

What is the US strategy of visa regimes?

Visa regimes, or related requirements that aim to stop the arrival of individuals at the southern border of the United States, often impact all people who migrate, compromising some individuals' ability to seek protection and preventing them from fleeing countries where they could be at risk of persecution or human rights violations.¹

Since the beginning of the Biden administration, a number of countries in the region have put into place new visa regimes, [many reportedly due to pressure from or at the request of the US](#). In a recent Senate hearing, a State Department official explained that when the United States detects a certain nationality is arriving in larger numbers at the US-Mexico border, the government shares that information with other "relevant" countries. According to the US official, those countries may then decide "through their own sovereign decision-making process" to impose visas on certain nationalities and "make sure that those arriving [there] by air are [not intending migrants](#) [sic] to the United States." These countries and the United States then work in partnership to ensure that "migration routes are not simply diverted elsewhere."

Through these particular visa regimes, countries have put into place visa requirements for nationalities from South America and the Caribbean who are arriving at the US southern border in greater numbers. In the last year, Mexico alone implemented new visa requirements for Brazilians, Ecuadorians, and Venezuelans. Costa Rica and Panama also announced new requirements for certain nationalities. Without the option to obtain a visa to transit safely to Mexico, some migrants may have no choice but to travel along more dangerous land routes and risk exploitation, perilous conditions, and violence.

Developing and improving measures such as increased access to asylum and refugee status and complementary legal pathways to migrate and humanitarian assistance along the migrant journey are welcome areas of regional collaboration to ensure the rights of migrants. However, [visa regimes](#) can threaten the ability for individuals to seek protection and serve to [externalize](#) US obligations under domestic and international refugee law.

What visa regimes have been put into place so far during the Biden administration?

In 2021 and 2022, countries such as Mexico, Costa Rica, Panama, and Honduras have put into place new visa regimes, including visa requirements and transit visas, following bilateral negotiations with the United States.

In September 2021, Mexico temporarily suspended its visa waiver for [Ecuadorians](#), after an increase in the number of Ecuadorians using the waiver for "reasons other than tourism." The Ecuadorian government publicly stated that more than [60,000 nationals had not returned](#) to the country after going abroad, fleeing economic instability, political corruption, and other issues.

Mexico's visa requirements for [Brazilians](#) in December 2021 came after discussions with the United States that had begun in the summer of 2020. This restriction followed an [increase in Brazilian migrants](#) traveling through Mexico and arriving at the US southern border, [starting in March 2021](#). The COVID-19 pandemic led to significant inflation and crippling poverty, causing some Brazilians to migrate north.

In January 2022, Mexico began requiring visas for [Venezuelans](#) to reduce migration to the US-Mexico border, citing a more than [1,000 percent increase](#) in irregular transit of Venezuelans to another country when comparing the same period in the previous five years. The Mexican government reportedly began considering restrictions on Venezuelans in November 2021 at the request of the [US government](#). Venezuela accounts for the [second-largest external displacement crisis](#) in the world, with many Venezuelans fleeing political unrest, persecution, and struggling to meet basic needs.

1 1 This explainer will use the term "visa regime," but "visa restrictions" and "visa requirements" are also used in the media to describe this strategy.

In April 2022, following a rise in the number of Colombians arriving at the US-Mexico border and reportedly due to pressure from the US, Mexico put into place an online pre-registration process for Colombian travelers, which required [the submission of a detailed itinerary, hotel reservations, and round-trip flights](#).

Other countries have also put visa regimes in place, including new requirements for Venezuelans in [Costa Rica](#) (February 2022), [Honduras](#) (February 2022), and [Panama](#) (August 2021).² In May 2021, [Ecuador began requiring a visa for Haitians](#).³ In February 2022, Costa Rica also began requiring a transit visa for [Nicaraguans and Cubans](#), sparking protest due to the visa application's limiting and extensive nature. In March 2022, [Panama](#) also began requiring Cubans to purchase a transit visa before entering the country, claiming to ensure security, however, it was perceived by Cubans as another tool to prevent people from fleeing the island.

Visa Regimes, 2021-2022⁴

Country Instituting Visa Regime	Nationality (Date Implemented)
Mexico	<p>Visa requirement</p> <ul style="list-style-type: none"> Ecuador (September 2021) Brazil (December 2021) Venezuela (January 2022) <p>Pre-registration</p> <ul style="list-style-type: none"> Colombia (April 2022)
Costa Rica	<p>Visa requirement</p> <ul style="list-style-type: none"> Venezuela (February 2022) <p>Transit visa</p> <ul style="list-style-type: none"> Nicaragua (February 2022) Cuba (February 2022)
Panama	<p>Visa requirement</p> <ul style="list-style-type: none"> Venezuela (August 2021) <p>Transit visa</p> <ul style="list-style-type: none"> Cuba (March 2022)

² These new visa regimes were in addition to requirements put in place for Venezuelans by other countries, including by El Salvador (2008) due to reciprocity [given Venezuela's visa requirement for Salvadorans](#), by Guatemala (2018), which aimed to standardize visa requirements with other Central American countries, by Ecuador, and [by Peru](#) (2019).

³ Though pre-dating many of the more recent visa regimes described here, in 2018, [Chile also instituted a visa requirement for Haitians](#), following the election of center-right President Sebastian Pinera.

⁴ A visa requirement mandates that foreign individuals must apply, and typically receive, this document before arriving to the country. A pre-registration system allows foreign individuals to register their travel in advance and receive approval before arriving to the country. A transit visa allows foreign individuals to travel through the country en route to another country. Transit visas and pre-registration systems may have less onerous processes than applying for a visa, but they still can impose costs and additional bureaucratic challenges to individuals seeking protection who need to flee immediately.

Country Instituting Visa Regime	Nationality (Date Implemented)
Honduras	Visa requirement <ul style="list-style-type: none"> Venezuela (February 2022)
Ecuador	Visa requirement <ul style="list-style-type: none"> Haiti (May 2021)

Why can visa regimes be detrimental to individuals seeking protection?

Visa regimes may impact the number of people from certain countries who are able to travel safely to Mexico and Central America—and are consequently encountered at the US-Mexico border⁵—but they fail to stop migration, which is a necessity for people fleeing for their lives and/or aiming to improve their livelihoods. Instead, such requirements can potentially lead people to take far more dangerous migration routes.

In a [State Department briefing](#), an official mentioned that countries were taking steps to “regularize migration” through visa requirements, but visa regimes, in fact, can do the opposite. The visa regimes described here, many of which were implemented in response to US pressure to render migration to the US more difficult, may force some people fleeing persecution to take perilous journeys that expose them to violence and dangerous conditions. For example, some South Americans who are no longer able to fly directly to Mexico or Central American countries to seek safety there or in the United States might have no choice but to cross the Darien Gap between Colombia and Panama by foot. The number of migrants from South America who crossed the [Darien Gap](#) has significantly [increased](#) in the last year, despite it being one of the most dangerous migration routes due to its dense jungle habitat, criminal groups known to rob, extort, and assault migrants, and vulnerability to trafficking and other forms of violence, including [sexual abuse](#). In the first two months of 2022, the number of Venezuelans crossing the Darien Gap had already nearly reached the total number of Venezuelans who crossed in 2021. For those who survived the journey, nearly half of all Venezuelans surveyed in four northern Mexico cities in May 2021 were [victims of a crime](#).

Visa fees can signify a substantial—and sometimes inaccessible—cost for individuals fleeing persecution. For example, Venezuelans applying for a visa to Mexico will now reportedly need to prove they have [USD \\$2,500 in their bank accounts](#) to be approved. And even lower costs or financial requirements may be prohibitive for some individuals. Panama’s [new visa requirement for Cubans costs USD \\$50](#), and the average monthly salary in Cuba is USD \$50 per month. Some migrants also lack required documentation to obtain a visa and may not have time to apply before they flee from their homes due to imminent danger. In addition, there may be additional challenges, such as the visa approval process being subjected to the arbitrary whims of consular officers.

⁵ Following Mexico’s visa requirement, the number of times Ecuadorians were encountered at the US-Mexico border dropped over 95 percent, from more than 17,500 in August 2021 to less than 1,000 in October 2021. In January 2022, a month after Mexico instituted its new visa requirement for Brazilians, the number of times Brazilians encountered at the US southern border dropped to 2,766, a 65 percent decrease from the prior month. Following the visa restriction, from January to February 2022, the number of times Venezuelans were encountered at the US-Mexico border dropped 86 percent. However, there may be other factors contributing to these decreases. Individuals of these nationalities may divert their routes.

Recommendations for migration and protection in the region

Visa regimes attempt to deter migration, ultimately hindering access to protection. In principle, migration control measures must not interfere with domestic and international refugee laws that preserve the right to seek protection.

The Women's Refugee Commission and partner organizations developed guiding principles for a [collaborative regional framework](#) that respects the rights of migrants, asylum seekers, and refugees and includes solutions that "increase protection pathways and complementary legal pathways as well as humanitarian assistance and access to justice." Central to the success of such a framework is that a regional approach must respond to the humanitarian needs of migrants, address the needs of particular populations (including Black, LGBTQI+, Indigenous, women, children, and disabled individuals), protect against refoulement, and ensure that all individuals can safely migrate and fairly access protection.

The Women's Refugee Commission encourages the United States and other governments in the region to move forward with protection-centered solutions as part of any larger [migration management strategy](#), instead of misguided enforcement-based or deterrence-oriented strategies, such as visa regimes that undermine protection and do not ultimately stop migration. Following the June 2022 Summit of the Americas, the US and regional governments should put into place consultative mechanisms that include diverse stakeholders, including civil society organizations and impacted communities, to ensure the meaningful implementation of protection-based solutions.

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