



▶ Research Brief

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Decent Work for displaced people: Lessons from the experiences of Venezuelan migrant and refugee workers in Colombia and Brazil

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Key points

- ▶ Most Venezuelan migrants and refugees in Colombia and Brazil now have at least temporary legal status, including the right to work and rights as workers.
- ▶ Work permits have brought meaningful benefits, but many Venezuelans still labor under substantially worse conditions than their local counterparts.
- ▶ Policy recommendations have emphasized the need to recognize displaced Venezuelans' educational and professional credentials so they can gain high-skilled formal employment.
- ▶ However, the majority of Venezuelan refugees and migrants in Colombia and Brazil have a secondary education or less, and are likely to remain in informal and low-wage formal sectors.
- ▶ Improving their working conditions will require increased labor rights enforcement and worker representation at the bottom of the labor market.
- ▶ Two case studies in Colombia and Brazil illustrate how displaced Venezuelans are beginning to pursue this goal, with the support of civil society, trade unions, and their own associations.
- ▶ Additional support for migrant and refugee worker organizing is essential to advance Decent Work for displaced Venezuelans in Latin America and the Caribbean—and for the other refugee, migrant, and local workers who labor alongside them.

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Introduction

The Venezuelan diaspora has surpassed the Syrian and Ukrainian refugee situations as the world's largest modern movement of human beings across borders.² Over the past decade, 7.7 million Venezuelans have fled their home country, largely to elsewhere in Latin America and the Caribbean.³ Although the response has been mixed, many host governments in the region have created large-scale programs granting Venezuelans some form of legal status, permission to work, and access to public education and health care.⁴ There is much to be learned from these policies and their outcomes, both for the future in countries where Venezuelans have settled and for other contexts of displacement.

A key dimension of these lessons relates to work. In most settings in the Global South where large numbers of people move across borders over a short period of time, host governments have restricted or denied the newcomers access to the labor market.⁵ The response in Latin America and the Caribbean offers the opportunity to examine the impact of an alternative approach.⁶ Despite the massive scale and swiftness of the new arrivals, some countries in the region have offered nearly all Venezuelan migrants and refugees⁷ at least temporary legal status, including employment authorization and (on paper) equal labor rights to local workers. Colombia and Brazil are two of the nations that have granted these rights to the highest proportion of Venezuelans on the continent. Yet legal status and the promise of labor rights has not been enough for most of these newcomers to gain access to Decent Work. More is required.

The paper begins with a brief explanation of the programs that have allowed Venezuelans in Colombia and Brazil to regularize their status. It then summarizes the literature on the working conditions of

² As of October 2023, there are 5.2 million Syrian refugees and 6.2 million Ukrainian refugees living outside of their home countries. UNHCR, *Syria Regional Refugee Response*,

³ 6.5 million of the Venezuelan migrants and refugees live elsewhere in Latin America and the Caribbean. R4V, *Venezuelan Migrants August 2023*, *supra* note 2.

⁴ There has been considerable variation between host countries, and the policies of individual countries have changed over time. For a comprehensive overview, see Luciana Gandini & Andrew Selee, *Betting on Legality, Latin American and Caribbean Responses to the Venezuelan Displacement Crisis* (Migration Poly Inst. May 2023), https://www.migrationpolicy.org/sites/default/files/publications/mpi-venezuelans-legal-status-2023_eng_final.pdf.

⁵ Thomas Ginn et al., 2022 *Global Refugee Work Rights Project* 14, 34-36 (Ctr. for Glob. Dev., Refugees Int'l, & Asylum Access 2023), https://d3jwam0i5codb7.cloudfront.net/wp-content/uploads/2023/03/2022GlobalRefugeeWorkRightsReport_LAUNCH.pdf; Asylum Access & the Refugee WorkRts. Coalition, *The Global Refugee Work Rights Report 2, 23* (Asylum Access 2014), https://asylumaccess.org/wp-content/uploads/2014/09/FINAL_Global-Refugee-Work-Rights-Report-2014_Interactive.pdf.

⁶ The Ukrainian refugee context offers the other very recent exception to the general rule that refugees do not have easy access to the labor markets of host countries. The European Union has offered comprehensive three-year labor market access to the nearly six million Ukrainian refugees who have dispersed throughout the continent since the beginning of Russia's invasion of Ukraine in 2022. The labor experiences of Ukrainian refugees and the extent of their ability to access decent jobs in their host countries will be important to study over time. (For one early assessment, see Maria Vincenza Desiderio & Kate Hooper, *Displaced Ukrainians in European Labour Markets, Leveraging Innovations for More Inclusive Integration* (Migration Poly Inst. May 2023), https://www.migrationpolicy.org/sites/default/files/publications/mpi_ukrainians-europe-labour-markets_final.pdf.) However, the fact that the hosts are in the Global North, the unique degree of EU-Ukraine solidarity generated by the invasion, the very high education levels of many Ukrainian refugees, and the substantial degree of formality in EU labor markets all may reduce the relevance of lessons from the Ukrainian response for the quite different contexts in the Global South in which the majority of refugee flows occur.

⁷ In this paper, I use the terms "displaced," "diaspora," "migrant," and "refugee" interchangeably to characterize the recent mass movement of Venezuelans across borders. In legal terms, Venezuelans meet the definition of "refugee" in the Cartagena Declaration, incorporated into law by most Latin American countries, as a person forcibly displaced across a border due to a "circumstances which have seriously disturbed public order." Cartagena Declaration on Refugees, Conclusion III(3), Nov. 22, 1984, <https://www.unhcr.org/us/media/cartagena-declaration-refugees-adopted-colloquium-international-protection-refugees-central>. Nonetheless, only a few governments—among them Mexico and Brazil—have applied this refugee definition to the Venezuelan diaspora. Cecile Blouin et al., *The Spirit of Cartagena? Applying the Extended Refugee Definition to Venezuelans in Latin America*, 63 *Forced Migration Rev.* 64, 66 (2020).

displaced Venezuelans in those countries, setting out what we know about whether access to legal work permits has helped Venezuelans in Colombia and Brazil achieve Decent Work.⁸

It concludes that a work permit that promises open access to the labor market and equal workplace rights to citizens unquestionably has offered Venezuelans advantages over a restrictive work permit or undocumented status. At the same time, it is clear that even once authorized to work, Venezuelans in Colombia and Brazil continue to suffer longer hours, lower wages, and higher degrees of temporariness and precarity than local workers (many of whom themselves face considerable Decent Work deficits).⁹ Both countries have large informal economies, but displaced Venezuelans do informal work at rates substantially higher than citizens.¹⁰ In low-wage formal positions, too, Venezuelans continue to encounter violations of their basic labor rights. Women migrants and refugees consistently fare worse than their male counterparts along all of these dimensions.

These disparities have multiple causes. Studies to date have emphasized difficulties in gaining recognition for educational and professional credentials across borders as a primary reason many Venezuelans have not been able to access Decent Work. But for the majority of Venezuelans in Colombia and Brazil, who have at most a secondary education, other obstacles predominate. They often lack the networks and (in Brazil) language skills necessary for access to formal jobs. Some employers are reluctant to hire individuals with temporary work permission, and others actively discriminate against or mistreat the newcomers. Abuses go unchecked due to lax government enforcement of labor standards and widespread informality. Venezuelans may not challenge exploitative conditions, whether because they are unfamiliar with labor protections in their host country, cannot access existing mechanisms to address violations, or seek to avoid jeopardizing income they urgently need. As a result, Venezuelan migrants and refugees occupy positions at the bottom of an already-precious informal and low-wage formal labor market.

How should these obstacles be addressed? International actors and policy and academic analysts have understandably emphasized professionalization as the route to better work for displaced Venezuelans. There is a clear mismatch between the high education levels of many Venezuelans and the low-wage work they are currently doing in their host countries, and a strong argument that if well-educated Venezuelans could access jobs commensurate with their qualifications, they would have the potential to make significant contributions to their host countries.¹¹ Reflecting this reality, various initiatives underway across Latin America and the Caribbean now seek to pave a road by which Venezuelans with high education and skill levels can move from informal or low-wage formal work into professional formal employment or entrepreneurship. For the significant group of displaced Venezuelans with professional training and experience, this avenue is critically important.

⁸ The ILO defines “Decent Work” as “opportunities for work that is productive and delivers a fair income, security in the workplace and social protection for all, better prospects for personal development and social integration, freedom for people to express their concerns, organize and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.” *Decent Work*, ILO, <https://www.ilo.org/global/topics/decent-work/lang--en/index.htm> (last visited Nov. 11, 2023).

⁹ In this paper, references to “workers” include not just individuals in legally-recognized employment relationships, but also those who work for wages in the informal economy and many of those whom the law categorizes as self-employed (such as street vendors, app-based delivery workers, and others).

¹⁰ The ILO defines “informal employment” as “all remunerative work (i.e. both self-employment and wage employment), that is not registered, regulated or protected by existing legal or regulatory frameworks, as well as non-remunerative work undertaken in an income-producing enterprise. Informal workers do not have secure employment contracts, workers’ benefits, social protection or workers’ representation.” *ILO Thesaurus, Informal Employment*, ILO, <https://metadata.ilo.org/thesaurus/936921656.html> (last visited Nov. 11, 2023).

¹¹ See, e.g., Jimmy Graham et al., *From Displacement to Development: How Colombia Can Transform Venezuelan Displacement into Shared Growth* (Ctr. for Glob. Dev. & Refugees Int’l, Case Study, October 2020), at 4, <https://www.cgdev.org/sites/default/files/from-displacement-to-development-112.pdf>.

And yet, for most people in the Venezuelan diaspora, exit from low-wage work in host countries is not a realistic option, at least in the short and medium term. The proportion of displaced Venezuelans whose schooling stopped at or before the secondary level and who do not have or cannot gain recognition for skilled work experience is large and growing. In addition, some displaced professionals will continue to face obstacles to employment in their fields of expertise. Both groups are likely to continue to labor in Colombia and Brazil's sizeable informal and low-wage formal sectors even after obtaining a work permit. To address Decent Work deficits experienced by these workers will take more than efforts to formalize informal workers.

As the paper illustrates, formalization in and of itself is not a guarantee of Decent Work; Venezuelan migrants and refugees face Decent Work deficits whether they labor informally or in low-wage formal jobs. Raising wages and working conditions will require a focus on addressing labor violations in the context of low-wage formal employment, as well as supporting informal workers to demand better treatment even where formalization is not possible.

For most displaced Venezuelans, then, the question is how to improve conditions in the jobs where they will remain. In many migrant destination countries, migrant-led organizing and advocacy have been essential in addressing Decent Work deficits in informal and low-wage sectors, benefitting citizens of the host country as well as themselves. Such efforts are beginning to emerge among displaced Venezuelans, but to date have been little documented or understood.

The paper seeks to fill that gap with two case studies—one each in Colombia and Brazil—where civil society actors, trade unions, and migrant associations have sought to support Venezuelans in defending and advancing their rights as workers in low-wage sectors. The Colombian case study describes UNIDAPP, a new trade union for app-based delivery workers, most of whom are Venezuelan. The Brazilian case study documents *SindicAndo*, an effort to build mutual support between trade unions and Venezuelan migrant associations in cities around the country. Both cases illustrate ways in which civil society and trade unions are supporting migrants in learning about their rights, challenging abuses, and acting collectively to improve wages and working conditions in the places where they find themselves.

The paper argues that increased investment in such efforts from a wider range of institutions will be important in helping Venezuelan migrants and refugees move from a situation where they have labor rights on paper to one where they can make those rights real for themselves and the other migrants, refugees, and local workers alongside whom they labor.¹² It concludes with lessons learned and recommended practices in this arena.

▶ The terms of labor market access for Venezuelans in Colombia and Brazil today

For most of the 20th century, both Colombia and Brazil were principally emigration nations, with many of their citizens leaving for other countries and relatively few immigrants seeking to enter.¹³

¹² There are only a few initiatives currently supporting efforts to build strategies like these among Venezuelans in partnership with trade unions and NGOs in Latin America and the Caribbean. The ILO and several other international actors have provided technical assistance for such initiatives in a few countries with significant numbers of displaced Venezuelans. *ILO's Work to Strengthen the Socioeconomic Integration of Venezuelan Refugees and Migrants in Latin America and the Caribbean* 11 (ILO&R4V, Feb. 16, 2023), https://www.ilo.org/global/topics/labour-migration/publications/WCMS_868058/lang-en/index.htm.

¹³ In the past, however, Brazil has had periods where it recruited sizeable numbers of immigrants, particularly from Europe. From the end of slavery in Brazil in the late 1880s until the early 20th century, the government encouraged European immigration as an official policy of "branqueamento" or "whitening" of the population. See, e.g., *Petrônio José Domingues, Uma história não contada: negro, racismo e branqueamento em São Paulo no pós-abolição* [An Untold Story: Black People, Racism, and Whitening in Sao Paulo in the Post-Abolition Period] (Senac 2004).

This changed abruptly in recent years. Colombia, with a population of nearly 52 million, has seen the arrival of 2.89 million Venezuelans since 2015.¹⁴ Brazil, home to 203 million people, became a major destination for Haitians following the devastating earthquake in that country in 2010, and since 2015 has taken in almost 500,000 Venezuelans.¹⁵

In Colombia, the government initially responded to the influx of displaced Venezuelans by creating a series of permits of short duration on terms that excluded many of the recent arrivals. In 2021, however, Colombia announced one of the largest and most comprehensive long-term humanitarian immigration programs anywhere in the world.¹⁶ Under the Temporary Statute for the Protection of Venezuelans, all Venezuelans who had entered the country by early 2021, as well as those who enter legally through late 2023, can obtain a ten-year permit, with the option to apply for permanent residence at the end of the ten-year period (putting them on a path to Colombian citizenship if they so desire).¹⁷ The permit comes with the right to work with full labor protections, and access to free public education and other public benefits.¹⁸ Venezuelans who prefer to pursue an asylum application can do so instead, but multi-year delays and the fact that Colombia does not grant asylum-seekers a work permit while their application is pending have discouraged most from making that choice. Over 1.9 million Venezuelans in Colombia have been approved for permits under the new ten-year program,¹⁹ and hundreds of thousands more have pending applications.²⁰ Overall, close to 90% of Venezuelans in Colombia now have regularized their immigration status or are in the process of doing so.

Brazil's policies toward Venezuelans have followed a different path, but one also marked by unusual openness.²¹

¹⁴ R4V, *Venezuelan Migrants August 2023*, *supra* note 2. Venezuelans make up 93% of immigrants now in Colombia. Gandini & Selee, *supra* note 4, at 4.

¹⁵ Between 150,000-200,000 Haitians currently live in Brazil. IOM Crisis Reg. Response Plan, *Brazil-October 2021* (IOM 2021), https://brasil.iom.int/sites/g/files/tmzbdl1496/files/documents/oim-global-appeal-2021-10-25-v2_0.pdf. Although Haitians also have access to residency and work permits in Brazil, their experiences have often differed from those of Venezuelans, reflecting racialized xenophobia in the country among other factors. See, e.g., Katherine Jensen & Lisa M. Sousa Dias, *Varied Racialization and Legal Inclusion: Haitian, Syrian, and Venezuelan Forced Migrants in Brazil*, 66 *Am. Behav. Scientist* 1797 (2022). For Venezuelan statistics, see R4V, Brazil, <https://www.r4v.info/en/brazil> (last visited Oct. 31, 2023). Venezuelans make up 36% of the immigrants in Brazil. Gandini & Selee, *supra* note 4, at 4.

¹⁶ Luisa Feline Freier & Lucas Sebastián Gómez García, *Temporary Protection for Forced Migrants: A Commentary on the Colombian Temporary Protection Status*, 60 *Int'l Migration* 271 (2022).

¹⁷ *Preguntas y respuestas, Estatuto Temporal de Protección para los Venezolanos: Colombia 2021* [Questions and Answers, Temporary Protection Statute for Venezuelans: Colombia 2021] (R4V 2021), <https://www.r4v.info/sites/default/files/2021-08/Actualizacio%CC%81n%20preguntas%20y%20respuestas%20EPTV.pdf>

¹⁸ *Id.* at 7.

¹⁹ Migración Colombia, *Estatuto Temporal de Protección para Migrantes Venezolanos – ETPV* [Temporary Protection Statute for Venezuelan Migrants – EPTV], <https://unidad-administrativa-especial-migracion-colombia.micolombiadigital.gov.co/etpv/etpv> (last visited Oct. 25, 2023).

²⁰ *Distribución de Venezolanos y Venezolanas en Colombia* [Distribution of Venezuelans in Colombia] (Ministerio de Relaciones Exteriores, Bogotá, Colombia), Sept. 2023, at 8 (reporting that 666,000 applications were pending in October 2022, and 311,000 Venezuelans remain undocumented), https://unidad-administrativa-especial-migracion-colombia.micolombiadigital.gov.co/sites/unidad-administrativa-especial-migracion-colombia/content/files/000112/5575_distribucion_venezolanos_2022_octubre.pdf. While the 1.9 million figure for approved permits is current as of late 2023, the "pending applications" figure is based on late 2022 statistics, which was the last time the Colombian government reported on that number.

²¹ It is noteworthy that much of this response came under the Bolsonaro government. Other than as to Venezuelans, President Bolsonaro expressed consistent anti-immigrant animus. He withdrew the country from the Global Compact on Migration, and other than with regard to Venezuelans, he—like Trump in the US—frequently spoke of immigrants in derogatory terms. Editorial, *Bem antes de Trump, Bolsonaro chamou haitianos e outros imigrantes de “escória do mundo”* [Long before Trump, Bolsonaro called Haitians and other immigrants the “scourge of the world”] *Gazeta do Povo* (Jan. 15, 2018, 52 AM), <https://www.gazetadopovo.com.br/politica/república/e118/bem-antes-de-trump-bolsonaro-chamou-haitianos-e-outros-imigrantes-de-escoria-do-mundo-bvhv8jc0gsf15ueai7od4uy0l/>. The welcome offered to Venezuelans was driven by the Bolsonaro government's animus toward the Communist government of Venezuela, rather than a pro-immigrant position in general. Diego Acosta Arcaza & Laura Madrid Sartoretto, *¿migrantes o refugiados? La Declaración de Cartagena y los venezolanos en Brasil* [Migrants or Refugees? The Cartagena Declaration and Venezuelans in Brazil] *Análisis Carolina* (Fundación Carolina, Madrid, Spain), Sept. 2020, at 8-9, <https://www.fundacioncarolina.es/wp-content/uploads/2020/03/AC-9.2020.pdf>.

In 2017 the government announced that arriving Venezuelans would be treated on the same terms as citizens of countries that had signed the Mercosur Residency Agreement (from which Venezuela had withdrawn); this entitles them to a two-year renewable residency permit with a comprehensive set of rights, including the right to work with full labor protections, and access to free public education, public benefits, and the country's public healthcare system.²² After two years, permit holders can apply for long-term residence, eventually qualifying for Brazilian citizenship if they wish. An application for asylum is an alternative route to a work permit with similar benefits, available as soon as the application is filed. In December of 2019, the government announced a mass grant of asylum to over 21,000 Venezuelans with pending applications, a decision that to date has been extended to cover 100,000 people.²³ This decision that a large group of people *prima facie* qualify for asylum, coupled with full mobility and labor market access in the host country, is almost unprecedented in the global context. Today, Venezuelans in Brazil can choose between requesting a residence permit and applying for asylum.²⁴ As a result of the comprehensive reach of these two options, and the policy of granting work permission to all asylum-seekers, almost all Venezuelans in Brazil have some form of regular (if often temporary) immigration status.²⁵

Neither country's programs are without flaws.²⁶ Nonetheless, in both Colombia and Brazil, the work permit options are accessible to the vast majority of Venezuelans; offer full mobility between jobs, sectors, and regions; and—at least on paper—entitle permit-holders to equal labor rights to citizens,

²² Leiza Brumat, *migrants or refugees? 'Let's do both'. Brazil's Response to Venezuelan Displacement Challenges Legal Definitions*, Migration Pol'y Ctr. Blog (Jan. 11, 2022), <https://blogs.eui.eu/migrationpolicycentre/migrants-or-refugees-lets-do-both-brazils-response-to-venezuelan-displacement-challenges-legal-definitions/>

²³ *Id.*; Acosta & Madrid, *supra* note 21.; *Migração Venezuelana Janeiro 2017 - Agosto 2023* [Venezuelan Migration January 2017 – August 2023] Subcomitê Federal para Recepção (Operação Acolhida, Identificação e Triagem dos Imigrantes, Brasília, Brazil), Aug. 2023, at 2, https://brazil.iom.int/sites/g/files/tmzbd11496/files/documents/2023-10/informe_migracao-venezuelana_ago23.pdf.

²⁴ Remote Video Interview with Tatyana Scheila Friedrich, Professor of Law, Univ. of Paraná (June 2, 2022). (Dr. Friedrich was later appointed the Director of Immigration Policy within the Brazilian Ministry of Justice by President Lula da Silva.) The decision about which of the two options to pursue largely turns on whether the individual has the identification documents and clean criminal record required for the residency permit, which is a faster route to permanent status; those who cannot meet those requirements often apply for asylum instead. Remote Video Interview with Luana Castelo Branco Medeiros, General Coordinator of the Brazilian National Committee for Refugees, Ministry of Justice, Brazil (May 4, 2023). See also Brumat, *supra* note 22, for an overview of the factors that lead Venezuelans to choose one over the other and the pros and cons of each.

²⁵ Drawing on different databases for the different statistics, R4V reports 499,650 Venezuelan refugees/migrants in the country as of October 5, 2023, with 103,713 recognized as refugees, 420,951 holding residence permits under the Mercosur extension, and 40,279 with asylum applications pending (a status that entitles the applicant to work permission). R4V, *Brazil*, <https://www.r4v.info/en/brazil>, (last visited Oct. 31, 2023). Variation across the databases is likely responsible for the fact that the separate categories add up to more than the total number of Venezuelans reported. In any case, the vast majority of Venezuelans appear to have some kind of status.

²⁶ Colombia's ten-year permit initiative excludes Venezuelans who entered after the cutoff dates, raising the concern that the undocumented Venezuelan population will grow again going forward. Gracy Pelacani et al., *Estatuto temporal de protección para migrantes venezolanos: reflexiones de una política de regularización migratoria [The Temporary Protection Statute for Venezuelan Migrants: Reflections on a Migrant Regularization Policy]* 19 (Centro de Estudios en Migración, Informe No. 3, 2021), <https://migracionderecho.uniandes.edu.co/wp-content/uploads/Informe-CEM-3-Estatuto-Temporal-de-Proteccion-para-Migrantes-Venezolanos-reflexiones-de-una-politica-de-regularizacion-migratoria-2.pdf>. Additional concerns raised by Pelacani et al. include inadequate due process protections, no provisions for family unity, a failure to attend to the particular needs of children and trans migrants, insufficient data privacy, and a lack of non-refoulement protections for those who would face harm if returned to Venezuela. See also Lucía Ramírez Bolívar & Lina María Arroyave Velásquez, *The Long Road Toward the Labor Inclusion of Venezuelan Migrants in Colombia, in Migration and Decent Work: Challenges for the Global South* 54, 64 (Lucía Ramírez Bolívar & Jessica Corredor Villamil eds., Dejusticia 2022) (raising similar concerns); Deisy Del Real, *Seemingly Inclusive Liminal Legality: The Fragility and Illegality Production of Colombia's Legalization Programmes for Venezuelan Migrants*, 48 J. of Ethnic and Migration Stud. 3580, 3581 (2022) (critiquing the 10-year program for producing only "liminal legality" because it can be revoked by the government and does not lead directly to permanent residence or citizenship, among other concerns); Freier & Gómez, *supra* note 16 (recognizing the pragmatic benefits of the program but critiquing it for undermining the existing refugee protection regime and offering lesser protections in practice for forced migrants).

In Brazil, critiques have focused less on the legal structures of regularization, and more on the working conditions that displaced Venezuelans face in Brazil despite holding a work permit. The military's implementation of "Operation Welcome" for Venezuelans has also been the subject of concern. Both issues are addressed in detail below.

thus avoiding the pitfalls of many labor migration visas and refugee labor market access programs.²⁷ Compared to most countries outside Latin America and the Caribbean, they represent a remarkably comprehensive and generous response to mass displacement.

▶ A work permit helps, but Venezuelans in Colombia and Brazil still experience Decent Work deficits

How much difference does a work permit make?²⁸ Empirical studies generally find that when immigrants without legal status are granted work permits that give them unrestricted labor market access, their wages and working conditions improve measurably.²⁹ But there is an important caveat. Most of these studies were done in migrant-destination countries with largely formal labor markets, such as the United States and Germany. Do these results hold in countries where informal employment rates are high, which is the case in most refugee-host nations? Intuitively, migrants and refugees with an unrestricted work permit in such contexts should have some access to better jobs compared to those without one, but the impact seems likely to be diluted by the structural informality that affect all workers in the country.

Until recently, little empirical work had sought to measure how much regularization affects wages and access to formal work in countries with high levels of labor market informality. Outside of the Venezuelan diaspora, there are a handful of published studies, including two on Argentina and two on Jordan. In Argentina, Perera and Velázquez review six years of data from a government survey of households in Buenos Aires, and conclude that the country's 2006 legalization of migrants from Paraguay, Bolivia, and Peru decreased the likelihood of having an informal job by 13%, among other benefits.³⁰

²⁷ For an overview of elements of a work permit regime that facilitate access to Decent Work, most of which are reflected in both the Colombian and Brazilian permits for Venezuelans, see Jennifer Gordon, *Refugees and Decent Work: Lessons Learned from Recent Refugee Jobs Compacts* 30-31 (ILO, Emp. Working Paper No. 256, 2019), https://www.ilo.org/employment/Whatwedo/Publications/working-papers/WCMS_732602/lang-en/index.htm; Lab. Migration Branch, Dev. and Inv. Branch, & Office of the Dir. Gen. for Pol'y, ILO, *Employment and Decent Work in Refugee and Other Forced Displacement Contexts: Compendium of ILO's Lessons Learned, Emerging Good Practices and Policy Guidance* 2-5 (ILO 2020), https://www.ilo.org/wcmsp5/groups/public/---ed_pr/otect/---protrav/---migrant/documents/publication/wcms_763174.pdf [hereinafter *Employment and Decent Work*].

²⁸ I am grateful to Deisy Abarca-Espiritu for compiling and summarizing the studies on the impact of work permits on wages and working conditions. Her excellent research assistance undergirds this discussion.

²⁹ With regard to the US, the location of the majority of studies, see, e.g., Sherrie A. Kossoudji & Deborah A. Cobb-Clark, *Coming Out of the Shadows: Learning about Legal Status and Wages from the Legalized Population*, 20 J. LAB. ECON. 598, 621 (2002) (6% increase in wages post-1986 legalization program); Amy M.G. Kandilov & Ivan T. Kandilov, *The Effect of Legalization on Wages and Health Insurance: Evidence from the National Agricultural Workers Survey*, 32 Applied Econ. Persps. & Pol'y 604, 606 (2010) (3 to 5% increase in wages post-1986 legalization program); Fernando Lozano & Todd A. Sørensen, *The Labor Market Value to Legal Status* (Inst. for Stud. of Lab., Discussion Paper No. 5492, 2011) (20% increase in wages post-1986 legalization program), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1765657; Pia Orrenius & Madeline Zavodny, *The Impact of Temporary Protected Status on Immigrants' Labor Market Outcomes*, 105 Am. Econ. Rev.: Papers & Proc. 576, 578 (2015) (less-educated Salvadoran men who are likely to have gained Temporary Protected Status (TPS) in the United States earned wages of about 13% more than the control group, although US natives in the same occupation earn 10% more than the Salvadoran TPS-holders; less-educated Salvadoran women's labor force participation rate increased by 15 percentage points but their wages were unaffected by TPS.).

Outside the United States, in addition to similar findings with regard to regularization programs (see, e.g., George J. Borjas & Anthony Edo, *Monopsony, Efficiency, and the Regularization of Undocumented Immigrants* 38 (IZA Inst. Lab. Econ., Discussion Paper No. 16297, 2023), <https://dx.doi.org/10.2139/ssrn.4508241> (A 1981 French regularization program "had positive effects on the employment and wages of many groups, and particularly for male, low-skill workers.")), several studies assess the gains in earnings that result from the move between a work permit tying the individual to one employer and a status that allows full mobility and labor market access. See, e.g., Suresh Naidu, *Monopsony Power in Migrant Labor Markets: Evidence from the United Arab Emirates*, 124 J. Pol. Econ. 1735, 1739 (2016) (reforms in the work visa system resulted in an increase of real earnings by over 10% once workers were eligible to move between employers); Martin Ruhs, *The Impact of Acquiring EU Status on the Earnings of East European Migrants in the UK: Evidence from a Quasi-Natural Experiment*, 55 Brit. J. Indus. 716, 738 (2017) (gaining EU status with the unrestricted right to work in the UK increased the earnings of a limited sample of individuals from 8 EU accession countries working in the UK by 6-8%. Many of those studied had been working legally in the UK at the time they gained the unrestricted right to work, but had not previously had the right to change jobs or employers.). Although a full review is beyond the scope of this paper, it is worth noting that studies that differentiate between men and women often find that they are impacted differentially by access to a work permit. See, e.g., Orrenius & Zavodny, supra.

³⁰ Marcelo Perera & Cecilia Velázquez, *Impacto del Programa de Regularización Migratoria 'Patria Grande' en Argentina [The Impact of the "Patria Grande" Migrant Regularization Program in Argentina]* 30 Estudios Económicos 43, 69 (2013). The other positive labor market outcomes they note, including a 9% increase in employment with retirement benefits and a 10% increase in employment with health insurance, likely reflect increased formalization.

Also in Argentina, Freier and Zubrzycki surveyed 51 Senegalese migrants during the three years following their regularization. They find only a negligible effect on working conditions, as the migrants they interviewed continued to work as informal street vendors alongside their undocumented peers even after obtaining a work permit.³¹ In Jordan, Stave et al. analyzed government data and carried out five surveys among Syrian refugees in Jordan between 2014-2021, measuring the impact of the country's issuance of work permits to Syrians beginning in 2016.³² They conclude that permits decreased unemployment, increased wages (although 20% of Syrians with permits continued to earn significantly below the minimum wage), and—to a small degree—increased access to permanent as opposed to temporary jobs. Also in Jordan, studying the same program, Peitz et al., examined data from a United Nations High Commissioner for Refugees (UNHCR) survey of over 74,000 Syrian households and found that a work permit increased monthly income by as much as a third for Syrian households without professional-level experience.³³ Three of these four studies, then, suggest that even in countries where levels of labor market informality are high, a work permit can facilitate improvements in working conditions, although meaningful Decent Work deficits remain.

In the context of Venezuelan migration in Latin America and the Caribbean, there have been two studies of this question published to date, both regarding Colombia. I discuss the results in the following section, together with a review of additional quantitative and qualitative studies on wages and working conditions for Venezuelans in Colombia and Brazil.



Colombia

Two empirical studies in Colombia have compared the labor conditions of Venezuelans before and after the availability of the PEP temporary permit (a program prior to the current 10-year permit).³⁴ They reached different conclusions. Dany Bahar et al., compared government data on the wages, hours, and formalization rates of all Venezuelans before and fourteen months after August 2018, when the PEP program went into effect.³⁵ They report that overall, Venezuelans' wages and hours worked did not change significantly between the two periods, and note a negligible increase in the level of formal employment among Venezuelans.³⁶

³¹ Feline Freier & Bernarda Zubrzycki, *How Do Immigrant Legalization Programs Play Out in Informal Labor Markets? The Case of Senegalese Street Hawkers in Argentina*, 9 *Migration Stud.* 1292 (2021). They note that their interviewees reported a sense that their working conditions had improved, although that was not born out by a comparison with their undocumented peers. *Id.* at 1307.

³² SveinErikeStaveet al., *ImpactofWorkPermitsonDecentWorkforSyriansinJordan*, (ILO2021), https://www.ilo.org/beirut/publications/WCMS_820822/lang-en/index.htm. These permits are limited to a set of largely low-wage sectors, including construction, agriculture, and some manufacturing. When the program was launched, the permits were tied to individual employers; the rules were relaxed over time to allow greater mobility via "flexible" permits. UNHCR, *Work Permits for Syrian Refugees in Jordan*, <https://help.unhcr.org/jordan/en/frequently-asked-questions-unhcr/work-permit-syrian-faqs/> (last visited Oct. 14, 2023).

³³ Laura Peitz et al., *Do Work Permits Work? The Impacts of Formal Labor Market Integration of Syrian Refugees in Jordan*, *J. Refugee Stud.* 1, 11-14 (2023).

³⁴ PEP stands for "Permiso Especial de Permanencia," or Special Stay Permit.

³⁵ Dany Bahar et al., *Give Me Your Tired and Your Poor: Impact of a Large-Scale Amnesty Program for Undocumented Refugees*, 151 *J. of Dev. Econ.* (2021), 102652 [hereinafter *Give Me Your Tired*].

³⁶ Bahar et al., *Give Me Your Tired*, *supra* note 35, at 2, 14. Additional work by Bahar and co-authors that focuses on entrepreneurship rather than labor conditions documents that after four years with a PEP permit, Venezuelan entrepreneurs had reached parity with Colombians with regard to formal firm formation and registration. Dany Bahar et al., *Legalizing Entrepreneurship* (Nat'l Bureau of Econ. Rsch., Working Paper No. 30624, 2022, revised Mar. 2023), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4269916.

Ana María Ibáñez et al., surveyed over 2000 Venezuelans two years after the same permit went into effect.³⁷ They compared Venezuelans who obtained a temporary permit under the PEP program with a control group who arrived just after the window for permit applications closed.³⁸ By contrast with Bahar et al., the authors conclude that the permit “had large and economically important effects on the socioeconomic well-being of Venezuelan forced migrants in Colombia.”³⁹ They found that PEP permit holders were 10 percentage points more likely to work in the formal labor market than Venezuelans without permits, although they were still only 1/5 as likely as Colombians to do so.⁴⁰ Including those who remained in informal work, the authors found that permit holders experienced a 22% increase in labor income and a 26% increase in probability of employment compared to those without permits, even during the pandemic.⁴¹ They conclude that holding a permit strengthened the bargaining power of even those Venezuelans who remained in informal positions, resulting in a reduction in those experiencing labor exploitation.⁴²

The disparity between the studies’ conclusions is likely due to their different methodologies.⁴³ Bahar et al., measured the effect of the PEP program on all Venezuelans, only a third of whom gained a work permit.⁴⁴ Their results thus likely under-estimate the impact of regularization on those who did obtain a permit, because the majority of the studied group were still undocumented at the post-PEP measurement point. By contrast, Ibáñez, et al. compared migrants who obtained a permit via PEP to a control group who arrived immediately after and did not qualify for regularization. Their results measure the impacts of a permit on permit-holders only, and thus are likely a more accurate representation of the labor market impact on Venezuelans who regularized.

One point on which the two studies agree is that access to work permits has not allowed displaced Venezuelans in Colombia to enter the formal labor market in large numbers.

³⁷ Ana María Ibáñez et al., *Life Out of the Shadows, The Impacts of Regularization Programs on the Lives of Forced Migrants* (World Bank Grp. Poly Rsch., orking PaperNo.9928,2022)[*hereinafterLifeOutoftheShadows*],<https://openknowledge.worldbank.org/server/api/core/bitstreams/e49492ac-1d42-4245-93a2-e317dfa8e682/content>; see also a different discussion of the same study, Ana María Ibáñez, et al., *Salir de la sombra: Como un programa de regularización mejoró la vida de los migrantes venezolanos en Colombia [Out of the Shadows: How a Regularization Program Improved the Lives of Venezuelan Migrants in Colombia]*, (BancoInteramericanodeDesarrollo2022)[*hereinafterSalirdelasombra*]<https://publications.iadb.org/es/salir-de-la-sombra-como-un-programa-de-regularizacion-mejoro-la-vida-de-los-migrantes-venezolanos>.

³⁸ Ibáñez et al., *Life Out of the Shadows*, *supra* note 37, at 4.

³⁹ *Id.* at 5. Both of these studies assess the impact of the August 2018 iteration of the PEP program. Studies of the impact of the subsequent, and much larger, 10-year permit program remain to be done.

⁴⁰ *Id.* at 29. The authors suggest that this may be explained in a number of ways, including that formal job creation slowed due to the pandemic, and that migrants lack the networks and the credential recognition that facilitate access to formal employment.

⁴¹ *Id.* at 22.

⁴² Ibáñez et al., *Salir de la sombra*, *supra* note 37, at 15. The authors argue that PEP’s benefits other than a work permit likely had their own positive impact on Venezuelans’ economic situation. Regularization brought Venezuelans a stable period of legal residence, a government-issued identity document, and access to education and public healthcare. Although these are not labor interventions, Ibáñez and co-authors suggest that these additional features may have had positive repercussions on Venezuelans’ income and their ability to find and keep work. Knowing they could stay in Colombia for a period of time offered migrants some peace of mind that allowed for planning beyond immediate needs; access to medical care reduced out-of-pocket costs and addressed health-related impediments to work; and the identification card facilitated access to financial services, allowing entry into sectors which require a bank account, including in the gig economy. Ibáñez et al., *Life Out of the Shadows*, *supra* note 37, at 25.

⁴³ My thanks to Dany Bahar for a helpful conversation on this point.

⁴⁴ Between the study’s pre- and post-PEP measurement points, only about 32% of the roughly 1.7 million Venezuelans then in Colombia gained a work permit via PEP. Author’s calculations based on Colombian government surveys reported by the International Organization for Migration (IOM in English; OIM in Spanish and Portuguese). As of December 31, 2019, there were 1,771,237 Venezuelans in Colombia, 568,849 of whom held a PEP permit as of January 26, 2020. 1,017,152 had no legal status, and the remaining 185,236 had status through another route. Organización Internacional para las Migraciones [OIM] Colombia,*InformeGeneral[GeneralReport](2020)*,https://colombia.iom.int/sites/g/files/tmzbd11011/files/inline-files/01_INFORME%20NARRATIVO%20ENCUESTA%20DTM%20GENERAL_20200701_baja.pdf.

This finding is reinforced by other sources. Graham et al. reviewed Colombian government statistics and found that only about 12.3% of Venezuelans with PEP permits had formal work as of November 2019, compared to about 50% of working-age Colombians.⁴⁵ Chaves-González and Delgado raise similar concerns based on government statistics from 2021 showing that 71.9% of Venezuelans with a regular status in Colombia worked informally.⁴⁶ Today, when the vast majority of Venezuelans hold legal permits, the differences persist. According to a government survey in early 2023, a point at which almost 90% of Venezuelans held a permit or had an application pending, only 18.5% of Venezuelans who were working reported having a written contract, frequently a marker of formality.⁴⁷ Taken together, these statistics make clear that the pervasive informality in the Colombian labor market affects migrants to a far greater extent than citizens, even after regularization.

Given how few Venezuelan migrants in Colombia have moved into formal employment, it should not be surprising that—gains attributable to regularization notwithstanding—Venezuelans continue to suffer Decent Work deficits compared to Colombians. This conclusion is reinforced by all published studies of Venezuelans' working conditions in Colombia. With the exceptions just noted, work published to date does not distinguish between those with and without legal status. Yet even as the proportion of Venezuelans with work permits in Colombia increased dramatically between 2019 (when less than half had legal status⁴⁸) and 2022 (when the vast majority did or were in the process of obtaining it⁴⁹), empirical research has continued to find that Venezuelans work longer hours for considerably lower wages than Colombians. Estimates of the wage differential vary, but most find that Venezuelans earn about a third less than their Colombian counterparts.⁵⁰ Gender plays an important role in the degree of the disparity:

⁴⁵ Graham et al., *supra* note 11.

⁴⁶ Diego Chaves-González & Natalia Delgado, *A Winding Path to Integration: Venezuelan Migrants' Regularization and Labor Market Prospects*, Latin America and Caribbean Initiative (Migration Poly Inst. & Int'l Org. for Migration) October 2023, at 16. Notably, if the statistical sources and analysis are comparable, then this reflects an increase in formality rates in 2021 compared to Graham et al.'s findings regarding 2019.

⁴⁷ Departamento Administrativo Nacional de Estadística (DANE), *Encuesta Pulso de la Migración, Resultados para la 5a Ronda [Migration Pulse Survey, Results of the 5th Round]*, (July 2023) (reporting responses from April to March 2023), <https://www.dane.gov.co/files/operaciones/EPM/pre-EPM-Ronda5-jul23.pdf>. For comparative purposes, DANE survey results from 2021 showed that 52.9% of Colombians had formal work, and of that group, 67% had a written contract. Laura Lucía Becerra Elejalde, *Faltan garantías? El 37% de los contratos laborales son verbales [No Guarantees? 37% of Labor Contracts are Verbal]*, Portafolio (Nov. 24, 2021, 3:23 AM), <https://www.portafolio.co/economia/empleo/mercado-laboral-en-colombia-tipos-de-contratos-que-hay-558885>.

⁴⁸ As of the end of 2019, only 43% of the 1.77 million Venezuelans then in Colombia had some form of legal status. See *supra*, note 44 (Author's calculations based on Colombian government surveys reported by IOM).

⁴⁹ *Supra* note 44.

⁵⁰ Stefano Farné and Cristian Sanín analyzed data from the Colombian government household survey from 2014-2019, concluding that Venezuelans work an average of six hours more per week than Colombians and earn 10-12% less, whether self-employed or salaried. Stefano Farné & Cristian Sanín, *Panorama laboral de los migrantes venezolanos en Colombia, 2014-2019* [The Labor Panorama of Venezuelan Migrants in Colombia, 2014-2019] 16, 22 (Observatorio del Mercado de Trabajo y la Seguridad Social, Universidad Externado de Colombia, Working Paper No. 18, Jan. 2020). María Luz Moyano-Buitrago analyzed the same dataset with regard to displaced Venezuelan women in particular, and found that, compared to Colombian women, Venezuelan women migrants worked 18 more hours per month while earning 35% less per hour than their Colombian counterparts, with half of the formalization levels (19% compared to 37%). María Luz Moyano-Buitrago, *Inserción laboral de inmigrantes venezolanas, 2014-2019: ¿acumulación de desventajas? [Labor Market Insertion of Female Immigrants from Venezuela, 2014-2019: Accumulation of Disadvantages?]*, 44 *Sociedad y Economía*, Sept.-Dec. 2021, at 9. Jimmy Graham et al., analyzed data from the Colombian government household survey during three months of 2019, among other sources, and concluded the average monthly income for employed Venezuelans at the time was \$212, compared to \$305 for Colombians. Venezuelan women faced even larger income gaps. Graham et al., *supra* note 11, at 25-27. Phineas Rueckert reported on a Colombian Ministry of Finance study finding that real wages for Venezuelans were about a third lower than those for Colombian citizens. Phineas Rueckert, Report, *Venezuelan Migrant Workers Struggle for Labor Rights in Colombia*, 51 *N. Am. Cong. on Latin Am.* 296, 297-298 (2019). Juliana Morad et al., reviewed 340 cases of Venezuelan migrants who sought assistance on labor or social benefits issues from the legal clinic at Pontificia Universidad Javeriana in Bogotá, and followed up with 40 individuals through focus groups and individual interviews. They found that migrants reported long hours, low or no pay, and xenophobia as common work experiences. They also had limited awareness of rights or mechanisms for redress. Juliana Patricia Morad Acero et al., *Análisis de situaciones laborales de migrantes venezolanos en la ciudad de Bogotá [Analysis of the Labor Status of Venezuelan Migrants in the City of Bogotá]* (ILO 2021), https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---sro-lima/documents/publication/wcms_816138.pdf.

Venezuelan women consistently fare worse in terms of pay and working conditions than Venezuelan men.⁵¹

Observers explain the persistent differential between Colombians and Venezuelans (including the growing proportion who have regularized) in a number of ways.⁵² Most frequently mentioned in academic and policy studies are the roadblocks to professional employment for qualified Venezuelans. Venezuelans who arrived relatively early in the diaspora were highly educated compared to Colombians,⁵³ but have faced recurring difficulties with diploma validation, obstacles to licensing imposed by professional associations, and a failure to recognize work experience gained in Venezuela.⁵⁴ As a result, even with work permits, many skilled Venezuelans continue to work in positions that do not reflect their qualifications.

Less attention has been paid to a host of other obstacles that impede access to Decent Work, both for the minority of Venezuelans with professional credentials and the increasing majority without them.⁵⁵ Informality is widespread in Colombia, and labor rights are underenforced for all workers. In a context of generalized precarity, Venezuelans lack networks that would allow them to access scarce formal opportunities, and often only have access to the lowest-paying, most demanding jobs. Some employers are reluctant to hire workers with a temporary permit or ignorant about the permit's validity for formal work. Venezuelans also repeatedly report discrimination and xenophobia from employers as an obstacle to getting and retaining Decent Work. There are few efforts to inform Venezuelans about their rights at work and minimal sources of legal aid to help them address violations. Without adequate information or support, and afraid of jeopardizing the jobs they have, many Venezuelans do not report the abuses they face.

⁵¹ Morad et al., *supra* note 50, at 45; Moyano-Buitrago, *supra* note 50, at 9; Graham et al., *supra* note 11, at 36. This phenomenon is not limited to Colombia; studies in countries across Latin America and the Caribbean show Venezuelan women migrants at a disadvantage in terms of access to Decent Work compared to their male peers. Chaves-González & Delgado, *supra* note 46, at 28-29; Displacement Tracking Matrix, IOM *Employment and education: obstacles and capabilities of migrant and refugee women from Venezuela* (IOM 2021); R4V, ILO, & UNDP, *Migration from Venezuela: Opportunities for Latin America and the Caribbean* 25 (ILO 2021), https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_775183.pdf.

⁵² In addition to the explanations that follow, some have argued that Venezuelans with permits have affirmatively chosen not to enter the formal sector because of concerns about losing income to taxes and social security payments. See, e.g., Diego Chaves-González & Natalia Delgado, *A Winding Path to Integration: Venezuelan Migrants' Regularization and Labor Market Prospects*, Latin America and Caribbean Initiative (Migration Poly Inst. & Int'l Org. for Migration) October 2023, at 7. Bahar et al. discount this possibility, noting that the wage premium for formal employment in Colombia is almost double that of informal work, dwarfing deductions for taxes. The alternative explanations they consider include that migrants may be unaware of the premium, may not have connections in the formal sector, or may have been rejected by employers who do not want to hire migrants or are unfamiliar with the permit. Bahar, *Give Me Your Tired*, *supra* note 35, at 14.

⁵³ Farné & Sanín, *supra* note 50, at 13; Graham et al., *supra* note 50, at 9, 29-30 (declining Venezuelan education levels over time) and 29-30 (higher levels than Colombians). Describing data on education levels of Venezuelans in Colombia as "variable" but suggesting that Venezuelans may be as or more likely to have post-secondary education than Colombians; also noting that those who arrived earlier have higher education levels than later arrivals: Diego Chaves-González et al., *Socioeconomic Integration of Venezuelan Migrants and Refugees: The Cases of Brazil, Chile, Colombia, Ecuador, and Peru*, Latin Am. Initiative (Migration Poly Inst. & Int'l Org. for Migration) July 2021, at 22-23; Chaves-González and Delgado note that almost 45% of Venezuelans who registered with the Public Employment Service in Colombia in 2016 had tertiary degrees, compared to only 20% of those who registered in 2021. *Id.* at 20.

⁵⁴ This obstacle is emphasized in almost every academic article and policy report on the topic of Venezuelan labor market integration in Colombia, including those cited above. See, e.g., Bolívar & Arroyave, *supra* note 26, at 54, 67-68 (exploring obstacles to professional recognition for Venezuelans in Colombia); Graham et al., *supra* note 11, at 27-31, 50-51 (same and proposing solutions).

⁵⁵ The factors in this paragraph have been noted in some of the academic and policy literature on Venezuelan labor market integration in Colombia, including several of the sources cited above. For a detailed examination of these issues, see Lucía Ramírez Bolívar et al., *Ser migrante y trabajar en Colombia, ¿cómo va la inclusión laboral de las personas provenientes de Venezuela? [To be a Migrant and to Work in Colombia: How is Labor Inclusion Going for People from Venezuela?]* (Dejusticia 2022), with a condensed version available in English: Lucía Ramírez Bolívar & Lina María Arroyave Velásquez, *The Long Road toward the Labor Inclusion of Venezuelan Migrants in Colombia*, in Migration and Decent Work: Challenges for the Global South 54-77 (Lucía Ramírez Bolívar & Jessica Corredor Villamil eds. Dejusticia, 2022). See also Morad et al., *supra* note 50.

Some of these obstacles will ease with time, as Venezuelans build networks and gain work experience in Colombia.⁵⁶ But many disparities in labor market outcomes persist even for Venezuelans who have been in Colombia for five or more years.⁵⁷ New policies and strategies will be required to address the challenges.



In Brazil, unlike Colombia, there appear to be no studies that compare working conditions for Venezuelans before and after access to a work permit. This is likely because the Brazilian government offered legal status to most Venezuelans from relatively early in the diaspora, whereas in Colombia there was a period during which most Venezuelans had no legal status.

Because regularization rates among Venezuelans in Brazil have been high since 2017, studies of labor market integration of Venezuelans in Brazil can be assumed to assess working conditions for individuals who already have work permits. Such analyses universally report that in Brazil, as in Colombia, Venezuelans with legal status have not been fully able to realize the promise of access to Decent Work. Studies document longer working hours, lower wages, and more precarious conditions for Venezuelans as compared to Brazilians.⁵⁸ Three consecutive International Organization for Migration (IOM) surveys between 2017 and 2021 found a majority of Venezuelans making less than the Brazilian minimum wage.⁵⁹ A literature review of 14 studies of Venezuelan insertion into the Brazilian labor market published between 2019 and 2021 concluded that despite the widespread availability of legal status, most positions held by Venezuelans were precarious, and that Venezuelan women and indigenous Warao women from Venezuela faced substantially greater challenges than men to achieving dignified conditions of work.⁶⁰

⁵⁶ See, e.g., Cristina Escobar Correa, et al., who analyze government statistics and find that, in 2020, wages and rates of formal employment were substantially higher for Venezuelans present in Colombia for 5 years as compared between 1-5 years, and even more so compared with those who arrived within a year. Cristina Escobar Correa, et al., *Análisis de la garantía de derechos a la educación, salud e inclusión laboral de la población migrante de Venezuela en Colombia* [Analysis of the Guarantee of Education, Health, and Labor Inclusion Rights for the Venezuelan Population in Colombia] 54 (Danish Refugee Council 2021), <https://www.r4v.info/es/document/colombia-analisis-de-la-garantia-de-derechos-la-educacion-salud-e-inclusion-laboral-de-la>. While these findings support the inference that time matters, it seems likely that they are also significantly driven by the fact that Venezuelans who arrived in Colombia at the beginning of the diaspora, in 2015 and earlier, had much higher education levels than those arriving later.

⁵⁷ Graham et al., *supra* note 11, at 31.

⁵⁸ See, e.g., Antonio Tadeu R. de Oliveira et al., *La inmigración venezolana en Brasil: perfil sociodemográfico e inserción en el mercado de trabajo formal* [Venezuelan Immigration in Brazil: A Sociodemographic Profile and a Profile of Formal Labor Market Insertion], in *Inserción laboral de la migración venezolana en Latinoamérica* [Labor Insertion of Venezuelan Migration in Latin America], 221-249, 238 (José Koechlin et al., eds., Colecciones OBIMID 2021) (examining government data through the first half of 2019, and finding 80% of Venezuelans work longer hours than the modal Brazilian, and many earn lower wages); Mrittika Shamsuddin et al., *Integration of Venezuelan Refugees and Migrants in Brazil* 34-39 (World Bank Grp., Soc. Prot. and Glob. Jobs Prac., Policy Rsch. Working Paper No. 9605, 2021) (comparing labor market outcomes of Venezuelans with Brazilians in the formal labor market only, based on Brazilian government data through late 2020, and finding higher levels of informality and lower average wages).

⁵⁹ Chaves-González et al., *supra* note 53, at 1, 19.

⁶⁰ Felipe Fernandes da Silva & Manuella Castelo Branco Pessoa, *Inserção no mercado de trabalho brasileiro por venezuelanos: uma revisão integrativa* [Insertion in the Brazilian Labor Market by Venezuelans: An Integrative Review], 8 Trabalho (En)Cena, May 2023, at 11-12, 14; see also sources cited *supra* notes 50-51 and accompanying text.

As in Colombia, widespread informality is one generator of precarious work conditions for Venezuelans in Brazil. About 40% of Brazilians work in the informal economy.⁶¹ Rates are considerably higher for Venezuelans. A study by de Oliveira, et al., based on government data reported levels of informality among Venezuelans that were double that of Brazilians.⁶² Shamsuddin et al.'s analysis of Brazilian government data on Venezuelans in the formal labor market in Brazil found that, despite the ease of obtaining a work permit, Venezuelans were nearly 70% less likely than Brazilians to have formal employment (with women experiencing higher levels of informality than men).⁶³ But informality is not the only issue. The same study found that even Venezuelans hired into formal positions were likely "to do inferior jobs characterized by temporality, lower wages and higher hours worked"⁶⁴ in comparison to Brazilians.

A particular feature of the Brazilian reception of Venezuelans relates to the Brazilian government's efforts to relocate Venezuelans to states in the south of the country with more work opportunities (referred to as "interiorization"). This is carried out by Operation Welcome (Operação Acolhida), the military-run program established by President Temer in 2018 and continuing under Presidents Bolsonaro and Lula, in collaboration with the IOM and UNHCR. Through Operation Welcome, the military receives Venezuelans at several primary land entry points, provides camp-based housing and basic care, and administers a voluntary relocation program to other states for shelter, employment, or reunification purposes. As of March 2023, 100,000 Venezuelans had been relocated from the border to 930 municipalities elsewhere in the country.⁶⁵ Reports on the outcomes of relocation for employment have been mixed. UNHCR, which helps run the program, offers a positive assessment, noting increased access to formal employment and a 113% increase in household income following interiorization.⁶⁶ However, the program is not founded on an explicit commitment to Decent Work, and the military appears to do little if any investigation into labor conditions before or after placing Venezuelan migrants at the job sites it promotes.⁶⁷

⁶¹ Shamsuddin et al., *supra* note 58, at 13.

⁶² de Oliveira et al., *supra* note 58, at 247.

⁶³ Shamsuddin et al., *supra* note 58, at 34-35, stating that "Venezuelans are .36 times as likely to enter the formal sector as Brazilians." Shamsuddin and co-author Rovane Battaglin Schwengber characterize this as "70% less likely to be employed in the formal sector" in a blog post. Mrittika Shamsuddin & Rovane Battaglin Schwengber, *How to improve the integration of Venezuelan migrants and refugees in Brazil*, World Bank Blogs (Apr. 22, 2021), <https://blogs.worldbank.org/dev4peace/how-improve-integration-venezuelan-migrants-and-refugees-brazil>.

⁶⁴ Shamsuddin et al., *supra* note 58.

⁶⁵ R4V, *Situation Report–March 2023*, <https://www.r4v.info/document/bra-relatorio-de-situacao-sitrep-marco-2023>.

⁶⁶ UNHCR, *Venezuelan Migration in Brazil: An Analysis of the Interiorisation Programme* (July 2019). The analysis found that 5% of the sample households relocated via the employment pathway of Operation Welcome had previously at least one member in formal employment while in Roraima, compared to 97% 6-8 weeks post-relocation *Id.* at 19. But the authors cautioned that the sample size for individual pathways was too small for results to be statistically representative *Id.* at 21. For all pathways together the percentages were 7% vs 77%, falling to 65% at 4 months, *see id.* at 19-20, a downward trend that informants felt was likely to continue. *Id.* at 21. Average household income for households rose by 113%. *Id.*

⁶⁷ Fabio Teixeira & Emily Costa, *Welcome to Brazil? Venezuelan workers exploited under aid program*, Context News (July 20, 2021), <https://www.context.news/money-power-people/long-read/welcome-to-brazil-venezuelan-workers-exploited-under-aid-program>; João Chaves, *A resposta ao movimento migratório venezuelano pela Operação Acolhida no Brasil: impasse entre humanitarismo e políticas de trabalho decente* [The Response to Venezuelan Migration by Operation Welcome in Brazil: Impasse Between Humanitarianism and Decent Work Policies], in *Informalidade e proteção dos trabalhadores migrantes navegando pelo humanitarismo, securitização e dignidade* [Informality and the protection of migrant workers: Navigating between humanitarianism, securitization, and dignity] 25-35, at 29-30 (Outras Expressões 2022). A further concern is that Operação Acolhida does not guarantee a job following relocation via the employment stream. For example, according to government statistics, in March 2023, 322 Venezuelans were relocated through the employment stream, but only 181 were "successfully employed," leaving 44% without a job. R4V, *Situation Report–March 2023*, *supra* note 65. *See also*, Renata Ferreira da Silva & Juliane Sant'Ana Bento, *Política migratória e direito ao trabalho: estudo de caso sobre a acolhida de imigrantes venezuelanos no Sul do Brasil* [Migration Policy and the Right to Work: Case Study on Venezuelan Migrant Shelter in the South of Brazil], 106 *Colombia Int'l* 165-198, 177 (2021) (interviewing 63 Venezuelans who had been transferred by Operação Acolhida to Rio Grande do Sol and reporting that 22% had not actually found employment once relocated).

Some Venezuelans placed in employment by the program have faced serious labor violations.⁶⁸ One study found that 41 of the 250 companies that had signed up with Operation Welcome to hire Venezuelans were under investigation by other branches of the Brazilian government for labor violations.⁶⁹ Another reported that the majority of placements offered were for precarious work.⁷⁰ There have been several groups of Venezuelans found in conditions of forced labor after accepting placements via Operation Welcome.⁷¹

More generally, studies offer a range of explanations for the Decent Work deficits encountered by Venezuelans in Brazil.⁷² As with Colombia, most emphasize the problem of occupational downgrading. Although Venezuelans who arrived in Brazil in the early phase of the diaspora on average have equal or higher levels of education than Brazilians,⁷³ they face significant obstacles to recognition of their degrees and work experience in Brazil, and trade associations have made it difficult for them to obtain professional licenses. This has kept them in jobs significantly below their skill level.⁷⁴

Less attention has been paid to the factors that impede access to Decent Work for the growing majority of Venezuelans in Brazil without professional qualifications, and in many cases for professionals as well. Informality is pervasive in the Brazilian economy, and Venezuelans often lack the contacts and local work experience necessary to gain access to better-paying formal jobs. Other impediments include their inability to speak Portuguese, the discrimination and xenophobia they face in the employment market and on the job, and their clustering in the border states of Roraima and Manaus, where they face especially low wages and high levels of unemployment, precarity, and informality.⁷⁵

⁶⁸ Teixeira & Costa, *supra* note 67 (describing cases of Venezuelans found by Brazilian officials working under conditions of forced labor in placements arranged by the military through Operação Acolhida; reporting on labor violations among the 250 companies that had signed up to provide employment to Venezuelan workers through Operação Acolhida).

⁶⁹ *Id.* at 4. It was not known whether those 41 investigations related to Venezuelan workers or others. Teixeira and Costa also note that many of the enrolled companies have ties to the military or have publicly supported President Bolsonaro. *Id.* at 8.

⁷⁰ Rebeca Almeida et al., *A securitização do humanitarismo: percepções sobre a interiorização de imigrantes venezuelanos no Brasil* [The Securitization of Humanitarianism: Perceptions on the Integration of Venezuelan Migrants in Brazil], in *Informalidade e proteção dos trabalhadores migrantes navegando pelo humanitarismo, securitização e dignidade* [Informality and the Protection of Migrant Workers: Navigating Between Humanitarianism, Securitization, and Dignity] 13-23, 20 (Outras Expressões 2022).

⁷¹ Teixeira & Costa, *supra* note 67. Although these reports raise a serious concern, the approximately 13,000 Venezuelans relocated via the Operação Acolhida employment stream to date represent a small percentage of the Venezuelans working in Brazil today. See UNHCR, *Estratégia de Interiorização* [Interiorization Strategy], <http://aplicacoes.mds.gov.br/snias/painel-interiorizacao/>, (last visited July 19, 2023) (reporting the number of people relocated via the employment program from the program's initiation in 2018 through June 30, 2023).

⁷² For example, the World Bank study, Shamsuddin et al., *supra* note 58, at 36, identifies the lack of Portuguese language skills, *see id.* at 39, and the clustering of Venezuelans in the border states of Roraima and Amazonas, *see id.* at 38, as key causes of inferior formal labor market outcomes for Venezuelans. Da Silva & Pessoa, *supra* note 60, at 9, summarize the primary obstacles to Decent Work for Venezuelans according to the findings of the literature they reviewed as occupational downgrading, lack of recognition of the validity of refugee documentation as permission to work, lack of Portuguese language skills, and xenophobia and discrimination in the workplace. They note that these difficulties are intensified for Venezuelan women and in particular for indigenous Warao women. *Id.* at 10-11, 14.

⁷³ Chaves-González et al., *supra* note 53, describe data on education levels of Venezuelans in Brazil as “variable” but suggest that Venezuelans may be more likely to have post-secondary education than Brazilians. They also note that those who arrived earlier have higher education levels than later arrivals. Id. Elisa Diniz et al., *Políticas públicas impulsionam inclusão de venezuelanos, mas desafios permanecem* [Public policies advance inclusion of Venezuelans, but challenges remain] United Nations Brazil (May 18, 2021), <https://brasil.un.org/pt-br/127109-pol%C3%ADticas-p%C3%ABlicas-impulsionam-inclus%C3%A3o-de-venezuelanos-mas-desafios-permanecem> (reporting the finding that Venezuelans have equivalent education levels to Brazilians).

⁷⁴ *See, e.g.*, Shamsuddin et al., *supra* note 58, at 36 (characterizing occupational downgrading as “the major barrier to [Venezuelans’] integration in the labor market” in Brazil); Da Silva and Pessoa, *supra* note 60, at 9.

⁷⁵ Shamsuddin et al., *supra* note 58, at 38-9; Chaves-González et al., *supra* note 53, at 20. IOM interviews with over 1300 Venezuelans in Roraima in late 2022 revealed that although almost all had either resident (ie Mercosur-equivalent) or refugee status (at 14), 45% were unemployed, and—of those working—83% were in informal positions. Displacement Tracking Matrix (DTM) Monitoramento do fluxo da população venezuelana (Monitoring of the Venezuelan population flow) at 14-15 (IOM March 2023). A 2021 IOM study of the labor market integration of Venezuelans in Manaus in the state of Amazonas found that few had been able to obtain formal employment and many were entirely unemployed (35% of men and 55% of women); not surprisingly, given these statistics, Venezuelans in the region had about a quarter of the monthly income of local residents, with Venezuelan women earning substantially less than their male counterparts. Graziela Castello et al., E.M.P.L.E.O. *Manaus: análise e estratégias para a inserção de refugiados e migrantes venezuelanos no mercado de trabalho Manausara* [W.O.R.K. Manaus: Analysis and Strategies for the Labor Market Insertion of Venezuelan Refugees and Migrants in the Manaus Labor Market] 12, 34 (Int’l Org. for Migration 2021), <https://repository.iom.int/handle/20.500.11788/2324>.

Matters in Brazil are further complicated by the fact that the arrival of Venezuelans in Brazil coincided with the 2017 passage of labor law reforms that rendered employment more precarious for all workers.⁷⁶ In early 2019, the incoming Bolsonaro government abolished the Ministry of Labor and subsequently significantly reduced staffing of the labor inspectorate, which granted further latitude to exploitative businesses.⁷⁷ The Lula government began to reverse these changes when it came into power in 2023, but progress has been slow.⁷⁸ Compounding this situation, there are few efforts to inform newcomers of their workplace rights and very little by way of legal aid for those who wish to report violations.

Similar to Colombia, some of the obstacles to Decent Work for Venezuelans in Brazil will diminish over time, as Venezuelans build networks, develop Portuguese language skills, and gain experience in the Brazilian labor market. Others, however, are unlikely to change absent active intervention.

► Addressing ongoing Decent Work deficits among Venezuelans in informal and low-wage formal sectors

In considering how to overcome the persistent obstacles to Decent Work for displaced Venezuelans, it is important to keep in mind that migrants and refugees do not work in isolation. In Colombia and Brazil, the experiences of Venezuelans reflect widespread informality, underenforcement of labor standards, and precarity for all workers in the labor market.

To advance Decent Work on a national scale, efforts to improve the treatment of Venezuelan workers must dovetail with structural initiatives to improve labor conditions for all, including other migrants and refugees as well as citizens.⁷⁹ Alongside such reforms, however, there is much to be done to bring migrants up to the level of local workers, and much that local workers stand to gain from doing so. As noted above, even after obtaining a work permit in Colombia and Brazil, Venezuelans continue to work informally at substantially higher rates and for lower wages than host country citizens. In informal and low-wage formal sectors where migrants' wages and working conditions set the floor, migrants and citizens alike will benefit from efforts to raise the bottom by addressing the exploitation of newcomers.

Policymakers have recommended a number of specific interventions to improve the labor market integration of Venezuelans. One way to understand the range of proposed approaches is by reference to the dichotomy between “exit” and “voice” set out by sociologist Albert Hirschman over 50 years ago.⁸⁰

⁷⁶ The 2017 reforms to Brazil's Consolidated Labor Laws expanded subcontracting, introduced “zero hours” contracts (temporary labor contracts with no minimum earnings), made it easier for employers to fire workers, and ended mandatory dues collection and government funding for unions, among other changes. (Law 13,467/2017).

⁷⁷ Leticia Casado, Bolsonaro *confirma extinção do Ministério do Trabalho* [Bolsonaro confirms dissolution of Labor Ministry], Folha de Sao Paulo (Nov. 7, 2018, 2:47 P.M.), <https://www1.folha.uol.com.br/mercado/2018/11/bolsonaro-confirma-extincao-do-ministerio-do-trabalho.shtml>, Thiago Resende & Danielle Brant, *Verba para fiscalizações trabalhistas cai pela metade no governo Bolsonaro* [Budget for labor inspections falls by half under Bolsonaro government], Folha de Sao Paulo, (Sept. 20, 2020, 11:15P.M.), <https://www1.folha.uol.com.br/mercado/2020/09/verba-para-fiscalizacoes-trabalhistas-cai-pela-metade-no-governo-bolsonaro.shtml>.

⁷⁸ Fernanda Brigatti, *Fiscalização trabalhista tem 45% dos cargos desocupados* [45% of labor inspection positions unoccupied], Folha de Sao Paulo (Mar. 19, 2023, 11:15 P.M.), <https://www1.folha.uol.com.br/mercado/2023/03/fiscalizacao-trabalhista-tem-45-dos-cargos-desocupados.shtml>.

⁷⁹ See e.g., Bahar et al., noting that “while targeted policies for Venezuelans can indeed facilitate their socioeconomic integration, there are larger structural issues in Colombia as a whole [ie the high level of labor informality] that require comprehensive reforms above and beyond the situation of Venezuelan immigrants.” Dany Bahar et al., *Economic Integration of Venezuelan Immigrants in Colombia: A Policy Roadmap* 4 (Ctr. for Glob. Dev., Policy Paper No. 280, Dec. 2022).

⁸⁰ Albert Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Harv. Univ. Press 1970). Hirschman famously described individuals who are unhappy with some aspect of an organization to which they belong as having the choice between exit (in the context of work, leaving for another job) and voice (in the context of work, staying in the job and making their discontent known). He further argued that the less exit was possible, the more important voice became.

Hirschman, discussing participation in organizations, firms, and states, distinguished between individuals who can leave when unhappy, and those who have few other choices and must remain. For those for whom “exit” is difficult, Hirschman emphasized, it is particularly important to have routes for “voice”—i.e. mechanisms that facilitate demands for change.

International actors, and the policy and academic literature, have emphasized exit as a key route to better work for displaced Venezuelans.⁸¹ The goal of exit policies is to make it easier for Venezuelans in informal and low-wage formal work to access formal professional jobs. As noted above, at earlier stages of the diaspora Venezuelans had high education and skill levels, sometimes higher than the population of their host countries. Although these levels have fallen among later migrants, there are still a significant number of displaced Venezuelans with professional credentials. Many of the policy recommendations on labor market integration since the beginning of the exodus have thus understandably emphasized the importance of facilitating the recognition of these credentials as the most important intervention to advance labor market integration. It is of course critically important that Venezuelans be able to work in occupations commensurate with their qualifications. Doing so helps Venezuelans themselves, who gain the higher income, benefits, and job satisfaction of formal professional positions, and has significant benefits for the host country, including spurring growth in productivity, innovation, and GDP.⁸²

Yet a large majority of Venezuelans in Colombia and Brazil do not have professional degrees.⁸³ This group is growing, as the education and income level of Venezuelan migrants and refugees has fallen sharply over time.⁸⁴ A strategy that invests primarily in exit by professionalization leaves this majority behind, risking the entrenchment of already profound inequality.⁸⁵

⁸¹ In addition to sources cited above, see, e.g., Marta Castro & Teresa Rodríguez, *El empleo y la población migrante y refugiada venezolana en Colombia, Perú y Ecuador: ¿talento desaprovechado?* [Employment and the Venezuelan Migrant and Refugee Population in Colombia, Peru and Ecuador: Wasted Talent?] (Equilibrium CenDe Migration Bulletin No. 2, May 2022), <https://equilibriumcende.com/empleo-migracion-venezolana/>; R4V, ILO & UNDP, *supra* note 53, at 37. On the importance of refugee employment consistent with skill level generally, see Maria Vincenza Desiderio, *Integrating Refugees into Host Country Labor Markets: Challenges and Policy Options*, Transatlantic Council on Migration (Migration Policy Inst., Washington, D.C.) Oct. 2016, <https://www.migrationpolicy.org/sites/default/files/publications/TCM-Asylum-Desiderio-FINAL.pdf>.

⁸² See, e.g., Marco Arena et al., *Venezuela's Migrants Bring Economic Opportunity to Latin America*, Int'l Monetary Fund Country Focus (Dec. 7, 2022), <https://www.imf.org/en/News/Articles/2022/12/06/cf-venezuelas-migrants-bring-economic-opportunity-to-latin-america> (arguing that while “providing [Venezuelan] migrants with humanitarian assistance and access to public services carries a sizable fiscal cost and puts pressure on the budgets of host countries,” there are “large medium-term gains in productivity and growth resulting from an increase in the labor force and better alignment of migrants’ human capital with jobs.”); Jeremy Lebow, *Immigration and Occupational Downgrading in Colombia*, 166 J. of Dev. Econ. 103164 (Jan. 2024, pre-proof published Aug. 24, 2023), <https://doi.org/10.1016/j.jdeveco.2023.103164> (arguing that in the Colombian context, addressing occupational downgrading of Venezuelans benefits less educated native workers, does not substantially harm more educated native workers, and increases total productivity).

⁸³ See Chaves-González, *supra* note 53 (describing Venezuelan education levels in Colombia) and Deniz et al., *supra* note 73 (describing Venezuelan education levels in Brazil). Estimates vary very widely, but by one count only 18% of Venezuelans in Colombia and 8% of those in Brazil have completed a university education. Joaquín Eguren, *Estudio comparativo y transversal de la incorporación laboral de los migrantes venezolanos en América Latina y el Caribe [A Comparative and Cross-Study of the Labor Incorporation of Venezuelan Migrants in Latin America and the Caribbean]*, in *Inserción laboral de la migración venezolana en Latinoamérica [Labor Insertion of Venezuelan Migration in Latin America]*, 377-402, 395 (José Koechlin et al., eds., Colección OBIMID 2021). Even estimates at the higher end report a significant percentage of Venezuelan migrants without university, technical, or professional degrees. One UN study of Venezuelans in Brazil found that 34% had higher education, leaving 66% with a secondary education or less. Flavia Mantovani, *Refugiados no Brasil têm grau de escolaridade acima da média do país, diz pesquisa [Refugees in Brazil have educational level higher than national average]*, Folha de São Paulo (May 30, 2019, 2:00 A.M.), <https://www1.folha.uol.com.br/mundo/2019/05/refugiados-no-brasil-tem-grau-de-escolaridade-acima-da-media-do-pais.shtml>. A study published by IOM and MPI reported the number of Venezuelans in Brazil with some tertiary education at 25-35%, leaving 65-75% with a secondary education or less. Diego Chaves-González et al., *supra* note 53, at 22. In Colombia, studies have reported levels of tertiary education among Venezuelans at between 12-59%, leaving between 41-88% with a secondary education or less: *Id.* at 22; Farné & Sanín, *supra* note 50, at 13.

⁸⁴ See Chaves-González et al., *supra* note 48; Deniz et al., *supra* note 73. The trend of decreasing education levels among displaced Venezuelans holds across Latin America. Arena et al., *supra* note 82 (“The characteristics of [Venezuelan] migrants have evolved as the economic crisis intensified. The first wave of migrants were mostly professionals with high levels of education. The second consisted of middle-class young people with a university degree. Since the economy collapsed in 2017-2018, migrants have tended to be from low-income households and with lower levels of education.”). Also, across Latin America, Eguren notes that later waves of Venezuelans (after 2017 in particular) have faced worse labor market outcomes, greater vulnerability, and more difficulty penetrating formal labor markets, in part because of their lower educational levels and in part because they sought to enter markets already saturated with earlier arrivals. Eguren, *supra* note 83, at 395-96.

⁸⁵ In this regard, it is interesting to note that most Venezuelans in Colombia currently report obstacles other than professional recognition as a barrier to finding work: During the March-April 2023 DANE survey of Venezuelans in Colombia, only 11.1% of respondents who had encountered obstacles to finding work reported that barriers included lack of recognition of work experience or credentials. 52.6% indicated that employers had asked for documentation they didn't have; 34.5% had faced discrimination on account of their nationality, and 26.2% found the work on offer to be poorly paid and/or to require working under poor conditions. DANE, *supra* note 47, at 40.

For the substantial number of displaced Venezuelans who will continue to work in informal and low-wage formal sectors for years to come, building voice—the agency and power to demand better wages and treatment on the job—is essential to address Decent Work deficits.

Initiatives that foster voice seek to support migrants as they work towards improving the labor conditions in the jobs where they find themselves. Power in low-wage labor markets is built collectively rather than individually. When migrants are able to defend the labor rights they have and stand together with local workers to call for higher standards, all workers in the sector will benefit. Although migrant and informal workers are often discussed as if they lack the ability or agency to organize at work, the workers themselves have shown the contrary.⁸⁶ And although trade unions often initially seek to exclude newcomers out of the fear that they will “take our members’ jobs,” many have gone on to discover that migrants rejuvenate their membership and provide leadership for a new generation of organizing efforts.⁸⁷ In recent decades, around the globe, new movements of migrants and informal workers have emerged in and outside of trade unions, fought for legal recognition of their rights as workers, worked to ensure those rights are respected, and advocated for public policies to improve working conditions, benefitting all who labor alongside them.⁸⁸

In line with this tradition, although at a very early stage and a small scale, Venezuelan refugee and migrant workers in Colombia and Brazil have begun to take action to address individual exploitation and systemic abuses across industries, advocate for improved public policies, and access union representation and collective bargaining. Venezuelan migrants are founding their own associations and, together with their allies, beginning to demand respect for rights at work; trade unions are starting to engage with Venezuelan newcomers as members and potential members in need of protection.⁸⁹

⁸⁶ For an exception to the rule that recommendations to improve the working conditions of Venezuelans generally do not consider trade unions as a route to labor inclusion, see Morad et al., *supra* note 50, offering a comprehensive list of recommendations to Colombian trade unions to achieve that goal.

⁸⁷ The literature on union organizing of immigrant workers is vast. For a few examples that highlight recurring tensions between unions and migrants and ways these have been overcome, see Michele Ford, *From Migrant to Worker: Global Unions and Contemporary Labor Migration in Asia* (Cornell Univ. Press 2019); Brian Burgoon et al., *Immigration and the Transformation of American Unionism*, 44 *Int'l Migration Rev.* 933 (2010); Leticia M. Saucedo, *Everybody in the Tent: Lessons from the Grassroots about Labor Organizing, Immigrants, and Temporary Worker Policies*, 17 *Harv. Latino L. Rev.* 65 (2014).

⁸⁸ For case studies of a wide range of organizing efforts by informal workers around the globe, see Women in the Informal Employment: Globalizing and Organizing (WIEGO), *Organizing Briefs*, <https://www.wiego.org/wiego-briefs#Organizing%20Briefs> (last visited Oct. 22, 2023). Among other notable achievements, informal workers’ organizations and campaigns have won increased wages and labor protections for informal workers, protections for street vendors, and access for informal workers to government social insurance programs. Colombia and Brazil each are home to numerous informal workers’ organizations and movements. See, e.g., in Colombia, Unión de Trabajadoras Afrocolombianas del Servicio Doméstico (UTRASD) [The Union of Afro-Colombian Domestic Workers] (@utrasdsindicato), Facebook, <https://www.facebook.com/SindicatodeTrabajadorasDomesticasUTRASD/> (last visited Oct. 22, 2023); Asociación Nacional de Recicladores (ANR) [National Recyclers’ Association], https://www.anrcolombia.org/index.php?option=com_content&view=article&id=1&Itemid=102 (last visited Oct. 22, 2023). See, e.g., in Brazil, Federação Nacional das Trabalhadoras Domésticas (FENATRAD) [The National Federation of Domestic Workers], <https://fenatrad.org.br/institucional/> (last visited Oct. 22, 2023); Movimento Nacional de Catadores de Materiais Recicláveis [The National Movement of Collectors of Recyclable Materials], <https://www.mncr.org.br/sobre-o-mncr/sua-historia> (last visited Oct. 22, 2023).

In the past thirty years, a new organizing model has emerged among immigrant workers in the United States: independent organizations called workers centers. Janice Fine, *Worker Centers: Organizing Communities at the Edge of the Dream* (Econ. Pol’y Inst. & Cornell Univ. Press 2006); Cesar F. Rosado Marzán, *Alt Labour and Worker Centres*, in *The Oxford Handbook of the Law of Work* (Brian Langille et al., eds., forthcoming 2023). Many immigrant worker centers in the United States have formed national networks. See, e.g., The National Day Laborer Organizing Network, <https://ndlon.org/about-us/> (last visited Oct. 22, 2023); The National Domestic Workers Alliance, <https://www.domesticworkers.org/programs-and-campaigns/organizing-domestic-workers-and-developing-leaders/> (last visited Oct. 22, 2023).

⁸⁹ A small number of international actors have encouraged and supported engagement by unions with Venezuelan migrants in Latin America, including through projects run by the ILO and the Solidarity Center. See, e.g., ILO & R4V, *ILO’s Work to Strengthen the Socioeconomic Integration of Venezuelan Refugees and Migrants in Latin America and the Caribbean* 11 (ILO Feb. 16, 2023), https://www.ilo.org/global/topics/labour-migration/publications/WC_MS_868058/lang-en/index.htm; João Andrade, *Sindicando destaca o papel das organizações frente à promoção da cidadania e direitos a migrantes (Sindicando highlights the role of organizations in the promotion of rights and citizenship for migrants)*, Solidarity Ctr. (July 13, 2022), <https://sindicando2022.wixsite.com/sindicando/post/sindicando-destaca-o-papel-das-organiza%C3%A7%C3%B5es-frente-%C3%A0-promo%C3%A7%C3%A3o-da-cidadania-e-direitos-a-migrantes>. See also Olivia Woldemikael et al., *Superación de obstáculos a la inclusión y la participación de mujeres venezolanas en Colombia [Overcoming Obstacles in the Inclusion and Participation of Venezuelan Women in Colombia]*, 4, 24-25 (Ctr. Glob. Dev., Policy Paper No. 259, May 2022), https://www.cgdev.org/sites/default/files/overcoming-barriers-venezuelan-womens-inclusion-and-participation-colombia_ESP.pdf.

The next section offers two case studies of efforts to support Venezuelan workers in organizing for better labor conditions, one each in Colombia and Brazil, illustrating ways that worker voice is emerging as a route to improving labor conditions of Venezuelans for whom exit is not a realistic option.

► Case studies: support for Venezuelan workers' efforts to improve working conditions



Colombia: UNIDAPP⁹⁰

On the streets of Colombia's major cities, the orange bags of the app-based delivery service Rappi are everywhere.⁹¹ Many of the bike and moped riders carrying those bags are Venezuelan migrants. Attracted⁹² to Rappi by the low barriers to entry, Venezuelans have quickly become its primary labor force throughout the country.⁹³ As in most countries, app-based workers in Colombia are not recognized as employees and therefore do not have labor rights, access to social security, or insurance for job-related injuries or illness. Apps such as Rappi are highly capitalized, politically powerful, and fiercely resistant to recognizing riders as employees. In the face of these obstacles, displaced Venezuelans have become leaders in efforts to improve compensation and working conditions for riders in Colombia.⁹⁴

When it was founded in 2015, Rappi offered attractive terms to riders. However, as Venezuelans began arriving in Colombia in large numbers and the numbers of people seeking work with the app increased, Rappi began cutting rates and pressuring riders to accept low-paying assignments on pain of being blocked from the system.

⁹⁰ This description of UNIDAPP is based on the sources cited below, as well as interviews conducted by the author. Interview with Angelica Palacios & Carlos Guarnizo, Solidarity Center of Colombia, in Bogota, Colombia (June 21, 2022); Remote Video Interview with Mery Laura Perdomo, Regional Coordinator for Latin America and the Caribbean, International Lawyers Assisting Workers Network (ILAW), Bogota, Colombia (June 22, 2023); Remote Video Interview with Natalia Ramirez-Bustamante, Associate Professor of Law, Universidad de los Andes (UNIANDES), Bogota, Colombia (June 26, 2023); Remote Interview with Sandra Muñoz Cañas, Solidarity Center of Colombia, Bogota, Colombia (June 30, 2023); and Remote Interview with Edwin Palma, Vice Minister for Labor Relations and Inspections at the Colombian Ministry of Labor, Bogota, Colombia (July 5, 2023). Additional information on Venezuelan migration to Colombia and on the context of civil society and trade union responses in Colombia comes from Remote Video Interviews with Juliana Morad Acero, Assistant Professor of Law, Pontificia Universidad Javeriana, Bogota, Colombia (April 28, 2022); Donna Cabrera Serrano, National Officer in Labor Migration, ILO, Bogota, Colombia (June 23, 2022); and Carolina Moreno Velasquez, Associate Professor of Law and Director of Research, UNIANDES, Bogota, Colombia (July 1, 2022).

⁹¹ As of 2023, Rappi has an estimated 55,000 riders in Colombia alone, and another near-100,000 in eight other countries. Anastasia Moloney, *Colombia's Rappi app draws ire of Venezuelan migrant couriers*, Reuters (Dec. 13, 2022), <https://www.reuters.com/article/colombia-tech-gigworkers/feature-colombias-rappi-app-draws-ire-of-venezuelan-migrant-couriers-idUKL8N32V4EQ/>.

⁹² See *Quienes son los rappideros en Colombia [Who are the Rappi delivery workers in Colombia]*, Semana (Sept. 20, 2019), <https://www.semana.com/pais/articulo/quienes-son-los-rappideros-en-colombia/277125/>. (describing a mid-2019 survey by the Observatorio Laboral de la Universidad del Rosario which found that out of 318 workers, 57% were Venezuelan migrants. A late-2020 ILO survey of 751 delivery workers in Colombia (the vast majority of whom worked for Domicilios.com, not Rappi) found slightly less than half were Venezuelan. ILO, *El trabajo en las plataformas digitales de reparto en Colombia [Work on Digital Delivery Platforms in Colombia]* 83 (ILO 2021), https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/documents/publication/wcms_832220.pdf. These are small-n surveys; to date there is no statistically reliable count of the number of app-based delivery workers in Colombia who are Venezuelans. UNIDAPP's membership, which the union estimates at 70% Venezuelans/30% Colombians, may indicate that the 2019 and 2020 surveys undercount Venezuelans in the industry. Interview with Sandra Muñoz Cañas, *supra* note 90.

⁹³ Among other low barriers to entry, Rappi does not require proof of permission to work. Ariana Jiménez, *They Give Us Work But They Abuse Us*, 54 NACLA Report on the Americas 149 (2022). In addition, Venezuelans without legal documents often rent accounts from Colombians. Interview with Natalia Bustamante, *supra* note 90.

⁹⁴ Moloney, *supra* note 91 (noting that co-founder and Vice President of UNIDAPP, Jhonniel Colina, is Venezuelan). Vittoria Elliott et al., *Dreams of a delivery workers union crash into Latin American realities*, Rest of World (Sept. 20, 2021), <https://restofworld.org/2021/delivery-workers-union-latin-america/> (noting that co-founder of UNIDAPP with Colina, Carolina Hevia, is Venezuelan).

Frustrated by these changes, riders carried out a series of demonstrations beginning in 2018.⁹⁵ These actions—often led by Venezuelan workers—gathered force in 2020 as the pandemic put delivery services in the public eye.⁹⁶ Protests by thousands of Rappi workers in August of that year led to the founding of the National Movement of Digital Platform Delivery Workers. Within months, with the support of the Central Unitaria de Trabajadores de Colombia (CUT), which is the country's largest trade union federation, and the Solidarity Center, the riders had founded the UNIDAPP union.⁹⁷

As of mid-2023, UNIDAPP has over a thousand active members organized in units in cities around Colombia, with many more riders participating in union programs and protests. The majority are Venezuelan migrants and refugees. Over half of the union's board is from Venezuela.⁹⁸ Just as their work lives are conducted via an app, UNIDAPP's rider members conduct their union life on line. The UNIDAPP platform offers riders a virtual gathering place, information about their rights, and access to legal assistance and support bringing claims against Rappi.

UNIDAPP has used a wide range of strategies in its efforts to improve conditions for riders. Early protests demanded that Rappi stop blocking riders, increase pay rates, and create stations where riders could charge phones and use the bathroom. When Rappi did not respond, the union began assisting individual riders who had been blocked from the app in navigating Rappi's reinstatement process. Over time, as Rappi continued to resist change, UNIDAPP began demanding action from the government.⁹⁹ It has brought hundreds of legal actions asserting violations of due process on behalf of blocked riders, and—as they began to be successful—argued that Rappi's blocks should be considered unjustified dismissals within a labor rights framework.¹⁰⁰ Responding to UNIDAPP's concerns, the Ministry of Labor has promised to inspect working conditions for Rappi riders.¹⁰¹ UNIDAPP also asked the Ministry of Labor to facilitate negotiations between Rappi and UNIDAPP. Initially resistant,¹⁰² Rappi finally came to the table in March of 2023.

⁹⁵ For descriptions of the evolution of UNIDAPP and the riders movement, see Sandra Muñoz Cañas, *Acción colectiva de trabajadores/as de plataformas digitales en Colombia: Protesta y movimiento, litigio y sindicato (2018-2022)* [Collective Action by Digital Platform Workers in Colombia: Protest and Movement, Litigation and Unions] in *Lo digital no quita los derechos laborales: Un diagnóstico de las condiciones de trabajo y de los derechos en las plataformas digitales* [Digital Work Doesn't Take Away Labor Rights: A Diagnosis of Working Conditions and Rights on Digital Platforms] 170-196 (CUT, UNIDAPP, et al., eds., 2023); Derly Sánchez Vargas & Oscar Maldonado Castañeda, *Obstáculos, resistencias, y repertorios de movilización social de repartidores digitales en Colombia* [Obstacles, Resistance, and Social Mobilization Repertoires Among Digital Delivery Workers in Colombia], in *Precarización laboral en plataformas digitales: Una lectura desde América Latina* [Labor Precarization in Digital Platforms: A Reading from Latin America] 99-117 (Kruskaya Hidalgo Cordero & Carolina Salazar Daza eds., FES-ILDES 2020); Ingrid Picasso Cerdá et al., *Retos de la organización laboral en el trabajo en plataformas digitales* [Labor Organizing Challenges in Digital Platform Work] 68-83 (Conferencia Interamericana de Seguridad Social 2022), <https://ciss-bienestar.org/wp-content/uploads/2022/02/trabajo-en-plataformas-digitales.pdf>.

⁹⁶ See Muñoz Cañas, *supra* note 95, at 175 (reporting 19 protests as of June 30, 2022). *Id.* at 178 (reporting work stoppages).

⁹⁷ The Solidarity Center is an international workers rights organization allied with the AFL-CIO, the US trade union federation.

⁹⁸ Membership and leadership statistics from interview with Sandra Muñoz Cañas, *supra* note 90; email communication with Rhett Doumitt, Solidarity Center Country Program Director - Andean Region, October 23, 2023.

⁹⁹ Muñoz Cañas, *supra* note 95, at 191.

¹⁰⁰ *Id.* at 189-90. The union has not yet succeeded in getting a definitive legal holding finding that riders are employees of the app. Muñoz Cañas attributes this to the fact that Rappi systematically settles cases brought by drivers, offering payments that are attractive to cash-strapped riders while avoiding a formal finding that would cost the company much more. Interview with Sandra Muñoz Cañas, *supra* note 90.

¹⁰¹ Interview with Edwin Palma, *supra* note 90. The Ministry is in the planning stages for the inspection, which it believes has no precedent in Latin America. It is currently designing a protocol to guide inspectors as they observe working conditions and interview Rappi riders in the street, including regarding health and safety issues and access to bathrooms among other matters. If violations of Colombian law are found, the resulting determination could be called on by judges or used as the basis for the Ministry to enforce the law against Rappi. *Id.*

¹⁰² Muñoz Cañas, *supra* note 95, at 187.

The meetings have already resulted in a signed agreement between Rappi and UNIDAPP addressing riders' concerns regarding blocking by the app, with pay rates and health and safety next on the agenda.¹⁰³ Finally, and most comprehensively, UNIDAPP is seeking a national labor law reform that would recognize app-based delivery riders as dependent workers, entitling them to labor rights and social insurance programs.¹⁰⁴



Brazil: SindicAndo¹⁰⁵

In 2018, as the Brazilian government began implementing Operation Welcome to move Venezuelans from the border to the interior to seek work, the country's labor landscape was undergoing a dramatic change. The labor reform law passed the prior year had rendered work more precarious for all workers, and profoundly weakened trade unions.¹⁰⁶ In response, the Center for Human Rights and Citizenship (Centro de Direitos Humanos e Cidadania do Imigrante, or CDHIC) and the Solidarity Center launched SindicAndo (roughly translated, "unions in movement") to provide support to trade unions and civil society organizations so they could help arriving migrants defend their workplace rights. Over the course of four years, SindicAndo carried out field visits around the country, culminating in two-day workshops across eight states. The workshops offered unions information and tools to help them step up where there were vacuums in providing for migrants' basic needs, respond when migrants' labor rights were violated, and engage with migrants as union members.

¹⁰³ Interview with Sandra Muñoz Cañas, *supra* note 90; Press Release Ministry of Labor of the Government of Colombia, Acuerdo entre Rappi y Union de Trabajadores de Plataformas permitirá mejorar condiciones de repartidores [Agreement between Rappi and Union of Platform Workers will permit improvements in delivery worker conditions] (Sept. 13, 2023), <https://www.mintrabajo.gov.co/comunicados/2023/septiembre/acuerdo-entre-rappi-y-union-de-trabajadores-de-plataformas-permitira-mejorar-condiciones-de-repartidores>. The dialogue was initiated on the basis that the one issue it would not address was whether Rappi riders should be considered employees of the company. Interview with Edwin Palma, *supra* note 90

¹⁰⁴ Oscar Javier Maldonado & Derly Yohanna Sánchez Vargas, *Policy brief: La reformal laboral en Colombia y las plataformas digitales: un avance hacia el trabajo justo?* [Policy Brief: Labor Law Reform and Digital Platforms in Colombia] The Fairwork Project (Fairwork/ Universidad del Rosario, Bogotá, Colom., 2023) (providing analysis of PL 367 de 2023C), <https://fair.work/wp-content/uploads/sites/17/2023/04/Fairwork-Colombia-policy-brief-April-2023-1.pdf>. A bill that included such a reform that came close to passage but ultimately died during the legislative session ending in June 2023. While a version of the proposed legislation was later re-introduced, it omitted the earlier bill's mandatory recognition of app-based riders as dependent workers, leaving the issue of status up to "free choice," an approach that UNIDAPP opposes. Email from Mery Laura Perdomo, Regional Coordinator for Latin America and the Caribbean, ILAW, to author (Sept. 11, 2023) (on file with author).

¹⁰⁵ This case study is based on the sources cited below, as well as the following interviews. Remote Video Interviews with Gustavo Garcia & Guilherme Evaristo, Solidarity Center, São Paulo, Brazil (July 28, Aug. 17, and Aug. 25, 2023); Remote Video Interview with Isabella Roberta da Silva, Executive Director, Center for Human Rights and Citizenship, São Paulo, Brazil (Aug. 29, 2023); Remote Video Interviews with Pedrinha Lasmar, Women's Secretary of the General Workers Union (UGT)-Amazonas, Manaus, Brazil (Aug. 3 and Sept. 18, 2023); Remote Interviews with Solange Blanco, President, Venezuelan Association in Amazonas (ASOVEAM), Manaus, Brazil (Aug. 8 and Sept. 21, 2023); Remote Interview with Francisco Romano, Legal Secretary, SINTRACOME, Manaus, Brazil (Aug. 4, 2023); Remote Video Interviews with Aline Ferle, President, SINTRACOM, Dourados, Brazil (July 25, Aug. 4, and Sept. 20, 2023); Remote Video Interviews with Carol Sofia Gonzalez, President, ODINHASF, Dourados, Brazil (July 26 and Sept. 18, 2023). Additional information on Venezuelan migration to Brazil and on the context of civil society and trade union responses in Brazil comes from the following: Interviews in Brasilia with Tatyana Scheila Friedrich, Director of Immigration, Ministry of Justice, Brazil; Paulo Iles, General Coordinator for Immigration Policy, Ministry of Justice, Brazil; and Leonardo Cavalcanti, Associate Professor and Director of the Observatory of International Migration/OBMigra, University of Brasilia (June 5-9, 2023); and Remote Video Interviews with Luana Castelo Branco, General Coordinator of the National Comm. for Refugees, Ministry of Justice, Brasilia, Brazil (May 4, 2023); Nilton Freitas, Regional Representative for Latin America and the Caribbean, Building and Woodworkers International Union, Panama City, Panama (June 9, 2023); Priscila Dutra, Labor Lawyer, Co-founder of ASOVENFI, Foz do Iguacu, Brazil (July 24, 2023); Manasses Oliveira, President, FEACONSPAR, UGT-Parana, Curitiba, Brazil (Aug. 7, 2023); Andre Passos, Partner, Passos and Lunard, Curitiba, Brazil (Aug. 4 and 7, 2023); and Gelson Santana, President, STICC, Porto Alegre, Brazil (Sept. 7, 2023).

¹⁰⁶ See *supra* note 76 and accompanying text. The reform decimated union budgets: by one estimate, most unions lost 99% of their income almost overnight. Francisco Gérson Marques de Lima, *Sindicatos em números: reflexões pontuais sobre o sindicalismo brasileiro após 2017* [Unions in Numbers: Reflections on Brazilian Unionism After 2017] 12-14 (Departamento Intersindical de Assessoria Parlamentar 2022), https://www.diap.org.br/images/stories/sindicatos_em_numeros_2022.pdf. The Bolsonaro government also abolished the Ministry of Labor and reduced staffing of the labor inspectorate, which granted further latitude to exploitative businesses. Casado, *supra* note 77; Thiago Resende & Danielle Brant, *Verba para fiscalizações trabalhistas cai pela metade no governo Bolsonaro* [Budget for labor inspections falls by half under Bolsonaro government], *FolhadeSaoPaulo* (Sept. 20, 2020), <https://www1.folha.uol.com.br/mercado/2020/09/verba-para-fiscalizacoes-trabalhistas-cai-pela-metade-no-governo-bolsonaro.shtml>.

Simultaneously, SindicAndo encouraged migrants to organize themselves into associations that could work with unions and government bodies to fill gaps in protection. The effort ultimately reached over 270 unions and civil society organizations.

As it traveled around Brazil, SindicAndo encountered some recurring obstacles. There were unions that refused to participate, asserting that Venezuelans were taking jobs that should have gone to Brazilians.¹⁰⁷ Others simply said that in the wake of the labor law reforms, they did not have the resources to help Brazilian members, much less newcomers. For their part, some migrants expressed distrust of unions based on their experiences in Venezuela, fearing that a union would take their money and give nothing in return. In a number of places, however, SindicAndo became the catalyst for lasting collaborations between unions and migrant associations to advance workers' rights.

In some cities, SindicAndo worked with unions that were willing to invest in migrants even though their own sector had few Venezuelan workers. In Manaus, near migrants' point of entry in the Amazon, SindicAndo's strongest partner was the banking workers union within the UGT-Amazonas labor federation.¹⁰⁸ Few Venezuelans qualify for the banking jobs that the union represented, but the union saw helping migrant workers as an act of solidarity, and also as a way to increase the level of formalization of workers and to reinforce the floor on labor conditions in the city as a whole. As a part of one of its first workshops in 2019, SindicAndo matched the union with a group of Venezuelans were organizing themselves to address the community's immediate needs for food and shelter and to work toward access to Decent Work. The president of the banking workers union also holds the presidency of the UGT-Amazonas, and the UGT began providing legal and financial support for the founding of the Association of Venezuelans in the State of Amazonas (Associação dos Venezuelanos no Estado do Amazonas, or ASOVEAM).

ASOVEAM was formally launched in 2021, and is now housed in the UGT's office. The UGT and ASOVEAM are now supporting an emerging Warao migrants' association. ASOVEAM, which is led entirely by Venezuelans and runs on a volunteer basis, offers Portuguese and job training classes,¹⁰⁹ as well as a course on workers' rights and responsibilities in Brazil. Together, UGT and ASOVEAM place migrants in formal jobs, and take on cases of migrants facing abuse. Although migrants may be reluctant to approach trade unions, unaware of the benefits unions offer and afraid that the dues will diminish their already-inadequate wages, they trust the Association.

¹⁰⁷ Union resistance to organizing immigrants is a common dynamic. See *supra* note 87. See also Nilton Freitas, *Proteger os direitos do trabalhador imigrante no Brasil: o papel dos sindicatos* [Protecting Migrant Workers' Rights in Brazil: The Role of Unions], in *Informalidade e proteção dos trabalhadores migrantes: navegando pelo humanitarismo, securitização e dignidade* [Informality and the Protection of Migrant workers: Navigating Between Humanitarianism, Securitization, and Dignity] 79-88 (Outras Expressões 2022) (highlighting obstacles to trade union engagement with migrants in Brazil in particular, and describing a construction union's organizing initiative with Haitian immigrants); *Migrant Workers Rights to Freedom of Association and Collective Bargaining* 45-88 (ILO June 2023), https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_883446.pdf (describing recurring obstacles to trade union

¹⁰⁸ The UGT-Amazonas is the União Geral dos Trabalhadores do Amazonas (General Workers' Union of Amazonas), a branch of the national UGT union federation. The banking workers union is the Sindicato dos Empregados em Estabelecimentos Bancários do Estado do Amazonas (The Union of Banking Employees in the State of Amazonas) (SEEB-AM).

¹⁰⁹ These include language classes, courses in preparation for particular lines of professional work (computer programming, intellectual property registration) and jobs requiring less education (cashier, baker, bricklayer, painter), support for entrepreneurship, and dissemination of job openings. ASOVEAM's Facebook and Instagram pages advertise the classes and employment opportunities. (Screenshots on file with author.)

ASOVEAM connects migrants to unions in situations where workers face exploitation. Union staff then gather information, file a complaint with the employer, and see it through to resolution, including judicial intervention where necessary. ASOVEAM has also taken on a key policy role in Manaus, vice-chairing the city's Committee for Migrant and Refugee Policies.

In other locations, SindicAndo worked with unions that were already engaged with migrants in their own industry, in order to extend support to Venezuelans in other sectors whose unions were unresponsive. In 2022, when SindicAndo came to Dourados, a small city in western Brazil, it found an active partner in the construction workers union SINTRACOM,¹¹⁰ which had already been fighting for several years for the rights of first Haitians and, later, Venezuelans on building sites in the city. When migrants began to arrive in Dourados, the union had seen construction firms hire them off the books, paying below the wage set by federal law as well as the higher wage required by the union contract, and requiring them to work under dangerous conditions without training or safety gear. SINTRACOM successfully demanded that firms formalize the workers. It took particularly egregious cases of abuse to the government. And it invited the migrants to join the union. Migrants now make up over a quarter of the union's membership, and since late 2022 Venezuelans sit on its elected board as well.

Outside of construction, however, migrant workers in Dourados had little support. The meatpacking industry, where most Venezuelan and Haitian migrants were employed, had low pay, long hours, and dangerous working conditions. The meatpacking union was unresponsive to Venezuelans' requests for help. In the absence of a willing union partner in meatpacking, SindicAndo connected the group of Venezuelans with SINTRACOM. Although the construction union does not represent meatpacking workers, it has become the group's closest ally and source of support, helping them organize an association, gain legal recognition, and meet the immediate needs of new arrivals. In May 2023, ODINHASF,¹¹¹ the Venezuelan migrant association of Dourados, was formally launched at an event sponsored by SINTRACOM. The association has a broad mission, including addressing the community's housing needs and advancing workers' rights. With regard to labor, it is currently working with federal prosecutors in Dourados to demand that the meatpacking union answer to the workers' concerns. It is also carrying out a census of Venezuelans regarding their working conditions, providing them with information about their rights, and helping them bring complaints regarding abuses.

These and the other migrant association-trade union collaborations supported by SindicAndo are new and small-scale. Nonetheless, they illustrate the potential for self-organization and union representation to go hand in hand in building vehicles for Venezuelans and other migrants in low-wage and informal employment in Brazil to demand better treatment on the job. The unions featured here that have made it a priority to support migrant workers in their industry are noteworthy within the Brazilian labor movement; those that have supported migrant associations in order to improve labor conditions for Venezuelan and other migrant workers beyond their sector stand out even more.¹¹² For their part, the migrant associations described here are building community-based initiatives that have the potential to take on labor abuses across the industries where their members work.

¹¹⁰ SINTRACOM stands for Sindicato dos Trabalhadores nas Indústrias da Construção Civil e Mobiliário (Union of Civil Construction and Furniture Workers).

¹¹¹ ODINHASF stands for Organização de Infraestrutura e Habitação Santa Felicidade de Dourados (The Santa Felicidade Organization for Infrastructure and Housing of Dourados).

¹¹² On legal and structural factors that have limited Brazilian unions' engagement with migrants in the past, see Freitas, *supra* note 107, at 80-83. Despite these obstacles, prior to the arrival of Venezuelans, several Brazilian unions in the construction and cleaning industries had launched campaigns to respond to the needs of Haitian workers in their industries. Id. at 85-86; Interviews with Nilton Freitas, Manassés Oliveira, and Gelson Santana, *supra* note 105.

Most associations are currently operating on a shoestring, with volunteer staff and donated equipment and office space. If they are able to find sustained funding, they will be in a position to help migrants defend their rights where unions are unresponsive, where migrants have concerns about joining a union, or where they are so mobile that union membership does not respond to their needs.¹¹³ In these ways, the associations can build a bridge for migrants and refugees to engage with unions and the agency and collective power they bring.

► Conclusion: summary of lessons learned for other contexts of displacement

Today, all workers in Colombia and Brazil face significant challenges when they seek to organize on the job. The obstacles for migrants are even greater. But displaced Venezuelans and their allies are beginning to take steps to raise the floor at the bottom of the labor market. Efforts such as these represent an important starting point to advance Decent Work where migrants and refugees are concentrated in informal and low wage formal sectors. They highlight circumstances in which migrants—far from being passive victims of inevitable exploitation, as they are often portrayed—are actively working to improve wages and working conditions in the industry where they find themselves, in ways that have the potential to benefit all workers in those sectors.

The following observations draw on the experiences of Venezuelan migrant and refugee workers in Colombia and Brazil set out in this paper. While these reflections may be most applicable in countries in Latin America and the Caribbean hosting displaced Venezuelans, they are offered in the hope that they will resonate in other contexts of displacement as well.

- **For all refugees and migrants, access to an unrestricted work permit is a critically important first step in labor market integration.** Key elements of a permit that facilitates Decent work are that it is granted to the refugee or migrant rather than the employer; allows the individual to move between jobs, sectors, and regions; and guarantees equal labor standards to citizens, including as to wages, conditions of work, and the right to join unions.¹¹⁴
- **Even where a significant proportion of the labor market is informal, a work permit appears to facilitate meaningful improvements in refugees' and migrants' wages and working conditions.** Whether or not refugee and migrant workers are able to access formal employment after regularization, a work permit offers them protection from deportation and other sanctions. This increases their bargaining power, including a greater ability to report and demand change in exploitative conditions or to leave a bad job for one that offers better terms.
- **Nonetheless, particularly in countries with high levels of informal and low-wage formal work,** more is needed for migrants and refugees to access Decent Work. Even after receiving an unrestricted work permit, newcomers are likely to continue to experience lower wages, worse working conditions, more precarious employment, and higher levels of informality than local workers. Women migrants and refugees are more disadvantaged than their male counterparts along each of these dimensions.

¹¹³ The Brazilian “unicidade” model allows only one union to represent workers in each sector in a given region. Which union plays that role varies from region to region. Venezuelan migrants in Brazil move often, and thus may not be employed in one place long enough to benefit from the services associated with membership in a given union. Membership in a migrant association, by contrast, is not contingent on the sector in which members work, so a migrant can remain affiliated with an association while changing jobs and industries

¹¹⁴ Gordon, *supra* note 27 at 30-31; *Employment and Decent Work*, *supra* note 27, at 2-5.

- ▶ It is essential to speed up the process of credential recognition and licensing, so that displaced people with professional qualifications can exit from informal jobs into formal positions commensurate with their skills. Investment in such efforts addresses pervasive occupational downgrading for migrants and refugees, and allows the host country to benefit from their contributions.
- ▶ For the majority of refugees and migrants without higher education and professional credentials, however, exit from informal and low-wage formal work is unlikely to be an option in the short and medium term. For these workers, it is important to support their ability to exercise agency, or voice, in order to demand improvements in the informal and low-wage formal jobs they currently hold.
- ▶ Migrants and refugees can organize and have organized to achieve improvements at work, despite the precarity and vulnerability they face. Likewise, informal workers can act and have acted collectively to better their labor conditions, even if their employment is not formalized. It is often assumed that workers with precarious immigration status have no rights or cannot demand compliance with those they have. The same is frequently said about informal workers. Yet around the world, immigrants and informal workers have proved this untrue. The case studies presented here document emerging efforts to this end in the context of Venezuelans in Colombia and Brazil.
- ▶ When migrants and refugees are able to demand compliance with their labor rights individually and collectively, it raises the floor in the labor market overall. This benefits local workers in low-wage sectors as well as the newcomers themselves.
- ▶ Democratic independent unions that incorporate migrants as full members are an ideal vehicle for such collective action. Where democratic independent unions are not present in the sectors where migrants work, or where migrants are not comfortable approaching unions, migrant workers' associations can offer an alternative or a bridge to trade unions.
- ▶ Efforts to support migrant and refugee workers in improving their own working conditions will require substantial new investment if they are to succeed. The cases profiled here did not arise spontaneously. They reflect deep engagement by civil society organizations and trade unions in building institutions through which migrant leadership can grow and migrant engagement in collective efforts to demand Decent Work can be sustained. Funding and other forms of support for such work are essential for it to have a sustained impact on the wages and working conditions of migrants, refugees, and local workers in informal and low-wage formal jobs.



► ILO brief

Decent Work for Displaced People: Lessons from the Experiences of Venezuelan Migrant and Refugee Workers in Colombia and Brazil

► List of Acronyms Appearing in Text

ASOVEAM	Associação dos Venezuelanos no Estado do Amazonas (Association of Venezuelans in the State of Amazonas), Brazil
CDHIC	Centro de Direitos Humanos e Cidadania do Imigrante (Center for Human Rights and Citizenship), Brazil
CUT	Central Unitaria de Trabajadores de Colombia (Central Union of Workers of Colombia)
GDP	Gross Domestic Product
IOM	International Organization for Migration
ODINHASF	Organização de Infraestrutura e Habitação Santa Felicidade de Dourados (The Santa Felicidade Organization for Infrastructure and Housing of Dourados), Brazil
PEP	Permiso Especial de Permanencia (Special Stay Permit), Colombia
SINTRACOM	Sindicato dos Trabalhadores nas Indústrias da Construção Civil e Mobiliário (Union of Civil Construction and Furniture Workers), Brazil
UGT-AM	União Geral dos Trabalhadores do Amazonas (General Workers Union of Amazonas), Brazil
UNHCR	United Nations High Commissioner for Refugees
UNIDAPP	Unión de Trabajadores de Plataformas (Union of App-Based Delivery Workers), Colombia

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