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Cita:

Jacques Ramírez (2020). *From South American citizenship to humanitarianism: the turn in Ecuadorian immigration policy and diplomacy*. *Estudios Fronterizos*, 21, 1-23.

Dirección estable: <https://www.aacademica.org/jacques.ramirez/65>

ARK: <https://n2t.net/ark:/13683/peqr/Nkf>



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From South American citizenship to humanitarianism: the turn in Ecuadorian immigration policy and diplomacy

De la ciudadanía suramericana al humanitarismo: el giro en la política y diplomacia migratoria ecuatoriana

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Abstract

The main purpose of the article is to examine the changes in migration policy and diplomacy in Ecuador paying attention to the measures taken since the increase on the arrivals of Venezuelan migrants. With the government of President Lenín Moreno, the focus shifted from rights to security under the figure of the humanitarian government, where migrants are seen as both victims and threats. Methodologically, an analysis is made of the main decrees issued since 2018 and is supported by quantitative sources on flows and visas granted until August 2020. The text shows how the government uses migratory diplomacy as a central element of its foreign policy both to get closer to Washington's agenda, to move away from the Bolivarian axis —mainly from the Venezuelan government— and to obtain funds from international cooperation to face the increase of migrants.

Keywords: Ecuador, migration diplomacy, humanitarianism, control, Venezuelan migration.

Resumen

El objetivo del artículo es examinar los cambios en la política y diplomacia migratoria en Ecuador al poner atención a las medidas implementadas a partir del incremento de arribos de migrantes venezolanos. Con la llegada al poder del presidente Lenín Moreno, en dicho país andino se pasó de un enfoque de derechos a uno de seguridad amparado en la figura del gobierno humanitario, donde se ve a los migrantes tanto como víctimas y como amenazas. Metodológicamente se realiza un análisis de los principales decretos emitidos desde 2018 y se apoya en fuentes cuantitativas sobre flujos y visas otorgadas hasta agosto de 2020. El texto deja ver cómo el gobierno utiliza la diplomacia migratoria como un elemento central de su política exterior tanto para acercarse a la agenda de Washington,

Received on March 16, 2020.

Accepted on November 5, 2020.

Published on November 11, 2020.

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ORIGINAL ARTICLE LANGUAGE:
SPANISH.



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CITATION: Ramírez, J. (2020). De la ciudadanía suramericana al humanitarismo: el giro en la política y diplomacia migratoria ecuatoriana [From South American citizenship to humanitarianism: the turn in Ecuadorian immigration policy and diplomacy]. *Estudios Fronterizos*, 21, e061. <https://doi.org/10.21670/ref.2019061>

alejarse del eje bolivariano —principalmente del gobierno de Venezuela— y conseguir fondos de la cooperación internacional para hacer frente a la llegada de migrantes.

Palabras clave: Ecuador, diplomacia migratoria, humanitarismo, control, migración venezolana.

Introduction: Migration Diplomacy in a Humanitarian Government

“I have ordered the immediate formation of brigades to control the legal situation of Venezuelan immigrants on the streets, in the workplace, and at the border”, said President Lenín Moreno at the beginning of 2019. Months later, he imposed a visa for Venezuelans entering the country in line with what other South American countries, such as Peru and Chile, have done. These measures, implemented by decree, completed the Ecuadorian government’s shift in relation to regional migration policy, moving from a focus on rights, free mobility, and accommodating residence toward a more restrictive, controlling, and border security approach called *humanitarian assistance*.

The main objective of this article is to examine the main changes in Ecuadorian migration policy and diplomacy since the current administration assumed power. As some authors have highlighted (Herrera Ríos, 2016; Ramírez, 2013), in the decade of Rafael Correa’s presidential administration (2007-2017), migration issues were treated differently. As a result, Ecuador became a benchmark at a regional and global level for trying to build a rights-based human mobility policy.¹

The implementation of this approach was accompanied by policies that not only gave new life to the historical way of understanding migration in the country (which even pushed the limits of the political imagination) but also positioned migration issues as a central component of government management. This led to the emergence of an active migration diplomacy that put Ecuador on the radar of global geopolitics.

Following Adamson and Tsourapas (2019), we understand migration diplomacy as how States use migration management in their international relations, that is, how it is linked to a State’s diplomatic objectives. As the aforementioned authors caution, migration diplomacy is not synonymous with general migration policy. This idea becomes relevant when states include it as part of their foreign and diplomatic relations, and it becomes an important element with an impact on interstate relations.

While there are very few studies that analyze the link between diplomacy and mobility, Tsourapas introduced the term migration diplomacy to understand the use of diplomatic instruments, processes, and procedures to manage a population’s cross-border mobility, including both the strategic use of migratory flows and a method to obtain other objectives, such as the use of diplomatic methods to achieve objectives related to migration (Tsourapas, 2017, p. 2370).

In effect, since 2007, in both its bilateral and multilateral foreign policy agenda, Ecuador has included migration issues that introduced not only a rights-based approach for debate and negotiation but also concrete proposals for a new way of managing the “migration issue”, especially at the intraregional level. The following actions stand out

¹ In this regard, see Plan de Desarrollo Humano de las Migraciones (2007-2013), *Constitución de la República* (2008), Agenda de Igualdad de Movilidad Humana (2013-2017), *Ley Orgánica de Movilidad Humana* (2017).

as the most significant: proposing the principle of universal citizenship, eliminating visas to enter the country for all nationalities, recognizing almost 30 000 Colombians as refugees between 2009 and 2010 (a diplomatic breaking point with Colombia), offering residency to Haitian immigrants affected by the 2010 earthquake, promoting a proposal for South American citizenship within the Union of South American Nations (Unión de Naciones Suramericanas - Unasur) and incorporating this concept into its legal framework. However, in London, the Ecuadorian embassy's decision to grant diplomatic asylum to WikiLeaks founder Julian Assange in June 2012 was an emblematic case of this migration diplomacy implemented by the Rafael Correa administration.²

When the Moreno government assumed office (May 2017), its diplomacy gradually shifted, and the foreign policy approach moved away from a Bolivarian focus, aligning itself with countries in the Lima Group³ and with the Washington agenda. This had implications for the relationship with the Venezuelan government and how migration diplomacy was handled, especially in relation to the migratory flow of hundreds of thousands of Venezuelan migrants who began to arrive in recent years.

The national government began referring to Venezuelan migration as a “migration exodus” or “migration crisis”, with a three-fold objective in its foreign policy: first, to exemplify the failure of so-called “21st century socialism and the Maduro dictatorship”; second, to obtain international funds and thus manage the arrival of Venezuelan migrants; and, third, to mark discourse and actions with the adjective humanitarian. There was talk of “humanitarian emergency”, “humanitarian assistance”, and “humanitarian corridor”, finally, a “humanitarian visa” was established.

That is, Ecuador is presented as a humanitarian government, understood as displaying moral sentiments in policies, migration in this case, which include speeches and government intervention practices. In these, suffering appears as a new lexicon that justifies assistance practices (Fassin, 2016, 2018). They also serve to initially position Venezuelan immigrants as victims who suffer the consequences of Maduro's bad government.

This management leads to actions that Pereira (2019) calls *prevention humanism*, where migration is considered a risk and immigrants as victims. This implies a type of connection between migration and security, resulting in a more subtle set of migration prevention and control measures. However, a violent event involving a Venezuelan immigrant that ended in femicide last year, in addition to this population's stigmatization (Ramírez, et al., 2019), has caused the government to shift toward a position of humanism of atonement. With this stance, immigrants began to be seen as a *meta threat* to the social (and economic, I would add) and national political order, leading to securitization and repressive control of migration (Pereira, 2019, p. 304).⁴ Socially, migrants are seen as the causes of increased crime; economically, migrants

² For a detailed analysis of migration policy in this period see: Ramírez (2013, 2017) and Herrera Ríos (2016).

³ The Lima group is composed of Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Guyana, Saint Lucia, and recently, Bolivia. This space is supported externally by the United States, and it should be clarified that since Andrés Manuel López Obrador became the President of Mexico, this country has not attended recent meetings. Ecuador is an observer country.

⁴ It is worth highlighting that there is recent literature that has been questioning the humanitarian views of migration along the lines of Fassin (Ticktin, 2011, 2015) and in South America, more deeply analyzing the relationship between human rights-security-migration. In this regard, see Clavijo et al. (2019) and Domenech (2017).

are seen as those responsible for increased unemployment; and politically, migrants are seen as actors who promote protests and government destabilization, as will be seen later. Thus, depending on the situation and the government strategy, migrants are perceived as victims or threats. The first characterization is used more in the field of migration diplomacy and the second when addressing the Ecuadorian public.

In this government shift, the arrival of Venezuelan migrants is used as an objective of Ecuadorian foreign policy that ended not only due to severing diplomatic relations with the Nicolás Maduro government but also allowed Ecuador to create and pioneer a new space: the Quito Process.⁵ This initiative aims to provide a regional response to the Venezuelan migration crisis. However, from this space, they have also spoken about Venezuela's structural problem and have declared that they are committed to a political, peaceful, and democratic solution, led by Venezuelans themselves (Villareal, 2019), in a clear example of coercive migration diplomacy (Tsourapas, 2017).⁶

While migration laws, agreements, decrees, regulations, and related policies themselves constitute valuable tools in migration diplomacy, in this article, we aim to complement this approach by highlighting that migration diplomacy is used not only as an international policy tool but also for national politics. Later, we will see how the initial decisions implemented by the government to contain the flow (August 2018) failed to materialize. Since the Quito Process was established (September 2018), in addition to the declarations and action plans that stem from it, justifications for the new "humanitarian" measures that began to be implemented to contain the migratory flow can be seen. As Ticktin (2015) reminded us, this entailed humanitarian policies that include elements of migration security and control.

While this text focuses on the policies implemented to respond to Venezuelan migration, over time other migrants were also seen as a problem for the State, such as Chinese, Cuban, or Haitian migrants in different periods. For example, there are no plans for a policy to address permanent legal status for Haitian migrants (Ceja & Ramírez, in the press). In fact, the media and political focus on how to manage Venezuelan migration has been so intense that other immigrants have become invisible (Pugh et al., 2020).

Several administrations in South America (such as Macri in Argentina, Bolsonaro in Brazil, Piñera in Chile, Moreno in Ecuador, and Duque in Colombia) have been more receptive to Venezuelan migration than to other flows by showing their more "humanitarian" side (by creating special permission and new visas or when granting refugee status). The background, however, shows part of its foreign policy and migration diplomacy strategy has revolved around the relationship with the Maduro government, to criticize the model and even promote an element of armed intervention.

To understand this change and, specifically, how Venezuelan migration was handled, it is first necessary to analyze the main progress that has been made in this area in Ecuador in recent years. Then, the new policies and actions implemented can be reviewed. The situation in Ecuador is not an isolated incident. Different countries in

⁵ Eleven countries signed the first Declaration of the Quito Process: Argentina, Brazil, Chile, Colombia, Costa Rica, Ecuador, Mexico, Paraguay, Peru and Uruguay.

⁶ "I define coercive migration diplomacy as the threat or act by a state, or coalition of states, to affect either migration flows to/from a target state or its migrant stock as a punishment, unless the target state acquiesces to an articulated political or economic demand. This is reminiscent of the use of negative sanctions in international relations" (Tsourapas, 2017, pp. 2370-2371).

South America have begun to change their migration policies, either with the arrival of governments known as the “new right”, as in Argentina (Pencaszadeh & García, 2018) and Brazil (Uebel & Ranincheski, 2017), or those where conservative governments have continued to hold power, such as in Colombia or Peru (Gissi, et al., 2020).

This is an analytical ethnographic article that is methodologically based on the study of the corpus⁷ of the main decrees, resolutions, reports, laws, and official speeches related to migration. This material constitutes the central source to see the changes or continuation of policies over time, as well as the government’s responses to certain migration “events” (an increase in arrivals or sociopolitical problems) that have occurred.

This study is conducted using quantitative information on migratory flows and visas granted to Venezuelans from 2010 to August 2020 (when the granting of humanitarian visas ended⁸). The study also uses some statistical data from a survey conducted in February 2020 that involved both male and female migrants over 18 years old.⁹ This statistical information allows an in-depth analysis of the migratory profile and the living conditions of migrants in the country; it also serves to complement or contradict official information.

The Current Legal Framework and the Arrival of Venezuelans

The *Constitution of the Republic of Ecuador*, ratified in 2008, was a milestone for the country. For the first time, a series of principles on human mobility were included. It proposed managing migration issues in a different way, characterized by having a segmented approach to openness at the beginning of the 20th century and a security and control approach from the middle of the last century to the beginning of the 21st century (Ramírez, 2014).

This Magna Carta not only incorporated a new approach to address the issue at the national level but also reflected a new perspective to understand the issue on a global scale. Apart from recognizing that no human being is illegal due to their migratory status and the right to migrate (art. 40), it included the principle of universal citizenship, free mobility for all the world’s inhabitants, and the progressive end to the status of foreigner as a transforming element of unequal relations between countries, especially in North-South relations (art. 416/6). These articles constituted the cornerstone of the previous government in its migration diplomacy in the context of proposing the new paradigm of coexistence called Good Living (Ramírez, 2019).

One of the first measures that former President Rafael Correa’s administration took was to eliminate entry visas for all nationalities in 2008, in “application of the

⁷ Corpus: set of phrases and texts from which statements can be extracted (Deleuze, 1991, p. 26).

⁸ All data on flows and visas are official and from the Ministry of Government delivered via an official document (official document number MDG-VDI-SDM-DSM-2019-6951-O) and the Ministry of Foreign Affairs and Human Mobility (MREMHU, 2020) (official document numbers: MREMH-SSMC-2020-0004-O and MREMH-VMH-2020-0319-O).

⁹ A form with 74 questions, divided into 11 sections, which were defined in order to establish a “timeline” between different moments and spaces in the lives of the surveyed migrants, was used. The survey was conducted in the Province of Pichincha among migrants living there; 1 431 Venezuelan migrants participated. The survey has a margin of error of $\pm 2.4\%$.

principle of free circulation of persons and in order to strengthen relations between Ecuador and all countries of the world and to promote tourism” (MREMHU, 2008).¹⁰ This decision caused concern and unease in several governments because Ecuador became the gateway for many migrants in transit from various parts that extended far north (the United States [USA]) and south (Brazil or Argentina),¹¹ which became a topic of discussion and tension in various intergovernmental forums.

At the international level, Ecuador sought to sign bilateral and multilateral agreements, one of which was finalized in 2010 with the Bolivarian Republic of Venezuela, known as the Migration Statute. The preamble of this agreement includes a series of rights-based principles: “there are no illegal human beings, the criminalization and penalization of irregular migration is rejected, giving unrestricted respect to the human rights of migrants and free mobility”. This agreement constitutes one of the first post-constitution agreements to demonstrate pro-immigrant politics.

With this approach, several articles in the Migration Statute stipulate that they aim to provide accommodations for citizens from both countries who want to reside in the other temporarily or permanently. Of note, at the time the agreement was signed, there was a greater presence of Ecuadorians in Venezuela than Venezuelans in Ecuador.¹² However, this migration status benefited the first Venezuelans who decided to settle in Ecuador.

While Venezuelans were not among the main migrant groups until 2015, this figure increased in 2016, spiked in 2017, and continued to grow exponentially until reaching almost one million migrants in 2018 (Figure 1). Unlike previous years, since 2016, entries and exits no longer went hand in hand, warning of an increase in people arriving from the plains (Venezuela) and staying in Ecuador.

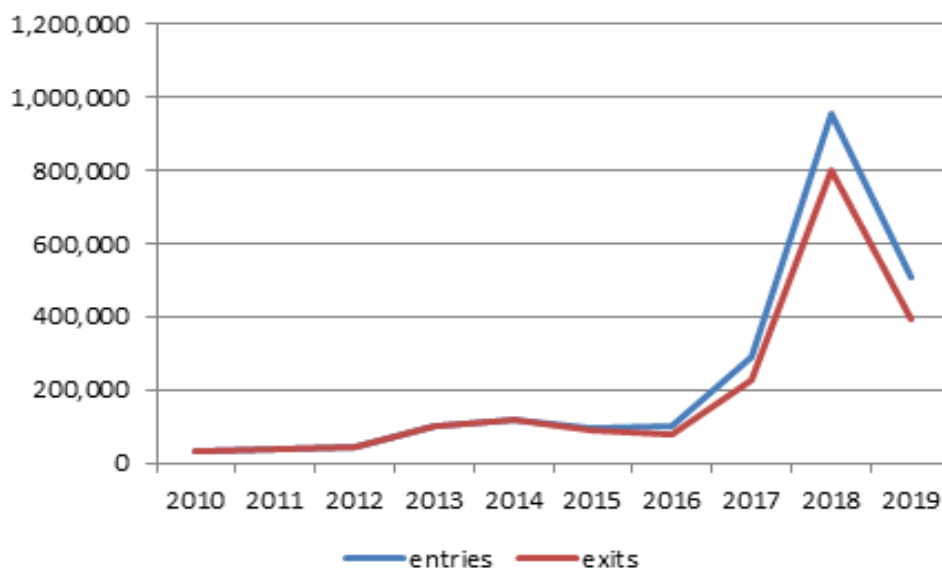
The flows and migratory balance decreased in 2019 (Figure 2) as a result of the restrictive policies implemented by the Moreno government. Ecuador is mainly a transit country for this migration. Of the entire Venezuelan population that entered Ecuador in the last decade, only 16% decided to stay. Using the period from 2016 to 2019 as reference for analysis, when the Venezuelan migration boom occurred, approximately 1 850 000 Venezuelans arrived in the country, with 19% remaining.

¹⁰ Two years after this policy was implemented, visas to enter Ecuador were imposed for citizens from 12 countries in Africa, Asia, and the Caribbean, alleging unusual migratory flow. As of 2019, the current government required a visa from 18 additional countries, with a total of 30 nationalities that currently have to present an entry visa.

¹¹ In this regard, see Moreno (2019) and Ménard (2017).

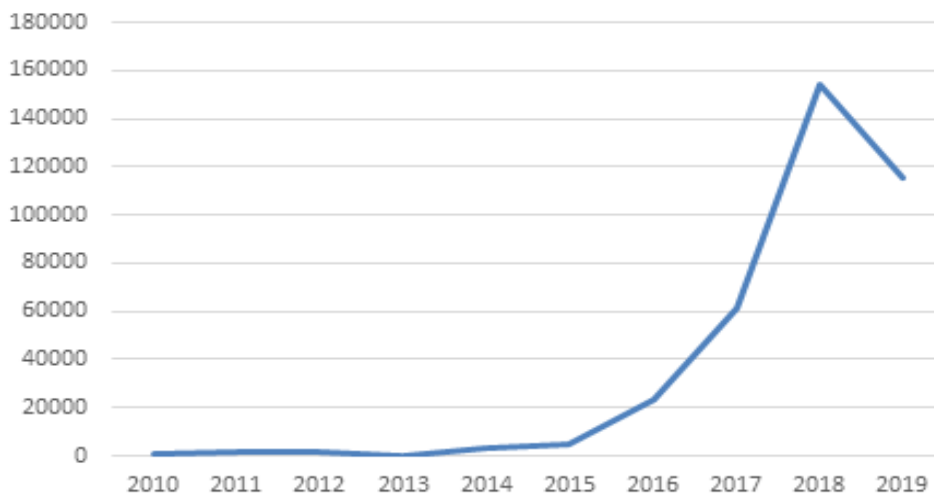
¹² As is public knowledge, there was an oil bonanza during the 1970s in Venezuela that generated an increase in GDP, and Venezuela became known as “Saudi Venezuela”, attracting many migrants, including Ecuadorians (Banda & Lesser, 1987). Notably, previously, Venezuela had already signed some agreements with other Bolivarian countries, including Cuba, to exchange “Venezuelan oil for Cuban doctors”, as another example of the use of migration diplomacy.

Figure 1: Entries and exits of Venezuelans in Ecuador, 2010-2019



Source: Prepared by the author based on information from the Ministry of Government, Ecuador.

Figure 2: Migratory balance of Venezuelans in Ecuador, 2010-2019

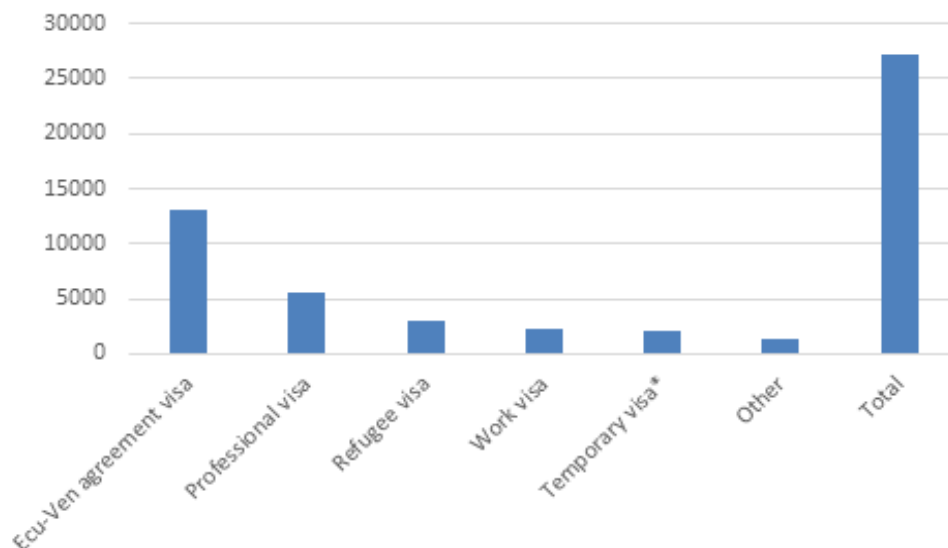


Source: Prepared by the author based on information from the Ministry of Government, Ecuador.

The first people who settled in Ecuador managed to do so through the Migration Statute, known as an “agreement visa”. In fact, between January 2013 and December 2016, the Ecuadorian government granted 27 224 visas to Venezuelan citizens, of which more than 13 000 were granted because of the statute. By number, agreement visas were followed by professional (5 500), refugee (3 000), and work (2 200) visas

(Figure 3); the figures are approximate. Because professional visas were the second most requested, this offers a picture of the migratory profile of the first Venezuelans. Many of them had high education levels, known as qualified migrants. The survey conducted shows that of the first Venezuelan migrants who entered the country, 37.5% had university degrees. Later, we will see how this percentage has decreased among recent migrants.

Figure 3: Visas issued to Venezuelan citizens (2013-2016)



Source: Prepared by the author based on information from the Ministry of Foreign Affairs and Human Mobility, Ecuador.

*Temporary visas for tourism, sports, health, school, science, art, and business.

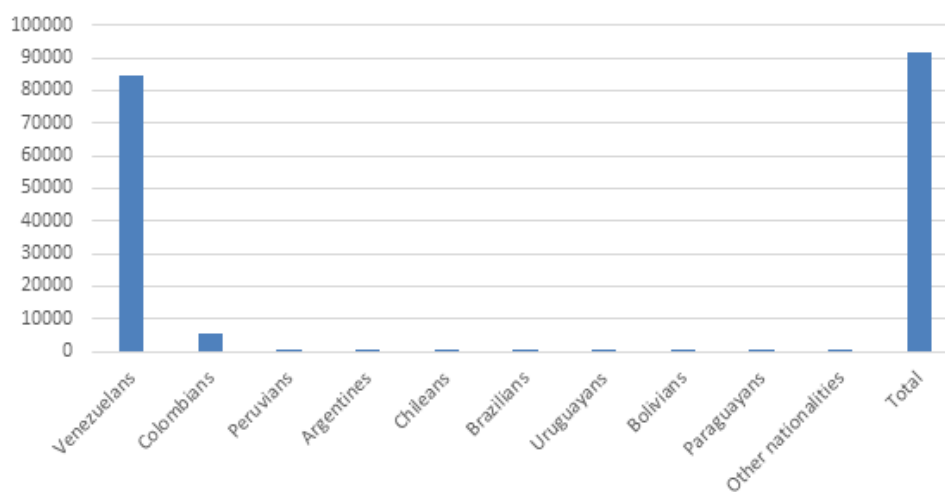
Once the new *Human Mobility Law* was passed and implemented at the beginning of 2017, new categories were added, including the category of South American citizenship. Based on this concept and theoretical-political proposal, which was promoted by Unasur, accommodations were provided so that people from the region could obtain residency. The concept of South American citizenship was established by Ecuador, and Ecuador constitutes the only country in the region that includes this notion in its regulatory framework. This concept implies:

the legal condition of progressive access to rights, duties, and obligations by the citizens of Unasur. It is an extension, not a substitute, of national citizenship. It is also the state of identity, belonging, and roots to South America, to its traditions and customs, to its diverse cultures, its languages and its worldviews, whose primary foundation is the shared history of Unasur's member countries (Ramírez, 2016, p. 14).

While it is based on a pro-rights proposal (implicit even in the very concept of citizenship) that provides accommodations for legal status by just submitting a residence application, passport, or identification card and paying a fee, certain control and security factors were still applicable.

Despite this, by not having any requirements related to work or financial solvency, the “Unasur visa” has been the main mechanism for South American citizens to gain legal status. This tool effectively offered legal status to 91 762 people in three years (2017-2019); of those, 92% were Venezuelan migrants, 6% were Colombian migrants, and 2% were migrants from other countries in the region (Figure 4).

Figure 4: Unasur visas based on nationality, 2017-2019



Source: Prepared by the author based on information from the Ministry of Foreign Affairs and Human Mobility, Ecuador.

Thousands of Venezuelans chose this route to obtain their residency. Since February 2017, when the Ecuadorian government began offering it, until December of 2019, 84 350 Unasur visas were issued. Of course, this strategy of Venezuelan residence in Ecuador changed when Ecuador no longer offered the “agreement visa” (used until 2016) and shifted to the “Unasur visa”. Meanwhile, the number of professional visas issued decreased, confirming the change in profile of the Venezuelans who arrived in the country later and the difficulty of obtaining certain apostilled documents, such as a professional degree certificate.

The data on Venezuelans who chose to stay in Ecuador and obtain residency show that very few fall into the category of refugee or need international protection. Only 3% of Venezuelans chose refugee status in the last two years.¹³ As will be seen later, the government introduced a new visa, “for humanitarian reasons”, at the end of 2019, and has started to be used.

The total number of temporary and permanent visas granted to Venezuelan migrants between 2017 and 2019 was 112 315, of which 75% were Unasur visas. While this visa provided accommodations for Venezuelan migrants from lower social classes to gain legal status (with more in the last year), many were unable to access it due to the excessive cost involved in paying for the application, which is why a significant

¹³ When Venezuelans living in Ecuador were asked for their three main reasons for leaving their country, they responded as follows: difficulties accessing food (64.4%), lack of work or instability (40.2%), and lack of healthcare services and access to medicine (29.5%). Of those surveyed, only 3.3% indicated that they have refugee status or are refugee applicants.

portion of this population remains undocumented. The cost of the Unasur visa is USD 250. In fact, 35.8% of those surveyed indicated that the main challenge of gaining legal status is the cost of the visas.

Other challenges related to gaining legal status are the requirements for certain apostilled documents, not meeting all the requirements, or having to pay fines due to exceeding tourist stays (although South Americans are exempt from payment according to the law; in February 2018, Ministerial Agreement 904 was issued that stipulates fines for different types of noncompliance¹⁴). Of those surveyed, 30.9% of Venezuelans indicated that they do not have the documents needed to gain legal status in the country; 15.4% have the Andean Card, which allows them to stay only 90 days; and 28.4% stated that their visa is pending. Data provided by the Coordination Platform for Refugees and Migrants from Venezuela (Response for Venezuelans [R4V]) indicate that 385 000 Venezuelans resided in Ecuador as of December 2019. If we use migratory balance as a reference, there are 367 000 migrants in the country, although this number decreased in 2020 as a result of the arrival of COVID-19, which slowed arrivals and increased returns.

The Shift in Migration Policy

Until August 2018, Venezuelan migrants were able to enter without major complications, as established by the *Constitution*, the *Organic Law of Human Mobility* and the *Ecuador-Venezuela Migration Statute*, described above. However, that month, the Moreno government began to change its foreign and migration policies due to the increased arrivals of Venezuelans. Through Ministerial Resolution Number 152, a state of emergency was declared in the human mobility sector in the provinces of Carchi, El Oro, and Pichincha, which experienced the most migratory transit (MREMHU, 2018a). This resolution also mentions “maintaining the state of alert and operations to carry out immediate actions that are required as well as to manage any negative situation that could be generated due to unusual migratory flow”. Subsequently, the Ministry of the Interior produced a technical report on the migratory flow of Venezuelans, which concluded the following:

(...) in view of the current trend of approximately 300 entries per day and the growing trend of entering the country with only a national identity document, which does not offer security mechanisms that allow its authenticity to be verified or without any document recognized by the country, could negatively impact the country in its national capacity for prevention, control, and protection of these phenomena, affecting the rights of people in transit, and generating environments conducive to crimes associated with mobility. Therefore, it is necessary to establish policies that prevent irregular and risky migration (Ministerio del Interior Ecuador, 2018).

¹⁴ This constitutes the first agreement in a series that the government is starting to implement to discourage migration. People who exceed the time allowed for tourists are being fined with two basic salaries, and fines are also established for “carrying out economic activities that a person’s visa does not allow” (Coloma, 2020).

Immediately after this technical report, the Minister of the Interior sent an official document to the Foreign Ministry (official document number MDI-DM-S-20018-0006) to request that “guidelines, directives, and technical management tools be established for the implementation of migration control, in order to guarantee the protection and promotion of rights”. This led to a new Ministerial Agreement from the Chancellery (Number 242) in which “the submission of a passport with a minimum validity of six months prior to its expiration for citizens of the Bolivarian Republic of Venezuela is established as a prerequisite to enter Ecuadorian territory” (MREMHU, 2018b).

As seen in all these technical reports, official documents, and ministerial agreements from both the Ministry of the Interior and the Chancellery, the approach toward migration control and security is gaining strength,¹⁵ protected, as usual, in the discourse of safeguarding risky migration and the rights of migrants (Castro, 2018). Notably, the technical report, the official document sent to the Chancellery by the Ministry of the Interior, and the Ministerial Agreement of the Chancellery (Number 242) are all dated August 16, 2018.

That same day, the President of the Republic even met with a group of Venezuelan people in the Government Palace to “show solidarity” with them, thus presenting himself as a humanitarian leader, in the terms defined in the introduction, deciding to take preventive actions (declaring a state of emergency). He calls them “migrant sisters and brothers”, welcomes them, recognizes them as victims of the Maduro government and declares that “he will never ignore their human rights”. With this, it becomes clear how the links between prevention and security humanitarianism are built.

In a government deployment never before seen, which included several state departments and President Moreno himself, in a single day, he changed the focus of the migration policies that were being constructed. This has been categorized by some lawyers, subject-matter experts, nongovernmental organizations, and human rights defenders as a clear violation of the *Constitution*, the *Human Mobility Law*, and bilateral and multilateral agreements signed within the Andean Community (Comunidad Andina - CAN), Common Market of the South (Mercado Común del Sur - Mercosur) and Unasur referring to the right to migrate, to South American citizenship, and to intraregional mobility upon presenting a national identity document.

Therefore, these measures sparked reactions from different actors in society who work with immigrants, who spoke out against the government and filed protective orders. While it was possible to eliminate the requirement to enter only with a passport (a document that is very complicated to obtain in Venezuela), the Ecuadorian Foreign Ministry issued a new Ministerial Agreement (Number 244) in which it is stated that Venezuelan citizens may enter Ecuador with an identification card as long as they offer one of two types of validation:

(...) by presenting a certificate of validity of the identity card, issued by a recognized regional or international body, or presenting a certificate of validity of the identity card issued by the institutions authorized for that purpose by the government of the Bolivarian Republic of Venezuela, duly apostilled (MREMHU, 2018c).

¹⁵ The same can be seen in the increase in deportations, refused entry, and “voluntary departures” so far by the Moreno government.

The result of such policies was not a decline in Venezuelan entries, which was what the government was seeking, as found in the technical reports.¹⁶ According to a study conducted by the International Organization for Migration (OIM, 2018), in the same months that these changes in migration policies were enacted (August and September), 69% of Venezuelan migrants who entered Ecuador did so with a passport, and 30% entered with an identity card. This study also reveals that 9% entered Ecuadorian territory through informal crossing, a fact that may have been an effect of the measures taken. In other words, the measures did not reduce arrivals as expected but caused a percentage of migrants to enter through clandestine border crossings:

It is no secret to anyone that Venezuelans are using irregular border crossings known as *trochas*, which costs 30 dollars. I went to the border in early December, and I could see sheds where Venezuelans are waiting to cross via the *trochas*. In the sheds, I saw about 200 people sitting, waiting to cross. In the *Panamericana*, people can be seen walking (president of the Global Migrant Association, December 2, 2019, cited in Coloma, 2020).

Added to this context is the femicide that occurred at the beginning of 2019 in the city of Ibarra. The event led Venezuelan migrants to be seen as an existential threat to the social, economic, and national security. Therefore, policy transitioned from a humanism of prevention toward one of atonement. Moreno changed his pious and compassionate discourse from previous months and made his “presidential xenophobia” visible (Borja, 2019). On his Twitter account he stated:

Ecuador is and will be a country of Peace. I will not allow any antisocialist to take this away... I have ordered the immediate formation of brigades to control the legal situation of Venezuelan immigrants on the streets, in the workplace, and at the border. We are assessing the possibility of creating a special permit to enter the country. We have opened doors for them, but we will not sacrifice anyone’s integrity. It is the duty of the Police to take harsh action against crime, and the police have my support... (Moreno, January 20, 2019).

One day after this announcement, the Ministry of the Interior and the Ecuadorian Chancellery drew up a new Interministerial Agreement (Number 001). Its clauses recall the State’s power to record entries and exits and to refuse entry to foreign persons “who are considered a threat or risk to domestic security”, among others; they also agreed to:

require Venezuelan citizens who wish to enter the territory of Ecuador, in addition to the documents established in Ministerial Agreement No 244, to present a Criminal Record Certificate from their country of origin and their country of residence in the last five years, duly apostilled or authenticated (Interministerial Agreement No 001, January 21, 2019).

Minors, people who have family ties with Ecuadorians up to the second degree, those who have a valid visa, and those who use Ecuador as a transit route but who prove that they have a visa from their destination country were exempt from this provision (Agreement No 002). This new measure of requesting an apostilled legal document not only violates the legal framework once again but, in practice, makes

¹⁶ Two months after the rule was enacted, Venezuelan entries reached 806 616.

Ecuador a buffer state for said migration that comes through Colombia and is directed toward a country in the region.¹⁷ This agreement was accompanied by greater control measures, including the militarization of the northern border and, in opposition, protests by Venezuelan migrants when they could not continue on their way. Once again, several migrants' rights institutions filed public suits of unconstitutionality before the Constitutional Court to nullify such measures. They achieved their objective of provisionally suspending these policies in March 2019.

Although the measures put in place by the government could be temporarily stopped at the legal level, at the social level, hatred, outbreaks of xenophobia, and intolerance against migrants were unleashed, and Venezuelans were made scapegoats for various problems facing the country, such as crime, unemployment, criminality, and more. Several public perception surveys place migration among the main problems Ecuador faces.¹⁸

This issue reached its peak at the end of January, when there was a femicide in the city of Ibarra; this murder was recorded and broadcast live on social networks. For approximately 45 minutes, a person held his partner hostage, threatening her with a knife while the police and the public watched unphased. After the crime occurred, it was revealed that the victim's husband was Venezuelan, and after statements from the President of the Republic mentioned above, the population of Ibarra literally "hunted" Venezuelans in hostels and hotels, burned their few belongings, and insulted, beat, and stoned every Venezuelan who was on the street regardless of gender or age.

This brutality, called "social cleansing", by the people of Ibarra, resulted in the mass departure of Venezuelans from that city. They hid and did not go out in public in other parts of the country for fear of being attacked. This, in addition to the strengthening of security policies to prevent the arrival of migrants through the resolution of new agreements and the reinforcement of border controls, caused a new escalation of diplomatic tensions between Ecuador and Venezuela and the return of thousands of Venezuelans to their country. Harassment, xenophobia, and exploitation are the second greatest reason why Venezuelans decide to return to Venezuela. From the survey conducted, 48.5% of Venezuelans indicated that they have felt discriminated against.¹⁹

The announcement of the visa for Venezuelans to enter Peru coming into force (as of June 15, 2019) brought on a renewed increase in Venezuelan migrants in transit. Unlike what occurred between August and September 2018, when the government implemented a humanitarian corridor to travel throughout Ecuador, this time, support for the thousands of migrants entering the country from Colombia

¹⁷ Of the Venezuelans who are in Ecuador, 25% indicated in the survey that their final destination was another country, mainly Chile and Peru.

¹⁸ In the survey by Celag (November 2018) and Clima Social (November 2019), migration appears as one of the main problems after employment and insecurity.

¹⁹ With the *Vuelta a la Patria* [Return to the Homeland] Plan implemented by the Venezuelan government, 100 426 people registered to return, and 17 522 Venezuelans have returned (as of February 2020). In addition, 3 242 people returned from Ecuador in 36 shuttles. Returns increased after March 2020 with the arrival of COVID-19.

was provided by the government of the province of Pichincha, certain NGOs, and international organizations.²⁰

The measure imposed by Peru had a domino effect in Chile and Ecuador, who implemented similar actions. However, in Ecuador, there are two central elements of its foreign policy and migration diplomacy that need to be analyzed to understand the latest measures taken by the government. In terms of foreign policy, in March 2019, the Minister of Foreign Affairs formally communicated the Ecuadorian government's decision to "initiate internal procedures to denounce the treaty" to the pro tempore presidency of Unasur. These processes ended with approval by the plenary of the National Assembly to denounce the treaty at the end of that year.

While the main reason for leaving this regional space was to move away from the international policy promoted by the previous Correa government, there were several other reasons. They sought to signal this shift to the region by joining the Lima Group (see MPPRE, 2020), formally requesting inclusion as a member State in the Pacific Alliance, and becoming a founding member of the Forum for the Progress and Development of South America (Prosur by its acronym in Spanish).²¹ Then, leaving Unasur implied changing some of its domestic regulations, including the *Human Mobility Law*.

For this reason, at the end of July 2019, the government sent a revised draft of the Organic Law of the *Human Mobility Law* to the Assembly in which all mention of Unasur is eliminated, and the possibility of establishing entry visas is left open: "The Ecuadorian State may establish temporary entry authorization mechanisms for South American citizens in duly founded cases of need" (Article 34, Draft Revised Organic Law). In the same way, the bill aims to optimize deportation processes for foreign citizens who break the law. In general, this project highlights the change in migration policy by establishing stronger criteria around security, sovereignty, and control.

Despite sending this proposed Law to the Assembly, there was a favorable opinion from the Constitutional Court in relation to denouncing Unasur's constitutive treaty. The opinion of the court indicates that Ecuador's departure from this regional space could be regressive in nature, in the event that it diminishes or undermines the exercise of migration rights by persons belonging to Unasur and could have unconstitutional effects. The opinion states:

Establishing that the rights of persons who enter, by virtue of the provisions of articles 83 to 89 [regarding South American citizenship] from the *Organic Human Mobility Law*, must be respected and guaranteed, through the corresponding administrative, legislative, and judicial measures (Corte Constitucional del Ecuador, 2019).

²⁰ Officials from various state departments indicated that given the austerity policies implemented by the central government on the social sector, it was not feasible for them to collaborate. This includes the unstable conditions that the Binational Border Healthcare Centers (Centros Binacionales de Atención Fronterizos - Cebaf) find themselves, without access to water or air conditioning, due to these cuts to the social sector.

²¹ Created in 2019 to replace Unasur and initially composed of Colombia, Chile, Ecuador, Peru, and Paraguay.

The government has ignored this ruling, not only sending a reform bill that violates migrants' rights but also issuing a new decree (No 826) to impose entry visas on Venezuelans:

For entry into the Republic of Ecuador, every Venezuelan citizen is required to present a temporary resident visa for humanitarian reasons, a consular tourist visa, or any other visa provided for in the *Organic Human Mobility Law* (Article 5, Decree No 826).

This decree once again caused an increase in the flow of Venezuelan migrants to the northern border who wanted to enter the country before it went into effect (August 26, 2019). According to data from the Foreign Ministry, before the decree came into force, an average of 7 704 people entered per day. As seen in Figure 5, before the announcement of the aforementioned decree, Venezuelan entries began to decrease (July), but they increased sharply again and peaked in August before decreasing abruptly in September; the number of entries went from 91 000 to 2 500 entries per month, approximately. The government had achieved its goal of controlling and restricting regular passage through Ecuadorian territory, which caused thousands of Venezuelans to be stranded at the border between Colombia and Ecuador or to use clandestine border crossings (also known as “*trochas*”).

Figure 5. Venezuelan entries, January-December 2019



Source: Prepared by the author based on information from the Ministry of Government, Ecuador.

Notably, entry visas are only granted at consular offices in Caracas, Bogotá, and Lima, as stipulated in Ministerial Agreement 103 (MREMHU, 2019a).

The other element at the level of migration diplomacy led by Ecuador is the emergence of the Quito Process, which began in September 2018, in which two issues stand out in the declarations. First, the Quito Process emphasizes the need for greater

international support for transit and destination countries involved in Venezuelan migration. For this reason, the final declarations emphasize that “international technical and financial support must increase” and that there is a “need for greater financial and technical cooperation”, “urging increased cooperation and resources”.

As seen in these declarations and in the diplomatic actions implemented by the Foreign Ministry, the migration issue, specifically the “humanitarian aid” provided by the government, is used as a foreign policy strategy to obtain international resource funds²² and in turn to pressure the Venezuelan government. This space, together with the Lima Group, introduced the terms “migratory exodus” and “humanitarian crisis in Venezuela”.

In this sense, as a second central theme, a call is made to “open humanitarian assistance mechanisms”, to develop structures for “legalization, harmonization, and regional coordination”. This is why in the conclusions of Decree 826, the Quito Process is repeatedly cited, and it is decided to grant “immigration amnesty for all Venezuelan citizens who have not violated Ecuadorian law” (Article 1. Decree No 8.26). The decision was made to create a new visa called “temporary residence permit for humanitarian reasons” (Verhu), which was first granted at the end of October 2019. This decree establishes the following Venezuelans as beneficiaries:

those who have entered the territory of Ecuador regularly through the migration control points until the effective date of the Executive Decree, or who, having entered Ecuador regularly through the migration control points, have an irregular migration status due to having exceeded the time of stay granted on the date of entry into force of this Executive Decree (Decree No. 826).

This visa imposition, which the Foreign Minister of Ecuador considers a gesture of “true sisterhood and brotherhood” and “extremely supportive”, only applies to those who entered until July 25, 2019, and, as a prerequisite, requires online registration through the Ministry of Government’s online portal.

Interestingly, the process of granting this “humanitarian visa” is overseen by the Ministry of Government, through the Under Secretary of Migration and not the Ministry of Foreign Affairs and Human Mobility, which, according to the law, is in charge of granting all visas.

Those interested in obtaining the visa have to fill out an online form and answer 44 questions that the State uses to obtain detailed information about each applicant. Several questions are related to labor-economics: Do you have a profession? Do you have a job? Do you have a salary below the basic wage (USD 394)? Did you have a permanent job in the last month? Do you have a contract position? There are questions related to health: Have you contracted an infectious disease? Do you suffer from any chronic disease? Do you go or did you go to a public or private healthcare center in Ecuador? This section includes a question about criminal history: Have you

²² In its “Report on the Venezuelan migration emergency and its impact on Ecuador”, Ecuador indicates that in 2018, it used 76 823 009 dollars from the regular budget to manage the flow of Venezuelans (MREMHU, 2019b) and received approximately 20 000 000 USD of international aid. According to official figures from the national government, 550 000 000 USD are required to implement a comprehensive response to the Venezuelan people (MREMHU, 2018d).

committed an offense or crime? This information is requested from both applicants and their families.

Once the form is completed, an authentication code is generated, and an appointment is requested, with a reminder sent to the applicant via email. On the day of the appointment, held at the Migration Support Service offices of the Ministry of Government, applicants must bring an identification document. The process continues by verifying all the information entered digitally and ends with what is known as biometric registration, that is, taking photos and fingerprints. Those who qualify have to pay USD 50 before they are granted the visa. This amnesty authorizing temporary residence ended on March 31, 2020. Due to the pandemic, however, it was extended until August 13. At the end of the process, 38 243 humanitarian visas were approved. Approximately 86.25% of those visas were granted in Ecuador, and 13.75% were granted abroad.²³ The number of humanitarian visas granted compared to the number of people who registered online (approximately 235 000) confirms that very few visas were issued, just 16%.

According to some sources with knowledge of the issue, few visas were issued because this amnesty does not include any path to legal status for people who entered as a migrant by presenting any document other than their passport. These Venezuelans are not only excluded from amnesty but are also susceptible to deportation, as provided by the decree. Some sources mentioned that this has already begun to occur in the form of “voluntary departure”.

The differences between the Unasur visa and the humanitarian visa are clear. While the first is designed as a permanent mechanism for all South American citizens under a rights-based approach granted by the Ministry of Foreign Affairs and Human Mobility, the second, issued by the Ministry of Government, is exclusively for Venezuelan citizens; it is temporary, based on a security and control and even public health approach.²⁴

In summary, since President Moreno assumed power, we have seen a shift, not only in politics but in the discourse of his government regarding Venezuelan migration, from solidarity with “migrant sisters and brothers fleeing the Maduro dictatorship” to “we must protect the borders so that bad people do not arrive”, even stating that “they come to destabilize the country”. In fact, in the framework of the October 2019 demonstrations, which were a public response to the neoliberal and authoritarian measures (Ramírez, 2020), the government accused Venezuelans, President Maduro, and former president Correa of being behind an attempted coup:

“More than suspicions or fears, it is reality. There are dozens of foreign citizens (...) From the country of the man with the mustache... foreign citizens who show up to generate chaos, violence, and crime in Ecuador, which is a land of peace. Foreigners who do not follow the country’s laws and offend Ecuadorians, they will not be allowed to stay in Ecuador” (Otto Sonnenholzner, Vice President of the Republic of Ecuador, until July 2020).

²³ Of the 5 257 visas that were granted at the consulates, 87.5% were issued in Caracas, 11.1% in Bogotá, and 1.4% in Lima (MREMHU, 2020).

²⁴ In 2020 (between January and September), only 5 848 Unasur visas were issued. Although they are still in force, the government has stopped granting them.

“The acts of violence demonstrated great coordination and tactical preparation (...) there is a series of very troubling evidence that links Venezuela to the violent riots (...) of the 1 330 people detained in the twelve days of protests, 41 of them are Venezuelan nationals” (José Valencia, Minister of Foreign Affairs and Human Mobility, until August 2020).

Although all the detained Venezuelans were declared innocent, as observed in the statements by major government authorities, they used the presence of Venezuelan migrants in Ecuador to blame Venezuelans for the violent acts, destabilization, and attempted coup. These arguments were taken to the international stage and denounced by the Organization of American States (OAS).

These facts remind us of Adamson and Tsourapas (2019), who indicate that states can use migration diplomacy for reasons of national security when they believe that migratory flows are conduits for terrorism, organized crime, or internal destabilization. In addition, states can also activate migration diplomacy to justify increased border controls, impose new entry restrictions, or expel or deport. The government of Ecuador has done so, and with these practices, human rights have been violated.

Conclusions

Without a doubt, Venezuelan migration changed the “migratory landscape” of Latin America and, in particular, of South Pacific coastal countries, which were the main recipients. One of them, Ecuador, traditionally a country of emigration, is currently characterized more by transit and destination.

The history of migration teaches us the importance of longitudinal analysis to see the changes, continuities, and patterns of migratory flows. Venezuela stopped being the main country that attracted South American migrants (along with Argentina) and became the main source of migrants in the region.

While much has already been said about the causes of Venezuelan migration (Blouin, 2019; Gandini, et al., 2019), the effects on recipient countries and especially the policies implemented, as well as migration diplomacy related to this flow, are yet to be determined. This text aimed to contribute to the understanding of the migration policies and diplomacy implemented in Ecuador by analyzing the measures taken by the Moreno government.

When reviewing the current government action, the direction it has taken is clear. While a rights-based approach can be seen in the main public policy plans in this matter,²⁵ when we stop “blindly believing” in the plans developed “from above” and we immerse ourselves in analyzing decrees, resolutions, migration bills, migration records to obtain humanitarian visas, and statements by the authorities analyzed here, the new focus becomes clear. Venezuelan migrants went from being seen as victims to being considered threats. This implied restricting flows, reinforcing and strengthening border controls, and returning to a national security approach, which became even more acute with the onset of the COVID-19 pandemic.

²⁵ See the National Plan for Human Mobility (2018), the Comprehensive Plan for the Improvement of Citizen Services (2018), and the Comprehensive Plan for the care and protection of rights in the context of the increased Venezuelan migratory flow in Ecuador (2018).

Under the Correa administration, Ecuador approved a constitutional and legal framework for migration that was used as an instrument for its foreign policy by proposing free mobility, universal citizenship, and the right to migrate, among other topics, that it brought to the table for dialog at the international level.

From a concern for regional integration and with a pro-rights policy, Ecuador entered into several interstate agreements to facilitate intraregional mobility, one of them with the government of Venezuela. It also included the category of South American citizenship in the *Human Mobility Law*, which allowed Venezuelans to enter freely and reside in the country by meeting simple requirements.

Unfortunately, the current administration of President Moreno began to impose restrictions on their arrival, which resulted in the imposition of the “temporary residence visa for humanitarian reasons”.

The imposition of this entry visa, in addition to proposing a new *Human Mobility Law*; exiting Unasur; withdrawing diplomatic asylum for Julian Assange; expelling the Venezuelan ambassador in Ecuador (for reasons related to migration); blaming some Venezuelan migrants, Maduro, and the allies of former president Correa for being behind the social unrest of October 2019; joining the Lima Group and Prosur; and, of course, recognizing Juan Guaidó as president of Venezuela, comprise central milestones that speak to Moreno’s alignment with Washington’s agenda and the shift in Ecuadoran foreign policy.

To execute such an undertaking, the current government established migration diplomacy as a strategy for one of the central objectives of its international policy: to attack the government of Nicolás Maduro and use the flow of migrants and refugees as the most tangible proof of the failed “21st century socialism” in Venezuela. We must also add that Ecuador’s government promoted what was known as the Quito Process, which stalled the South American Conference on Migration for two years. It was used as a multilateral platform to seek international resource funds, which was another objective of its migration diplomacy, as well as to justify the new measures implemented, which took on a security approach.

Finally, it should not be overlooked that within the framework of the management of the migratory flows of Venezuelans, there is a complex geopolitical background that is playing a significant role in determining international and diplomatic relations in Latin America.

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