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Latin American immigration and refugee policies: a critical literature review

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Abstract

Against the background of remarkable policy liberalization and the subsequent steep increase of forced displacement in Latin America, the literature on immigration and refugee policy in the region has gained momentum. Although largely overlooked, this literature has the potential to provide a corrective to political migration theory from the Global South. In this article we carry out a systematic, critical review of the regional literature along three thematic axes: legal analyses, normative and explanatory studies. Based on the review of 108 journal articles, we describe the characteristics, main contributions and research gaps of each thematic area. By analyzing legal norms and policy implementation gaps, existing studies on Latin America provide an understanding of migration policy over time and offer important empirical evidence for the advancement of political migration theory, challenging some of the main assumptions attributed to policies in the Global South. However, the lack of engagement with the broader literature and the absence of systematic analyses of its determinants and effects significantly limit the potential of this body of work. We close by making concrete suggestions of how future studies could fill existing gaps both in theoretical and empirical terms, and which methodological approach should be employed.

Keywords: Immigration policy, Refugee policy, Latin America, Literature review, Global South

Introduction

Following the increasing politicization of migration since the Cold War (Castles, 2004), the political migration literature investigating the nature, determinants and effects of immigration and refugee policies has significantly grown since the 1990s. However, what are considered classical works, such as Hollifield (1992) and Castles (2003, 2004) initiated a research tradition mainly focusing on migrant receiving countries in the Global North. Even though Southern countries receive one third of the overall number of

migrants (Ratha & Shaw, 2007) and around 76% of all forcibly displaced people (United Nations High Commissioner for Refugees [UNHCR] 2023a, b, c), less attention has been paid to migration politics in these contexts.¹

More recently, efforts have been made regarding the development of new theoretical approaches that adapt existing migration policy theories to Southern contexts, especially in the Middle East and Northern Africa (Abdelaaty, 2021; Müller-Funk et al., 2020; Natter, 2018; Tsourapas, 2017; 2019). Adamson and Tsourapas (2020) adapt Hollifield's concept of the "migration state" to make it applicable to states with limited state capacity, large diasporas, and affected by forced displacement crisis. Drawing on cross-case statistical evidence and in-depth case studies on Egypt, Turkey and Kenya, Abdelaaty (2021) identifies two factors explaining the nature of state responses worldwide: foreign policy and ethnic politics. Finally, Natter and Thiollet (2022) argue for overcoming the South/North divide altogether, showing that the same drivers of migration policy in the literature focusing on Northern contexts (e.g. binding human rights' commitments) play a role in Southern countries and vice versa. The authors call for more comparative studies that, by controlling for the differences across diverse geographical regions, allow developing global theory.

Critical discussions of regional bodies of political migration literature are crucial to overcome the Global North bias of existing political migration theory and, at the same time, advance the debate on the relevance of the Global North/Global South divide as an analytical category. However, studies on Latin America are often overlooked in these debates. The region is especially important for five reasons: (1) it displays exceptionally liberal *de jure* and *de facto* approaches to the management of human mobility, (2) it hosts heterogeneous internal and intra-regional mixed-migration flows, (3) it has recently experienced a rapid increase of forcibly displaced people from Colombia, Central America, and Venezuela, (4) political responses to these crises have been diverse—leading to policy implementation gaps, (5) Latin American countries present distinct characteristics on variables that have been considered as determinants of migration policy by studies on other regions (e.g. regime type, institutional capacity, nature of labor markets, etc.).

After the fall of the region's dictatorships in the 80's and 90's, Latin American executives adopted a welcoming stance towards migrants and their rights in their political discourses. In some cases, these discourses were translated into significant legal reforms (Acosta, 2018; Acosta & Freier, 2015; Ceriani Cernadas, 2011). Argentina, Uruguay and Ecuador, specifically, incorporated the right to migrate into their domestic law. Except for Cuba, all Latin American countries have ratified the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Moreover, fifteen Latin American countries have incorporated—either partially or fully—the expansive refugee definition of the 1984 Cartagena Declaration² into their national legislation (Freier & Gauci, 2020). Legislative

¹ This geographical bias reflects a broader trend in the field of migration studies, with one noteworthy exception being the attention paid to the topic of the development impact of emigration and remittances in Southern regions (see, for instance, Carling, 2004 or Page and Plaza, 2006).

² The Cartagena refugee definition extends its scope to incorporate those fleeing because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights, or other circumstances that have seriously disturbed public order.

reforms, however, took place in the absence of large numbers of migrants and refugees in the region.

The forced mass displacement of Colombian, Central American, and, especially, Venezuelan citizens has posed significant challenges to policy-makers due to the unprecedented rise in numbers and the region's limited experience with displacement scenarios of this magnitude. The Venezuelan crisis has officially forced close to 8 million people to flee their home country, constituting the largest and fastest growing displacement scenario in the world. The nature of the crisis is largely regional, as Latin American countries currently host 80% of all Venezuelan displacement (R4V, 2023). Despite initially generous receptions, the regional consensus regarding the importance of promoting and respecting migrants' human rights began to be contested in this context (Finn & Umpierrez de Reguero, 2020). Most of the countries receiving high numbers of migrants have imposed restrictions on Venezuelans (e.g. Peru, Ecuador or Chile). The exceptions to this restrictive trend are Brazil, which started to apply Cartagena to Venezuelans in 2019 (Brumat & Geddes, 2023), granting them refugee status, and Colombia, which offers Venezuelans a 10-year-stay permit from 2021 (Selee & Bolter, 2022).

Latin America's exceptional policy liberalization since the turn of the century and the Venezuelan forced displacement crisis have led to increasing scholarly attention regarding the design and implementation of immigration and refugee policies in the region. In this article we review the growing body of research on Latin American migration governance to assess in how far it has contributed to general immigration policy theory and debates. We describe the main trends, contributions, and research gaps of studies on Latin American migration governance. To this aim, we present the results of the systematic review of 108 academic articles on domestic immigration and refugee policies, understood as the measures adopted by a national state actor regulating the entry, stay, and integration of foreigners. We analyze the literature on both refugee and immigration policies as their determinants and effects are often intertwined (Hammoud-Gallego & Freier, 2023). We exclude studies that solely analyze agreements adopted in the framework of regional and international institutions, like the Southern Common Market (Mercosur), as these are only binding if they are incorporated into domestic norms.

Our systematic review shows that existing studies make important contributions to understanding the evolution of migration policy in the region. By incorporating critical perspectives which address whether migration and refugee norms meet human rights' standards, these studies are especially valuable for policy advocacy and imply useful analytical lenses to study immigration and refugee policy in Southern contexts. Studying Latin America holds the potential to advance general theoretical debates on immigration and refugee policies. First, they show that theories developed in the Global North must be adapted to understand migration policy in Latin America. Second, they challenge a number of assumptions attributed to policy-making of states in the Global South shaping an artificial North/South divide (Natter & Thiollet, 2022): the lack of migration policy institutionalization, limited agency in policy decision-making processes and no accountability for societal demands.

We find that only few recent studies have systematically tested determinants and effects of migration policies identified by exploratory research in Latin America, such as foreign policy interests, ideology, international and regional norms and domestic

politics. Across all thematic areas, there is a lack of dialogue with the broader migration policy literature, which limits the potential of the Latin America migration policy literature to advance existing theory. Despite significant advancements, the literature would benefit from more comparative studies within Latin America and trans-regionally that allow for a systematic testing of the causes and effects established in the literature.

The remainder of the paper is structured as follows. After describing our methodology, we outline the evolution of the literature across themes and cases. We then summarize the key findings and contributions of select studies in the three thematic areas (legal analyses, normative and explanatory studies), and identify persisting research gaps. We conclude with a discussion on the contribution of the Latin American literature to political migration and refugee studies and provide recommendations regarding further research with a view to bridging the general and the region-specific political immigration literature.

Methodology

We reviewed migration journals in English and Spanish from lists compiled by the International Organization for Migration, including 106 journals in total.³ We searched for all articles published between 1970 and 2023 in each of the journals under the tagged keywords: “migration policy” OR “refugee policy” AND “Latin America” (*política migratoria*) OR *política de refugio* AND *América Latina*). Using the same keywords, we searched for additional articles in the first 50 pages of Google Scholar, which only yielded 5 additional articles. We retrieved 62 English, 45 Spanish language articles and one in Portuguese.

Little surprisingly, English language journals yielded many publications on migration and refugee policies under the tagged keywords “migration policy” OR “refugee policy”, but the proportion of articles on Latin American migration policy was very low. In the case of International Migration Review (IMR), for example, we obtained a total of 2,035 articles on migration AND refugee policy, but only eight were related to Latin America. More surprisingly, most articles on Latin American migration policy in Spanish were not published in migration journals, but rather in interdisciplinary (e.g. *Revista Austral de Ciencias Sociales*) or regional study journals (e.g. *Polis. Revista Latinoamericana*).

For our coding, we created a database in which we registered basic information of each article: publishing year (most recent when there were online and print publications), language (English or Spanish) and cases covered. After a first round of coding, we identified three thematic areas: legal analyses, normative studies and explanatory studies. The classification is based on the aspects of migration policy that studies analyze: legal norms, normative and implementation gaps, and determinants and effects of migration policy, respectively (see the coding in Appendix 1). These areas reflect different (sub)disciplines and epistemological approaches: legal analyses being conducted within History and Legal Studies; normative studies including critical theory perspectives within Political Science and Philosophy; and explanatory studies constituting (post)positivist studies

³ The lists can be found in: <https://www.iom.int/resources/list-migration-journals>. We excluded the articles from the journals “Migration Information Source” and “Forced Migration”. Whereas the articles of these journals make important contributions for policy-making purposes, they are less academic.

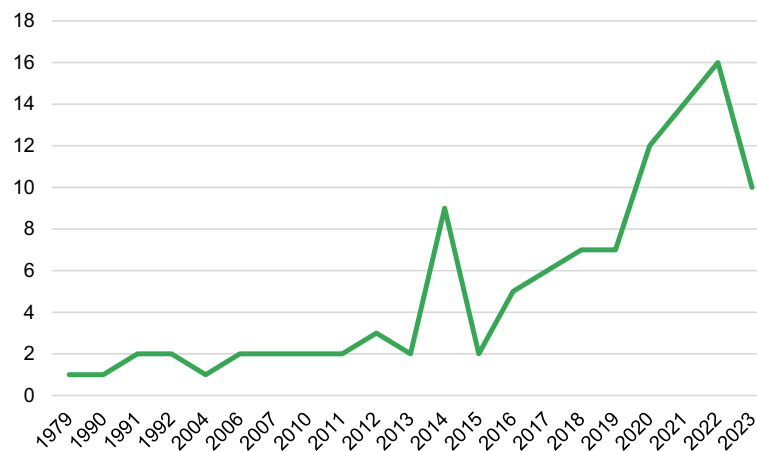


Fig. 1 Number of retrieved articles per year. *Source:* original data collection

within Political Science. Some articles were coded in more than one thematic area. Four articles, which did not speak to any of these areas, were coded as ‘other’. In a second round of coding we assessed in how far the article dialogues with the broader migration policy literature.

In order to be systematic in our search criteria, we excluded monographs, book chapters, working papers, conference proceedings, reports, articles on immigration policy published in non-specific migration journals. We first thought that this could constitute a limitation and bias our results, as some of such studies have been repeatedly cited by the extant literature. Nevertheless, after analyzing key monographs, we concluded that most of the book chapters were also published in similar form as journal articles and are thus reflected in this literature review. In the concluding remarks, we nevertheless discuss the novel contributions of a number of monographs and articles that we identified outside the selected journals.

General trends: studies across time, per country and thematic areas

Figure 1 shows the increase of studies on Latin American immigration and refugee policies over time. Although the oldest article retrieved for this review dates back to the late 70 s (Torrado, 1979), a broader interest in Latin American migration policy did not develop until the 2000s. In the early 2000s –at the time migration policy theories in the Global North proliferated–, the literature on Latin American migration policy remained scarce and focused on political reactions to forced displacements resulting from the Salvadoran Civil War and the Sandinista Revolution in Nicaragua (e.g. Basok, 1990; Frelick, 1991). Starting in the early 2000s, a growing number of studies has analyzed the liberalization of Latin American immigration and refugee laws (i.e. the process of adopting rights-based approaches towards human mobility), with a focus on Argentina and Brazil, but also in Uruguay, Chile and Ecuador. The recent increase in studies can be explained by the unprecedented scale of and diverse policy reactions to the Venezuelan exodus (Freier & Doña-Reveco, 2022).

Figure 2 shows the geographic distribution of case studies and reveals that research on immigration and refugee policies in Latin America mainly focuses on the cases of

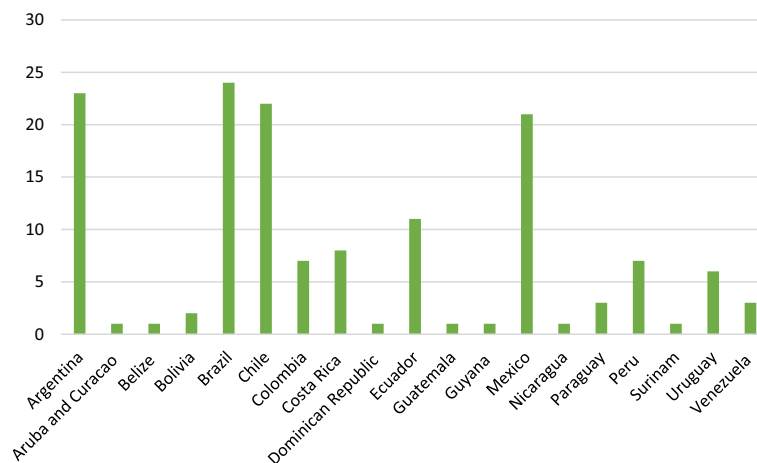


Fig. 2 Number of articles per country. *Source:* original data collection

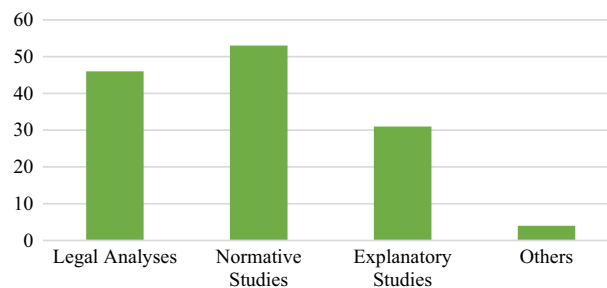


Fig. 3 Number of articles per thematic area. *Source:* original data collection

Argentina, Brazil, Chile and Mexico, whereas other countries remain understudied or completely neglected.⁴ This geographic bias within the region correlates with two factors: exceptionally progressive legislation (in the cases of Argentina, Brazil and Mexico), exceptionally restrictive laws (in the case of Chile) and high numbers of immigrants and refugees (Argentina, Brazil, Colombia, Mexico). Additional possible explanatory factors include countries' size, and numbers of scholars or public investment in social science research.

Studies on Latin American immigration and refugee policies can be classified into three different thematic groups: legal analyses, normative studies (identifying conceptual and implementation gaps) and explanatory studies. Studies providing legal analyses of immigration and refugee laws were mainly published in the early years of the 2000s. The second group of studies examines whether so-called liberal policies meet human-rights standards (normative gaps) and have been accurately implemented (implementation gaps). These studies have been published mainly in the 2010s and continued to proliferate in the context of large-scale Venezuelan displacement. Finally, a few more recent studies have examined the determinants and effects of migration policy. However, as

⁴ El Salvador, Honduras, Panama, Cuba and Haiti have been neglected.

Fig. 3 shows, contributions to this area have been fewer, and, as we will see in following sections, they present important limitations.

Legal studies: the analyses of migration and refugee norms

A first group of studies (6/46) analyzes the evolution of immigration policies from a historic perspective (e.g. Castro-Trujillo, 2020; Durán Migliardi & Thayer, 2017; Lara Escalona, 2014). Based on a systematic analysis of Chilean migration laws from 1824 to 2013, Lara Escalona (2014) identifies three phases of migration policy, mirroring an evolution present in other Latin American countries. After a first phase of selectivity in which the Republic sought to populate rural areas by attracting migration from Europe (a selective approach), there was a second phase during the military dictatorship (1970–1990) characterized by an emphasis on control and security, followed by a third phase of migrants' protection. Similarly, Castro-Trujillo (2020) identified such a selective phase in Venezuela during the twentieth century. Ceriani Cernadas (2011) identifies a transition towards a focus on migrants' protection in Argentina and Uruguay in the 2000's. Contrarily to assumptions on states in the Global South, these historical analyses show that the institutionalization of migration policy has a long-lasting trajectory in the Latin American context.

A second group of studies (12/46) analyzes specific laws adopted in the first years of the twenty-first century, and specifically, two pieces of flagship legislation—the Brazilian refugee law of 1997 (Act 9.474) (4/46) and the Argentinian migration law of 2003 (Act 28.571) (8/46). The literature on Brazil highlights the progressive nature of its refugee law, including—for the first time in domestic refugee law—the refugee definition of the Cartagena Declaration⁵ (Jubilut, 2006; Moreira, 2010 and 2017; Tinker & Sartoretto, 2016). The literature on Argentina stresses the human rights' approach of its migration law, which recognizes a universal right to mobility and grants economic and social rights to all migrants regardless of their legal status (Nicolao, 2010; Ceriani Cernadas, 2011; Novick, 2013). Other cases such as the Ecuadorian constitution and the Uruguayan immigration law, which followed the Argentinian example, also attracted some but more limited attention (4/46) (Ceriani Cernadas, 2011; Novick, 2012; Ramírez, 2016; Ruiz Muriel & Álvarez Velasco, 2019). Overall, these studies describe how the legislative liberalization process of Latin American immigration policy broke with the “national security” doctrine of migration management that had been adopted during Latin American dictatorships⁶ (Ceriani Cernadas, 2011; Moreira, 2017; Stang, 2016). These laws contrast those that the literature predominantly describes, which are situated in the Global North and do not foresee such mobility rights.

In addition to single case studies, some scholars attempted to compare the legislations of several Latin American countries (11/46). Hammoud-Gallego (2022) and Freier and

⁵ The concept of refugee in the Brazilian law is slightly more restrictive than the one in the Cartagena Declaration, but it incorporates its spirit. Article 13 of Act 9.474 recognizes the refugee condition to foreigners that have fled from their country of origin because their life security or freedom has been threatened by generalized violence, foreign aggression, internal conflict, mass violation of human rights or other circumstances that have severely altered public order. It is, therefore, more extensive than the definition of the Geneva Convention, which only grants refugee status to individuals who have suffered individualized persecution.

⁶ According to Stang (2016), the National Security Doctrine in Latin America derives from geopolitics, anti-Marxist, and far-right catholic theories in the United States during the Cold War. Back by the United States, the region's dictatorships emphasized domestic security against the threat posed by leftist revolutionaries.

Gauci (2020) provide quantitative cross-country evidence of the liberalization of refugee policies in Latin America. Based on legislative good practices identified by the UNHCR, Freier and Gauci (2020) compare Latin American legislations with the Common European Asylum System framework, concluding that 19 refugee laws in Latin America provide more expansive protection than the European system. Based on original coding of 65 policy measure indicators of the Asylum Policies in Latin America database, applied in 19 countries between 1900 and 2020, Hammoud-Gallego (2022) tracks the evolution of national refugee legislations. Whereas the first study offers cross regional evidence for the progressive nature of refugee legislations in Latin America, the second shows legislative liberalization over time.

In the context of the Venezuelan exodus (2017—present), an increasing number of studies analyzes the legal instruments put in practice to facilitate or restrict their arrivals (9/46) (Blouin, 2021; Doña-Reveco and Gouveia, 2022; Gandini et al., 2020; Pinheiro de Castro Simão, 2023; Selee & Bolter, 2022; Vera Espinoza et al., 2021; Zapata & Tapia Wenderoth, 2022; Zapata et al., 2023). These studies tend to describe the evolution of political responses from initial generosity and acceptance to increasing restrictions as the numbers of Venezuelans displaced across the region and xenophobic sentiment grew (Freier & Doña-Reveco, 2022). As some countries had not hosted significant numbers of migrants until the Venezuelan exodus, e.g. Peru, this is the first time that they attracted scholars' attention. These studies provide valuable empirical material on unknown cases and help close previous research gaps, especially regarding policy implementation (see Freier and Acosta, 2015).

A significant number of scholars (12/46) acknowledges the importance of state plans, sectoral laws, regularization procedures, bills, or administrative systems and incorporated these in their analyses, offering a nuanced description of immigration policy in the region (Apodaca & López, 2021; Cook Martín, 2006; Jubilut, 2006; Larson, 1992; Lee & Ortega Velázquez, 2020; Moreira, 2010; Nicolao, 2010; Pinheiro de Castro Simão, 2023; Vera Espinoza, 2018; Vera Espinoza et al., 2021; Zapata et al., 2023; Zubrzycki, 2018). For instance, Jubilut (2006) and Vera Espinoza (2018) carry out a comprehensive analysis of immigration policy by focusing on complementary resettlement programs. In the context of the COVID pandemic and the Venezuelan forced displacement, Vera Espinoza et al. (2021) develop a typology of social protection based on different degrees of inclusiveness in seven countries. Such works provide solid basis for identifying shortcomings in norms, thus being particularly informative for policy-making purposes.

The most important shortcoming in the legal analysis of Latin American immigration and refugee policies is the lack of engagement with existing theory. More than half of the studies conducting legal analyses (24/46) omit a previous literature review and do not provide reflections on how their cases contribute to theories on immigration and refugee laws more broadly. Comparative approaches remain scarce (13/46) and commonly are limited to cases within Latin America (10/13). Although some cross-cutting quantitative analyses of refugee laws have contributed to bridging this gap (Freier & Gauci, 2020; Hammoud-Gallego, 2022), more cross-country and cross-regional comparisons of immigration laws would help identify the aspects that are specific to the Latin American legislative landscape. The focus on a specific aspect of migration laws, such as children's protections or family reunification, would allow for exhaustive analyses of laws

from more than one country (e.g. Lee & Ortega Velázquez, 2020). Finally, there is a lack of studies that analyze norms and socio-economic contexts, which are not specific to migrants or refugees but, nevertheless, affect them (e.g. health care, labor markets and regulations). For example, in contexts of high labor informality, migrant regularization does not necessarily impact immigrants' working conditions (Freier & Zubrzycki, 2021).

Normative studies: studies of conceptual and implementation gaps

By critically engaging with legal norms and their application, some studies analyze conceptual and implementation gaps of refugee and migration laws. Here, legal philosophers examine whether legal norms are consistent with human rights standards (conceptual gaps) (31/53), whereas social scientists tend to focus on the question whether liberal laws or political discourse correspond to political and policy practices on the ground (implementation gaps) (28/53).⁷ These studies emerge as a reaction to the perhaps overly optimistic assessments of immigration and refugee laws in the 2000s and become particularly prominent in the context of large displacements like the Venezuelan exodus, which put liberal policies to the test.

After the adoption of the Argentinian immigration law in 2004, which is widely considered the spearhead of legislative liberalization in the region (Melde & Freier, 2022), Domenech (2007) opened this normative debate by questioning the distinctive liberal character of the Argentinian migration law. According to the author, it rather reflects the governability approach promoted by international organizations, such as International Organization of Migration, followed by most of the Northern countries, reflecting what he terms as “control policies with a human face” (*políticas de control con rostro humano*) (Domenech, 2013). From his perspective, human rights discourses are used as means to legitimize the regularization of migrants based on cost/benefit calculations, and perpetuate the dualism between regular (desired) migrants and irregular (undesired) migrants. His work inspired several scholars in the region (15/53) who echoed his criticism of the epistemological liberalization paradigm. These studies not only constitute important contributions to the field of human rights and migration, but also encourage states to adopt a truly human rights-based approach to migration (Acosta & Freier, 2015; Barbero, 2020; Ceriani Cernadas, 2011; Finn & Umpierrez de Reguero, 2020; Pereira, 2019; Santi Pereyra, 2018, 2020; Stang, 2016). Moreover, they offer valuable analytical lenses to study the coexistence of human rights-based and security-based approaches or exclusive and inclusive policies beyond the Latin American context.

The case of Chile has also received considerable attention during the past few years (11/53), both from Spanish-speaking legal and political scholars, due to the restrictive nature of its legislation⁸ (Beltramin, 2021; Quezada, 2014; Stang, 2016; Villanueva, 2018). Quezada (2014) analyzes the evolution of the country's migration policy, and criticized it for its outdated character and for not committing to human rights obligations. Villanueva (2018) critically examines other legal projects perceived as more “open” towards migration and highlight their security traits, i.e. Piñera's draft act of 2013 and Bachelet's

⁷ Note that some of the studies under these category address both conceptual and implementation gaps (e.g. del Real, 2022; Finn and Umpierrez de Reguero, 2020).

⁸ Adopted in 1975 under Pinochet's dictatorship, the former Chilean migration law (Act 1.094) remained in force until April 2021, when the alternative project of President Sebastián Piñera was finally approved.

presidential instructions of 2008, adding up to the critical literature with the so-called “governability approach” towards migration. Going a step further, Stang (2016) argues that human rights and security elements are not exclusionary but constantly entangled.

In addition to these normative gaps, some studies (4/53) have analyzed gaps between discourses and the actual treatment of migrants (Acosta & Freier, 2015; Alfaro & Aragonés, 2020; Finn & Umpierrez de Reguero, 2020; Stang, 2016). For example, Acosta and Freier (2015) analyze the discrepancies between politicians’ and other key actors’ speeches on immigration, and their actual treatment in domestic law, and policy implementation. According to these authors, even countries with apparently more liberal migration policies, such as Argentina, Brazil, and Uruguay, discriminate based on nationality in practice, with the consequent negative effects, for example, for migrants of African or Asian origin.

Relatedly, Finn and Umpierrez de Reguero (2020) analyze the gap between an inclusive rhetoric and exclusive purposes of Chilean immigration policy in 2018, also affecting intra-regional migrants. Based on the regularization process and visa requirements introduced for Haitians and Venezuelans, the authors argue that the case of Chile reflects the region’s shift towards increasingly restrictive migration policies taking place since 2016 in the context of increasing migration flows. Both Acosta and Freier (2015) and Finn and Umpierrez de Reguero (2020) conclude that there is an inverse policy gap in Latin America—a “reverse liberal paradox” in Acosta and Freier’s (2015) terms—compared to the one present in Northern countries: while liberal democracies have used exclusive language of migrants and simultaneously accept immigrants to support labor markets, Latin American countries use inclusive language yet exclude some migrants and refugees based on national origins. These studies highlight the limitations of existing theories to describe and understand migration policies in Latin America.

Several scholars (17/53) have acknowledged the importance of the Venezuelan exodus and analyze resulting normative and implementation gaps emerging from its unprecedented magnitude and abruptness (e.g. Freier et al., 2022; Gutiérrez et al., 2021; Sánchez Nájera & Freier, 2022). A first group of studies (4/17) discusses the application of the refugee definition of the Cartagena Declaration to Venezuelan displacement (Berganza et al., 2020; Freier et al., 2022; Pinheiro de Castro Simão, 2023; Sánchez Nájera & Freier, 2022). These scholars argue that Venezuelans fulfill three of the criteria established in the Cartagena Declaration: generalized violence; massive violations of human rights; and other circumstances seriously disturbing public order. Freier et al. (2022) go a step further and argue in favor of *prima facie* refugee recognition for Venezuelans, which has only taken place in Brazil. Pinheiro de Castro Simão (2023) argues, however, that Brazil does not fully embrace the humanitarian spirit of the Cartagena Declaration, as its application remains heavily dependent on political agendas.

Going beyond the legal analysis, Sánchez Nájera and Freier (2022) provide a systematic analysis of 565 Refugee Status Determination resolutions by Mexico’s Commission for the Assistance of Refugees (COMAR) and show the COMAR’s differential application of the Cartagena Declaration refugee definition to migrants from the Central American Northern Triangle and Venezuela. Noting higher recognition rates for Venezuelan asylum seekers, the authors demonstrate how hypothetically technical

government decisions discriminate based on nationality. Decisions are made based more on political calculations and subjective perceptions, rather than on the strict application of the Mexican Refugee Law, including its extended refugee definition.

In addition to the non-application of Cartagena, other scholars (12/17) have critically analyzed policies responses to the Venezuelan exodus more broadly (Alexander, 2022; Barbieri et al., 2020; Blouin, 2021; Del Real, 2022; Gandini et al., 2020; Gutiérrez et al., 2021; Machado & Vasconcelos, 2022; Selee & Bolter, 2022; Stefoni Espinoza et al., 2018; Riggiozzi et al., 2023; Roth, 2021; Zapata & Tapia Wenderoth, 2022). By pointing out the limitations of ad hoc responses to Venezuelans, these studies conclude that human-based coexist with security-based approaches. For instance, Blouin (2021) applies Domenech's concept *políticas de control con rostro humano* to describe how Peru's response to Venezuelans presents a security-based nature. In spite of being portrayed as an example of welcoming policies towards Venezuelans, Zapata and Tapia Wenderoth (2022) argue that Brazil's response based on the framing of the exodus as a "temporary migration crisis" falls short of granting effective protection to migrants in the long-term. By engaging with the literature on humanitarian-militarism, a few studies (Alexander, 2022; Machado & Vasconcelos, 2022; Moulin Aguiar & Magalhães, 2020; Riggiozzi et al., 2023) conclude that the "Operation Shelter"—a Brazilian humanitarian-military operation in the Venezuelan-Brazilian border in 2018—constitutes a securitization policy, which seeks to control migrants' mobility and exclude them under a humanitarian 'masquerade'.

Another significant recent trend are normative studies which apply the theoretical framework provided by Foucauldian security studies to Latin America (6/53) (Beltamin, 2021; Donoso, 2022; Martínez & Wooding, 2017; Moreno Rodríguez, 2021; Ruiz Muriel & Álvarez Velasco, 2019; Santi Pereyra, 2018). Drawing on the Argentinian case, Santi Pereyra (2018) carries out an exhaustive literature review on biometrics and presents a theoretical framework based on Foucault's theory on biopolitics and other securitization scholars. The study shows that, as countries in the Global North, Latin American states have increasingly resorted to biometric technologies to control migration since the twenty-first century. Other efforts aimed at engaging with extant literature within the Law and Social Sciences fields have occurred in the following domains: anti-immigration framing in legal norms (Fouratt, 2014), the gendered nature of immigration policies (Cook Martín, 2006) or the phenomenon of the "hollowing out" of regional and national asylum systems (Zapata et al., 2023).

With regards to methods, a few studies (8/53) have gone beyond the analysis of the law and conduct empirical analyses on its implementation. Carte (2014) analyzes the impact of migrants' everyday interactions in the Mexico-Guatemala border by conducting ethnographic research on migrant women. Studies on the Brazilian "Shelter Operation" (Alexander, 2022; Machado & Vasconcelos, 2022; Moulin Aguiar & Magalhães, 2020; Riggiozzi et al., 2023) also provide in-depth descriptions of the operation's implementation by applying ethnographic methods. Moulin Aguiar and Magalhães (2020) analyze the impact of the operation on displaced Venezuelans through their testimonies, achieving a more comprehensive idea of its application. By combining volunteering work in a humanitarian NGO (participant observation) with

semi-structure interviews, Alexander (2022) shows daily power dynamics between migrants, the military, humanitarian NGOs and the receiving society during the operation.

Several studies (19/53) which address conceptual and implementation gaps do not engage with existing theory. Language constraints could contribute to the little engagement with existing literature on migration policy. In fact, although most of the authors do not engage with classical migration policy literature in English, several scholars mention migration policy literature in Spanish (Nicolao, 2011; Santi Pereyra, 2020; Villanueva, 2018). Likewise, the lack of comparative cross-regional analyses (Cook Martín, 2006 being the only exception) obscures to what extent conceptual and implementation gaps are specific to the region or part of a broader trend in the migration field, also present in the Global North (Czaika and De Haas, 2013). Although there are studies in the areas of security or gender which constitute initial contributions to the respective sub-fields (see Foucauldian studies above: Cook Martín, 2006 and Fouratt, 2014), their isolated nature does not allow to extract robust conclusions on how these theories apply beyond the Global North and in Latin America specifically.

As suggested by Acosta and Freier (2023), future studies could incorporate more reflexive approaches questioning existing migrants' categories, such as the distinction between refugees and economic migrants. The case of Venezuelan forcibly displaced people requires such a reflection, from which the literature on other forced displacement crises, for instance these of climate refugees, could also benefit. Finally, in contexts of heterogeneous migration flows and complex socio-racial hierarchies, intersectional approaches could contribute to detect discrimination in norms implementation based on race/ethnicity, class, gender and sexual orientation.

With few exceptions, most of the studies (43/53) focus on the contradictions within the norms with a view to policy outputs, but lack in-depth empirical analyses of policy implementation process by public administrative bodies. The time and resources needed to carry out fieldwork in this area without institutional support, especially when more than one case study is involved, might explain this lacuna. Data collection through interviews, focus groups and ethnographic methods with refugees and migrants and implementation authorities could contribute to overcoming this research gap. In particular, they could deepen the understanding on the effects of certain barriers on migrants' lives and wellbeing. Existing—and in cross-regional perspective surprisingly strong—links between academia and members of NGOs and international organizations in Latin America could facilitate fieldwork on policy implementation and its barriers. However, such collaborations also raise concerns about potential biases or conflicts of interest in research when becoming to normatively driven or having to account for political sensitivities. Finally, studies on implementation gaps require more statistical information on the implementation of regularization programs and mechanisms, including numbers, nationalities and characteristics of those rejected (Acosta & Freier, 2023).

Explanatory studies: the determinants and effects of migration policy

A third group of studies, mainly in the areas of History and Social Sciences, addresses the causes and effects of Latin American immigration and refugee policies. Regarding policy determinants, some studies (7/31) discuss the role of foreign affairs on migration

policy. Basok's pioneer work (1990) makes a valuable contribution by comparing Costa Rican refugee policy towards Nicaraguans and Salvadorans, and proposing initial explanations based on political interests and context. The author argues that the differential treatment to Nicaraguans, who were granted refuge, and Salvadorans, who were rejected and often deported, can be explained by unfriendly relations between Costa Rica and the leftist Sandinista government of Nicaragua. This study is therefore a pioneer work dedicated to the study of the foreign policy-migration policy nexus, which has produced a significant amount of work in the Global North (Lavenex & Uçarer, 2004; Rosenblum & Salehyan, 2004; Zolberg et al., 1989), but less in the Global South (exceptions focus on the Middle East, e.g. Abdelaaty, 2021; Aras & Mencütek, 2015).

The relationship between foreign affairs and migration policies is also explored in the contexts of Mexico and the Venezuelan exodus (Apodaca & López, 2021; Aron Said and Castillo Jara, 2022; Casillas, 2021; Gandini, 2020; Jones, 2021; Malo, 2022). On the one hand, Apodaca and López (2021), Gandini (2020) and Casillas (2021) emphasize the significant impact of the United States' interests on Mexico's current immigration policies of reinforcing border controls, particularly under the Trump administration. Whereas previous studies highlighted the Mexican state's agency in immigration policy-making, the latter depict Mexico as vulnerable to pressures from its Northern neighbors. On the other hand, by using the concept of adaptative leadership, Aron Said and Castillo Jara (2022) consider policy change from openness to restriction in Peru the result of an adaptative leadership in a context in which Venezuelan immigration transformed from being a matter of foreign policy into one of domestic policy. Malo (2022) concludes that Ecuador's initial openness towards Venezuelans can be explained by President Moreno's ideological distancing from his predecessor Rafael Correa and Socialism of the 21st Century and efforts to realign with the United States in the context of Ecuador's debt crises. Contrary to assumptions about countries from the Global South, these studies suggest that Latin American states account for the demands of public opinion. Going a step further, they also show the interplay between different elements identified as relevant by the literature on other regions, i.e. foreign policy interests and domestic politics.

Other determinants of policy liberalization identified by the literature include: the intention of executives to break with their authoritarian past (Hammoud-Gallego & Freier, 2023) and to differentiate themselves from 'restrictive' policies of the Global North (Brumat & Freier, 2023); the leftist ideology of incumbent governments (Acosta & Freier, 2015); binding and non-binding international and regional commitments (Brumat & Geddes, 2023; Nicolao, 2011; Silva Cardoso & Oliveira Moreira, 2022); the extent of health care coverage systems (Noy & Voorend, 2016; Voorend, 2014); and the 'open' or 'restrictive' ideas within institutions and among actors (Brumat & Vera Espinoza, 2023; Melde & Freier, 2022; Norambuena & Matamoros, 2016; Norambuena et al., 2018). From a legal institutionalist approach, Nicolao (2011) analyzes the influence of regional integration mechanisms and international agreements in the Argentinian migration law (Act 28.571). To test this impact, the author resorts to discourse analysis of migration authorities' speeches and legislation –including decrees and Mercosur agreements— and to the observation of Argentina's performance within Mercosur. Based on historical institutionalism, Norambuena et al. (2018) consider that the restrictive and selective nature of Chilean migration policy goes back to institutions of the twentieth century,

which perpetuated themselves in the absence of political conjunctures. As some of the legal studies discussed above, these authors show a considerable degree of institutionalization of migration policies in the Global South. Aligned with neo-institutionalist approaches, they also suggest that determinants shaping migration policy in the Global North, namely international commitments (Soysal, 1994; Joppke, 1998), also play a role in migration policy-making in Southern countries.

Unlike other studies where explanations are not central, Hammoud-Gallego and Freier (2023) empirically and systematically test existing explanations of migration policy liberalization by resorting to both qualitative and quantitative methods, the latter consisting of nested Tobit and linear spatial panel-data regressions using the Asylum Policies in Latin America database. Based on both quantitative and qualitative analyses, they find evidence for the importance of the leftist government ideology in liberalization processes and disprove explanations based on the number of migrants and democratization. According to their quantitative study component, regional integration also appears to play a significant role. Their qualitative analyses of the cases of Argentina and Mexico nuance these results by showing the role of symbolic human and migrant's rights discourses in shaping the link between leftist ideologies and liberalization.

Finally, some authors (8/31) have explored the effects of migration policy on the lives of refugees and migrants, or on migration flows (Batréau & Tuitjer, 2021; Freier & Holloway, 2019; Freier & Zubrzycki, 2021; Gottwald, 2004; Moulin Aguiar & Magalhães, 2020; Vammen, 2019; Winters & Izaguirre, 2019). For instance, Freier and Holloway (2019) study the impact of Ecuador's "open doors" policy on intercontinental South-South migration. Resorting to a difference-in-difference method, the authors show that travel visa policies of Southern countries significantly impact the emergence of new South-South flows. In a second, qualitative part, they discuss the motives behind the decision of immigrating to Ecuador: its executive's open doors as an exit option, relatively improved opportunities, and transmigration to third countries. Freier and Zubrzycki (2021) analyze the impact of Senegalese regularization processes on the incorporation of street hawkers into the Argentine formal labor market. The authors argue that resulting from Argentina's high level of informality the effects of regularization on migrants' access to the formal sector are limited, but benefit their well-being and their engagement in collective action for human rights.

Overall, we find that studies on the determinants and effects of refugee and immigration policy in Latin America remain scarce. Even though some studies address certain policy determinants, these are often not central and are not empirically tested. Although we see a positive development regarding theory development in recent years, many explanatory studies (12/33) in the first two thematic groups show a lack of engagement with the theory. While some of them provide literature reviews, they do not use existing theories as frameworks for their analyses. It is important to highlight that the lack of studies may be attributed to significant structural barriers encountered by research institutions in Latin America. For instance, the prevalence of studies published in English within the field constitutes a language barrier for numerous researchers in the region.

Moreover, most of the literature on determinants focuses on explaining policy liberalization. However, there are other empirical questions concerning policy determinants that have been neglected: What explains very different reactions to Venezuelan

displacement? Why do some countries host Venezuelans, while rejecting other migrants (e.g. Haitians or Colombians)? Why has the applicability of the Cartagena refugee definition not been discussed for other nationalities (e.g. Haitians)? In addition, some determinants and effects of migration policy addressed by the literature in other contexts remain understudied (Blair et al., 2022; Jacobsen, 1996; Müller-Funk et al., 2020). Some examples are: previous bureaucratic choices; institutional, cultural and socio-economic absorption capacity of the receiving country; public opinion shifts; symbolic and material societal fears; the role of international aid and refugee rent-seeking; and historic ties between sending and receiving societies. Some examples of the effects that should be studied in more detail are: the composition of migratory flows; the number of refugee and immigrants; and their integration in receiving societies. Variance across countries in terms of legal frameworks or ad hoc responses to large-scale migration flows provide good grounds for testing these factors.

Finally, more sound empirical analyses that incorporate both qualitative and quantitative are needed, as well as mixed methods to analyze the determinants and effects of migration policy. For this purpose, the databases of migration policy in 26 Latin American and Caribbean countries based on 40 indicators could be highly valuable (Acosta & Harris, 2022), but will need to be updated in the future. Comparable public opinion surveys on migration across different countries would be valuable to understand the role of public opinion in migration policy, often neglected in the Global South. Here, "LAPOP, a survey research lab at Vanderbilt University," recently included questions not only on migration intentions but also on migrant integration across the Americas. Understanding policy requires in-depth analyses of decision-making processes by conducting interviews with decision-makers (politicians and civil servants) and of official documents. Data collection on regularization and numbers of migrants becomes necessary to test the causes and effects of policies and flows. Discourse analyses of political statements and media outlets, interviews and focus groups with relevant actors, such as politicians, civil servants in charge of the execution of the law and migrants, are methods that can be used to analyze some of the determinants and effects of migration policy. Comparative and process-tracing methodologies can also provide good bases to understand the evolution of policy and its outcomes.

Conclusion

Latin America exceptional policy liberalization since the turn of the century and the Venezuelan forced displacement crisis have led to increasing scholarly attention regarding the design and implementation of immigration and refugee policies in the region. A large share of the extant literature on Latin America migration policy tends to provide descriptive analyses of legal norms –and sometimes of political discourses on migration. To be more specific, these analyses discuss whether norms meet international human rights standards or, rather, reflect security and instrumental approaches to migration. Some of these studies are policy-oriented by either emphasizing the challenges that should be addressed or by recommending specific policy solutions, thereby making significant contributions to policy-making (Ceriani Cernadas, 2011; Ceriani Cernadas et al., 2014; Villanueva, 2018; García Zamora & Gainza, 2014; Jones, 2021; Quezada, 2014; Stang, 2016).

Normative studies in Latin America help us understand the coexistence of human rights-based and security-based approaches (Domenech, 2007, 2013; Finn & Umpierrez de Reguero, 2020). Two key monographs make significant contributions in this regard. FitzGerald and Cook-Martín (2014) delve into the origins of racist immigration policies across various American nations, showing an intrinsic link between democracy and racism. Meanwhile, Acosta (2018) examines the construction of the foreigner and the national in a historical analysis of Latin American legal frameworks, uncovering contradictions amongst coexisting approaches.

Such studies demonstrate that descriptive theories developed in the Global North do not apply to the Latin American context, such as Hollifield's (1992) 'liberal paradox' (Acosta & Freier, 2015). In addition, Latin American studies inform general debates on immigration and refugee policy theory. Specifically, they challenge some of the assumptions attributed to states in the Global South, which tend to shape an artificial Global North/South divide identified by Natter and Thiollet (2022).

Legal studies demonstrate the existence of a considerable degree of migration policy institutionalization with historical trajectories (Acosta, 2018; Castro-Trujillo, 2020; Lara Escalona, 2014). Similar to what Natter (2018) suggests for Morocco and Tunisia, normative and explanatory studies show that conceptual and implementation gaps are often not the result of lacking state capacity, but rather based on the deliberate decisions of migration authorities (Acosta, 2018; Blouin, 2021; Machado & Vasconcelos, 2022; Sánchez Nájera & Freier, 2022). Contrary to the assumption that states from the Global South do not account for public opinion, explanatory studies in Latin America suggest that increasing societal fears played a role in the shift towards securitization in the context of the Venezuelan forced displacement crisis (Aron Said and Castillo Jara, 2022; Malo, 2022). Explicit cross-regional comparisons which include Latin American cases would further contribute to advancing this debate.

In spite of the important empirical and theoretical contributions to the sub-field of human rights and migration, studies' descriptive and normative character have come at the expense of social scientific approaches. More recently, there have been important efforts aimed at closing this gap. Specifically, some studies analyze the role of policy determinants deemed as relevant by existing theories, such as international and regional norms, ideology, foreign policy interests and domestic politics (Aron Said and Castillo Jara, 2022; Hammoud-Gallego & Freier, 2023; Malo, 2022; Nicolao, 2011; Silva Cardoso & Oliveira Moreira, 2022). Furthermore, some of these studies contribute to existing theory by showing the interplay between these determinants (Aron Said and Castillo Jara, 2022; Malo, 2022). However, a more systematic testing of these factors and engagement with existing literature in other contexts is needed.

Moreover, Latin American scholars should address other factors that have been discussed in other contexts, such as the importance of international aid for immigration policies in the Middle East (Geha & Talhouk, 2019; Mencütek, 2018; Tsourapas, 2019). Freier et al. (2021) offer a positive example of how this gap should be bridged. By doing a cross-regional comparison that includes Colombia, the authors show that Southern states often resort to immigration to obtain rents, demonstrating their agency vis-à-vis Northern states. Finally, the region presents interesting empirical cases for theory-building on determinants and effects of immigration and refugee policy that remain

underdeveloped, such as previous bureaucratic choices (Jacobsen, 1996). Hyper-presidential types of regimes offer unique opportunities to understand the role of state bureaucracies in shaping immigration policy in the Global South. In this regard, Melde and Freier (2022) and Brumat and Vera Espinoza (2023) make significant contributions. By analyzing policy decision-making processes, the authors identify important factors shaping migration policy: a previous self-image of the country vis-à-vis migration and bureaucratic interests and ideas. Overall, regional scholarship on refugee and immigration policies would greatly benefit from a more explicit engagement with existing theories developed in other regions, even if regional scholars demonstrate their non-application to Latin American cases. These studies would thereby help build more inclusive theories applying beyond the Global North.

Although single case studies are useful for theory-building and theory-testing purposes, comparative analyses with some degree of variation in dependent and independent variables would help test and advance existing theory. Here, we deem the comparison of different policy responses to Venezuelan forced displacement across time and countries as especially fruitful. Testing and identifying new determinants and effects of migration policy require the application of mixed methods combining qualitative and quantitative methods. They demand more efforts on quantitative and qualitative data collection on decision-making processes (through elites' interviews), public opinion towards migrants (through comparative surveys), numbers of regularizations and rejection rates (through alliances with international organizations and migration authorities) and effects of the policies on migrants (through ethnography or in-depth interviews with migrants and refugees).

These theoretical insights might contribute to a deeper understanding of immigration policy dynamics, enabling policymakers to design evidence-based and inclusive policies that address the unique challenges and opportunities presented by immigration and forced displacement, both within and beyond the region. Cross-regional comparisons would provide an opportunity to discern how countries navigate challenges related to policy-making and its effects. Such studies could contribute to shaping the strategies of increasingly global migration governance and offer valuable knowledge to optimize the effectiveness and adaptability of immigration policies across the world.

Finally, there are contexts of forced migration which remain understudied and might present interesting insights for the analysis of policy implementation gaps. With regards to older displacement crises, in the first decades of the 2000s, thousands of Colombians were fleeing to neighboring countries, like Ecuador or Venezuela, to escape from the conflict between the FARC guerrilla and the government. However, these events did not attract much scholarly attention (Gottwald, 2004). More recently, state responses to the exodus of over 250.000 Nicaraguans—mainly to Costa Rica—(UNHCR, 2022) or to the record number of immigrants of 500.000 crossing the Darién rainforest on their way to the United States in 2023—up from only 6.789 in 2017- (UNHCR, 2023) have not yet been systematically addressed by existing studies. Overall, Latin America's exceptionally progressive judicial landscape and steep increase and diversification of immigration and

refugee flows to countries with little experience in hosting such populations constitute exceptional opportunities for scholars to advance political migration theory.

Appendix 1: Dataset (simple version)

Citation	Country	Thematic area
Torrado, S. (1979). International migration policies in Latin America. <i>International Migration Review</i> , 13(3), 428–439	Several	Legal analysis/history
Basok, T. (1990). Welcome some and reject others: Constraints and interests influencing Costa Rican policies on refugees. <i>International Migration Review</i> , 24(4), 722–747	Costa Rica	Explanatory studies
Frelick, B. (1991). Running the gauntlet: the Central American journey in Mexico. <i>International Journal of Refugee Law</i> , 3(2), 208–242	Mexico	Normative studies
Wollny, H. (1991). Asylum policy in Mexico: a survey. <i>Journal of refugee studies</i> , 4(3), 219–236	Mexico	Legal analysis; explanatory studies
Larson, E. M. (1992). Costa Rican government policy on refugee employment and integration, 1980–1990. <i>International Journal of Refugee Law</i> , 4(3), 326–342	Costa Rica	Legal analysis/history
Durieux, J. F. (1992). Capturing the Central American refugee phenomenon: refugee law-making in Mexico and Belize. <i>International Journal of Refugee Law</i> , 4(3), 301–325	Mexico, Belize	Legal analysis/history
Gottwald, M. (2004). Protecting Colombian refugees in the Andean region: the fight against invisibility. <i>International Journal of Refugee Law</i> , 16(4), 517–546	Ecuador, Panama, Venezuela, Peru, Brazil	Legal analysis; explanatory studies
Cook Martín, D. (2006). Soldiers and wayward women: gendered citizenship, and migration policy in Argentina, Italy and Spain since 1850. <i>Citizenship Studies</i> , 10(5), 571–590	Argentina, Spain, Italy	Legal analysis/history; normative studies
Jubilut, L. L. (2006). Refugee law and protection in Brazil: a model in South America?. <i>Journal of Refugee Studies</i> , 19(1), 22–44	Brazil	Legal analysis/history
Domenech, E. E. (2007). La agenda política sobre migraciones en América del Sur: el caso de la Argentina. <i>Revue européenne des migrations internationales</i> , 23(1), 71–94	Argentina	Normative studies
Ogren, C. (2007). Migration and human rights on the Mexico-Guatemala border. <i>International Migration</i> , 45(4), 203–243	Mexico, Guatemala	Legal analysis/history; normative studies

Citation	Country	Thematic area
Nicolao, J. (2010). El Estado argentino ante el reto de las migraciones internacionales: reflexiones del reciente cambio de rumbo en la política migratoria argentina. <i>Convergencia</i> , 17(53), 205–228	Argentina	Legal analysis/history; normative studies
Moreira, J. B. (2010). Re-democratization and human rights: refugee policy in Brazil. <i>Revista Brasileira de Política Internacional</i> , 53(1), 111–129	Brazil	Legal analysis/history
Cernadas, P. C. (2011). Luces y sombras en la legislación migratoria latinoamericana. <i>Nueva sociedad</i> , 233, 68–86	Argentina, Uruguay, Chile, Mexico, Costa Rica	Legal analysis/history; normative studies
Nicolao, J. (2011). La integración regional en la política migratoria argentina. <i>Ánfora</i> , 18(31), 101–121	Argentina	Explanatory studies
Schwarz, T. (2012). Políticas de inmigración en América Latina: el "extranjero indeseable" en las normas nacionales, de la Independencia hasta los años de 1930. <i>Procesos: revista ecuatoriana de historia</i> , 36, 39–72	Several	Legal analysis/history
Nejamkis, L., & Alvarez, J. (2012). Migración y refugio en la Argentina: un análisis desde la legislación actual. <i>Passagens-International Review of Political History and Legal Culture</i> , 4(3), 445–463	Argentina	Legal analysis; explanatory studies
Novick, S. (2012). Migraciones en el Cono Sur: políticas, actores y procesos de integración. Los casos de Uruguay, Paraguay y Chile. <i>Perspectivas: Revista de Ciências Sociais</i> , 42, 79–114	Uruguay, Paraguay, Chile	Legal analysis/history
Domenech, E. (2013). "Las migraciones son como el agua": Hacia la instauración de políticas de "control con rostro humano". La gobernabilidad migratoria en la Argentina. <i>Polis. Revista Latinoamericana</i> , 12(35), 119–142	Argentina	Normative studies
Novick, S. (2013). Las migraciones en América Latina: un factor clave para la integración regional. Avances en la legislación de Argentina, Bolivia y Uruguay. <i>Revista do Imea</i> , 1(2), 100–113	Argentina, Uruguay, Bolivia	Legal analysis; explanatory studies
Fouratt, C. E. (2014). "Those who come to do harm": The framings of immigration problems in Costa Rican immigration law. <i>International Migration Review</i> , 48(1), 144–180	Costa Rica	Normative studies
Doña Reveco, C., & Mullan, B. (2014). Migration policy and development in Chile. <i>International Migration</i> , 52(5), 1–14	Chile	Legal analysis/history

Citation	Country	Thematic area
Cernadas, P. C., García, L., & Salas, A. G. (2014). Niñez y adolescencia en el contexto de la migración: principios, avances y desafíos en la protección de sus derechos en América Latina y el Caribe. <i>REMHU: Revista Interdisciplinaria da Mobilidade Humana</i> , 22(42), 9–28	Argentina, Mexico	Legal analysis/history
García Zamora, R., & Gainza, P. (2014). Economía, migración y política migratoria en Sudamérica: Avances y desafíos. <i>Migración y desarrollo</i> , 12(23), 69–97	Argentina, Uruguay, Peru, Venezuela, Bo, Colombia, Surinam, Paraguay, Guyana	Normative studies
Quezada, M. V. (2014). Inmigrantes en Chile: Un escenario de vulneración. Propuestas desde la interculturalidad para la nueva política migratoria. <i>Revista Latinoamericana de Derechos Humanos</i> , 25(2), 221–234	Chile	Normative studies
Carte, L. (2014). Everyday restriction: Central American women and the state in the Mexico-Guatemala border city of Tapachula. <i>International Migration Review</i> , 48(1), 113–143	Mexico	Normative studies
Voorend, K. (2014). "Shifting in" state sovereignty: social policy and migration control in Costa Rica. <i>Transnational Social Review</i> , 4(2–3), 207–225	Costa Rica	Explanatory studies
Bastia, T., & Vom Hau, M. (2014). Migration, race and nationhood in Argentina. <i>Journal of Ethnic and Migration Studies</i> , 40(3), 475–492	Argentina	Legal analysis/history; normative studies
Lara Escalona, M. D. (2014). Evolución de la legislación migratoria en Chile claves para una lectura (1824–2013). <i>Revista de historia del derecho</i> , (47), 59–104	Chile	Legal analysis/history
Acosta, D., & Freier, L. F. (2015). Turning the immigration policy paradox upside down? Populist liberalism and discursive gaps in South America. <i>International Migration Review</i> , 49(3), 659–696	Argentina, Brazil, Ecuador	Normative studies
Narváez Gutiérrez, J. C. (2015). Migración irregular extracontinental en México: Apuntes para el diseño de una política y gestión migratoria. <i>Migración y desarrollo</i> , 13(24), 117–132	Mexico	Normative studies
Norambuena, C., & Matamoros, R. (2016). Política migratoria Argentina: una mirada desde el institucionalismo histórico. <i>Si Somos Americanos</i> , 16(2), 45–72	Argentina	Legal analysis; explanatory studies
Stang, M. F. (2016). De la Doctrina de la Seguridad Nacional a la gobernabilidad migratoria: la idea de seguridad en la normativa migratoria chilena, 1975–2014. <i>Polis. Revista Latinoamericana</i> , (44)	Chile	Legal analysis/history; normative studies

Citation	Country	Thematic area
Noy, S., & Voorend, K. (2016). Social rights and migrant realities: Migration policy reform and migrants' access to health care in Costa Rica, Argentina, and Chile. <i>Journal of International Migration and Integration</i> , 17(2), 605–629	Costa Rica, Argentina, Chile	Explanatory studies
Tinker, C. J., & Sartoretto, L. M. (2016). New trends in migratory and refugee law in Brazil: the expanded refugee definition. <i>Revista do Direito</i> , 3(50), 118–138	Brazil	Legal analysis/history
Ramírez G, J. P. (2016). Migration policy in the new ecuadorean constitution: Toward the formation of a transnational nation-state. <i>Latin American Perspectives</i> , 43(1), 175–186	Ecuador	Legal analysis/history
Moreira, J. B. (2017). Refugee Policy in Brazil (1995–2010): Achievements and Challenges. <i>Refugee Survey Quarterly</i> , 36(4), 25–44	Brazil	Legal analysis/history
Torres Matus, L. (2017). El escenario actual chileno y la migración internacional: legislación y postura de los partidos políticos. <i>Migraciones internacionales</i> , 9(1), 269–277	Chile	Legal analysis/history
Ménard Marleau, A. (2017). Ecuador como nodo articulador de la migración senegalesa en América del Sur. <i>Migración y desarrollo</i> , 15(29), 31–50	Ecuador	Explanatory studies
Audebert, C. (2017). The recent geodynamics of Haitian migration in the Americas: refugees or economic migrants?. <i>Revista Brasileira de Estudos de População</i> , 34(1), 55–71	Ecuador, Peru, Chile, Brazil	Explanatory studies
Macías, D. V. (2017). Tendencias y políticas migratorias recientes sobre refugio en México. <i>Odisea. Revista de Estudios Migratorios</i> , (4), 202–227	Mexico	Legal analysis/normative studies
Martínez, S., & Wooding, B. (2017). El antihaitianismo en la República Dominicana: ¿un giro biopolítico?. <i>Migración y desarrollo</i> , 15(28), 95–123	Dominican Republic	Normative studies
Migliardi, C. D., & Thayer, L. E. (2018). Los migrantes frente a la ley: continuidades y rupturas en la legislación migratoria del Estado chileno (1824–1975). <i>Historia</i> 396, 7(2), 429–461	Chile	Legal analysis/history
Norambuena, C., Navarrete, B., & Matamoros, R. (2018). Entre continuidades y rupturas, mejor la continuidad. Política migratoria chilena desde comienzo de siglo XX. <i>Revista Austral de Ciencias Sociales</i> , (34), 217–237	Chile	Explanatory studies

Citation	Country	Thematic area
Villanueva, S. C. (2018). Propuestas para regular las migraciones en Chile y la obstinación del securitismo. <i>URVIO, Revista Latinoamericana de Estudios de Seguridad</i> , (23), 110–126	Chile	Legal analysis/history; normative studies
Santi Pereyra, S. E. (2018). Biometría y vigilancia social en Sudamérica: Argentina como laboratorio regional de control migratorio. <i>Revista mexicana de ciencias políticas y sociales</i> , 63(232), 247–268	Argentina	Normative studies
Zubrzycki, B. (2018). Migración no autorizada y procesos de regularización en Argentina: el caso senegalés. <i>Revista del CESLA. International Latin American Studies Review</i> , (22), 367–382	Argentina	Legal analysis/history; normative studies
Vera Espinoza, M. (2018). The limits and opportunities of regional solidarity: Exploring refugee resettlement in Brazil and Chile. <i>Global Policy</i> , 9(1), 85–94	Chile, Brazil	Normative studies
Stefoni Espinoza, C., Lube Guizardi, M., & González Torralbo, H. (2018). La construcción política de la frontera. Entre los discursos nacionalistas y la “producción” de trabajadores precarios. <i>Polis (Santiago)</i> , 17(51), 137–162	Chile	Normative studies
Freier, L. F., & Holloway, K. (2019). The Impact of Tourist Visas on Intercontinental South-South Migration: Ecuador’s Policy of “Open Doors” as a Quasi-Experiment. <i>International Migration Review</i> , 53(4), 1171–1208	Ecuador	Explanatory studies
Winters, N., & Izaguirre, C. M. (2019). Es cosa suya: entanglements of border externalization and African transit migration in northern Costa Rica. <i>Comparative Migration Studies</i> , 7(1), 1–20	Costa Rica, Mexico	Explanatory studies
Ruiz Muriel, M. C., & Álvarez Velasco, S. (2019). Excluir para proteger: la “guerra” contra la trata y el tráfico de migrantes y las nuevas lógicas de control migratorio en Ecuador. <i>Estudios sociológicos</i> , 37(111), 689–725	Ecuador	Legal analysis/history; normative studies
Pereira, A. (2019). El nexo entre migración, seguridad y derechos humanos en la política migratoria de Argentina (1990–2015). <i>Desafíos</i> , 31(1), 273–309	Argentina	Normative studies
Vammen, I. M. S. (2019). New contested borderlands: Senegalese migrants en route to Argentina. <i>Comparative Migration Studies</i> , 7(1), 1–17	Argentina	Explanatory studies

Citation	Country	Thematic area
Leal, A., Palomera, A., & Norambuena, C. (2019). Protection and Refuge in Brazil and Chile: the Case of Palestinian Refugees-an Analysis from the Model of Economic and Cultural Adaptation. <i>Journal of International Migration and Integration</i> , 1–16	Brazil, Chile	Others
Castro-Trujillo, J. (2019). Política migratoria venezolana, una tradición de recepción. El caso de la inmigración española del siglo XX. <i>Revista Internacional de Pensamiento Político</i> , 14, 377–399	Venezuela	Legal analysis/history
Finn, V., & Umpierrez de Reguero, S. (2020). Inclusive Language for Exclusive Policies: Restrictive Migration Governance in Chile, 2018. <i>Latin American Policy</i> , 11(1), 42–61	Chile	Normative studies
Santi, S. (2020). La nueva política migratoria de Paraguay: derechos humanos y seguridad como pilares para el tratamiento político de la inmigración. <i>Estudios de derecho</i> , 76(169), 213–242	Paraguay	Normative studies
Lee, J. J., & Ortega Velázquez, E. (2020). The Detention of Migrant Children: A Comparative Study of the United States and Mexico. <i>International Journal of Refugee Law</i> , 32(2), 227–253	Mexico & USA	Legal analysis/history
Moulin Aguiar, C., & Magalhães, B. (2020). Operation shelter as humanitarian infrastructure: material and normative renderings of Venezuelan migration in Brazil. <i>Citizenship Studies</i> , 24(5), 642–662	Brazil	Normative studies
Barbero, M. V. (2020). Immigration policy and belonging in the Argentine 'racial state'. <i>Journal of Ethnic and Migration Studies</i> , 46(19), 4086–4103	Argentina	Normative studies
Ortega-Ramírez, A. S. (2020). Los derechos humanos de los migrantes y el desarrollo sostenible en la política migratoria de México. ¿Humanitarismo y/o contención?. <i>Latin American Journal of International Affairs</i> , 10(2)	Mexico	Others
Freier, L. F., & Gauci, J. P. (2020). Refugee Rights Across Regions: A Comparative Overview of Legislative Good Practices in Latin America and the EU. <i>Refugee Survey Quarterly</i> , 39(3), 321–362	Several	Legal analysis/history
Alfaro, Y., & Aragonés, A. M. (2020). Las respuestas gubernamentales a la migración calificada en México. <i>Migración y Desarrollo</i> , 18(34), 115–136	Mexico	Normative studies

Citation	Country	Thematic area
Barbieri, N. G., Ramírez Gallegos, J., Ospina Grajales, M. D. P., Cardoso Campos, B. P., & Polo Alvis, S. (2020). Respuestas de los países del pacífico suramericano ante la migración venezolana: estudio comparado de políticas migratorias en Colombia, Ecuador y Perú. <i>Diálogo andino</i> , (63), 219–233	Peru, Colombia, Ecuador	Legal analysis/history
Gandini, L. (2020). Caravanas migrantes: de respuestas institucionales diferenciadas a la reorientación de la política migratoria. <i>REMHU: Revista Interdisciplinaria Da Mobilidade Humana</i> , 28(60), 51–69	Mexico	Explanatory studies
Gandini, L., Rosas, V. P., & Lozano-Ascencio, F. (2020). Nuevas movilidades en América Latina: la migración venezolana en contextos de crisis y las respuestas en la región. <i>Cuadernos Geográficos</i> , 59(3), 103–121	Several	Legal analysis/normative studies
Apodaca, S. N. R., & López, J. B. (2020). La transformación de la política migratoria de México y su expresión con el Triángulo Norte: 2000–2020. <i>Revista Conjetturas Sociológicas</i> , 10–40	Mexico	Legal analysis/explanatory studies
Ianni Segatto, C. (2021). Settlement and Integration Policies in Federal Contexts: The Case of Refugees in Canada and Brazil. <i>Journal of Refugee Studies</i> , 34(1), 596–613	Brazil, Canada	Explanatory studies
Freier, L. F., & Zubrzycki, B. (2021). How do immigrant legalization programs play out in informal labor markets? The case of Senegalese street hawkers in Argentina. <i>Migration Studies</i> , 9(3), 1292–1321	Argentina	Explanatory studies
Jones, N. D. (2021). Between a 'Kingdom' and a hard place: the Dutch Caribbean and the Venezuelan migration crisis. <i>Migration and Development</i> , 10(2), 216–237	Aruba, Curaçao	Explanatory studies
Chami, G., Brown, C., & Roy, N. (2021). The securitization of Post-9/11 reception patterns of refugees, asylum seekers, and migrants: deconstructing the Venezuelan Exodus (A case study). <i>Migration and Development</i> , 10(2), 238–259	Several	Others
Martuscelli, P. N. (2021). Fighting for Family Reunification: the Congolese Experience in São Paulo, Brazil. <i>Journal of Refugee Studies</i> , 34(3), 3399–3422	Brazil	Normative studies
Voorend, K., Bedi, A. S., & Sura-Fonseca, R. (2021). Migrants and access to health care in Costa Rica. <i>World Development</i> , 144, 105,481	Costa Rica	Normative studies
Blouin, C. (2021). Complejidades y contradicciones de la política migratoria hacia la migración venezolana en el Perú. <i>Colombia Internacional</i> , (106), 141–164	Peru	Legal analysis/history; normative studies

Citation	Country	Thematic area
Vera Espinoza, M., Prieto Rosas, V., Zapata, G. P., Gandini, L., Fernández de la Reguera, A., Herrera, G., ... & Palla, I. (2021). Towards a typology of social protection for migrants and refugees in Latin America during the COVID-19 pandemic. <i>Comparative Migration Studies</i> , 9, 1–28	Brazil, Chile, Colombia, Ecuador, Mexico, Peru, Uruguay	Legal analysis/history; normative studies
Batréau, Q., & Tuitjer, L. (2021). Searching Refuge in Thailand or Brazil: Long-Distance Refugees and the Emergence of Global Asylum Hubs in Middle-Income Countries. <i>Journal of Refugee Studies</i> , 34(4), 3752–3770	Brazil	Explanatory studies
Moreno Rodríguez, G. (2021). La securitización del discurso migratorio: Nicaragua, un estudio de caso en América Latina. <i>Cuadernos Intercambio sobre Centroamérica y el Caribe</i> , 18(1), 1–23	Nicaragua	Normative studies
Roth, B. J. (2021). Temporary Shelter: Venezuelan Migrants and the Uncertainty of Waiting in Colombia. <i>Journal of Immigrant & Refugee Studies</i> , 1–13	Colombia	Explanatory studies; normative studies
Beltramin, J. B. (2021). Legislación migratoria chilena: tres momentos históricos entendidos como dispositivos discursivos. <i>Migración y Desarrollo</i> , 19(36), 37–64	Chile	Normative studies
Gutiérrez, A. G., Restrepo, I. C., & Álvarez, J. J. M. (2021). Gestión migratoria en Colombia y éxodo de venezolanos desde una mirada departamental en el eje cafetero: (Contextos migratorios emergentes). <i>Clivajes. Revista de Ciencias Sociales</i> , (15)	Colombia	Normative studies
Casillas, R. (2021). ¿Cómo negociar la política migratoria de México? Prácticas, logros, errores y opciones. <i>Migración y Desarrollo</i> , 19(36), 7–36	Mexico	Explanatory studies
Aron Said, V., & Castillo Jara, S. (2022). Reacting to change within change: adaptive leadership and the Peruvian response to Venezuelan immigration. <i>International Migration</i> , 60(1), 57–76	Peru	Explanatory studies
Donoso, C. (2022). The biopolitics of migration: Ecuadorian foreign policy and Venezuelan migratory crisis. <i>Journal of Borderlands Studies</i> , 37(1), 57–75	Ecuador	Normative studies
Freier, L. F., Berganza, I., & Blouin, C. (2022). The Cartagena Refugee Definition and Venezuelan Displacement in Latin America. <i>International Migration</i> , 60(1), 18–36	Several	normative studies

Citation	Country	Thematic area
Hammoud-Gallego, O. (2022). A Liberal region in a world of closed Borders? The liberalization of asylum policies in Latin America, 1990–2020. <i>International Migration Review</i> , 56(1), 63–96	Several	legal analysis/history
Thayer Correa, L. E., Tijoux, M. E., Lages, R., & Fouilloux, M. (2022). El estado en su frontera: arbitrariedad e ilegalidad en las políticas migratorias recientes de Chile. <i>Diálogo andino</i> , (68), 167–182	Chile	Legal analysis/normative studies
Selee, A., & Bolter, J. (2022). Colombia's open-door policy: An innovative approach to displacement?. <i>International Migration</i> , 60(1), 113–131	Colombia	Legal analysis/history; normative studies
Zapata, G. P., & Tapia Wenderoth, V. (2022). Progressive legislation but lukewarm policies: The Brazilian response to venezuelan displacement. <i>International Migration</i> , 60(1), 132–151	Brazil	Legal analysis/history; normative studies
Doña-Reveco, C., & Gouveia, L. (2022). What do immigrants make of immigration policies? Insights from interviews with Venezuelans in Chile. <i>International Migration</i> , 60(1), 77–91	Chile	Legal analysis/history
Sanchez Najera, F., & Freier, L. F. (2022). The Cartagena refugee definition and nationality-based discrimination in Mexican refugee status determination. <i>International Migration</i> , 60(1), 37–56	Mexico	Normative studies
Malo, G. (2022). Between liberal legislation and preventive political practice: Ecuador's political reactions to Venezuelan forced migration. <i>International Migration</i> , 60(1), 92–112	Ecuador	Explanatory studies
Del Real, D. (2022). Seemingly inclusive liminal legality: the fragility and illegality production of Colombia's legalization programmes for Venezuelan migrants. <i>Journal of Ethnic and Migration Studies</i> , 48(15), 3580–3601	Colombia	Normative studies
Machado, I. J. D. R., & Vasconcelos, I. D. S. (2022). Military Reception and Venezuelan Migrants in Brazilian far North: New Policies of Securitisation and Hybrid Refugee Camps. <i>Journal of International Migration and Integration</i> , 23(3), 1217–1234	Brazil	Normative studies
Silva Cardoso, J., & Oliveira Moreira, T. (2022). Los desafíos de la gobernanza migratoria en el MERCOSUR: las suspensiones de Venezuela y sus consecuencias en la política migratoria brasileña. <i>Si Somos Americanos</i> , 22(1), 34–58	Brazil	Explanatory studies

Citation	Country	Thematic area
Alexander, B. (2022). Debilitating mobilities: the logic of governance in Brazil's military-humanitarian response. <i>Mobilities</i> , 1–17	Brazil	Normative studies
Rizzo Lara, R. D. L. L. (2022). Managing Irregularized Migration in Mexico: Rhetoric of a Renewed Approach. <i>Journal of Borderlands Studies</i> , 1–22	Mexico	Normative studies
Melde, S., & Freier, L. F. (2022). When the stars aligned: ideational strategic alliances and the critical juncture of Argentina's 2004 Migration Law. <i>Third World Quarterly</i> , 43(7), 1531–1550	Argentina	Explanatory studies
Hammoud-Gallego, O., & Freier, L. F. (2023). Symbolic Refugee Protection: Explaining Latin America's Liberal Refugee Laws. <i>American Political Science Review</i> , 117(2), 454–473	Several	Explanatory studies
Riggirozzi, P., Cintra, N., Grugel, J., Garcia Garcia, G., & Carvalho Lamy, Z. (2023). Securitisation, humanitarian responses and the erosion of everyday rights of displaced Venezuelan women in Brazil. <i>Journal of Ethnic and Migration Studies</i> , 40(15), 1–19	Brazil	Normative studies
Pinheiro de Castro Simão, H. (2023). The Cartagena 'Spirit' as a third world human rights alternative to refugee protection: lessons to learn from Brazil's approach to Venezuelan socio-economic refugee. <i>The International Journal of Human Rights</i> , 1–26	Brazil	Legal analysis/normative studies
Brumat, L., & Geddes, A. (2023). Refugee recognition in Brazil under Bolsonaro: the domestic impact of international norms and standards. <i>Third World Quarterly</i> , 44(3), 478–495	Brazil	Explanatory studies
Acosta, D., & Freier, L. F. (2023). Expanding the reflexive turn in migration studies: Refugee protection, regularization, and naturalization in Latin America. <i>Journal of Immigrant & Refugee Studies</i> , 21(4), 597–610	Several	Others
Brumat, L., & Freier, L. (2023). Unpacking the unintended consequences of European migration governance: the case of South American migration policy liberalisation. <i>Journal of Ethnic and Migration Studies</i> , 49(12), 3060–3084	Several	Explanatory studies
Brumat, L., & Vera Espinoza, M. (2023). Actors, Ideas, and International Influence: Understanding Migration Policy Change in South America. <i>International Migration Review</i> , 01979183221142776	Argentina, Brazil, Chile	Explanatory studies

Citation	Country	Thematic area
Mussini, A., & Biderbost, P. N. (2023). Proyecciones demográficas para Argentina como base para el diseño de la política migratoria. <i>Migraciones Internacionales</i> , 14. https://doi.org/10.33679/rmi.v1i1.2621	Argentina	Legal analysis
Serra Mingot, E., & Gonzalez Zepeda, C. A. (2023). Transnational social protection infrastructures: African migrants in Mexico. <i>International Migration</i> , 61(3), 162–174	Mexico	Normative studies
Zapata, G. P., Gandini, L., Vera Espinoza, M., & Prieto Rosas, V. (2023). Weakening practices amidst progressive laws: Refugee governance in Latin America during COVID-19. <i>Journal of Immigrant & Refugee Studies</i> , 21(4), 547–565	Brazil, Chile, Mexico, Uruguay	Legal analysis/normative studies

Abbreviation

UNHCR United Nations High Commissioner for Refugees

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Author contributions

NFR created the dataset, by identifying the sources and conducting the analysis of the literature, developed the arguments and wrote the different sections. FF developed the idea for the article and its methodology, built up the arguments and carried out substantive revisions of the text.

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Data availability

A full dataset that includes the coding justifying the numbers throughout the text can be provided by the author under request.

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Competing interests

The authors declare that they have no competing interests.

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