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Building paper bridges: adapting citizenship and immigration regimes to international displacement

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Abstract

Implementation gaps in the areas of naturalization and immigrant regularization emerge through a mismatch between the documents a residence country requires, and the documents that refugees and migrants can realistically provide. Those caught in this gap may live undocumented or risk statelessness. Residence countries can close such paperwork gaps by adapting legal interpretations and easing administrative requirements. When Colombia faced large-scale international displacement from Venezuela, state actors identified documentation-based implementation gaps in its nationality law and regularization procedures; they then took an innovative – yet not faultless – approach by adapting its citizenship and immigration regimes to accommodate displaced Venezuelans. These changes strengthened access to essential rights and increased the well-being of many. In this article, we develop the concepts of *paperwork gaps* and *paper bridges* and discuss the actors, impact, and limitations of Colombia's policy innovations in the areas of nationality by birth, naturalization, and regularization based on research conducted from 2020 to 2023. The study advances the literature on government learning regarding policies within citizenship and immigration regimes that target internationally displaced populations.

Keywords Citizenship regimes, Immigration regimes, Implementation gaps, Government learning, Bureaucratic actors, Venezuelan displacement

Introduction

Since 2015, around three million Venezuelan citizens have settled in Colombia (R4V, 2024), a country that had previously been characterized as a country of forced emigration and internal displacement. Although its response to Venezuelan displacement has not been free from contradictions (Del Real, 2022; Freier & Gómez García, 2022; Selee & Bolter, 2022; Selee et al., 2024), the Colombian state took various notable steps towards removing key administrative obstacles and thus facilitating access to legal status for many internationally displaced Venezuelans. Hundreds of thousands of Venezuelans

became beneficiaries of Colombia's push to close *paperwork gaps* in its citizenship and immigration regimes.

Especially in contexts of international displacement (i.e., forced migration), origin countries may not be capable or willing to issue, apostille, or notarize documents such as birth certificates, passports, or criminal records; people on the move may be unable to obtain these documents. This situation leads to significant administrative barriers in residence countries that manage displaced populations through immigration rather than asylum law and policy, an increasingly common practice worldwide (Selee et al., 2024). While asylum systems are designed to pardon lacking documentation regarding both personal identification and burden of proof of persecution (Art. 93 UNHCR 2019), this is not the case for immigration regimes; it thus increases the risk of prolonged irregularity and statelessness. Against this background, we define *paperwork gaps* as the mismatch between the documents a residence country requires and the documents people on the move – particularly in contexts of international displacement – can feasibly provide.

How can states close such paperwork gaps? In this article we discuss four modifications that reduced paperwork gaps in Colombia in the context of the rapid increase of Venezuelan displacement. While various studies shed light on Colombia's innovative, yet not faultless, regularization policies (e.g., Bahar et al., 2018; Del Real, 2022; Selee & Bolter, 2022), the efforts to reduce bureaucratic hurdles for family reunification and naturalization have received less attention. Nor have the institutional processes that facilitated bridging paperwork gaps been analyzed in detail. In this article, we thus examine four implemented measures: (a) the reunification permit for Colombians and their families expelled from Venezuela; (b) the modified procedures to acquire Colombian nationality through birth, as to reduce statelessness among Venezuelans' children born in Colombia; (c) the changed naturalization processes for adults born in Venezuela but who can claim Colombian nationality; and (d) the changed requirements of documentary evidence to access the main regularization mechanism, the Temporary Protection Permit (PPT, following the Spanish acronym), implemented in 2020.

Through analyzing the *paper bridges* Colombia built to close paperwork gaps in these four policy domains, we show how residence countries can adapt and innovate within their citizenship and immigration regimes to react to large-scale international displacement. Our analysis lies at the state level; we focus on policy on paper by reviewing relevant documents and decrees as well as by interviewing policymakers. Based on repeated fieldwork trips to Colombia (as part of a larger project), we also include individual-level information from 30 interviews with recently arrived displaced people, lawyers, and NGO leaders.

While we do not provide an overall normative assessment of Colombia's policy response to Venezuelan displacement, we recognize that it has in part shied away from its legal obligation of recognizing Venezuelans as refugees under the Cartagena refugee definition (Freier et al., 2022; Freier & Gómez García, 2022). It has also hid legal fragility and even produced illegality, perhaps surprisingly given its straightforward immigration application procedures, pro-immigrant political discourse, and weak immigration enforcement (Del Real, 2022). These factors have left hundreds of thousands of Venezuelans unable to access rights in practice, thus many challenges remain for Colombia to reach full coverage and offer rights in the long term to all Venezuelans. Colombia nevertheless offers important lessons on bridging paperwork gaps for other receiving

countries of displaced Venezuelans in the region (see Freier & Doña-Reveco, 2022) as well as other countries worldwide facing similar challenges regarding the lack of origin-country documentation.

Theoretically, we contribute to the literature by identifying and defining *paperwork gaps*, which illuminate a previously under-identified policy dilemma for receiving states that arises from the interaction between origin- and residence-state bureaucracies in the context of applying immigration policy tools to manage international displacement. Lacking documentation can arise when origin countries lose the capacity or willingness to provide sufficient paperwork for their nationals, or in cases where conflict or natural disasters hinder displaced people from accessing the necessary documents. This dilemma would be less salient if states responded with more political and legal awareness of the difficulty of obtaining origin-country documentation.

Building from the literature on citizenship and immigration regimes and government learning, we conceptualize *paperwork gaps* and provide empirical examples. We argue that countries can adjust existing laws and procedures (*adaptation*), create new ones (*innovation*), or both, to facilitate the regularization and naturalization of newcomers. This is how states can build *paper bridges* to close paperwork gaps and hence avoid a large undocumented population due to international displacement. Regular migratory status and the prospect of being able to attain nationality are of the utmost importance to the successful inclusion of forced migrants in residence societies. Narrowing paperwork gaps and its resulting positive effects on naturalization and regularization rates also benefit states since they gain knowledge of, and thus administrative and fiscal control over, the population within its territory. Furthermore, it allows them to appropriately adapt public services and to improve their standing regarding fulfilling international commitments in international politics (Palma-Gutiérrez, 2021).

Our paper broadly contributes to the literature on government learning and on citizenship, immigration, and refugee policies. Specifically, it addresses the gaps identified in the Latin American immigration policy literature regarding policy implementation, bureaucratic choices, and agents (Acosta & Freier, 2023; Fernández-Rodríguez & Freier, 2024). In the “[Concepts and theory: citizenship and immigration regimes](#)” section, we define key concepts whereas the “[Background and Data](#)” section covers the context, case justification, and data. In the “[Colombia’s paper bridges](#)” section, we outline the ways Colombia changed its citizenship and immigration regimes to cater to large-scale Venezuelan displacement. Then we discuss how government learning occurred in each of these four examples in section “[Discussion: changing citizenship and immigration regimes](#)” and conclude by pointing to broader takeaways.

Concepts and theory: citizenship and immigration regimes

Citizenship regimes are “institutionalized systems of formal and informal norms that define access to membership, as well as rights and duties associated with membership, within a polity” (Vink, 2017, p. 222). We understand citizenship in its thinnest definition as membership in a state. Within the main dimensions of citizenship – that is, status, rights, and identity (Joppke, 2007) – we focus on *status*, as in the legal status or category of a person, in relation to a particular nation state. States maintain power by categorizing the status of every person within the population.

Immigration regimes are institutionalized systems of formal and informal norms that define the policies, procedures, and eligibility of legal statuses and rights for foreigners, i.e., non-nationals (Boucher & Gest, 2015; Acosta & Harris, 2022). Critical for the present analysis, Latin American migration policy regimes define access to temporary and permanent residence, rights while in the territory, and nationality (Acosta & Harris, 2022). Since the last determines how nationality is granted (e.g., at birth versus naturalization, which is adopting the nationality), citizenship regimes overlap with immigration regimes. Some immigrants will naturalize and gain full membership in a polity; naturalization is the theoretical culmination of one's integration journey.

Citizenship and migratory statuses are hierarchical. Each category comes with a certain bundle of rights. Complete exclusion (no authorization for residence and no membership to a state) is the farthest conceptual opposite of complete inclusion (nationality by birth, being born into full rights). The continuum between involves various categories of people, making inclusion and rights a matter of degree. Even within citizenship, hierarchies persist, with native-born nationals enjoying more rights than naturalized persons (Pedroza & Palop-García, 2017).

The literature on migration governance and the sociology of immigration have established links between the bureaucracy of residence countries and the outsized role of paperwork in structuring immigrant experiences and incorporation. As outlined here, the focus of most research has, thus far, concentrated on how lacking paperwork in residence countries increases exclusion and a host of negative outcomes for immigrants. People without regular migratory status live with high levels of uncertainty. Lacking a status could be because they are awaiting an application decision, stateless, undocumented, or have expired documents, for example. Similar instability exists also for those with temporary statuses and uncertain legal statuses that combine aspects of being both documented and undocumented, which Menjívar (2006) calls *liminal legality*.

Del Real (2022) applies the concept to Venezuelans in Colombia, highlighting that the temporariness of their protection status is only superficially inclusive because its renewal depends on executive discretion and lacks a clear pathway to permanent residence or nationality (although the new 2021 status indeed outlines a path to residence). Those with liminal legal status can be seen as living under the *violence of uncertainty*, which is, "systematic personal, social, and institutional instability that exacerbates inequality..." (Grace et al., 2018: 904). As states develop rules and procedures about who can apply for citizenship (nationality) and different migratory statuses, paperwork gaps can emerge due to a mismatch between the documents a residence state requires versus the documents that immigrants and refugees can feasibly obtain from the origin state. The paperwork that international migrants require to gain and maintain legal statuses are known as *pre- and post-migration bureaucracy* (Finn, 2019). Especially in contexts of displacement, the origin state may not be capable or willing to produce, apostille, or notarize documents such as birth or marriage certificates, passports, identification cards, and health histories. Whereas states make and enforce these rules, immigrants live the consequences. Those unable to produce the right documents at the right time are trapped in the paperwork gap, which results in living undocumented or risking statelessness, two of the four subtypes that Lori (2017, p.745) classifies as *precarious citizenship*.¹

¹ The other two being temporary humanitarian status and temporary guest worker status.

Unsurprisingly, those who can overcome paperwork hurdles may be wealthier and better connected than their co-nationals who remain with irregular statuses. This reality further accentuates the social class differences between who gains (partial) membership and who is excluded, leading to inequality within immigrant cohorts and displaced populations. Refugees and migrants with sustainable legal statuses fit into the broader categorization of *quasi-citizens*, defined as, “those persons who possess some rights and duties of membership in states that do not recognize them as full citizens” (Smith, 2017, pp. 817–818), and in many cases will have the prospect of eventually becoming nationals of the residence country through naturalization.

Paperwork gaps in citizenship and immigration regimes inherently entail a dyadic dimension, of which residence states are aware; they know that their pre- and post-migration bureaucracy requirements hinge on the capacity and willingness of origin states to produce and provide such documents to their nationals (see Table 1). Although paperwork gaps can keep a large proportion of the foreign population in an irregular status – presenting well-known challenges to a state – receiving governments may nonetheless ignore the difficulties (especially forced) migrants face in obtaining required documentation. For immigrants, the effects of living without a regular status and with precarious citizenship are blatantly evident, infiltrating every corner of life, constraining the ability to work and drive, enroll in school, to marry, and seek healthcare. The situation presents perverse incentives for black markets of documents to emerge, migrant brokers to step in, and employers to exploit workers without formal contracts.² It also presents moral dilemmas for doctors and teachers to turn a blind eye while medically treating and educating anyone, or their families, who are undocumented or stateless. Thus, paperwork gaps and resulting irregularity are problematic for foreigners as well as for the entire receiving population since they erode the cohesion and freedom within society (see Kukathas, 2021).

Residence countries thus face the strategic decision whether to maintain their rules and standards of required documentation – even when facing large-scale displacement – or to bridge paperwork gaps by adapting the requirements and opening pathways to naturalization and regularization. Table 1 provides a conceptual map of the paperwork gap and its constituent elements.

Residence countries can narrow, or close, paperwork gaps through unilateral actions; for instance, they can adjust their citizenship and immigration regime rules on paper by changing laws and procedures, or in practice by being flexible in implementation. Changes that narrow the gap in essence “bridge” bureaucratic procedures between origin and residence states – hence a *paper bridge* crosses the gap in Table 1 by facilitating the process of gaining legal status. In our analysis, we focus on four paper bridges Colombia built for Venezuelans and their children in the country. We focus on government learning (see Bennett & Howlett, 1992; Etheredge & Short, 1983; Freeman, 2006) by explaining how relevant state actors adapted and developed tools to address the paperwork gaps they identified. These gaps spanned the bureaucratic processes of naturalization and incorporation of Venezuelans.

² As Sadiq (2009) shows, in some countries people can collect and hold a plethora of documents, but when states are unable to distinguish authentic versus forged or stolen documents, it becomes very difficult to determine who has citizenship or legal status.

Table 1 Conceptualizing the paperwork gap

Elements of origin state documentary capacities		Paperwork gap	Elements of residence state documentary requirements	
Diminished due to governance crisis	State weakness	Gap increases (opening)	Becomes stricter, e.g., reacting to unwanted immigration	Exclusionary state
Diminished due to financial collapse	Economic crisis	Gap remains	Strict and unchanging toward immigration	Insensitive/stubborn state
Mobility emerges	Displacement (forced migration)		Becomes more flexible and adaptable toward immigration	Inclusionary state that narrows gap (e.g., Colombia 2015–2022)
Interrupted, lacking, or weak consular services in residence country	Residence state availability/ presence abroad	Gap decreases (narrowing)		

Given Colombia is a new receiving state of large-scale international displacement, it provides a rich site to study how officials learn to adapt and implement policies to build paper bridges. Only after a state recognizes the mismatch of formal versus feasible required documents can it then react by changing regulations and implementation. Such changes can occur through *adaptation*, that is adjusting existing policies and practice, or through *innovation*, that is introducing new laws or practices (see Finn & Besserer Rayas, 2022). While being far from faultless, nor necessarily providing legal status for *all* immigrants and refugees, paper bridges significantly narrow the paperwork gaps and increase naturalization and regularization rates.

Background and data

Brief context

Since 2015, over 7.7 million Venezuelans have left Venezuela due to the country's political, economic, and humanitarian crises (R4V, 2024). Between 2015 and 2022, Colombia received the highest number of people leaving Venezuela, numbering over 2.9 million (R4V, 2024). The influx – equivalent to 5% of the Colombian population – was very sudden, given that their net international migration had previously not exceeded 38,000 per year between 2000 and 2015 (Mejía Ochoa, 2020). In the context of Venezuela's multiple crises, accessing documents became increasingly costly, inconsistent, and implied increased wait times, forcing many to leave without documents (see, e.g., Freier & Doña-Reveco, 2022). For instance, as the Venezuelan government ran out of paper for passports, wait times extended from several months to over a year to obtain a passport, with elevated official costs of over 200 USD and an additional 120 dollars if obtained at a consulate (while the minimum monthly wage dropped to 10 USD); in practice, Venezuelans paid even more, with reports of passports totaling 800 dollars, which included costly bribes to corrupt informal middlemen (Becerra et al., 2022; Bolívar, 2021; Penagos et al., 2024). The Inter-American Commission on Human Rights (2019) “expressed concern” over the difficulty for Venezuelan nationals to obtain paperwork as early as 2019. In parallel, Venezuela and Colombia interrupted their diplomatic and consular relations between 2019 and 2023, which further depleted Venezuelan documentary capacity in Colombia, exacerbating paperwork gaps for internationally displaced Venezuelans.

Importantly, Venezuela had served as a main residence country for Colombians throughout the 20th century and for the first years of the 21st century, given Colombia's prolonged civil conflict and economic instability (Bernal Márquez et al., 2020). This

resulted in many Venezuelans being eligible for dual citizenship. It remains unclear how many Colombians emigrated to Venezuela and how many can claim Colombian nationality; however, the Venezuelan census counted 700,000 in 2011 (Rodríguez, 2018). Studies estimate over one million direct descendants of Colombians living in Venezuela had a right to Colombian nationality in 2018 (Rodríguez, 2018) and 980,000 in 2022 (R4V, 2022). These numbers are high since Colombian law allows for any child of a Colombian mother or father to acquire nationality.

Case justification

Being interested in how states adapt their citizenship and immigration regimes when facing large-scale international displacement, we chose one of the largest human displacement scenarios, that from Venezuela, and the largest recipient, Colombia. It is well-documented that various countries throughout South America adapted their policies ad hoc to provide at least temporary legal status to Venezuelans, albeit with varying levels of coverage and effectiveness and restrictive backlashes (Freier and Doña-Reveco, 2022). Our analysis goes one step further and unpacks four cases of paper bridges Colombia built to narrow paperwork gaps for displaced Venezuelans. Opening the black box of the state, we respond to calls for a better understanding of the bureaucratic processes behind Latin American migration governance (Acosta & Freier, 2023; Ramírez Gallegos, 2022).

It must be pointed out that the adjustments in its citizenship and immigration regimes exclusively targeted Venezuelan nationals. Officially, Colombia justified such selectivity with the forced nature of Venezuelan displacement, their need for protection, and diminished ability to provide required paperwork (Freier & Gómez García, 2022; Selee & Bolter, 2022). The *de facto* determinants for Colombia's policy span across both foreign policy concerns of former conservative presidents – denouncing the Venezuelan regime and improving its international standing – and domestic factors such as the cost-benefit assessment conducted by bureaucrats (see Palma-Gutiérrez, 2021; Fernández-Rodríguez, 2024). Documentation can fulfill different and often contradictory objectives (Cook-Martín, 2019; 2024). Targeting exclusively Venezuelans, Colombia's paper bridges were by default discriminatory toward all other nationalities.

While recognizing uneven coverage in policy implementation in practice, we focus our analysis on four paper bridges Colombia built for Venezuelan citizens or children born of Venezuelan parents in its territory; they: (1) introduced a family reunification permit, (2) adopted birthright citizenship, (3) loosened documentation requirements for naturalization, and (4) eased regularization processes. We interpret these policy changes as reactions to large-scale international displacement, with the aim of migrant naturalization and regularization. Intriguingly, despite far-reaching changes (such as birthright nationality), different offices of the Colombian executive – rather than legislative branch – initiated these changes. In addition to gaining prestige on the world stage, the Colombian state sought to create governance through rights whereby initial paper bridges opened the way for further innovation in the same direction. Such state actions led us to conceptualize what we call paperwork gaps, which can be overcome or reduced by paper bridges. In the face of international displacement, other residence countries can evaluate their context-specific scenarios to direct their policies toward narrowing paperwork gaps within their citizenship and immigration regimes.

Data

We conducted documentary and legal analysis on Colombian laws, resolutions, bylaws, reports, and judicial sentences, triangulating interviews with pro-bono immigration lawyers and former government officials with our reading of legal documents and regulations. We also collected press releases, for instance from various Colombian state agencies, courts, and NGOs, as well as statistical analyses from governmental and non-governmental sources. To supplement this publicly available data, we also made dozens of public records requests to the Colombian government, specifically to national and local authorities, government agencies, and ministries. Such information includes, for example, details on policies, statistics of program beneficiaries, legal argumentation supporting policies, and detailed budgets assigned to them. The aim of these requests was two-fold: to find missing official information and to triangulate existing data. Combined, these sources ensured we correctly captured each governmental change targeted at displaced Venezuelans.

In addition, the analysis and discussion are based on data collection from several field trips to Bogotá between 2020 and 2023; this research was conducted under the framework of a larger project of one of the authors (*Besserer Rayas*).³ This consisted of not only accessing the requested public records but also informal conversations with immigrants as well as 30 semi-structured in-depth interviews with policymakers, lawyers, and NGO leaders and staff. The aim of the interviews was to gain an understanding of the content and intention of each of our four analyzed policy changes, as well to triangulate data from collected documents. While those directly involved in creating the policies may hold positively biased views toward the development and implementation of these changes, the lawyers and NGOs did not. The interviewed lawyers were selected due to their ongoing involvement in court cases and legal support they offer to immigrants regarding access to human rights and regularization. The NGO leaders and staff – including NGOs that provide legal assistance to migrants and refugees – were selected based on their understanding of changing legal and documentary requirements for Venezuelans in Colombia, including the intricacies of novel and past regulations surrounding nationality and migratory status. Finally, the interviewed policymakers included one former Head of the Border Management Unit (*Gerencia de Fronteras*) and three former advisors to this unit, one former Director of Migration (*Unidad Administrativa Especial Migración Colombia*), legal advisors to the Ministry of Foreign Affairs (*Cancillería*), and a legal advisor to the National Registrar (*Registraduría Nacional del Estado Civil*). All interviews were conducted in Spanish (by Besserer Rayas, a mother-tongue Spanish speaker) and, when interviewees permitted, were recorded and transcribed verbatim. The data were anonymized. All authors are fluent in Spanish and could interpret the data.

Colombia's paper bridges

Venezuelans have moved in large numbers to Colombia since 2015, increasingly bringing with them fewer official documents than required to access rights. The Colombian state reacted to the emerging paperwork gaps with both policy adaptation and innovation.

³ The topic of the larger project is un/documentation regimes and immigration governance. One goal of selected interviews was for a report, co-created with Colombian lawyers, used for strategic litigation on a critical case of citizenship and human rights (see Besserer Rayas et al., 2023; Besserer Rayas, 2023).

Between 2015 and 2021, Colombia built several paper bridges. The following four cases exemplify these processes.

1. Created a special permit for family reunification

Facing mass expulsions of Colombian citizens and their families from Venezuela, the Colombian state introduced a family reunification policy in 2015. Venezuela had declared a state of emergency and over 10,000 Colombian citizens were expelled or felt sufficiently intimidated to leave (DW, 2015; IOM, 2021). The Colombian government set up a task force that created a Special Temporary Permit for Entry and Permanence (PEIP, following the acronym in Spanish) for the Venezuelan children, spouses, and couples of Colombian nationals who had been “expelled, deported, or had returned” from Venezuela (Decree 1067 of 2015). One official who worked closely with then-president Juan Manuel Santos’ (2010–2018) Border Management Office (*Gerencia de Fronteras*), described this period of immigration policymaking as both “seminal” to subsequent efforts and “modeled on disaster management,” insofar as it was ad hoc and sought to provide an efficient solution to an immediate but (in the minds of officials then) temporary problem (Interview with public official A).

The Colombian government’s office for dealing with natural disasters, the Risk and Disaster Unit, was involved in policy implementation. To obtain the permit, Venezuelans were enrolled in a database of people affected by expulsion then only subsequently had to present birth certificates and Venezuelan identity documents with an apostille or a stamp from a public notary. PEIPs were temporary, lasting for 180 days, intended as a transitional step to then obtaining more permanent legal status such as a residence visa. Importantly, these permits required less paperwork than visas or other permits.

Decree 1067 and its future iterations were issued by then-president Juan Manuel Santos, and were not sent to the legislative branch for legal backing. In-depth interviews with Colombian immigration policymakers (Interview with public officials A and B) indicate that the set of decrees in 2015 around family reunification were the first of their kind (i.e., innovation), then served as a model for subsequent measures to adjust requirements (adaptation), as elaborated in Section V.

2. Introduced nationality by birth

Venezuelan migration to Colombia significantly increased after the 2015 expulsions, leading to a noteworthy transformation in 2019 regarding the principles governing how to acquire Colombian nationality, especially children. Colombia is one of the few countries in the Americas without unconditional *ius soli* at birth. Instead, those eligible for nationality are those with a Colombian parent; those born to foreign parents when, “one of the parents were domiciled in the Republic at the moment of birth” (Nationality Law – Law 43 of 1993); and foreigners with legal residence in the country (*ius domicili*) (Escobar, 2015; Vink et al., 2021).

However, proving domicile became a major roadblock for irregular immigrants’ children; until these changes in 2019, children born in Colombia to irregular Venezuelan immigrants could not acquire Colombian nationality (Interviews with public officials C and D).⁴ The state thus decided to grant automatic nationality to children born to all

⁴ A 2005 law, interpreting the San José Convention on Children’s Rights, allowed for the children of foreigners born in Colombia to forego proving domicile in Colombia if their origin country did not provide the children nationality;

Venezuelans in Colombia. This policy modified the norms around nationality transmission on a massive scale; it retrospectively modified the status of children born in Colombia as well as prospectively changed the rules for those born in the future. In the context of this reform, Colombia explicitly recognized Venezuela's diminished capacity to produce official documentation.

Towards the end of 2016 and beginning of 2017, several international organizations (e.g., UNHCR, IOM), state agencies, and news reports noted that children were being born without obtaining any nationality. An intersectoral group was established in 2016 within Colombian state agencies to craft solutions to ongoing issues stemming from recent immigration. Among others, this group identified the issue of potential statelessness among the children of irregular Venezuelan immigrants (Mejía Ramírez, 2021).

Interviews with officials who participated in the decision, as well as a report published by the Registrar, strongly suggest that there was robust coordination and deliberation among key agencies – namely, the Ministry of Foreign Affairs, Registrar, Migration Unit, and Border Management – within the executive power, in communication with then-president Iván Duque (2018–2022) who showed a keen interest in finding a solution by establishing a working group for migration (Interview with public official C). The intersectional group suggested a change in the National Registrar's procedure for determining whether a child born to Venezuelan parents could forgo proof of domicile. Circular 168 was adopted by the Registrar's office in 2017, allowing Venezuelans to show that their Colombian-born child was stateless. Following this procedure, the Registrar's regional offices sent the file to the nationality working group in the Ministry of Foreign Affairs – an ad hoc inter-agency group established to study naturalization policy implementation. The working group would then issue a written consultation to the Venezuelan embassy or one of its consulates asking whether the child was a Venezuelan national. If the response was negative or if there was no response within three months, the child was considered stateless. The working group would communicate this finding to the Registrar, which placed a seal on the child's birth certificate, making him or her eligible for Colombian nationality, thus creating an exemption from proving domicile (RNEC, 2017).

This initial procedure was “piecemeal and slow” (Interview with public official C) hence many children born to Venezuelan parents in Colombia remained *de facto* stateless. Bureaucrats identified the procedure as problematic since it involved too many steps and had to be initiated by the parents, who likely did not even know about the procedure. A key administrative bottleneck was contacting Venezuelan consular services about each application, exacerbated by very low response rates. The procedure was also inefficient and required that a new bureaucratic office within the Ministry of Foreign Affairs be charged exclusively with these communications (Interview with public official C). By 2019, the National Registrar had found 25,400 children who had been born to irregular Venezuelan immigrants in Colombia, thus making these children stateless (RNEC, 2019) and only relatively few (“a hundred per week perhaps” [Interview with public official C]) were ever issued with the writ demonstrating statelessness, which would then allow them to obtain Colombian nationality. Furthermore, in January 2019 the Colombian and Venezuelan governments cut diplomatic ties, rendering

however, the law obliged parents to obtain written proof from their diplomatic mission stating that the child did not have a right to the parents' nationality (Law 962 of 2005).

the procedure impossible since the Venezuelan embassy and all consulates in Colombia closed.

In June 2019, the Ministry of Foreign Affairs sent the Registrar's office Communication S-GNC-19-029886, which included a memorandum on children who had been born since August 2015 to Venezuelan parents in Colombia who could not prove domicile. In this note, the Ministry of Foreign Affairs stated that, "although they do have a right to Venezuelan nationality thanks to their ties to their parents, [they] face practical obstacles to acquiring that country's nationality... in practice there are *insurmountable obstacles* that deny access to the right of Venezuelan nationality to these children" and therefore they "risk the condition of statelessness, in accordance with the definition of Article 1 of the 1954 Statelessness Convention" (RNEC, 2019, our emphasis). The impulse to adopt a blanket criteria came from the Ministry of Foreign Affairs, while the Registrar was weary of overstepping its authority and becoming the target of criticism. The Border Management Unit, which had close ties to the president, eased these tensions and guaranteed that the Registrar's office would be shielded from critiques (Interview with public official C). This led to the Registrar's Resolution 8470 of 2019 whereby all children born to Venezuelans in Colombia between August 2015 and June 2021 would automatically attain Colombian nationality, as would those born within two years after the resolution (this timeframe has been extended an additional four years).

This resolution implied a significant change to Colombia's citizenship regime. It is extraordinary that it was applied retroactively; legal guardians no longer had to request it but rather it was completed *ex officio*. In addition to close collaboration between different state agencies, the Registrar received 2 billion Colombian pesos (circa half a million USD) of international aid from the IOM, UNHCR, and UNICEF designated to this program, allowing the state to hire almost 200 additional staff to modify archived birth certificates and to launch a robust communications campaign to inform the public – resulting in retroactively granting 29,285 children Colombian nationality (Mejía Ramírez, 2021; RNEC, 2023). Furthermore, Resolution 8470 also applied the new policy prospectively: from August 2019 onwards, all children born to Venezuelan parents in Colombia would be automatically granted Colombian nationality. Between August 2019 and April 2023, over 68,000 children of Venezuelan parents received Colombian nationality (RNEC, 2023); as of mid-2023, this totals 96,430 children who benefitted from this change.

Congress passed Law 1997 in 2019 after the Registrar approved Resolution 8470. The law replicates what the Registrar had already implemented in practice, thereby granting legal legitimacy or legislative force to what had been only an administrative decision. While both were two-year "temporary" and "exceptional" measures set to expire in August 2023, the government then extended the Resolution for another two years (Moreno SÁCHICA, 2023). It is important to stress that the policy only applies to children born to Venezuelan citizens, and thus excludes the tens of thousands of children born to parents of other nationalities, such as undocumented Haitians (DW, 2021).

3. Changed naturalization processes

Another paperwork gap occurred for thousands of descendants of at least one Colombian parent, who were seeking Colombian nationality after having migrated to Colombia as adults: the need to provide an apostilled birth certificate, described as "frankly

impossible” by a human rights organization (Becerra et al., 2022). The Colombian state would eventually adopt a procedure that allowed applicants to replace the apostille with two witnesses. By law, to acquire Colombian nationality as an adult, birth certificates issued outside of Colombia must carry an apostille or certification of authenticity (RNEC, 2019). Since 2015, obtaining apostilles for birth certificates in Venezuela has become extremely cumbersome and expensive (Bolívar, 2021). The situation was dire enough for the Inter-American Commission on Human Rights to issue a communiqué expressing “concern” over the difficulty of getting documents apostilled in Venezuela (IACHR, 2019a). In its annual report of 2019, the commission noted that the difficulties faced in acquiring official documents, including apostilles, limited regular mobility to such an extent as to “configure a violation of the right to free circulation and residence” (IACHR, 2019b). The breakdown of diplomatic relations between Colombia and Venezuela further complicated access to documentary evidence, requiring that Venezuelans either hire an often unreliable and expensive middleman in Venezuela, or travel back to Venezuela, incurring the costs and risks that such a journey would entail.

Colombian bureaucrats grew increasingly aware of the difficulties of obtaining official documents for the Venezuelan diaspora, including apostilles. Consequently, in 2016, the Colombian Ministry of Foreign Affairs first alerted state agencies about the difficulties of requiring apostilles in the case of Venezuelans, followed by Communication S-GAUC-19-013781 in 2019, which declared, “[I]t is well known that there are adverse conditions in our neighboring country... including for acquiring an apostille... [posing an obstacle] to the access and guarantee of rights for mixed family units” (RNEC, 2019). The Registrar adopted a special procedure allowing for two witnesses’ testimony under oath to replace the apostille on a birth certificate in 2016 and then integrated this into the bylaw *Circular Única* in 2019 (witnesses must be over 12 years old and “capable and have been present at the scene or had trustworthy and direct knowledge of the birth”) (RNEC, 2019). The procedure was couched as based on “humanitarian reasons” and “taking into account the difficulties to obtain documents with an apostille” for children of Venezuelans born in Colombia. According to Article 5049 of Decree 1260 of 1970 and Decree 1069 of 2015, it was already permitted to present two witnesses in lieu of a birth certificate with an apostille (Constitutional Court, 2023). However, many registrar officials denied nationality without apostilled birth certificates, and would only accept the two witnesses after insistence by applicants, if at all. In this sense, the paper bridge enacted through Circular 121 (and *Circular Única*) reduced the discretion of bureaucrats by automatically exempting children of Colombians born in Venezuela from having to obtain the apostille.

This temporary measure was renewed five times through new circulars, extending into late 2020, as the Registrar recognized that the same issues persisted in Venezuela and that there was still a demand for naturalization.⁵ Although the number of people who acquired Colombian nationality through this special process is unknown, by 2021 over half a million new binational Colombian-Venezuelans resided in Colombia (Robayo, 2022). As with Resolution 8470, the bureaucratic flexibility involved in closing

⁵ The older Decree 1260 of 1970 allows for two witnesses to be presented, instead of the apostille; as such, human rights lawyers have ascertained that, even without the Registrar’s latest circulars, the presentation of two witnesses may suffice for the procedure.

paperwork gaps regarding naturalization signals a remarkable change in Colombia's citizenship and immigration regimes.

4. Eased regularization requirements

The Colombian state bridged a fourth paperwork gap regarding Venezuelan regularization. Prior to 2017, there were limited regularization options for those who could demonstrate they had crossed an official border by presenting a valid stamped passport. Over time, Colombian bureaucrats identified that holding a valid passport was a major hindrance to acquiring legal status. In response, they offered Venezuelans temporary protected status *without* requiring a passport, in turn allowing those who had entered Colombia through an irregular point to also regularize their status. In a separate decree, recognizing that many Venezuelan passport holders had an expired document, Venezuelan passports' validity within Colombia was extended for 10 years after the formal expiration date.

In 2019, the Ministry of Foreign Affairs officially recognized the difficulty of obtaining a passport and that, "among the population of Venezuelan nationals who have migrated to Colombia, an important number of them do not have a valid passport" (MRE, 2019). This recognition led to initially extending the validity of Venezuelan passports for two years, and then in 2021, to 10 years beyond their expiration date (MRE, 2021b). Other states across the region adopted an analogous practice.⁶ Expired passports can be used to leave, enter, and move within Colombia; they also count as valid proof of identification and can be used for visa applications. States usually understand the institution of the passport as a crucial part of its monopoly on the legitimate movement of people (Torpey, 2000). The sovereign extension of another country's passport's validity to unilaterally bridge a paperwork gap is a noteworthy and powerful repertoire of migration governance in the context of international displacement.

As the Venezuelan inflow increased from 2015 to 2017 – estimates suggest that, by early 2018, 650,000 Venezuelans had immigrated to Colombia (R4V, 2024) – the Colombian state began offering migratory status and work permits via a two-year residence called the Special Permanence Permit (PEP in Spanish acronym) (MRE, 2017). The PEP was created in 2017 as an ad hoc mechanism to regularize the unexpectedly large influx of Venezuelans. It was available via a smartphone application through which Venezuelans could photograph their stamped passport as proof of having entered Colombia through an official border crossing. They would then receive a document via email, which they could download and print, to use as an official identity card, as well as a residence and work permit. In theory, the PEP provided access to healthcare via formal work and could be used to enroll children in public school. A civil servant from the Ministry of Migration who was a key decision maker underscored the fact that the PEP was established because of the urgency to swiftly offer regular status to large numbers of Venezuelans; it was "what we could do at the time" (Interview with public official E). Another high ranking official, also key in the PEP decision-making process, relayed that in addition to humanitarian reasons, the PEP was important because it allowed the state to assess the numbers of Venezuelans in the country, provide access to public services, and

⁶ Among others, Argentina, Brazil, the Dominican Republic, Panama, the UK, and the US have extended the validity of Venezuelan passports within their own territories (see, e.g., Brumat, 2021); the timeframes vary, though all remained below Colombia's 10-year extension.

process newcomers in the criminal justice system (without identification documents, the Colombian legal system could not adequately process cases of suspected criminal activity) (Interview with public official B).

Despite the many benefits that regularization through the PEP would bring to individuals and families, by 2019, only 720,000 of a total estimated 1.6 million people had obtained this form of documentation, or just 44% of the resident Venezuelan population (i.e., excluding those in transit) (MRE, 2020). One of the main obstacles, or paperwork gaps identified by state officials was the lack of valid passports resulting in irregular border crossings.

The requirement of having entered the country through an official checkpoint excluded many Venezuelans who did not have a passport and/or those who used informal crossing points (*trochas*, as they are called on both the Colombian and Venezuelan sides of the border). As discussed above, since 2016, passports became extremely difficult to obtain in Venezuela. In response, in 2020, three years after the PEP had been introduced, the Colombian government introduced the Special Permit for Permanence and Incentivizing Formalization, or PEPFF. It was valid for a minimum of two months and maximum of two years, depending on the contract the individual had. Unlike the PEP, the PEPFF required an employment offer but accepted either a Venezuelan passport or the more common *cédula* (an identification card), regardless of their expiration date; furthermore, it did not require regular entry (MC, 2020).

In 2021, President Duque signed a decree that created a more sustainable form of regularization, the PPT (or Temporary Residence Permit), providing Venezuelans with a 10-year residence and work permit and an ID card akin to a Colombian nationality identity document. The decree recognized three things: (a) there had been valuable changes to making requirements more flexible (*flexibilización*) via previous policies targeting Venezuelans but that more was needed in order to “facilitate the governance of migratory flows” from Venezuela; (b) that despite bureaucratic flexibility by the Colombian state, there was a persistent and growing proportion of irregular Venezuelan immigrants; and (c) that the Colombian state has an explicit objective of “promoting a migratory policy that is safe, orderly, and regular,” which required an increase in the number of regular migratory statuses (MRE, 2021a).

The PPT provided regular migratory status for 10 years, granting legal residence and work, and could result in permanent residence and naturalization for all Venezuelans present in Colombia on January 31, 2021, regardless of having a valid passport or having entered irregularly.⁷ A high-ranking official who served as legal advisor to the president described this policy as “immigration amnesty” (Interview with public official C), while another saw it as a series of concessions made to Venezuelans by the Colombian state, “more rights, a plastic ID card,” in exchange for more information and control, such as providing biometrics (Interview with public official B). By mid-2023, official statistics reported that of approximately 2.87 million Venezuelans in Colombia, 1.89 million had been issued a PPT, while 416,000 were in the process, thus awaiting the card, and 500,000 remained undocumented due to new irregular entries (R4V, 2024). Thus, the PPT built an important bridge to close the paperwork gap for many passport-less Venezuelans.

⁷ Those who entered after January 31, 2021, required a valid passport and border stamp.

An important drawback of the PPT is that it undermined Colombia's obligations in terms of refugee protection beyond those fleeing personal persecution, e.g., members of the Venezuelan political opposition. Given the applicability of the Cartagena refugee definition, Colombia had the legal obligation to recognize and protect most Venezuelans *prima facie* as refugees (Freier et al. 2022; Freier & Gómez García 2022). As the PPT did not allow the same individual to pursue more than one legal status, and asylum seekers in Colombia do not have the legal right to work, many renounced their asylum applications. In contrast to international refugee protection, the PPT was constrained due to its temporariness, as well as susceptible to the political inclinations of the executive (see Fernández-Rodríguez, 2024).

Discussion: changing citizenship and immigration regimes

Analyzing the four paper bridges the Colombian state built in its citizenship and immigration regimes, we find that – despite some serious limitations in time and scope – each entailed adaptation, innovation, or both, to existing laws and procedures. None of the four paper bridges was an inevitable policy outcome, and several faced severe resistance among different state agencies. Interviewees all agreed that migration governance continues to be a politically insulated policy arena in Colombia, to a large extent because it remains based on an executive-led ad hoc set of decrees. This means that it is subject to fewer conflicts or tensions than legislative action but also that it is subordinate to the president's interests.

First, innovation in the area of family reunification occurred after the state recognized large-scale displacement of Colombian citizens and their Venezuelan family members from Venezuela in 2015. In this emergency situation, the Colombian state recognized the “precarious conditions” that families faced as well as the “difficult conditions” to obtain the needed paperwork from Venezuela (Decree 1772, 2015). This then spurred bureaucratic adaptation of reducing the paperwork requirements for the special PEIP permit, and waiving all fees associated with the permit.

Second, in the area of naturalization of children born in its territory, Colombia was undertaking a lengthy piecemeal process of consulting with the Venezuelan embassy and consulates whether or not each applicant had Venezuelan nationality. Here, government learning took the form of recognizing the lethargy and inefficiency of this process. Moreover, the state explicitly noted that many Venezuelans faced insurmountable obstacles to complete the procedure. Innovation then occurred by granting Colombian nationality *en masse* both retroactively and prospectively.

Third, government learning occurred through noticing that naturalization of individuals born in Venezuela had poor uptake. Adaptation occurred in 2016 when the Register issued a decree to activate a previously existing procedure that made it easier to present two witnesses to vouch for the applicant, instead of obtaining the previously required apostille on Venezuelan birth certificates.

Fourth and finally, government learning again occurred by noticing under-enrollment in PEP and recognizing that Venezuelan passports were extremely costly and cumbersome to obtain. In reaction, in the context of the PPT, Colombia changed regularization procedures through adaptation: they eliminated a key requirement by allowing Venezuelans to regularize without a passport (if they had arrived before January 2021) and by

extending the validity of passports for two years and then, again through government learning and awareness, increased this to 10 years.

It is crucial to stress that with its reforms, the Colombian state catered to one specific group of displaced nationals, thereby closing implementation gaps resulting from unattainable paperwork requirements given the specific context of international displacement. However, these *paper bridges* remained exclusionary for other nationalities and their implementation further failed to include all Venezuelans, such as the hundreds of thousands who arrived after 2021 without a valid passport. While measures appear inclusionary, they can also have exclusionary features and effects (see Finn & Umpierrez de Reguero, 2020). Implementation has also been imperfect and patchy, e.g., the PPT often takes months to deliver, leaving applicants with an undefined status, and has been ineffective in creating access to some core services. Post-migration bureaucracy also remained too rigid, evidenced by half a million undocumented Venezuelans in Colombia. Temporariness also continued to be an issue since the PEP, the PPT, and the PEP-Tutor⁸ were enacted with temporary timeframes, as was *Primero la niñez*, which limited the pool of beneficiaries. And while legal status can be considered a necessary condition for successful integration and inclusion, it is not a panacea for Venezuelans, as they face growing xenophobia (El Diario 2024) and persistent obstacles in everyday life for instance, such as being excluded from key financial services such as credit (Asobancaria, 2023).⁹

Narrowing or closing paperwork gaps has also caused some restrictive bureaucratic backlash. For example, in 2021–2022, about 43,000 dual nationals were denationalized without having been granted due process rights based on perceived, though ultimately unproven, fraud or misrepresentation in their naturalization applications (Besserer Rayas, 2023; Besserer Rayas et al., 2023). However, it is unclear how the state retrospectively reviewed and determined who committed this alleged fraud, nor did the state inform these individuals of their stripped nationality (Becerra et al., 2022).

The Colombian state has framed the changes as exceptional and temporary, hence subject to termination, though the temporary nature of the policies should not detract from seeing them as significant (for those who obtained nationality, there is little doubt that the policy was significant, for example). Executive-led documentation policies have the advantage of being flexible and can be passed without lengthy legislative procedures, but because they have not been enacted into law, they are inherently fragile, susceptible to changing political interests, and thus produce precarious rights. A recent example was the near reversal of the 10-year Venezuelan passport extension in Colombia (El Espectador, 2024).

In normative terms, Colombia's paper bridges can also be viewed more critically as extending state control in migration governance while satisfying contradictory, more liberal, impulses. Cook-Martín (2019) notes that temporary measures allow governments to satisfy contradictory interests, while leaving permanent arrangements for "more desirable" immigrants. For the Colombian case, Palma-Gutiérrez (2021) suggests that the executive's response wanted to project an image of generosity while "consolidating the governmentality of migration". This aligns with the regional tendency of a strong

⁸ PEP-Tutor was announced in late June 2024 by the Colombian government and would provide documentation to the irregular parents of children who obtained a PPT on or before August 12, 2023.

⁹ A digital wallet, Nequi, recently announced it would accept the PPT, which will ease exclusion.

preference for temporary and ad hoc regularization (Acosta & Freier, 2023), where rights-based approaches are also a means to increase state control (Brumat, 2021). This coincides with what several former state officials and NGO staff in Colombia relayed as the motivations behind Colombia's paper bridges.

The cases of Colombia's paper bridges nonetheless showcase how receiving states with little experience and limited established capacity can creatively adapt their citizenship and immigration regimes in international displacement contexts. The bridges reduced the size of undocumented populations and increased immigrants' and refugees' access to naturalization, legal status, and essential rights. Within this process, the relevant actors we identified were both policymakers and bureaucrats; the target comprised an internationally displaced population; and the mechanisms entailed changes to the state's status quo procedures and requirements to facilitate obtaining legal status and rights. Across the four cases, the main mechanisms behind Colombia's paper bridges were government learning, innovation, and adaptation, which created pathways to accessing status and rights for a sizable population. In large-scale international displacement contexts, receiving states should evaluate current post-arrival bureaucratic procedures and identify how to bridge existent paperwork gaps.

Conclusion

This paper has introduced the concepts of *paperwork gaps* and *paper bridges*. We sought to understand the interplay between bureaucratic requirements of a residence country and the documentation internationally displaced people can feasibly provide – given the capacities and willingness of their origin state on the one hand, and the receiving state's efforts to bridge such gaps on the other.

The four cases of *paperwork gaps* and *paper bridges* show how bureaucrats and policymakers within the Colombian state softened the traditionally rigid procedures and requirements in its citizenship and immigration regimes to facilitate the incorporation of displaced Venezuelans. Unilateral bureaucratic flexibility, adaptation, and innovation heightened access to legal status, naturalization, and concomitant rights. Bearing in mind the limitations of Colombia's reforms, we also highlighted the shortcomings of these solutions, such as the exclusion of all other nationalities and those Venezuelans who arrived irregularly outside established timeframes. They remain living in situations of liminal legality and precarious citizenship.

Theoretically our findings build on the literature on government learning and immigration policy implementation gaps (Czaika & De Haas, 2013) more broadly, and contribute to our knowledge on the implementation of liberal immigration policies in the Global South and Latin America more specifically. Instead of a scenario where policy promises more migratory restrictions than it can deliver, we show how government learning and bureaucratic innovation can close implementation gaps when the political goal is the regularization and inclusion of internationally displaced populations. We further respond to calls of unpacking the black box of the state by analyzing the institutional actors and processes behind such reforms.

In terms of practical implications, our intention is that conceptualizing *paperwork gaps* and *paper bridges* can help other receiving states evaluate their own bureaucratic requirements and target groups (e.g., newly internationally displaced people) to adapt procedures within their citizenship and immigration regimes. Our findings are especially

relevant against the backdrop that states increasingly respond to large and unexpected waves of displacement through their immigration rather than asylum systems (Selee et al., 2024). Furthermore, the terms can also travel to other contexts in which target populations cannot provide required paperwork to access rights and public services. We also expect the paper's empirical and theoretical contributions to lead to further research, including on the conditions under which states opt for inclusionary over exclusionary policy innovation.

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Data availability

Data sharing is not applicable to this article as no datasets were generated or analyzed during the current study.

Declarations

Competing interests

The authors declare that they have no competing interests.

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