

Co-Producing Rights and Control: Redundancy and Contingency in Migration Governance in Colombia

By *María Gabriela Trompetero-Vicent**

Abstract: Colombia's Estatuto Temporal de Protección para Migrantes Venezolanos (ETPV), adopted in 2021, is one of the most ambitious regularization programs in the world, granting nearly two million Venezuelans ten years of legal status, access to social and economic rights, and a pathway to permanent residence. Strikingly, the policy was designed and implemented largely by the Colombian Migration Office, an institution historically oriented toward border control and security. This article examines how a security agency incorporated a rights-based logic into its policymaking and argues that the ETPV did not represent a paradigmatic shift, but a hybrid governance arrangement produced through the co-production of rights and control. Drawing on document analysis and interviews with policymakers, migration officials, and international organizations, the article shows that the ETPV's core mechanisms—particularly biometric registration and long-term documentation—operated redundantly, simultaneously fulfilling security functions (identification and surveillance) and rights-based functions (access and integration). This redundancy stabilized support across actors who interpreted the same instruments through different institutional logics, while contingent conditions—particularly the COVID-19 pandemic and the visibility of mass irregularity—opened a window of opportunity for such hybrid solutions to emerge. By explaining how rights became embedded within a security institution without normative convergence, the article advances theoretical debates on migration governance and highlights how South–South contexts generate hybrid models in which protection and control are mutually constitutive rather than opposed.

Keywords: Migration Governance; Regularization; Rights and Control

A. Introduction

The scale and speed of Venezuelan displacement have reshaped migration governance across Latin America. Colombia, as the principal receiving state, now hosts more than 2.8

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million Venezuelans.¹ Managing this phenomenon has brought to the fore the central tensions that define contemporary migration governance, namely those between humanitarian commitments, state sovereignty, utilitarian considerations and security logics.²

These tensions became especially visible in Colombia in 2021, when the government of Iván Duque introduced the *Estatuto Temporal de Protección para Migrantes Venezolanos* (ETPV), a mechanism celebrated internationally as an unprecedented step in global migration governance.³ The ETPV has regularized close to two million Venezuelans, granting them access to human rights such as health care, education, and formal labor markets for a period of ten years, with a pathway to permanent residence.⁴ Strikingly, this initiative was designed and implemented largely by the Colombian Migration Office (CMO)—a body with a mandate for border control and surveillance. Existing scholarship would predict institutional resistance rather than rights incorporation: security-oriented agencies typically prioritize enforcement over protection and limit the expansion of rights for irregular migrants.⁵

This creates a central puzzle: how did a security-oriented institution come to design, lead and implement one of the most ambitious rights-based regularization programs? While Latin American migration governance has long combined rights-based rhetoric with uneven implementation,⁶ the Colombian case goes a step further by locating a major rights-expanding initiative within a security institution.

This article argues that the incorporation of rights into the CMO did not represent a paradigmatic shift but a process of co-production, in which rights and security were fused through a mechanism of redundancy. This process was enabled by crisis-driven contingency, challenging Global North-oriented dichotomies that conceptualize restriction and

1 Colombian Migration Office, Informe de migrantes venezolanos en Colombia corte 31 de diciembre de 2024, June 2024, <https://www.migracioncolombia.gov.co/infografias-migracion-colombia/informe-de-migrantes-venezolanos-en-colombia-a-diciembre> (last accessed on 7 May 2026).

2 James Hollifield, *Immigrants, Markets, and States: The Political Economy of Postwar Europe*, Cambridge 1992; see also Antoine Pécoud, *Philosophies of Migration Governance in a Globalizing World*, *Globalizations* 18 (2020).

3 International Organization for Migration, IOM and UNHCR welcome Colombia's decision to regularize Venezuelan refugees and migrants, 9 February 2021, <https://www.iom.int/news/iom-and-unhcr-welcome-colombias-decision-regularize-venezuelan-refugees-and-migrants> (last accessed on 7 May 2026).

4 María Trompetero-Vicent, Situando al Estatuto Temporal de Protección para Migrantes de Venezuela en Colombia desde una perspectiva global, *Aldea Mundo: Revista sobre Fronteras e Integración Regional* 27 (2022), pp. 76, 80.

5 See e.g. Reinhard Schweitzer, How Inclusive Institutions Enforce Exclusive Immigration Rules: Mainstream Public Service Provision and the Implementation of a Hostile Environment for Irregular Migrants Living in Britain, in: Sophie Hinger / Reinhard Schweitzer (eds.), *Politics of (Dis)Integration*, Cham 2022.

6 Diego Acosta / Luisa Feline Freier, Turning the immigration policy paradox upside down? Populist liberalism and discursive gaps in South America, *International Migration Review* 49 (2015), p. 1.

protection as mutually exclusive.⁷⁸ Rather than replacing its security and control logics, the CMO reinterpreted core control practices, such as biometric registration, as simultaneously serving rights-based logics. Rights became incentives for registration and legal visibility, while expanded documentation and surveillance became the gateway to access rights. This hybrid arrangement stabilized political and bureaucratic support because different actors—state authorities, international organizations, and civil society—could justify the same policy instrument through different logics.

This argument makes three contributions. First, it shows how rights become embedded within a security institution not through normative convergence but when policy instruments acquire overlapping functions capable of satisfying divergent institutional logics. Second, it demonstrates how contingency (particularly the COVID-19 pandemic and the political visibility of mass irregularity) creates windows of opportunity for institutional reinterpretation and policy innovation. Third, it advances the study of South–South migration governance by illustrating a hybrid model in which rights and control are not opposing logics but mutually constitutive dimensions of governance.

Empirically, the article draws on qualitative analysis of official documents and thirty semi-structured interviews with officials from Colombian migration-related institutions, including the Colombian Migration Office, the Ministry of Foreign Affairs, and the Border Management Office; international organizations, and subject-matter experts. Analytically, it integrates the institutional logics perspective with Luhmannian concepts of redundancy and contingency to explain how security-oriented bureaucracies can become sites of rights innovation without undergoing wholesale paradigm change.

B. Conceptual and Analytical Framework: Migration Governance, Rights, and Institutional Logics

This section develops the conceptual and analytical framework guiding the article. It brings together two bodies of literature—migration governance and institutional logics—and complements them with Luhmannian concepts of redundancy and contingency to explain how security- and rights-based rationalities coexist, interact, and are operationalized within Colombia's ETPV.

1. Migration Governance Debates: North vs. South, Securitization vs. Rights

Much of the literature on migration governance has focused on South-North dynamics, particularly the Global North's reliance on restrictive frameworks designed to deter and control

7 Antoine Pécoud, *Philosophies of Migration Governance in a Globalizing World*, *Globalizations* 18 (2020).

8 Bridget Collrin / Harald Bauder, *Migration governance between sovereignty, security and rights: An analysis of the literature*, *International Migration* 63 (2025).

migration.⁹ These include securitization, deterrence, externalization of border control,¹⁰ and the liberal paradox.¹¹ The result has been a dominant narrative in which the Global North is both the central site of migration research and the archetype of restrictive governance and the tensions around it. By contrast, South–South migration has received comparatively little scholarly attention,¹² even though most displaced populations are hosted in low- and middle-income countries.¹³

Scholars have frequently characterized Latin American migration and refugee policies as comparatively liberal and progressive in the global context.¹⁴ Acosta¹⁵ explains that, following the democratic transitions of the 1980s, South American states—historically countries of immigration that became countries of emigration amid recurrent economic instability—implemented constitutional reforms strongly influenced by international human rights norms, particularly the American Convention on Human Rights and the jurisprudence of the Inter-American Court of Human Rights. This rights-based orientation continues to shape the region's migration, mobility, and citizenship regimes. As Acosta notes, it is reflected in several key dimensions: the expansion of political rights; the recognition of migration as a human right in national legislation—such as in Argentina—accompanied by the non-criminalization of undocumented migrants; the development of regional free-movement initiatives, particularly the 2002 MERCOSUR Residency Agreement; and relatively inclusive citizenship regimes, where the predominance of *ius soli* and short residence requirements make access to nationality less restrictive than in many other parts of the world. These developments underscore how Latin America has emerged as a region with some of the most expansive and rights-oriented migration and citizenship policies worldwide. Moreover, landmark agreements such as the 1984 Cartagena Declaration institutionalized a broad definition of refugees and promoted regional solidarity.

- 9 Claudia Finotelli / Irene Ponzo, *Migration Control Logics and Strategies in Europe A North-South Comparison*, Cham 2023.
- 10 David Fitz Gerald, *Remote Control of Migration: Theorising Territoriality, Shared Coercion, and Deterrence*, *Journal of Ethnic and Migration Studies* 46 (2019).
- 11 James Hollifield, *Immigrants, Markets, and States: The Political Economy of Postwar Europe*, Cambridge 1992.
- 12 Abel Chikanda / Jonathan Crush / Sujata Ramachandran, *South–South Migration: What is at Issue?*, in: Jonathan Crush / Abel Chikanda / Sujata Ramachandran (eds.), *New Directions in South-South Migration*, Singapore 2025.
- 13 UNHCR, *Global Trends: Forced Displacement in 2024*, 14 June 2025, <https://www.unhcr.org/global-trends-report-2024> (last accessed on 7 May 2026).
- 14 Diego Acosta, *The National versus the Foreigner in South America: 200 Years of Migration and Citizenship Law*, Cambridge 2018; David James Cantor / Luisa Feline Freier / Jean-Pierre Gaudi (eds.), *A liberal tide? Immigration and asylum law and policy in Latin America*. London 2015; Diego Acosta / Luisa Feline Freier, *Expanding the Reflexive Turn in Migration Studies: Refugee Protection, Regularization, and Naturalization in Latin America*, *Journal of Immigrant & Refugee Studies* 21 (2023).
- 15 Acosta, note 14, pp. 5, 6.

Despite the availability of these rights-oriented instruments for refugee protection and migration regularization, they have largely been disregarded in responses to Venezuelan displacement, with most countries adopting increasingly restrictive migration policies. Although most Venezuelans would qualify as refugees under the broader definition established by the Cartagena Declaration, only a few states have granted them refugee status. Scholars argue that this human rights tradition often coexists with significant domestic constraints, including limited welfare states, economic crises, and political backlash.¹⁶

A central debate in migration studies concerns the relationship between rights-based approaches and institutions traditionally oriented toward security. For many scholars, security logics and rights logics appear fundamentally opposed: while security emphasizes control, surveillance, and exclusion, rights emphasize protection, inclusion, and equality.¹⁷ The prevailing assumption has therefore been that security-oriented institutions are structurally resistant to the incorporation of rights. However, other scholarship complicates this dichotomy by showing that rights themselves can be instrumentalized by security institutions. Rather than serving exclusively emancipatory purposes, rights may also function as governance tools by encouraging registration, enabling surveillance, and legitimizing restrictive regimes. Domenech describes this dynamic as a form of “control with a human face”,¹⁸ in which policies framed in progressive or humanitarian terms incorporate mechanisms that facilitate control and securitization.

As Vera Espinoza¹⁹ further notes, one of the defining features of Latin America’s regional migration approach is its recurrent emphasis on migrant regularization.²⁰ Although in countries such as Argentina, Brazil, Colombia, and Uruguay the discourse of inclusion has, to some extent, translated into practice, fragmented implementation and contradictory policies reveal underlying tensions. This human-rights-oriented regional model, rooted in the integrationist projects of the 2000s, thus exemplifies how progressive rhetoric often coexists with practices that sustain control and securitization. Building on this perspective,

- 16 *Diego Acosta Arcarazo / Luisa Feline Freier*, Turning the Immigration Policy Paradox Upside Down? Populist Liberalism and Discursive Gaps in South America, *International Migration Review* 49 (2015).
- 17 *Antoine Pécoud*, Philosophies of Migration Governance in a Globalizing World *Globalizations* 18 (2020). *Bridget Collrin / Harald Bauder*, Migration governance between sovereignty, security and rights: An analysis of the literature, *International Migration* 63 (2025).
- 18 *Eduardo Domenech*, Las migraciones son como el agua: Hacia la instauración de políticas de “control con rostro humano”. La gobernabilidad migratoria en la Argentina, *Polis, Revista Latinoamericana* 12 (2013).
- 19 *Marcia Vera-Espinoza*, Migration Governance in South America: Change and Continuity in Times of Crisis, in: *Heaven Crawley / Joseph Kofi Teye* (eds.), *The Palgrave Handbook of South–South Migration and Inequality*, New York 2024.
- 20 *Diego Acosta / Jeremy Harris*, Regímenes de Política Migratoria en América Latina y el Caribe *Inmigración, libre movilidad regional, refugio y nacionalidad*, Washington DC 2022.

Brumat²¹ shows that the Colombian State justified the implementation of the ETPV through both utilitarian and rights-based arguments: irregular migration undermines state authority over territory, the economy, and the population, while fostering informality, criminality, and violations of fundamental rights. Within this framework, migration governance is conceptualized as a dual strategy of “state control and rights expansion”, premised on the assumption that migration is an inevitable phenomenon beyond the State’s capacity to halt. This literature highlights the coexistence of rights-based frameworks and restrictive practices but does not explain how these logics are operationalized, aligned, and stabilized within a single institution.

To better understand how these tensions are translated into policy outcomes, recent scholarship has focused on the role of bureaucratic institutions in shaping migration policy paradigms in Latin America. Fernández-Rodríguez and Celleri argue that migration policy toward Venezuelans is shaped by bureaucratic paradigms, which are significantly influenced by bureaucracies’ missions and institutional cultures. They further show that “the hierarchical position and specialization of competing migration bureaucracies determine their ability to advance their paradigms during policy-making processes.”²² These dynamics help explain why states such as Colombia and Ecuador have adopted divergent approaches to Venezuelan displacement, including nationalist, managerial, and rights-based models.

While this literature makes an important contribution by highlighting the role of bureaucratic dynamics in shaping migration governance in Latin America, and by identifying changes in migration paradigms—such as the emergence of managerial orientations within the Colombian Migration Office—it primarily explains these dynamics as the result of institutional structures, missions, and organizational transformations. However, it pays less attention to how competing logics, such as security and rights provision, are aligned and operationalized within a single institution rather than one displacing the other. This article adopts a processual and relational perspective. Rather than treating bureaucratic structures as determinants of policy orientations, it examines how competing institutional logics—particularly security and rights-based rationalities—are actively co-produced through policy design, mediated by redundancy and contingency, and shaped by the agency of actors embedded within these logics.

In this sense, the analysis of the Colombian Migration Office (CMO) and the ETPV moves beyond the identification of structural paradigms to explore the micro-processes through which rights are incorporated, negotiated, and rearticulated within a security-oriented apparatus. This approach highlights how hybrid governance arrangements emerge through the alignment of competing logics within shared policy instruments, revealing the dynamic and adaptive character of bureaucratic action in South–South migration gov-

21 Leiza Brumat, *Gobernanza migratoria en Suramérica en 2021: Respuestas a la emigración venezolana durante la pandemia*, Análisis Carolina 12 (2021).

22 Nieves Fernández-Rodríguez / Daniela Celleri, *The power of bureaucracies: Shaping migration policy paradigms in Colombia and Ecuador*, Migration Studies 12 (2024), p. 3.

ernance. Rather than viewing rights and security as alternative or competing policy orientations, it shows how the same instrument can simultaneously enact both logics through mechanisms of redundancy, revealing the dynamic and adaptive character of bureaucratic action in South–South migration governance.

II. *Institutional Logics, Redundancy and Contingency*

Institutional approaches provide a useful analytical lens for examining how multiple and sometimes contradictory rationalities coexist within bureaucratic systems. According to Thornton and Ocasio²³, institutional logics are “the socially constructed, historical patterns of material practices, assumptions, values, beliefs, and rules by which individuals produce and reproduce their material subsistence, organize time and space, and provide meaning to their social reality.” In this sense, institutional logics connect individual agency with broader institutional practices and rule systems.²⁴ These logics are not static but dynamic, frequently overlapping, competing, and evolving within the same organization.

While institutional logics theory helps explain the coexistence of different logics, this article draws selectively on Niklas Luhmann’s systems theory, particularly the concepts of redundancy and contingency, as mechanisms that help explain how multiple logics can be operationalized simultaneously without requiring their full reconciliation. From a Luhmannian perspective, organizations are decision-making systems that reproduce themselves under conditions of complexity.²⁵ Faced with a multiplicity of possible alternatives, organizations must reduce complexity while maintaining legitimacy across different audiences.²⁶ One mechanism through which they achieve this is redundancy. Rather than implying inefficiency, redundancy refers to the existence of alternative or overlapping structures capable of fulfilling the same function, thereby enabling flexibility and communicative adaptability. As Luhmann notes, “the concept of redundancy designates countless possibilities that fulfill the same function.”²⁷

Building on Luhmann’s concept of redundancy, the article defines migration governance redundancy as the capacity of policy instruments to perform multiple institutional functions simultaneously. This does not preclude the introduction of new instruments or measures but highlights how established policy instruments can acquire additional functions in response to emerging migratory dynamics. In this sense, redundancy enables policy instruments that simultaneously grant rights and exercise control. Registration and documentation, for example, function both as tools of control—facilitating identification,

23 Patricia Thornton / William Ocasio, *Institutional Logics and the Historical Contingency of Power in Organizations: Executive Succession in the Higher Education Publishing Industry, 1958–1990*, *American Journal of Sociology* 105 (1999), p. 804.

24 Haverman / Gualtieri, note 1.

25 Niklas Luhmann, *Social Systems*, Stanford 1995.

26 Niklas Luhmann, *Organization and Decision*, Cambridge 2000.

27 Ibid., p. 172.

surveillance, and state oversight—and as gateways to rights, enabling access to services, legal status, and socioeconomic integration. This functional overlap allows different stakeholders to interpret and justify the same instrument through distinct institutional logics, thereby stabilizing cooperation and sustaining legitimacy without requiring normative convergence.

Complementing this framework, the concept of contingency highlights the conditions under which such hybrid arrangements become possible. For Luhmann, contingency refers to the recognition that social outcomes are not predetermined but depend on specific historical and situational conditions: “Something is contingent insofar as it is neither necessary nor impossible; it is just what it is [or was or will be], though it could also be otherwise [...] it describes objects within the horizon of possible variations.”²⁸ Periods of crisis or disruption reveal this openness by destabilizing existing arrangements and making alternative institutional pathways visible.

In this sense, contingency explains when institutional change becomes feasible, whereas redundancy explains how such change is stabilized. In migration governance, moments of acute disruption—such as large-scale displacement or health crises—can open “windows of opportunity”²⁹ in which previously marginal logics gain prominence within institutions historically oriented toward control. However, for these shifts to become institutionally viable, they must be embedded in policy designs capable of accommodating multiple institutional logics simultaneously.

Taken together, this combined perspective offers a more dynamic understanding of migration governance. Institutional logics identify the competing normative orientations within organizations, while redundancy and contingency explain how these logics are translated into hybrid policy arrangements under specific institutional and historical conditions. As the analysis of the ETPV in Colombia shows, the coexistence of security and rights-based rationalities did not result from a paradigmatic shift but was operationalized through redundant instruments under contingent conditions.

C. Context: Venezuelan Migration in Colombia, Institutional Architecture, and the Pandemic as Catalyst

I. Venezuelan Displacement and Colombia's Pre-ETPV Institutional Context

Venezuelan displacement is one of the most significant population movements in recent history, with over eight million Venezuelans leaving their country since 2015³⁰ due to the consolidation of an autocratic regime, economic collapse, and a complex humanitarian-

28 Ibid., p. 106.

29 *John Kingdom*, *Agendas, Alternatives, and Public Policies*, New York 1995.

30 R4V, *Latin America and the Caribbean, Venezuelan refugees and migrants in the region*, November 2024, www.r4v.info/en/document/r4v-latin-america-and-caribbean-venezuelan-refugees-and-migrants-region-nov-2024-0 (last accessed on 7 May 2026).

an emergency. Colombia has been the primary destination, hosting almost three million Venezuelans, with both regular and irregular status.³¹ By 2020, nearly one million³² Venezuelans in Colombia lacked legal status, creating urgent challenges for governance, humanitarian assistance, and social cohesion.

Compared to other countries in the Americas, Colombia presents a distinct migration trajectory. Shaped by more than five decades of armed conflict and recurrent economic crises throughout the latter half of the twentieth century and into the early twenty-first, the country was historically characterized by emigration and internal displacement.

Colombia's legal framework was not adequately prepared to manage the mass arrival of Venezuelan migrants, as the country operated in the absence of a unified migration law, leaving migration governance primarily subject to executive discretion.³³ Before the development of the ETPV, the Colombian state's response to Venezuelan migration had relied primarily on administrative measures, resulting in a migration policy concentrated within the Ministry of Foreign Affairs and the CMO. This approach produced a fragmented and reactive public policy that is difficult to navigate. Although the Colombian Congress passed Law 2136 in August 2021, which establishes the guidelines for the Integral Migration Policy, a critical analysis shows that the law, in many respects, reproduces decisions already contained in previous administrative acts without introducing substantial changes.³⁴

II. Colombian Institutional Migration Landscape

Institutionally, migration and refugee matters fall under the authority of the Ministry of Foreign Affairs. Within this framework, the Special Administrative Unit Migration Colombia (Colombian Migration Office, CMO) was created by Decree 4062 of 2011. Its objective is to exercise the Colombian State's migration control functions within the framework of national sovereignty and under the laws and policies defined by the National Government on this matter.³⁵ From a normative perspective, therefore, the CMO's institutional mandate is one of security and control.

To substantiate the characterization of the Colombian Migration Office (CMO) as a security-oriented institution, it is necessary to consider its legal mandate, organizational

31 Colombian Migration Office, note 1.

32 Colombian Migration Office, Radiografía venezolanos en Colombia: 31 October 2020, https://unidad-administrativa-especial-migracion-colombia.micolombiadigital.gov.co/sites/unidad-administrativa-especial-migracion-colombia/content/files/000042/2057_radiografia-venezolanos-en-colombia_oct.pdf (last accessed on 7 May 2026).

33 *Deisy Del Real*, Seemingly inclusive liminal legality: the fragility and illegality production of Colombia's legalization programmes for Venezuelan migrants. *Journal of Ethnic and Migration Studies* 48 (2022).

34 *Gracy Pelacani / Carolina Moreno*, La respuesta del Estado colombiano frente a la migración proveniente de Venezuela: la regularización migratoria en detrimento del refugio, *Estudios Socio-Jurídicos* 90 (2023), p. 501.

35 Decree 4062, 2011.

practices, and policy trajectory prior to the ETPV. Formally, the CMO was established as the State's authority for migration control, explicitly tasked with overseeing entry, stay, and exit in accordance with national sovereignty and security considerations. This mandate has been operationalized through practices centered on surveillance, identification, and enforcement, including border monitoring systems, registration mechanisms, and the production of migration status categories that differentiate between regular and irregular populations. Institutionally, this orientation is further reflected in its historical roots in Colombia's security apparatus, as migration control functions were previously located in the Departamento Administrativo de Seguridad (DAS), and in the professional trajectories of key decision-makers with backgrounds in security and criminal policy. Moreover, early policy instruments developed or implemented by the CMO in response to Venezuelan displacement—such as the Tarjeta de Movilidad Fronteriza and the Permiso Especial de Permanencia—prioritized monitoring, registration, and the management of mobility flows, even when framed as regularization tools. Taken together, these elements indicate that security-oriented rationalities were not incidental but structurally embedded in the CMO's institutional orientation prior to the adoption of the ETPV.

Although the CMO's formal mandate is oriented toward control and security, the literature identifies the presence of additional institutional logics. The relocation of the CMO to the Ministry of Foreign Affairs fostered a more managerial orientation, emphasizing service provision and citizen assistance while maintaining its core control functions.³⁶ At the same time, since the onset of the Venezuelan displacement, Colombia has adopted a range of innovative rights-based regularization measures, including the Permiso Especial de Permanencia (PEP) and, later, the ETPV, both led by the CMO. However, these initiatives have largely relied on ad hoc presidential decrees, making them vulnerable to shifts in policy agendas, limiting legal certainty, and falling short of providing durable, long-term solutions.³⁷

The National Commission for Refugees (CONARE), also under the Ministry of Foreign Affairs, holds responsibility for refugee recognition, determining eligibility for international protection. However, CONARE has long been institutionally weak, with refugee status determinations taking up to three years and the expanded Cartagena Declaration definition rarely applied. Moreover, until January 2025 the temporary permit for asylum seekers neither explicitly authorized nor prohibited employment, creating regulatory uncertainty that discouraged employers from hiring them.³⁸

36 *Fernández-Rodríguez / Cèlleri*, note 28, p. 11.

37 *Pia Riggirozzi / Cintia Quiliconi*, Latin American migration governance: the politics of ambiguity and adhocacy, *International Affairs* 102 (2026); *Maria Trompetero-Vicent / Nelson Camilo Forero*, Autocratic Policy Tools and Permissive Outcomes: Governing Venezuelan Displacement in Colombia, *Hague Journal on the Rule of Law* (2026).

38 *Dejusticia*, Informe sobre la situación de los derechos humanos de las personas migrantes y refugiadas en Colombia, 14 May 2024, <https://www.dejusticia.org/lo-que-dejusticia-le-dijo-a-la>

Complementary institutional actors have intermittently emerged. The Border Management Office (BMO), an ad hoc body created under the Presidency in 2018 and dismantled by the Petro administration in 2022,³⁹ played a particularly influential role in responding to Venezuelan forced displacement. Unlike the CMO, the BMO promoted socio-economic integration and coordinated the response to Venezuelan displacement across national and local institutions and international cooperation actors. The BMO also played a key role in the policy design of the ETPV.⁴⁰ Although this institution was central to promoting a rights-based approach, the analysis focuses primarily on the CMO, since the incorporation of a rights-oriented logic within a control- and security-oriented agency presents the greater theoretical puzzle.

Furthermore, international organizations, whose presence in Colombia predates the displacement of Venezuelans due to their involvement during the armed conflict, have played an important role in shaping migration governance debates. These organizations have consistently promoted rights-based approaches and connected migration governance to broader development agendas.⁴¹

III. Policy Trajectory

Colombia's initial response relied on a series of short-term, ad hoc regularization mechanisms, most notably the *Permiso Especial de Permanencia* (PEP), which granted temporary authorization to reside and work but required periodic renewal. The instrument was later institutionalized through the PEP-RAMV mechanism, enabling the regularization of more than 400,000 individuals in 2018.⁴² While these measures represented important steps, they nonetheless left large numbers of migrants in precarious situations: by 2020, nearly one million Venezuelans remained in irregular status.⁴³ Moreover, the PEP did not offer

-cidh/ (last accessed on 7 May 2026), p. 1. Since January 28, 2025, Decree 0089 allows asylum seekers to exercise their right to work in Colombia.

39 La Opinión, Gobierno de Petro elimina la Gerencia de Fronteras, 14 October 2022, <https://www.laopinion.co/politica/el-gobierno-de-petro-elimina-la-gerencia-de-fronteras> (last accessed on 7 May 2026).

40 *María Trompetero-Vicent*, Neither migrants nor refugees: (Re)categorization processes of forcibly displaced Venezuelans by the Colombian State, Doctoral Thesis, Universität Bielefeld (forthcoming); *Fernández-Rodríguez / Céleri*, note 2, p. 13.

41 *Nieves Fernández-Rodríguez / María Trompetero-Vicent*, Supporting without Steering: The Role of International Actors in Colombia's Policy on Venezuelan Displacement, International Migration (forthcoming).

42 *Ana María Ibáñez / Andrés Moya / María Adelaida Ortega / Sandra Roza / María José Urbina*, Life out of the shadows: The impacts of regularization programs on the lives of forced migrants, *Journal of the European Economic Association* 23 (2025), p. 949.

43 Colombian Migration Office, Radiografía Venezolanos en Colombia, 31 de agosto de 2020, https://unidad-administrativa-especial-migracion-colombia.micolombiadigital.gov.co/sites/unidad-administrativa-especial-migracion-colombia/content/files/000042/2051_radiografia_venezolanos_corte-agosto.pdf (last accessed on 7 May 2026).

a pathway to durable solutions such as permanent residence. Instead, beneficiaries were required to continually extend a document that lacked formal recognition and legitimacy across institutions.

Another important predecessor to the ETPV was the National Council of Economic and Social Policy, Republic of Colombia National Planning Department: Strategy for Addressing Migration from Venezuela (CONPES 3950). This document explicitly shows the imperative of integration as a guiding principle to be embraced across all institutions tasked with addressing migratory concerns:

“In attention to the continuous migratory dynamics, between 2019 and 2020, the Colombian Migration Office (...) will present strategies to make the migratory status for Venezuelans more flexible through regulatory adjustments and new mechanisms in migratory matters (...). This will facilitate access to the labor market, family integration, and the provision of health and education services, according to the institutional offer of each sector.”⁴⁴

IV. Situating the Colombian Response within Regional and Global Temporary Protection Mechanisms

Colombia has not been the only country in the region to implement ad hoc and temporary measures for the regularization of Venezuelans. Other states such as Ecuador, Peru, and Chile have adopted comparable mechanisms, including entry visas, special temporary work permits, and humanitarian visas.⁴⁵ Yet, these countries have progressively tightened their migration policies, restricting access to such mechanisms. While Colombia's approach has also faced significant challenges, it has nonetheless been distinguished by what has been described as an open-door policy,⁴⁶ at least until 2022. Within this regional context, the Colombian ETPV, which grants ten years of temporary protection and provides a pathway to a resident visa, stands out among the ad hoc responses adopted across Latin America.⁴⁷

44 Consejo Nacional de Política Económica y Social, CONPES 3950, Estrategia para la atención de la migración desde Venezuela, 23 November 2023, <https://www.cancilleria.gov.co/documento-conpes-estrategia-atencion-migracion-venezuela> (last accessed on 30 September 2025), p. 101.

45 Luisa Feline Freier / Marta Luzes, How humanitarian are humanitarian visas? An analysis of theory and practice in South America, in: Liliana Lyra Jubilut / Marcia Vera Espinoza / Gabriela Mezzanotte (eds.), Latin America and refugee protection: Regimes, logics and challenges, New York 2021; see also Victoria Prieto-Rosas / Gisela Zapata, Unequal origins to unequal destinations: Trends and characteristics of migrants' social and economic inclusion in South America, in: Heaven Crawley and Joseph Kofi Teye (eds.), The Palgrave Handbook of South–South Migration and Inequality, New York 2024.

46 Luciana Gandini, Between closure and openness: Migration governance and the Venezuelan exodus, in: Andreas Feldmann, Xochitl Bada, Jorge Durand, Stephanie Schütze (eds.), The Routledge history of modern Latin American migration, New York 2022.

47 María Trompetero-Vicent / Ana Moreno-Sáchica, Del papel a la práctica: principales desafíos del tránsito del Estatuto Temporal de Protección para Migrantes Venezolanos (ETPV) a la Residencia

Temporary protection mechanisms are not a recent development; rather, they have been implemented in different parts of the world (e.g. South Asia during the late 1970s and early 1980s, as well as during the Balkan wars of the 1990s).⁴⁸ They emerged because the 1951 Refugee Convention does not adequately address the challenges posed by large-scale movements of people fleeing armed conflicts⁴⁹, climate crises, or other human rights violations. In this context, the need arose for a specific regime of temporary protection.⁵⁰ Other examples include the Temporary Protected Status in the United States, the Temporary Protection Regulation in Turkey to safeguard Syrians escaping civil war, and the European Union Directive 2001/55/EC, adopted in response to the large-scale displacement caused by the Russian invasion of Ukraine. The Directive was activated on 4 March, 2022, with the aim of providing urgent protection and a clear legal status to those escaping the conflict in Ukraine.⁵¹ Although the Directive had originally been adopted in 2001 as a potential response to forced displacement during the wars in the former Yugoslavia, it had never been activated until 2022. This occurred despite multiple calls for its activation in response to forced displacement resulting from the Arab Spring in the 2010s and from conflicts in Afghanistan, Libya, and Syria.⁵² The Directive “allows immediate access to protection and grants work and residence permits to Ukrainian nationals, stateless persons, and third-country nationals legally residing in Ukraine who are unable to return to their country of origin”.⁵³

Although the Directive has proven effective in providing protection to Ukrainians, it does not include a pathway toward permanent residence or nationality, an element present in the ETPV.⁵⁴

These regional and global comparisons highlight the distinctiveness of the Colombian case. Unlike most temporary protection regimes, the ETPV combines an unusually long

Definitiva en Colombia, in: Diego Acosta / Jacques Ramírez / Ana Penchaszadeh (eds.), *Descendiendo los estudios migratorios desde Latinoamérica*, Madrid 2026.

48 *Joan Fitzpatrick*, Temporary Protection of Refugees: Elements of a Formalized Regime, *The American Journal of International Law* 94 (2000).

49 *Meltem Ineli-Ciger*, *Temporary Protection in Law and Practice*, Leiden 2018.

50 *María Trompetero-Vicent*, Situando al estatuto temporal de protección para migrantes de Venezuela en Colombia desde una perspectiva global, *Aldea Mundo* 27 (2022).

51 European Commission, *Ukraine refugees: Operational guidelines to support Member States in applying the Temporary Protection Directive*, 18 March 2022, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_1727 (last accessed on 7 May 2026).

52 *Sergio Carrera / Meltem Ineli-Ciger / Lina Vosyliute / Leiza Brumat*, The EU Grants Temporary Protection for People Fleeing War in Ukraine, *CEPS Policy Insights* 9 (2022).

53 UNHCR, ACNUR aplaude la ágil y amplia implementación de la directiva de Protección Temporal para refugiados de Ucrania en España, 15 March 2022, <https://www.acnur.org/noticias/comunicados-de-prensa/acnur-aplaude-la-agil-y-amplia-implementacion-de-la-directiva-de> (last accessed on 7 May 2026).

54 *María Trompetero-Vicent*, Situando al estatuto temporal de protección para migrantes de Venezuela en Colombia desde una perspectiva global, *Aldea Mundo* 27 (2022), p. 74.

duration, a pathway to permanent residence, and implementation by a security-oriented migration authority. This combination makes Colombia a particularly compelling case through which to examine the co-production of rights and control.

D. Methods

This article employs a qualitative, interpretive research design to examine how the CMO, a security-oriented institution, came to adopt rights-based logics in the development of the ETPV. The analysis combines document analysis and semi-structured interviews and adopts a constructivist grounded theory–inspired analytical approach⁵⁵ allowing conceptual insights to emerge inductively from the empirical material while remaining in dialogue with institutionalist theory. Rather than testing predefined hypotheses, this approach enabled concepts such as redundancy and contingency to be further developed through continuous engagement between empirical observations and existing theoretical frameworks.

1. Data Collection

The analysis incorporated a broad set of policy and institutional documents produced between 2017 and 2023, including presidential decrees, CONPES policy papers, official communications issued by the CMO and the Ministry of Foreign Affairs, as well as reports from international organizations (IOM, UNHCR) and civil society actors. Media coverage and public speeches by policymakers were also included to trace the evolving political discourse surrounding Venezuelan migration.

A total of 30 semi-structured interviews were conducted between 2020 and 2023.⁵⁶ Participants included: senior officials from the CMO, the Ministry of Foreign Affairs, and the Border Management Office; staff from international organizations (IOM, UNHCR, NGOs); scholars and policy experts on Colombian migration governance. Participants were recruited through a purposive sampling⁵⁷ to capture institutional diversity and insider perspectives on both the design and implementation of the ETPV. Additional participants were identified through snowball⁵⁸ sampling, whereby initial contacts referred other relevant actors. Interviews were conducted in Spanish, recorded with consent, and later transcribed and anonymized to ensure confidentiality.

55 Kathleen Charmaz, *Constructing grounded theory*, New York City 2014.

56 See Annex 1 for a list of anonymized interviewees cited and codes.

57 Omid Tajik / Jawad Golzar / Shagofah Noor, *Purposive Sampling*, *International Journal of Education and Language Studies* 2 (2024), p. 1.

58 Harvey Russel Bernard, *Research methods in anthropology: Qualitative and quantitative approaches*, Plymouth 2011.

II. Data Analysis

Data analysis followed an iterative coding process inspired by grounded theory. Interview transcripts and documentary materials were imported into Atlas.ti for coding. Initial open coding identified categories related to security, rights, control, and humanitarianism. Subsequent axial coding explored how these categories related to broader institutional logics. Analytical memos were used to trace emerging connections with the concepts of redundancy and contingency, allowing theory-building from the empirical material.

To enhance validity and reliability, findings from different sources were triangulated: discourses from official documents were compared against interview narratives and secondary literature. Rather than being treated as inconsistencies, discrepancies between actors' accounts were interpreted as analytically meaningful evidence of institutional tensions and competing interpretations.

E. Analysis: The Colombian ETPV and the Co-Production of Rights and Control

This section applies the theoretical framework developed above to the Colombian ETPV, showing how rights and security became co-produced through hybrid institutional logics, redundancy, and contingency. It demonstrates that the ETPV represents both an institutional innovation and a form of pragmatic governance, in which mechanisms traditionally associated with control simultaneously expanded access to rights.

I. Institutional Logics and the Emergence of Hybrid Governance

Interviewees consistently identified the Colombian Migration Office (CMO) as the central actor in the design and implementation of Colombia's response to Venezuelan displacement. According to a legal representative of the CMO (CMO2), the Colombian Migration Office became the principal institution responsible for designing Colombia's migration policies to respond to Venezuelan displacement. Interviews with international experts, including representatives from IOM and UNHCR, highlighted the centrality of the CMO as the first point of contact for migrants and the primary actor coordinating inter-institutional responses. One IOM official noted: "The Colombian Migration Office is the first to react [...]. Migrants know it more than other entities. It acts as an articulating entity among State institutions, because it has the information and capacity to link interventions" (IOM1). Border Management Office official (BMO2) also explained that the ETPV "was created collaboratively between the Presidency, the Border Management Office, and the CMO, with the CMO playing a much more prominent role." An official from IOM also explained the role of the CMO: "All flexibilization mechanisms have consistently been led by the CMO working in close coordination with the Border Management Office, the Ministry of Foreign Affairs, and other relevant institutions." (IOM1)

As discussed in Part C, the CMO has historically operated under a security-control logic, reflected in its mandate for border management, surveillance, and documentation,

the institution that previously exercised these functions (the Departamento Administrativo de Seguridad, DAS), and the career paths of key policy makers. These features illustrate the predominance of a security-oriented institutional logic, in which irregular migration is framed as a challenge to sovereignty and public order, justifying practices of monitoring, identification, and enforcement. The security-control logic initially shaped the organization's response to Venezuelan displacement, first through the *Tarjeta de Movilidad Fronteriza* (Border Mobility Card), a card designed to monitor pendular flows across the Venezuelan border, and later through the *Permiso Especial de Permanencia* (Special Permission to Stay). However, the sheer scale of displacement—nearly two million Venezuelans in Colombia by 2020, with close to one million in irregular status—quickly exceeded the capacity of these early control and regularization mechanisms.

In this complex context in 2020, MFA1 said:

"I think this has already turned against our own solidarity and against local acceptance of Venezuelans. When people see migration becoming disorderly, many host communities have grown xenophobic and resistant toward the Venezuelan population. Even though there may be Venezuelans who cause problems, it shouldn't be generalized. So that very high level of solidarity, combined with institutional and logistical pragmatism, is creating a sort of crisis, and it has put us in a critical situation now."

These dynamics illustrate what this article conceptualizes as contingency: a moment in which existing policy instruments became insufficient, creating pressure for institutional reinterpretation. The Venezuelan crisis and subsequent COVID-19 pandemic created conditions for institutional reinterpretation. Registration, biometric identification, and documentation—mechanisms historically framed as instruments of control—were reframed as gateways to rights, linking security and humanitarian objectives in ways that had previously been absent. One CMO officer highlighted the dual nature of these practices:

"The ETPV [...] builds on the progress made with the PEP and includes all the security features, is a card—just like the foreigner ID card, just like our national ID card—that serves a dual purpose. First, it regularizes their migration status, meaning they will now be allowed to stay in Colombia for ten years. And additionally, because it is an identification document, it allows them access to the full range of public and private services. They can access financial services, complete notarial procedures—that is, they can get married, change their name, buy a house, they can do anything [CMO1]."

These accounts indicate that the ETPV did not replace a security paradigm with either a rights-based or managerial paradigm. Rather, existing control practices were reinterpreted so that they simultaneously advanced security and rights-based objectives. This hybridity challenges the traditional view of migration governance as a zero-sum negotiation between enforcement and protection.

In addition to security- and rights-based rationales, the ETPV reflects a managerial logic in which administrative feasibility and bureaucratic efficiency shaped policy design. For example, asylum seekers were required to withdraw pending refugee applications to obtain ETPV status. According to CMO1, this measure was intended to reduce the burden on the already overloaded refugee determination system. As a former BMO official recalled: “The first draft of the ETPV did not include this restriction, but the CMO ultimately prioritized administrative feasibility over ideal protection” (BMO1). As discussed in Part C, the relocation of the CMO to the Ministry of Foreign Affairs fostered a managerial orientation, emphasizing service provision and citizen assistance⁵⁹ while maintaining core control objectives. In practice, security, rights-based, and managerial logics coexisted and interacted within the same bureaucratic apparatus, at times generating tensions but ultimately producing a stable hybrid arrangement.

From a pragmatic perspective, several interviewees emphasized the length and complexity of the border with Venezuela (2,219 km), making its closure unfeasible. Consequently, regularizing Venezuelans through mechanisms more robust than the PEP was deemed necessary:

“Colombia has had, in my view, a pragmatic approach to this issue, in the sense that it has allowed people to enter and has not established barriers. [...] In any case, within this pragmatic approach, I think there was a clear understanding that even if the border were formally closed, people would still cross, and that it was better to have at least minimal registration and control of those entering. That is why passage was allowed, no major formalities were required, and once they were inside, certain regularization mechanisms were facilitated [HRA].”

Together, these dynamics demonstrate that the ETPV did not arise from replacing one dominant logic with another. Rather, it emerged through the co-production of security, rights-based, and managerial logics within a single organization.

II. Redundancy: Aligning Rights and Control through Policy Design

The ETPV exemplifies redundancy, whereby a single policy instrument—registration—simultaneously fulfills control and rights-based functions. From the state’s perspective, registration provided informational control, reduced irregularity, strengthened enforcement capabilities, and enhanced planning for social services. From migrants’ perspectives, registration served as a precondition for accessing rights, including health care, education, labor market participation, and eventual pathways to permanent residence. This functional overlap—where the same mechanism simultaneously enhances control and enables access to rights—illustrates what this article conceptualizes as redundancy.

⁵⁹ Fernández-Rodríguez / Cèlleri, note 3, p. 11.

Former senior officials of the CMO highlighted how rights operated as necessary incentives for migrants to engage with institutions and initiate the regularization process, so that the state institutions could also identify them. As CMO2 explained:

"[...] the issue was that when I traveled to the regions, there was always a police officer [...] who would say, 'We can't press charges because we don't have biometric identification.' Fine. Then there was the health-care issue: when someone comes in, how am I supposed to confirm that Pepito Pérez is actually Pepito Pérez—just like any person anywhere else in the world? So, I started working on that and began imagining a system that would collect—well, we already had information on many people, but I was missing the biometric information, right? Whether iris scans, fingerprints, whatever it might be, so that they could also be subjects of rights and obligations and everything could be verified. So, we set that up, and the idea was that everyone who had a PEP would transition to the ETPV, to this document, so they could do so. And what I always said was: look, you must give people incentives to complete the process. First, we can't charge them. If you charge, it becomes an expensive procedure; you charge and no one comes, because if they had money, they probably wouldn't be here—they'd be in Venezuela or another country, I don't know. So, it must be free. Second, you must give them additional benefits. Not just swapping the PEP for the PPT—what's the point of that?."

This account highlights how rights were intentionally designed as incentives to induce participation in registration processes, aligning migrants' interests with state objectives of identification and control.

A second official emphasized how the limitations of earlier instruments made this dual functionality necessary:

"Do you remember those images of the walkers (caminantes)? Crossing the bridge and traveling across the entire country, putting themselves in very serious situations—becoming targets of crime, even risking their lives. Not only migration-related crimes, such as smuggling and trafficking, but sometimes being forced to commit crimes themselves. Their documents were stolen, they were exploited—labor-wise and sexually—faced xenophobia, discrimination, all of that. We started to see very serious consequences, and the PEP began to be insufficient. So, if you remember, despite being an identification document, it had no security features [CMO1]."

Redundancy was critical for institutional stability. By enabling multiple actors to interpret and justify the same policy instrument through different logics, the ETPV minimized conflict between security-oriented bureaucrats, integration-focused institutions, and international organizations. As a UNHCR official noted:

"[...] the (ETPV) benefits most of the Venezuelan population. It is flexible, allowing—for a significant period, ten years—a temporary protection statute. It provides

access to rights without restriction, beyond the usual limitations that any foreigner in the country might face. So, we see it as very positive [UNHCR].”

Similarly, an IOM representative emphasized the functional duality of registration for control and development goals:

“The best way to assist a population and provide an effective and timely response is by knowing who they are, given the diversity of the border [...]. Migration can act as a driver of development and stimulate local economies as well as the national economy. So, what the ETPV aims to do is precisely that: to dignify the person, to provide them with all the conditions of an ordinary citizen, and to guarantee their capacity to contribute. Beyond being a vulnerable person in need of support—which is a particular characteristic of Venezuelans—the Venezuelan people want to work, to start businesses, and to move forward in life [IOM].”

This functional overlap reflects what this article conceptualizes as redundancy: rather than forcing consensus among conflicting logics, the ETPV operationalized overlap, allowing rights and control to coexist and reinforce one another. Redundancy thus functioned both as a pragmatic tool of governance and as a mechanism for sustaining legitimacy in a politically sensitive context, enabling the introduction of a policy such as the ETPV.

As CMO2 explained, institutional mindsets had to shift to enable migrants’ socioeconomic incorporation:

“How do we begin to incorporate them into productive life? So, of course, there were different views, right? Some would say, ‘We can’t do it, we don’t even have enough health resources for Colombians, let alone for others.’ We worked on changing the mindset of all the institutions and actors involved in the process, and we began looking for ways to start regularizing this situation. [...] So, what I say is that we need to develop creative strategies that benefit both migrants and the host community. And the perspective I always promoted—and that I always tried to convey to the other institutions—was that this is a win-win. We cannot think only about migrants; if we focus exclusively on them, we will generate complex feelings among the host population.”

This perspective highlights how redundancy also required shifts in institutional framing, presenting regularization as mutually beneficial for migrants and host communities, thereby strengthening political and social legitimacy. These dynamics illustrate how redundancy enabled the co-production of competing institutional logics within a single policy instrument, allowing rights and control to coexist without requiring normative convergence. However, the use of redundancy does not necessarily entail institutional transformation; in most cases, it allows existing structures to persist, often reproducing constraints for both states and migrants. What made the Colombian case distinctive was the role of contingency

in opening space for a different configuration—one in which rights could be expanded without abandoning control and security logics.

III. Contingency: The Pandemic as a Catalyst for Innovation

While redundancy explains the mechanics of co-production of logics, contingency illuminates the timing and conditions that enabled it. Until 2020, Colombia relied on short-term measures such as the PEP, leaving around one million forcibly displaced Venezuelans in precarious situations and excluded from formal regularization processes. The outbreak of COVID-19 in 2020 dramatically exposed the vulnerabilities of irregular migrants. Without legal status, many were excluded from health care, economic relief, and formal employment, exacerbating both humanitarian concerns and security risks. These conditions made evident to policymakers, public officials, and international organizations the urgent need to move beyond short-term permits toward a more comprehensive solution. BMO1 indicated that they needed to establish a regularization process because they lacked legal means to provide services to undocumented migrants during the pandemic. This situation exemplifies what this article conceptualizes as contingency: a moment in which existing policy instruments become insufficient, creating pressure for institutional innovation. These pressures exposed humanitarian vulnerabilities and revealed the limitations of existing governance tools, rendering alternative approaches both necessary and politically viable.

In April 2020, this debate became visible in the public arena when Senator Antonio Sanguino highlighted the precarious situation of Venezuelans in Colombia.⁶⁰ He explained that by December 31, 2019, their numbers of Venezuelans had reached 1,771,237, of whom 754,085 had regular status while 1,017,152 remained irregular. He stressed that such figures revealed a profound challenge for safeguarding health and security during the pandemic, asking government officials at a Public Hearing a pivotal question: “Will Venezuelans residing irregularly in the country be able to access health services?”

This convergence of pressures—mass irregularity, limited state capacity, and the pandemic—opened the political and institutional window that ultimately enabled the approval of the ETPV in 2021. Unlike previous measures such as the PEP, the ETPV established long-term regularization (ten years), access to rights, and pathways toward permanent residence and citizenship.

Senior CMO Officer recounted his personal experience witnessing the humanitarian crisis during the pandemic:

“I remember starting to buy tangerines to give away because it was a very difficult hot weather and there were so many people walking. There were too many children

60 Senado de la República de Colombia, Antonio Sanguino le pide al Presidente Duque expedir decreto para atender a migrantes en Colombia, 3 April 2020, <https://www.senado.gov.co/index.php/component/content/article/13-senadores/923-antonio-sanguino-le-pide-al-presidente-duque-expedir-decreto-para-atender-a-migrantes-en-colombia> (last accessed on 7 May 2026).

[...]. Then we immediately went to Bogotá. This must be solved. We have to work on this. We must do something [CMO3]."

This account illustrates how individual experiences of crisis reinforced the recognition among institutions that existing approaches were no longer sustainable, thereby accelerating the implementation of alternative policy solutions. The convergence of a humanitarian crisis, mass irregularity, and pandemic-related pressures exemplifies the above-theorized concept of contingency: a moment in which established arrangements are destabilized, opening a window of opportunity for institutional reinterpretation and innovation. These dynamics demonstrate how contingency created the conditions under which aligning competing institutional logics became possible and necessary.

IV. Agency and Institutional Interactions in the Co-Production of Policy

While institutional logics structure organizational behavior, institutional logics theory also emphasizes the role of individual agency in interpreting, mobilizing, and transforming those logics in practice. Decisions and policy outcomes therefore emerge from the interaction between institutional structures and the actors embedded within them. The efforts of senior officials at the Colombian Migration Office—traveling to remote rural areas, maintaining continuous communication with migrants, and personally witnessing the hardships faced by children walking long distances—illustrate how personal empathy can shape policy implementation, even within a security-oriented bureaucracy.

These experiences were especially significant during the pandemic when many migrants were forced to return to Venezuela with their children. This was due to their inability to work in the informal sector during lockdown, as well as subsequent evictions. One senior official recalled:

"I remember starting to buy tangerines to give away because it was a very difficult hot weather and there were so many people walking. There were too many children. I spent all the money I had and all the money my travel companions had. I ran out of tangerines, but I kept seeing people walking. The generosity of the migrants, who didn't keep a single tangerine for themselves but shared them with those who didn't have any, was a very strong lesson. Then we immediately went to Bogotá. This must be solved. We have to work on this. We must do something [CMO3]."

This account illustrates how direct exposure to migrants' suffering shaped policymakers' perceptions of urgency and feasibility, reinforcing the need for institutional innovation. Agency thus operated as a mediating force between structural constraints and policy change, particularly under conditions of contingency that enabled actors to reinterpret existing practices. These dynamics demonstrate that the co-production of rights and control was not solely the result of institutional design, but emerged from the interaction of multiple logics, contingent conditions, and the agency of actors operating within and across institutions.

The ETPV was shaped not only by the CMO but also through interactions with other institutional actors. The Presidency's Border Management Office (BMO) promoted an integration-oriented logic, advocating for long-term regularization and pathways to permanent residence. As BMO1 explained, the BMO's institutional power—stemming from its position within the presidency and its socio-economic integration approach to migration—enabled it to prevail in difficult negotiations with more restriction-oriented actors within the Ministry of Foreign Affairs. These actors were initially reluctant to accept both the ten-year duration of the ETPV and the inclusion of a pathway to a residence permit.

International organizations leveraged their long-standing presence in Colombia to promote rights-based and socio-economic integration strategies, framing regularization as both a moral imperative and a pragmatic governance instrument capable of stabilizing labor markets and mitigating vulnerabilities.⁶¹ These interactions illustrate how multiple institutional logics—particularly integration-oriented, humanitarian, and security logics—were negotiated across institutional actors, reinforcing the hybrid character of the ETPV.

V. Limits and Contradictions of Co-Produced Governance

Despite these convergences, certain populations remained excluded—most notably asylum seekers awaiting decisions, who were forced to choose between continuing to wait for the outcome of their refugee applications and the ETPV⁶², as well as Venezuelans in an irregular situation who were ineligible for the ETPV because they arrived in Colombia after the eligibility cut-off date of 31 January 2021. Similarly, Venezuelans who entered the country regularly more than two years after the adoption of Decree 216 of 2021 were also excluded from the ETPV.⁶³

These exclusions are not incidental but constitutive of the hybrid governance arrangement. By conditioning access to rights on registration, timing of entry, and administrative criteria, the ETPV produces differentiated legal statuses that stratify the Venezuelan population. Those excluded remain in situations of irregularity, with limited access to services and increased exposure to labor exploitation, insecurity, and marginalization. In this sense, the co-production of rights and control simultaneously generates new forms of inclusion and exclusion, raising questions about the long-term sustainability of the model and its implications for future migration flows and policy responses.

61 *Fernández-Rodríguez / Trompetero-Vicent*, note 1.

62 This changed in 2023, when the Colombian Constitutional Court (Judgment SU-543/23) ruled that preventing the simultaneous holding of a PPT and a pending asylum application violated fundamental rights. The Court therefore allowed both mechanisms to coexist, particularly to eliminate barriers such as the inability to work while awaiting a decision on an asylum claim.

63 Departamento Administrativo de Función Pública, Decree 216, 2021, https://www.funcionpublica.gov.co/eva/gestornormativo/norma_pdf.php?i=159606 (last accessed on 30 October 2025), p. 6.

F. Conclusion

This article has argued that Colombia's ETPV demonstrates that rights-expanding policies can emerge from within security-oriented institutions not through ideological transformation, but through the co-production of rights and control.

By examining the ETPV through the integrated framework of institutional logics, redundancy, and contingency, this article shows how a security and control agency—the Colombian Migration Office (CMO)—came to design and implement one of the most ambitious regularization programs in the world. The findings reveal three core dynamics. First, the ETPV did not entail a wholesale shift from a security paradigm to a rights paradigm. Instead, CMO actors reinterpreted long-standing practices of registration, identification, and documentation in ways that served multiple institutional logics simultaneously. Biometric registration, for example, functioned redundantly: it served as a tool of informational control for security-oriented actors, a gateway to rights for humanitarian and integration-oriented actors, and a planning instrument for technocratic and managerial actors.

Second, the unprecedented scale of Venezuelan displacement and the catalytic impact of the COVID-19 pandemic created the conditions under which such reinterpretation became feasible. These contingent pressures exposed the limits of Colombia's fragmented migration architecture and rendered the status quo untenable. Crisis made visible that institutional practices could be otherwise structured: long-term regularization became not only normatively desirable but administratively necessary to ensure public health, social stability, and state oversight. The ETPV emerged in this window, enabled by the convergence of governance imperatives, humanitarian concerns, and political opportunity.

Third, the Colombian case demonstrates that South–South migration governance is neither uniformly progressive nor a mirror image of Global North restrictionism. Instead, it is characterized by hybrid arrangements in which rights and control are mutually constitutive. The ETPV reflects this hybridity: it expanded access to residence, labor markets, health, and education while simultaneously deepening state capacity for surveillance, data management, and population oversight. These tensions were not resolved; they were managed through institutional mechanisms that allowed seemingly contradictory institutional logics to coexist productively.

At the same time, it is important to recognize that the CMO was not the only institutional actor shaping the governance environment in which the ETPV emerged. Agencies such as the Border Management Office (BMO), which operated under a more explicit migrant integration logic, played a significant role in advocating for the social and economic inclusion of Venezuelans. Their work contributed to a broader policy climate receptive to rights-enabling measures. However, this study focuses analytically on the CMO precisely because of its normative orientation toward security and control. By examining the institution least expected to drive rights expansion, the analysis highlights the mechanisms through which security bureaucracies can reinterpret their practices and accommodate alternative logics within their existing operational repertoire.

Beyond the empirical case, this article advances theoretical debates in three ways. It shows, first, that institutional logics within bureaucracies are not static paradigms but relational repertoires that can be selectively activated. Second, it identifies redundancy as a key mechanism through which institutions stabilize support, maintain legitimacy, and communicate across diverse audiences. Third, it demonstrates how contingency drives institutional innovation by opening space for the rearticulation of practices within security agencies. Taken together, these findings suggest that the politics of migration governance cannot be understood only through dichotomies of protection versus restriction, rights versus security, or humanitarianism versus control. Instead, South–South migration governance reveals that rights and control can also be co-produced through overlapping logics, multifunctional instruments, and context-dependent adaptations. These findings identify a mechanism through which rights become embedded within a security institution: contingency opens space for reinterpretation, agency mobilizes change, and redundancy stabilizes alignment across competing logics.

Moreover, the exclusion of significant segments of the Venezuelan population highlights the limits of this model: over 450,000 Venezuelans currently remain in an irregular situation in Colombia,⁶⁴ as the ETPV was not extended by the Petro administration and subsequent regularization mechanisms introduced after 2022 have proven insufficient.^{65,66} By producing differentiated legal statuses, the ETPV risks entrenching new forms of precarity that may shape future migration dynamics and place pressure on subsequent policy responses.

Whether the hybrid model embodied in the ETPV will endure remains an open question. Its long-term trajectory will depend on political will, bureaucratic capacity, and the institutionalization of integration frameworks beyond crisis moments. Yet the Colombian experience offers a compelling analytic insight: rights innovations can emerge from within security institutions when existing tools are reinterpreted, crises create openings, and redundancy enables multiple logics to converge. By foregrounding these dynamics, this study provides a new lens for understanding how states in the Global South govern large-scale displacement and how rights become embedded not by replacing security logics but by working through them. This perspective invites a reconsideration of migration governance beyond binary frameworks, emphasizing instead the relational and processual dynamics through which states govern mobility in complex and unequal contexts.

64 Colombian Migration Office, note 2.

65 Trompetero-Vicent / Forero, note 2.

66 María Trompetero-Vicent / César González, Colombia pasó de referente mundial a incertidumbre migratoria, 3 March 2026, <https://www.lasillavacia.com/red-de-expertos/red-de-venezuela/colombia-paso-de-referente-mundial-a-incertidumbre-migratoria/> (last accessed on 7 May 2026).

Annex 1: List of Interviewees Cited

Acronym used	Institution	Mode and date of the inter- view
CMO1	Colombian Migration Office	Online, 09.06.2022
CMO2	Colombian Migration Office	Bogotá, 24.03.2022
CMO3	Colombian Migration Office	Online, 15.02.2023
BMO1	Border Management Office	Bogota, 25.01.2022
BMO2	Border Management Office	Online, 25.02.2022
IOM1	International Organization of Migration	Bogota, 24.03.2022
UNHCR1	United Nations High Commis- sioner for Refugees	Online, 14.12.2021
HRA	Human Rights Activist	Virtual, 06.08.2020
MFA1	Ministry of Foreign Affairs	Virtual, 01.08.2020



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