



Migration Governance Snapshot: Republic of Ecuador

May 2018

In 2015, the International Organization for Migration (IOM) developed a [Migration Governance Framework \(MiGOF\)](#) to help countries define what “well-managed migration policy” might look like at the national level. The MiGOF was welcomed by IOM’s Member States in the same year. The Migration Governance Indicators (MGI)¹ were developed to assist countries operationalize the MiGOF by using a standard set of approximately 90 indicators that could be applied across six key policy domains.

The MGI is a tool based on policy inputs, which offers insights on policy levers that countries can use to develop their migration governance. The MGI is not intended to function as a measurement of outcomes related to migration policies and institutions. Instead, it operates as input-based benchmarking framework that offers insights on policy measures that countries can use to strengthen migration governance. The MGI is not meant to rank countries in the assessment of the comprehensiveness of their migration policies, or to identify gaps and areas that could be strengthened. The MGI aims to assist countries while advancing the conversation on migration governance by clarifying what “well-governed migration” might look like in the context of the [Sustainable Development Goal Target 10.7](#), “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies.”

This country snapshot presents a summary of well-governed areas of the Republic of Ecuador’s (hereafter referred to as Ecuador) migration governance structures, as well as the areas with potential for further development, as assessed by the MGI.

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With research and analysis by



Key findings

I. Adherence to international standards and fulfilment of migrants' rights

I.1. International conventions ratified

The table below follows a standard format and looks at the ratification of specific international conventions. The list of conventions covered in by no means exhaustive.

Name of the convention	Ratification
ILO Migration for Employment Convention (Revised), 1949 (No. 97)	Yes (1978)
Convention on the Status of Refugees, 1951	Yes (1955)
Convention relating to the Status of Stateless Persons, 1954	Yes (1970)
Convention on the Reduction of Statelessness, 1961	Yes (2012)
ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)	No
Convention on the Rights of the Child, 1989	Yes (1990)
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990	Yes (2002)

I.2. Migration Governance: Examples of well-developed areas

Ecuador is party to the main international treaties and conventions relating to migration. For example, Ecuador acceded to the Convention on the Status of Refugees in 1955. The country is also party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child, the ILO Migrant Workers Convention, and the Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

The 2008 Constitution (Articles 40 and 392) protects and guarantees the right to migrate as well as the human rights of migrants. In January 2017, the National Assembly adopted the [Organic Law on Human Mobility](#), which upgrades public policies that were previously being implemented under the Constitution to the level of a regulatory framework. Article 51 of the law states that "persons residing in Ecuador are entitled to work and to access social security." The country has a policy whereby migrants are accorded the same right to work and to social security as Ecuadorians. Immigrants in Ecuador are entitled to work in the private sector without special government permission, and it is even possible to work in the public sector or to be self-employed.

In recent years the Government has focused mainly on devising policies for returning migrants and refugees.

Ecuador promotes education for all pursuant to Article 3 of the 2008 Constitution. Irrespective of their legal status, immigrants in Ecuador have a right to primary, secondary and higher education. Additionally, the [Organic Law on Human Mobility](#) promotes the integration of "foreign children and adolescents or children of foreigners residing in Ecuador".

Obtaining Ecuadorian nationality through naturalization is not particularly complicated. Immigrants may obtain Ecuadorian nationality with the issuance of a naturalization card after three years of continuous and legal residence in the country, as per Article 71 of the [Organic Law on Human Mobility](#).

2. Formulates policy using evidence and whole-of-government approach

2.1. Migration Governance: Examples of well-developed areas

Ecuador promotes the concept of human mobility following a rights-based approach. As part of the Ministry of Foreign Affairs and Human Mobility, the Vice-Ministry of Human Mobility is the lead agency for human mobility policies, which cover immigrants, Ecuadorians abroad, returning migrants, victims of human trafficking and migrant smuggling and people seeking international protection, in addition to the fight against human trafficking and migrant smuggling. The Ministry of the Interior is responsible for implementing border management and for the migration service.

The [Organic Law on Human Mobility](#) establishes an open framework for migration flows, promotes human rights and requires the agencies involved in human mobility to develop coordinated strategies. Under Article 166 the central and local governments are jointly responsible for the inclusion and integration of people finding themselves in situations of human mobility. Article 167 stipulates that all government institutions are required to mainstream the human mobility approach in the planning of public policies, plans, programmes, projects and services.

The Ecuadorian Government has been addressing the topic of migration for many years now. Two documents were issued in 2013: the [National Equality Agenda for Human Mobility](#) 2013-2017 and the Institutional Strategic Plan of the Ministry of Foreign Affairs and Human Mobility. The legal framework for migration has been under constant expansion since then. In 2017, the Government adopted the Organic Law on Human Mobility and is currently striving to build and reinforce the infrastructure that supports it across all government levels and departments.

The regulatory framework establishes a strong link between migration and development. Migration is mainstreamed in the [National Development Plan 2017-2021 "A Lifetime"](#) [*Plan Nacional de Desarrollo 2017-2021 "Toda una Vida"*]. Additionally, the National Human Mobility Plan, now under preparation, will be linked to the [National Development Plan 2017-2021 "A Lifetime"](#) and the [Foreign Policy Agenda 2017-2021](#).

The [Ministry of Foreign Affairs and Human Mobility](#) is responsible for coordinating efforts to develop relations with Ecuadorians abroad through plans, programmes, projects and services. Besides, there are six National Assembly Members who represent Ecuadorian communities abroad.

Since the entry into force of the [Organic Law on Human Mobility](#), the Government has been building the institutional capacity to implement and monitor the mandates of the law and the projects being implemented to assist persons in situations of human mobility. One aspect of this implementation is the establishment of an interministerial coordination body. According to local experts, work has begun on this matter and the parties concerned are in the process of setting up a formal commission.

3. Engages with partners to address migration and related issues

3.1. Migration Governance: Examples of well-developed areas

Ecuador participates in regional consultative processes on migration, for example the South American Conference on Migration – South American Observatory on Migration (CSM-OSUMI) and the Regional Conference on Migration or the Puebla Process (as an observer). Ecuador is an associate member of [MERCOSUR](#), which enables Ecuadorians to obtain residency and to work in member countries, for example in Argentina. Ecuador is also a member of the Andean Community (CAN), which facilitates labour migration in the region (through Decision 545).

Furthermore, Ecuador maintains bilateral agreements to coordinate migration processes, for example with Spain, Belgium, Chile, Peru and Argentina. There are also memorandums of understanding on migration with other countries, such as Guatemala.

Ecuador works formally with civil society organizations to set migration-related agendas and policies. The [National Council for Equality in Human Mobility](#) is the body that monitors the mainstreaming of human mobility policies in the country. It comprises five civil society representatives and five representatives of the Executive, Legislature, Judiciary, and the Office of the Ombudsperson.

3.2. Areas with potential for further development

There are semi-formal actions in which the Government cooperates with the private sector to determine migration-related agendas and policies. The Ministry of Foreign Affairs and Human Mobility has started working with the private sector and civil society associations with a view to providing employment for returnees.

4. Advances the socioeconomic well-being of migrants and society

4.1. Migration Governance: Examples of well-developed areas

Ecuador has bilateral labour agreements. Spain and Ecuador have a bilateral agreement on migration governance and the coordination of dialogue, labour migration and mobility. The agreement contains strategies for tackling irregular migration and promoting regular migration. Besides, membership in [MERCOSUR](#) affords nationals the right to work in member countries.

Article 33 of the 2008 Constitution guarantees working persons "full respect for their dignity and the right to a decent life, fair remuneration, and a safe, freely chosen or accepted form of employment." The Labour Code furthermore addresses the topics of employment for immigrants in Ecuador and Ecuadorians abroad. The Code prohibits the "forced recruitment" of workers. Foreign workers also have the right to access public social security.

As pertains to access to justice, persons in situations of human mobility enjoy the same rights and legal status as Ecuadorian citizens, and hence full and equal access.

Ecuador guarantees access to education for international students. The [Organic Law on Human Mobility](#) invokes the concept of universal citizenship for all persons in the country, without regard to their migration status. This guarantees access to education for all students in Ecuador. Foreign students enjoy access to all courses at public universities as well as to free education. Moreover, qualifications obtained abroad can be easily recognized by the Secretariat for Higher Education, Science, Technology and Innovation (SENESCYT) and this is enshrined in Article 50 of the [Organic Law on Human Mobility](#).

Migrants entering Ecuador are assured of the right to health under Article 32 of the Constitution of the Republic of Ecuador and Article 52 of the [Organic Law on Human Mobility](#).

Ecuador has a flexible human mobility policy and the decision regarding admission does not depend on the qualifications or skills of applicants. The policy is based on the rights of migrants, and not exclusively on the needs of the economy. Additionally, Ecuador issues identity cards to immigrants residing in the country with a visa.

4.2. Areas with potential for further development

There are no specific programmes under which international students can work before and after graduation. This applies both to Ecuadorian students abroad and to international students in the country. Students who find a job after graduation may apply for a permit to stay in the country. Both the country and students could benefit from greater coordination of job market demand and the supply represented by students.

5. Effectively addresses the mobility dimensions of crises

5.1. Migration Governance: Examples of well-developed areas

The Ecuadorian Government has disaster risk reduction strategies that contain specific provisions on managing the impacts of displacement caused by disasters. Under the [tsunami contingency plan](#), for example, the National Risk Management Secretariat is tasked with assessing the impact of the destructive event and taking the steps necessary to mitigate its impact on the population, infrastructure and services.

Under the [Organic Law on Human Mobility](#), persons who do not fulfil the requirements for obtaining migrant status may obtain a humanitarian visa. The person must demonstrate that there are exceptional humanitarian reasons by virtue of being a victim of natural or environmental disasters. The person may obtain a humanitarian visa for a period of up to two years under the regulations of this law (Article 58), provided they are not deemed a threat or risk to national security based on the information available to the Ecuadorian State.

The [Organic Law on Human Mobility](#) guarantees that all persons in situations of human mobility on Ecuadorian soil enjoy "the rights recognized under the Constitution, international instruments ratified by Ecuador, and the law. No person shall face discrimination owing to their migration status, national origin, sex, gender, sexual orientation or any other social, economic or cultural condition" (Article 2).

5.2. Areas with potential for further development

Ecuador has climate change adaptation plans, but they fail to take migration-related issues into account. The Risk Management Secretariat is working on a new risk management plan for Ecuador, which will include strategies for addressing migration related to climate change, thereby supplementing the regulations on human mobility already present in various national instruments. The Organic Law on Human Mobility fails to mention environmental and climatic changes and their potential impact on migration. The National Development Plan 2017-2020 makes reference to the link between climate change and migration, and more strategies may therefore be expected in the years ahead.

6. Ensures that migration takes place in a safe, orderly and dignified manner

6.1. Migration Governance: Examples of well-developed areas

Ecuador has clear-cut mechanisms for migration policy control and implementation at its borders. The [Ministry of Foreign Affairs and Human Mobility](#) is responsible for monitoring entries and departures. The Ministry of the Interior for its part is in charge of implementing integrated border control and security.

The professionals working at the border are well trained. Training programmes are sometimes provided with the help of other governments or international bodies. In 2013, for example, British specialists held a

workshop on worldwide passport security measures, including topics such as passenger profiles, intaglio printing, watermarks, laser perforations and iridescence, among others.

Ecuador has an official policy for facilitating the reintegration of returning Ecuadorians. The Foreign Ministry is working to improve the reintegration of returnees. The programme "Returning Migrant, Ecuador is with You" (*"Migrante Retornado, Ecuador está Contigo"*) issues a returning migrant certificate that confers entitlement to certain benefits under the law. The Foreign Ministry has also set up three permanent sectoral task forces to implement programmes of a social, economic and organizational nature, and to address the prevention of risky migration, pursuant to the Organic Law on Human Mobility.

6.2. Areas with potential for further development

The process of obtaining a visa in Ecuador is a paper-based one. The application forms are available online from the Ministry of Foreign Affairs and Human Mobility [website](#), but cannot be processed online.

Key sources

National Assembly of the Republic of Ecuador

2008 *2008 Constitution*. May be viewed at:
https://www.asambleanacional.gob.ec/sites/default/files/documents/old/constitucion_de_bolsillo.pdf

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Ministry of Foreign Affairs

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