have to seek to regularise their migratory statuses, instead of being able to immediately seek employment. The findings of this paper – if validated – have important consequences both for future research in the field of migration policy as well as for policy making, as discussed below.

## 8.2 Implications for Future Research

The findings of this dissertation have several implications for future research efforts in the field of migration and asylum policy. These implications differ in the first and second research article from the third one. Regarding the former two, the implications include the following: first, the methodological approach of the APLA dataset can be easily replicated for other geographical regions in developing countries, where lack of academic knowledge on policies is widespread. Thus, this methodological approach opens the door to the in-depth understanding of policy development over time, while solving the ‘OECD’ bias and lack of aggregation strategies of existing migration indices. Second, thanks to the highly disaggregated nature of the policy measures identified by APLA – following IMPALA’s example – scholars will be able to create comparative datasets on migration policy measures across regions of the globe by selecting those policy measures that overlap across datasets. Third, such a methodological approach could be fitted to codify economic and family migration, not only humanitarian migration. Fourth, the policy measures adopted across different pieces of legislation can be used to track the application of asylum law in practice. Finally, APLA’s main contribution is in terms of the now-possible analysis of trends and identification of outliers in asylum policies across Latin America, which allows to both test existing hypotheses on the development of asylum policies – such as the ‘liberal turn’ hypothesis – as well as develop new ones.

The findings from these first two research articles will – additionally – open the door to new research on the determinants of both migration and asylum policies. Factors identified as relevant across Latin America could play a role in the diffusion of asylum policy measures in other world regions. Moreover, ‘policy as signalling’ might likely take place in other areas of public policy, especially in those where the cost of adopting such policies is nominally low, if not implemented. Also, having shown how migration and refugee law reforms take

place in tandem in Latin America, this might reflect the realities of public policy making in this field in other areas of the world.

In terms of the way this research was conducted, the approach of publishing online the whole dataset produced by this study – as well as the code to replicate all the calculations done – through GitHub to allow the easy replicability of my findings is a positive example of how future research should provide full transparency to enhance replicability. Last, the methodological approach adopted in the second research article provides a template for how research in migration and asylum policies should seek to bridge the quantitative/qualitative divide that exists within the social sciences. The research article, first, uses quantitative methods approach to study both trends and identify statistically significant correlations. Then, those results are complemented with process tracing and evidence from in-depth elite interviews, which allows to investigate the causal mechanisms behind the trends and correlations previously identified.

On the other hand, the third research article of this dissertation opens a different series of new avenues for future research on the issues of visa restrictions effectiveness and migrants' well-being. First, by estimating the effects of introducing visa restriction across countries within a context of mass displacement and porous borders, this article shows that such type of research is feasible, also in other areas of the globe, provided international institutions such as the UNHCR improve their data collection efforts and make such data public. The new UNHCR microdata library initiative is an excellent starting point.<sup>1</sup> Second, by estimating the effects of introducing visa restrictions on migrants' well-being, specifically on their likelihood of suffering some form of violence, or on how their priorities change depending on their migratory status, researchers on migration in Latin America and beyond ought to

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<sup>1</sup>The UNHCR Microdata Library can be accessed at: <https://microdata.unhcr.org/index.php/home> (Accessed on June 28th, 2021).

continue focusing on the causal mechanisms behind these issues and policy options to address them.

Third, while this research has only been able to address the short-term effects and consequences of the introduction of visa restrictions on migrants, future research will need to focus on the long term as well. For instance, while visa restrictions might not deter people in the short term from crossing borders, have any of these restrictions long-term deterrence effects? In addition to that, how do migrants who do not have a regular migratory status fare over the long term compared to their co-nationals who do have one? How do the children of these two groups of migrants compare in terms of their health, educational achievements, income, and overall well-being over the long term? Finally, this research provides a useful framework to overcome the ‘push-pull’ discourse still prevalent in much of the literature, despite growing evidence – such as the one provided in the third research article of this dissertation – that structural factors play an overwhelming role in people’s decision to migrate, regardless of the possibility to do so legally. The wider contribution of this dissertation is to the literature on migration and asylum policies in the developing world on which little systematic research had been conducted until recently (Acosta and Freier 2015; Betts 2011; Freier and Holloway 2019; Milner 2009; Wood 2014). Future studies will need to further criticise, or refine, the findings of this dissertation, and research how policy measures adopted, and lessons learned in Latin America can be applied in other regions of the world.

## 8.3 Implications for Public Policy on Migration and Asylum

The findings of this dissertation have also several implications for public policy in the fields of migration and asylum. First, the gap between the adoption of progressive asylum legislation across Latin America and its actual readiness for implementation, demonstrate how – however valuable – research on policy measures only bears the risk of focusing on de jure or ‘symbolic policies’ that have little to no relation to state capacity. Thus – far from praising Latin American governments’ symbolic yet ineffective adoptions of liberal asylum policies – this dissertation shows how mostly ‘void’ symbolic policies can leave governments with a false sense of preparedness that collapses when facing substantial refugees’ inflows. Such unpreparedness was demonstrated by the fact that most South American countries recipients of Venezuelan migrants – who the UNHCR and experts agree should qualify as refugees (see chapter 6 for more) – decided instead to process them through a series of special migratory permits. The only exceptions are Brazil and Mexico, both of which have received substantially lower Venezuelan nationals than other countries in the region (Acosta, Blouin, and Freier 2019; International Crisis Group 2018; Selee and Bolter 2020).

Second, as shown in the third research article, the introduction of visa restrictions – whatever their actual intention – did not seem to have any visible effects. While I cannot make claims that the introduction of visa restrictions had no effect in terms of dissuading migrants’ from crossing international borders, the evidence from these findings suggests that most Venezuelans decided to continue their journeys despite the lack of legal alternatives. Additionally, the findings of this research also showed what type of negative externalities might be associated with irregular migration channels. While I do not find evidence of any effects on the levels of violence suffered, I do find that migrants’ priorities changes in a way

that hinders their societal and labour market integration in the host country. This situation brings negative externalities to the host society as well: the changed priorities of migrants mean more resources devoted to regularisation-related bureaucratic processes – usually associated with corruption – and lower integration with a thus higher risk of some migrants falling prey to exploitative employers, unscrupulous authorities, and criminal groups.

Therefore, findings from this research suggest that policy makers facing mass displacements within a context of porous borders should in the future adopt pragmatic approaches, preferably in coordination among different countries to avoid free riding. While an ‘open border’ policy is political unfeasible in most cases, adopting ‘humanitarian visas’ based on the nationality of the applicant – with safeguards for criminal individuals – would reduce the risks and costs both to the host society and migrants, as mentioned above. Humanitarian visas coordinated across different countries would at the same time have multiple benefits: first, they diminish the risks of negative externalities for migrants during their travel, however minimal. Second, regularly resident migrants better integrate, are less likely to be exploited by workers and authorities and are therefore more likely to have higher overall well-being. This, in turn, has positive spillover effects on their children’s well-being as well.

Ideally, such ‘humanitarian visa’ policy should be pursued ‘regionally’, that is, in coordination among different affected countries, to avoid a likely race to the bottom. A clear example of this are the United States of America and Colombia’s recent decisions to grant all Venezuelan nationals in their territories a standardised humanitarian permit for – respectively – one and ten years (Migración Colombia 2020; NYT 2021a, 2021b). Other countries across Latin America should adopt a similar approach, through a mostly automated registration process which would alleviate the burdens on those Venezuelan migrants without regular migratory permits.

While the findings of this research are limited to Latin America, it seems reasonable to hypothesise that the analysis of these policy measures can be of use in other regions of the world affected by mass migration and with porous borders. Policy makers in Latin America – and beyond – should start focusing on the reality of migration on the ground, and adopt evidence-based policy-making, instead of short term ‘symbolic policies’ to curry favour with the international community or appeal to the electorate with ineffective and counterproductive visa restrictions. Despite the temporary nature of closed borders wrought by the Covid pandemic, mass migration is one of the defining public policy challenges of our era. It is no exaggeration to say that people’s lives depend on getting them right.

# Chapter 9

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