



In a Public Health Crisis, Protected Status for Venezuelans Is More Urgent Than Ever

April 2020

Venezuela is undergoing a massive humanitarian and human rights crisis, one which has forced nearly five million Venezuelans to flee the country. An estimated 200,000 Venezuelan nationals in the United States are in need of Temporary Protected Status (TPS) – yet, inexcusably, the United States has failed to act to protect them. On April 15, 2019, U.S. Citizenship and Immigration Services (USCIS) stated that it was “continuing to monitor” conditions in Venezuela to determine whether to extend TPS for Venezuelans.

A year has passed since then, with no meaningful protections for Venezuelans in sight. Instead, the United States has continued to subject Venezuelans to deportation proceedings, curtailing their ability to apply for asylum through new policies that limit their eligibility for this type of relief. Meanwhile, the global emergency posed by COVID-19 – which is destabilizing economies and healthcare systems around the world – threatens to utterly devastate the already crisis-ravaged Venezuela, and with it, potentially the rest of Latin America.

As Venezuela hovers on the precipice, the United States’ inaction to protect Venezuelan nationals here is inexcusable. TPS for Venezuelans is more critical than ever: both as a response to an existing crisis that will be dramatically exacerbated by a global pandemic as well as a demonstration of solidarity with the Venezuelan people and our regional neighbors.

- **Venezuela is undergoing a major human rights crisis which will be dramatically exacerbated by COVID-19.**

Venezuela is currently undergoing a major crisis which has had a devastating impact on the human rights of its people. The skyrocketing rate of inflation – which currently stands at over 53 million percent – has left Venezuelans unable to afford even basic goods, and the shortage of food products and essential medicines has left many Venezuelans both starving and sick.

With the onset of COVID-19, this lack of basic resources could be absolutely catastrophic. Already, 80% of hospitals in Venezuela reportedly lack basic supplies or medical staff,¹ and an estimated half of Venezuela’s 30,000 doctors have fled the country.² Even the most basic precaution of handwashing is made impossible, as soap and disinfectants are “virtually nonexistent” in hospitals and medical centers,³ and only 25% of hospitals can count on reliable

¹ “Why the Spread of COVID-19 in Venezuela is a Particularly Frightening Prospect,” WASHINGTON POST, March 20, 2020, https://www.washingtonpost.com/opinions/global-opinions/why-the-spread-of-covid-19-in-venezuela-is-a-particularly-frightening-prospect/2020/03/19/47d94d20-693f-11ea-9923-57073adce27c_story.html

² Julie Turkewitz & Isayen Herrera, “Childbirth in Venezuela, Where Women’s Deaths Are a State Secret,” N.Y. TIMES, April 10, 2020, <https://www.nytimes.com/2020/04/10/world/americas/venezuela-pregnancy-birth-death.html>.

³ Tamara Taraciuk Broner & Kathleen Page, “Venezuela’s Health Care Crisis Now Poses a Global Threat,” HUMAN RIGHTS WATCH, March 12, 2020, <https://www.hrw.org/news/2020/03/12/venezuelas-health-care-crisis-now-poses-global-threat>.

tap water.⁴ Preventable diseases like malaria and diphtheria had already resurfaced in Venezuela before the spread of COVID-19.⁵

While Venezuela has reported only limited COVID-19 transmission thus far, experts believe the actual number may be higher, given that the vast majority of hospitals currently lack tests and that the government has been extremely secretive about public health data.⁶

The government's refusal to act in the face of these severe shortages of basic necessities jeopardizes Venezuelans' lives and violates their human rights. Venezuelans who have been brave enough to stand up for change have faced deadly crackdowns by the Maduro regime, which has overseen the deaths of hundreds of political dissidents and the arbitrary detention of thousands more – including the recent unfounded imprisonment of a journalist who was reporting on the COVID-19 pandemic in Venezuela.⁷

- **TPS for Venezuelans is a necessary measure to demonstrate our solidarity with the Venezuelan people and our regional neighbors.**

The ongoing crisis in Venezuela has impelled close to five million people living within its borders to flee. The Organization of American States has estimated that up to eight million people may flee Venezuela by the end of 2020, far outpacing even the Syrian refugee crisis. Yet while aid dollars for Syrian refugees hit \$5,000 per person in 2018, displaced Venezuelans received only \$100 per person.⁸

Venezuela's regional neighbors have shouldered most of the burden of response. While Colombia had taken in over 1.5 million Venezuelans since the onset of the crisis and had implemented an "open-door" policy allowing Venezuelans to access its territory, in March 2020, it shut its border with Venezuela, citing concerns about transmission of COVID-19.⁹ Other neighboring countries, notably Peru and Ecuador, have received hundreds of thousands of Venezuelans, but have since enacted strict border control measures. Venezuelan refugees and migrants risk facing heightened xenophobia and discrimination as well as losing their livelihoods in the informal sector as governments enact strict stay-at-home measures.¹⁰

In the United States, meanwhile, the Congressional Budget Office estimates that 200,000 Venezuelan people in the United States could benefit from TPS.¹¹ This is a small fraction of the numbers Venezuela's neighboring countries have received.

⁴ Joe Parkin Daniels, "Venezuelan Migrants Struggling to Survive Amid COVID," THE LANCET, March 28, 2020, [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(20\)30718-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(20)30718-2/fulltext)

⁵ Taraciuk & Page, *supra* note 3.

⁶ Moises Rendon, "Venezuela Needs Help to Combat COVID-19," CENTER FOR STRATEGIC & INT'L STUDIES, March 20, 2020, <https://www.csis.org/analysis/venezuela-needs-help-combat-covid-19>.

⁷ Amnesty International, "Venezuela: Prisoner of Conscience Remains on Trial," April 3, 2020, <https://www.amnesty.org/en/documents/amr53/2096/2020/en/>.

⁸ Dylan Baddour, "OAS: Venezuela migration may become world's largest by 2020," AL JAZEERA, June 28, 2019, <https://www.aljazeera.com/news/2019/06/oas-venezuela-migration-largest-world-2020-190628174012682.html>.

⁹ Andrea Salcedo, Sanam Yar & Gina Cherlus, "'Coronavirus Travel Restrictions, Across the Globe,'" April 7, 2020, <https://www.nytimes.com/article/coronavirus-travel-restrictions.html>.

¹⁰ Norwegian Refugee Council, "COVID-19 forces refugees back to crisis-ridden Venezuela," <https://reliefweb.int/report/venezuela-bolivarian-republic/covid-19-forces-migrants-and-refugees-back-crisis-ridden>.

¹¹ Congressional Budget Office, "Cost Estimate: H.R. 549: Venezuela TPS Act of 2019," June 27, 2019, <https://www.cbo.gov/system/files/2019-06/hr549.pdf>.

Yet alarmingly, despite its repeated acknowledgment of the gravity of the crisis in Venezuela, the United States has refused to extend protections to Venezuelans. While the House of Representatives passed the Venezuela TPS Act in July 2019, the Senate has failed to take up the measure. The administration – which could designate TPS with the stroke of a pen – has repeatedly declined to do so, claiming it needed to “continue to monitor the situation.”¹²

Meanwhile, Venezuelan deportation cases have increased nearly threefold since 2018.¹³ Venezuelans, like others applying for asylum, have been subjected to a host of new, insurmountable barriers to accessing protection, including the “Remain in Mexico” program, which returns asylum-seekers to harm’s way in Mexico while they are in U.S. immigration proceedings, and the third-country transit ban, which renders anyone ineligible for asylum who transited through a third country on the way to the United States.

As the crisis of COVID-19 looms, threatening to devastate Venezuela, the United States must act now to protect Venezuelans in the United States from deportation. Amnesty International calls on all U.S. Senators to **cosponsor S. 636, the Venezuela TPS Act of 2019 and to urgently pass the bill**, and on the Trump administration to **swiftly and immediately designate TPS for Venezuelans**. Venezuelans in the United States can wait no longer.

For any questions or for further information, please contact Charanya Krishnaswami, Americas Advocacy Director, at ckrishna@aiusa.org.

¹² See Letter from L. Francis Cissna, available at <https://cliniclegal.org/resources/humanitarian-relief/dhs-response-letter-requesting-tps-designation-venezuela> (Apr. 15, 2019).

¹³ TRAC Immigration, “Cubans, Venezuelans, and Nicaraguans Increase in Immigration Court Backlog,” Jan. 21, 2020, <https://trac.syr.edu/immigration/reports/591/>.