

Regularisation

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REGULARISATION: *A non-linear, complex, and contested process through which a state authorises non-nationals to reside lawfully within its territory, either temporarily or permanently. Encompassing migration policies, refugee status determination (RSD), and naturalisation, regularisation generates sequences of legal statuses that alternate between regularity and irregularity across countries of origin, transit, and destination. As a socio-political process, it produces migrant categories that carry specific social meanings and hierarchies that determine access to rights. Shaped by an asymmetric tension between state control and migrant agency, regularisation constitutes a necessary but insufficient condition for social inclusion.*

Keywords: regularisation; migration governance; legal status; migrant agency; Latin America; Venezuela; irregular migration; social inclusion

Regularisation is broadly understood as the mechanism and/or process through which a state authorises non-nationals to reside lawfully within its territory, either temporarily or permanently (Kraler 2019; IOM 2019). Although regularisation has been widely studied both as a mechanism and as a legal outcome (van der Werf et al. 2025; Bauer 2021), we propose that it can be better understood as a *non-linear, complex and contested process*, a key feature of both migration governance and migrants lived experiences². Within this process, even if the state remains the main producer of legal categories, statuses, and conditions of stay, regularisation cannot be understood solely through this heteronomous dimension. It also involves the autonomy of migrants, who interpret, navigate, combine and sometimes circumvent available pathways under unequal conditions. Regularisation is therefore shaped by an asymmetric but constitutive tension between state control and migrant agency.

As part of our comparative work in Latin America, we have examined the complexities of navigating regularisation mechanisms, focusing on the challenges of policy implementation and the social meanings of the categorisations produced through these processes, from the perspective of both the state and migrants.

We adopt a broad understanding of regularisation that encompasses the various socio-political and legal processes through which regular status is obtained. In doing so, we draw on what Penchaszadeh and Linares (2026) call the “access doors to regularisation”, which include mechanisms arising from migration policies, refugee status determination (RSD), and naturalisation. While RSD is linked to norms derived from the international protection regime, our research has shown that some countries in the region – such as Brazil and Uruguay –, have instrumentalised asylum as a mechanism of regularisation (Zapata et al.

² We use the word “migrant” to refer to all mobile populations across the region, including migrants, refugees, asylum seekers and other displaced populations (Carling 2023).

2023), whereas others have chosen not to rely on refugee protection, giving rise instead to alternative regularisation routes. This illustrates both the synergies and the tensions between different regularisation mechanisms.

Other scholars have also recognised this broad approach to regularisation in Latin America. Acosta and Freier (2023) emphasised that regularisation in the region acquired distinctive connotations in the early 2000s, shaped by concerns over the treatment of Latin American nationals abroad and grounded in the principle of non-criminalisation of irregular migration. Legally, regularisation in the region has taken three main forms:

- Administrative mechanisms embedded in national migration laws (Acosta and Harris 2022), or, in some cases, within refugee protection frameworks (Prieto Rosas et al. forthcoming; Zapata et al. 2023);
- Permanent procedures derived from regional frameworks such as the 2002 MERCOSUR Residence Agreement; and
- Temporary regularisation programmes or amnesties, either open to all or targeted at specific groups, and generally limited in duration.

In this context, however, national migration legislation remains the primary point of departure, since it usually provides the basic legal and administrative mechanisms through which regular status is first accessed and managed. At the same time, other routes, including asylum and naturalisation, may become part of broader regularisation trajectories by consolidating, extending or reconfiguring migrants' legal permanence.

This *Lexicon* entry draws on primary qualitative data collected by the CAMINAR research group across eight Latin American countries (Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, and Uruguay)³. Interviews with Venezuelan migrants explored migration trajectories, documentation and regularisation processes, settlement and access to rights, and experiences of discrimination and solidarity (see Prieto Rosas et al. forthcoming).

The evidence collected shows that regularisation is a national and transnational and dynamic process shaped by the production of legal categories that generate sequences of legal statuses, varying in duration and marked by alternating periods of regularity and irregularity, involving multiple legal-administrative instruments across countries of origin, transit, and destination (Prieto Rosas et al. forthcoming).

³ The research involved 143 semi-structured interviews, conducted between March 2023 and December 2024, with Venezuelan adult migrants who had left Venezuela from 2016 onwards and were recruited using an accessibility-based approach. It also entailed an analysis of legal and policy frameworks in response to Venezuelan displacement across the eight country cases.

Our findings also emphasise that regularisation goes beyond bureaucratic procedures or the mere acquisition of documentation. It constitutes a documental classification that produces and reproduces migrant categories which, in turn, carry specific social meanings and hierarchies and determine access to rights (Menjívar 2024). As established in the literature, these migrant categories are not natural but contingent and historically situated (Carens 2013), taking shape through policy change and the shifting boundaries of inclusion and exclusion (Vera Espinoza et al. 2021). Thus, we understand regularisation not as a specific mechanism or a singular legal outcome, but rather, as a *non-linear, complex and contested process* shaped by the proliferation of legal and administrative measures that determine who can stay, for how long, and under what conditions (Prieto Rosas et al. forthcoming), as well as by how is navigated and even circumvented by migrants. We briefly outline these three processual dimensions of regularisation.

The non-linear nature of regularisation manifests in two main ways. First, while both the literature (Robles 2025) and our participants highlighted the material and emotional benefits of obtaining legal status, our analysis shows that this does not necessarily result in greater stability or permanence. This instability stems either from the temporary nature of many legal statuses and the need for subsequent renewals, or from the fact that legal status does not always translate into improved access to rights or better socio-economic conditions, particularly in contexts of high labour informality (Prieto Rosas et al. forthcoming). This instability is interlinked with the second non-linear characteristic of regularisation trajectories, which involve multiple mechanisms, stages, and temporalities, often combining administrative, humanitarian, asylum and naturalisation pathways, as well as periods of irregularity interwoven with periods of regular residence. Regularisation trajectories are therefore better understood as shifting sequences rather than as a one-way ladder.

The second processual dimension of regularisation is the increasing complexity of policy frameworks and the resulting legal stratification. In the last decade, the displacement from Venezuela, as well as other regional mobility dynamics, have generated significant transformations in policy responses to growing extra and intra-regional migration flows across Latin America (Vera Espinoza 2024), showing both the complexity of migrants' regularisation pathways within and across countries (Prieto Rosas et al. forthcoming; see also Masferrer and Navarrete-Suárez 2026). A continuous policy flux in several countries has led to the proliferation of *ad hoc* measures and the multiplication of entry categories and legal statuses (Acosta et al. 2019). These exceptional migration policies are characterised by their

diverse scope, requirements, and temporalities (Jarochinski and Malheiros 2024; Vera Espinoza and Penchaszadeh 2026).

The growing complexity of Venezuelan migrants' documentation trajectories is partly driven by the varied policy responses adopted across the region as well as by difficulties in obtaining, renewing or apostilling Venezuelan identity/legal documents which has hindered access to regular or permanent residence in many Latin American countries (Prieto Rosas et al., forthcoming). The latter reveals the transnational dimension of regularisation processes, as deficiencies in obtaining country-of-origin documentation are central to understanding Venezuelans' mobility decision-making, as well as the regularisation logics associated with it.

Countries such as Chile, Colombia, Ecuador and Peru have relied on *ad hoc*, time-limited legal-administrative measures, often to the detriment of refugee status determination under the expanded refugee definition of the Cartagena Declaration, which has been effectively applied only in Brazil and Mexico (see Pelacani and Moreno 2023). Some countries such as Argentina, Brazil, Colombia and Uruguay have either introduced selective positive measures or adapted citizenship and migration regimes (see Besserer et al., 2024; Vera Espinoza and Penchaszadeh, 2026), and/or created expedited administrative pathways to permanent residence.

This complexity is also evident in the tension between national decisions and regional frameworks in relation to the Venezuelan displacement (Jarochinski and Malheiros, 2024; Zapata et al., 2023). Beyond the limited use of the Cartagena framework, many States have also opted not to rely on established regional instruments such as MERCOSUR (still primarily used by Uruguay and Argentina). While in some countries of the region there are efforts to facilitate processes of regularisation and inclusion (Fernández-Rodríguez and Celleri, 2024), in others we see a gap between state-led regularisation mechanisms and migrants' lived experiences of securing legal status, resulting in legal stratification and fragmented forms of inclusion (see Prieto Rosas et al. forthcoming; Vera Espinoza et al. 2021).

The third characteristic of regularisation emerged from the perspective of Venezuelan migrants themselves, as interviewees highlighted the contested and multi-layered meanings of regularisation processes (see also Del Real 2025), emphasising four interrelated dimensions. First, many of the interviewees underlined the functional dimension of regularisation. Having regular status, even if temporary, was perceived as a gateway to improved access to work, education, and healthcare. As one participant explained: "With the papers, I can get a better job, and my children can access healthcare." In this sense,

regularisation was seen not merely as an individual achievement but as a family project aimed at achieving long-term stability (see also Aranda et al. 2014).

Second, participants expressed the emotional dimension of regularisation, associating it with expectations of permanence, safety, and relief from bureaucratic uncertainty (see also Gil Everaert 2021). Regularisation represented the end of “living in suspense,” of waiting indefinitely for appointments, responses, or renewals, and the beginning of a sense of belonging: “When I get my papers, I will finally feel calm.”

Third, while migrants’ lives are shaped by regularisation processes, they are not passive actors navigating these pathways. The autonomy of migrants also plays a decisive role in shaping these processes and outcomes, as people make pragmatic and strategic decisions about which pathways to take and when, based on the information and resources available to them. While migrants’ agency has been well established in the literature (see for instance, Botto and Nicolao 2023), our interviewees offered situated insights into how they make sense of regularisation processes and related policy changes, highlighting the degree of autonomy they exercise within systems largely designed, implemented and overseen by states.

Finally, respondents also underscored the dimension of inequality inherent in regularisation processes. They emphasised how access to legal status is conditioned by factors such as year of arrival, country of residence, financial resources, and digital access. As a result, even within the same family, members may hold different statuses depending on the policy in force at the time of entry (see also Jorgensen 2026).

These narratives reveal the temporal, structural, and documental patterns that shape contemporary experiences of regularisation in Latin America, as well as the meanings that migrants themselves ascribe to these processes. Understanding regularisation as a *non-linear, complex and contested process* allows for a more comprehensive account of both the mechanisms and outcomes involved, as well as the shifting policies that govern it and shape how it is experienced by migrants. Regularisation is therefore a contested process that can be used by states to both facilitate and restrict migration, while simultaneously improving migrants’ lives or, conversely, making their quest for permanent regular residence more difficult due to increasingly complex pathways and associated requirements.

From a migrant-centred perspective, regular status appears as a necessary but insufficient condition for inclusion (Cerruti and Penchaszadeh 2023; Vera Espinoza et al., 2021). It may reduce exposure to uncertainty and enable access to work, education, or healthcare, but it does not in itself guarantee social incorporation, labour protection, or equality of treatment. In this sense, regularisation often functions less as an endpoint than as

a necessary platform from which broader struggles for inclusion can begin (see also Penchaszadeh and Linares 2026; Moulin and Zapata 2025; Prieto Rosas et al. forthcoming).

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