UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review: *Fourth Cycle, 54th Session*

BOLIVARIAN REPUBLIC OF VENEZUELA

I. BACKGROUND INFORMATION

The Bolivarian Republic of Venezuela (hereinafter "Venezuela") has been a State Party to the *1967 Protocol relating to the Status of Refugees* ("*1967 Protocol*") since September 1986. It is not a Party to the *1951 Convention relating to the Status of Refugees*, the *1954 Convention relating to the Status of Stateless Persons*, or the *1961 Convention on the Reduction of Statelessness*. Upon accession to the *1967 Protocol*, Venezuela included a declaration that the most favourable treatment accorded to nationals of a foreign country would not extend to rights and benefits related to entry into or stay in the territory granted to nationals of States benefiting from regional or subregional integration, customs, economic or political agreements; the instrument of accession also contains a reservation in respect of Article IV.[1]

Venezuela has participated actively in regional refugee protection fora, including the Chile Declaration and Plan of Action and the New York Declaration for Refugees and Migrants, and endorsed the Global Compact on Refugees in December 2018. During the third cycle of the Universal Periodic Review, Venezuela took note of recommendations to accede to the *1951 Convention*, the *1954 Convention* and the *1961 Convention*. National legislation has not yet incorporated the extended refugee definition contained in the 1984 Cartagena Declaration on Refugees, leaving room for further alignment with regional standards.

Venezuela's Constitution recognizes the right to seek asylum, and the country has had national refugee legislation since 2001, with the National Refugee Commission (CONARE) serving as the competent authority to register, examine and adjudicate asylum applications and to issue asylum-seeker documentation. According to the latest data shared by CONARE in 2023, Venezuela reported 9,344 recognized refugees and 1,578 asylum-seekers.

Venezuela is also experiencing increasing return movements of Venezuelan nationals who had previously been displaced abroad. In this context, returnees may encounter a range of challenges in the reintegration process, including constraints in accessing social programmes and sustainable livelihood opportunities. In addition, some children born abroad to Venezuelan parents may face administrative barriers to birth registration and confirmation of nationality upon return, which may give rise to protection considerations, particularly where delays in confirming nationality affect access to documentation and services. Venezuela's Constitution provides an important legal framework to address such situations, as it recognizes nationality by birth, including for children born abroad to Venezuelan parents, in accordance with the conditions established by law.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

[1] Upon accessing the 1967 protocol, Venezuela stated that "*in implementing the provisions of the Protocol which confer on refugees the most favourable treatment accorded to nationals of a foreign country, it shall be understood that such treatment does not include any rights and benefits which Venezuela has granted or may grant regarding entry into or sojourn in Venezuela territory to nationals of countries with which Venezuela has concluded regional or subregional integration, customs, economic or political agreements*". Available at: States parties, including reservations and declarations, to the 1967 Protocol Relating to the Status of Refugees | UNHCR

Linked to 3rd cycle UPR recommendation No. 31.39[2]

The bilateral workplans agreed between UNHCR and the Office of the Ombudsperson from 2020 to 2025 reflect sustained institutional cooperation on refugee protection, access to rights and nationality-related protection issues. The participation of the National Refugee Commission (CONARE) in international fora, including the Cartagena+40 Process, also reflects continued engagement with regional refugee protection discussions and a reaffirmation of its commitment to refugee protection. In addition, the re-establishment of the Office of the High Commissioner for Human Rights (OHCHR) in Venezuela in 2026 may provide an opportunity to renew and strengthen technical engagement on human rights issues.

Linked to 3rd cycle UPR recommendation No.31.140 and No. 31.141[3]

Bilateral workplans between UNHCR and the Office of the Ombudsperson have consistently included training activities for law enforcement officials in border areas, with the participation of CONARE. These activities have aimed to strengthen understanding of the applicable national and international legal frameworks relating to refugee protection and promote compliance with international standards concerning admission to territory, access to asylum, and the principle of non-refoulement. In addition, the annual postgraduate course on international refugee law and the protection of stateless persons, delivered by the Office of the Ombudsperson through its School for Human Rights, has contributed to the consolidation of broader capacity-building efforts among public officials and civil society actors.

III. KEY RECOMMENDATIONS FOR FURTHER IMPROVEMENT[4]

Issue 1[5]: Access to territory and fair and efficient asylum procedures

Venezuela's legal framework contains important safeguards[6] for access to asylum, including the right to seek refugee protection, the principle of non-refoulement, the prohibition of sanctions for irregular entry or stay, and procedural principles of accessibility, celerity and gratuity. In practice, however, these safeguards may not yet be implemented consistently in all cases, and the asylum system continues to face some operational and procedural challenges that may affect access and fairness in certain contexts. While the national legal framework assigns responsibilities to different institutions involved in the asylum procedure, coordination among these bodies could be further strengthened. Moreover, the asylum framework may, in some instances, be interpreted restrictively in practice. The reduced presence and operational limitations of field offices of the National Refugee Commission (CONARE), together with the increasing centralization of procedures, may create additional obstacles for asylum-seekers, particularly those residing far from major processing locations. In addition, while there are no formal legal barriers to admission to the territory, no operational

[2] No. 31.39: "Continue cooperation and technical assistance with the Office of the United Nations High Commissioner for Human Rights and other international agencies to strengthen the promotion of these fundamental rights" (Algeria).
[3] No.31.140: "Exert more efforts to continue educating and training law enforcement officials about human rights standards relevant to their field of work" (Qatar);
No.31.141: "Make further efforts to continue the implementation of training programmes on various human rights issues for public servants" (Malaysia).
[4] The following is a non-exhaustive list of recommendations which, if supported and implemented by the State, may help to improve the protection of the human rights of forcibly displaced and stateless people.
[5] Linked to 3rd cycle UPR recommendation No. 31.24 noted by the Government: "Accede to the 1951 Convention relating to the Status of Refugees" (Namibia).
[6] The 2001 *Ley Orgánica sobre Refugiados o Refugiadas y Asilados o Asiladas* guarantees the right to seek refugee protection, the principle of non-refoulement, the prohibition of sanctions for irregular entry or presence, and procedures governed by accessibility, orality, celerity and gratuity (arts. 2–4). Its 2003 *Reglamento* provides that persons invoking refugee protection shall be admitted to the territory and allowed to remain until the claim is decided (art. 2), and that officials receiving claims must apply the principle of non-refoulement and immediately transmit the request to the National Refugee Commission (art. 4).

procedures appear to be in place for the reception of asylum applications at borders and airports, which may affect timely identification, referral and access to the asylum procedure. In this context, asylum-seekers may encounter administrative obstacles and variable application of the legal framework by civilian and military authorities at entry points. Strengthening fair and efficient asylum procedures is essential to ensure effective access to asylum, in line with due process guarantees and the principle of *non-refoulement*.

Recommendations:

- Further strengthen coordination among the institutions that form the National Refugee Commission, and consider measures to reduce excessive centralization, with a view to ensuring timely, consistent and accessible asylum procedures throughout the country.
- Build on the nationwide presence of the institutions that form the National Refugee Commission, as well as on the experience of the Office of the Ombudsperson, to facilitate access to the asylum procedure, particularly outside main processing locations, including, where appropriate, through virtual interviews conducted at local offices.
- Develop and implement clear and standardized procedures and guidance for civilian and military authorities at borders and airports to support the identification, receipt and referral of asylum applications, and to ensure effective access to the asylum procedure and prevent refoulement.
- Building on the existing national legal framework for refugee protection, consider acceding to the *1951 Convention relating to the Status of Refugees*, and continue efforts to strengthen access to territory and asylum procedures in line with international standards on fairness, efficiency and non-refoulement.

Issue 2: Access to documentation and legal integration of recognised refugees

Recognised refugees in Venezuela face administrative barriers in obtaining documentation necessary for safe and dignified local integration. While the National Refugee Commission (CONARE) has taken positive steps to ensure universal and free-of-charge documentation for asylum-seekers, recognised refugees continue to face practical and administrative obstacles in accessing the documentation required to effectively exercise their rights. Documentation procedures remain costly and centralised. In practice, these barriers may limit access to formal employment, recognition of educational qualifications, and public services and social programmes. As a result, recognised refugees may face prolonged legal and administrative insecurity, hindering their effective inclusion and enjoyment of rights on an equal basis.

One particular challenge relates to the requirement to present a passport in order to proceed with visa adjudication. In the context of forced displacement, refugees cannot be expected to hold a valid passport and generally may be unable to avail themselves of the consular services of their country of origin. Venezuela's legislation provides for the issuance of an emergency passport[7] to foreign nationals where necessary to safeguard inalienable rights; however, the instructions and procedures for accessing this document remain unclear.

With respect to longer-term legal integration, recognised refugees are entitled to a temporary residence visa, but this must be renewed annually and does not provide a pathway to permanent residence. Although access to naturalization is contemplated in law, clear and accessible pathways remain limited in practice for recognised refugees to benefit from this solution.

[7] The 2021 *Reglamento parcial del Decreto con rango, valor y fuerza de ley de reforma de la Ley Orgánica de Identificación, relativo a la expedición, renovación y prórroga de pasaportes* provides in Chapter V for the issuance of emergency passports, including explicitly for refugees and stateless persons.

Recommendations:

- Consider further strengthening the legal and regulatory framework to ensure that recognised refugees have access to free-of-charge identification on an equal footing with nationals, including through the decentralisation of procedures where appropriate.
- Further operationalize the existing legal framework on emergency passports by developing clear procedures and guidance, so that recognised refugees can effectively obtain alternative documentation where necessary to safeguard their rights.
- Consider enhancing the legal and administrative framework to establish clear and accessible pathways to permanent residence and, where applicable, naturalization, for eligible recognised refugees.
- Consider withdrawing the reservation made upon accession to the *1967 Protocol relating to the Status of Refugees*, with a view to facilitating broader access to rights and benefits related to entry into or stay in the territory granted under regional or subregional agreements.

Issue 3[8]: Enhance birth registration and documentation pathways for children born abroad to Venezuelan returnees

The number of Venezuelan citizens returning spontaneously or through assisted mechanisms such as the "Return to the Homeland Great Mission", continues to increase, including families with children born abroad. While Venezuela's constitutional and civil registration frameworks provide important safeguards to the acquisition of nationality, including for children born abroad to Venezuelan parents, practical barriers may, in some cases, affect the timely registration of births and confirmation of nationality. Although Article 32 of the Constitution recognizes the right to Venezuelan nationality for children born abroad to Venezuelan parents under certain conditions,[9] and the *Ley Orgánica de Registro Civil* and its implementing regulations[10] provide for registration through civil registry offices and consular authorities, some practical barriers persist. Returnee families may face difficulties related to documentation requirements or access to procedures prior to return, including legalized or apostilled birth certificates, or accessing consular procedures before returning due to lack of a valid passport or visa.

In this context, further strengthening simplified, accessible and efficient mechanisms for birth registration and confirmation of nationality would facilitate timely access to documentation, rights and essential services, in line with the best interests of the child and relevant international human rights standards, while also supporting children´s effective integration in the country.

Recommendations:

- Draw on regional cooperation mechanisms such as the Latin American and Caribbean Council for Civil Registration, Identity, and Vital Statistics (CLARCIEV), to further

[8] Linked to 3rd cycle UPR recommendation No. 31.25 noted by the Government: "Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness" (Angola).
[9] Venezuela's Constitution (art. 32) recognises jus sanguinis for persons born abroad to Venezuelan parents (by birth); persons born abroad to one Venezuelan parent (by birth) if they: establish residence in Venezuela; or declare their intention to acquire nationality. Also, persons born abroad to naturalized Venezuelan parents, under conditions (residence before 18 and declaration before 25.)
[10] The 2009 *Ley Orgánica de Registro Civil* (art.89) and its related 2012 *Reglamento* number 1 (arts. 49 to 54) comprises the birth registration of persons born abroad and issues instructions for the registration in Venezuela or in consular offices.

strengthen coordination and develop more efficient procedures for the verification of foreign civil documentation required for birth registration.
- Build on the 2026 *Ley Orgánica para la Celeridad y Optimización de Trámites Administrativos* to consider establishing simplified procedures for birth registration both within Venezuela and at Venezuelan consulates abroad, thereby ensuring timely processing while safeguarding the rights of children and adolescents.
- Consider developing and promoting the uniform application of standardized procedures across all civil registry offices and consulates for the registration of children of Venezuelan returnees born abroad.
- As part of broader efforts to prevent statelessness, consider acceding to the *1961 Convention on the Reduction of Statelessness*, while continuing to strengthen procedures to ensure that children of Venezuelan returnees born abroad can effectively confirm their nationality.

Issue 4[11]: Recognition and protection of stateless persons

Venezuela continues to receive persons in need of international protection, including foreign nationals from different regions who lack proof of nationality or face risks of statelessness. While Venezuela's constitutional and civil registration frameworks provide important safeguards for persons entitled to Venezuelan nationality, a dedicated legal or administrative procedure to identify and to recognise stateless persons who do not qualify for Venezuelan nationality has not yet been established. The National Refugee Commission (CONARE) has recognised some stateless persons within the refugee status determination system; however, not all stateless persons are in need of international protection as refugees. As a result, individuals who are not considered nationals by any State under the operation of its law may face challenges in accessing an appropriate legal status and the rights attached to it and would therefore benefit from formal identification as stateless. Establishing a statelessness determination procedure would further strengthen Venezuela's international protection framework by enabling the identification and protection of stateless persons in line with international standards.

Recommendations:

- As part of the ongoing efforts to strengthen the protection framework, consider acceding to the *1954 Convention relating to the Status of Stateless Persons*, and build on the existing international protection system to further enhance the identification and protection of stateless persons in line with international standards.
- Consider establishing a dedicated legal and administrative statelessness determination procedure to facilitate the identification and recognition of stateless persons, and to ensure access to an appropriate legal status, documentation and rights for those identified, in accordance with international standards.

UNHCR
July 2026

[11] Linked to 3rd cycle UPR recommendation No. 31.25 noted by the Government: "Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness" (Angola).