

Coming Full Circle? Latin American Migration Governance in the 21st Century

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Abstract

In this paper we use the heuristic template of the policy cycle to make sense of Latin American Migration Governance in the 21st century. Both the academic literature and international organizations have pointed to exceptional liberalism, or generosity, in Latin American immigration and refugee policies. At the same time, there is an emerging consensus on the limitations regarding both policy institutionalization and implementation, especially in the context of contemporary displacement from Venezuela. Building on both the secondary literature and original empirical evidence across the region, we trace what is known, and point out research gaps and avenues for further research, regarding the different stages of immigration and refugee policy formulation, institutionalization, implementation, and evaluation. We discuss both determinants of policy outputs, such as laws and policy programs, and the effects of such policies on migratory outcomes, and how these outcomes have in turn influenced policy evaluation and a new reform. We further identify the main political actors in Latin American Migration Governance, such as presidents, civil society organizations, and courts.

Biographies of Authors

Diego Acosta is a leading international expert on European and international migration law. His work discusses Migration law as a central aspect of globalisation and analyses various processes of inclusion and exclusion and their profound implications for the rule of law in Europe, South America and elsewhere. He is the author of more than 50 publications and his latest monograph (with Cambridge University Press 2018) looks at the legal construction of the national and the foreigner in South America since independence in the early 19th century until today. He also participated as co-investigator in the project Prospects for International Migration Governance (MIGPROSP) which the ERC funded with 2.1 million euros for the period 2014-2019.

Acosta has testified before the parliaments of Chile, Colombia, Ecuador and Peru on migration law reform. He has provided consultancy for various governments, international organisations, law firms, political parties and NGOs in the USA, Europe, Latin America, the Caribbean and Africa. He produced the written observations for the applicant submitted to the European Court of Justice in the recent cases C-636/16 López Pastuzano (on the Long-term Residence Directive) and C-836/18 RH (on EU citizenship and Article 20 TFEU). In both cases, the Court of Justice ruled in favour of the applicant. Professor Acosta has also provided written legal opinions to domestic lawyers that have proven to be decisive in other successful cases before the CJEU, such as C-448/19 WT. He is regularly invited to present his work in some of the most prestigious universities around the globe and has been visiting researcher at several institutions including the University

of New York (NYU) and the European University Institute (EUI) in Florence. He has been interviewed by media outlets in the USA, UK, Spain, Russia, Brazil or Ecuador, among others.

Luisa Feline Freier is the Associate Professor of Political Science at the Universidad del Pacífico (Lima, Peru). Her research focuses on migration and refugee policies and laws in Latin America, south-south migration and the Venezuelan displacement crisis. Prof. Freier has published widely in both academic and media outlets, and has been interviewed on the Venezuelan displacement crisis in international media, including BBC, El País, La Presse, and The Economist. Prof. Freier has provided advice to various international institutions and organizations such as Amnesty International, ICRC, IDB, IOM, UNHCR, the World Bank and the EU. She is Migration Research and Publishing High-Level Adviser of the IOM.