

**The multi-level governance of the Venezuelan mass immigration influx in the Peruvian northern region of Tumbes: The analysis of the policy implementation gap through the multi-level governance of immigration policies and surrogate states frameworks<sup>1</sup>**

**Author:** Chiara Marinelli<sup>2</sup>

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## **1. Introduction**

Peru, a traditional emigration country, faced a mass immigration influx due to the Venezuelan displacement caused by the economic and political crisis of their country. This type of immigration process causes several consequences in the host country, including social needs that must be covered, political and social tension within the local government and population, security risks, or economic effects; all of which must be managed by the different level of government (Scholten and Penninx 2016, 94; Hepburn and Zapata-Barrero 2014, 4).

The Peruvian national government approved a protective immigration policy whose implementation is in the hands of the local governments, especially the Peruvian northern border region of Tumbes that is receiving most of the Venezuelan migrants (Betts, Ali, and Memisoglu 2017, 4; Mccollum and Packwood 2017, 156; P. Scholten and Penninx 2016, 93). However, due to the lack of coordination and resources of the local government, the

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<sup>2</sup> Chiara Marinelli holds a Law degree issued by the Pontifical Catholic University of Peru and a Master’s in Public Policy degree issued by the Central European University and the Instituto de Estudios Internacionales de Barcelona. The author is an Italian-Peruvian lawyer and public policy specialist committed to the analysis and development of policies against the worst forms of human exploitation, organized crime, and gender-based violence. She has several years of experience in government work, multisectoral strategies, and collaborative work with civil society and international organizations, including consulting and project coordination. The author is a member of the Interdisciplinary Group of Prospective for Public Policies, Security and Anti-Corruption section (School of Government and Public Policy, Pontifical Catholic University of Peru).

implementation of the policy seems to be left in the hands of international and national organizations that operate as surrogate states.

This paper aims to answer the following question: how the multi-level governance of immigration policies and surrogate states frameworks can help to analyze the implementation gap in the Tumbes case study? To answer this question, the methodology includes a literature review and the analysis of the Peruvian public policy decisions, legal frameworks, and local resources for policy implementation. The study aims to contribute to foster the research regarding multi-level governance and surrogate states as important tools to study immigration policies and their implementation (Caponio and Borkert 2010, 22).

## **2. Multi-level governance of mass immigration influx: the role of the local governments and the implementation gap<sup>3</sup>**

Peru is facing a mass immigration influx of Venezuelan people that are leaving their country because of the economic and political crisis. A mass immigration influx is a process when a large number of people leave their country and reach another State in a brief period, because of several reasons such as war, violence, natural disasters, political or economic crisis (Jacobsen 1996, 657). This type of immigration process causes several consequences in the host country, including social needs like shelter, food, and water, health emergency, among other necessities, that must be covered to protect the migrants; political and social tension within the local governments and population due to increase of racism and xenophobia; economic effects in the national and local markets; and possible security risk related to the increase of population and the lack of possibility or capacity to cover their basic needs. All of these situations must be managed by the different level of government of the host country.

The multi-level governance framework is an useful tool to analyze the management of this type of influx and the related policies implementation. This framework aims to examine the

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<sup>3</sup> In this paper, the reference to local government includes both regional and local levels. This is because the paper aim to analyze the situation of Tumbes that, even if it is a regional government of Peru, it only has a population of approximately 225 000 citizens (INEI 2017). This population size, in Europe, is related to local governments and the main literature on the topic is about this level of government.

convergence and coordination between different levels of governments in the design, adoption, implementation, and evaluation of immigration policies (Scholten and Penninx 2016, 94; Hepburn and Zapata-Barrero 2014, 4). Hence, at the international level, local governments are taking a leadership role in immigration policies, not just by implementing national decisions but by elaborating their policies (Farris and Holman 2017, 143). Literature in the topic calls this transformation a ‘local turn’ and suggests that it can help to explain the different approaches of immigration at the local level (Zapata-Barrero, Caponio, and Scholten 2017, 242; Scholten and Penninx 2016, 98–101).

However, the role of local governments differs according to their competencies and the State’s structure in each country, based on the center-periphery model and the degree of centralization-decentralization reached by the country (Caponio and Borkert 2010, 166). Regarding immigration policies, the trend still seems to be that the policy is designed and approved by the national government but is implemented by the local governments (Betts, Ali, and Memisoglu 2017, 4; Mccollum and Packwood 2017, 156; P. Scholten and Penninx 2016, 93).

In these cases, the interaction between national and local governments, also called the vertical dimension of multi-level governance (Zapata-Barrero, Caponio, and Scholten 2017, 244), helps to explain the goals and gaps in the implementation process (P. W. A. Scholten 2013, 217–18). Also, in this type of top-down implementation process, the difficulties regarding communication and coordination between the different levels of government and the lack of resources and capacities of local governments make the implementation process difficult to achieve (Jacobsen 1996, 664).

To figure out if the local government can implement the immigration policy settle by the national government is important to identify the actors involved and their interests, capacities, and limitations (Lahav and Guiraudon 2006). The main actors are the local government and its population, the international or national organizations that operate in the field, and the migrants themselves (Jacobsen 1996, 657).

Regarding the local government, the existence of a specific office related to the topic or a commission is a significant indicator of the political will of the local government towards the implementation of the immigration policy. Also, is important to be aware that the position of the different governmental institutions, such as a directorate or a department, in charge of the immigration policy in the governmental hierarchy is a significant issue for effective implementation (Schiller 2017, 274). A high position in the structure and a close relation with the decision-makers can ensure a better implementation process.

Similarly, local context appears as a dominant factor. The local government is a political body so the perception of the local population toward immigration influences policy decisions (Farris and Holman 2017, 145; Huang and Liu 2018, 14). There are at least three different hypotheses on the reaction of local citizens to immigration flows: (i) a hostile attitude due to scarce resources that now have to be shared with the immigrants; (ii) a positive attitude as a consequence of the interaction between both groups; and, (iii) an adverse reaction as an effect of the large number of immigrants that arrives in a small amount of time in a territory that was never before an immigration destination, plus a low local absorption capacity that can affect the willingness of the local population to accept the immigration influx (Huang and Liu 2018, 13; Jacobsen 1996, 666–79).

Concurrently, local governments must respect human rights provisions and international or regional regulation and provide a certain level of assistance to immigrants, including irregular ones (Lahav and Guiraudon 2006, 215–18). These legal obligations, which include the use of local resources, maybe be in contradiction to the local population interest, their political position, or the policies promoted by the national government regarding migrants and their irregular status in the country (Delvino 2017, 4–5).

Other actors involved in immigration management are international organizations such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM), or international and national non-governmental organizations. These organizations aim to foster the protection of migrants and, in some cases, their interests are contrary to the interests of the different States where they operate.

Services provided vary between legal aid, shelters and food, health care and education, and labor training. This assumption of responsibilities usually related to State obligations led to the consideration of these organizations as surrogate states (Slaughter and Crisp 2009; Ahouga 2018, 1526).

Finally, is important to consider the migrants themselves, with their interests and necessities. Migrants are usually considered as beneficiaries of immigrant policies but they can also promote the inclusion of the topic in the agenda or shaping the design or implementation of the policies. Their interests are related to migration regularization, emergency aid, and education or labor integration. These interests may conflict with the local population's interests or go beyond the possibilities of the local government's resources.

### **3. Case study: Venezuelan mass immigration influx at the Peruvian northern region of Tumbes**

Historically, Peru has been an emigration country and not an immigration one but this tendency has been changing rapidly in the last two decades (Ministry of Foreign Affairs 2017). For example, between 2004 and 2014 the number of foreign workers increased by 793%, and the mass immigration influx of the Venezuelan population that, according to the last report of the National Superintendence of Migrations have reached 600 000 admissions at the national territory in November 2018 (Gestión 2018; OIM 2015). Furthermore, immigration policy in Peru is highly centralize with the national government designing and approving the main policies and local governments, and all the institutions in the field, as secondary actors in charge of the implementation without further resources or expertise. Due to this situation, the Peruvian response regarding an immigration influx can be near to the third approach on an adverse reaction to mass migration. In fact, 39% of the Venezuelan citizens who have been in Peru for more than 30 days declared to have suffered discrimination (IOM 2018, 13).

When the Venezuelan immigration starts, in 2015-2016, the first problem raised by the migrants was related to the impossibility of sending their child to the school because of the

lack of documents. Considering the National Migration Policy approved by the Ministry of Foreign Affairs on April 26<sup>th</sup>, 2017, which includes the Strategic Objective 4: “Promote the integration of foreigners and foreigners in Peruvian society, guaranteeing the protection, attention, and defense of their human rights and cultural identity”<sup>4</sup>, the Interior Ministry created the Temporary Permit of Permanence for the Venezuelan migrants<sup>5</sup> which allows them to stay, study or work in Peru.

Although the policy was adopted by the national government, the procedure to access the permit is carried out in the Zonal Headquarters of the National Superintendence of Migrations that are in each region of the country. Moreover, to work, the Regional Directorates of Labor and Employment Promotion must approve the contracts of foreign citizens. In addition, all the emergency services such as shelters, legal aid, or psychological treatment that the immigrants, as a vulnerable population may need, are provided at the local level. As a result, the policy was designed and approved at the national level but its implementation is in the hands of the local government.

To enhance immigration management, some local governments created specific departments or directorates in charge of the implementation of the policies, however, this is not the case with Tumbes (Schiller 2017, 272–73). In this region, the existing directorates and the national-level offices already working in the territory have undertaken the responsibility of implement the new policy with the existing resources. In this sense, the articulation between the different directorates and institutions is due to bilateral work without binding decisions and depending on the will of the civil servants and their sensibility on the topic (Schiller 2017, 274).

In addition, according to the Services Directory prepared by the Working Group on Attention, Protection, and Reintegration of Victims of the Multisector Commission against Human

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<sup>4</sup> Own translation. Original text in Spanish: Promover la integración de los extranjeros y extranjeras a la sociedad peruana, garantizando la protección, atención y defensa de sus derechos humanos e identidad cultural.

<sup>5</sup> Initially, the term to apply for the Temporary Residence Permit was one year. Subsequently, this was expanded by Supreme Decree No. 023-2017-IN and by Supreme Decree No. 001-2018-IN, until December 31, 2018.

Trafficking and Migrants Smuggling<sup>6</sup>, at the end of 2017, Tumbes only had one Public Lawyer for legal assistance and a Woman Emergency Center for psychological attention of women victims of gender-based violence. With this lack of resources, the regional government requested the declaration of the state of emergency in the region due to the exceeding of the response capacity of the local entity (Presidency of the Council of Ministers 2018). The national government declared the state of emergency and assigned the responsibility of the immigration management to different Ministries in coordination with the local government; however, it did not increase the budget or create a specific body to lead the efforts.

This gap in the implementation of the protective immigrant policy created the space for the appearance of a surrogate state. The international organizations and national non-governmental organizations are providing emergency aid and legal and health assistance to Venezuelan migrants. The UNHCR, IOM, the Red Cross, the NGO Encuentros, and other 29 organizations created the Working Group on Refugees and Migrants in the region of Tumbes to coordinate their work with the national and local government, to publish reports about the migratory flow, the aid provided and the urgent needs in terms of assistance and risk, and to create a Response Plan for 2019 (UNHCR 2018; United Nations 2018; Working Group on Refugees and Migrants 2018).

The international and local organizations are taking the role of the State with the creation of an institutional framework for coordination and communication, that avoids overlapped efforts and provides effective management of the scarce resources. It also covers the main necessities of the migrants, most of which are in transit to a final destination country different from Peru. According to IOM, 76% of Venezuelans that are in Tumbes wants to move to another city or country, 75% of them requiring labor integration, 45% of them does not have regular access to food, and 39% look for legal assistance for documents procedure (IOM 2018, 10-14).

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<sup>6</sup> The Services Directory was approved in the Working Group session of October 20, 2017, and it was requested to the General Directorate of Democratic Security of the Ministry of the Interior that exercises the Technical Secretariat of the Multisector Commission.

#### **4. Conclusions**

The Venezuelan immigration to Peru causes a mass migration influx that the various levels of government must manage through coordination and communication. However, in the Peruvian case, the immigration policy was designed and approved by the national government without the participation of the local governments in charge of its implementation. In the case of Tumbes, the Peruvian region that receives the migrants when they arrived at the Peruvian border, this situation plus the lack of an office that oversees the implementation process and adequate resources, led to an implementation gap that was solved by the work of the international and national organizations.

The multi-level governance of immigration policy frameworks provides indicators to analyze the implementation gap faced by the Peruvian government. First, the importance of the government structure, both the relationship between the diverse levels of government and the internal organization of the local government; and second, the significance of the various actors involved and their interests and capacities. One of these actors in the international and national organizations that, sometimes, take the role of the state and implement the immigration policy, especially regarding emergency aid and social and legal assistance.

In conclusion, both frameworks converge and in the case study of the Peruvian border region of Tumbes, help to understand the implementation gap of the immigration policy and the emergence of a surrogate state.

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