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RESEARCH ARTICLE

Mobility and Citizenship during Pandemics: The multilevel political responses in South America

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ABSTRACT: During the Covid-19 pandemic in 2020, (im)mobility policies affected individuals' citizenship rights and movement within countries and across international borders. Prior to the pandemic, the mobility regime in South America was relatively open for regional migrants, bolstered on free residence and equal rights. In this analysis, we focus on human mobility and citizenship rights in South America by examining local and national government responses to Covid-19 between March and August 2020. Using databases, newspaper columns, government websites, and legislation, we outline the region's travel restrictions and exceptions, closures and militarization of borders, internal movement procedures, and economic subsidies to ease Covid-19's impact. While the regional mobility regime had already been under stress since 2015, exceptions to border closures and internal mobility further stratified people based on legal and economic statuses. Deeply affecting individual-state relations, access to mobility and citizenship rights such as labor, housing, and healthcare varied between nationals and non-nationals and between regular and irregular migrants. Reactions may have longer term effects, especially for Venezuelans, since the crisis created new inequalities and contradictions within the regional mobility regime, originally aimed at reducing them.

KEYWORDS: Citizenship, Covid-19 pandemic, Migration, Mobility, South America.

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Introduction

Facing the Covid-19 pandemic, the United Kingdom (UK) and some other Western liberal democracies at first shied away from lockdowns, fearing economic meltdown. Contrarily, many South American governments embraced full length lockdowns despite difficult social, political, and economic crises already underway (Frenkel 2020; Vera Espinoza, Zapata and Gandini 2020). Prior, international mobility was bound to lower after Brexit, whereas the European Union (EU) and South America overall enjoyed relatively more intraregional mobility (IOM 2019b). To explore how Covid-19 has affected mobility in different regions, we ask, how have governments' responses to the Covid-19 pandemic, from March to August 2020, affected human mobility and citizenship rights in South America?

In the XXI century, South America developed a regional regime for human mobility that has been labelled as 'liberal', 'open', 'progressive', 'human-rights based', and a 'unique' worldwide phenomenon (Mármora 2010; Cantor, Freier, and Gauci 2015; Acosta 2018). The regime includes free residence, equal rights, the enunciation of the 'right to migrate', and non-criminalization of migration. Then came Covid-19. South America is one of the world regions that has been hit the hardest by the pandemic, with Brazil having the second highest number of confirmed cases in the world after the United States (US), whereas Chile, Ecuador, and Peru also faced major outbreaks (Horton 2020). In order to prevent health systems from collapsing, (sub)national governments adopted some of the longest quarantines (self-isolation) in the world. Such a situation profoundly challenges basic principles of the 'rights-based' South American mobility regime and complicates governments' decisions to grant or withhold individual rights for (non)nationals. What are the cross-country similarities and differences in human mobility restrictions in South America? How has the regional mobility regime been affected? Did governments sustain 'equal rights' for (non)nationals? Will such changes have enduring effects on mobility and citizenship?

To address the relationship between mobility and citizenship rights in South America, we analyze how governments' restrictions on movement have affected (or not) the basic principles of the mobility regime: free residence and equal rights. To do this, we focus on restrictions and exceptions for international border crossings (the right to exit and return), internal movement, and access to new rights, such as extended expiry dates for residence permits as well as economic subsidies in select countries (Argentina, Brazil, Chile, and Colombia) for individuals and families to offset Covid-19 effects.

We find that the South American mobility regime is not exempt from contradictions, e.g., simultaneously emphasizing both human rights and control, a concept that has been labelled as policies of 'control with a human face' (Domenech 2013). Our study shows that recent restrictions to mobility have further emphasized contradictions, complicating the relationship between governments and (non)residents and (non)nationals by creating new hierarchies in the access of mobility and citizen rights, some of which are independent from nationality. While both (non)citizens and (non)nationals experienced major restrictions to mobility and constrained rights, multilevel rules designed to 'protect' health affected them differently, possibly bringing long-term effects on mobility. For instance, some democratic governments denied nationals their typical recognized rights, such as to exit and return. Covid-19 strained relations between states and nationals but migrants faced different bundles of rights, depending on legal status and location of residence: being for example a nonresident national (emigrant), short- or long-term foreign resident (immigrant), or undocumented migrant. Legal statuses became more stratified via mobility exceptions related to family ties and health status. Regarding internal mobility, barriers came from both national and local governments to prevent movement except for essential workers, regardless of nationality status or sometimes residence.

Focusing on individual-state relations through a mobility framework, we examine how the pre-Covid-19 scenario compares with governance and multilevel measures adopted during the pandemic and how these have affected people's movement and citizenship rights. We consider citizenship as a bundle of rights, which differs

from nationality, shown by an identification (ID) card or passport that defines individuals' rights (Pedroza and Palop-García 2017). In turn, nationality and legal status—and the documents to prove it—determine international mobility, for example to exit, return, and reside. We find that policy measures targeting nationality affected international mobility whereas citizenship rights (e.g., access regardless of nationality) differed within national contexts and affect the regional mobility regime.

Our focus is on *South America* and South American migration and mobility governance for several reasons. First, in South America the prevailing migration pattern is intraregional, meaning most South Americans who move abroad reside in another South American country. As we show in this article, recent Venezuelan emigration has reinforced this pattern. Contrarily in Central America, the Caribbean, and Mexico, transit and extraregional migration (towards, e.g., the US) tends to prevail as the primary migration pattern (Instituto Social del Mercosur, 2019). Second, South America has some of the most developed regional integration processes after Europe along with a long history of regional integration initiatives (Acharya and Johnston 2007; Gardini 2010). This has helped create a regional regime that facilitates mobility, liberalizes residence, provides equal rights to nationals, and takes a strong human rights focus. Third, South America usually sustains its own position as a single actor in international migration-related forums (Brumat 2020a).

We conduct content analysis of, and draw from, existent literature on national legislations. We focus especially on Argentina, Brazil, and Chile since 2015 when the region took a more restrictive turn regarding migration control (Brumat, Acosta, and Vera Espinoza 2018). This included more xenophobic political discourse, pre-shadowing more exclusive measures for some individuals during the pandemic. We survey South American countries' government policies limiting border crossings, drawing from Piccoli, Dzankic, and Perret's (2020) NCCR On the Move database tracking travel restrictions, the (In)movilidad en las Américas database that tracks national measures affecting migration and residence rights for (non)nationals, and reports from the International Organization for Migration (IOM). We also look at multilevel responses that occurred by drawing on newspaper columns, government websites, as well as legislation related to the conditions for accessing economic subsidies during Covid-19.

In the following Section 1, we present the conceptual framework guiding our analysis of (im)mobility policy measures, regarding citizenship rights for both nationals and non-nationals. Section 2 outlines human mobility in South America pre-Covid-19 and its regional 'open/liberal' regime. Venezuelan emigration has challenged mobility, as have restrictive national policies adopted since 2015, especially in Argentina, Brazil, and Chile, as top immigration destination countries in the region. Section 3 contains our analysis of policy measures adopted during Covid-19 leading to human (im)mobility. We examine the differences for crossing international and internal borders throughout the continent, dependent on nationality, residence, family ties, and health status. To provide examples of multilevel responses, we look to subnational levels (regions, cities, and neighborhoods) that handled internal immobility (i.e., prevented and controlled mobility rights and for whom). Finally, we underline the main findings and the multilevel actors involved in making and implementing Covid-19-related policies toward migrants in South America. We discuss new hierarchies and documents, including for regional migrants based on nationality, which worsened the region's relatively open mobility regime.

1. Conceptual framework: Mobility and citizenship in multilevel political systems

Citizenship is 'a legal status and relation between an individual and a state or other territorial polity... that entails specific legal rights and duties... Where citizenship is used in a meaning that is different from nationality it refers to the legal rights and duties of individuals attached to nationality under domestic law' (GLOBALCIT 2020). Nationality and citizenship constitutionally differ in some places, such as in Latin America (Pedroza

and Palop-García 2017). Simply put, citizenship is a bundle of rights and at the core lies individual-state legal relations. Since legal statuses change over time, even between the same individuals and states, citizenship is a malleable concept that can ‘move’ within and across borders (Finn and Jakobson 2021). Within borders, individuals may gain additional rights by changing their status from temporary to permanent resident, irregular to regular, or by naturalizing, for example. Across borders, nationals can take rights with them while living abroad, for example their rights move with them to vote from abroad in origin-country elections or continued access to origin-country welfare or healthcare systems.

People prove their nationality by showing ID or passports, with these documents defining individual rights within a country. As such, passports have been part of a state-building process to recognize nationals from non-nationals, particularly when crossing international borders (Torpey 2000). Since (proving) one’s nationality at the border determines if one can cross, or not, and what they are allowed to do in that country, nationality plays an important role in determining international mobility rights, particularly to enter, exit, and return to a country. Within the region of interest, nationals of South American states can travel to another South American state with a national ID card, meaning they do not need to show a passport, despite traveling internationally¹.

Non-nationals in a country are people who do not hold the nationality in that country, typically foreign residents who have not naturalized in the country of residence. For immigrants, their visa category displays their legal status, which in turn defines their economic, political, and social rights, including the right to reside (López Sala 2005; Hollifield 2008). Those who naturalize become nationals of that country, either renouncing their previous nationality or becoming a dual national or holding multiple nationalities (for example, obtaining nationality through *ius soli*, i.e., by being born in a territory, *ius sanguinis*, inheriting it from their parents or relatives, or by marriage, etc.). Immigrants holding expired visas, or no visa, are considered ‘undocumented’ or ‘irregular’ migrants by the country of residence. While holding nationality or a migrant legal status determines rights, additionally—in contemporary democracies and in countries upholding international agreements—undocumented migrants, asylum seekers, and stateless persons can also access at least some rights. For example, regardless of a formal legal status, people may be able to gain legal help and access the court system, claim asylum, enroll their children in school, and receive healthcare treatments. Nonetheless, documents proving one’s legal status (e.g., visa or a certain nationality) comprise the primary determinant of rights, including rights to internal mobility within a country and international mobility between countries throughout the region.

Free residence and equal rights form the two pillars of the South American mobility regime. At the same time, mobility entails a resource with *differential* access that varies between people. Not everyone and everything can move in the same geographical areas, under the same conditions, or at the same speed (Cresswell 2010). Even within one mobility regime, nationality and other characteristics still matter, since the rules of the regime can change over time to include some individuals and exclude others, creating new forms of stratification within the regime (Spijkerboer 2018) (see Section 2). When some people have more rights than others, hierarchies emerge because of this differentiated mobility, since certain individuals will have more of a ‘right to move’ than others (Glick Schiller and Salazar 2013). Mobility and immobility are not necessarily opposites; they are deeply interlinked because movement and stasis are part of a constant, mutually constitutive relationship (Glick Schiller and Salazar 2013). As the pandemic spread, movement increased as countries permitted nationals to return and essential workers everywhere continued to move between home and work. Movement decreased for most, via self-isolation, quarantine, and border closings. In between were the

¹ This applies to the nationals of Mercosur member states (Argentina, Brazil, Paraguay, and Uruguay, plus Venezuela whose membership is currently suspended), plus associated members (Chile, Colombia, Ecuador, and Peru) (Mercosur 2008; CMC 2015).

homeless (normally relatively mobile within cities) and workers in informal labor markets (a significant percentage across South America), who risked contagion to secure basic needs.

Migrants who wanted to move through transit countries or back to their origin country but were blocked experienced ‘forced immobility’ (Freier, Jara and Luzes 2020). During the Covid-19 pandemic, mobility has been framed ‘as dangerous and as a threat, creating a link between the movement of people and the spread of the virus,’ making international mobility appear as threatening national security (Brumat 2020b). But it is not movement that is dangerous to contagion, but rather physical proximity and interactions with other people. Mobility of essential healthcare workers and researchers developing a vaccine, for example, have contributed to stopping contagion and developing a vaccine. Individuals who faced forced immobility held in enclosed spaces, such as in overpopulated detention centers or near closed border crossings, involuntarily confronted greater risk of infection.

2. Human mobility policies in the South American context leading up to Covid-19

2.1. The ‘open/liberal’ regional mobility regime

Since the beginning of the XXI century, South American countries have created a distinct regional migration regime aimed at expanding mobility rights for South Americans, basing the main requirement for regular legal status on nationality. This means that, in Glick Schiller and Salazar’s (2013) terms, the South American regime ‘normalized’ the movement of South American nationals within the region. This regime has been materialized through a series of agreements, regulations, and declarations adopted by three main regional institutions: the Andean Community (CAN), the Southern Common Market (Mercosur), and the South American Conference on Migration (SACM).

The CAN² and the Mercosur³ adopted policies⁴ to enable mobility through two main dimensions: first, they expand citizenship rights for regional nationals, including aspects of non-discrimination, family reunification, equal treatment of migrants and citizens, as well as equal access to education, housing, healthcare, and social security. Second, they have also facilitated border crossings while strengthening border controls and state capacities at the borders with measures such as the Andean Passport (CAN 2001b), integrated border controls (CMC 1993; CAN 2001a)⁵, preferential entrance lanes for regional citizens in member-states airports (CMC 1991), and special documentation to create a fast track at border checkpoints for the residents of border areas (CMC 2000; CAN 2001a). All South American nationals are able to travel within the region with their national ID cards, without needing a visa (see Footnote 1).

Since the early 2000s, during the so-called ‘pink tide’ (left-wing) governments, a key legislation fostered policy convergence between the CAN and the Mercosur. The Residence Agreement of Mercosur (RAM) was originally signed by the Mercosur member states (Argentina, Brazil, Paraguay, and Uruguay), plus Bolivia and

² Bolivia, Colombia, Ecuador and Peru are CAN members. The CAN was founded in 1969.

³ Its members are Argentina, Brazil, Paraguay, and Uruguay. Venezuela joined Mercosur in 2012 but its membership was officially suspended in August 2017. The rest of South America (Bolivia, Chile, Colombia, Ecuador, Guyana, Peru, and Surinam) are associate members. Mercosur was created in 1991.

⁴ The Andean Instrument of Labor Migration (Decision 545 of 2004), the Andean Instrument of Social Security (Decision 583 of 2004), the Social-Labor Declaration of Mercosur (1998 and 2015), and the Multilateral Agreement of Social Security of Mercosur (1997).

⁵ ‘Integrated’ in the sense that officials of both bordering countries jointly control people and goods at the border.

Chile, and was later extended to the rest of South America⁶. The RAM is an international treaty that creates a regional residence regime based on nationality, independent from the labor, economic, or migratory legal status of the person (Mercosur 2002). The RAM adopted a simplified process for allowing nationals of the signing states to get a two-year temporary residence, followed by access to a permanent residence thereafter, independent of their migratory status. It also provides for a wide array of rights including equal treatment, family reunion, and the right to transfer remittances (see Article 8 and 9). This means that the RAM created a regime that uses nationality as an instrument for expanding citizenship rights. By 2016, 2.7 million residence permits had been granted under the Agreement in the countries implementing it, although Argentina accounted for over 2 million of these (IOM 2018). The RAM has affected mobility hierarchies because, while it seeks to amplify mobility rights for South American nationals, it nonetheless excludes extra-regional migrants (Ceriani Cernadas 2012).

2.2. Challenging the regional mobility regime: the Venezuelan displacement and 'turn to the right'

Since 2015, South America's economic, social, and political scenario has experienced profound changes. The economic situation worsened, causing a recession throughout the region and helping right-wing governments into power. This included Macri in Argentina (2015–2019), Temer in Brazil (2016, following the impeachment of Dilma Rousseff), and Piñera in Chile (2018). The 'turn to the right' was completed in January 2019 when Brazilian voters elected President Jair Bolsonaro, a far-right politician and a vociferous opponent of migrants' rights. These governments changed many social and economic policies that the 'pink tide' governments had adopted. By late 2019, massive protests about widespread social inequalities had erupted throughout almost the entire region (Faúndes 2019; Billion and Ventura 2020). These changes challenged the regional mobility regime.

The scenario has been exacerbated by two additional occurrences: the Venezuelan displacement and national-level restrictive migration policies in the three biggest receiving countries. South America is currently facing the largest forced displacement in its history. Between 2015 and early 2020, around 4.5 million Venezuelans left their country (UNHCR and IOM 2020) following profound social, political, and economic crises. People have fled from hunger, violence, and human rights abuses. Most of these Venezuelan emigrants currently reside in South American countries. In reaction to the Venezuelan exodus, South American countries have failed to agree on a coordinated regional response, so most legal and political measures have been adopted at the national level.

This has led to a myriad of policies that further stratify mobility options and rights for Venezuelans. Many such policies openly contradict the regional mobility regime by limiting Venezuelan nationals' movement, thus forming new mobility hierarchies based on nationality and access to documentation. Acosta, Blouin and Freier (2019) suggest that five broad categories of responses have occurred, some of which overlap. First, Argentina, Brazil, Ecuador, and Uruguay gave Venezuelans a right to residence by extending the RAM to Venezuelans (Ecuador issued a temporary permit for South American nationals, which was difficult to obtain and left many in an irregular situation). Second, Bolivia, Chile, Ecuador, and Peru launched regularization processes. Third, some countries (mainly Brazil and to a much lesser extent Bolivia and Paraguay) have recognized some Venezuelans as refugees under the extended definition enshrined in the Cartagena declaration

⁶ Peru and Ecuador joined it in 2011 (CMC 2011a, 2011b) and Colombia in 2012 (CMC 2012). Chile has not ratified it with a national law, but applies it to nationals of Argentina, Bolivia, Brazil, Paraguay, and Uruguay through an administrative regulation 'Oficio Circular 26456' of 2009 (see IOM 2018).

(Acosta and Sartoretto 2020). Fourth, Chile, Colombia, Paraguay, and Peru introduced special temporary residence permits. Finally, as the economic situation worsened, and public opinion became more hostile towards Venezuelans, Chile, Ecuador, and Peru decided to introduce visas for Venezuelans that required obtaining certain documents before arrival. Given the crisis that their country is facing, Venezuelans face limited access to obtaining such paperwork since the state is either not issuing it, or when it does, the costs are unaffordable for most of the population (see Koechlin and Eguren 2018). This means that when receiving countries ask Venezuelans for a valid passport or official criminal background check, for example, it reduces eligibility to fewer people with high socioeconomic statuses since they are the only ones who can obtain them; these requirements thus filter who can gain access to mobility and residence rights.

The second challenge to the regional mobility regime, as Brumat and Vera Espinoza (under revision) suggest, comprises restrictive policies adopted by some right-wing governments, which violate the regional regime. Clear examples have occurred in Argentina, Brazil, and Chile, some of the main receiving countries in the region (see IOM 2019a), despite having initially promoted the main ‘open/liberal’ regional mobility regime policies (Geddes, Vera Espinoza, Hadj Abdou, and Brumat 2019). Between 2015 and 2019, Argentina, Brazil, and Chile then adopted policies that contradicted the regional regime (Brumat, Acosta, and Vera Espinoza, 2018) and imposed constraints on mobility for certain groups, thereby increasing mobility hierarchies. In Argentina in January 2017, the Macri government adopted executive Decree 70/2017 that modified the widely-praised law 25871 of 2004⁷. The Decree’s main objective was to facilitate the expulsion of irregular migrants, while extending detention times and making it harder for irregular migrants to obtain permanent residence (see Penchaszadeh and García 2018). In April that same year, Brazil approved Law 13445, which was recognized for its human rights focus (Acosta, Vera Espinoza, and Brumat 2018). However, President Temer vetoed 20 of the most progressive points of the law (Presidência da República 2017). Later in the year, the Executive adopted Decree 9199/17 regulating its implementation, but it contradicts the new law and limits mobility options; for instance, it complicates bureaucratic processes for both obtaining work visas and family reunification, and it also allows detention of irregular migrants, which contradicts its own Article 123 (Zapata and Fazito 2018). In April 2018 in Chile, President Piñera issued two executive decrees to create new visa categories for Haitians and Venezuelans, alongside a regularization process for undocumented immigrants. While the employed language underlined ‘safe, orderly, and regular migration’, they targeted specific nationalities to exclude them by limiting their opportunities to move to, and reside in, Chile as a destination country (Finn and Umpierrez de Reguero 2020). Specific to mobility, during unveiling these new policies, the Chilean government explicitly differentiated between migrants’ rights and their ‘right to migrate’ (Catena and Labra 2018) since the latter is not enshrined in law, while it remains a fundamental part of the regional regime.

Combined, these two major challenges have already damaged the regional mobility regime in South America. While Venezuelans had drawn the focus of academics and the media alike, the pandemic of 2020 spurred multilevel policy reactions that can have more permanent damage to mobility and citizenship rights across the region.

⁷ For more on Law 25871, see Hines (2010) and Brumat and Torres (2015).

3. Mobility and citizenship during pandemics: South American multilevel responses

3.1 (Im)mobility across and within borders

Human mobility rights at the (inter)national level typically related to nationality—primarily the right to exit, enter, and return to a country—took center stage in 2020 as the Covid-19 pandemic spread. Most countries closing air, land, and sea borders during the pandemic made exceptions to the new rules. In Piccoli, Dzankic, and Perret's (2020) database tracking travel restrictions, during the pandemic almost all of the 204 countries granted some exceptions for entry for their nationals and foreign residents (exceptions included, e.g., Aruba, Fiji, and Saudi Arabia). This more inclusive approach considered individual-state relations based on *residence* were sufficient for accessing citizenship-related mobility rights. Access was not limited only to nationals (in 125 countries) but also included residents (97 countries), with 42 countries also extending the exception to family of nationals and residents (Piccoli, Dzankic and Perret 2020).

South American countries followed such trends, as all 12 countries closed their borders during Covid-19, beginning in the first week the pandemic was announced in March 2020. Countries adopted diverse responses to the pandemic at different government levels (national, subnational, local), entailing a wide array of approaches to mobility. As a region, a unified response was largely absent, except for exchanging information and coordinating border closures (Ríos Sierra 2020). Throughout the region, while some countries endorsed mandatory quarantines (e.g., Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, and Peru) or voluntary ones (Uruguay and Venezuela) at the national level, subnational governments in Brazil made these decisions, so every state decided whether and how to enforce immobility measures (IOM 2020d). By the end of August 2020, only Brazil and Ecuador had reopened their borders (Piccoli, Dzankic and Perret 2020). Of the 10 remaining countries in the region, all considered both nationals and residents as exceptions—except Suriname and Venezuela that allowed only nationals—allowing them to enter, at least on paper.

While borders were overall closed, therefore decreasing movement for most individuals, other people considered exceptions were able to keep mobility rights. Those with greater mobility were nationals of an origin country (so by default, foreigners, tourists, and immigrants in another country) and essential workers, whose definition varied across sectors and countries. This became apparent from the start. Crossing international borders to return to origin countries included not only those on holidays or work trips but also those living either temporarily or permanently in another country, such as emigrants and students. Some states (e.g., Argentina, Ecuador, Peru, Uruguay) initiated evacuation by chartering planes to travel back to the origin country, an approach also used elsewhere (e.g., Australia, most EU member states) (IOM 2020c, 2020e; Piccoli, Dzankic and Perret 2020). Such evacuation was unique to nationals, excluding long-term foreign residents who were abroad. Special measures were taken to accommodate those returning; for instance, both Bolivia and Paraguay opened designated centers at the borders for returnees (mostly coming back from other South American countries), to facilitate quarantine before entering the country (IOM 2020e).

Some destination countries also chartered planes for immigrants to leave. In Chile, for example, flights labelled as voluntary 'Humanitarian Plan of Orderly Return' targeted Haitians, both before and during Covid-19, but such approaches have been criticized as covert deportation strategies ((In)Movilidad 2020c) and being questionably voluntary as well as humanitarian only in name (Finn and Umpierrez de Reguero 2020; Stang, Edwards and Andrade Moreno 2020). During the pandemic, Colombia also opened two 'humanitarian corridors' for Venezuelan nationals to return in controlled numbers per day (Castro Padrón 2020; Migración Colombia 2020).

Essential workers embodied other exceptions—thus they had mobility rights or even additional movement than prior to the pandemic. Paraguay allowed Brazilian construction workers into the country every day for certain projects, requiring them to leave the country at the end of the workday, checking for Covid-19 symptoms upon return each morning (Dirección General de Migraciones 2020). Domestic workers, a common occupation throughout the region (whether informally or with formal contracts) became unofficially essential, but this status did not necessarily translate to greater mobility rights. In Peru, domestic workers were still going to work so tried to obtain contracts from their employers to evidence why they were mobile outside; elsewhere many were simply fired or assigned additional work to ensure extra hygiene during the pandemic, with no extra pay (WIEGO 2020).

Contrary to such exceptions, most people (independent of nationality) faced national-level immobility during the crisis. This included some nationals in countries that asked their nationals *not* to return to the origin country, in the name of safety, which violates the right to return to one's country, enshrined in the foundations of international migration law (Chetail 2019). The Venezuelan government first allowed nationals to return, but when many started to move back, they asked nationals to not return (Singer and Torrado 2020). The change of approach was unsurprising, given the ongoing crisis there. Nonetheless, official statistics report that more than 100,000 people have returned to Venezuela since March 2020 (OAS, 2020), despite the increased risk of contagion by traveling in crowded transportation. Yet those who managed to arrive had to quarantine in unhealthy conditions and faced stigmatization from the government, who called them 'traitors' and accused them of bringing the virus into the country (Singer and Torrado 2020; Vanguardia 2020).

Venezuelans found it tough to not only re-enter their country of origin but also faced increased obstacles to enter other South American countries. As outlined in Section 2.2 above, the Venezuelan displacement greatly increased intraregional mobility and was already challenging the regional mobility regime pre-pandemic. Then during the Covid-19 crisis, policy reactions severely diminished Venezuelans' mobility rights. Brazil was a paradigmatic case in the region regarding forced international (im)mobility of Venezuelans. Two days before closing its land borders to its eight neighboring countries besides Uruguay (via Decree 125), on March 17, 2020, Brazil closed entry for Venezuelan nationals (via Decree 120) (Emol 2020). Both decrees state that in case of non-compliance, immediate deportation is foreseen. New decrees again emerged in July and late August to renew restrictions for an additional 30 days from entry via land and sea routes but opened most airports. Nonetheless, like the previous decrees, they contain additional restrictions for Venezuelan nationals—including barring entrance of Venezuelans who hold Brazilian residence visas ((In)Movilidad 2020b; Presidência da República 2020). Such rigid targeted control appeared to relate more to migration policy than safety concerns, since Brazil was one of the last countries in the region to close borders (Oliveira, 2020) and given the President's approach was to "deny and defy" the pandemic's symptoms and effects (Cowie, 2020).

To enforce such international immobility, some borders became militarized, such as Argentina's northern borders, Brazil, Chile, Colombia, Ecuador's northern border, Peru with Ecuador, and Uruguay (Bengochea et al. 2020; Castro Padrón 2020; (In)Movilidad 2020a, 2020b, 2020d, 2020e, 2020f). This unsurprisingly increased illegal international border crossings, or people pushing through regardless, as a group of immigrants did from Ecuador to Colombia, reported as *en route* to Venezuela (Cabezas 2020). People also became trapped near borders, for instance at least 150 individuals were unable to enter Bolivia despite being Bolivian nationals and camped in tents at Chile's northern border (Miranda 2020).

Not only national governments have been main players in Covid-19 prevention and measures. Bengochea and colleagues (2020) point out that while health and migration governance generally fall under the competence of national governments, policy implementation further depends on *local* governments. They find that cities and municipalities played a key role in adopting and implementing (im)mobility policies that often differed from national and subnational policies. As such, both local and national governments implemented

measures for Covid-19 that created new types of (im)mobility. Immobility related to self-isolation and quarantine requirements, as well as curfews and restrictions for moving around cities or between regions. While central or federal governments mandated the rules, implementation and enforcement fell on the shoulders of municipal governments and local police.

Within countries, on one hand mobility still occurred for some under certain conditions. Reversing the rural-urban trend of moving towards cities, during Covid-19, some people (and businesses) moved away from cities, for instance to escape highly populated areas or because they could no longer afford city rent and living costs. In Peru, movement headed toward rural areas (Chávez Yacila and Turkewitz 2020), where individuals likely have lower access to hospitals, in case of infection. Some of this internal movement was done by bus or by foot. Such routes failed to ensure the recommended physical distance between people, which, as Acosta and Brumat (2020) point out, paradoxically increased the risk of Covid-19 contagion. Individuals who tried to move due to fear of contagion, overcrowded hospitals, and a worsening economic outlook, including growing unemployment, then had to face higher chances of catching Covid-19.

On the other hand, internal immobility struck most individuals, regardless of their nationality or legal status. To prevent the situation of complete immobility, governments took measures to enable select internal circulation. For example, Argentina issued circulation permits for people stranded in other parts of the country, far from their homes (Télam 2020), whereas Bolivia developed a protocol to transfer nationals who were in municipalities outside their normal residence. Chile offered a plethora of transit permits valid for certain times and for a limited number of hours, for everyday chores like buying food and medicine, walking pets outdoors, as well as cumbersome tasks like moving house (Carabineros de Chile 2020). Thus Covid-19 led to a scenario in which new types of documentation, in addition to ID cards or passports, determined internal mobility.

Overall South American countries showed similarities and differences in mobility restrictions and exceptions, both across and within national borders. The common trends included strict quarantines to enforce internal immobility, militarization of borders, an increase of illegal border crossings, and new types of international mobility rights based on labor activities. While pre-Covid South American borders remained largely (while informally) open to Venezuelans (Brumat and Freier 2020), the pandemic changed this dynamic. Venezuelan nationals faced decreased rights and lower mobility, contradicting the regional mobility regime—which may have longer term effects. The pandemic has also exacerbated cross-national and intranational differences in accessing mobility rights: while some countries have expanded access to their territory to select foreign residents and other groups, others (such as Bolivia and Venezuela) have restricted access to its own nationals, and within some countries, people were forced to move internally from urban to rural areas. These measures led to new stratifications of mobility, which have produced novel hierarchies of access to citizen rights that have affected the regional mobility regime.

3.2 The Covid-19 crisis and its effects on accessing citizen rights for regional migrants

The UN estimates that the Covid-19 pandemic will cause the worst economic recession that Latin America has faced in the last 100 years (UN SG, 2020). Countries have adopted several measures to mitigate the impact of the economic and health crisis on the most vulnerable, including migrants, who have been disproportionately affected by the crisis (Bengochea et al. 2020; Castro Padrón 2020). Access to additional social benefits via these special measures in South America depended on a wide range of factors. Mostly importantly, the requirements of nationality or documentation, which closely relates to socioeconomic status, as mentioned in the case of Venezuelan migrants. Such differences of measures to tackle the Covid-19 crisis in South America

stirred the question of if, and to what extent, did governments sustain the principle of ‘equal rights’ for (non)nationals in the regional mobility regime.

Many countries across the region gave access to socioeconomic mitigating measures, such as economic subsidies. Most of these measures again relied on certain documentation, proving legal (and sometimes economic) status for accessing citizen rights. Argentina adopted a ‘family emergency subsidy’ (*ingreso familiar de emergencia*) giving about 125 USD to individuals in a vulnerable situation; migrants with residence for more than two years could also access it (Argentina.gob.ar, 2020). However, estimates show that 80% of the migrant population in the country could *not* access it because they either failed to meet the two-year residence requirement or because their applications were rejected ((In)Movilidad 2020a). Argentina did extend some labor benefits, such as the suspension of layoffs, to regular migrants with legal contracts (Grisolia 2020).

Brazil, Chile, and Colombia, main receiving countries for Venezuelans, reveal similar experiences. Brazil adopted an ‘emergency help’ (*auxilio de emergencia*) of around 150 USD aimed at helping workers in informal labor markets, families with low incomes, as well as the unemployed. As the norm does not explicitly mention foreign residents, it can be interpreted that migrants (regardless of legal status) could have applied for this (Senado Federal 2020). In Chile, migrants needed to show a Chilean ID and a residence permit to access the Covid-19 subsidy of around 60 USD (Ambiado, Orrego, and Lages 2020), an unreasonable requirement given immigrants’ wait of one to two years to obtain or renew visas. In Colombia, social programs on paper applied to Venezuelans with temporary permits, yet in practice estimates show that more than one million Venezuelans do not hold such permits (Castro Padrón 2020). Nonetheless, Colombia launched a special work permit for Venezuelans with an irregular status, meaning they provided a right to work *independent from* legal status, albeit calling the measure “exceptional and transitory” and it required a job offer (Ministerio del Trabajo 2020). Such a change, even transitory, incredulously represents a large step in developing immigration policy based on a human-rights approach that also normalizes intraregional movement, residence, and the right to work for regional migrants.

On the contrary, other countries introduced documentation requirements that implicitly excluded migrants from such benefits. One example is Ecuador, which adopted a special protection subsidy of 240 USD and established conditions to access it, such that individuals need to be affiliated with either the Peasant Social Security (*Seguro Social Campesino*) or the Unpaid Household Work regime (*Trabajo No Remunerado en el Hogar*) and it required an Ecuadorian national ID—two conditions that clearly excluded irregular migrants ((In)Movilidad 2020e). Estimates show Ecuador has around 200,000 immigrants who lack any access to government assistance (Bengochea et al. 2020). Similarly, only workers with legal contracts can access Uruguay’s unemployment subsidy (Banco de Previsión Social 2020), so by default excludes all in informal workers and undocumented immigrants.

Argentina, Brazil, Chile, Ecuador, Paraguay, and Peru extended the expiration dates of all foreign residents’ temporary residence permits, whereas Uruguay kept issuing appointments for bureaucratic procedures related to legal residence (IOM 2020a). However, most of the extensions applied only to migrants already holding legal residence and a formal work contract, such as in Chile (Bengochea et al. 2020). Ambiado, Orrego, and Lages (2020) convey that Chile extended the expiration dates but it was overall unrelated to Covid-19; it rather occurred because of the lack of bureaucratic capacity to process residence permits, since the system collapsed before the Covid-19 crisis due to a strong uptick in immigration since 2015 (Finn and Umpierrez de Reguero 2020). In other countries, such as Brazil, the implementing authorities and private and public institutions ignored these extensions and continued to ask immigrants for valid documentation ((In)Movilidad 2020b).

In that sense, local governments played a relevant role in either blocking or increasing citizen rights for (non)nationals. The municipality of Bogotá, Colombia, created a special temporary fund to help low income families and vulnerable individuals who could not afford to pay rent, and this included migrants, regardless of

legal status (Alcaldía Mayor de Bogotá 2020). In Montevideo, Uruguay, the municipality together with national migration authorities provided assistance to migrant populations to prevent evictions (Uriarte and Fossatti 2020). In Ecuador, the municipality of Quito and the government of Pichincha province provided humanitarian assistance to the local population, including migrants, regardless of legal status (Bengochea et al. 2020).

During a sanitary emergency, access to healthcare became a key right. In South America, only Argentina and Brazil had already granted universal access to healthcare to all individuals, regardless of legal status (Ortega, Prato, Mendoza, and Vázquez 2018). The rest of the countries in the region had previously introduced different legal conditions that stratified access depending on legal, labor, and economic status (Castro Padrón 2020). During Covid-19, Bengochea et al. (2020) find that some countries, such as Chile, made an exception and granted access to healthcare to undocumented migrants. However, they also find persistent obstacles to accessing healthcare in practice, primarily relating to irregular immigrants' labor market precarity and to their overcrowded housing conditions. Others, like Peru, still required documentation proving individuals' identities in order to access healthcare services (Presidencia de la República del Perú 2020). At the local level, the municipality of São Paulo adopted a 'Municipal Plan for Immigrant Policies' aimed at increasing access to health services for people in the city who typically face obstacles to use it, particularly immigrants and minorities, including LGBTI+ as well as religious minorities (Prefeitura de São Paulo 2020). In Colombia, many subnational governments also decided to grant healthcare access, regardless of migratory status, to those who were potentially Covid-19 positive (Castro Padrón 2020).

Throughout the Covid-19 pandemic, South American governments did not sustain equal rights for both nationals and non-nationals, who overwhelmingly comprise intraregional migrants. As Bengochea and colleagues (2020) note, the crisis exacerbated unequal access to citizen rights such as labor, housing, and healthcare between nationals and non-nationals, regular and irregular migrants, and has created new inequalities and contradictions within the regional mobility regime, originally aimed at reducing them. As we have seen in the South American scenario, qualified people and those who are 'useful' in the context of a pandemic gained citizen rights that more closely reflected those of residence-country nationals. Irregular migrants, as well as the poorer without the means to gain adequate documents or safe transportation, confronted over-crowdedness and less sanitary conditions, unevenly faced higher exposure to contracting Covid-19. While such policies began before the pandemic, the health crisis exacerbated them, which could have longer term effects post state of emergencies.

Conclusion

The Covid-19 crisis has had profound effects on mobility and citizenship, as a bundle of rights between individuals and governments, and further separated nationality as a basis for accessing citizenship rights. Since the mid-2010s, the new right-wing governments in South America adopted national-level legislation within a framework of the liberal regional migration regime based on nationality, which has had restrictive effects on mobility and citizen rights. Covid-19 further deepened these changes. However, the regional migration regime—at least on paper—has remained intact, meaning that restrictive national-level policies coexist with the more liberal regional-level regime. This could be because anti-regional integration rhetoric is unpopular in South America and reversing regionalism may carry high political costs. While right-wing governments challenged the liberal/open aspects of the regional mobility and residence regime, these national governments have also been challenged and contested by subnational-level governments, many of which extended citizenship rights to foreign residents during Covid-19. As such, we are witnessing how horizontal modes of

multilevel migration governance can challenge hierarchical modes of governance, further dispersion of power, and authority across levels within the area of migration.

In South America, multilevel responses during the Covid-19 crisis have been characterized by the coexistence of different regulations taken by authorities at different levels, which have created new types of (im)mobility. A new urban-rural internal migration pattern emerged, as well as increased return migration, particularly to Venezuela. Some countries, including Venezuela, asked their nationals *not* to return, violating one of the main principles of international migration law and thus fundamentally altering the relationship between these individuals as nationals with their origin country. This has not only happened in South America. China, Jamaica, and Romania similarly requested emigrants not to return to the origin country (Piccoli, Dzankic and Perret 2020). India also experienced ‘reverse’ urban-rural migration (Inamdar and Thusoo 2020). In New York, there was increased mobility towards the suburbs and away from urban areas, but for different reasons than in South America (Hughes 2020).

New hierarchies of mobility emerged, with a vast array of documentation and ‘mobility permits’ allowing or impeding internal movement—linking new documents, beyond ID cards and passports showing migrants’ nationalities and visa statuses, to internal mobility. Generalized immobility emerged, as most individuals needed to self-isolate or stay in quarantine, although nationals and many foreign residents were considered exceptions to cross borders, ongoing from the beginning of the pandemic in March 2020. While such (im)mobility measures came from the national level, they varied at subnational and local levels, such as in Brazil, where municipalities or neighborhoods implemented policies disconnected, and sometimes conflicting with, the higher level. Moreover, local police or municipalities were left to enforce urban immobility, for example. As subnational and local governments are often responsible for policy implementation, during Covid-19 many adopted policies as a way of opposing the national government. Some subnational and local governments enforced policies either expanding or restricting the rights of migrant populations and, in turn, the multilevel allocation of authority differentiated between individuals’ access to citizenship rights and mobility on paper versus in practice.

Mostly regardless of nationality, other individuals had expanded international mobility rights based on labor activity. Examples were humanitarian workers and ‘essential workers’, whose definition fluctuates between national contexts. Another group with exceptional mobility rights were returnees who left on their own or were evacuated by origin countries. Their mobility rights greatly differed from poorer returnees, who had to rely on illegal border crossings as international borders became militarized throughout the region. Among this group, Venezuelans have overall comprised the group facing the highest *immobility* in South America. Uneven treatment toward a nationality from within the region deepens this new subcategory of the regional migrant, one with fewer mobility and citizenship rights, as compared to other regional migrants. The situation, and continued emphatic control, contradicts the regional mobility regime that had been established to facilitate intraregional border crossings and expand equal rights for regional migrants.

From March to August 2020, the Covid-19 crisis deeply affected relations between (non)nationals and states with respect to using internal and international mobility rights, as well as to accessing citizen rights. It exacerbated the already growing unequal access to such rights that hinge on legal and economic status. Similar to the exceptions granting mobility rights to some workers, citizen rights were expanded to select groups of people, depending on their economic and labor status. Some migrant workers had access to national subsidies and others had work rights, independent from legal status. However, most undocumented migrants, or migrants who have resided in South American countries for less than two years (the majority of whom are Venezuelans), were excluded from accessing social benefits aimed at partially offsetting the negative effects during the Covid-19 pandemic. Post-Covid, this period of restrictions and exceptions that formed new hierarchies between nationality, residence, health, and how ‘essential’ one’s occupation is could have enduring effects for

all individuals and for their relations with their states of origin, residence, or both. Specific to regional migrants, if the mobility and citizenship changes endure, they are likely to weaken—but unlikely to formally transform—South America’s established regional mobility regime.

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