

INTERACT – RESEARCHING THIRD COUNTRY NATIONALS’ INTEGRATION AS A THREE-WAY PROCESS - IMMIGRANTS, COUNTRIES OF EMIGRATION AND COUNTRIES OF IMMIGRATION AS ACTORS OF INTEGRATION

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Policy and Institutional Frameworks Country Report Ecuador

Consuelo Sánchez Bautista

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Immigrants, Countries of Emigration and Countries of Immigration as Actors of
Integration

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Policy and Institutional Frameworks – Country Report Ecuador

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INTERACT - Researching Third Country Nationals' Integration as a Three-way Process - Immigrants, Countries of Emigration and Countries of Immigration as Actors of Integration

Around 25 million persons born in a third country (TCNs) are currently living in the European Union (EU), representing 5% of its total population. Integrating immigrants, i.e. allowing them to participate in the host society at the same level as natives, is an active, not a passive, process that involves two parties, the host society and the immigrants, working together to build a cohesive society.

Policy-making on integration is commonly regarded as primarily a matter of concern for the receiving state, with general disregard for the role of the sending state. However, migrants belong to two places: first, where they come and second, where they now live. While integration takes place in the latter, migrants maintain a variety of links with the former. New means of communication facilitating contact between migrants and their homes, globalisation bringing greater cultural diversity to host countries, and nation-building in source countries seeing expatriate nationals as a strategic resource have all transformed the way migrants interact with their home country.

INTERACT project looks at the ways governments and non-governmental institutions in origin countries, including the media, make transnational bonds a reality, and have developed tools that operate economically (to boost financial transfers and investments); culturally (to maintain or revive cultural heritage); politically (to expand the constituency); legally (to support their rights).

INTERACT project explores several important questions: To what extent do policies pursued by EU member states to integrate immigrants, and policies pursued by governments and non-state actors in origin countries regarding expatriates, complement or contradict each other? What effective contribution do they make to the successful integration of migrants and what obstacles do they put in their way?

A considerable amount of high-quality research on the integration of migrants has been produced in the EU. Building on existing research to investigate the impact of origin countries on the integration of migrants in the host country remains to be done.

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Abstract

Although migration has long been a historical phenomenon in Ecuador, the country has increased its flow of migrants significantly since 1999. Ecuador is currently a source country for migration, as well as a receptor, transit, and return country. In the last decade, there has been a slowdown in departures from Ecuador to some destination countries, mainly European, and an increase in the return of Ecuadorian migrants to Ecuador. The mass migration that has occurred in the last decade has solicited multiple state responses. For instance, it became necessary to recognize and make the migration status of the country visible to the public and to adapt state institutions to deal with migration. The country's migration policy has undergone several changes over the past decade. The state's policy has focused its actions with the Ecuadorian population on migration as it relates to returnees and to relatives of migrants in the place of origin. Refuge or asylum, meanwhile, has been a major field of work for both national and international aid agencies. However, there are many factors that have reduced the policies' impacts on the migrant population, their families, and returnees.

Key words: Ecuador, migration policies, migrant rights

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1. Introduction

Although migration has long been a historical phenomenon in Ecuador, Ecuador has increased its flow of migrants significantly since 1999. In the last decade there has been a slowdown in departures from Ecuador to some destination countries, mainly European, and an increase in the return of Ecuadorian migrants to Ecuador. These trends are notable, but this phenomenon has not been massive so far.

The mass migration that has occurred in the last decade has solicited multiple State responses. For instance, it became necessary to recognize and make the migration status of the country visible to the public and to adapt State institutions to deal with migration. This concern resulted in the early creation of the *Plan Nacional para Migrantes Ecuatorianos en el Exterior* in 2005. Despite the intentions behind the Plan, it has already expired due to lack of budget and support. In 2007 the National Secretariat for Migrants (*Secretaría Nacional del Migrante*, SENAMI) was created as an institution for the definition and articulation of public policies on migration. Additionally, the 2008 Ecuadorian Constitution turned out to be a major breakthrough in the recognition of migrants' rights.

Currently Ecuadorian migration institutions, policies, programs, and projects are being amended and reviewed. In June 2013, SENAMI became the Vice Ministry of Human Mobility and was incorporated into the administrative structure of the Ministry of Foreign Affairs and Human Mobility (former the Ministry of Foreign Affairs, Trade and Integration). Administratively, Executive Order no. 20 declared that the Vice Ministry along with the National Councils for Equality must address the mainstreaming of migration policy, in accordance with constitutional mandates. However, these councils have not been created yet.

In order to understand current Ecuadorian migration policy, it is necessary to consider some general aspects. The country's migration policy has undergone several changes over the past decade. Additionally, SENAMI, the institution created for the administration and enforcement of migration policy, has had several management changes, which has resulted not only in a weakened institution, but also in scattered, disjointed information concerning migration policy in the country. Currently migration policy, including the migration bill, has been left hanging for several years in the National Assembly. Additionally, the competent administrative structure in Ecuador and abroad (Consulates and Homes for Migrants Abroad) is in the process of readjustment. The plans and programs through which policies have been implemented are also being subjected to evaluation. All this leads to the conclusion that the description of migration policy and the institutional framework therein could be modified in the near future.

Despite the possibility of changes, the general discourse of Ecuadorian migration policy has focused on the recognition of migrant's rights (both of Ecuadorians abroad and immigrants in Ecuador), the principle of free movement, which is enshrined in the Constitution of Ecuador, and a commitment not to consider anyone an illegal migrant in Ecuador.

As noted above, Ecuador is currently a source country for migration, but it is also a receptor, transit, and return country. The State has focused its actions with the Ecuadorian population on migration as it relates to returnees and relatives of migrants in the place of origin. Refuge or asylum, meanwhile, has been a major field of work for both national and international aid agencies, and for international actors such as Churches of different denominations and civil society organizations interested in the respect and enforcement of the rights of immigrants and refugees in Ecuador.

The main sources consulted for this report are: *Constitución Política de Ecuador* (Asamblea Constituyente 2008), *Política Migratoria del Ecuador* (Ministerio de Relaciones Exteriores, Comercio e Integración 2007), *Plan de Desarrollo Humano para las Migraciones 2007-2010* (SENAMI 2008), *Plan Nacional para el Buen Vivir 2013-2017* (SENPLADES 2013), and *Política Migratoria para el Buen Vivir* (SENAMI 2013), as well as several documents referred to in paragraph 7, which can be

accessed through <http://www.lexis.com.ec>. This site was perused for policies, laws, agreements, and conventions in force to date.

Other visited sites:

- National Secretariat for Migrants: www.migrante.gob.ec;
- Ministry of Foreign Affairs and Human Mobility www.cancilleria.gob.ec;
- Ministry of Labor Relations: www.relacioneslaborales.gob.ec;
- National Electoral Council: www.cne.gob.ec.

2. Ecuadorian Migration

Ecuadorian migration has been taking place since the seventies, with countries such as Canada and the United States as main destinations. In the late 1990s, countries in Europe began to be a migratory target – primarily Spain and Italy (Herrera Mosquera, Moncayo and Escobar 2012: 35). It is estimated that between 1999 and 2005 between 1,400,000 and 1,600,000 Ecuadorians left the country. According to the Census of Population and Housing – conducted in 2010 – a slowdown occurred in the migration towards Spain and other countries in Europe, especially after 2004, due to the approval of the Schengen Visa for Ecuadorian citizens (Herrera Mosquera, Moncayo and Escobar 2012). A second slowdown occurred in 2008 due to the global economic crisis, which affected the labor market in destination countries such as the US and Spain.

The 2010 Census shows that Spain is the first destination country (45.1%), followed by the US (28.6%), Italy (7.9%), Germany (0.6%), and Belgium (0.6%) (Herrera Mosquera, Moncayo and Escobar 2012: 41). The following table (Table 1) shows the main destinations of Ecuadorians in Europe and North America. The census data for 2001 and 2010 shows the slowdown of migration in this decade.

Table 1. Main Destinations of Ecuadorian Migrants

Country of Residence	2001 Census			2010 Census		
	Males	Females	Total	Males	Females	Total
Spain	96,579	90,232	186,811	64,492	62,082	126,574
United States	63,066	37,940	101,006	48,388	31,692	80,080
Italy	14,081	23,280	37,361	9,987	12,101	22,088
Germany	1,568	2,156	3,724	889	1,056	1,945
Belgium	748	1,333	2,081	832	949	1,781
United Kingdom	2,370	1,756	4,127	874	744	1,618
Switzerland	790	1,244	2,034	456	611	1,067

Source: Herrera Mosquera, Moncayo and Escobar 2012.

3. Ecuador's Migration Policy since 2007

Since 2007, migration in Ecuador has received considerable attention. This attention is embodied in various documents such as the Constitution of Ecuador, the Human Development Plan for Migration (2007-2010), and the current Migration Policy of Ecuador (2007). The *Plan Nacional para el Buen Vivir 2013-2017* (PNBV) establishes mandatory national policy guidelines for the definition of public policies by any institution. The PNBV offers strategic policies and guidelines for the country's development in general – and for human mobility in particular – that should be taken into account for both central and local-level management of migration and development.

3.1 Political Constitution of Ecuador

The country's migration policy must respond to constitutional principles. With regard to human mobility, Article 416 of the current Constitution (Asamblea Constituyente 2008) provides for the recognition of the people's rights living abroad; promotes mechanisms to preserve and protect diversity; rejects racism, xenophobia, and all forms of discrimination; and advocates the principle of universal citizenship, free mobility of all inhabitants of the planet, and the phasing out of a foreign status. In short, the 2008 Constitution demands respect for Human Rights, particularly for migrants.

3.1.1 Civil Rights in the Constitution

Concerning the migrant population, Article 11 of the 2008 Constitution recognizes that "all people are equal and enjoy the same rights, duties, and opportunities" without discrimination based on ethnicity, place of birth, age, sex, gender identity, cultural identity, language, religion, immigration status, etc.. In Chapter Three, which is about the rights of individuals and particular groups, the entire third section is devoted to human mobility. Article 40 recognizes the right to migrate; its intent is not to consider any person as illegal in relation to their migration status. This article also highlights that the State, through appropriate institutions, should provide the following services to Ecuadorians abroad as well as to migrants in Ecuador, whatever their migration status may be: assistance to migrants and their families, both abroad and in Ecuador; health care; counseling services; comprehensive protection for those who exercise their rights; protection of rights when they have been deprived of liberty abroad; promotion of migrant links to Ecuador in order to promote family reunification and encourage voluntary return; and protection for transnational families and the rights of their members.

Article 214 states that the Office of the Human Rights Ombudsman will have delegations abroad to fulfill its duties and to protect and safeguard the rights of the people of Ecuador and of Ecuadorians abroad.

3.1.2 Political Rights in the Constitution

Article 63 states that Ecuadorians living abroad have the right to participate in presidential and vice presidential elections, as well as in the elections of national representatives and representatives abroad. It also proposes that migrants may be elected to any office.

Article 104 states that citizens, even when living abroad, can call for a referendum on any issue or topic of interest that is related to the Ecuadorian State. A referendum requires the support of greater than 5% of registered voters.

Article 113 states that foreign service members who are on duty outside the country may not be elected to represent Ecuadorians abroad, unless they have resigned from office at least six months before the election date.

3.1.3 Socio-economic Rights in the Constitution

Article 392 suggests that the State will ensure the rights of people in human mobility and will guide migration policy. The State will also adopt, design, implement, and evaluate policies, plans, programs, and projects, as well as coordinate with its agencies, other states, and with civil society organizations working on human mobility at the national and international level.

Article 374 encourages voluntary affiliation with the Ecuadorian Social Security Institute of Ecuadorians living abroad. Funding for these services will be generated by the contributions of people abroad who have voluntarily enrolled.

Article 338 states that the protection and promotion of domestic savings to generate incentives for the return of migrants' savings and assets will lead to productive investment.

Article 102 allows Ecuadorians living abroad to submit proposals and projects, individually and collectively, enabling their participation in all levels of government.

In Article 329, the chapter concerning work and production ensures respect for the labor rights of Ecuadorian workers abroad, as well as promotes agreements with other countries for the regularization of such employees.

3.2 *Plan de Desarrollo Humano para las Migraciones 2007-2010 (Human Development Plan for Migration)*

This plan (SENAMI 2008) consolidates the main guidelines of Ecuadorian migration policy. The programs and projects that are implemented by SENAMI are based in large part on this policy. Of all of the projects implemented by SENAMI, some are currently in operation and others are being reviewed and assessed. Although this Plan expired in 2010, it is an important record of the actions taken towards Ecuadorian migration.

In principle, this plan recognizes the right to migrate, the right to stay, and the right to return, among others, and was later endorsed by the 2008 Ecuadorian Constitution. Among its guiding ethical principles, it recognizes that migrants perform a key role in the economic and social development of their host country. In general, it advocates for a perspective on migration that emphasizes rights and security in host states.

Under this plan SENAMI made the following proposals.

- To ensure that all migrants, regardless of their origin and place of residence, have access to the full exercise of their rights and to the development of their skills.
- To facilitate solidarity and sustained relationships between Ecuadorian migrants and Ecuadorians in their homeland.
- To establish comprehensive care programs for migrants and their families in their places of origin and destination.
- To promote a dignified voluntary return program, based on sustainability and a shared sense of responsibility with destination countries.
- To encourage the channeling of individual and collective remittances and investment programs for the benefit of migrant families and their communities.
- To promote, both in the country and abroad, citizen participation and social network consolidation especially involving migrants, their families, and organizations and institutions that safeguard their rights.
- To promote participatory channels for dialogue and the collective construction of policies, programs, and projects for migrants and their families.
- To coordinate with relevant State planning and implementation of migration policy in all its dimensions, based on criteria of complementarity.
- To implement policies agreed upon between States of origin and States of destination with a comprehensive and long-term perspective. To promote migration agreements between states, based on the universal principle of shared responsibility.
- To promote national laws that respect and adhere to agreements and international law based on the recognition of the Universal Declaration of Human Rights.

3.3 Documento de Política Migratoria del Ecuador 2007 (Migration Policy Document of Ecuador)

This document, published in July 2007, includes the Plan Nacional de Derechos Humanos, the Plan Nacional de Ecuatorianos en el Exterior, and the Plan nacional de acción para combatir el tráfico ilícito de migrantes y trata de personas (Ministerio de Relaciones Exteriores, Comercio e Integración 2007).

According to this document, Ecuadorian policies about the care of migrants and their families recognize the social, economic, and political importance of migration. The document proposes strengthening the protection and support of migrants and their families through the fulfillment of objectives such as: ensuring the respect of human rights according to existing international conventions and instruments; providing legal assistance in host countries; promoting the regularization of migrant, bilateral consensus agreements, and the land regularization of migration flows; protecting reunification-seeking families; combating labor exploitation, human trafficking, migrant smuggling, and related offenses; supporting the strengthening of Ecuadorian organizations abroad; strengthening the principle of shared responsibility in international relations on migration and co-development; fostering international cooperation in repatriation; and strengthening relationships with host countries for the design and implementation of plans and programs for the benefit of Ecuadorian migrants.

The National Plan for Ecuadorians Abroad focused on the protection of migrant rights; assistance for families living in Ecuador; the development of documentation and protection programs against trafficking; the facilitation of family reunification and productive investment and savings; and the importance of returning to contribute to the development of the country. However, this plan did not have enough budget or support. Despite the fact that many of the Plan's goals were executed through SENAMI plans and programs and the National Human Development Plan for Migration 2007-2010, much of the migration policy presented in the National Plan for Ecuadorians Abroad has been distorted.

3.4 Plan Nacional para el Buen Vivir 2013-2017 (PNBV) (National Plan for Good Living)

The current PNBV (SENPLADES 2013) highlights the need to “strengthen the regulatory framework on human mobility and to strengthen mechanisms for the protection of rights of Ecuadorians abroad, as well as of people of other nationalities in the country – in line with the principles of non-discrimination (Constitution of Ecuador, Art. 11.2), universal citizenship (Art. 416), the right to migrate, and the principles of states not to “identify” nor consider any human being illegal by immigration status” (Art. 40).

Throughout the entire PNBV 2013-2017, one can find policies and strategic guidelines specifically related to people living in human mobility which promote access to rights; better delivery of public services; promotion of associations for the development of productive projects and active citizenship; social inclusion and cohesion; the eradication of discrimination, violence, and xenophobia; economic inclusion; and access to social security.

Specifically, in relation to Ecuadorian migrants and their families one finds the following goals.

- To promote and implement a regulatory framework for human mobility, based on the participation of civil society and citizen organizations that cater to the needs of individuals and families in situations of human mobility.
- To provide care and protection for Ecuadorian migrants abroad, in coordination with civil society organizations and government agencies, by providing services, including diplomatic and legal assistance to protect their rights.
- Legalization of migration status for Ecuadorians abroad.

- To strengthen and include in the Integral System of Special Protection, cases of trafficking in persons in order to ensure the prevention, care, protection, and restoration of rights of victims, as well as the rescue of victims and the investigation and punishment in both national territories-
- To oversee the processes of voluntary return and to promote their economic and social inclusion.
- To generate and implement mechanisms that facilitate the recovery of capabilities for the economic inclusion of people and their families who are subject to human mobility, with an emphasis on access to technical assistance, credit, and training, and to popular economy.
- To encourage initiatives that affirm intercultural harmony and promote the social and cultural inclusion of people in human mobility, emphasizing social cohesion and the awareness of citizenship by creating empathy through shared lived experiences.
- To strengthen programs that promote staying in the country for people of working age and generate reintegration mechanisms for productive employment in order to encourage the voluntary return of Ecuadorian migrants.

While PNBV 2013-2017 provides projections and guidance that should be implemented and strengthened in the future, there are many programs and services for the population in human mobility offered by the SENAMI.

4. Implementing Migration Policy since 2007

4.1 The Document Migration Policy for Good Living

The *Plan Nacional de Desarrollo para las Migraciones 2007-2010* (National Human Development Plan for Migration) has guided recent migration policy in Ecuador. The policy outlined in this document has been largely implemented by SENAMI. The document Migration Policy for Good Living (SENAMI 2013) defines the principal lines of action for the protection and promotion of the rights of migrants and their families. These actions are shown in Table 2.

Table 2. Programs, courses of action, and services under the Migration Policy for Good Living (SENAMI 2013)

Program	Policy	Services / Actions
Todos somos migrantes	Promoting the rights of migrants and positioning comprehensive migration policy	<ul style="list-style-type: none"> - Positioning Ecuadorian migration policy: recognition of the rights of migrants. - Support and training to strengthen partnerships. - Construction of human mobility legislation in line with reality. - Inclusion of migration policy in all institutions. - Strengthening the link between Ecuadorians abroad and Ecuador, and including migrants in the process of transforming the country.
Bienvenidos a casa	Supporting the return of vulnerable persons	<ul style="list-style-type: none"> - Reception of vulnerable persons forced to return. - Information and accreditation for a returning migrant to access services accompanying physical return: importation of household goods; tax-free car and equipment importation; money grant for housing; “Healthy Ecuador, I’m Coming Back for You Program”; return of persons with catastrophic illnesses or disabilities; Land Plan; access to national exam for higher education; Teachers Return Plan.
	Education and Training	<ul style="list-style-type: none"> - Training for social integration in the destination and origin (returnees); language courses and seminars on local regulations, among other topics. - Education and training for economic integration in the destination and origin (returnees), such as certified professional courses on productive enterprise and specific employment, among other topics.
	Production Incentives	<ul style="list-style-type: none"> - Credit for migrant entrepreneurs: through Public Banking and the National Corporation of Popular Finance and Solidarity. - New “Cucayo” (Seed Money): consulting, training, technical support, and incentives for the creation of businesses that generate employment for returned migrants.
	Employability	<ul style="list-style-type: none"> - Special scores for returnees that apply for jobs through the Job Vacancies Service at the Ministry of Employment and Labor Relations.

(continues)

Table 2 (cont.). Programs, courses of action, and services under the Migration Policy for Good Living (SENAMI 2013)

Program	Policy	Services / Actions
Red de casas de atención a la familia migrante	Attention to the migrant and his/her family	<ul style="list-style-type: none"> - Care for the vulnerable. - Support for vulnerable cases. - Repatriation of the deceased for vulnerable families. - Psycho-social care for migrant's family. - Legal advice at destination and origin. - Initial legal advice on specific subjects by country of destination (USA: migrant affairs, among others; Spain: mortgages, etc.). - Location of persons (detainees and missing).
	Relationship with the community	<ul style="list-style-type: none"> - Strengthening partnerships abroad. - Integration and multicultural events, among others. - Virtual Platform: www.migranteecuadorianotv.es - Awareness campaign "We Are All Migrants". - Campaign to prevent high-risk migration "We Are All Responsible".
	Information and advice on all SENAMI programs	<ul style="list-style-type: none"> - Information about SENAMI programs. - Access to national and state services. - Information about destination aid alternatives: listings and contact details of other institutions that provide services related to shelter, food, medical care, and consular services. - Information about other Ecuadorian government services in destination countries: driving licenses (National Traffic Agency), affiliation retirement (IESS), and Ecuadorians abroad in Spain and Venezuela (Social Security Institute).
Todos somos responsables	High-risk migration prevention	<ul style="list-style-type: none"> - Reception of vulnerable persons and coordination of access to programs for the protection and restoration of rights. - Generation of international agreements for the promotion and protection of rights of people living in high-risk migration (countries of origin, transit, and destination). - Promotion of economic activities and social inclusion in territories with high levels of migration in order to prevent forced migration due to lack of opportunities.

Source: SENAMI 2013.

In addition to the above programs, it is important to mention others programs that are managed by SENAMI. The following programs, although not mentioned in the document Migration Policy for the Good Life (SENAMI 2013), were developed and promoted by the Secretariat, in accordance with macro policies related to migration and human mobility.

1. Communication and Culture Project "Strengthening ties". This project was part of the "Welcome Home Plan". Its main objective was to re-establish links and communication between migrants and their families. It also sought to promote inclusion and co-existence in host countries. Its actions included cultural activities and informal education aimed at migrant children, support for the implementation and dissemination of research and film projects about human mobility, and conducting cultural awareness events.

2. Competition Fund "the Cucayo" (Seed Money). This has been the most important project in the Incentive and Guidance Program for Migrants. This is a fund created to provide an alternative form of investment for Ecuadorian migrants so that they can generate a source of work for themselves and in turn, help boost the country's economy by generating other jobs. The initiative aims to strengthen the

economic and productive reintegration of migrants into Ecuadorian society. According to program objectives, this project seeks to “encourage and guide the social and productive investments of migrants and their families in order to generate the recovery of skills and quality employment”. It is currently being evaluated due to the low number of loans granted.

3. *Migrant Banking.* The Bank and Trust for Migrants falls within the programmatic objective that seeks to “establish and implement financial institutions of the social economy aimed at providing financial and non-financial services for meeting personal, family, and business needs by linking them to the development priorities of the country”. SENAMI created this program from an identified need to help “migrants meet their needs in cases in which their financial situation is severely compromised by having been forced to return home and lose their sources of income abroad, while having to meet acquired financial obligations”. The funding agreements specify that the purpose of the Trust is to administer the contributions made by trustees, and direct them to financial and non-financial services that aim to meet the needs of migrants, their families, and their communities by offering opportunities to create and fund productive projects and improve living conditions.

4. *Housing Grant.* The Housing Grant Project is part of the “Welcome Home Program” but does not specifically relate to any SENAMI programmatic objectives. The Grant for Migrants was created with Executive Order no. 1297, on 17 October 2008, with the purpose of facilitating access by migrants and their families to decent housing that complies with basic living conditions and has access to basic services. The grant’s framework is the “System of Urban Housing Incentives (SIV) in the county seats and towns of the rural parishes, to benefit Ecuadorian migrants and their families”. This project is run in coordination with the Ministry of Urban Development and Housing (MIDUVI), the Secretariat for Habitat and Housing’s Provincial Technical Units, and the SENAMI.

5. *Contingency Fund and support for the Vulnerable.* This project is part of the Directorate for Migrants, which provides other services such as the repatriation of the deceased abroad, household goods import assistance, and legal advice on various issues. This fund is part of the strategic objective to “provide information services, support, and comprehensive care for migrants and their families, through a network of homes in the country and abroad which will facilitate a close relationship with the State and its plans and programs”. Attention is given mostly to those in Ecuador, although the project has identified the needs of candidates both abroad and in Ecuador. Abroad, the services are offered to migrants who want to return and for any reason are not able to, and include the provision of information and services for the protection of rights. The project’s objectives are:

- to protect and promote the rights of migrants and their families, through information, comprehensive care, and the reception of people who are in a vulnerable situation in the country or abroad;
- to facilitate the right to a dignified return for those migrants who have decided to return to Ecuador to continue their life projects or for those who have been forced to do so.

The project includes the reception of vulnerable (sick, children and adolescents, disabled) persons in airports in Ecuador, persons forced to return (deportation and the undocumented), and offers support to search for missing persons abroad.

6. *Nearby Schools.* This is one of the programs implemented in areas of the country with the highest rate of emigrants. It has had limited scope and proven difficult to implement. This project had the following objectives:

- to expand and improve the participation of migrant parents in the educational process of their children by promoting access and use of new information and communication technologies and improving the potential and capabilities of the educational community through an intercultural approach;

- to promote access and ICT management training for migrant parents, their children, their children's guardians, and the educational community at large;
- to design, develop, and implement technologies and content appropriate and consistent with topics related to migration in order to strengthen educational and pedagogical processes in the classroom as well as the participation of parents, particularly migrant mothers and guardians (includes infrastructure, software and hardware and content, academic management systems);
- to contribute to national academic information through the design, development, and implementation of automated tools for the gathering, distribution, and feedback of information from members of the educational community.

7. REDIEM Project: Network Production Branch for the Support of Migrant Initiatives. This project, already expired, offered technical and financial advice to families of migrants and returnees for production initiatives, as well as courses and business training workshops. It had the following objectives:

- to articulate the production initiatives of the migrant population and their families and/or community environments with specialized services in technical and financial areas, so that the results of their efforts can maximize profits in their favor;
- to facilitate the establishment of the Network Production Branch for the Support of Migrants' Initiatives-REDIEM, in order to stimulate the creation of associations and individual businesses;
- to promote quality jobs for young people in strategic sectors;
- to channel government funds and international cooperation towards the establishment of associative work, with seed money contributions, loans, or cash equivalents.

8. Organizational Strengthening Program and Social Network Construction on the Migration Issue-FORES. This is another program implemented to carry out migration policy that has had little monitoring of its impact abroad. This program corresponds to the strategic objective of "positioning the Ecuadorian state's comprehensive migration policy as a regional and global benchmark from a humanistic and rights-based approach". In the last year, it has been reported that this project had national and international impacts in countries such as the US, Canada, Spain, and Italy. The program approach indicated the need for increased organizational strengthening of associations, cooperatives, committees, and clubs of Ecuadorians abroad; linking State and civil society to ensure that migration is considered national policy; the establishment of "local, regional, and planetary networks"; and the identification of individual organizations in order to identify and potentiate their skills and promote the development of specific projects. The specific objectives of this program are:

- to strengthen the bonds of familiarity, affection, belonging, and the importance of return through awareness and the exercise of rights by persons who have migrated and by their families; and the implementation of proposals for their own development;
- to ensure the exercise of rights and citizenship of migrants and their families in host countries and the country of origin;
- to build and strengthen links between migrants and their families in Ecuador;
- to promote mechanisms of social and civic participation to ensure the representation of social organizations and migrants in decision-making processes, as well as to create opportunities for dialogue between SENAMI, autonomous decentralized governments, and national and international social organizations, in order to ensure the effective exercise of rights of migrants and their families.

9. Healthy Ecuador Plan for Health Professionals. This program aims to create attractive conditions to facilitate the return of Ecuadorian health-professional migrants. This program is accessible to all

Ecuadorian health professionals living abroad who want to return home and get a job into the national public health network. The program includes an increase in wages plus fringe benefits. This plan is coordinated jointly by SENAMI and the Ministry of Public Health.

10. Education Return Plan. Created by the Ministry of Education through Agreement no. 0019-13 of 24 January 2013. This program aims to encourage the return of Ecuadorian education professionals. The beneficiaries are education professionals that have currently lived at least one year abroad, without interruption for longer than sixty days, who wish to return to Ecuador.

4.2 Bilateral Agreements on Labor Migration

The Ministry of Labor in Ecuador is responsible for the coordination of labor migration and the implementation of labor migration policy. It coordinates with SENAMI, the Office of the Human Rights Ombudsman, and the Ministry of Foreign Affairs to implement plans, programs, and projects on migration.

Besides agreements between other Andean countries and neighboring countries such as Colombia, there are a handful of important agreements with Spain related to the management of migration flows and labor migration:

Agreement between the Kingdom of Spain and the Republic of Ecuador on the Regulation and Management of Migration Flows (signed in May 2001).¹ (Art. 1) The competent authorities are: on the side of Spain – the Ministries of Foreign Affairs, the Interior, and Labor and Social Affairs; on the side of Ecuador – the Ministry of Foreign Affairs. (Art. 2) “Migrant workers” are understood to be Ecuadorian citizens authorized to engage in gainful employment in Spain. (Art. 3) Spain will communicate with Ecuador through the Embassy in Quito, “the nature of the needs for skilled and unskilled workers, taking into account vacancies”. Ecuador will communicate opportunities to meet such needs with Ecuadorian workers. (Art. 4) The pre-selection of candidates is made by a Spanish-Ecuadorian selection committee and can engage the employer or his representative. (Art. 6) Once the permissions are granted, each party shall give nationals of the other party support in the location of lucrative activities, labor, or professional self-employed work. Ecuadorian workers may reunite with his/her family according to Spanish standards. (Art. 10) “A seasonal worker” is an Ecuadorian “authorized to enter and leave Spanish territory in the framework of this agreement in order to perform seasonal activities with an employment contract whose duration agrees with the nature and time of these activities” (Art. 12). Before making a commitment, the temporary workers shall commit to returning to Ecuador. These workers present themselves at the Spanish consular office which granted the visa within a month with the same passport (in the case of a lost passport, mechanisms are provided). In cases in which they fail to return, they are “banned from all future contracts in Spain”.

4.3 Political and Civil Rights of Emigrants

According to the constitutional framework, the Electoral Law, and Political Organizations of the Republic of Ecuador, called the “Democracy Code” for short, migrants abroad can exercise the right to vote and elect a president, vice president, and national representatives abroad, and may be elected to any office upon meeting the requirements established by law.

To exercise this right, migrants residing abroad must be on the electoral roll. The electoral roll is prepared by the National Electoral Council and includes all people aged sixteen and older who are eligible to vote in every election. To register onto the electoral roll, a citizen must present himself with his original passport or identity card.

¹ Available on: <http://www.boe.es/boe/dias/2001/07/10/pdfs/A24909-24912.pdf> [Accessed 10 September 2014].

The general guidelines for Ecuadorians living abroad who wish to participate in elections are determined in the “General Regulations to the Organic Law for the exercise of the right of Ecuadorians living abroad to vote for president and vice president of the Republic of Ecuador”. Although voting in Ecuador is compulsory for citizens over 18 years, it is optional for citizens between 16 and 18 years of age, for citizens over 65 years of age, members of the Armed Forces and the National Police, people with disabilities, and Ecuadorians abroad. The National Electoral Council is the agency responsible for the regulation and enforcement of regulations for the vote abroad.

The diplomatic and consular offices abroad, in coordination with the Supreme Electoral Tribunal, are responsible for the dissemination and promotion of the “Organic Law on the Exercise of the Right of the Ecuadorian Foreign-Domiciled to Elect the President and Vice President of the Republic of Ecuador” and its regulations. These offices also motivate Ecuadorians living abroad to actively participate in the electoral process.

Ecuadorians must register to vote abroad in diplomatic offices and consulates. The vote takes place in the same consular offices. Only those individuals who appear on the electoral roll are able to vote. Although not explicit in the regulations, the aforementioned procedure implies that the vote abroad is also in-person only.

With respect to dual citizenship, the Constitution of Ecuador states that Ecuadorian nationality is acquired by birth or naturalization and not lost through marriage or dissolution, or by the acquisition of another nationality. The Constitution also states that persons born abroad to a mother or father born in Ecuador and their descendants up to the third degree of consanguinity are Ecuadorian. Naturalized Ecuadorians are those individuals who obtain a certificate of naturalization, foreign children adopted by an Ecuadorian citizen, a foreign-born Ecuadorian father or mother by naturalization, and those who marry or maintain *de facto* union with an Ecuadorian citizen according to the law.

4.4 Socio-economic Rights of Emigrants

As mentioned above, there have been various programs in Ecuador to support the economic integration of returnees and families of migrants in Ecuador, ranging from business training and support to the provision of seed money.

In addition to the above programs, there are agreements between Ecuador and countries such as Spain, Italy, France, Switzerland, Belgium, Mexico, and the Andean countries, among others, which seek to avoid double taxation. With some variations from country to country, such agreements apply to taxes on income and capital, including taxes on income from property, taxes on the wages paid by companies, or capital gains taxes. These agreements apply to Ecuadorian residents or employees in countries or established businesses that have signed the agreement. Additionally, these agreements consider other people such as athletes, actors, students, teachers and researchers.

- *Social Security Agreement between Ecuador and Spain*: This agreement was signed in December 2009. The agreement equates equal treatment of Spanish and Ecuadorian citizens in both countries on issues related to social security and ensuring the maintenance of rights acquired in either country when entering the territory of the other. For Ecuador, this agreement is directly related to the special social security regime (health insurance, maternity, health subsidies, disability insurance, insurance for seniors, death insurance, and workplace injury risks).

- Under the plan *Welcome Home*, returning migrants receive exemptions from import taxes on household goods. To access these benefits, migrants must live abroad a minimum of one year; for importing vehicles the minimum stay abroad is three years; visits to Ecuador should not total more than 60 days in the last year before permanent residence; household goods and any equipment should arrive between two months before the final return and up to six months after. Shipping services are the responsibility of the migrant and tax exemption is for the National Customs Service of Ecuador. SENAMI only receives applications from migrants who wish to return permanently.

- The *Ecuador Migration Policy*, managed by the Ministry of Foreign Affairs, Trade and Integration (2007), includes in its policies and action plans a specific section for remittances. Despite this inclusion, a concrete and explicit policy for investment in Ecuador has not yet been identified. According to the policy document, some actions have been taken to reduce the financial cost of sending remittances. The reduction of these costs is achieved through agreements such as the one signed between the Central Bank of Ecuador and the “*Caja de Ahorro y Pensiones de Barcelona La Caixa*” in 2006. The document also mentions campaigns to redirect the money from remittances to enterprise projects.

5. Engagement of Non-State Actors

In Ecuador, the International Organization for Migration (IOM) is the main non-state actor that has conducted major programs related to Ecuadorian migrants. The IOM has five programs: Migration and Development, Regulated Migration, Facilitated Migration, Forced Migration, and Migration and Health.

The Migration and Development Program has helped strengthen the capacity of the State to integrate migrants in development processes, promote economic and community development in areas with high emigration, build social and administrative infrastructure, and promote the impact of remittances on development.

The Regulated Migration Program deals with voluntary and assisted return and the orderly reintegration of migrants who cannot stay in host countries or wish to return voluntarily. The assistance includes airfare, travel documentation, short and long-term technical and financial assistance, as well as business plan formulation and implementation for reintegration in Ecuador. Another line of action includes technical assistance to combat trafficking in persons. Since 2010 IOM has collaborated with USAID on the implementation of a program against trafficking that supports the implementation of the National Plan Against Trafficking and provides shelter for trafficking victims. Additionally, the “Youth, Employment, and Migration Program” has tried to decrease the economic inequalities and structural poverty that force Ecuadorians to migrate in vulnerable conditions. The Stranded Migrants Program aims to promote humanitarian assistance to migrants in difficult situations who do not have immediate access to existing programs.

The Transfer of Migrants Program helps mobilize people by providing discounts on airfare. Together with the Ministry of Foreign Affairs and the Canadian Commercial Corporation, IOM has participated in the modernization of Ecuadorian passports. The IOM has also participated in strengthening Andean integration through the implementation of regional decision-making on migration.

IOM was also involved in monitoring the voting process of Ecuadorians abroad between 2006 and 2009 in cities with the highest number of registered Ecuadorians abroad.

Civil society organizations that work with migrants in host countries are also important non-state actors. One example is the Spanish- Ecuadorian Association *Rumiñahui*, which aims to defend the rights of migrants and facilitate their integration by improving living conditions. Since its establishment, the Association has had the following goals: to become a meeting place for migrants abroad; to promote analysis and reflection on migration; to act as partners to the state and other private institutions (such as NGOs and those belonging to civil society); to carry out activities and cultural programs; and to promote intercultural integration between migrants and host societies.

6. Stakeholders and Actors Active in Emigration and Diaspora Policy

It has been established that migration policy is the responsibility of the state. In Ecuador, the former National Secretariat for Migrants played this role for an important period. Currently the Vice Ministry of Human Mobility plays a leading role in defining migration policy. Executive Decree no. 20, made on 20 June 2013, determined that this Vice Ministry has full capacity and legal representation to pursue the administrative activities and judicial actions necessary to ensure the continued implementation of programs and projects that belonged to SENAMI. With this decree the Vice Ministry of Human Mobility became the governing body of Ecuadorian migration policy.

Through migrant organizations, civil society and returnees in Ecuador are currently participating in the discussions and debates that are taking place on the Migration Bill, which is being debated in the National Assembly of Ecuador (legislative branch of Ecuador). In the country and abroad there are a few associations of returnees and migrants. However, these have not systematized and updated.

Other actors such as churches, international cooperation organizations, and national and foreign NGOs are more active in the debates concerning the rights of immigrants and refugees in Ecuador and therefore do not play as important a role with respect to actions for Ecuadorian migrants and returnees.

7. List of Relevant Agreements (up to date/valid)²

International

1	<i>Convención sobre el Estatuto de los Apátridas de 1954 en Nueva York, y la Convención para reducir los casos de Apatridia.</i>
	Convention relating to the Status of Stateless Persons, 1954 in New York, and the Convention on the Reduction of Statelessness.
2	<i>Convención internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares.</i>
	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. ³
3	<i>Declaración de San Salvador sobre Acceso a Servicios de Salud Sexual y Reproductiva, Prevención del VIH/SIDA y de la Violencia Sexual en Mujeres y Jóvenes Migrantes en América Latina y el Caribe, a la cual se adhirió el Ministerio de Salud mediante Acuerdo Ministerial 869 de abril del 2012.</i>
	San Salvador Declaration on Access to Sexual and Reproductive Health Services, Prevention of HIV/AIDS, and Sexual Violence against Women and Migrant Youth in Latin America and the Caribbean, which was joined by the Ministry of Health through Ministerial Agreement 869 April 2012.
4	<i>Convención Suplementaria sobre la Abolición de la Esclavitud, la Trata de Esclavos y las Instituciones y Prácticas Análogas a la esclavitud, celebrada y firmada en la ciudad de Ginebra el 7 de Septiembre de 1957.</i>
	Supplementary Convention on the Abolition of Slavery, Slave Trade, and Institutions and Practices Similar to Slavery. Held and signed in the city of Geneva on 7 September 1957.
5	<i>Protocolo de Palermo para prevenir, reprimir y sancionar la Trata de Personas, especialmente mujeres y niños, que Complementa la Convención de Naciones Unidas contra la Delincuencia Organizada Transnacional.</i>
	Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially of Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

² All documents in Spanish are available on: <http://www.lexis.com.ec>.

³ Available on: <http://www2.ohchr.org/english/bodies/cmw/cmw.htm> [Accessed 10 September 2014].

6	<i>Convención Interamericana sobre Derechos Humanos, Pacto de San José de 1969.</i>
	American Convention on Human Rights, Pact of San Jose, 1969.
7	<i>Convención Internacional de Derecho del Niño, de 1989.</i>
	International Convention on Children's Rights, 1989.
8	<i>Convención Interamericana sobre Tráfico Internacional de Menores.</i>
	Inter-American Convention on International Traffic in Minors.
9	<i>Pacto Internacional de Derechos Civiles y Políticos, y su Protocolo Facultativo.</i>
	International Covenant on Civil and Political Rights and its Optional Protocol.
10	<i>Convenio de validez de títulos Internacionales con Italia.</i>
	Convention with Italy for the Validation of International Titles.
11	<i>Decreto Supremo 976 sobre doble nacionalidad para españoles e iberoamericanos.</i>
	Supreme Decree 976 on Dual Nationality for Spanish and Latin American people.
12	<i>Convenio de doble nacionalidad entre Ecuador y España.</i>
	Dual Citizenship Agreement between Ecuador and Spain.
13	<i>Convenio para evitar doble tributación entre Ecuador y España.</i>
	Agreement to Avoid Double Taxation between Ecuador and Spain.
14	<i>Convenio para evitar doble tributación a la renta con Italia.</i>
	Agreement to Avoid Double Taxation on Income with Italy.
15	<i>Convenio para evitar doble tributación entre países del grupo andino.</i>
	Agreement to Avoid Double Taxation between Countries of the Andean Group.
16	<i>Convenio para evitar doble tributación a la renta con Francia.</i>
	Agreement to Avoid Double Taxation on Income with France.
17	<i>Convenio para evitar la doble tributación entre Ecuador y Suiza.</i>
	Agreement for the Avoidance of Double Taxation between Ecuador and Switzerland.
18	<i>Convenio para evitar la doble tributación entre Ecuador y México.</i>
	Agreement on Double Taxation between Ecuador and Mexico.
19	<i>Convenio para evitar la doble tributación con Bélgica.</i>
	Agreement on Double Taxation with Belgium.
20	<i>Convenio del Ecuador y la OIM.</i>
	Ecuador and IOM Agreement.
21	<i>Convenio de cooperación cultural entre el Ministerio de Relaciones Exteriores y la Fundación Findes para el desarrollo educativo y social</i>
	Cultural Cooperation Agreement between the Ministry of Foreign Affairs and the Findes Foundation for Educational and Social Development
22	<i>Convenio 189 OIT trabajo decente para trabajadoras domésticas.</i>
	ILO Convention 189 on Decent Work for Domestic Workers.
23	<i>Convenio Simón Rodríguez de integración sociolaboral.</i>
	Simón Rodríguez Agreement on Social Integration.
24	<i>Acuerdo con España proyecto acompañamiento iniciativas empresariales.</i>
	Agreement with Spain: Project to support Business Initiatives.
25	<i>Acuerdo de cooperación entre el Ministerio de Relaciones Exteriores, Comercio e Integración de la República del Ecuador y la Red Internacional de Migración y Desarrollo.</i>
	Cooperation Agreement between the Ministry of Foreign Affairs, Trade and Integration of the Republic of Ecuador and the International Network on Migration and Development.

Andean Community

1	<i>Decisión 583 Consejo Andino de Ministros de Relaciones Exteriores, que establece el Instrumento Andino de Seguridad Social.</i>
	Decision 583 of the Andean Council of Foreign Ministers, which establishes the Andean Social Security Instrument.
2	<i>Decisión 545 del Consejo Andino de Ministros de Relaciones Exteriores que pone en vigor el Instrumento Andino de Migración Laboral.</i>
	Decision 545 of the Andean Council of Foreign Ministers which enforces the Andean Labor Migration Instrument.
3	<i>Decisión 584 Consejo Andino de Ministros de Relaciones Exteriores, que crea el Instrumento Andino de Seguridad y Salud en el Trabajo.</i>
	Decision 584 of the Andean Council of Foreign Ministers, which creates the Andean Instrument on Safety and Health at Work.
4	<i>Decisión 397 de la Comisión del Acuerdo de Cartagena, del 16 de septiembre de 1996, que crea la Tarjeta Andina de Migración.</i>
	Decision 397 of the Cartagena Agreement Commission, of 16 September 1996, which created the Andean Immigration Card.
5	<i>Decisión 503 de la Comisión del Acuerdo de Cartagena sobre los pasaportes andinos.</i>
	Decision 503 of the Commission for the Cartagena Agreement on Andean passports.
6	<i>Decisión 548 del Consejo Andino de Ministros de Relaciones Exteriores. Mecanismo Andino de Cooperación en materia de Asistencia y Protección Consular y Asuntos Migratorios.</i>
	Decision 548 of the Andean Council of Foreign Ministers. Andean Cooperation Mechanism on Consular Assistance, Protection, and Migration Affairs.

Bilateral

1	<i>Acuerdo Amplio Ecuatoriano-Peruano de Integración Fronteriza, Desarrollo y Vecindad, suscrito por ambos estados el 26 de octubre de 1998 en Brasilia.</i>
	Broad Agreement on Ecuadorian-Peruvian Border Integration and Neighborhood Development, signed by both states on 26 October 1998 in Brasilia.
2	<i>Convenio de Facilidades de Tránsito de Personas en la Región Fronteriza, que busca regular el tránsito del “personal de los proyectos binacionales del Plan Binación de Desarrollo” (Anexo no. 2 Convenio sobre Tránsito de Personas, Vehículos, Embarcaciones Fluviales y Marítimas, y Aeronaves).</i>
	Convention on the Facilities of People in Transit in the Border Region, which seeks to regulate the transit of “project staff of bilateral Development Plan” (Annex no. 2: Convention on the Transit of People Vehicles, River, Marine and Aircraft).
3	<i>Reglamento del Convenio de Tránsito Ecuador-Perú, vigente desde el 1ro de septiembre de 2010.</i>
	Convention on Transit Regulations of Ecuador-Peru, effective 1 September 2010.
4	<i>Estatuto Migratorio Permanente Ecuatoriano-Peruano, suscrito por ambos estados en la ciudad de Machala el 25 de octubre del 2008, y ratificado el 20 de Octubre del 2010.</i>
	Permanent Ecuadorian-Peruvian Immigration Status, signed by both states in the city of Machala on 25 October 2008 and ratified on 20 October 2010.

5	<i>Convenio de Tránsito de Personas, Vehículos, Embarcaciones Fluviales, Marítimas y Aeronaves entre Ecuador y Colombia, suscrito el 18 de abril de 1990.</i>
	Convention on the Transit of People, Vehicles, River, Marine and Aircraft between Ecuador and Colombia, signed on 18 April 1990.
6	<i>Convenio con Colombia de Tráfico Fronterizo suscrito en 1962.</i>
	Agreement with Colombia on Border Traffic, signed in 1962.
7	<i>Estatuto Migratorio Permanente entre Ecuador y Colombia, suscrito en Bogotá el 4 de agosto del 2000.</i>
	Permanent Migration Status between Ecuador and Colombia, signed at Bogota on 4 August 2000.
8	<i>Memorando de Entendimiento suscrito entre Ecuador y Colombia el 14 de septiembre del 2012 en la ciudad de Medellín, para la Prevención e Investigación del Delito de la Trata de Personas, y la asistencia y protección de las víctimas de la misma.</i>
	Memorandum of Understanding signed between Ecuador and Colombia on 14 September 2012 in the city of Medellin, for the Research and Prevention of Crimes of Trafficking in Persons, and the Assistance and Protection of Victims.
9	<i>Convenio de repatriación de condenados entre Colombia y Ecuador, suscrito en la ciudad de Quito el día 7 de abril de 1994.</i>
	Agreement on the Repatriation of Convicted People between Colombia and Ecuador, signed in the city of Quito on 7 April 1994.
10	<i>Reglamento de Tránsito Transfronterizo Aéreo y Terrestres Ecuatoriano-Colombiano.</i>
	Regulations of Ecuadorian-Colombian Air Traffic and Ground Transportation.

National

1	<i>Decreto Ejecutivo no. 1297, el 17 de octubre de 2008, Bono para las Personas Migrantes.</i>
	Executive Decree no. 1297, on 17 October 2008, Voucher for Migrants.
2	<i>Decreto Ejecutivo no. 821 de 14 de julio del 2011, se modificaron los Reglamentos que norman el Sistema de Incentivos para Vivienda Urbana y Bono de Vivienda para la Persona Migrante (Decreto Ejecutivo 3411, Texto Unificado de Legislación Secundaria del MIDUVI).</i>
	Executive Decree no. 821 of 14 July 2011, amended the regulations that govern the Incentive System for Urban Housing for Migrants (Executive Decree 3411, Unified Text of Secondary Legislation MIDUVI).
3	<i>Acuerdo Ministerial 118/2012 del Ministerio de Relaciones Laborales.</i>
	Ministerial Agreement 118/2012 of the Ministry of Labor Relations.
4	<i>Acuerdo Ministerial 482 del 10 de diciembre del 2008, Ministro de Educación, Derecho a la educación de los NNA, hombres y mujeres víctimas de la trata.</i>
	Ministerial Agreement 482 of 10 December 2008, Ministry of Education, Right to Education for Children and Adolescents, Male and Female victims of Trafficking.
5	<i>Acuerdo Ministerial 00004 del 11 de enero de 2011 del MRECI, adquisición de la Ciudadanía</i>
	Ministerial Decision 00004 of 11 January 2011 from MRECI, Acquisition of Citizenship
6	<i>Acuerdo Ministerial no. 0109 del 25 de julio del 2012, las Normas de procedimiento Aplicables al Sistema de Incentivo para Viviendas Urbanas.</i>
	Ministerial Agreement no. 0109 of 25 July 2012, the Procedural Rules Applicable to the Incentive System for Urban Housing.

7	<p><i>Circular INIF-DNAIF1-SAIFQ3, Superintendencia de Bancos y Seguros del Ecuador del 28 de junio del 2011, Revisión de políticas internas discriminatorias en contra de los refugiados.</i></p> <p>Circular Interpretation-DNAIF1-SAIFQ3, Superintendency of Banks and Insurance of Ecuador from 28 June 2011, Review of Internal Policies that Discriminate Against Refugees.</p>
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8. Assessment of Compliance with Policies

As noted, before 2000 migration policies in Ecuador were isolated and minimally executed, due to lack of organizational articulation, poor financing, and lack of attention to migrants. Civil society also did not have strong organizations devoted to migration, with the exception of a few initiatives in the United States that worked to assure the inclusion of the rights of migrants to vote abroad, which was achieved in 2006 (Herrera Mosquera, Moncayo and Escobar 2012). The situation of migrants in the country prompted various activities for the prevention and punishment of trafficking of migrants. Legislation and agreements between countries are a critical part of the Ecuadorian migration policy.

As shown, since 2007 migration has gained political and institutional strength. Migration policy has become comprehensive; it recognizes the multi-dimensionality of migration and the multiple rights of Ecuadorian migrants in Ecuador and host countries and also promotes long-term involvement in the well-being of migrants and their families as well as in Ecuador’s development. For these reasons, policy has focused on migrants, their families, and returnees. Despite the creation of SENAMI, spaces of articulation as well as policies have been short-lived and directed at specific issues. Since 2007, the diverse and fragmented migration policies in Ecuador have resulted in increased attention to migrants and their families in various fields, as already described.

Despite being the principal institution that implements migration policy, SENAMI has been a weak institution suffering from disorganized internal management, multiple changes in leadership, insufficient budget, and poor organization of data and statistical information, which has resulted in a limited capacity to evaluate the implementation and impact of programs and projects. Furthermore, the existence of limited political frameworks and programs that only respond to short-term issues has been seen as a weakness. In this context, SENAMI’s ability to implement programs has not been able to meet the realities of Ecuadorian migration or the expectations of migrants and their families in accessing benefits.

Some programs such as *Strengthening Links, the Nearby Schools Project, and the Organizational Strengthening and Construction of Social Networks for Migration Project* were hardly implemented. The microcredit banking program, *Migrant Banking*, was limited because it was not offered by SENAMI, but by credit and savings corporations that required migrants to meet the same requirements as any non-migrant Ecuadorian citizen. In this case, not having credit history, and not having the technical tools to present a business plan were constraints. While technical training was offered through the program, the amount of viable business initiatives and loans – when compared to people enrolled in training courses and requesting appropriations – has been low. In general, when talking about financial aid programs or housing support, one can say that the most favored candidates for credit have been those with previous economic capacity.

Meanwhile, programs which have aimed to help migrants abroad have principally provided information. Migrant House Abroad, for instance, offers short courses and training for migrant labor in the areas of care and craftsmanship. Abroad, the impetus to form leaders and organizations has had visible and sustained support in recent times. However, the Ecuadorian state’s interest in migrants has been confined mostly to electoral occasions.

It is worth mentioning that SENAMI has also provided assistance to returnees (voluntary or forced), and to vulnerable people. In order to provide this assistance, the signing of agreements among different ministries and the Chancellery – with the support of organizations such as the IOM – has

been important. The emergence of this aid, which has been executed through programs, has also been confronted with limitations related to economic integration, labor opportunities, and the social and cultural development of vulnerable returnees.

Finally, the factor that prevents a more accurate assessment of the impacts of migration policy, plans, and projects, is the lack of a consistent, organized information system with the capacity to link various state institutions and social organizations in Ecuador and abroad in order to show program impacts on the migrant population, their families, and returnees.

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