

# PROTECTION MONITORING: PERÚ

SNAPSHOT AUGUST- SEPTEMBER 2022

This snapshot summarizes the main findings of the Protection Monitoring conducted in Lima and Tacna, Peru between August and September as part of the humanitarian intervention of the Danish Refugee Council (DRC) and ENCUEENTROS SJM in the country. This project is implemented with funding from the European Union Civil Protection and Humanitarian Aid (ECHO).



To view the interactive Dashboard with the results from this period and from the beginning of the Protection Monitoring program, [click here](#).

## INTRODUCTION

Between August and September, DRC and ENCUEENTROS SJM interviewed 251 households accounting for a total of 814 persons. Since the beginning of the Protection Monitoring exercise in Peru in October 2020, 1,658 households have been interviewed reaching a total of 5,842 persons. The majority of respondents for both Lima and Tacna were women (27,8%), between 18 to 49 years old.

## ANALYSIS OF THE PROTECTION SITUATION

The Peruvian government's rhetoric against foreigners residing in the country continues to weaken the protective environment for migrants and refugees. The presentation by the President, in mid-August, of a bill with the objective to expel foreigners who commit crimes, presents a latent risk to the protection and access to rights of the Venezuelan population and other nationalities currently residing in Peru. The misinterpretation of this bill may further harm foreigners by subjecting them to discriminatory and disproportionate actions.

The Peruvian government intends to proceed with the modification of the organic law on foreigners and the revision of the national penal code, presenting the changes as an effort to combat the growing "[citizen insecurity](#)". Public political statements that were characterized by their xenophobic and discriminatory tone were largely directed at "[foreign citizens](#)". Although the President has not directed his statements specifically to Venezuelan persons, being the [largest community of foreign citizens](#) within the country, they are directly affected. The legislative project expands the causes for expulsion, deportation and increases the prohibition of entry to Peruvian territory from 15 to 25 years for migrants who incur in crimes. The proposed bill is expected to put at greater risk mainly Venezuelans who entered in an irregular manner (59.5% of those surveyed) from October 23, 2021 until today. Currently, no legislative measures have been taken in order to include those who are in an irregular migratory situation, without a legal solution within the migratory regulatory framework, except for some exceptions due to vulnerability.

Among the [new causes for expulsion](#) are non-compliance with sanitary measures including not having up to date Covid-19 vaccinations, although vaccination is not mandatory in Peru, inability of presenting valid identity documents driving a delivery vehicle without authorization or carrying weapons. Stiffer penalties are also contemplated for "disobedience" towards the forces of authority, with a minimum of three years in prison; or for refusing to submit to a blood test to determine drug or alcohol consumption. Following these declarations, civil society and the Ombudsman's office described them as arbitrary, which will lead to the [proliferation of criminal organizations](#) that find more and more victims for their human smuggling and trafficking networks. For 76.5% of respondents, xenophobia was ranked as the main factor causing tensions between them and the host population, a powerful indicator of the impact of public political discourse.

Following the official announcement of the intentions of the Congress to approve a bill that would allow the expulsion of foreigners under flawed grounds, the Human Mobility Group of the National Human Rights Coordinator stated that the 25-year ban on re-entry involves a whole human rights issue such as [family integrity](#) (of migrants), as well as the right of children (of immigrants) to have their parents (who would be expelled without further ado). For [41.3%](#) of the current asylum seekers in Peru, the implementation of this bill puts at risk not only their applications that are in the process of being processed but may also result in the expulsion of undocumented parents whose children were born in Peru.

In September, two political debates were held in the framework of the October 2, 2022 municipal elections for the 2023-2026 government. In the first debate for the mayoralty of Lima, the political party "Frente de la Esperanza" commented that one of its proposals focused on conducting a census of the Venezuelan population to identify where they are working because it alluded that this population is engaged in crime. According to the protection monitoring, 40% of those surveyed are without documentation, since they entered in an irregular manner, which would allow them to access formal work. In the second debate, the candidate maintained the same position and linked her proposal to a citizen security strategy. This evidence the xenophobic discourse present in the political dispute and the proposal of measures that violate human rights.

At the same time, on September 29, Resolution of Superintendence No. 000238-2022-Migrations was published, [extending for an additional one hundred and eighty \(180\) calendar days](#) the start of the migration regularization procedure - CPP, with the last date being April 1, 2023, allowing more foreigners who wish to formalize their residence in Peru to proceed. However, to date, no solution has been given to foreigners who entered Peru through irregular channels after October 23, 2021, leaving thousands of migrants and refugees unprotected who will be more vulnerable to the implementation of the amendments to the organic law on foreigners.

## PROTECTION MONITORING – MAIN FINDINGS

### PROTECTION NEEDS AND PRIORITIES

During September, protection monitoring showed a significant increase in the number of migrants entering Peru from Chile, mostly Venezuelan nationals, through unauthorized (irregular) crossing at the Peru-Chile border. This [evidence](#) was also verified by local news and authorities. Through key informant interviews with representatives of the migration authorities in Tacna, the motivation of the population that enters irregularly was confirmed to be the strict migration policies in Chile, excluding them from housing and employment rights and preventing them from accessing basic services. All of the above, added to increasing xenophobia and discrimination suffered by Venezuelans, forced many of them to return to Peru, with the [intention](#) of returning to their country of origin.

Evidence gathered through protection monitoring continues to indicate the strong link between the absence of documentation and access to education for thousands of Venezuelan children who wish to [enroll in the Peruvian education system](#), particularly for those whose entry, and residence, has not been regulated. The lack of legal documentation poses great risks for children such as exploitation, [violence](#), and inability to access basic services (health, education). Although the Ministry of Education officially states that possession of the CPP or foreigner's card are not mandatory requirements that prevent children from enrolling and subsequently formalizing their legal status in Peru, Venezuelan parents interviewed stated otherwise.

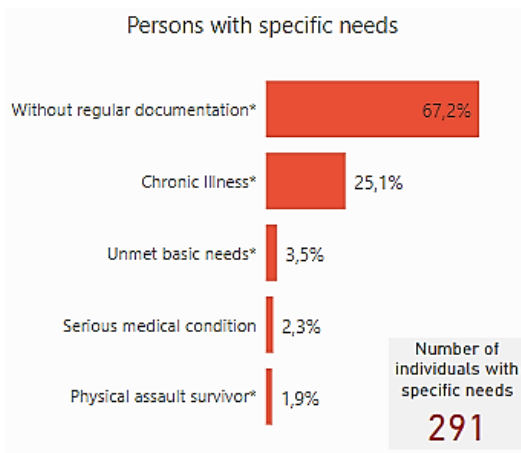
In addition to the lack of documentation, 34.5% of the respondents stated that the enrollment of their children in their place of residence is not possible due to the lack of available places, 19.6% cannot pay for school materials, while 16% of them do not know the relevant procedures.

The protection of Venezuelan women and girls continued to be at stake in Peru during August and September. Different forms of sexual and gender-based violence, such as physical violence (37.8%), discrimination (23.9%) and human trafficking (22.8%), proved to be the most predominant risks identified by the respondents. Respondents stated that they had suffered violence since the beginning of their [exodus](#) from the Venezuela, while seeking protection until their destination in Peru.

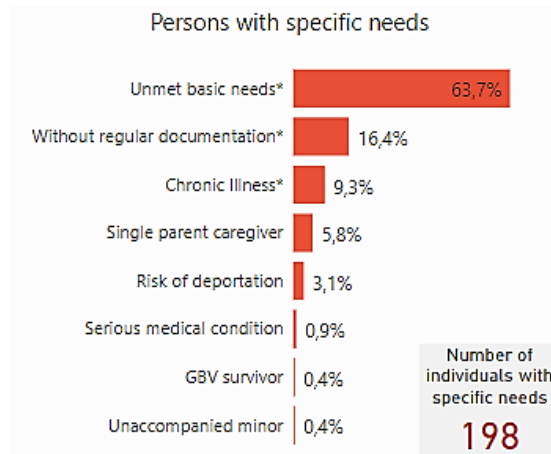
These risks increase as their ability to access authorities to report these incidents is reduced due to lack of knowledge of relevant procedures (47.4%), fear (15.3%) and discrimination (10.6%).

The protection needs of respondents showed differences between Lima and Tacna. In Lima, 67,2% of respondents expressed specific vulnerabilities stemming from legal protection (absence of legal documentation 67.1%), and the inability to meet medical needs, particularly for persons of concern suffering from chronic diseases (25.1%). While in Tacna, vulnerabilities were mainly associated with the inability to meet basic needs (63.7%), taking into account that the vast majority of respondents were people in transit.

## LIMA



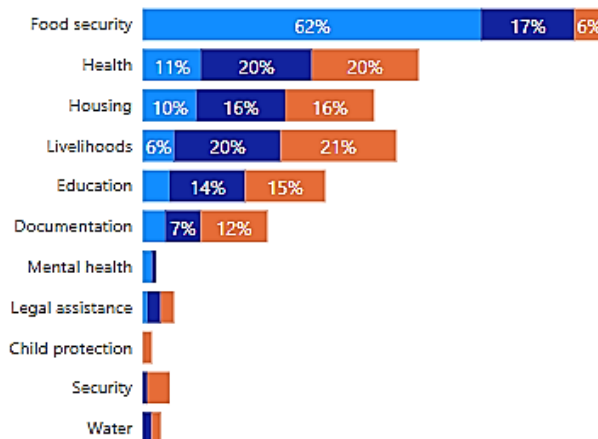
## TACNA



## PRIORITIES FOR THE PERSONS OF INTEREST

In terms of priorities during August and September, food security is reported as their top priority in both areas. Health and housing were reported as the second and third priorities. In relation to housing, 64.3% of respondents in Tacna reported living on the street because of limited economic resources, which coupled with discrimination prevents them from accessing decent housing. In Lima, the absence of legal documentation was strongly associated with the inability of respondents to access health services, further deteriorating the medical condition mainly of people with serious or chronic illnesses.

● Priority 1 ● Priority 2 ● Priority 3



*This document covers humanitarian aid activities implemented with the financial assistance of the European Union Civil Protection and Humanitarian Aid (ECHO). The views expressed in it should in no way be interpreted as the official opinion of the European Union. The European Commission cannot be held responsible for any use which may be made of the information contained therein.*

## CONTACT INFORMATION



[www.drc.ngo](http://www.drc.ngo)



[lac.info@drc.ngo](mailto:lac.info@drc.ngo)



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