

Considerations regarding the response to the Venezuelan migrant and refugee population in the context of the socio-natural disaster caused by the earthquakes

The 7.2 and 7.5 magnitude earthquakes that struck northern Venezuela on June 24 constitute a socio-natural disaster of unprecedented scale. The magnitude of the tragedy has exacerbated the existing humanitarian and economic emergency, as the collapse of infrastructure has left thousands of families homeless. Against this dramatic backdrop, countless instances of internal displacement have already been recorded, and cross-border migratory movements are also to be expected. Given this situation, it is timely to recall the obligations of countries receiving migrants and individuals in need of international protection, as well as the best practices that both these countries and the Venezuelan state could adopt.

To countries receiving Venezuelan populations:

1. Permanently cancel or suspend forced returns or deportations

The forced transfer or deportation of individuals to a place where they risk persecution, torture, or other serious or irreparable harm would amount to *refoulement*, a practice explicitly prohibited under international refugee and human rights law. International law also prohibits collective expulsions and the arbitrary detentions associated with them.

In line with regional best practices, measures of this kind were implemented in response to the devastating humanitarian consequences of Hurricane Mitch, which struck Honduras and Nicaragua (1998), and the earthquakes in El Salvador (2001) and Haiti (2010).

- 1.1. Ensure that Venezuelan nationals and stateless persons **are not deported, expelled, or otherwise forced to return to that country; this entails permanently cancelling or suspending—for a minimum of six (6) months—any coercive return** measures targeting Venezuelans.
- 1.2. The suspension of forced returns must extend to asylum seekers **whose claims were rejected prior to the earthquakes**. Even if it was previously determined that they did not require international protection, the new circumstances in Venezuela could now provide grounds for them to seek asylum again and potentially be recognized as *sur place* refugees.

2. Granting international protection status

According to UNHCR, in the context of natural disasters and displacement, international human rights law obliges States to adopt all necessary positive measures to protect and preserve the right to life and human dignity. This includes measures to protect persons who have been forced to flee.

In the context of socio-natural disasters, persons seeking international protection might qualify for refugee status recognition due to a well-founded fear of persecution—in accordance with Article 1A(2) of the 1951 Convention—or be forced to flee their country as a result of events seriously

disturbing public order—as established in Conclusion III(3) of the 1984 [Cartagena Declaration on Refugees](#).

According to UNHCR, many Venezuelans were already [in need of international protection](#).

2.1. Refugee status

Follow UNHCR's [Legal considerations regarding claims for international protection made in the context of the adverse effects of climate change and disasters](#) and apply the regional refugee definition to grant protection, where appropriate.

2.2. Complementary protection status.

Grant complementary protection, recognizing that grounds for international protection may exist in accordance with general principles of international human rights law, such as **non-refoulement obligations**, including the right to life.

3. Facilitating the granting of migration statuses

Without prejudice to the human right to seek and receive asylum, States are encouraged to utilize legal stay arrangements or temporary protection mechanisms, as well as regional frameworks for the free movement of people, by granting migration statuses.

3.1. Establish expedited, flexible regularization mechanisms with medium- and long-term coverage, including options for family reunification via sponsorship, humanitarian permits (parole), temporary protection permits, and—in the case of Colombia—the reinstatement of the Temporary Protection Statute (ETPV).

3.2. Recognize expired passports and other expired documents as proof of identity. This is a practice that several countries have adopted regarding the Venezuelan population; it should be resumed and extended.

To the Venezuelan State

1. **Restore consular services.** The earthquakes elicited significant displays of solidarity from countries that do not share an ideological affinity with Venezuela. Citizens should not have to bear the consequences of political differences between their leaders; furthermore, Venezuelans abroad and migrants in Venezuela alike need the support of their consular services more than ever to carry out various administrative procedures.
2. **Waive the fee for consular safe-conduct documents** on humanitarian grounds and facilitate the process for citizens located in countries without consular services. No Venezuelan citizen's return to their country should be made conditional upon the payment of a fee for a procedure; such a requirement is unconstitutional and must be eliminated.

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