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Responses to Information Requests

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4 June 2018

ZZZ106067.FE

Haiti and Venezuela: Status of Haitian citizens who are residents of Venezuela, including rights and obligations (2010-May 2018)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

According to several sources, the Venezuelan Administrative Service of Identification, Migration and Immigration (Servicio Administrativo de Identificación, Migración y Extranjería, SAIME) initiated a process on 13 March 2010 to regularize the status of Haitians living in Venezuela prior to the earthquake of 12 January 2010 (Duffard Evangelista 2016, 8; AlterPresse 19 Dec. 2012; *Correo del Orinoco* 14 Mar. 2010). Without providing further details, other sources from 2010 report that the Venezuelan government announced that some 15,000 Haitians living “illegally” in the country would be granted a visa (Reuters 22 Mar. 2010; *The New York Times* 6 Nov.

2010). In a December 2013 discussion paper on Haitian migration in the context of the 2010 earthquake, written by Patricia Weiss Fagen [1], from the University of Georgetown, it states that the deadlines related to regularizing the status of Haitians who arrived before the earthquake “have expired” (Weiss Fagen 3 Dec. 2013, 21). Without providing further details, an article in the Venezuelan newspaper *Correo del Orinoco*, published on the website of the Government of Venezuela, states that foreign nationals who meet the conditions of the regularization process undertaken by SAIME will be given temporary migrant status, valid for one year and subject to renewal, as well as the right to obtain a Venezuelan identification card for foreign nationals ([2014]).

In correspondence with the Research Directorate, a representative of the UNHCR in Venezuela explained that SAIME did not provide information indicating whether different treatment was given to Haitians affected by the 2010 earthquake than to those who were already in Venezuela at that time (UN 9 Mar. 2018). According to the same source, around April 2010, SAIME started a series of procedures that lasted for more than a month in order to grant temporary migrant visas and identification cards to Haitians who arrived after the 2010 earthquake (UN 9 Mar. 2018). The UNHCR representative in Venezuela explained that, in this context, exceptions “to some requirements such as criminal record” were granted and that only a valid passport was requested (UN 9 Mar. 2018).

According to several sources, the Venezuelan authorities issued humanitarian visas to Haitian nationals entering Venezuela in the context of the 2010 earthquake (AlterPresse 19 Dec. 2012; Weiss Fagen 3 Dec. 2013, 21; UN n.d.). According to the 2013 discussion paper written by Patricia Weiss Fagen, these humanitarian visas were “temporary” and were for Haitians entering “immediately” after the earthquake (Weiss Fagen 3 Dec. 2013, 21). A 2016 article published by *The San Diego Union-Tribune*, a San Diego daily in California, states that, after the 2010 earthquake in Haiti, [translation] “countries like Brazil and Venezuela opened their doors to Haitians by giving them work visas ...[of which] about 45,000” were in Venezuela (*The San Diego Union-Tribune* 25 Sept. 2016).

2. Migration Status

Articles 2 and 6 of Venezuela's 2004 law on migrants and foreigners (*Ley de*

extranjería y migración) provide the following:

[translation]

Field of application

Article 2.- The provisions of this law apply to foreign nationals who are in the Republic, regardless of their migration status.

[...]

Categories

Article 6.- Foreign nationals who wish to enter and remain in the Republic may be admitted in the non-immigrant, temporary migrant and permanent immigrant categories, and will be classified as follows:

1. non-immigrants—those persons who enter the Republic with the purpose of staying no more than ninety (90) days, but do not wish to make it their permanent domicile, nor that of their family, and who, therefore, will not be able to engage in activities involving remuneration or profit.
Once this period has elapsed, they will be able to extend their stay by ninety (90) days more;
2. temporary migrants—those persons who enter the Republic with the purpose of staying temporarily, for the duration of the activities that gave rise to their admission;
3. permanent immigrants—those persons who have been authorized to stay indefinitely in the Republic.

The regulations under this law define the requirements and procedures for admission, entry, stay, exit and readmission applicable to all categories, including subcategories.

...

(Venezuela 2004)

Information regarding the regulations according to the law on migrants and foreigners could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The UNHCR representative explained that temporary migrants may request resident status after one year of residence and Venezuelan nationality after five years (UN 9 Mar. 2018). However, in correspondence with the Research Directorate,

a retired professor [2] from the Central University of Venezuela in Caracas, who has worked on immigration issues in Venezuela, states that a person “usually” starts with a temporary visa and, after two years, can apply for a resident visa (Retired Professor 27 Feb. 2018). According to a May 2012 article published by Venezuelanalysis.com, an online news and analysis site about the political situation in Venezuela (Venezuelanalysis.com n.d.), the waiting period for residency, with a valid visa, was “recently” reduced from five to two years (Venezuelanalysis.com 21 May 2012). Without providing further details about when such an application may be presented, the SAIME website states that foreign nationals holding a valid temporary migrant visa may change migrant status from temporary to permanent by meeting the following requirements: filling out the form available on the SAIME website and having an original passport valid for six months, as well as a statement of motivation addressed to the Director General, proof of residence and an income claim form (Venezuela n.d.a). According to the same source, the procedure costs eight tax units (unidades tributarias, UT) [approximately C\$1] (Venezuela n.d.a).

2.1 Rights and Obligations

Articles 13 and 14 of the 2004 law on migrants and foreigners provides the following:

[translation]

Rights

Article 13.- Foreign nationals in the Republic enjoy the same rights as citizens, and are subject to the same limits as those provided for in the Constitution of the Bolivarian Republic of Venezuela and other applicable laws.

Obligations

Article 14.- Foreign nationals in the Republic, without prejudice to the rights and duties provided for in the Constitution of the Bolivarian Republic of Venezuela and other applicable laws, shall be required to:

1. Meet the requirements and conditions for identification, stay and location in Venezuela, in accordance with the legal regime.
2. Present the documents that identify them to the authorities, upon request. These documents cannot be retained by authorities.

3. Register in the National register of foreign nationals of the competent ministry within thirty (30) days of their arrival, in compliance with the provisions of the regulations of this law, when they enter the Republic as a temporary migrant or obtain permanent immigrant status.
4. Provide the civil authorities corresponding to the location of their domicile with the civil status documents duly certified or bearing the respective apostille (theirs and those of their family), and inform them of any change of domicile or residence, in the case of foreign nationals who have obtained temporary or permanent migrant status.
5. Maintain the validity of their visa or any permit that authorizes their residence in the Republic.
6. Report on time when summoned before the competent authority.
(Venezuela 2004)

Similarly, the retired professor stated that the rights and obligations are the same for persons holding resident visas as for Venezuelan citizens, “except for holding public office and voting in national elections” (Retired Professor 27 Feb. 2018). According to the same source, the homeland card (*carnet de la patria*), implemented by the Venezuelan government to tie “all kinds of social services including food supplies and access to medicines” to the government in power, is available “only to Venezuelans, not foreign nationals” (Retired Professor 2 Mar. 2018). For further information on the homeland card, see Response to Information Request VEN106113 of May 2018.

The retired professor stated the following about Haitians who arrived in Venezuela after the 2010 earthquake:

One assumes that once their status was legalized, they also received an identification card (*cedula de identidad*) which enabled them to work and receive the same social benefits that any Venezuelan worker at the time would receive, if they were able to find permanent work. Some did. My understanding is that many of them did not and worked free-lance, which meant they had few if any work-related benefits. They could pay into social security on their own but temporary workers usually did not do so because of lack of funds. With their ID card they were eligible for social services that were free and not related to having social security. (Retired Professor 2 Mar. 2018)

The May 2012 article published by Venezuelanalysis.com states that public health care in Venezuela does not discriminate according to country of origin or residency status (Venezuelanalysis.com 21 May 2012).

The representative of the UNHCR in Venezuela explained the following:

Temporary migrants [may] [...] access [...] free primary and secondary education; open a bank account; obtain fiscal ID in order to work in formal environments; purchase properties; register for social security; [...] access subsidized services. They must comply with the requirements of a legal stay in the country (timely renewal of visas, obey the law). (UN 9 Mar. 2018)

3. Resident Visa Holders Returning to Venezuela

A 2012 paper on the legal regime applicable to foreign nationals living in Venezuela, written by Amalia Jbaur [3] of the University of José Antonio Páez, states that a passport with the resident visa is necessary to enter or leave Venezuela and that the resident card (*cédula de residente*) serves to identify the person in the country (Jbaur July 2012, 30).

The representative of the UNHCR in Venezuela explains that Haitians with residency status do not lose it if they leave Venezuela, but that it “affects the time of continuous residency needed to apply for Venezuelan nationality,” and that in the case of Haitian citizens, it is five years of continuous residency (UN 9 Mar. 2018). The same source states that Venezuelan law does not indicate “reasons to lose the residency status” (UN 9 Mar. 2018). Similarly, according to the retired professor, the Venezuelan resident visa has no restrictions on whether a person may travel outside Venezuela (Retired Professor 27 Feb. 2018). The same source explained the following:

It is possible to return [to Venezuela] with an expired visa, but I have not seen information on just how expired that visa can be and the holder still be admitted. What may play a role in re-entry to the country are restrictions that international carriers have placed on the validity of visas as they require that the visa has 6 months validity left on it to board a plane, for example. However, having asked specifically about this situation in a SAIME office this morning, I was informed that this is an issue for migration authorities abroad and is not an issue for migration authorities in Venezuela.

People who may have a problem, despite holding a visa or even having been naturalized, are those who received special treatment on the part of the Venezuela government in an attempt a number of years ago, to curry favor with foreign

nationals [...]. The paperwork was often incomplete or nonexistent and quite a few of these documents were subsequently voided. There are also cases of individual corruption by agents which later resulted in the voiding of documents issued.

(Retired Professor 27 Feb. 2018)

The information in the following paragraph comes from the websites of the Embassy of Venezuela in Canada, the Consulate General of Venezuela in Frankfurt and the Embassy of Venezuela in France:

A re-entry visa will be issued by the consular services of the embassies and consular offices of Venezuela to persons having residency status in Venezuela, who have not stayed abroad for more than two consecutive years or who have not obtained residency in another country, provided the expiry date of the residency status in Venezuela has not been exceeded by 30 days. When the indicated deadlines are not met or when circumstances other than those mentioned arise, applicants must apply directly to the Ministry of Interior and Justice of Venezuela. The re-entry visa is issued for six months, for one single entry and will be stamped with the applicant's identification card number, except for minors who do not have an identification card (Venezuela n.d.b; Venezuela n.d.c; Venezuela n.d.d).

4. Renewal of Resident Visa

According to sources, the resident visa is valid for five years (Venezuela n.d.e; Retired Professor 27 Feb. 2018; IOM 29 May 2018). Sources state that the resident visa is renewable (UN 9 Mar. 2018; Retired Professor 27 Feb. 2018).

According to the SAIME website, to extend their [translation] "permanent (resident) visa," applicants must appear in person at an authorized office of the SAIME for foreign national procedures 45 days before the expiry of their visa (Venezuela n.d.f). According to the same source, to do so, applicants must complete the application form available on the SAIME website, provide a copy of their passport, valid for six months, indicating all of the applicant's information, as well as a copy of their last visa, and pay the tax, which amounts to eight tax units (Venezuela n.d.f). Similarly, according to the retired professor, to renew a permanent visa, it is necessary to download the application form from the SAIME website, fill it out and present the following documents: a copy of the personal data in the passport, which must be valid; a copy of the visa history therein; a photograph; and

the amount required to pay the fee, which is the equivalent of approximately US\$0.10 (Retired Professor 27 Feb. 2018). The UNHCR representative in Venezuela stated that when a visa has expired, a fee must be paid for renewal (UN 9 Mar. 2018).

The Bureau of Consular Affairs of the US Department of State indicates that persons living in Venezuela must renew their resident visa “well in advance of expiration” and that Venezuelan authorities “ask foreigners for proof of their identification and legal status in the country” (US 6 Apr. 2018). According to the retired professor, if the resident visa is not renewed on time, it may be renewed late with a fine imposed (Retired Professor 27 Feb. 2018). In that respect, the same source stated that she did not know whether or not there is a time limit, but if the person has been in Venezuela and not abroad, late renewal of the residency visa is “usually granted” (Retired Professor 27 Feb. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the Bureau of Consular Affairs of the US Department of State, the applicant must sign the resident visa in person at SAIME headquarters in Caracas (US 6 Apr. 2018). Similarly, the UK government website states that the only place where a person living in Venezuela may apply for or extend their residency permit is at the main SAIME office in Caracas (UK n.d.). The retired professor stated that the application to renew the resident visa may only be made in a SAIME office in Venezuela (Retired Professor 27 Feb. 2017).

5. Deportation and Withdrawal of Resident Visa

Article 38 of the 2004 law on migrants and foreigners provides the following:

[translation]

Deportation: Reasons

Article 38.- Foreign nationals in any of the following situations shall be subject to a deportation order from the Republic:

1. Those who enter the Republic and remain there without the corresponding visa;
2. Those who arrived in the Republic to carry out activities subject to obtaining a work permit and do not comply with the said obligation;

3. Those who fail to comply with their obligation to renew their visa within the time limits prescribed by the regulations under this law;
4. Foreign workers who perform work different from that for which they were recruited and do so in a jurisdiction different from that covered by their work permit;
5. Those who have received a fine from the competent authority for their foreign national or immigrant status, two (2) or more times, and show reluctance to settle it. (Venezuela 2004)

The May 2012 article published by Venezuelanalysis.com states that Venezuela does not deport foreigners, even if their visa has expired, and that a foreigner will only be deported if they have committed a serious crime in the country (Venezuelanalysis.com 21 May 2012). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The retired professor states the following about the resident visa:

[It is] usually only revoked if the person has problems directly with the government and is deemed non grata.

[...]

Only actions against the government itself (usually typified as political in nature) are sometimes grounds for withdrawing a visa or denial or renewal. Common criminal status is not a factor ordinarily.

[...]

[S]ometimes individual prejudices play a role in how exceptional visa status situations are handled. (Retired Professor 27 Feb. 2018)

With respect to naturalized Haitians, that same source stated that “it is theoretically possible to lose naturalization status if [the person is] away from Venezuela for many years but as with many procedures [in Venezuela], it is not clear if this option is actually exercised” (Retired Professor 2 Mar. 2018). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Request.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Patricia Weiss Fagen is a researcher at the Institute for the Study of International Migration (ISIM) at Georgetown University (Georgetown University n.d.). She has published a number of works related to Latin American history, human rights and asylum and refugee issues (Georgetown University n.d.).

[2] The information provided by the retired professor reflects her personal opinions and is based on years of research and residence in Venezuela (Retired Professor 27 Feb. 2018). The retired professor states that, to her knowledge, the information that she provided on the resident visa in Venezuela also applies to Haitian foreign nationals (Retired Professor 27 Feb. 2018).

[3] Amalia Jbaur's paper was written as part of a law degree at the Law School in the Faculty of Legal and Political Science at the University of José Antonio Páez in Venezuela (Jbaur July 2012, ii).

References

AlterPresse. 19 December 2012. Robert Shaw. "Haitians in Venezuela: Ice Cream, Human Trafficking and the Shantytowns of Caracas." [Accessed 23 Jan. 2018]

Correo del Orinoco. [2014]. "Extranjeros pueden regularizar residencia en el país a través del SAIME." [Accessed 29 Mar. 2018]

Correo del Orinoco. 14 March 2010. "Pasados 30 días de consignación de recaudos podrán obtener visa y cédula: Saime inició regularización de documentos para ciudadanos haitianos." [Accessed 23 Jan. 2018]

Duffard Evangelista, Irene. 2016. __ *Del caribe haitiano a la Argentina : trayectorias de cuerpos en movilidad humana pos terremoto 2010.* Buenos Aires: Consejo Latinoamericano de Ciencias Sociales (CLACSO). [Accessed 1 Feb. 2018]

Georgetown University. N.d. School of Foreign Service, Institute for the Study of

International Migration (ISIM). "[Patricia Weiss Fagen](#)." [Accessed 1 Feb. 2018]

International Organization for Migration (IOM). 29 May 2018. Office in Caracas. Correspondence from a representative to the Research Directorate.

Jbaur, Amalia. July 2012. *Regimen jurídico aplicable a los extranjeros que viven en Venezuela*. Essay. Universidad José Antonio Páez, Venezuela.

The New York Times. 6 November 2010. Simon Romero. "[In Venezuela, a New Wave of Foreigners](#)." [Accessed 22 Jan. 2018]

Retired Professor, Universidad Central de Venezuela. 2 March 2018. Correspondence with the Research Directorate.

Retired Professor, Universidad Central de Venezuela. 27 February 2018. Correspondence with the Research Directorate.

Reuters. 22 March 2010. Charlie Devereux. "[Ice Cream Sales a Lifeline for Haitians in Caracas](#)." [Accessed 22 Jan. 2018]

The San Diego Union-Tribune. 25 September 2016. "[Compasión para víctimas del terremoto de Haití](#)." [Accessed 23 Jan. 2018]

United Kingdom (UK). N.d. "[Foreign Travel Advice: Venezuela](#)." [Accessed 8 Feb. 2018]

United Nations (UN). 9 March 2018. United Nations High Commissioner for Refugees (UNHCR). Correspondence from a representative in Venezuela to the Research Directorate.

United Nations (UN). N.d. United Nations High Commissioner for Refugees (UNHCR). "[Cuadro 32 - Visas humanitarias](#)." [Accessed 22 Jan. 2018]

United States (US). 6 April 2018. Department of State, Bureau of Consular Affairs. "[International Travel: Venezuela](#)." [Accessed 31 May 2018]

Venezuela. 2004. __ [Ley de Extranjería y Migración No 37.944](#). Excerpts translated by the Translation Bureau, Public Services and Procurement Canada. [Accessed 1 Feb. 2018]

Venezuela. N.d.a. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz. Servicio Administrativo de Identificación, Migración y Extranjería (SAIME).

“Visas - Cambio de condición migrante temporal a migrante permanente.” [Accessed 7 Feb. 2018]

Venezuela. N.d.b. Embajada en Canada. “Solicitud de visas.” [Accessed 7 Feb. 2018]

Venezuela. N.d.c. Consulado General en Fráncfort. “Visa transeúnte reingreso.” [Accessed 7 Feb. 2018]

Venezuela. N.d.d. Embajada en Francia. “Visa reingreso / visa réintégration.” [Accessed 7 Feb. 2018]

Venezuela. N.d.e. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz. Servicio Administrativo de Identificación, Migración y Extranjería (SAIME). “Visa - Prórroga de visas.” [Accessed 7 Feb. 2018]

Venezuela. N.d.f. Ministerio del Poder Popular para Relaciones Interiores, Justicia y Paz. Servicio Administrativo de Identificación, Migración y Extranjería (SAIME). “Prórrogas.” [Accessed 7 Feb. 2018]

Venezuelanalysis.com. 21 May 2012. Tamara Pearson. “Immigration to Venezuela Double that of Emigration.” [Accessed 23 Mar. 2018]

Venezuelanalysis.com. N.d. “About Venezuelanalysis.com.” [Accessed 23 Mar. 2018]

Weiss Fagen, Patricia. 3 December 2013. ___ *Receiving Haitian Migrants in the Context of the 2010 Earthquake.* [Accessed 1 Feb. 2018]

Additional Sources Consulted

Oral sources: Caritas Internationalis – Venezuela; five law offices in Venezuela; former professor of political science in Venezuela; Haiti – embassy in Caracas; lawyer in administrative law in Venezuela; professor of international relations, with works prepared on Venezuela; professor of Latin American history, having published on Venezuela; professor of Latin American studies, researching Venezuela; research librarian specializing in Latin American studies, including immigration issues; researcher with publishings on Latin America, namely, on refugee and asylum

issues; senior researcher at the Washington Office on Latin America, having conducted 20 years of research on Venezuela; Servicio Jesuita a Refugiados – Latinoamérica y el Caribe; Venezuela – consulate in Montreal, consulate in Vancouver, embassy in Ottawa, embassy in Port-au-Prince, Servicio Administrativo de Identificación, Migración y Extranjería.

Internet sites, including: Amnesty International; Asylum Research Consultancy; Caritas Internationalis; Centre justice et foi – *Vivre ensemble*; ecoi.net; Electronic Immigration Network; *El Espectador*, *El País*, *El Tiempo*; European Union – European Asylum Support Office; Freedom House; HIAS; Human Rights Watch; International Organization for Migration – Misión en Venezuela; North American Congress on Latin America; Rights and Exile Programme; Servicio Jesuita a Refugiados; United Kingdom – Home Office; United Nations – Refworld; Univision; Vice.

Date modified:

2018-06-25

