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Andrea Jiménez Laurence

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Infrastructuring pathways: traversing the legal infrastructure of mobility in South America

Andrea Jiménez Laurence

MOBILE,
Center of Excellence for Global Mobility Law,
Faculty of Law,
University of Copenhagen,
Karen Blixens Plads 16, 2300 Copenhagen S, Denmark
Email: ajl@jur.ku.dk

Abstract: Human mobility is as complex as the legal regimes that govern it. This requires an approach that goes beyond migration and refugee law to incorporate the temporary, pendular and extra-legal dynamics of movement. Adopting an infrastructural perspective, this paper analyses the processes surrounding mobility law in South America. Using doctrinal and empirical methods, it maps the variety of legal sources across distinct 'mobility pathways' and examines how opportunities, obstacles, and practices shape them. Based on fieldwork conducted in Brazil, Chile and Colombia between 2023 and 2024, involving interviews and observations of border crossings and legal aid sessions, three key mobility pathways are examined: residence as permanence, tourism as entry, and cross-border pendularity. The analysis reveals that the interaction of multiple regimes with movement continuously (re)configures a legal infrastructure that both enables and constrains mobility. This demonstrates how law shapes mobility, and how mobility reshapes law in turn.

Keywords: human mobility; legal infrastructures; South America; migration studies; intra-regional mobility; borders; pendular movement; Venezuelan displacement; Mercosur; mobility law.

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Biographical notes: Andrea Jiménez Laurence is a PhD Fellow at the Centre of Excellence for Global Mobility Law (MOBILE) at the Faculty of Law at the University of Copenhagen in Denmark. Her research explores how multiple legal regimes interact in complex settings. This article is based on doctrinal and empirical work conducted as part of her PhD project, which examines the role of legal regimes in shaping human mobility in South America.

1 Introduction

In late June 2019, hundreds of Venezuelans in transit to Chile became stranded at the border with Peru, following the sudden introduction of a new visa. Border guards prevented Venezuelans from entering Chile, unless they held one of the two permits that

the Chilean government had introduced for these nationals: the Democratic Responsibility visa ('VRD') – adopted in 2018 with the purported purpose of giving concrete expression to Chile's democratic commitment concerning the political situation in Venezuela – (Official Circular N° 96, 9 April 2018); or the just introduced Consular Tourist Visa ('VCT') (Decree N°237, 2 June 2019). Both visas sought to “welcome the humanitarian crisis (...) the Venezuelan people [were facing] but in an orderly, legal” manner (Astudillo et al., 2019). It was the intensification of the Venezuelan movement that indeed drove the creation of these visas regulating residence and entry for tourism purposes, respectively. The VCT in particular arose as a direct response to the visa restrictions that Peru had adopted a week earlier for Venezuelans (Freier and Luzes, 2021), and which Chile considered could increase the flow to its territory, as stated in the decree that established it. Consequently, application procedures, requirements, and costs were introduced for people who, just days earlier, had been exempt from them upon embarking on their journey. As those already in transit could hardly meet the new conditions, this visa resulted in their immobility at the border, further preventing them from entering either country to undertake the necessary procedures.

These *ad hoc* visas were eventually abandoned in 2021, following the adoption of a new migration law in Chile ('Law 21.325'). However, similar stalemates at the border continue occurring due to the interplay of diverse legal measures: from the declaration of states of emergency, expulsion orders, the continued requirement of visas and travel documents to enter both countries, the tightening of domestic laws, to the underapplication of international regimes, which pose challenges to due process and other human rights of those immobilised at the border [Inter-American Commission on Human Rights, (2023), p.52]. In effect, people have been held in these liminal spaces, prevented from entering either territory, even when their intention is not to remain in either. Nevertheless, Venezuelans have continued to arrive in Chile. However, given the legal and material restrictions on access to the territory, they have opted for unauthorised crossings, which have led to an increase in clandestine movements and irregularity in the territory (Servicio Jesuita a Migrantes, 2024; Thayer Correa, 2021). This situation is only one example of the diverse and evolving legal responses to the estimated displacement of over six million individuals in the region (*Plataforma R4V*, n.d.), where implementation has resulted in reactions and consequences that extend beyond the intended scope of the law, and the border's spatiality.

Alongside the phenomenon of Venezuelan *hypermobility*, the twelve countries that comprise the South American region¹ have experienced a growing range of mobility patterns over the past few decades. This mobility has been facilitated by the multiple regional and bilateral agreements that regulate cross-border movement of intraregional nationals for purposes such as employment, study, holidays, or residence in other territories. While this regulation is primarily anchored in regional integration processes, namely the Southern Common Market ('Mercosur') and the Andean Community ('CAN'), many agreements precede them and reflect elements of reciprocity, as well as socioeconomic, cultural, and historical patterns. These instruments, in turn, interact with a vigorous and influential domestic legal activity in a dynamic legal and political scenario [Fernández-Rodríguez and Freier, (2024), p.2]. This evolving legislative complexity resulting from the vertical and horizontal interactions of legal regimes, set against a backdrop of ongoing changes, provides a conducive setting for analysing human mobility law, with insights that go beyond the case study.

However, the legal analysis of phenomena that undergo constant transformations, such as human mobility, poses two significant challenges. Firstly, there is the difficulty of identifying the plurality of legal instruments and regimes at play [Aleinikoff, (2007), p.471] together with the examination of their implementation and scope (Czaika and de Haas, 2013). Secondly, given the continuous changes in the legal-political landscape, it is methodologically difficult to capture its temporal nature and procedural character. This article proposes to address these challenges by mapping the legal regimes that pertain to specific types of cross-border movements around distinct ‘mobility pathways’, and from these pathways, analyse the interactions between laws, and with human movement, examining their evolution and scope. This allows for an examination of the law’s infrastructural effects on mobility, whether by recognising, facilitating, encouraging, or restricting movement, and enables the contextualisation of its impact on mobility practices.

The methodological approach to this legal mapping and its subsequent examination combines doctrinal analysis with empirical research methods. Fieldwork was conducted in Brazil, Chile, and Colombia between 2023 and 2024, consisting of semi-structured interviews with various actors facing this complex scenario of mobility rules, from legal advisors, governmental officials, to representatives from international and non-governmental organisations; and observation of border movements between the Colombian-Venezuelan zones in Norte de Santander, Colombia, and on the Brazil-Venezuela border in the state of Roraima, Brazil.

The article begins by briefly setting out a field reorientation towards ‘mobility law’, followed by a description of the analytical framework of legal infrastructures. The second section illustrates three ‘mobility pathways’ in the region, mapping the legal instruments that regulate them: permanence (residence), entry (tourism), and pendular movements. This provides insight into legally regulated mobilities, examining how the interaction or coexistence of multiple legal regimes shapes these (normative) mobility pathways. By starting from the movement, it is also possible to study how its interaction with the law is configured. To elucidate the scope of the interaction between the law and Venezuelan mobility, this article briefly examines the unilateral creation of a path to residency in Brazil, the introduction of consular visas in Chile, and the oscillating cross-border mobility on the Colombian-Venezuelan border.

2 The law of (human) mobility from an infrastructural perspective

2.1 A reorientation towards mobility law

A field that focuses on mobility law evokes a myriad of norms and treaties that regulate how people cross borders, which largely coincides with the object of study of migration or refugee law. Indeed, these branches study the normative sources, processes, and causes of departure, transit, entry, or stay of people, as well as their associated rights (Chetail, 2019). Yet, these fields present some inherent limitations in their development and approach. Migration law primarily concerns a type of unidirectional movement, assuming an intention of (semi-) permanence or resettlement [Piccoli et al., (2024), p.4]. This paradigm further privileges a state-centric approach (Aleinikoff, 2017; Achiume, 2018). The precepts, categories and systems of this paradigm have been argued to derive predominantly from the experience of immigration to the global North, thereby

reproducing colonial dynamics [Favell, (2022), pp.4–5]. Comparable issues can be identified in the field of refugee law (Chimni, 1998). Indeed, the regime is predicated on the involuntary displacement of refugees as set out in the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. However, these instruments are chiefly interpreted in a restrictive and exclusionary manner (Pijnenburg and Rijken, 2021). This reductive approach is at odds with the journeys of people requiring international protection, that tend to be fragmented. It also conflicts with their reasons for moving, as the fear of persecution and economic factors may become intertwined, particularly in situations of protracted conflict (Crawley and Skleparis, 2018).

Given these limitations, it has been proposed to reconceptualise migration law as the area of law that studies the movements of departure, transit, entry, reception, and integration, incorporating a broad temporal dimension into the analysis of these rules, as well as the motivations and causal factors underlying these movements. This ‘global migration law’ recognises the diversity of regimes that constitute migration law, as well as the fragmentation of international law in this area. Consequently, it has been proposed to reformulate the field as a legal ecosystem, encompassing legislative mechanisms, their implementation, and an interdisciplinary approach that incorporates perspectives from the Global South (Ramji-Nogales and Spiro, 2017). Moving beyond the scope of migration, Aleinikoff proposes to rethink the field as a ‘global system of human mobility’, which considers the motivations behind movement, the methods, and its duration, as well as the degrees of vulnerability and the impact of movement in both countries of origin, transit, and destination (Aleinikoff, 2017). Similarly, a group of scholars proposed a Model International Mobility Convention for States and critically reflected on the advantages of a comprehensive right-based instrument (Achiume, 2018). In recent years, the concept of mobility has gained traction in the study of human movement, whether to characterise the movement (Piccoli et al., 2024), its relationship to law (Kmak, 2024; Byrne and Gammeltoft-Hansen, 2025), or the infrastructure (Spijkerboer, 2018; Jiménez Laurence and Hoffmann, 2024).

Based on these proposals, a reorientation towards mobility law requires a reconsideration of the scope of legal sources, as well as the disciplinary precepts and methodologies employed, to avoid constrictions in the study of human movement. In this context, and to define the content of mobility law, it is premised that movement itself plays a fundamental role in law-related processes. This perspective builds on the interdisciplinary paradigmatic turn towards *mobilities*, which has sought to emphasise the complexity of the movement of people, objects, and information, as well as the power relations shaped by the governance of said *mobilities* (and *immobilities*) [Sheller, (2018), p.17], and to transcend the fixtures of the nation-state (Hannam et al., 2006). Movement is thus constitutive of social realities, challenging static categories such as ‘state’, ‘nation’, ‘community’, and ‘home’ that are considered reductive (Sheller and Urry, 2006). Consequently, regimes that fall within these categories become relevant, given that their legal ramifications transcend national boundaries, especially as people, such as ‘citizens’, bring legal regimes with them on their journeys.

Thus, human mobility is not regulated by a single legal regime. On the contrary, the complexity and plurality of international, regional, and domestic regimes that make up ‘migration law’, where “contradictions, distortions and asymmetries are intrinsic to its structure” [Chetail, (2017), p.21], are extensible to mobility law. Mobility law then, comprises from customary law or international conventions that guarantee human or labour rights for migrants and/or refugees, regional agreements that establish free

mobility regimes or facilitate transit, multi- or bilateral agreements that allow access to carry out activities in other countries, or that determine which travel documents can be used, to the vertical interaction of these international instruments with national legislation or unilateral decisions that establish visas, deportation regimes, privilege the mobility of certain nationalities, or close borders. Provisions from other regimes also become relevant, as they set the spatial realm in which the former operate, such as the law of the sea's freedom of navigation (Gammeltoft-Hansen and Mann, 2024), or carrier sanctions in aviation law, which impact access to this modality of movement (Rodenhauser, 2014). To capture the legal complexity and the interactions and overlaps of these regimes, studying 'mobility pathways' is proposed, i.e., the normative outcome of the horizontal and vertical conjunction of these regimes. A 'mobility pathway' thus regulates a specific type of cross-border movement, including procedures, requirements, purposes, beneficiaries, access, duration, required documentation, and ensuing rights.

Considering the scope of movement *vis-à-vis* the law also implies taking into account how movements occur in practice. Thus, given that human mobility patterns unfold mainly intraregionally (Deutschmann and Recchi, 2024), a regional approach is adopted initially. While legal regimes aim to regulate "who and what can move (or stay put), when, where, how and under what conditions" (Sheller, 2018), human movement may occur even *despite* the law. This is explained by the agency and multidimensionality of people on the move (Ramji-Nogales and Spiro, 2017), as well as their socio-cultural realities, affects, and ties, and by economic and historical causes that influence movement, thereby evidencing diverse, multidirectional, and complex trajectories. It is in this unfolding that mobility interacts constantly with the law, generating correlated processes of adaptation and/or contestation (Jiménez Laurence and Hoffmann, 2024).

To undertake an analysis of the complex law of mobility whilst also considering the impact of mobility on the law, a framework that accounts for both dimensions is required. The following section will argue how legal infrastructures enable the identification of the regimes that interact and regulate the paths of mobility, and the examination of how these are (re)constructed by movement.

2.2 Studying legal infrastructures of mobility

Approaching the study of human movement from an infrastructural perspective entails considering norms and rules not in isolation, but in their interaction with one another in the context of movement, and how they are (re)configured in their implementation. Infrastructure studies have spanned various subject areas, including science, technology, and society studies, as well as anthropology, architecture, geography, and critical studies. In this disciplinary diversity, it is recognised that an infrastructural perspective affords an understanding of how the socio-material is shaped, capturing both material and immaterial elements. Thus, the three common threads identified in the infrastructure literature comprise a socio-materiality of infrastructure, an organisational/relational aspect, and a distributive effect. (Byrne et al., 2024a)

Bringing *infrastructures* to the study of law, Byrne, Gammeltoft-Hansen and Stappert argue that law itself possesses infrastructural qualities that produce socio-material formations, establish relationships, and drive normative change. Thus, they propose that a 'legal infrastructure' approach "may shed new light on everyday legal work to make visible how normative regimes are interconnected, reproduced, contested, and

maintained; how they constrain and enable processes of circulation; and how law's content may be changed as a result" [Byrne et al., (2024a), p.1246].

The relationship between infrastructural studies and law is a relatively recent development. In the context of human mobility, 'migration infrastructures' have been examined, in which law is considered part of the broader infrastructure (Lin et al., 2017; Xiang and Lindquist, 2014). Similarly, the 'global mobility infrastructure' conceptualises a system configured by physical structures, services, and laws (Spijkerboer, 2018), viewing law as a key component, but not as an infrastructure in itself. Recent literature has embraced the idea of recognising infrastructural qualities in the law itself (Kingsbury, 2019; Pellandini-Simányi and Vargha, 2021; Valverde, 2022). Studies that have adopted this approach have done so with the dual objective of examining the complexity of law by identifying it as an infrastructure, as well as the impact of this legal infrastructure on the material world, on human mobility, and society. For instance, on the Schengen normative *corpus* in the European Union (Byrne and Gammeltoft-Hansen, 2024), on regional responses to Ukrainian or Venezuelan mobility flows (Gammeltoft-Hansen and Hoffmann, 2022), or in a special 'legal infrastructures' issue that aimed to develop the concept and scope² which applied it as both a conceptual and analytical framework to different areas, examining the various qualities of the law through this lens (Byrne et al., 2024b).

The study of the legal infrastructure of mobility then comprises, on the one hand, *law* in its multidimensional character. Either 'as a set of rules that purport to structure human conduct' or 'as a regulatory device, of cross-border mobility; as domestic and international human rights'. These, in conjunction with other systems of protection "can be used to irritate 'the law's' regulatory function; as an umbrella of formal legality, that may, however, engender unintended consequences; or as a lacuna(...) that draws in people and may eventually produce new norms" [Jiménez Laurence and Hoffmann, (2024), p.1350]. On the other hand, it allows to study and trace the *processes* involving the users of infrastructure, as people on the move, agents and institutions that rely on, build, circumvent, or dismantle mobility paths, who, through their practices, create, abide by, contest, and modify norms and treaties. In this article, the focus is on how law, as a legal infrastructure, "work[s] to afford or create affordances by enabling the space for human agency in the social structures that they move through" (Byrne et al., 2024a). Thus, consideration is given to how this quality is revealed based on how mobility pathways, their modalities, requirements, and access are infrastructured.

2.2.1 *A methodological approach*

Adopting a legal infrastructures approach methodologically implies a legal dogmatic approach to mobility, i.e., its legal regulation and governance, based on a doctrinal and literature study that seeks to determine what the existing law is. This approach is iteratively complemented by a practice-oriented approach, i.e., considering practices and implementation. Instead of focusing on personal journeys that, while offering enlightening insights, tend to remain at the individual level, without delving into the structural conditions that determine or limit people's agency (Van Hear et al., 2018), the analysis is built on legal practices. In particular, in cross-border movements observed at critical borderlands, and interviews with legal professionals confronted with the legal issues of significant numbers of people on the move. This work is situated within recent literature that aims to provide empirical explanations of the effectiveness of migration

discourses and policies in the region (Fernández-Rodríguez and Freier, 2024), albeit with a legal focus. In other words, while this article is rooted in the dogmatic tradition, based on the premise that mobility law constitutes a branch of law to be studied as such, it is also informed by a socio-legal perspective that explores the relationship between legal frameworks and mobility practices.

Therefore, the initial methodological step was a multi-level mapping of legal instruments with mobility components. This process involved a comprehensive review of regional documents (particularly those issued by Mercosur and CAN), multilateral instruments, bilateral treaties (especially those between neighbouring countries), and domestic legislation. Drawing on this doctrinally acquired knowledge and a review of the extant academic literature on migration, refugee, and governance issues in the region, Brazil, Chile, and Colombia were selected as case studies. The selection was predicated on their diverse regional membership, geographic location, and dynamic legal responses to the increased Venezuelan flows they experienced. Second, the practice-oriented approach entailed fieldwork in the selected countries. My initial step involved engaging in preliminary discussions with local academics. These experts shared their diagnoses, suggested interviewees, and recommended sites that complemented those previously identified. These exploratory interactions facilitated the mapping of physical and social settings, timelines, organisational structures, and data sources.

Consequently, interviewees were purposively sampled based on their knowledge and experience of the legal regimes applicable to people on the move in their countries. During these interviews, enquiries were also made about other well-situated actors who could contribute their knowledge, i.e., snowball sampling. A total of 33 semi-structured interviews were conducted, and for this an interview protocol was developed that included relevant talking points and questions while allowing interviewees to present their own perspectives. In addition to the interviews, third-party observation was carried out at legal aid events and consultations, and at border crossings, where field notes were observed and recorded on demographics, legal issues, mobility practices and challenges, among others. In connection with the observational work, spontaneous interviews were also conducted with participants to deepen the field notes, contrast the observations, and verify whether they were adequate or could be contextualised. To verify the validity of the information obtained from interviews and field observations, this data was triangulated with official and academic sources and reports. If it was not possible to verify a statement or if it was incorrect, it was analysed to understand its context and to determine what that ‘erroneous’ belief comprised, or whether it should be dismissed³.

As a result of the empirical work, information was gathered on practices and implementation, which was then analysed qualitatively. Among other things, this shed light on legal sources used at the local level that had not been identified at the initial stage. This informed the doctrinal work and grounded the decision to analyse the law around the proposed ‘mobility pathways’.

3 Mobility law in South America: the infrastructuring of intraregional mobility pathways

3.1 (Semi-)permanent mobilities: residence pathways in the region

Different mobility pathways regulate a (semi-)permanent stay in the territory of another State in the region. These generally pertain to the cross-border movement that allows a person to remain in that territory with regular status for a determined or indefinite period, acquire domicile therein, and access certain rights. Placing the directionality and temporality of the movement at the forefront of the analysis shows that, despite differing *rationales*, several mobility pathways are *infrastructured* around unidirectional movement under the premise of permanence. For instance, the residence pathways that primarily arise from the ‘free mobility’ agreements in the region. Access to these pathways is granted in virtue of a personal connection between an individual and the State that entered into the agreement, namely, nationality, rather than other factors that may lead to residence, such as work, international protection, study, or family reunification.

While the 2002 Mercosur Residency Agreement (‘MRA’), regulates, in principle, the ‘free mobility’ of the majority of nationals in South America (except those of Guyana, Suriname, and Venezuela), there are at least three considerations that demonstrate the advantages of infrastructurally studying the mobility pathways regulated – temporary and permanent residency –, to determine its scope and impact: its overlap with other agreements, the complexity of the legal regime, and its diverse domestic implementation.

The MRA regulates a two-year temporary residence, which may be converted into a permanent residence for nationals of the States party to the Agreement in the territory of the other signatory States, establishing specific requirements and rights, i.e., work, family reunification, and social and cultural rights. The provisions of this MRA coincide with another regional instrument: the 2021 CAN Migratory Statute (Decision N° 878), which grants Andean citizens from Bolivia, Colombia, Ecuador, and Peru a two-year temporary residence and permanent residence. Both residences allow Andean citizens to enter, leave, circulate, and remain in the territory, as well as to exercise any activity under the same conditions as nationals of the receiving Andean country. These ‘regional’ paths coexist with those found in bilateral agreements (*Free Move*, n.d.), which arguably afford certain nationals a ‘privileged’ mobility. For example, Brazil has signed agreements with Argentina (2005) and Uruguay (2013) whereby their nationals are granted reciprocal access to permanent residency, bypassing temporary residency first.

The scope of the ‘free mobility’ regulatory framework extends beyond the confines of the Mercosur residence agreement or the CAN Migratory Statute. Instead, it results from a normative assemblage comprising several agreements and rules on travel documents⁴, passports⁵, tourism⁶, or border movements⁷. While CAN members are bound by these decisions (Article 2, Cochabamba Protocol), the bindingness of the Mercosur instruments, in principle, is contingent upon ratification and incorporation into the domestic law of the countries (Article 40, Ouro Preto Protocol, cf. Article 5 CMC Decision N°23/00).

Even then, domestic incorporation of the MRA is dissimilar: procedures are not uniform, countries impose different requirements, set diverse costs, extend its application to nationalities beyond the agreement or restrict it in a reciprocal manner, and grant residence of various durations and/or renewals (IOM, 2018). Access also differs based on

the destination country or the individual's nationality. Some countries allow persons to seek residence within their territory irrespective of their status (as in Brazil), but others require regular entry (as in Argentina). Certain nationalities may encounter further obstacles that hinder their access to the pathway, whether due to legal or practical constraints. As an example of the first, Colombians, Ecuadorians, and Peruvians, for instance, cannot reside in Chile under the terms of the MRA. Chile has not incorporated the agreement into its domestic legislation, instead instructing its application through a governmental circular letter, at a time when the three excluded countries had not yet acceded to the MRA (Ministry of the Interior, Circular N° 26.465, 04.12.2009), deriving its application based on international reciprocity (Article 70.13, Law 21.325). As an example of a practical constraint, Bolivia, unlike most other countries in the region, only grants the criminal record certificate necessary to access residency in person at its consulate, with the comparatively high cost of US\$35 (Consulado de Bolivia, n/d), introducing a significant practical obstacle in the pathway of regular residence that other nationals do not experience. Consequently, the *infrastructuring* of this pathway results in uneven access for regional citizens, rendering the ease of traversal highly dependent on the individual's particular nationality.

These residency paths have also been unilaterally extended to nationals of countries not party to the MRA or CAN, i.e., Venezuela, Suriname, and Guyana. Argentina and Uruguay have included them in the residence pathways under the Mercosur agreement. Argentina has done so by applying a 'Mercosur nationality' criterion, thereby including Venezuela, despite its suspension, as well as Guyana and Suriname, since their accession to Mercosur (National Directorate for Migration (Argentina), Disposition N°1637/2022).

From 2013 onwards, flows from Venezuela intensified due to the deteriorating situation in the country, including food and security crises. While initial flows were directed to countries such as Colombia, Panama, and the Dominican Republic, since 2015 they have been directed to the rest of South America (Freier and Parent, 2019). As a result, in 2018, Brazil created a two-year residence permit for nationals of neighbouring countries that are not party to the MRA (Interministerial Ordinance No. 9, 2018). The temporary and permanent residence permits granted to Venezuelan, Guyanese, and Surinamese nationals mirror those provided by Mercosur, effectively creating a unidirectional mobility pathway of permanence towards Brazil. Additionally, Brazil has been the only country in the region to grant collective refugee recognition under the Cartagena Declaration to Venezuelans (Sánchez Nájera and Freier, 2022; CONARE, 2019; M.J.S.P, n.d.; Brumat and Geddes, 2023). These two measures have been fundamental to the normative and material assemblage that seeks a regular (and regulated) flow from Venezuela, especially in conjunction with the humanitarian-military apparatus of 'Operation Shelter' across the northern Brazilian border (Moulin Aguiar and Magalhães, 2020). The assemblage of this residence pathway responded to the actual movements of these nationals, who, unlike the 'Conventional' refugees, tend to return to Venezuela in a circular and/or pendular manner (Jarochinski and Sampaio, 2018). Therefore, choosing this pathway rather than that of applying for refugee status allows people to leave Brazil without requesting authorisation from the Brazilian Refugee Commission. Despite the advantages offered by the residence pathway, including shorter processing times and the acceptance of expired passports or national identity cards as travel documents, Venezuelans continue to comprise the majority of refugee applicants and recognised refugees in Brazil (Junger da Silva et al., 2025). This can be attributed not only to people's need for international protection, but also to the fact that those who lack

sufficient documentation or do not meet the requirements follow this pathway to stay regularly and access fundamental rights. This is evidenced in the functioning of Operation Shelter, where, as part of the procedural steps after crossing the border, people receive a general introductory talk about the differences between following either path. However, those who do not have sufficient documentation are referred by the Operation's personnel to file a refugee application. This dynamic is replicated beyond the border zone, where people also resort to applying for refugee status to be able to stay in Brazil regularly. Therefore, although the residence permit allows entry, residence, and departure from Brazil without authorisation, the refugee application remains an alternative for regular permanence, as it grants residence rights in the territory.

By identifying that the residency pathway is established by regional agreements, modified by bilateral instruments, and conditioned by procedures set out in domestic legislation, the complexity of the infrastructure of mobility is revealed, as are the potential obstacles to access and transit that lead to irregularity at the regional level. Generally, this construction also reflects the evolving, responsive nature of the legal infrastructure, which can be used to open or restrict pathways in response to the movements and behaviours of its users.

3.2 Transitory mobilities into a country: pathways of tourism

Although migration law tends to avoid focusing on movements without an intention of permanence, laws regulating entry to a country's territory for a limited time, whether for tourism, business, or other non-remunerated activities, can significantly affect a person's mobility. Having laws that facilitate entry to a territory indicates a wanted flow, while restricting it represents its undesirability [Acosta, (2018), p.124]. This effect can be observed in the *infrastructuring* of the pathway of tourism. Tourist visas create regulatory and economic barriers to movement in an attempt to control the flow of people from specific locations [Bangwayo-Skeete and Skeete, (2017), p.409]. This is particularly relevant, given that although this pathway regulates transitory mobility by precluding the acquisition of domicile for the limited period granted in a territory, tourists do use this regular access to remain in the destination country. They either pursue normative pathways that allow their permanence, or they do not. As mere permanence is one of the major causes of irregularity [Freier and Holloway, (2019), p.1175], States aiming to control who enters and potentially remains in their territory have restricted this pathway by withdrawing visa exemptions or establishing consular visas.

Within South America, the mobility for tourism purposes is generally unhindered. Most regional nationals can enter without a visa or passport and remain in other States for 90 days (or three months), a period that is renewable in most cases. While these rules can be recognised on both the Mercosur agreements on tourism (*supra* fn. 5), and the 'circulation' right of nationals and permanent residents contained in the Andean Migratory Statute (Articles 16–17, Decision N°878), the countries of the region have been entering into still-in-force bilateral agreements of transit and/or tourism since the 1930s⁸. Additionally, countries generally adhere to the principle of reciprocity when granting or restricting this form of mobility between their nationals. In fact, many of the agreements are celebrated by an 'exchange of (reciprocal) notes' or following a unilateral exemption⁹.

From this assemblage, it follows that, in contrast to the indices that position the Chilean passport as the 'most powerful' in the region at the global level (Henley &

Partners, 2025), this is not the case at the intraregional level. Nationals of Argentina, Brazil, Uruguay, and Colombia lead in having visa-free access to all countries in the region. In contrast, the nationals whose transitory mobility is most limited are those of Guyana, Suriname, and Venezuela. While Guyanese and Surinamese nationals require visas to enter Bolivia, Paraguay, and Venezuela, Surinamese nationals also need visas for Uruguay. Venezuelan nationals currently experience the most significant restrictions on this type of movement, particularly from Guyana, Suriname (which reintroduced an e-visa on May 1, 2023), Chile, Ecuador, and Peru (Vera Espinoza, 2024), to which Venezuela has responded by adopting reciprocal measures, withdrawing tourist visa exemptions (Joint resolution, Venezuelan Official Gazette 41.694, 14 August 2019).

As seen above, Chile has been reconfiguring its normative mobility pathways in recent years, making them more difficult for intraregional citizens to transit. This followed the intense mobility flows towards the country, first from Haiti and then from Venezuela (Doña-Reveco, 2022; Finn and Umpierrez de Reguero, 2020). These flows have paved the way for restrictive legislative changes (Vásquez et al., 2021), including the elimination of the previously widely used visa for work motives that enabled tourists to stay in the territory in 2018, and the enactment of Law N°21.325 in 2021 that introduced restrictions to people already in the territory *inter alia* access to Mercosur and other residence pathways, changes between migration statuses, and even access to asylum application procedures (Gutiérrez and Vargas, 2023). These restrictions depart from the integration and regularisation efforts sought by regional agreements, especially Mercosur [Acosta, (2019), p.13], affecting not only Venezuelans but all intraregional nationals.

Regarding the regulation of tourism entry into the territory, Chile has concluded bilateral agreements with all countries except Venezuela. The agreements regulate a 90-day stay and allow entry to the territory only with a national identity card¹⁰. All of these treaties were concluded before Mercosur's treaties on tourism and travel documents were adopted, except for the agreements celebrated with Guyana (2016) and Suriname (2022), which also require tourists to present a passport as a travel document¹¹. Despite the multiplicity of legal instruments and the application of the reciprocity principle (Article 27, Law N°21.325), which have normatively consolidated access with minimal requirements for intraregional nationals, barriers are still reported. In 2018, between 10 and 14 thousand persons were rejected at the border, almost 70% of them were rejected for not proving they were entering the country with tourism purposes which included not having sufficient funds, a unilateral requirement not found in the agreements, but in domestic law (Article 44 of the former law D.L. N°1094, which can still be found in Article 47 Law N°21.325). While Venezuelans accounted for almost half of these rejections, despite not being required to obtain a tourist visa at that time, they were followed by Colombians, Haitians, Peruvians, and Ecuadorians (Aravena, 2019). With the establishment of the VCT in June 2019, the number of registered entries for tourism from Venezuela decreased from 24,000 to 2,000 the following month, a figure that has remained relatively constant since (except during the COVID-19 period) (SIET SERNATUR, n/d).

The adoption of Law N°21.325 meant to phase out country-specific consular visas. Instead, the law establishes that nationals from certain countries are required to obtain a 'prior authorisation or visa' to be processed at Chilean consular offices (Articles 27 and 169). Venezuela is the only country from the region included, and besides the inherent obstacles of applying to this authorisation – in particular its high relative cost for a one-entry visa (US\$50), and a protracted application process, now it is added the

impossibility to apply from Venezuela, due to the closure of Chilean embassies following the suspension of Chile-Venezuelan diplomatic relations (Ministry of Foreign Affairs (Chile), 2025). The restrictions on both access to and stay in the territory have led to an increase in irregular crossings.

Due to the stringency of Law 21.325 regarding changes in migratory categories, interviewed legal advisers maintain that no 'legal tools' are available in cases where people nevertheless succeed in entering the country, either regularly or irregularly, and want to stay¹². As one interviewee put it, the new law sought to regulate a reality that did not correspond to the mobility in the region¹³. The unintended consequence of this approach has been an increase in clandestine routes and unregulated, unordered migration within the country (Brumat and Vera Espinoza, 2024). These issues have, in turn, been countered by the issuance of expulsion orders that are difficult to enforce, and by militarising the Chilean border (Ramos and Tapia, 2024).

This section also demonstrates that it is the interplay of different-level regimes that determines mobility. At the infrastructural level, despite the law's regulatory zeal, movement and people's agency play a significant role in the face of restrictive pathways. Consequently, the law's efficacy is contingent upon its ability to recognise and address the dynamic nature of movement.

3.3 *Pendular mobilities: livelihood across borders*

In contrast to unidirectional mobilities that aim for permanence or those of a transitory nature, pendular mobilities involve continuous cross-border movements exercised by people residing in border areas. In other words, an oscillating 'coming and going' between countries in which the daily lives of these residents take place in both territories, presupposing a mobility that may be recognised or even encouraged by law.

Mercosur and CAN have sought to promote the identification of border areas in order to advance their integrationist aim. These processes have pursued the promotion of economic exchanges through joint policies with the adoption of the Mercosur Agreement for linked border localities ('LFV') (Decision 13/19, 2019), and CAN's establishment of border integration zones ('ZIF') (Decision 501, 2001). While these instruments have not been fully consolidated for the mobility of persons, since the Mercosur agreement entered into force in 2024 only for state parties, and Decision 501 does not concretely regulate human mobility, these are complemented by instruments regulating border control and access, while also relying on bilateral agreements that have codified and recognised pendular mobility practices. Indeed, the establishment of ZIFs is envisaged to be operationalised through agreements between neighbouring countries (Article 7, Decision 501), and the benefits afforded in the LFVs are also to be agreed upon bilaterally (Article XII, Agreement N°13/19).

Agreements can also be found outside integration processes, for instance, Chile and Peru have aimed to adopt an 'adequate border policy' regarding the existing mobility between the border cities of Tacna and Arica. In 1930, the countries adopted the 'Agreement on the transit of passengers', which was later complemented by the 1978 'Agreement on the Transit of Persons in the Peruvian-Chilean Border Zone'. These establish a one-year *salvoconducto* for residents of Arica and Tacna, allowing them to transit through these departments for 7 days. While the agreements between Chile and Peru expressly forbid the exercise of remunerated activities, other agreements, particularly those based on Mercosur's LFVs, grant *inter alia* the right to work and study

to their border residents (e.g., Article 3 of the Argentina-Brazil agreement on LFV, 30 November 2005).

The regulation of pendular mobility typically stipulates that to access this mobility path, persons must be domiciled in the bilaterally determined border areas. The scope of the circulation is limited geographically e.g., specific zones, regions or a range of kilometres; and temporally e.g., certain hours or days. Treaties and domestic legislation grant special travel documents for border mobility, such as transit cards or *salvoconductos*, i.e., a safe conduct or *laissez-passer*, which complement travel documents and facilitate border control. In this context, mobility practices can *irritate* the law when flows that utilise the regulatory assemblage of pendularity for entry into the territory begin to challenge the fundamental conditions that underpin this mobility. This includes engaging in activities that exceed the terms of the agreements, or when individuals exceed the time or geographical boundaries set.

Colombia, for example, has seen an increased flow of people in recent years due to the displacement of Venezuelans, particularly through land borders. In Norte de Santander, the busiest border region, four distinct cross-border mobility profiles are identified: those seeking to stay, those in transit, the pendular population, and Colombian returnees (R4V, n.d.). This borderland has been described as a geography of “intense cross-border mobilities, high degrees of interdependence, complementarity and shared geo-cultural spaces, with territorial dynamics that project interactions onto regional scales and configure large spaces of economic and social relations” [Valero Martínez, (2020), p.102]. The continuous, habitual oscillating flow can be observed at the four crossing points over the Táchira and Pamplonita rivers, as well as along trochas or irregular paths. The border bridges are traversed not only by people on foot or in their private vehicles, but also by public transport buses, school buses, and taxis transporting commuters from one side to the other. Porters carrying large quantities of goods on carts, which travel back and forth several times a day, are also part of this flow. Of the thousands of people crossing the border every day, only a small percentage stop at the Colombian border checkpoints to register their entry, as this is required only if they are to remain in the territory or are in transit. When asked about this back-and-forth mobility, border officials spontaneously mentioned two reasons: the shared roots (*‘arraigo’*) manifested in family relationships and in the historical, sociocultural, linguistic, and religious ties between the inhabitants of the two regions (Linares, 2005); and the Tonchalá Agreement, as the legal instrument allowing this movement. One of them pointed out: “[The free mobility provided by] the Treaty of Tonchalá is very similar to Mercosur, to the Pacific Alliance (sic)”¹⁴.

The attempt to strengthen cross-border mobility in this zone precedes regional efforts by decades, when Venezuela was still part of CAN. In 1942, Colombia and Venezuela agreed on a ‘Border Regime Statute’ that granted residents of the ‘border region’ a series of permits to cross the border without a passport for personal, economic, or professional reasons, including an 8-day tourist permit for those not domiciled in the zone (Law 13 of 1943, Colombia). In 1959, the Tonchalá Agreement (‘Instrument reaffirming the Venezuelan-Colombian friendship’) established specific courses of action to address the border mobility needs of the time in Norte de Santander and Táchira, including *inter alia* a regularisation process, a temporary permit for agricultural work, rules for the mobility of industrial workers, and the rights of workers, with a particular focus on those who are undocumented. Thus, although the Tonchalá Agreement is perceived as the legal basis allowing this mobility, it does not regulate other work permits, nor does it grant the right

to study. For this reason, there have been calls to update it to respond to the current reality of pendular mobility [International Bank for Reconstruction and Development/World Bank, (2018), p.28].

Over the past years, the pendular livelihood has, at times, developed into a means of survival for residents on either side of the border (Maldonado and Vega V., 2022). Since 2015, the flow from Venezuela to supply food, medicines, or to work and study in the Colombian region has intensified (GIFMM Colombia, 2024). As such, survival has been directly affected by restrictions on mobility, particularly by the successive border closures primarily from Venezuela. These have led not only to the widespread use of *trochas* (Redacción Clarín, 2019) but also to the adoption of mitigation measures, such as the opening of humanitarian corridors [UNDP Colombia et al., (2020), p.40] or the introduction of a border mobility card for border residents (Migración Colombia, Resolution 1220/2016, now repealed).

The infrastructuring that facilitates the oscillating cross-border mobility, does have a drawback when mobility profiles become intertwined. While Venezuelans cross the border without being subject to Colombian border control, they risk acquiring irregular status if they have not registered their entry and remain in Colombia, or if they exceed the geographical limits. This risk was mitigated by Colombia's substantial regularisation mechanisms. These were increasingly tailored to the specific problems faced by Venezuelans, e.g., in acquiring or renewing a passport, which, for instance, led to the transition from early mechanisms, such as the Special Permanence Permit to the Temporary Protection Permit ('PPT'), which granted residence for 10 years (Besserer et al., 2024). Nevertheless, as the PPT has been discontinued¹⁵, the consequences of this lack of border registration are now significant for their permanence in the territory, as some of the current residence pathways available to them require regularity within the territory. In addition, certain regularisation routes require Venezuelans to have entered the territory before specific dates (e.g., Ministry of Foreign Affairs, Resolution 12509/2024), which may be difficult to establish when there is no record of such entry.

This section explored a movement that transgresses the conventional tenets of both migration and refugee law by flexibilising border control, not involving changes in status, and transcending finite temporalities. Human mobility then takes precedence, thereby fostering or even triggering infrastructural processes.

4 Conclusions

The present article has analysed distinctive mobility (law) pathways, arguing that organising the analysis of the complex and diverse legal regimes around how they regulate, or infrastructure, movements provide a systematic understanding of the laws pertaining to human movement. This is because human movement is a diverse and dynamic phenomenon in terms of direction, temporality, and purpose. Approaches based on migration or refugee law, which prioritise the study of specific types of mobility, overlook more common transient movements that regularly occur in a globalised and hyperconnected world. Mobility law adopts a dual approach to both the sources of law and the patterns of movement themselves, facilitating a multidimensional analysis of the phenomenon of human mobility. Secondly, the approach to law as infrastructure transcends a dogmatic analysis of the law as static. On the contrary, it involves examining the processes that configure and reconfigure the law, allowing for an understanding of its

multifunctionality, qualities, and effects, and allowing it to be comprehended as a system rather than isolated converging rules.

The interconnection between law and movement can be observed in the pathways of residence, tourism, and pendularity. These are regulated by multiple legal instruments of varying normative hierarchies that overlap and inform each other over time, while also reacting to mobility practices. In the case of unilateral residence, for example, the provisions of the Mercosur inform the residence pathway created by Brazil, but its creation also responded to and adapted to the circularity of the Venezuelan movement. Regional tourism agreements are based on instruments that countries had reciprocally agreed decades prior, but the continuity of the pathway is contingent upon not becoming a gateway for permanent stay in the territory. Lastly, border integration efforts, while stemming from regional processes, are focused and encouraged in areas where porous conditions, either historical or geographical, were already present, thereby easing the oscillating movement across borders.

Although human mobility responds to extralegal factors, access to and traversal of mobility pathways largely depend on the conjunction of legal regimes and their implementation, and in the South American case, significantly on the nationality of the person on the move. Hindrances to movement are created not only by the introduction of a visa but also by the dismantling of various paths and the limitation of practical and legal possibilities for entry or stay. Conversely, facilitations arise not only from exemptions but also from establishing mobility paths, allowing transitions between them, and from certain facilitations, such as less stringent documentary requirements or permitted lengths of stay.

Finally, while this article focuses on South America, the insights gained through the disciplinary reorientation and the method of identifying and analysing mobility pathways can inform studies of human mobility in other regions or at a global level. Adopting a framework such as legal infrastructures, which addresses the regimes in their interrelation, allows the impact and ramifications of the law on mobility to be understood more clearly.

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Declarations

Explicit verbal consent was voluntarily given by all participants. All expressions of consent were audio recorded, with the exception of interviews BR-1 and CO-1.

Prior to starting the interview, participants were provided with a one-page document in the local language that described my affiliation, research project and aims (both digitally and physically), along with my contact details. Before starting the interview, the purpose of the research and the interview was clarified, explained the GDPR-compliant privacy measures taken to protect, store, and analyse the data, and discussed their rights to withdraw consent at any time.

The author declares that they have no conflicts of interest.

References

- Achiume, E.T. (2018) 'The fatal flaw in international law for migration', *Columbia Journal of Transnational Law*, Vol. 56, No. 2, pp.257–262.
- Acosta, D. (2018) *The National versus the Foreigner in South America: 200 Years of Migration and Citizenship Law*, Cambridge University Press, Cambridge, UK.
- Acosta, D. (2019) 'The expansion of regional free movement regimes', in Minderhoud, P., Mantu, S. and Zwaan, K. (Eds.): *Caught in Between Borders: Citizens, Migrants and Humans, Liber Amicorum in Honour of Prof. Dr. Elspeth Guild*, pp.9–15, Wolf Legal Publishers, Tilburg, Netherlands.
- Aleinikoff, T.A. (2007) 'International legal norms on migration: substance without architecture', in Cholewinski, R., Perruchoud, R. and MacDonald, E. (Eds.): *International Migration Law: Developing Paradigms and Key Challenges*, pp.467–479, T.M.C. Asser Press, The Hague, Netherlands.
- Aleinikoff, T.A. (2017) 'Toward a global system of human mobility: three thoughts', *AJIL Unbound*, Vol. 111, pp.24–28, <https://doi.org/10.1017/aju.2017.8>.
- Aravena, N. (2019) 'Chile rechazó el ingreso de 13.742 extranjeros en 2018, la mayor cifra de los últimos 5 años', *El Mercurio*, 16 April [online] <https://digital.elmercurio.com/2019/04/16/C/IT3IUGQ4> (accessed 27 March 2026).
- Astudillo, X., Jara, A. and Chechilnitzky, A. (2019) 'Crisis migratoria en Chacalluta comienza a expandirse a otros pasos fronterizos', *La Tercera*, 28 July [online] <https://www.latercera.com/nacional/noticia/crisis-migratoria-chacalluta-comienza-expandirse/719148/> (accessed 27 March 2026).
- Bangwayo-Skeete, P.F. and Skeete, R.W. (2017) 'Who travels visa-free? insights into tourist hassle-free travel', *Journal of Travel Research*, Vol. 56, No. 3, pp.407–418.
- Besserer, A., Finn, V. and Freier, L.F. (2024) 'Building paper bridges: adapting citizenship and immigration regimes to international displacement', *Comparative Migration Studies*, Vol. 12, No. 1, pp.47.
- Brumat, L. and Geddes, A. (2023) 'Refugee recognition in Brazil under Bolsonaro: the domestic impact of international norms and standards', *Third World Quarterly*, Vol. 44, No. 3, pp.478–495.
- Brumat, L. and Vera Espinoza, M. (2024) 'Actors, ideas, and international influence: understanding migration policy change in South America', *International Migration Review*, Vol. 58, No. 1, pp.319–346.
- Byrne, W.H. and Gammeltoft-Hansen, T. (2024) 'Untangling the legal infrastructure of Schengen', *European Papers*, Vol. 9, No. 1, pp.157–177.
- Byrne, W.H. and Gammeltoft-Hansen, T. (2025) 'Redefining the mobility paradigm in international law', *International Journal of Law in Context*, Vol. 21, No. 2, pp.231–245.
- Byrne, W.H., Gammeltoft-Hansen, T. and Stappert, N. (2024a) 'Legal infrastructures: towards a conceptual framework', *German Law Journal*, Vol. 25, No. 8, pp.1229–1246.
- Byrne, W.H., Gammeltoft-Hansen, T. and Stappert, N. (2024b) 'Editors' introduction to special issue on legal infrastructures', *German Law Journal*, Vol. 25, No. 8, pp.1221–1228.
- Chetail, V. (2017) 'The architecture of international migration law: a deconstructivist design of complexity and contradiction', *AJIL Unbound*, Vol. 111, pp.18–23, <https://doi.org/10.1017/aju.2017.11>.
- Chetail, V. (2019) *International Migration Law*, Oxford University Press, Oxford, UK.
- Chimni, B.S. (1998) 'The geopolitics of refugee studies: a view from the South', *Journal of Refugee Studies*, Vol. 11, No. 4, pp.350–374.
- Columbia Journal of Transnational Law* (2018) Vol. 56, No. 2.
- CONARE (2019) *Nota Técnica N°3*, 1 June 2019.

- Crawley, H. and Skleparis, D. (2018) ‘Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe’s ‘migration crisis’’, *Journal of Ethnic and Migration Studies*, Vol. 44, No. 1, pp.48–64.
- Czaika, M. and de Haas, H. (2013) ‘The effectiveness of immigration policies’, *Population and Development Review*, Vol. 39, No. 3, pp.487–508.
- Deutschmann, E. and Recchi, E. (2024) ‘How global is international mobility?’, in Recchi, E. and Safi, M. (Eds.): *Handbook of Human Mobility and Migration*, pp.94–112, Edward Elgar Publishing Cheltenham, UK; Northampton, USA.
- Doña-Reveco, C. (2022) ‘Chile’s welcoming approach to immigrants cools as numbers rise’, *Migration Information Source*, Migration Policy Institute [online] <https://www.migrationpolicy.org/article/chile-immigrants-rising-numbers> (accessed 27 March 2026).
- Favell, A. (2022) ‘Immigration, integration and citizenship: elements of a new political demography’, *Journal of Ethnic and Migration Studies*, Vol. 48, No. 1, pp.3–32.
- Fernández-Rodríguez, N. and Freier, L.F. (2024) ‘Latin American immigration and refugee policies: a critical literature review’, *Comparative Migration Studies*, Vol. 12, No. 1, pp.15.
- Finn, V. and Umpierrez de Reguero, S. (2020) ‘Inclusive language for exclusive policies: restrictive migration governance in Chile’, *Latin America Policy*, Vol. 11, No. 1, pp.42–61.
- Free Move (n.d.) [online] <https://www.freemovehub.com/> (accessed 27 March 2026).
- Freier, L.F. and Holloway, K. (2019) ‘The impact of tourist visas on intercontinental South-South migration: Ecuador’s policy of “open doors” as a quasi-experiment’, *International Migration Review*, Vol. 53, No. 4, pp.1171–1208.
- Freier, L.F. and Luzes, M. (2021) ‘How humanitarian are humanitarian visas?’, in Jubilut, L.L., Vera Espinoza, M. and Mezzanotti, G. (Eds.): *Latin America and Refugee Protection*, pp.276–293, Berghahn Books, New York, USA; Oxford, UK.
- Freier, L.F. and Parent, N. (2019) ‘The regional response to the Venezuelan exodus’, *Current History*, Vol. 118, No. 805, pp.56–61.
- Gammeltoft-Hansen, T. and Hoffmann, F. (2022) ‘Mobility and legal infrastructure for Ukrainian refugees’, *International Migration*, Vol. 60, No. 4, pp.213–216.
- Gammeltoft-Hansen, T. and Mann, I. (2024) ‘Cruise ships in international law: towards a theory of legal infrastructure’, *German Law Journal*, Vol. 25, No. 8, pp.1382–1406.
- GIFMM Colombia (2024) *Evaluación conjunta de necesidades para población pendular en frontera – 2023* [online] <https://www.r4v.info/es/document/gifmm-colombia-evaluacion-conjunta-de-necesidades-para-poblacion-pendular-en-frontera-2023> (accessed 27 March 2026).
- Gutiérrez, F. and Vargas, F. (2023) ‘Trabas en el ejercicio del derecho humano a buscar y recibir asilo en Chile: el ingreso al procedimiento de asilo’, *Revista de Derecho*, Vol. 36, No. 1, pp.137–160.
- Hannam, K., Sheller, M. and Urry, J. (2006) ‘Editorial: mobilities, immobilities and moorings’, *Mobilities*, Vol. 1, No. 1, pp.1–22.
- Henley & Partners (2025) *Henley Passport Index 2025* [online] <https://www.henleyglobal.com/passport-index/ranking> (accessed 27 March 2026).
- International Bank for Reconstruction and Development/World Bank (2018) *Migración desde Venezuela a Colombia: impactos y estrategia de respuesta en el corto y mediano plazo*, Banco Mundial [online] <https://openknowledge.worldbank.org/server/api/core/bitstreams/7a93f6ed-f16e-5a64-8eb2-d1b6f038ee87/content> (accessed 27 March 2026).
- Jarochinski, J. and Sampaio, C. (2018) ‘As ações decorrentes da migração de venezuelanos para o Brasil – da acolhida humana à interiorização’, in Annoni, D. (Ed.): *Direito Internacional dos Refugiados e o Brasil*, Grupo de Estudios de Derecho de Autor e Industrial (GEDAI)/Universidade Federal de Paraná (UFPR), Curitiba, Brazil.

- Jiménez Laurence, A. and Hoffmann, F. (2024) 'Unruly practices at the border: from mobility regimes to infrastructures in Latin America', *German Law Journal*, Vol. 25, No. 8, pp.1343–1362.
- Junger da Silva, G., Cavalcanti, L. and de Oliveira, A.T.R. (2025) *Refúgio em Números*, 10th ed., Observatório das Migrações Internacionais, Ministério da Justiça e Segurança Pública/Departamento das Migrações.
- Kingsbury, B. (2019) 'Infrastructure and InfraReg: on rousing the international law wizards of Is', *Cambridge International Law Journal*, Vol. 8, No. 2, pp.171–186.
- Kmak, M. (2024) *Law, Migration, and Human Mobility*, Routledge, Abingdon, UK; New York, USA.
- Lin, W., Lindquist, J., Xiang, B. and Yeoh, B.S.A. (2017) 'Migration infrastructures and the production of migrant mobilities', *Mobilities*, Vol. 12, No. 2, pp.167–174.
- Linares, R. (2005) 'Zona de integración fronteriza (ZIF) y su dimensión territorial en la frontera Táchira (Venezuela) – Norte de Santander (Colombia)', *Aldea Mundo*, Vol. 10, No. 19, pp.45–54.
- Maldonado, A.N. and Vega V., R.V. (2022) 'Migraciones fronterizas: el caso del paso Cúcuta-Ureña en la frontera colombo-venezolana (1990–2020)', *Revista de Ciencias Sociales*, Vol. 2, No. 176, pp.151–168.
- Ministério da Justiça e Segurança Pública (M.J.S.P.) (n.d.) *Decisões em bloco* [online] <https://www.gov.br/mj/pt-br/assuntos/seus-direitos/refugio/institucional/decisoes-em-bloco> (accessed 27 March 2026).
- Ministry of Foreign Affairs (Chile) (2025) *Press Release*, 30 January [online] <https://www.minrel.gob.cl/minrel/sala-de-prensa/comunicado-de-prensa-30012025> (accessed 27 March 2026).
- Ministry of Foreign Affairs, International Business and International Cooperation of Suriname (2023) *New Entry Fee Regulations*, 27 December [online] <https://gov.sr/wp-content/uploads/2023/12/2023.12.27-ANNOUNCEMENT-Entry-Fee.pdf> (accessed 27 March 2026).
- Moulin Aguiar, C. and Magalhães, B. (2020) 'Operation shelter as humanitarian infrastructure: material and normative renderings of Venezuelan migration in Brazil', *Citizenship Studies*, Vol. 24, No. 5, pp.642–662.
- IOM (2018) *Evaluación del Acuerdo de Residencia del MERCOSUR y su incidencia en el acceso a derechos de los migrantes (Cuadernos Migratorios No. 9)* [online] https://publications.iom.int/system/files/pdf/estudio_sobre_la_evaluacion_y_el_impacto_del_acuerdo_de_residencia_del_mercosur.pdf (accessed 27 March 2026).
- Pellandini-Simányi, L. and Vargha, Z. (2021) 'Legal infrastructures: how laws matter in the organization of new markets', *Organization Studies*, Vol. 42, No. 6, pp.867–889.
- Piccoli, L., Gianni, M., Ruedin, D., Achermann, C., Dahinden, J., Hoffmeyer-Zlotnik, P., Nedelcu, M. and Zittoun, T. (2024) 'What is the nexus between migration and mobility? A framework to understand the interplay between different ideal types of human movement', *Sociology*, Vol. 58, No. 5, pp.1–19.
- Pijenburg, A. and Rijken, C. (2021) 'Moving beyond refugees and migrants: reconceptualising the rights of people on the move', *Interventions*, Vol. 23, No. 2, pp.273–293.
- Plataforma R4V (n.d.) [online] <https://www.r4v.info/> (accessed 27 March 2026).
- R4V (n.d.) *Página de GIFMM Colombia | R4V* [online] <https://www.r4v.info/es/colombia> (accessed 27 March 2026).
- Ramji-Nogales, J. and Spiro, P.J. (2017) 'Introduction to symposium on framing global migration law', *AJIL Unbound*, Vol. 25, pp.1–2, Article No. e154.
- Ramos, R. and Tapia, M. (2024) 'Entre humanitarismo y seguridad: la reorganización del control fronterizo en Chile (2010–2022)', *Estudios Fronterizos* (accessed 27 March 2026).

- Redacción Clarín (2019) 'Las trochas, el único vínculo entre Venezuela y Colombia por el cierre de frontera', *El Clarín*, 3 July [online] https://www.clarin.com/mundo/trochas-unico-vinculo-venezuela-colombia-cierre-frontera_0_f-57Mh0M9.html (accessed 27 March 2026).
- Rodenhauser, T. (2014) 'Another brick in the wall: carrier sanctions and the privatization of immigration control', *International Journal of Refugee Law*, Vol. 26, No. 2, pp.223–247.
- Sánchez Nájera, F. and Freier, L.F. (2022) 'The Cartagena refugee definition and nationality-based discrimination in Mexican refugee status determination', *International Migration*, Vol. 60, No. 1, pp.37–56.
- Servicio Jesuita a Migrantes (2024) *Informe: Monitoreo del estado de la movilidad humana y la protección internacional en Chile* [online] <https://sjmchile.org/wp-content/uploads/2024/03/informe-monitoreo-de-movilidad-humana.pdf> (accessed 27 March 2026).
- Sheller, M. (2018) *Mobility Justice: The Politics of Movement in an Age of Extremes*, Verso, New York, USA.
- Sheller, M. and Urry, J. (2006) 'The new mobilities paradigm', *Environment and Planning A: Economy and Space*, Vol. 38, No. 2, pp.207–226.
- SIET SERNATUR (n.d.) *Reporte: Llegadas de turistas extranjeros al país* [online] <https://datosturismo.sernatur.cl/siet/reporteTempPDI> (accessed 27 March 2026).
- Spijkerboer, T. (2018) 'The global mobility infrastructure: reconceptualising the externalisation of migration control', *European Journal of Migration and Law*, Vol. 20, No. 4, pp.452–469.
- Thayer Correa, L.E. (2021) *Puertas cerradas y huellas abiertas: migración irregular, trayectorias precarias y políticas restrictivas en Chile*, *Migraciones Internacionales*, Vol. 12, pp.1–21, Article 22.
- UNDP Colombia, Montoya, M., Escobar, C. and Ortiz, A. (2020) *Migración, desplazamiento y educación en Colombia*, UNESCO, Paris, France.
- Valero Martínez, M. (2020) 'La frontera colombo-venezolana: escenarios de conflictos', *Nueva Sociedad*, Vol. 289, pp.95–106.
- Valverde, M. (2022) *Infrastructure: New Trajectories in Law*, Routledge, Abingdon, UK; New York, USA.
- Van Hear, N., Bakewell, O. and Long, K. (2018) 'Push-pull plus: reconsidering the drivers of migration', *Journal of Ethnic and Migration Studies*, Vol. 44, No. 6, pp.927–944.
- Vásquez, J., Finn, V. and Umpierrez de Reguero, S. (2021) 'Cambiando la cerradura. intenciones legislativas del proyecto de ley de migraciones en Chile', *Colombia Internacional*, Vol. 1, No. 106, pp.57–87.
- Vera Espinoza, M. (2024) 'Migration governance in South America: change and continuity in times of "crisis"', in Crawley, H. and Teye, J.K. (Eds.): *The Palgrave Handbook of South–South Migration and Inequality*, pp.631–652, Springer International Publishing, Cham, Switzerland.
- Xiang, B. and Lindquist, J. (2014) 'Migration infrastructure', *International Migration Review*, Vol. 48, No. 1, pp.122–148.

Notes

- 1 Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Guyana, Paraguay, Peru, Suriname, Uruguay and Venezuela. As Acosta has pointed out, Guyana and Suriname constitute a particular case, exhibiting distinctive characteristics in relation to their colonial history and legacy. Not having shared the same historical trajectory as the rest of the countries in the region, and their closer proximity to the Caribbean region, both states are part of the Caribbean Community (CARICOM) (Acosta, 2018). However, both are included in this analysis because they have joined MERCOSUR as associated members, and their nationals are increasingly benefitting from bilateral mobility treaties, and unilateral measures.
- 2 Contributions were published in a special issue by the *German Law Journal* 25:8 (2024).

- 3 For instance, below I present the case of border officials referring to the Tonchalá Treaty in equal terms to the MRA and the Pacific Alliance agreement, while this is factually incorrect, what they tried to convey was their belief that it existed a ‘freedom of movement’ legitimised by law.
- 4 Mercosur Decision N°46/2015; CAN Decision N°503/2001 and Resolution N°1559/2013.
- 5 Mercosur Resolution N°40/1998; CAN Decision N°504/2001.
- 6 Mercosur Decision N°10/2006, and Amending Agreement N° 36/2014 (entering into force in May 2025, for all countries of the bloc, except for Peru, Guyana, and Suriname); CAN’s ‘circulation right’ is included in the Migratory Statute.
- 7 Mercosur Decision N°13/2019; CAN Decision N°501/2001.
- 8 e.g., ‘Agreement extending the Convention for the promotion of tourism’ between Argentina and Brazil (10 October 1933) and its interpretative agreement (20 February 1941).
- 9 e.g., the 60-day tourist visa exemption for holders of ordinary Venezuelan passports granted by Paraguay (Decree N°14609/96, 4 September 1996) subsequently adopted after the unilateral tourist visa exemption granted by Venezuela to Paraguayan citizens (Resolution 33 by the Venezuelan Ministries of Internal Affairs and Foreign Affairs, 14 February 1996).
- 10 Argentina (1947); Brazil (1993); Bolivia, exchange of notes (2005); Colombia (1980); Ecuador (1985); Guyana (2016); Paraguay (1976); Peru (2005); Uruguay (1979), Suriname (2022).
- 11 Surinamese nationals, however, are still required a transit permit, which costs USD 40 for a single entry and USD 60 for multiple entries. https://www.consulado.gob.cl/consulados/site/docs/20190220/20190220161313/cuadro_de_visas_resumido__17_07_2024.pdf This can be explained by the fact that Suriname imposes an entry fee on all who enter its territory as tourists (Ministry of Foreign Affairs, International Business and International Cooperation of Suriname, 2023).
- 12 Interview CH-1, 2024; Interview CH-2, 2024.
- 13 Interview CH-3, 2024.
- 14 Interview CO-1, 2024.
- 15 The following exceptions apply: being under 18 and enrolled in an educational institution, having been in Colombian territory irregularly before 31 January 2021 and not having registered due to force majeure, being the legal representative of a minor with PPT.

Appendix

Table A1 Interviews

<i>ID</i>	<i>Role</i>	<i>Institution</i>	<i>Country</i>	<i>Date</i>
BR-1	Official	International organisation 1	Brazil	October 2024
BR-2	Legal Adviser	Public institution	Brazil	November 2023
CH-1	Legal Adviser	Public institution	Chile	March 2024
CH-2	Legal Advisers	Private institution	Chile	April 2024
CH-3	Official	Government department	Chile	March 2024
CO-1	Official	Border checkpoint 1	Colombia	October 2024