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Visa Policies as Externalisation Practices in the Global South

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NATALIA CINTRA, OCT 2 2021

Whenever the topic of externalisation of borders comes up, it hardly ever refers to Global South borders. Most analysis on externalisation involve Global North's countries attempts to move their migration controls further away, particularly to Global South's territories, as is the case of Turkey, Libya, Mexico, Guatemala and Nauru, to name a few. This reiterates a long-established pattern of global power dynamics between the Global North and South in which the latter concentrates the unwanted migrants of the former. It also creates an assumption that externalisation is a border control technology exclusively applied by Global North countries. Needless to say, such assumption is inaccurate. As externalisation makes it more dangerous and costly to migrate to Global North countries, new patterns of mobility emerge, and unforeseen destinations in the Global South arise as alternative routes for those migrants who do not wish to take such high risks. This, in turn, also triggers some of these unexpected destination countries to engage in similar externalisation technologies themselves, even if not as overtly as Global North states. This has been precisely the case for countries in South America, most notably Argentina and Brazil.

In the case of Argentina, a growing number of Senegalese immigrants arriving over the course of the 2000s was noteworthy. This was partly due to European externalisation practices and their consequent more dangerous migration pathways, as well as a general understanding of Latin America as a more open region towards migrants with, at that time, a growing economic landscape. Senegalese immigrants would get Brazilian visas in Dakar, arrive regularly and then cross the Brazil-Argentina border irregularly. Once in Argentina, they would apply for asylum and be able to have access to a limited set of rights whilst waiting for the results of their asylum claim. With the significant increase in asylum applications by Senegalese individuals, the Argentine government pressured Brazilian authorities to halt visa authorisations to Senegalese citizens in an attempt to prevent further arrivals (Vammen, 2019).

Visa policies and border diplomacy are not the most visible externalisation tactic, but they have long been applied and are well known in the case of Global North countries. Externalisation through restrictive visa policies among Global South countries, however, does not receive similar attention. Latin America, specifically, is mostly internationally praised and known for its progressive views, laws, and policies regarding migration and asylum. A similar look at how this progressive formal stance is parallel to more restrictive, securitarian and concealed mechanisms and practices of migration control is thus necessary to fully uncover the lived experiences of forcibly displaced migrants in the region. Similar to Argentina, Brazil also deployed diplomatic pressure on a neighbouring country, Ecuador, to change its visa policies in order to prevent the arrival of Haitian migrants.

Since 2010, when Haiti was heavily affected by an earthquake, thousands of Haitians crossed the Brazil-Peruvian border. As of 2015, almost 45,000 Haitians had pending asylum applications in the Brazilian National Committee for Refugees (CONARE). Although Haitians currently have access to a specific humanitarian visa, this was not the case when they first started arriving in the country. Their displacement involved a complex trajectory, starting in Haiti or the Dominican Republic, through Ecuador, which then had an 'open visa' policy, followed by crossing Peru until reaching the border with the Brazilian state of Acre. Upon entering, Haitians applied for asylum, as there was no other permit available that fit their circumstances.

Even after CONARE ruled that Haitians were not refugees, it did not prevent them from continuing to apply for

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asylum. In 2011, considering their constant asylum applications, the president of the CONARE disclosed, in an official meeting, that there were 3 alternatives for managing their migration, which were widely discussed by migration authorities:

- The first one would be a collective deportation to Haiti, which, despite its lengthy official discussion, was formally abandoned due to reported humanitarian responsibility and overall international illegality of collective deportations;
- The second, their recognition as refugees. Despite the acknowledged volatile and violent circumstances in Haiti, he disagreed with the recognition of Haitians, both in terms of the 1951 Convention and in terms of the more ample refugee concept prescribed in the Cartagena Declaration of 1984. He feared recognising Haitians as refugees *prima facie* through the Cartagena Declaration's concept could mean an incentive to their displacement to Brazil; and
- Third, forwarding all collectively refused asylum claims to the country's Immigration Council (CNIg), as it had been done since then. This is a very bureaucratic and complex measure which would legally allow the Brazilian government to award Haitians with an exceptional type of permit.

Although some deportations were conducted, and with a very low number of Haitians recognised as refugees, the last option was the most applied throughout the years with regards to Haitians land border crossers. This was not done peacefully and smoothly, though. CNIg members frequently discussed a way to stop land crossings and concentrate visa applications in consular posts abroad. As such, CNIg issued a decision in 2012 which created a so-called 'humanitarian visa' for Haitians, limited to 1,200 a year, which would allow them to apply for a visa in Porto Príncipe. Although such measure was highly praised internationally, debates over this visa uncover the undesirability of Haitian newcomers and the desire of Brazilian authorities to keep their numbers to a minimum. One CNIg member even mentioned the numerical restriction for the humanitarian visa would be necessary so that Haitians would not become a diaspora in Brazil as well as to protect the labour market for Brazilians. In the end of 2012, having seen that the numerical visa cap did not prevent land border crossing, CNIg subsequently changed the initial wording of the visa and removed such limitation. At the same time, the then director of Immigration at the Ministry of Foreign Relations mentioned how Ecuador, the only country in South America with a visa waiver for Haitians, was key for reducing land migration, adding that although attempts to pressure Ecuadorian authorities had been unsuccessful, they would keep putting pressure on that country (debates registered in official CNIg meetings of January and December 2012).

Indeed, no matter the many attempts to switch the migration pattern from irregular land border crossing to formal migration patterns, Haitians kept arriving at the Brazil-Peruvian border at the thousands until 2015, when Ecuador changed its visa policies towards Haiti, as Brazil had initially envisaged. While the official justification to increase border control in Ecuador through a restrictive visa policy was to prevent the action of smugglers, this was hardly based on any evidence. Research on migrant smuggling normally demonstrates quite the opposite, showing the more restrictive border controls are, the more dangerous journeys become, as well as more reliant on the work of smugglers so as to defy mobility controls (Sanchez, 2018). This was in fact demonstrated in the very own migration corridor undertaken by Haitians, after Peru lifted the visa exemption to Haitians in 2012, as a result of diplomatic pressures from Brazil (as seen here). Haitians either had to apply for a Brazilian visa in Quito or resort to a migrant smuggler to cross the Peruvian border irregularly. Many chose to do the latter, especially considering the long waiting periods for the visa (as seen on Melanie Montinard's PhD dissertation, accessible here).

Haitian migration to Brazil thus provides us with a contradictory migration policy landscape, in which, on the one hand, newly developed visa policies towards Haitians allowed formal pathways to migration and, on the other, Brazil continuously engaged in the externalisation of its border control, in order to stop spontaneous land arrivals from Haitians, through diplomatic attempts to influence a more restrictive visa policy in Ecuador. Despite the humanitarian nature of Brazil's overall policy regarding Haitians, some of the official debates and practices demonstrate the undesirability of these migrants. Preventing spontaneous land crossings was thus one of the ways to increase control over numbers of spontaneous arrivals of Haitians, and albeit justifications were mostly based on the need to curb migrant smuggling, diplomatic pressures on Peru and Ecuador to lift their visa waivers to Haitians proved to do quite the opposite.

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After almost a decade of the existence of humanitarian visas for Haitians, and despite the significant decrease in their land arrivals as of 2015, there is still a significant number of Haitians who still cross Brazilian land borders and apply for asylum. In 2018, over 7,000 Haitians applied for asylum in Brazil after crossing a land border. This even made the then coordinator of CONARE state, in 2020, that Haitians still negatively pressure the asylum system in the country, despite the forced nature of their mobility. Even though official refugee decisions concerning Haitians have never changed, many scholars and activists still dispute their status (Hamlin, 2021). Considering waiting periods for the visa, financial constraints many migrants face, and lack of information, many Haitians still engage in a very restrictive and dangerous journey, and it is likely these migrants face even greater vulnerability until they are able to reach Brazil and other South American countries.

Externalisation of border control in South America therefore still affects Haitians trying to cross Ecuador and Peru. It also demonstrates how such practices, most commonly reported in the Global North, are also present in migration management strategies in South-South migration corridors, as demonstrated. Argentina and Brazil are both widely considered more open to migrants than Global North countries, with a normative system that seems to offer less barriers to regular status. Although this is indeed true, it is important to look at institutional practices, official debates and how visa policies are applied on a day-to-day basis so as to uncover the unsaid political will in South America. As Lesser (2013:147) mentions, referring to the historic Brazilian governmental migratory practice, 'Brazilian immigration policy was never straightforward. Sometimes secret policies were more important than official ones'. Concealed practices in migration governance are still paramount to uncover political will and lived experiences of migrants and refugee in the many stages of displacement, i.e. pre-departure, during transit, upon settlement and return. Externalisation through the use of visa policies thus appears as a less overt measure to repel and deter those migrants and refugees who, despite the official established normative infrastructure, are undesirables.

In Brazil, specifically, research concerning visa policies is key to uncover other externalisation strategies. Difficulties accessing official data on visas and diplomatic communication, however, can be a considerable barrier, although some developments in qualitative research. They indicate further attempts to externalise border control in South-South migration corridors. One of such cases are depicted in the increasing discretionary practices involving visa denials concerning family reunification permits for refugees, especially those of African origin (Martuscelli, 2020), particularly victims of unreasonable and life-threatening waiting periods. Shedding light over such otherwise concealed practices will hopefully provoke regional activists, researchers, and migrant organisations to engage in strategies to uncover the consequences of externalisation practices both in South America and other Global South geographies. It is therefore key to engage in a more ample debate over how visa policies and other practices in the Global South contribute in shifting these countries' borders, as well as in creating different spaces of (im)mobility, and increasing the vulnerability of migrants and refugees in these regions.

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About the author:

Natalia Cintra is a Research Fellow at the University of Southampton, and a PhD Candidate in Law at the Pontifical Catholic University of Rio de Janeiro. You can view her publications [here](#), and follow her on Twitter [@cintranat](#).