

VENEZUELA

Venezuelan emigration is quite a new phenomenon, but highly interesting and increasingly relevant.

In the last decade, the migratory profile of Venezuela has changed: no longer is it a receiver of immigrants, but rather a country of emigration.¹ The causes are mainly political and socioeconomic (scarcity and insecurity).² The year 2002 represents a milestone in Venezuelan migration as the oil strike, together with the political crisis, resulted in an increase in emigration.³

Although no official statistics exist, non-official ones (primarily academic) and data collection of other countries, such as the USA and Canada, show that emigration figures – albeit inferior in absolute terms to those of other Latin American countries – are very significant in relation to the national population. In recent years, the number of Venezuelans declaring themselves willing to emigrate also increased.⁴

The countries with the highest number of Venezuelan emigrants are the USA and Spain. Within the USA, Florida, due to its geographical position,⁵ and Texas,⁶ for the oil industry, attract the most immigrants.

Venezuelan emigration is also characterized by another factor: its strong politicization, resulting from the ideological polarization prompted by *Chavismo*. Venezuelans' political organization and mobilization abroad is a further way of maintaining connections with their country of origin.

Although Venezuela has made advances in terms of political inclusion of emigrants (through, for instance, the recognition of dual nationality and external electoral rights), the landscape of Venezuelan emigrant policies is still characterized by the absence of the majority of policy dimensions analyzed in this book (e.g. economic, cultural, symbolic or external obligations). However, the current legal and institutional vacuum on emigrant policies is filled to some extent by emigrant mobilization.

1 Subero, Carlos, *La alegría triste de emigrar*, Freitez, “La emigración desde Venezuela durante la última década”; Morales Díaz, Escarlyn and Navarro Pérez, Silvana, “Venezuela: de receptor de inmigrantes a emisor de emigrantes”; CNN, “Inmigración venezolana en EE.UU.”; ADN TV, “Venezolanos emigran aceleradamente.”

2 Subero, Carlos, *La alegría triste de emigrar*.

3 Office of Immigration Statistics, U.S. Department of Homeland Security, “2011 Yearbook of Immigration Statistics.”

4 Subero, Carlos, *La alegría triste de emigrar*.

5 NTN24, “Ciudad del Doral, Miami, espera una nueva ola de inmigrantes venezolanos.”

6 Subero, Carlos, *La alegría triste de emigrar*.

CITIZENSHIP/NATIONALITY

DUAL OR MULTIPLE NATIONALITY REGULATION

Venezuelans have no legal obstacles for holding or acquiring another citizenship/nationality.⁷ The Constitution stipulates no applicability limits of dual/multiple nationality, leading to the assumption that there is no limit. However, Venezuela considers in-country residence as a requirement for nationality in the case of children born abroad to naturalized parents.⁸

Citizenship is reserved for Venezuelans by birth. Naturalized Venezuelans who entered the country before the age of seven and lived there until the age of 18 can also exercise political rights.⁹

LOSS OF CITIZENSHIP/NATIONALITY

Nationality cannot be lost due to residence abroad or due to the acquisition of another nationality.¹⁰

SUFFRAGE

VOTING RIGHTS OF NON-RESIDENT CITIZENS

External voting is permitted for presidential elections, elections to both the Latin American and the Indigenous Parliament, as well as for national referenda, but not for the National Assembly.¹¹ The electoral regulations however, restrict the participation of non-resident Venezuelans based on their administrative status in their state of reception. Only those with documents are eligible to participate in home elections.¹²

CANDIDACY RIGHTS OF NON-RESIDENT CITIZENS

The legislation does not make any explicit reference to the candidacy rights of non-resident citizens. However, the Venezuelan Constitution does contain some general restrictions to candidacy rights, some of them based on residency or nationality status: For presidential elections, only Venezuelans by

7 Asamblea Nacional Constituyente, *Constitución de la República Bolivariana de Venezuela*, Art. 34

8 Ibid. Art. 32.3 and Art. 32.4.

9 Ibid. Asamblea Nacional de la República Bolivariana de Venezuela, *Ley de Nacionalidad y Ciudadanía*.

10 Ibid. Art. 34, 35.

11 Asamblea Nacional de la República Bolivariana de Venezuela, *Ley Orgánica de Procesos Electorales*.

12 Ibid. Art. 124

birth with no dual/multiple nationality enjoy candidacy rights.¹³ For national elections, candidates must prove four years of residence in the corresponding entity before the date of election.¹⁴ The same applies for regional legislative elections.¹⁵ Residence is also a fundamental restriction for municipal legislative elections.¹⁶

VOTING METHODS AVAILABLE TO NON-RESIDENT CITIZENS

Non-resident citizens can exercise their external voting rights only in embassies and consulates.¹⁷

REGISTRATION FOR THE FRANCHISE

Registration is automatic for resident citizens.¹⁸ For non-resident citizens, on the other hand, registration is active the first time, and then automatic.¹⁹ Venezuelans must present their identity card to register.²⁰

REGULATION OF POLITICAL COMPETITION

PARTY OFFICES IN HOST COUNTRIES

External political party offices are *de facto* rather than *de jure* allowed. Indeed, Venezuelan parties have permanent, official representations (though not exactly offices) in many countries.²¹ *Voluntad Popular* has permanent official rep-

13 Asamblea Nacional Constituyente, *Constitución de la República Bolivariana de Venezuela*, Art. 40

14 Asamblea Nacional de la República Bolivariana de Venezuela, *Ley Orgánica de Procesos Electorales*, Art. 188

15 Asamblea Nacional Constituyente, *Constitución de la República Bolivariana de Venezuela*, Art. 162

16 Ibid.; Consejo Nacional Electoral, *Ley Orgánica de Régimen Municipal*; Consejo Nacional Electoral de la República Bolivariana de Venezuela, *Reglamento No.1 de la Ley Orgánica de Procesos Electorales*, 1, Arts. 27-31

17 Ministerio del Poder Popular para Relaciones Exteriores, “Trámites Consulares - Preguntas Frecuentes / Frequently Asked Questions - Venezuela.”

18 El Congreso de la República de Venezuela, *Ley Orgánica de Sufragio y Participación Política*.

19 Consejo Nacional Electoral de la República Bolivariana de Venezuela, Reglamento No. 4 de la Ley Orgánica de Procesos Electorales; Ministerio del Poder Popular para Relaciones Exteriores, “Trámites Consulares - Preguntas Frecuentes / Frequently Asked Questions - Venezuela”; VotoDondeSea, “Preguntas Frecuentes.”

20 Consejo Nacional Electoral de la República Bolivariana de Venezuela, *Reglamento No.1 de la Ley Orgánica de Procesos Electorales*, Art. 1

21 Alberto Pérez Levy, (international spokesman for *Voluntad Popular*) in discussion with the author in Madrid, March 16, 2015.

representations in: Argentina, Canada, Chile, Costa Rica, France, Mexico, Panama, Spain, Switzerland, the UK, and the USA. *Mesa de Unidad Democrática* has expanded its network of party offices to Austria, Germany, France, Portugal, Spain, Switzerland and the UK.²²

POLITICAL CAMPAIGNS

There is no regulation pertaining to campaigns abroad.

MEMBERSHIP

Emigrant membership in political parties is, in general terms, equal to the membership of resident citizens.²³ However, it is interesting to note that the regulation of political parties restricts membership in regional political parties to residents of the given region.²⁴

ADMINISTRATION

CONSULATES

Venezuela has a consulate network of 53 consulates in 20 countries. Consulates provide expert legal/judicial consultancy, as well as a sort of social assistance similar to psychological consultancy, targeting the indigent and victims of violence. No financial consultancy is offered.²⁵

OBLIGATIONS

MILITARY SERVICE, SOCIAL SERVICE, TAXES

Venezuela has no obligatory military service, nor social service.²⁶

No specific taxes for emigrants were found. However, Venezuelans living abroad must also pay the income tax in Venezuela, unless they stay out of the country more than 183 days and provide official proof of residence from the tax authority in their country of residence.²⁷

22 Luis Eduardo Manresa (international spokesman for Mesa Unión Democrática), telephone interview, March 3, 2015.

23 Asamblea Nacional de la República Bolivariana de Venezuela, *Ley de Partidos Políticos, Reuniones Públicas y Manifestaciones*, Art. 3

24 Ibid. Art. 10, paragraph 1

25 Alberto Pérez Levy, (international spokesman for *Voluntad Popular*) interview, March 16, 2015.

26 Asamblea Nacional Constituyente, *Constitución de la República Bolivariana de Venezuela*; Asamblea Nacional de la República Bolivariana de Venezuela, *Ley de Conserción y Alistamiento Militar*.

27 "SCL-Consultores."

Furthermore, is worth noting that formal documentation (such as a power of attorney or the issuance of a passport) is significantly more expensive (sometimes up to 100 times) for emigrants than resident citizens.²⁸

SOCIAL POLICIES

The national regulation on social protection (that includes retirement, maternity leave, healthcare among others benefits) explicitly applies only to in-country residents.²⁹

However, Venezuela has signed several bilateral agreements on social security with Chile, Portugal, Spain, and Uruguay.

In addition, Venezuela has also signed the Multilateral Ibero-American Convention on Social Security, yet not ratified it.

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²⁸ According to the above-mentioned party spokesmen.

²⁹ Hugo Chávez Frías, Presidente de la República, *Decreto con rango, valor y fuerza de Ley de Reforma Parcial de la Ley del Seguro Social*, Art. 2.

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