IMMERSION OF VENEZUELAN MIGRANT WORKERS IN COLOMBIA

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ABSTRACT

Objective: this research aims to determine the opportunities offered by various societies, which exercise employment contracts, focusing on subjects with migration circumstances, in this case Venezuelans; examining the global challenges and perspectives that a state assumes, the impact that this phenomenon causes on society, along with its consequences and the adaptation processes in the work environment.

Theoretical Framework: The driving factors of migration are investigated from the economic, social, political and demographic order.

Method: A socio-legal approach and a qualitative paradigm are used, since the information is collected and selected through reading articles, bibliographies and virtual and in-person meetings. Ideas were exchanged and the different research that was found to contribute to the development of the central theme was socialized.

Results and Discussion: The main reasons for migration and the working conditions that the state grants to migrants were determined.

Research implications: A wide range of areas are covered, from public policies to labor and social practices.

Originality/Value: This research examines various aspects from multifaceted perspectives with main relevance in political and social relations.

Keywords: Work, Migration, Salary, Working Conditions.

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RESUMO

Objetivo: Esta pesquisa visa determinar as oportunidades oferecidas por diversas sociedades, que exercem contratos de trabalho, com foco em sujeitos com circunstâncias migratórias, neste caso venezuelanos; examinando os desafios e perspectivas globais que um Estado assume, o impacto que este fenômeno causa na sociedade, juntamente com suas consequências e os processos de adaptação no ambiente de trabalho.
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Referencial Teórico: Os factores impulsionadores da migração são investigados a partir da ordem económica, social, política e demográfica.

Método: Utiliza-se uma abordagem sócio-jurídica e um paradigma qualitativo, uma vez que as informações são coletadas e selecionadas por meio de leitura de artigos, bibliografias e reuniões virtuais e presenciais. Foram trocadas ideias e socializadas as diferentes pesquisas que se constatou contribuírem para o desenvolvimento do tema central.

Resultados e Discussão: Foram determinados os principais motivos da migração e as condições de trabalho que o Estado concede aos migrantes.

Implicações de pesquisa: Uma ampla gama de áreas é coberta, desde políticas públicas até práticas trabalhistas e sociais.

Originalidade/Valor: Esta pesquisa examina vários aspectos a partir de perspectivas multifacetadas com relevância primária para as relações políticas e sociais.

Palavras-chave: Trabalho, Migração, Salário, Condições de Trabalho.

INMERSIÓN DE LOS TRABAJADORES MIGRANTES VENEZOLANOS EN COLOMBIA

RESUMEN

Objetivo: Esta investigación pretende determinar las oportunidades que ofrecen las diversas sociedades, las cuales ejercen contratos de trabajos enfocándonos en sujetos, con circunstancias de migración, en este caso los venezolanos; examinando los retos y perspectivas globales que asume un estado, el impacto que provoca este fenómeno en la sociedad, junto con sus consecuencias y los procesos de adaptación en el entorno laboral

Marco Teórico: Se investiga acerca de los factores impulsores de la migración desde el orden económico, social, político y demográfico.

Método: Se emplea un enfoque socio jurídico y un paradigma cualitativo, ya que la información se recolecta y selecciona a través de la lectura de artículos, bibliografías y reuniones virtuales y presenciales. Se intercambiaron ideas y se socializaron las diferentes investigaciones que se encontraron que contribuyen al desarrollo del tema central.

Resultados y Discusión: Se determinaron los principales motivos de migración y las condiciones laborales que el estado les otorga a los migrantes.

Implicaciones de la investigación: Se abarca una amplia gama de áreas, desde políticas públicas hasta prácticas laborales y sociales.

Originalidad/Valor: Esta investigación examina varios aspectos desde las perspectivas multifacetadas con principal relevancia en las relaciones políticas y sociales.

Palabras clave: Trabajo, Migración, Salario, Condiciones Laborales.

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1 INTRODUCTION

To address relevant aspects of work by migrants in Colombia, it should be noted that migration is a phenomenon, in which various barriers are generated that fall on the ethical and moral conduct of societies; issues such as xenophobia, linguistic management and customs, tend to cause discomfort that hinder the proper integration of that migrant in search of employment. Therefore, it is important to talk about inclusiveness in awareness campaigns to citizens, in terms of exposing those positive contributions and illustrating scenarios where principles such as equity for migrant workers prevail, in those areas where they are highly trained. For Pierola and Chatruc (2020), “Migrants in Latin America face health disparities and difficulties in accessing health care,” which requires policy interventions to alleviate these disparities.

The protection of the interests of migrant workers includes that the State is the main promoter of human rights and social principles; because employment is a fundamental economic factor for the balance and development of any country, because it generates income for millions of people, and provides each worker with a decent and fair quality of life. According to Blyde, et alt (2020) “Migration in Latin America has a positive impact on labor markets, education, health, crime, prejudice, international trade, assimilation, family separation, diaspora networks and return migration.” (p.34)

In criterion the aspects that tend to be primary for each worker; they are regulated by the substantive labor code, which in turn is sustained in the Political Constitution of Colombia of 1991 that from its first article determines that Colombia "is a social state of law", for this reason, has the obligation to configure measures and regulations that manage the optimal conditions, so that the work environment is fair, safe and healthy, because in the same way workers have the duty to produce the best goods and services, for the collective welfare of a society.

It is also of utmost importance to defend the ideals that advocate that migrant workers deserve to be treated with respect, especially in these times of great changes and innovations, which have been presented when taking on the challenge of the migration phenomenon and the impact of their appearance in situations of labor instability, which disregard the worker in the fulfillment of their objectives because there are no incentives that stimulate the development of their faculties, but the opposite at any time can lose the job based on their age or the simple fact of not having the required experience in the exercise of their functions; the imbalance that often is due to a contract that does not immerse itself in the reality of any State and only nuances
legal aspects and, instead, the factual impediments originating from the population itself are not taken into account because the benefit of external agents Employers in turn would be affected in their capital.

We can say that migration is one of the multiple impediments, which affect the growth of any country, either nationally or internationally, since they originate negative predispositions in the profits of workers, based on labor performance, when generating economic assets. According to Liliana Rivera-Sánchez et al. (2020) The sociology of migration in Latin America is a broad, heterogeneous and multidisciplinary field, influenced by diverse sociological approaches and influenced by diverse topics and debates in the social sciences.

Because migration is understood as the phenomenon of moving from one place of origin to another destination by derived political and economic situations or as happens in many cases to settle in a certain place that is not the first option, but migrants have felt comfortable living in that certain geographical space, which is the case of Colombia. María E. Cervantes-Macías et al. (2022) explains that Improving migration data collection and management in Latin America requires three main themes: improving administrative data, improving local data, and implementing migration integration policies.

On the other hand, this study also analyzed this social problem in the following way: first, to analyze the migration exodus in the years 2018-2023 in Venezuelan migrants, sequentially consult the normative evolution of the laws on Venezuelan migrants in Colombia and finally structure a report of the public policies in charge of stimulating the incorporation of Venezuelan migrants in the labor sector. In the opinion of Margheritis, A. and Pedroza, L. (2022). “Recently, new policies have emerged to address pressing, unexpected and long-standing issues, such as the vast and sudden flows from Venezuela and Central America.” (p.54).

2 MIGRATION EXODUS IN COLOMBIA

Due to the unprecedented severe social, political and economic crisis in Venezuela and the severe economic slowdown in Latin America. The main destinations of immigrants in South America include Argentina, Brazil and Uruguay; in which most migratory transfers are directed to those cities that are experiencing processes of labor market decline to be able to raise productivity rates; a strategy that has worked thanks to the agreements for citizens members of the "Common Market of the South" (Mercosur) because according to it, social policy
adjustments and related changes in the regularization of the migratory status have been made in its regulatory framework.

Other states such as Colombia; which is the subject of the chapter, has been able to verify that there are several types of migrants; among which are fluctuating migrants who cross national borders daily or regularly to work or study in neighboring countries and then return to their original place of residence, as well as migrants in transit who cross a country or region, usually to reach a final destination other than the country or region through which they travel. These people do not intend to settle permanently in a place of transit, but are on their way to another destination, but because of various problems to move to that destination have decided to reside in the country where they move; Colombia is the country that assumes the greatest cases of temporary settlement by Venezuelans according to reports from the international organization for migration that from now on we will name it with the acronym "IOM", which corroborates that:

Colombia is the busiest destination for Venezuelans in South America. Likewise, a large percentage of Venezuelans enter Colombia as a bridge to third destinations that in a situation of regularity are 468,428 Venezuelans and in an irregular situation: 105,766. There are also more than 1,600,000 Venezuelans with Border Mobility Cards. This is a round-the-clock migration of citizens residing in a border area who move routinely between the two countries, even registering several daily incomes and outflows. During the first half of 2018, about 7,300,000 entries and 6,600,000 exits were registered using this permit (IOM Regional Office for South America, 2018, P.8).

Colombia is one of the most referenced countries, showing that migration trends generate economic imbalances collaterally, both in the country of origin and in the place of reception mainly in the stability of households and regions taking into account that most of the migrations of Venezuelans travel to Colombia, due to the need to "seek an improvement in their real income, the possibility of climbing socially and labor and, as far as possible, bear the expenses of their family" (TORRES, 2021, P.4).

2.1 CAUSES OF MIGRATION

The needs of Venezuelans have arisen due to high monetary gaps in the economic management of the currency, which significantly loses purchasing power, resulting in lower possibilities for enrichment and greater situations of precariousness caused by internal conflicts caused by weak institutions that have lost credibility directing economic development issues
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for its inhabitants. Causing many Venezuelans to take the risk and the decision to move with the conviction of improving their quality of life, with the aim of better managing those qualifications and professional experiences, to obtain the most optimal gains that in their place of origin due to lack of opportunities could possibly not achieve, because a citizen of the common in Venezuela today is more difficult to support their families in their country and prevent any member from contracting any need; especially because remittances in the exchange rate takes a special effect on the international economy being the Colombian peso compared to the Venezuelan bolivar one of the largest sources of economic retribution.

2.2 MIGRATION FLOWS

Noting the above, many of the Venezuelan migrants who move to Colombia have arrived to stay at least for an indefinite time and in the same way, being a large number of people who mobilize each year, it is necessary for the State to properly manage the migratory hordes, which extend in all areas of the country, because otherwise problems such as crime would be generated, together with the increase in the rates of migrants who inhabit the main cities. Emphasizing migration statistics Colombia, this data shows that in large cities the numbers of migrant mobility have skyrocketed; documenting that:

As of January 23, 2019, there were 1.7 million Venezuelans in the national territory and, taking into account the urban nature of this migration, the current distribution is as follows: 70% in 14 Colombian cities and 30% in border areas. According to data from the Colombian Migration Service, the regions with the highest number of immigrants are: Bogotá: 278,511, Norte Santander: 176,695, La Guajira: 147,323, Atlántico: 115,456 and Antioquia: 96,941 (Migración Colombia, 2019, P.5).

Certifying in this way that Colombia is in the midst of a humanitarian crisis, because migration flows to this country continue to grow day after day, so that the state responses that certain agents must issue are demanded by both nationals and foreigners, it is not enough to allow Colombian returnees who arrive with children to acquire nationality by consanguinity. But new population controls of long-term proportion must also be structured and accepted in the Colombian legal framework that meets the expectations of a new competition market “that demands rights, poses humanitarian challenges and requires a less reactive and more comprehensive state response for the structural changes immersed in Colombian society” (Bedoya, 2020, P.6).
2.3 RECRUITMENT REPORT

In Colombia it is common for a large percentile of migrants to conclude labor contracts that present situations of disrespect around what is related to salary, safety and health conditions at work, thus causing infractions that harm the durability of the migrant worker, since he is deprived of those benefits that maintain the optimal conditions of a person. Particularly with regard to the enrichment of the worker's financial patrimony and physical capacity that makes up the anatomical development of all its functions in the environment. However, from the point of view of Tani (2020) Migration policy may improve the human capital of immigrants, but may not efficiently use foreign talent in the labor market.

The state must go further in its efforts to avoid problems such as the fact that any migrant cannot be in a harmful position when receiving remuneration below the prescribed minimum wage. This not only affects their ability to meet basic needs, but also leads to greater economic and social vulnerability or failure to judge workplace discrimination evidenced in pay in that despite performing the same jobs as their own citizens, many immigrants do not receive the same pay, a clear violation of the principle of equal pay for equal work. Reflecting that the government must have the total willingness to face all that injustice; because it not only affects immigrants, but also undermines fairness and equity in the workplace.

2.4 VULNERABILITY INDICES

A number of advances have been made in the factors of stability, but analyzing other aspects such as integration, various controversies still arise not because the national community has not had acts of solidarity with the inhabitants of the neighboring country, but because there is a great aversion due to the crowding of immigrants in all cities, especially in the cases of migrants who manifestly declare their condition of poverty or precarious health condition because they have spread epidemiological diseases; being problematic that have compromised the acceptance by Colombian nationals in front of critical states, because of the risk generated by the fact that Venezuelan migrants do not receive treatments of a vital nature to avoid unwanted infections.

Many of the migrant populations settled in the country are at a stage of great vulnerability in terms of medical well-being, for which, the government in health aid processes has concluded that the right to employment is not different from the right to health, because it is from employment and from the supply of work that migrants can access health in a simple
and less expensive way through affiliation processes, by companies that encourage the positive retention of human capital emphasizing that, “the greatest capital of migrants, displaced people and refugees is often their capacity to work. Thus, when displaced persons, refugees or in conditions similar to shelter are allowed to work and relocate” (World Bank, 2018, P.82).

2.5 POPULATION INTEGRITY AS A CHALLENGE

With respect to the above, institutional figures must direct their leadership towards a migration proposal, where the promotion of decent work is rescued in order to take advantage of increasing the rates of competition in national productivity to strengthen the sources of knowledge and access to conditions of equality linked to processes of monitoring, supervision and examination of administrative operations applied to the migration phenomenon in order to promote social dialog between migrants and nationals.

In view of the duly drafted, in order to better deepen the timely use of the figures responsible for promoting work as a competition, it is necessary to delve into the impact of the economic contexts of Venezuela, as a result of which migration arose largely due to the lack of coverage of minimum basic needs as a consequence, of which from the new millennium a very robust economy little used to emigrating transformed into a weak economy that forced its population to seek opportunities abroad for bad practices in “Exchange control, expropriations of productive companies, production control of private companies, increase in tax collection, Central Bank without autonomy that stopped publishing the country's macroeconomic statistics because of the militarization of public power” (León, 2018, P. 75) Oh, yeah.

Now when a Venezuelan migrant arrives in the Colombian territory and begins to work, there will always be the uncertainty, that if according to their presence in the labor market to a large extent these produce the deterioration in wages due to the increase of informal jobs and unemployment; and while migration has brought with it certain problems has also brought favorable effects such as the demographic increase of the economically active inhabitants based on the average of Venezuelan immigrants; taking into account that the age of the same is lower on average compared to the Colombian population, and therefore the public dividend would increase as well as it should be recognized that in the last decade "foreign direct investment from Venezuela to Colombia, in food, chemicals, agro-industry and other sectors amounted to 1,000 million dollars. Cosmetics, textiles and construction materials, etc. Other; gender, jobs and opportunities in Colombia” (Business, 2018).
Indicating in this way that from the beginning the normalization, incorporation and formalization of migrants is useful to obtain benefits such as an insertion in the labor force, despite the fact that the country is not used to being a recipient of populations together with the disinformation that inexperienced or xenophobic people have communicated; the state as a society must recognize the personal and legal security that migrants deserve, understanding that they are going through a very serious humanitarian crisis and must provide support when a population tries to be productive and more when it is notable that the number of Venezuelans who have decided to settle in Colombia exceeds one million people.

3 IMMIGRATION REGULATIONS VIS-À-VIS COLOMBIAN JURISDICTION

Colombia in its jurisdiction has extensive regulations that allow it to realize the fundamental rights of each of the migrants, in this analysis we refer to Venezuelan migrants, taking into account that "Colombia is the country that has received the most migrants since 2019; calculating that it spent approximately 2,356,200 million pesos per migrant according to reports from the International Monetary Fund (IMF)" (Arena, et al., 2022).

In this sense, it has been possible to demonstrate that the Colombian State, in the face of large numbers of migrants, has applied in a modern way in its public order in cooperation with international law, standards of legal access for the protection and guarantee of human rights that address the faculty of working understood by everything that regulates occupation, nature of employment, unionization, housing, social security and legal processing at the time of validating and homologating the title.

Procedures linked to compliance with constitutional principles, which involve the intervention in block of legality, of international legal thinking issued, through conventions or treaties of the “International Labor Organization” (ILO) subordinated to the limitation by the judicial body whenever a constitutional control is carried out that examines the legitimacy or validity of the laws issued to migrants because the constitution by reason of its content “incorporates the pretension that reality conforms to what it prescribes is not only a norm, but is the supreme norm, and this means that it conditions the validity of all other components of the legal order” (Salazar, 2016, p. 93).

The protection of migrant workers in Colombia is based on a series of circumstances and legal provisions that commit the State to propose due guarantees. These circumstances include international human rights: Colombia has ratified treaties and conventions that establish the human rights of all people, without any segregation based on their national origin or
immigration status. This includes the “Universal Declaration of Human Rights” and the “International Covenant on Civil and Political Rights,” which dynamically embody the fundamental rights of all people, including migrants. Specifying that Colombia has an obligation to respect and prolong the human rights of migrants since their lack of protection could imply violations of their fundamental rights, which would be contrary to international values and standards, and the Colombian constitution itself, that is, generates an effect of regional destabilization, especially in those migrant workers in situations of irregularity who often agree to work in unfavorable conditions.

3.1 SHELTER DELIMITATION AND RESIDENCE

With the arrival of the Venezuelan exodus in Colombia and other Latin American countries; international law has merited delimiting the status of refugee migrant, adopting a comprehensive definition of the term as those people who have felt their public security violated in their country of origin for fear of internal conflicts, terrorist attacks or other threats that coerce them to leave their country and submit to the decision to come for international protection; from this it is admitted that the protection of migrants is not strictly individual, but can be collective according to the situational dangers that have the character of being regulated in an agglomerate.

This reasoning has been ignored even when a large number of recommendations have been drafted by the UN Commissioner, national legislations have rarely incorporated this procedure because when the “application for international protection” is made, bureaucratic-administrative systems have been collapsed and in several cases, the acceptance rates are low. And if accepted, the process is complicated, with requirements that cannot always be met” (Gandini, et al., 2020, p. 114).

With a focus on residency, Colombia has enacted immigration legislation to regulate the entry and residence of foreigners in the country; it aims to attract foreign investment and skilled talent, contributing to the country's diversification and economic growth. The country offers several types of residency, including temporary residency, permanent residency and investment residency, each type has specific requirements and benefits in areas such as health and education and can serve as prerequisites for obtaining Colombian citizenship, as well as financial advantages. And the law establishes certain criminal responsibilities, demonstrating the government’s efforts to systematically strengthen control over migrants who move and
settle in the country, although challenges remain in regularizing irregular migration and effectively integrating foreign communities.

3.2 CASE LAW

From the judicial point of view, it is the constitutional court that plays a transcendental role, in the development of the legal system that regulates all deliberations and the impact that migrants produce in the lives of Colombian nationals; about everything that comes from a work relationship; with the main function of guaranteeing the integrity of migrants, resolving jurisdictional conflicts between different public powers and determining the exequilibrium of laws in accordance with decent life with the purpose of abolishing all that social inequality providing various series of opportunities or benefits of an irreplaceable nature in the proper development of the deficiencies in charge of materially enhancing the capital of the individuals who assume a job.

The quality of having a stable job for the court legally documenting; is through a judgment duly given when making a ruling, in which it is studied whether a rule violates the commitments of protection of the rights of migrants and their focus on ensuring equality, dignity and justice regardless of their immigration status in order to initially balance the conditions of employability. An example of this is the Constitutional Court of Colombia's Judgment No. T-535/20, which states that the unilateral and unreasonable termination of the employment relationship of migrant workers constitutes a violation of the right to enhanced labor stability and social security.

ruling No. T-404/21 of the Constitutional Court of Colombia stipulating the scope of labor rights of migrants, and that immigration must be a form of regulated labor relationship in order to equalize working conditions with residents in terms of social protection and labor rights; ruling T-295/18, which talks about how the active legalization of guardianship action makes no difference between nationals or foreigners, so immigrants enjoy the same labor rights as nationals and ruling No. T-100 of 2023 in which the requirements to request temporary protection permits for Venezuelan immigrants in Colombia were relaxed.

Basically, the court deals with these cases, because many of the events immersed in migration characteristically endanger the essential value of human life and this should not be treated with indifference for obvious reasons, since from the outset the human being is not a commercial object or material; but that it must enjoy intrinsically an environment free of material deficiencies and that it can effectively access basic goods and services to subsist.
worthily because we do not cease to be equal despite certain differences; according to the fact that the government of Colombia defends that it is a democratic society where real and effective equality is a constant manifestation in each of its mechanisms.

3.3 INTERNATIONAL LEGAL

The international guidelines, which address the mobility of migrants began at the end of World War II, with the purpose of supporting all displaced victims of the conflict in Europe and then make reviews to all migrants or refugees living anywhere in the world at a historical moment and environment marked by xenophobia and excessive nationalism; for all individuals in vulnerable conditions, they developed in an organized and safe way international regimes responsible for saving lives and building better futures for various people who have been forced to flee their homes.

Among the most active participations of international mechanisms in regulating the right to work is “The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,” adopted by the “United Nations” (UN), which emphasizes that “migrant workers and their families are vulnerable due to their absence from the State of origin and the difficulties they face in the State of employment.” Another important international actor would be the (ILO), which has adopted several conventions and recommendations related to migrant workers, including the “Migrant Workers Convention (No. 97)” which regulates that migrant workers have the right to protection in employment, occupation and compensation scenarios for wrongful dismissal.

It has also adopted the “Convention on Migration under Abusive Conditions and the Promotion of Equal Opportunities and Treatment of Migrant Workers” (No. 143) which includes “the suppression of clandestine migration for the purpose of employment and the illegal employment of migrants.” In turn, it fights against “the organizers of illegal or clandestine movements of migrants for employment purposes.” It establishes the divergence of communication and methodical interrelationship of research between countries to address migration under abusive conditions.

These protocols and institutions admitted by the State collaborate in favor of the common interest and grant some power to resolve collective problems, using a decalogue of positive norms that defend the universality, interdependence, inalienable, and indivisibility of human rights in line with promoting new legal changes consisting of: “1) alleviating the pressure of host countries, 2) promoting the self-sufficiency of refugees, 3) expanding access
to solutions in third countries and 4) facilitating a return in conditions of security and dignity” (Muñoz, 2020, P.12).

In short, the international regime is a framework that takes decisions and applies actions, whenever there is an active contribution by state or non-state bodies as long as any civil society is suffering degrading treatment and is excluded from receiving a basic welfare that by being a person are creditors; in an effort to combat the high levels of inequality present in some governments as long as "equality by these international bodies guarantees the effective enjoyment of the rights collected for the purpose of providing sufficient attention to groups or individuals who suffer historical injustices or are victims of persistent prejudice” (Economic and Social Council, 2009, p.4)

### 4 PUBLIC POLICIES IN THE LABOR SECTOR: MIGRANT INCORPORATION

Government policies are the administrative bodies responsible for defining by issuing internal decrees all the variants that exist in the migrant labor field and in turn, direct through plans or programs with full authority any initiative responsible for resolving the situations of irregularity present in the country; political efforts, according to the cases of migration are successful as long as they obey the rationality and wisdom of meritorious acts, for all communities in the development of their welfare.

At the moment when these policies bring changes that can be detrimental to society and trust in the institutions of the nation, for the simple fact of not reflecting the complexity of the migration process, by not relating to the context and path that characterizes the national population are incurring a fault because "all public or private authorities must direct the sense of their functions towards the promotion of the original rights of the human being, in that order of ideas whoever interprets it should not do so excluding those principles" (Carvajal, et al., 2021, p. 216).

This means that policies must call for full considerations based on plurality where it does not matter the enrichment or gain of some nationals or migrants but how the distribution of functions or dividends operates in the Colombian territory, typical of a model that is based on being the social state of law that assists collective development above the individual, which favors equal treatment and does not exclude from the plans any of the parties to be the political that discipline of the social sciences delegated in favor of promising solutions on any circumstance that attacks against the social protection of the inhabitants and in turn must have the ability to adjust to the current environment and social changes.
4.1 AREAS OF CARE

In the diplomatic perspective, the measures of action against the migratory phenomenon require the intervention of local and international agents with the direction of administering the capital for the citizenship as for the immigrants confronting the various types of inconveniences and approaching the sectors that require priority attention; making use of a versatile and competent procedure in identifying opportunities in migrant care services that promote “the productive and commercial development of the labor market, the exchange of information between governments, international organizations, entities of the national order for the efficient execution of tasks, and, finally, the promotion of economic integration in border areas” (Correa, et al., 2019, P.2).

These processes must be carried out as quickly as possible to avoid saturation in the care services of the agencies or worse, their ineffectiveness, due to the effects of the high magnitude of migratory flow, especially in border areas; notions of regularity and management in the migrant circulation are organizational materials that must be inscribed within the dynamism of public policies because they promote an “orderly migration, based on making the migratory process “predictable and manageable”, by implementing subtle regulatory strategies that try to “conduct, direct, and channel” migrations in legality and that therefore pays attention to the control of irregular migrations” (Santi & Clavijo, 2020, P.11).

It is evident that the collaboration of technical inputs in integration programs is necessary to generate high levels of production in the country and reduce problems, expanding the coverage of information corresponding to the competencies that must be exercised in each of the regions and geographies of the country, accompanied by management indicators responsible for replicating each of the targets that must be met with respective surveillance and control in areas with greater migratory impact.

4.2 SPECIAL RESIDENCE PERMIT

Each state defines what powers are available to foreigners, in the case of Colombia against the flow of Venezuelan migration, Decree 216 of 2021 is promulgated, the current current one that regulates the permanent special permits (PEP) that allow Venezuelans to reside in Colombia during its period of validity with the ability to perform a legal office in Colombia on a regular basis; but at the same time it also brings with it a certain responsibility, which the authorities can exercise when the document is altered, misused, violates Colombian norms, or
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stays outside Colombia for more than 90 consecutive calendar days; now, those who do not comply with the previous regulations (permits or visas) are forced to perform non-normalized, poorly paid trades and without the necessary assistance such as participation in the social security system. To this end, the State has developed ways to promote formalization to achieve the enjoyment of decent work.

The decree also establishes certain mechanisms, such as the Venezuelan Administrative Registry of Migration (RAMV, in Spanish), to register Venezuelans’ entry into Colombia. The registration is voluntary and aims to know the situation of migrants, their needs and location so that they can have equal access to public services such as health and education and social programs with Colombian citizens, and consolidate cooperation with international organizations. Aid agencies address the migration crisis and provide help to migrants. In the Colombian state there are rights that are not allowed for foreigners; among the most prominent are “The limit of the freedom of movement to foreigners in the national territory, unless permission has been granted by the Government. Voting as a foreigner may not be exercised for national or departmental elections (Pan American Development Foundation” (PADF), 2019, PP. 45-46).

The current situation of the State with regard to its policies demonstrates that they increasingly immerse themselves in the reality of migration processes by addressing with careful judgment and work the sustainability of the population in transit, emphasizing how the transfer of migrants is transparent, since immigration checkpoints have been set up that have guaranteed a safe passage at the borders of the country, humanitarian resources have been raised where the health of each of the individuals has prevailed, labor has also been extended allowing innovation in areas with reduced purchasing and commercial power and conditions of permanence have been stipulated for those migrants who do not consider Colombia as a transit country but as a place to spend the rest of the years.

4.3 TEMPORARY PROTECTION STATUS

Colombia being a transit route for those Venezuelans who have escaped economic hardship, instability and lack of opportunities in their republic; the government has decided to set up a temporary protection status for all that migrant from the neighboring country, allowing him through a document to work not only to bill financially, but also allows them to contribute to the pension system, since their permanence has become indefinite and the mechanisms that have contributed to these processes have directed their actions to integrate socially and
economically, attending to the humanitarian aid and the urgency that each of the entities that subsidize access to social protection systems in Colombia must have in the face of problems still in force such as:

The fact that the migrant population suffers much higher levels of poverty than those affecting the local population. In 2021, 63.4% of the migrant population lived in monetary poverty, compared to 39.3% of the Colombian population. In terms of extreme poverty, 24.1% of the Venezuelan migrant population lives in this situation, compared to 12.2% of Colombians. The situation of poverty particularly and worryingly affects Venezuelan migrant women: of the total Venezuelan migrant population, 65.9% of women and 60.8% of men live in poverty (United Nations Development Program [UNDP], 2022, P.11).

At present, the context and policies of Colombia responsible for promoting integration have resolved inconclusively their suitability, so no progress has been stipulated that demonstrates clear figures of the contribution of Venezuelans to the prosperity of the country and as today after 5 years there is still an imbalance between migrants in vulnerable condition with those who have been able to progress; because on several occasions great impediments have arisen such as the global health emergency or a condemnable lack of attention in coordination bodies and institutional mechanisms that protect the interests of migrants; They have forced the current government to go unified with the competent institutions to make decisions based mainly on “strengthening and adopting strategies that allow the economic integration of the Venezuelan migrant population; Promote environments that favor the social and cultural integration of the migrant population; strengthen the institutions responsible for the care and integration of the migrant population” (CONPES 4100, 2022).

4.4 NEW GOVERNMENT PROPOSALS

The current government under the leadership of Gustavo Petro can promote more transcendentally the scope of migration policies since it has succeeded in restoring diplomatic communications with Venezuela and has the support and applause of international organizations of the succession migration scheme that has sufficient bases for the control of migratory flows with a specific and concise trend in the public agenda corresponding to the basic needs that require a response by institutions in development of programs for the entire migrant population of the neighboring country that recognize and guide their actions in the main vulnerable and congested sectors for reasons of migrant circulation provided; indicating that
the government "will adapt and strengthen the institutional structure of the Ministry of Foreign Affairs, the Special Administrative Unit for Migration Colombia and the special administrative entities with coordination and articulation responsibilities in migration issues" (Trompetero, 2023).

It is recognized that the administration of the new president has the permanent mission of regulating in his years of mandate the transfer of Venezuelans in Colombia and the gaps that still exist between the Venezuelan immigrant population and the host communities, it is necessary to take measures to promote the sustainable integration of this population in order to integrate it into Colombia. This is a factor of development in Colombia because public programs and activities have the State as the main responsible and society as the necessary participant and main recipient. This proposed definition implies that the State, through its government and administrative powers, takes decisions and actions, not acting alone but in conjunction with other private actors and citizens, for the common good.

5 CONCLUSIONS

According to the components provided in this research article, the flow of Venezuelan migrants in Colombia is one of the greatest difficulties faced by a state in progress and development in the supply of work that make possible the need to deepen in greater volume the curricular transition according to the alterations and needs that the migration phenomenon has brought with it and which requires the creation of strategies that generate associations of each of the productive sectors of the country and that the migrant can count on contributions in terms of viable wages for the satisfaction of their needs and the support of the public power.

Among these protections, the efforts of States, particularly the Colombian government, must be directed to guarantee the approximation of refugees to justice, respect for their rights, social integration, security and well-being, as well as to promote social inclusion, welcoming them and granting them opportunities that promote national development and multicultural integration of societies where different cultures unify.

In this sense, the possibility that a migrant can get a job depends on public policies that are based on strengthening monitoring, the evaluation of the competences of labor entities in a grouping of legislation oriented occupationally to give guidance in the processes that regularize the right to work in decent and fair conditions as a premise willing to incorporate effective justice for migrants against the fact that migrants are not respected the fundamental principles of Article 53 in the substantive labor code in which the migrant worker in a period of time was
not recognized minimum rights working in circumstances that did not guarantee their economic stability to provide social security.

Based on the concepts presented in the study, substantive variables and determinants were identified that allowed analyzing the protection of Colombian migrant workers from different dimensions, not only with regard to migration, but also to Colombian society as an important subject in the development and achievements of this process. In this way, it is understood that this process is the responsibility of everyone, from the authorities to every citizen belonging to the Colombian territory. Finally, readers are invited to think carefully and continue to delve into everything related to Colombian immigration, it should be noted that it is a fascinating phenomenon as a research option why. In addition, as an important stage of social development, it covers aspects of the vast majority of disciplines, so it is necessary to continue to include information on this issue and to continue to annex criteria.

REFERENCES


Departamento Nacional de Planeación (2022, 11 de julio). ESTRATEGIA PARA LA INTEGRACIÓN DE LA POBLACIÓN MIGRANTE VENEZOLANA COMO FACTOR DE DESARROLLO PARA EL PAÍS. (DOCUMENTOS CONPES 4100).

Fundación Panamericana para el Desarrollo. El acceso a los derechos de los migrantes en Colombia. PADF. (2019)


LEY 146 DE 1994 Por la cual se aprueba la Convención Internacional sobre la Protección de los Derechos de todos los Trabajadores Migratorios y de sus Familiares.


Migración Colombia. (2019, 31 de marzo 2019). TOTAL DE VENEZOLANOS EN COLOMBIA. Tomado de EL TIEMPO.

Muñoz, T. (2020). Evolución de los regímenes internacionales de refugio y migración y los retos tras la aprobación de los nuevos pactos mundiales. REVISTA IUS.


Rueda, S. (2020). Aspectos sensibles del éxodo venezolano hacia Colombia. OASIS. 179-188


