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**"Analysis of the impact on Human Rights by the migration policies of
Mexico and Guatemala directed towards Ecuadorians in 2021"**

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DEDICATION

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Content Index

Chapter 1: General concepts and history of Ecuadorian emigration (1990-2022)	11
Introduction	11
1.1 General Concepts	11
1.2 Causes of migration	12
1.2.1 Sociopolitical factors	12
1.2.2 Demographic and economic factors	13
1.2.3 Environmental factors	13
1.3 Regulations on international migration	14
1.4 International organizations with a focus on international migration	14
1.5 Problem of migration policies and human rights	14
1.6 Current cases	17
1.7 History of international migration	18
1.8 History of Ecuadorian emigration (1990-present)	19
1.8.1 First wave of Ecuadorian international emigration (1990-2008)	20
1.8.2 Second wave of emigration (2018-current)	22
1.9 Main destinations	23
Chapter 2: Migration policies of Mexico and Guatemala from 1990 to the present	27
Introduction	27
2.1 Mexican migration policies	27
2.1.1 Reasons, objectives, and principles	27
2.1.2 Countries affected by Mexican migration policies	30
2.1.3 Historical changes in Mexican migration policies	33
2.1.4 Results of migration policies	33
2.2 Guatemalan migration policies	35
2.2.1 Reasons, objectives, and principles	35
2.2.2 Countries affected by Guatemalan migration policies	37
2.2.3 Historical changes in Guatemalan migration policies	38

2.2.4 Results of migration policies	39
Chapter 3: Analysis of the impact of the migration policies of Mexico and Guatemala on compliance and respect of the Human Rights of Ecuadorian migrants	41
Introduction	41
3.1 Reasons for the application of restrictive migration policies	41
3.2 Expected results	43
3.3 Actual results so far	45
3.3.1 Mexico	45
3.3.2 Guatemala	50
3.4 Existing cases	55
3.5 Impact on the exercise of migrants' human rights	58
3.5.1 Universal Declaration of Human Rights	59
Conclusions	62
Recommendations	63
References	64

Graphics Index

Graphic 1. Migratory balance of Ecuadorians (2015-2021)	23
Graphic 2. Ecuadorians who entered Mexico (2021-First semester 2022)	46
Graphic 3. Foreigners who entered Mexico (2020-First semester 2022)	48
Graphic 4. Ecuadorians who entered Guatemala (2021-First semester 2022)	52

Tables Index

Table 1. Migratory movements 1990-1997	20
Table 2. Migratory movements of Ecuadorians 1998-2000	21
Table 3. Exits of Ecuadorian migrants according to destination countries (1990-2002).	24
Table 4. Preferred destinations by Ecuadorians in 2003 and 2004	25
Table 5. Number of immigrants in Mexico (1990-2019)	34
Table 6. Ecuadorians who entered Mexico (2021-First semester 2022)	46
Table 7. Entry of migrants by condition of stay (2020-first semester of 2022)	47
Table 8. Entry of migrants to Mexico, according to the route of entry (2020-first semester of 2022)	49
Table 9. Foreigners returned by the Mexican immigration authority, according to country of nationality)2021-First semester of 2022)	50
Table 10. Ecuadorians who entered Guatemala (2021-First semester of 2022)	51
Table 11. Immigration of people born abroad (2020-First semester 2021)	53
Table 12. International immigration for labor purposes, including refugees (2020-2021)	54

Images Index

Image 1. Countries that need a non-immigrant visa to enter Mexico	32
Image 2. Countries that require a non-immigrant visa to enter Guatemala	38

Abstract

The objective of this work is to establish whether the migration policies of Mexico and Guatemala affect the exercise of human rights by Ecuadorian migrants. It will study several general concepts of migration and migration policies, the history of Ecuadorian emigration since 1990, the migration policies of Mexico and Guatemala, their historical changes, and their current results in migration control and, finally, based on the Universal Declaration of Human Rights, it will analyze which human rights are affected by these migration policies, and in what way they are affected.

Key words: migration, migration policies, human rights, Ecuadorian migrants, migratory wave.

Introduction

Migratory policies are a tool used by States with the main objective of controlling the migratory flow within their territories. It includes several measures such as improving border security, application of visas for different countries, prohibition of entry, processes to obtain documentation to transit, among others.

However, there have been several measures by States that may affect the exercise of human rights by migrants. This work will analyze the migration policies that were applied by countries such as Mexico and Guatemala to Ecuadorian emigrants, and how they affect the exercise of human rights.

The first chapter will conform the general concepts of migration and migration policies, their causes, regulations on international migration, international organizations focused on migration, and the history of international migration and the migration of Ecuadorians to distinct parts of the world since the year 1990 to the present

In the second chapter, the migratory policies of Mexico and Guatemala, their current migratory laws, the changes that have occurred since 1990, the countries that are affected, and their results in migratory control will be analyzed.

Finally, the third chapter will analyze the impact of the migration policies of Mexico and Guatemala on compliance with and respect for the Human Rights of Ecuadorian migrants, the objectives, the measures taken in 2021, the current results, and, based on the Universal Declaration of Human Rights, establish whether there is an effect on the exercise of human rights by migrants, and how they are affected.

Chapter 1: General concepts and history of Ecuadorian emigration (1990-2022)

Introduction

The Ecuadorian migratory history has several important events that invite a deep analysis of the causes and consequences of the emigration of Ecuadorians. The timeline reflects that from 1990 to the present, important events with respect to migration occurred and continue to occur. This chapter will analyze the history of Ecuadorian emigration since 1990, but not before adding the general concepts of migration and migration policies, important for the study of the forms of migration, the different migratory waves that occurred and the final destinations of Ecuadorian emigrants.

1.1 General concepts

According to ECLAC (2021), *migration* is a change of place of residence that implies the transfer of a properly defined administrative or geographical border. If the border crossing is international in nature, the name of migration will be changed to *international migration*. If the border crossing corresponds to a properly recognized type of demarcation within a country, the migration is called *internal migration* (ECLAC, 2021). For Martínez and Sandoval (2009), migration "is a social, economic and political phenomenon of great importance that presents multiple dimensions related to lack of employment, forced displacement, refuge and political asylum, derived from intolerance, conflicts, violence and regional or international wars" (p. 19).

Throughout history, there have been various forms of emigration that people have used to move towards their main destination. The International Organization for Migration (IOM, 2021) differentiates between various forms of emigration: internal, international, irregular, regular and labor.

Internal migration is the movement of people in connection with the establishment of their temporary or permanent residence in the same country. *International migration* is the movement of people from their usual place of residence across an international border. *Irregular migration* is one that occurs outside the laws, regulations or international agreements that govern the entry or exit of the country of origin and the country of destination. *Regular migration* is the movement of people that occurs within the legal framework established by the countries of origin, transit, and destination. Finally, *labor migration* occurs when people move to or within other countries for the purpose of work.

About migration policies, according to the International Migration Law (LIM) of 2019, they are the common frameworks of legal norms, laws, regulations, policies, and traditions, as well as relevant organizational structures and processes, which govern and define the State actions to address migration in all its forms, approach rights and obligations, and help promoting international cooperation. According to Liv Bjerre (2014), an immigration policy is a government statement about what it intends to do or not do, including laws, regulations, decisions, or orders, regarding the selection, admission, settlement, and deportation of foreign migrants residing in that country. States must not forget that international law establishes that migrants and their families are above all human beings, holders of universal human rights and, therefore, enjoy the protection of international defense even when they find themselves in an unusual situation (Organización Mundial del Trabajo, 2015).

1.2 Causes of migration

There are three main factors why people decide to emigrate internally or externally.

1.2.1. Sociopolitical factors

Racial, religious, ethnic, political, and cultural persecution forces people to leave their countries. An important factor is war, or (the threat of) conflict and government repression. People fleeing armed conflict, human rights abuses or persecution are the most likely to become humanitarian refugees. This has an impact on where they settle, and some countries will take a more liberal approach towards humanitarian migrants than others.

Initially, these people are likely to move to the nearest safe country that accepts asylum seekers.

1.2.2. Demographic and economic factors

Demographic changes determine how people move and migrate. Overpopulation, contraction, aging, or rejuvenation affect economic growth and employment in countries of origin or migration policies in destination countries.

Economic and demographic migration is related to labor regulations, unemployment, and the general health of a country's economy. The attractions include higher wages, better job opportunities, better living standards, and educational opportunities. If economic conditions are not favorable and are likely to deteriorate further, more people are likely to migrate to countries with better prospects.

1.2.3. Environmental factors

The environment has always been a powerful driving force behind migration, as people flee natural disasters such as floods, storms, and earthquakes. With climate change, extreme weather events are expected to increase, meaning more people are likely to migrate for this reason.

According to the International Organization for Migration (2020), environmental migrants are those who, due to sudden or gradual environmental changes that adversely affect their lives or living conditions, are forced to leave their usual place of residence, temporarily or permanently, and who move within your country or abroad.

It is difficult to estimate the number of environmental migrants worldwide, because factors such as population growth, poverty, governance, human security, and conflict have a large impact. It is estimated that there will be between 25 and 1 billion environmental migrants by 2050 (Parlamento Europeo, 2020).

1.3 Regulations on international migration

International migration is regulated by each State that is involved. However, international organizations such as the UN make various regulations that help States regulate migration safely. There are regulations for international migration in the Universal Declaration of Human Rights (1948), in the International Covenant on Economic, Social and Cultural Rights (1966), in the International Covenant on Civil and Political Rights (1966), in the International Convention on the Elimination of all Forms of Racial Discrimination (1965), in the Convention on the Rights of the Child (1989), in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984), in the International Convention on the protection of the rights of all migrant workers and members of their families (1990) and in the Global Compact for Safe, Orderly and Regular Migration (2018) (ONU, 2022).

1.4 International organizations with a focus on international migration

There are several international organizations focused on international migration. The first, the International Organization for Migration (IOM), which was founded in 1951 and forms one of the branches of the United Nations Organization that focuses on the problem of international migration. The second, the United Nations High Commissioner for Refugees (UNHCR), which also focuses on the problem of international migration, but specifically in cases of refugees in different parts of the world who migrate due to conflicts or political persecution. The next, the Global Migration Group, is an organization that focuses on promoting the application of more coordinated strategies for safer international migration. Finally, the International Red Cross focuses on protecting people who are victims of war, or violence within States, whether they are migrants or not (CEPAL, 2021).

1.5 Problem of migration policies and human rights

The policies of migration and mobility of the human being constitute a problem of the first order in terms of international relations and human rights, because international migration currently affects a greater number of countries. However, there is no global

system to regulate the movement of people, so the matter remains exclusively in the hands of States and, although international law recognizes the right of everyone to leave any country and return, it does not contemplate the right to enter another country, a prerogative subject to human rights obligations and to agreements or conventions that may have been signed to limit their sovereignty in this area, for example the International Convention on the Protection of the Rights of All Workers Migrants and their Families (ICRMW), approved by the General Assembly of the United Nations on December 18, 1990 (Organización Mundial del Trabajo, 2015).

From article 8 to article 35 of this International Convention allows States to impose their migration policies but respecting the human rights of migrants. These are the most important:

- **Article 8**

1. Migrant workers and members of their families may freely leave any State, including their State of origin. This right will not be subject to any restriction, except those that are established by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others and are compatible with other rights recognized in the Constitution. this part of the Convention.

2. Migrant workers and members of their families shall have the right to return at any time to their State of origin and to remain there.

- **Article 9**

The right to life of migrant workers and their families shall be protected by law.

- **Article 10**

No migrant worker or family member shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

- **Article 23**

Migrant workers and their families shall have the right to resort to the protection and assistance of the consular or diplomatic authorities of their State of origin, or of the State that represents the interests of that State, in all cases in which the rights recognized in this Convention. In the case of expulsion, the person concerned shall be promptly informed of this right, and the authorities of the State that ordered the expulsion shall facilitate the exercise of this right.

- **Article 28**

Migrant workers and their families shall have the right to receive any type of urgent medical attention that is necessary to preserve their lives or to avoid irreparable damage to their health, under conditions of equal treatment with nationals of the State in question. This emergency medical care may not be denied for reasons of irregularity regarding permanence or employment (ACNUDH, 1990).

There are several cases of migration policies implemented by the States with the aim of regulating the migration of people, but with opposite results.

- In Australia, a post-war immigration program was designed to maintain a white British country, yet it led to the creation of one of the most diversified societies.
- In Germany, the guestworker model (hiring of guest workers) that occurred from 1955 to 1973 was aimed at satisfying temporary employment, but, in the long term, it resulted in family reunification, permanent settlement and the emergence of new ethnic minorities.
- In France, the Netherlands, and Great Britain, post-imperial policies on migration and citizenship aimed at maintaining spheres of influence in politics and economics yet led to large-scale migration and ethnic diversity.
- European immigration restriction policies have created a very profitable international business for human trafficking (Castles, 2004).

1.6 Current cases

To better understand migration, a close case can be taken, that of the Venezuelans, whose migration crisis caused by economic and political factors –began in 2015 and intensified in 2018– that pushed at least 400,000 inhabitants to Ecuador (Foreign Ministry of Ecuador, 2020). The National Plan for Human Mobility established by the Government of Ecuador promoted free mobility, the protection of the rights of the population in a situation of mobility and generated conditions to promote orderly and safe migration, but in 2018 it imposed measures and restrictions on Venezuelan people as a contingency plan and process the passport. The problem with this plan, which tried to stop the massive arrival of Venezuelans, according to Burbano (2019), was that it violated the Organic Law of Human Mobility, ignored human rights, the fight against migrant smuggling, and ignored migrants to operational or statistical purposes.

Another similar case has occurred with refugees from the Middle East going to Europe. The nine countries most required by migrants, including Germany (the most requested), instituted complicated entry processes: requesting a humanitarian visa, a process that can take years (González, 2013) and have even carried out deportation processes; Germany, for example, deported 69 well-integrated young Afghans in July 2018, with work, good German and who paid their taxes (Organización de las Naciones Unidas, 1951). However, the Refugee Convention (1951) promoted that all applicants should be granted refugee status and access to fair and effective processes to determine their status with less effort.

A similar problem is faced by North Koreans who defect and try to escape to South Korea, China, or Europe. There are complex migratory processes, inaccessible to many, there is prison if they are found in an irregular situation, in addition, due to the tension between the North and the South, deserters are interrogated to verify that they are not spies, and thus suffer violation of their human rights. Similarly, the culture of the *coyote* has been created around the border, which leads to human trafficking, sexual and labor exploitation (Conde, 2015).

1.7 History of international migration

If we talk about migration, this phenomenon has existed since prehistory with the expansion of the first humans to all inhabitable areas in the world, to then go through the times of Greece and Rome with emigration to create various colonies dedicated to trade, for the Middle Ages with the barbarian invasions, the growth of Islam and the formation of several empires, such as the Byzantine and then in the Modern Age with the Ottoman, and finally, with the conquest of America when thousands of people emigrated to the New World.

However, when talking about international migration, one must go back to the eighteenth century, a time when the first States with territorial sovereignty were established, with the declaration of Independence of the New England states in 1769. This, together with a great process of industrialization in Europe, make people migrate to the big cities of that century, especially those that were part of the United States after its declaration of independence on July 4, 1776.

Starting in the 19th century, the American continent became the country of destination for many migrants, and with the creation of the steam engine, millions of people who came from Europe migrated to America to have job opportunities, since they were expelled from their traditional lives and their jobs by the industrialization process. Of 57 million migrants who entered the United States from 1607 to 1990, 90% entered since 1830. But not only the United States was the receiving country, over time Latin America, with Brazil, Argentina and Chile also received millions of migrants (Pries, 1999).

In the 20th century, international migration was established as a social phenomenon, and with the conflicts that occurred such as the First and Second World Wars, the Russian Revolution, the Korean and Vietnam War, the Crack of 29, among others, the migration of people became more acute as they tried to flee these events. World War II was a conflict that generated waves of mass migration, like the Jews fleeing the Nazis from 1939 to 1945, or thousands of French people who emigrated to the countryside or another country when Nazi Germany invaded their nation in 1940. The Revolution Russia was also a fact

that marked the migration of more than 2 million people who escaped from the communist regime. The decolonization of Africa and Asia was another event that caused several waves of migration, such as that of European settlers with their armies, but also that of non-European people who collaborated with the colonization.

If international migration is seen within a current panorama, there is a mixture of its beginnings with what happened throughout the 20th century, when people migrated to other countries for a better life and job opportunities, but also migrated in a forced way. for fleeing a conflict such as the Russian invasion of Ukraine, or the conflict in Syria. In addition, there are academic migrations, where young students decide to go to another city or country to study, such as people who live in rural areas and decide to go to big cities to enter education from primary to higher education, but there are also migrations due to changes in the environment, where people decide or are forced to migrate due to a deterioration in the environmental conditions in their place of residence and it affects their living conditions.

1.8 History of Ecuadorian emigration (1990-present)

In the first place, it is necessary to briefly explain the Ecuadorian migration from its beginnings. The first surge occurred due to the cocoa boom from 1869 to 1950, when there were internal migrations from the central and southern provinces of the country to the coast. Another spike occurred from 1948 to 1965 with the banana boom due to job opportunities on the coast in this sector. In addition, people currently also decide to go from the countryside to cities like Quito or Guayaquil for more work. The next breakthrough was in the oil boom in the 70's with the migration of people to the Amazon from provinces with less development in education and health. And it was from the 1980s that, due to the economic crisis that Ecuador was experiencing, people decided to migrate abroad (Argüello Salazar, 2010).

1.8.1. First wave of Ecuadorian international emigration (1990-2008)

The migration of Ecuadorians abroad has been very numerous in recent decades. According to Jacques Ramírez (2005), between 1990 and 1997 there was a period of greater economic stability in the country, but without growth in the economies of Ecuadorian families, which caused a high and stable flow of Ecuadorian migrants who wanted a better life. in other more developed countries during these years, but in constant growth until the beginning of 1998. In this period of greater economic stability, migratory flows were not interrupted and experienced a considerable increase: there was an average of 29,000 immigrants per year in the period between (Ramírez & Ramírez Gallegos, 2005)1992-1997.

Table 1.
Migratory movements 1990-1997

Años	Migración (Número de personas)
1990	23.539
1991	25.880
1992	25.900
1993	30.683
1994	37.349
1995	33.146
1996	29.780
1997	30.931
Promedio 90-97	29.651

Source: Ministry of Government of Ecuador (2005)

However, all this has changed since mid-1998, with what is considered the great wave of Ecuadorian migration. It happened at the end of the 90's, due to the worst economic and political crisis in the history of Ecuador. It happened during the government of Jamil Mahuad, when there was a deterioration in the balance of payments of the State due to the negotiation of the territories with Peru, which caused a weakening of the financial and fiscal system. The banks fell into crisis and the government did not put a limit on the

financial aid it granted to them, so that, until August 1999, the total resources channeled by the Government to the banks were 1,400 million dollars. This process was called “bank bailout.” In March 1999, the banks reached a peak of financial crisis and Jamil Mahuad declared a bank holiday and the deposits of savers in each of the banks were frozen. In January 2000, Mahuad decreed the dollarization of the Ecuadorian economy, establishing a fixed exchange rate of 25,000 sucres for every dollar. The crisis caused poverty and unemployment indicators to skyrocket, causing a great wave of migration.

According to the National Institute of Statistics and Censuses (INEC, 2021) between 1999 and 2007 more than 1.5 million people migrated abroad. According to Herrera (2008), only in the year 2000 there was the highest peak in the migratory balance with 175,000 people who traveled and did not return. Even due to the great wave of migration that occurred at the end of the 20th century, the unemployment indicators had a significant reduction from 14% in 1999 to 9% in the year 2000. According to Alberto Acosta, this reduction did not occur because of an increase in productive activity that could have been generated by the creation of new jobs, but especially by the unstoppable flow of emigrants and the expansion of underemployment (Atienza, et al., 2004).

Table 2.

Migratory movements of Ecuadorians 1998-2000

Años	Migración (Número de personas)
1998	45.332
1999	108.837
2000	158.359
Promedio 98-2000	104.176

Source: Ministry of Government of Ecuador (2005)

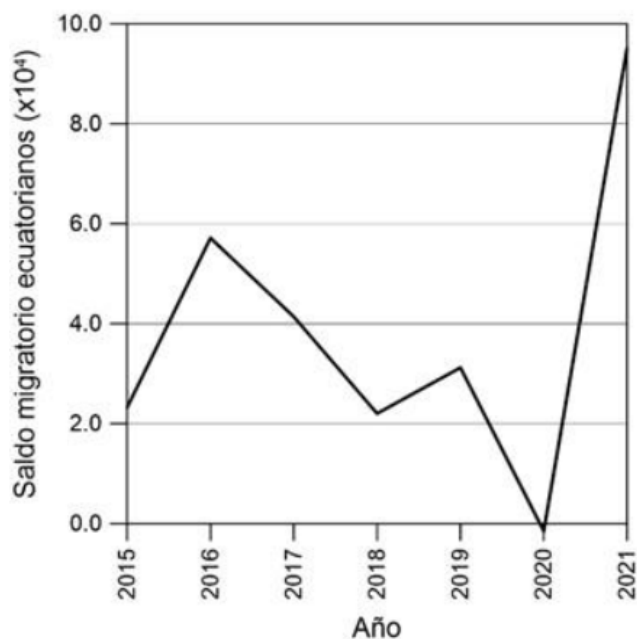
1.8.2. Second wave of emigration (2018-present)

The COVID-19 pandemic began in March 2020 and caused several countries to decree the confinement of millions of people due to the collapse of health systems. In Ecuador, this caused the production of companies to be paralyzed, and imports and exports were significantly reduced, which caused a decrease in the country's economy. Consequently, something like the 1999 crisis happens, with the growth of poverty and unemployment rates, putting entire families in a complicated situation, and generating a wave of migration.

This migratory wave is directed towards the United States, the majority, crossing through Mexico and Guatemala illegally, which caused thousands of people to be detained by migration patrols or simply disappear. According to Ramírez (2009), this corridor is considered the area with the greatest global migratory transit. It is estimated that between 2000 and 2005 alone, more than 10.4 million people from various parts of the world passed through this space, heading for the United States as their destination. This figure represents more than double the number of people registered on the borders of Eastern Europe or in densely populated points such as Bangladesh or India. Regarding Ecuador, according to its Ministry of Government, since November 2018, more than 261,000 Ecuadorians have crossed the Mexican border when, throughout 2018, 51,500 did so. Between January and August 2021, it is evident that of the 111,674 Ecuadorians who traveled to Mexico, 69,083 did not return to the country, which is equivalent to 62% of the people who travel to Mexico (González, 2021).

Graphic 1.

Migratory balance of Ecuadorians (2015-2021)



Source: INEC and Ministry of Government of Ecuador (2021)

Graph 1 reflects a new Ecuadorian migratory wave, only surpassed by the wave at the end of the 90s. Since 2015, the migratory balance has been declining until reaching a minimum balance in 2020, while confirming that the COVID-19 pandemic, which caused a new economic crisis in Ecuador, caused the migratory balance to skyrocket with historical figures.

1.9 Main destinations

From 1990 to the present, Ecuador has faced strong migratory processes, both internal and external; It is a country of emigrants, with two main destinations, the US and Europe in recent years.

Table 3.**Exits of Ecuadorian migrants according to destination countries (1990-2002)**

Número de personas ecuatorianas emigrantes hacia diferentes destinos					
Año/Destino	EEUU	España	Italia	Alemania	Francia
1990	102.867	2.916	1.663	2.324	2.367
1991	106.926	3.141	1.376	2.573	2.017
1992	119.748	5.373	1.847	2.805	2.233
1993	120.111	4.489	1.965	2.825	2.071
1994	134.323	5.227	2.309	3.026	2.194
1995	139.015	8.133	3.719	3.304	1.929
1996	140.594	10.365	3.489	3.755	2.592
1997	175.294	10.762	3.855	1.816	3.087
1998	129.226	13.992	1.312	524	784
1999	169.453	50.784	9.170	1.477	1.355
2000	181.745	139.152	23.265	4.264	3.643
2001	157.744	139.964	14.698	3.698	2.543
2002	208.741	157.579	15.137	2.865	2.894
Total	1.885.787	551.877	83.805	35.256	29.709

Source: Ministry of Government of Ecuador (2005)

Table 3 shows the number of Ecuadorians who have emigrated to different destinations in the world, the United States with 73% of migrants, Spain with 21%, Italy with 3% and countries such as Germany and France that are with 1% between 1990 and 2002.

Table 4.
Preferred destinations by Ecuadorians in 2003 and 2004

Número de personas ecuatorianas que emigraron en el año 2003 - 2004						
Años	2003			2004		
País	Salidas	Entradas	Migración	Salidas	Entradas	Migración
EEUU	196.575	167.635	28.941	175.791	93.690	82.101
España	144.912	24.535	120.377	88.521	55.540	32.981
Italia	18.962	5.458	13.504	15.471	6.552	8.919
Alemania	3.517	1.619	1.898	4.133	2.790	1.343
Otros	217.435	257.048	-39.613	322.578	378.207	-55.629
Total	581.401	456.295	125.107	606.494	536.779	69.715

Source: Ministry of Government of Ecuador (2005)

Table 4 shows that, instead of decreasing Ecuadorian emigration, it grew more between 2003 and 2004, all this due to the political crisis that Ecuador was experiencing in those years after the 1999 crisis, with politically unstable governments, with cases of corruption and coups. These numbers were constant in the following years, and as previously stated, the INEC estimated that more than 1.5 million Ecuadorians migrated abroad until the year 2007 (INEC, 2021).

Ecuadorians decide these destinations due to the wide labor offer, and the opportunities of a good life within those countries, in addition to the light immigration policies with the obtaining of rights. Countries like the United States and Spain required cheap labor, something that Ecuadorian migrants were willing to take advantage of, since within Ecuador unemployment, poverty and inequality skyrocketed, especially in times like the bank holiday and the pandemic. of COVID-19.

Conclusion

As a conclusion to the chapter, the general concepts of migration and migratory policies were added, along with the different forms of emigrating, the factors that influence people to emigrate and the problems that the migratory policies imposed by the States with Human Rights have. An analysis of the history of Ecuadorian emigration was conducted from 1990 to 2022, with the study of the main migratory waves that have occurred in this period of history and the main destinations that Ecuadorians have had. Analyzing all these issues was particularly important because it is necessary to know all the migratory data of the country of origin and the reasons why Ecuadorians decide to leave to go to European countries or to the United States.

Chapter 2: Migration policies of Mexico and Guatemala from 1990 to the present

Introduction

This chapter will analyze the migration policies of countries such as Mexico and Guatemala and how they affected international migration. In addition, the reasons for its application will be seen, the countries that were affected by these policies, as well as their results and the historical changes that have occurred since 1990. For this, the current migration laws of both States will be analyzed, and what their responses to make international migration safer and more dependable.

2.1. Mexican migration policies

2.1.1. Reasons, objectives, and principles

The Mexican Immigration Law, in its reasons, objectives and principles, and according to article 1 of this regulation, establishes the following:

Article 1. The provisions of this Law are of public order and general observance throughout the Republic and are intended to regulate matters related to the entry and exit of Mexicans and foreigners to the territory of the United Mexican States and the transit and stay of foreigners in it, within a framework of respect, protection and safeguarding of human rights, contribution to national development, as well as preservation of national sovereignty and security (Gobierno de México, 2011).

Article 1 is clear with its objective, with the regulation of the entry and exit of Mexicans and immigrants, in addition to establishing respect for the human rights of each person who enters the Mexican country.

In addition, the Law (2011) establishes in article 2 that the principles of Mexican migration policy are:

Article 2. The migration policy of the Mexican State is the set of strategic decisions to achieve specific objectives based on the general principles and other precepts contained in the Political Constitution of the United Mexican States, the international treaties and conventions in which the State Mexican is a party and this Law, are embodied in the Regulation, secondary regulations, various programs and specific actions to address the migratory phenomenon of Mexico in an integral manner, as a country of origin, transit, destination and return of migrants.

The principles on which the migration policy of the Mexican State must be based are the following:

First, unrestrictedly respect the human rights of migrants, nationals, and foreigners, whatever their origin, nationality, gender, ethnicity, age, and immigration status, with special attention to vulnerable groups such as minors, women, Indigenous people, adolescents, and people elderly, as well as victims of crime. In no case will an irregular migratory situation preconfigure by itself the commission of a crime nor will the commission of illicit acts by a migrant be prejudged by the fact of being in an undocumented condition.

Second, to be consistent in guaranteeing the validity of the rights that it claims for its citizens abroad, in terms of entry, entry, residence, transit, transportation and support for the return of foreigners to the territory.

Third, have a global approach adapted to the complexities of international human mobility, responding to various aspects of immigration in Mexico as a country of origin, transit, destination and return of migrants, considering the structural causes and their immediate and future consequences.

Fourth, share the responsibility with the governments of different countries and between national and international organizations focused on migration issues.

Fifth, provide international hospitality and solidarity with those who need a new temporary or permanent home due to the harsh conditions in their country, which puts their lives or their coexistence at risk, according to Mexican tradition in this regard, international treaties, and laws.

Sixth, create favorable conditions for international travel of people, protecting security and order. This principle recognizes the contribution of migrants to the societies of origin and destination. At the same time, they strive to increase the contribution of immigration authorities to public and border security, regional security, and the fight against organized crime, particularly in the fight against the kidnapping of migrants and human trafficking in all its forms.

Seventh, to have equality between national and foreign citizens, according to the Political Constitution of the United Mexican States, especially due to full respect for individual guarantees, both for nationals and foreigners.

Eighth, recognize the rights acquired by immigrants as foreigners of origin or from a family, work or business relationship in Mexico who have established a set of rights and commitment to their daily coexistence in the country, even if they grow up in an irregular migratory situation for administrative aspects and the requirement that foreigners must comply with the current law.

Ninth, prioritize family solidarity and the best interests of children and young people, as criteria for the stay of foreigners for temporary or permanent residence, together with labor needs and humanitarian reasons, with family unity being a key factor in the formation of a healthy and productive social structure for foreign communities in the country.

Finally, establish a social and cultural integration between nationals and foreigners residing in the country on the basis of multiculturalism, freedom of choice and full respect for their cultures and customs of origin, provided that they do not oppose the laws of the country (Gobierno de México, 2011).

The principles are basic and reflect a Mexican country with open doors for immigrants, with equal treatment, with facilities for optimal social integration, solidarity, and respect for the human rights of each person.

2.1.2. Countries affected by Mexican migration policies

Migration policies have the objective of regulating migration, making it safer and more dependable. However, the measures that countries put into the migration issue affect other countries in the political, economic, and social spheres. Politically, because they can positively or negatively affect relations between the two states. Economically, because it can reduce migration from the country of origin or increase it, which can cause the economy to reactivate or stagnate with the increase in migratory waves. And socially, because the measures could destroy families or unify them with the stay of people in their country of origin and not with the need to migrate. In addition, all this depends on the relations between the States and their migratory situation.

In the case of Ecuador, Mexico established the non-immigrant visa requirement for Ecuadorians from September 4, 2021, and indefinitely, due to the current situation with the current wave of Ecuadorian migration that passes through this country and that with destination the United States. However, Mexico abolished the non-immigrant or tourist visa for Ecuadorians since November 2018 due to the goal called "Mexico with Global Responsibility", in which the Mexican State must be a positive and purposeful force in the world, recovering the leadership for the benefit of great global causes and reaffirming the commitment to free trade, capital mobility, productive integration, safe mobility of people and the attraction of talent and investment to the country (El Comercio, 2018).

However, on August 20, 2021, Mexico announced that once again the non-immigrant visa was requested from Ecuadorians as of September 4 of the same year, upon detecting that seven out of 10 people intended to pass to the United States across the border with Mexico. With an improper use of this facility, the decision was made that it is temporary, since it allows measures to be taken in favor of achieving safe and regular migratory flows (González, 2021).

Ecuador is not the only country that needs additional permits for its people to enter Mexico. Countries in Central America, Africa, Asia, the Middle East, and Oceania have also been affected by Mexican migration policies.

In the case of Central America, there are constant migratory flows, caravans of people from Honduras, El Salvador, Costa Rica, Nicaragua trying to cross the border with Mexico. These flows have existed since the 1970s and 1980s due to political and economic problems in the countries. People at that time decide to migrate to Mexico, which has a higher level of development. Mexico activated the Plan Sur in 2001, with the aim of regulating the migration that existed on its southern border. As of September 11, 2001, the policies of the South Plan became stricter, there was even talk of a sealing of the southern border to prevent the entry of people from Central America. Instead of a total closure of the southern border, Mexico regulated the entry of people from Central American countries with the requirement of the Mexican non-immigrant visa.



However, there are some requirements that can replace the Mexican visa to enter your country, such as a document that certifies permanent residence in Canada, the United States of America, Japan, the United Kingdom of Great Britain and Northern Ireland. , in one of the countries that make up the Schengen Area, as well as in the member states of the Pacific Alliance (Chile, Colombia and Peru). People who have valid visas from Canada, the United States of America, Japan, the United Kingdom of Great Britain and Northern Ireland or any of the countries that make up the Schengen Area can also enter (Instituto Nacional de Migración, 2022).

Image 1.

Countries that need a nonimmigrant visa to enter Mexico

PAÍSES Y REGIONES QUE SI REQUIEREN VISA

<ul style="list-style-type: none"> Afganistán Albania Angola Antigua y Barbuda Arabia Saudita Argelia Armenia Azerbaiyán 	A	<ul style="list-style-type: none"> Madagascar Malawi Maldivas Malí Marruecos Mauricio Mauritania Moldova Mongolia Montenegro Mozambique Myanmar 	<ul style="list-style-type: none"> Namibia Nauru Nepal Nicaragua Niger Nigeria
<ul style="list-style-type: none"> Bahrein Bangladesh Belarús Benin Bhután Bosnia y Herzegovina Botswana Brasil Brunei Darussalam Burkina Faso Burundi 	B	<ul style="list-style-type: none"> Pakistán Palestina Papua Nueva Guinea 	<ul style="list-style-type: none"> Omán
<ul style="list-style-type: none"> Cabo Verde Cambodia Camerún Chad China Comoras Congo Corea del Norte Costa de Marfil Cuba 	C	<ul style="list-style-type: none"> Qatar 	
<ul style="list-style-type: none"> Djibouti Dominica 	D	<ul style="list-style-type: none"> Republica Centroafricana Republica Democrática del Congo Republica Dominicana Rusia Ruanda República de Macedonia del Norte 	
<ul style="list-style-type: none"> Ecuador Egipto El Salvador Eritrea Etiopia Eswatini 	E	<ul style="list-style-type: none"> San Cristóbal y Nieves Samoa San Vicente y Las Granadinas Santa Lucía Santa Sede Santo Tomé y Príncipe Senegal Serbia Seychelles Sierra Leona Siria Somalia Sri Lanka Sudáfrica Sudán Sudán del Sur Surinam 	S
<ul style="list-style-type: none"> Fiji Filipinas 	F	<ul style="list-style-type: none"> Tailandia Taiwán Tanzania Tayikistán Tímor-Leste Togo Tonga Túnez Turkmenistán Turquía Tuvalu 	T
<ul style="list-style-type: none"> Gabón Gambia Georgia Ghana Granada Guatemala Guinea Guinea-Bissau Guinea Ecuatorial Guyana 	G	<ul style="list-style-type: none"> Ucrania Uganda Uzbekistán 	U
<ul style="list-style-type: none"> Haiti Honduras 	H	<ul style="list-style-type: none"> Vanuatu Viet Nam Venezuela 	V
<ul style="list-style-type: none"> India Indonesia Irán (Republica Islámica de Irán) Iraq Islas Salomón 	I	<ul style="list-style-type: none"> Yemen 	Y
<ul style="list-style-type: none"> Jordania 	J	<ul style="list-style-type: none"> Zambia Zimbabwe 	Z
<ul style="list-style-type: none"> Kazajstan Kenia Kirguistán Kiribati Kuwait 	K		
<ul style="list-style-type: none"> Lao (República Democrática Popular Lao) Lesotho Libano Liberia Libia 	L		

Source: Government of Mexico (2022)

2.1.3. Historical changes in Mexican immigration policies

Since the 1990s, the different Mexican governments have been constantly changing their immigration regulations, and most were to regulate migration at the southern border. Starting in 2000, the government of Vicente Fox established the Plan Sur for the effective control of the migratory flows that came from the Central American countries. During the government of Felipe Calderón, there was the Southern Border Reorganization Plan, which was much more radical and stricter than the Southern Plan, with the use of the security forces to have a more secure border, and which supports a policy anti-immigrant.

In the government of Enrique Peña Nieto, the Southern Border Program was launched, with the support of the United States to regulate migration on the border with Central American countries, but also respecting the human rights of immigrants. This policy was used so that more people were detained and deported to countries such as Guatemala, El Salvador, and Honduras. According to Dr. Alejandra Castañeda, collaborator of the Observatory of Legislation and Migration Policy in Mexico, only from June 2014 to June 2015, the number of detainees on the southern border of Mexico doubled its number compared to the same period of the year 2012-2013 with more than 90,000 people detained (Castañeda, 2016). Already in the government of Andrés Manuel López Obrador, a new immigration policy was created with a focus on respect for human rights, and they made it a matter of national security with the use of the security forces for the mass detention of undocumented people (Calva & Torre, 2020).

2.1.4. Results of migration policies

Mexico has several initiatives based on its migration policies for humane treatment of legal and illegal migrants. According to Lorena Guzmán (2014), the Immigration Policy Unit established that until 2013, there were approximately 64 federal government programs to support immigrant populations, 78% of these programs were for issues related to education, employment, humanitarian assistance and health; the rest was for legal assistance and promotion of culture and sports, as well as to send transfer of funds and instructions.

Despite these institutional efforts, analysts such as Dolores Paris (2016) confirmed a deficit in institutional capacity in migration policy and management for distinct reasons: corruption and lack of transparency in the management of the Mexican government, as well as a set of “organizational dysfunctions” with limitations in the system of physical and human resources. It should be noted that the design of Mexico's migration policy seems not relate to financial systems and human resources, which affects the implementation of programs and the application of human rights legislation. An example of this situation is the approved Special Migration Program, which does not have a budget for the immediate implementation of the actions specified in the program itself (Canales & Luz Rojas, 2017).

Table 5.

Number of immigrants in Mexico (1990-2019)

México - Número de Inmigrantes				
Año	Hombres	Mujeres	Total	% Inmigrantes
2019	531.912	528.795	1.060.707	0,84%
2017	620.387	603.782	1.224.169	0,99%
2015	515.917	512.886	1.028.803	0,85%
2010	490.691	478.847	969.538	0,85%
2005	359.642	352.845	712.487	0,67%
2000	270.896	267.155	538.051	0,54%
1995	229.589	228.960	458.549	0,50%
1990	348.353	347.321	695.674	0,83%

Source: Macro Data (2019)

In table 5, we see the number of immigrants who have gone to Mexico, which establishes that from 1990 to 2005 there was an average flow of a little more than 600,000 people who migrated to Mexico, but that, as of 2010, that flow skyrocketed, reaching more than a million people who emigrate each year. This shows that initially Mexican migration policies helped regulate the migratory flow but that, in the last decade, they are not giving the expected results.

2.2. Guatemalan migration policies

2.2.1. Reasons, objectives, and principles

As was done with Mexican migration policies, first what is established in its Migration Law regarding its reasons, objectives and principles will be cited.

As an objective of the Guatemalan Migration Code (2016), decree 44-2016 of the Congress of the Republic of Guatemala establishes the following:

“There is a need for a national migration system that gives full effect to the right to migrate as the basis and foundation of the institutional framework and migration law within the framework of respect for the fundamental rights of people. And that the State of Guatemala requires a renewed, unique, independent migratory institutionalism, with the capacity to formulate and configure the country's migratory policy, with which its management model incorporates a vision of service, political coordination mechanisms that allow a response and effective care, as well as principles of action that allow it to adapt to national and international environments.”

As in the Mexican Migration Law, the Guatemalan Migration Code establishes the objective of regulating migration with an effective institutional framework and with the utmost respect for the human rights of each immigrant. It also adds that the State must have a management model to create coordination mechanisms to obtain an effective service.

Similarly, Decree 44-2016 of the Migration Code establishes the principles and reasons of the Guatemalan Migration Code are the following:

First, that the State of Guatemala recognizes and guarantees the freedom of every person to enter, circulate and leave its territory and change residence or domicile without restrictions other than those provided by law. Likewise, it has the duty to guarantee the life, liberty, justice, security, peace, and integral human development of the population of the Republic, for which the State organizes itself to protect the person and the family, being its supreme end the common good.

Second, international human rights law, as well as international refugee law, asylum law, and international humanitarian law, contain a framework that defines the obligations and responsibilities of States in relation to care, assistance, security, and protection of migrants. It is up to Guatemala, as a member State of this international normative framework, to coordinate the special provisions by virtue of which Guatemala must establish and adopt legislative measures that guarantee the full enjoyment of the people.

Third, the international instruments related to migrant workers, including the International Convention on the Protection of the Rights of All Migrant Workers and their Families, ratified by the State of Guatemala, must be harmonized through the normative legislation of the country to guarantee the right of access, enjoyment and full enjoyment of the right to work under the protection of the State regardless of nationality.

Fourth, Guatemala has become a country whose social and economic condition have produced many immigrants, as well as its geographical location, it is a country of transit and destination for people from other countries. Migration management models are required, as well as national policies for the care, support, safety, and protection of migrants. Likewise, it seeks that the migratory function, which takes place in the national territory, contributes to improving public security, through balanced migratory procedures, which include respect for human rights and work to improve citizen security.

Finally, the legal framework that governs migration must be preserved, thus ensuring the legal security of people, and allowing full access to knowledge of the applicable laws in the country, incorporating international standards to protect and support migrants. and their families in the context of transit, destination, and return (Gobierno de Guatemala, 2016).

The principles of the Guatemalan Migration Code are clear, with respect for the freedom of people who enter Guatemala and taking advantage of the pacts and conventions of international organizations to apply standards for the support of migrants in any situation.

2.2.2. Countries affected by Guatemalan migration policies

As stated above, the migration policies of a country affect the political, economic, and social spheres of other countries, either positively or negatively, but always with the aim of regulating migration. In the case of Ecuador, a non-immigrant visa was not required until September 17, 2021, the day on which Guatemala made the decision to request a visa from Ecuadorians, after a request made by the general director of the Guatemalan Institute of Migration (IGM), Stuard Rodríguez, after identifying the situation of vulnerability faced by Ecuadorian migrants who seek to arrive irregularly to the United States, showing that they have been victims of unscrupulous people who under deceit offer them to arrive in that country (Imbaquingo, 2021).

Image 2 establishes the list of countries that require a visa to enter Guatemala. Unlike Mexico, Guatemala does not request a visa from people from the rest of the Central American countries, despite being a country with a high traffic of migrants, in addition to being the country that borders Mexico on the southern border.

Image 2.

Countries that require a nonimmigrant visa to enter Guatemala

Visa Consular

Azerbaiyán	Guinea Bissau	República Centroafricana
Belarús, República de (Bielorrusia)	Guinea Ecuatorial	Ruanda
Benín	Guyana	Samoa
Bolivia	India	Senegal
Burkina Faso	Jamaica	Serbia, República de (Antiguamente)
Burundi, República de	Kazajstán	República Federativa de Yugoslavia)
Cabo Verde	Kirguistán	Seychelles
Camboya	Kiribati	Suazilandia
Chad	Lesoto	Suriname
Comoras	Malawi	Tailandia
Côte d'Ivoire (Costa de Marfil)	Maldivas	Tanzania, República Unida de Tayikistán
Djibouti	Marruecos, Reino de	Togo
Dominica	Mauricio	Tonga
Ecuador	Mauritania	Túnez
Egipto	Micronesia (Estados Federales)	Turkmenistán
Filipinas	Moldova, República de (Moldavia)	Uganda
Gabón	Montenegro, República de	Uzbekistán
Gambia	Myanmar, Union de (antes Birmania)	Zambia
Georgia	Namibia	Zimbabue
Granada	Nauru	
Guinea	Níger	
	Palao	
	Papúa Nueva Guinea	

Source: National Institute of Migration of Guatemala (2022)

2.2.3. Historical changes in the migration policies of Guatemala

Throughout history, Guatemala has had several changes in its migratory policies since the first Immigration Law, created in 1879. As of that year, there have been several changes, in addition to adopting the Conventions of international organizations such as the UN. But if a more current context is seen, the Migration Code in force to date was established in 1999 and had its last reforms in 2016.

The current Code provides to guarantee an effective migratory system, which regulates the entry and exit of national and foreign citizens from Guatemalan national territory, as well as the permanence of the migratory system. It establishes migration agencies, powers of the Ministry of the Interior and the General Directorate of Migration, the National

Migration Council, the directory, registration of residence of foreigners, travel documents, classification, generally residents, temporary workers, and retirees; ordinary, diplomatic and official passports, special passports, residence or tourism cards, classification and characteristics of visas, immigration control, financial regulation, transportation, delinquency and delinquency, and resources (Hernández, 2009).

2.2.4. Results of migration policies

Analyzed everything that the Government of Guatemala has within the migration issue, such as the entities that are in charge, the countries affected with their policies, and the historical changes in their migration laws, the results they obtained are not at all encouraging. According to Eluvia Hernández (2009):

“In Guatemala there is a legal framework, government institutions and non-governmental organizations that implement various actions, in addition to the participation of migrants, as well as humanitarian entities that try to fight and improve the human rights situation of migrants. migrants. These measures, still scattered, do not have sufficient economic means to conduct their actions, in addition to the fact that some laws need to be reformulated so that they have effective results at the time of their implementation. It is still pending that the migratory and police authorities in the field understand each other in full respect for the rights and dignity of those who use Guatemalan territory for purposes of transit, destination, or return” (p. 50-51).

And there were reforms in the Immigration Code, but they have not filled the legal gaps. A reformulation of the laws and the tasks of each one of the entities that oversee the migration issue is required, in addition to establishing migration as a public policy of the State. This is the only way to identify problems and improve results.

Conclusion

As a conclusion to the chapter, the migratory policies of countries that have a high transit of people, such as Mexico and Guatemala, were analyzed. We have seen the reasons, the objectives, and the principles of the laws of the two countries, the States affected by these laws, in addition to those that require a visa to enter them. In addition, the historical changes that migration laws have had and their results with the aim of regulating migration were analyzed.

Finally, it can be said that both laws have their shortcomings in the migration issue, the deregulation of migratory transit, policies that do not obtain a good result, among others. The current situation requires the design and implementation of a comprehensive, coherent, and multi-institutional national migration policy, with the broad participation of civil society and migrants. Migration is above all legal, and this does not deny international cooperation, but rather, on the contrary, guides it towards a fair relationship between States. This policy does not exist in any country in the world, except for those countries whose immigrant origin increasingly depends on it, which requires greater urgency in the formulation and implementation of this policy.

Chapter 3: Analysis of the impact of the migration policies of Mexico and Guatemala on compliance with and respect for the Human Rights of Ecuadorian migrants

Introduction

This chapter will analyze the impact of the migration policies of Mexico and Guatemala on compliance with and respect for the Human Rights of Ecuadorian migrants. In the first place, the reasons for the application of restrictive immigration policies by Mexico and Guatemala will be considered, followed by the results that are expected in immigration control, especially for Ecuadorian migrants. In addition, there will be the latest actual results obtained by Mexico and Guatemala with respect to migration control in general, and for Ecuador. Finally, there will be several existing cases on the effect of the exercise of the human rights of migrants, and the human rights that are affected by migration policies will be specifically established.

3.1. Reasons for the application of restrictive immigration policies

According to the International Migration Law (LIM) of 2019, migration policies are the joint frameworks of legal norms, laws, regulations, policies, and traditions, as well as organizational structures, and relevant processes that regulate and determine the actions of the States in response to migration in all its forms, addressing rights and obligations, and fostering international cooperation. According to Liv Bjerre (2014), migration policies are the statements of a government about what it intends to do or not do, including laws, regulations, decisions, or orders, regarding the selection, admission, settlement, and deportation of citizens. foreigners residing in the country.

There are several reasons to apply migratory policies within the States. In the case of Mexico, the growing number of international migrants entering the country and organized crime are some of the main reasons. Based on this, the Mexican government decided to

use immigration policies to control the international migratory flow and prevent the growth of these crimes, both on the northern border and on the southern border.

Some examples of the policies established by Mexico are the application of visas to foreigners from different countries, greater security at its borders, better cooperation with neighboring countries for migratory control and even the prohibition of entry into the country of citizens of a country in specific. The application of migratory policies requires the use of all the security instruments of the States, such as the armed forces and the migratory police, however, the need for unrestricted respect for the human rights of migrants is always established.

In the case of Guatemala, according to the Guatemalan Institute of Migration, the State's mission is to ensure respect for the human right to migrate, guarantee it through the proper administration of migration law and the timely assistance and protection of those foreign or national migrants. that require it. Likewise, it is constituted as a decentralized body in the provision of public migratory services, directing its action towards respect for the human rights of individuals.

In addition, the Guatemalan government must formulate, create, coordinate, articulate, align, implant, implement and execute the monitoring, follow-up, evaluation and feedback of the Comprehensive Migration Policy at the national level, establish agreements and inter-institutional agreements for the strengthening of migratory activities and exchange of information, among others, integrate the migratory commitments acquired by Guatemala in the national and international sphere, lead the comprehensive inter-institutional coordination and management from the area of its competence (Instituto Guatemalteco de Migración, 2022).

3.2. Expected results

When talking about expected results, this term refers to the projection that governments have regarding the migratory control of women using more restrictive migratory policies. The States have a projection of having a maximum control of migratory security to avoid organized crimes focused on migration, such as coyote networks or human trafficking, and uncontrolled migratory waves. However, the projected results are not always obtained, because there are several factors that influence the results and the establishment of a safe and effective migration control.

The main focus of migration laws is the control of the entry of people into the national territory, as well as their exit, always with the protection of the Human Rights of migrants, and regulating the issues of refuge, asylum, and family reunification, using as support the Universal Declaration of Human Rights, and the International Convention on the protection of the rights of all migrant workers and their families, both established by the United Nations Organization. However, each government that enters these countries expects different results with respect to migration.

For example, in the case of Mexico, each government conducts a different program with respect to immigration control and depending on the government in power, the measures are more radical, or lighter with respect to previous governments. For example, Mexican governments of the 1980s and 1990s that were part of the Institutional Revolutionary Party (PRI) did not have in their main agenda to strengthen immigration control, but from the governments of the beginning of the 21st century such as that of Vicente Fox , or Felipe Calderón who were the National Action Party (PAN), if it was on their agenda to strengthen immigration laws, and better cooperation with the United States in this matter.

About Ecuador, Mexico established in 2011 a list of countries that did not require a visa to enter, a list in which Ecuador was not part, but in 2018 the Mexican government decided to eliminate the requirement of a non-immigrant visa for the entry of Ecuadorians into the national territory. However, as of September 4, 2021, Mexico reestablished the visa for the entry of Ecuadorians, with the aim of reducing the migratory wave of Ecuadorians who use the Mexican country as a transit stop to later travel to the United States as destination.

In the case of Guatemala, the governments have followed the same line with respect to migratory control, always with the objective of controlling it effectively. The framework of action is agreed upon by the institutions that participate in the migration of people, such as the Guatemalan Institute of Migration, and the Passport Issuance Center, and it is a permanent task and they do not focus only on crises and emergencies. migrations that may arise.

The Guatemalan government has a classification of countries by category for the documentation required to enter the national territory. Ecuador was in category A, so Ecuadorians did not need a visa to enter Guatemala. However, everything changed on September 17, 2021, when the Guatemalan government decided to lower Ecuador to category B, therefore, from this, Ecuadorians needed a visa to enter Guatemala.

The main reason was that due to the fact that Mexico issued a visa to the Ecuadorians two weeks before, the wave of migrants moved to other Central American countries such as Honduras, Guatemala or El Salvador as a point of entry to then pass through the Mexican country and finally reach the United States, so the Guatemalan government imposed the visa as a measure to control the wave of Ecuadorian migrants.

3.3. Actual results so far

3.3.1. Mexico

The Mexican State conducts several surveys every year about the migratory situation within the country, for example, the entry of migrants by condition of stay such as tourism or for work, of nationals and foreigners, the number of non-resident foreigners who enter Mexico, air and sea entries, among others, and compares them with the numbers obtained in the last two years. In addition, surveys are also conducted on people who enter Mexico with irregular situations, in employment, in the required documentation or that is expired, or who are in the process of completing their documentation for their legal entry into the country.

Regarding Ecuadorians, according to data from the Ministry of Government, during the year 2021, there was a total of 127,145 Ecuadorian migrants who traveled to Mexico, having a peak in August with the migration of 22,987 Ecuadorians. As of September 2021, the number of migrants dropped significantly, coinciding with Mexico's measure of issuing a visa to Ecuadorians who want to enter its territory, and in the remainder of 2021, the number continued to drop.

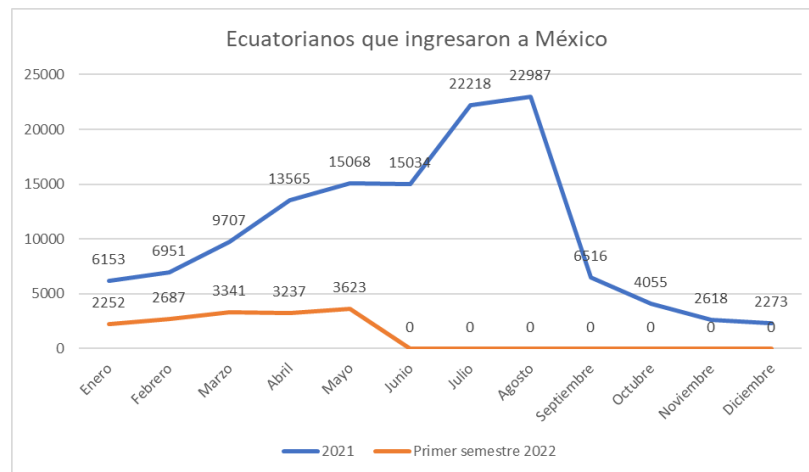
As of the year 2022, the number of Ecuadorian migrants who entered Mexico continued with a downward trend, this, even though there has been a slight increase in migrants as of March 2022 and compared with the same months of the year 2021, as reflected in table 6 and in graph 2. With this it can be concluded that the visa that Mexico granted to Ecuadorians has had an effect, and the migratory wave has been drastically reduced.

Table 6.
Ecuadorians who entered Mexico (2021- First semester 2022)

Mes	2021	Primer semestre 2022
Enero	6.153	2.252
Febrero	6.951	2.687
Marzo	9.707	3.341
Abril	13.565	3.237
Mayo	15.068	3.623
Junio	15.034	-
Julio	22.218	-
Agosto	22.987	-
Septiembre	6.516	-
Octubre	4.055	-
Noviembre	2.618	-
Diciembre	2.273	-
Total	127.145	15.140

Source: Ministry of Government of Ecuador (2022)

Graphic 2.
Ecuadorians who entered Mexico (2021- First semester 2022)



Source: Ministry of Government of Ecuador (2022)

In recent years, the Mexican government has obtained mixed results due to multiple causes such as the COVID-19 pandemic, which reflect a reduction in the entry of national and foreign migrants during the year 2021. However, so far this year 2022 reflects the opposite, a substantial increase in the number of migrants who become equal to the numbers presented before the pandemic, as seen below in table 7 and in graph 3.

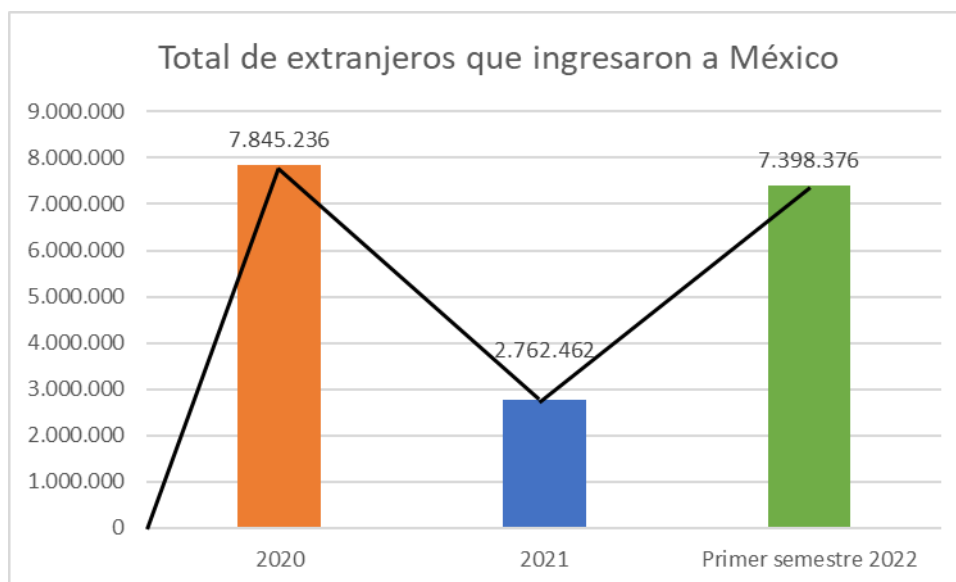
Table 7.
Entry of migrants by condition of stay (2020- First semester of 2022)

Condición y motivo de estancia	2020	2021	Primer semestre 2022
Total	9.526.654	3.614.863	8.989.647
Total de extranjeros	7.845.236	2.762.462	7.398.376
Extranjeros no residentes en México	7.701.612	2.692.017	7.261.237
Visitantes turistas	3.735.264	1.756.160	4.189.780
Visitantes de negocios	179.281	32.417	89.352
Otros visitantes sin permiso de actividad remunerada	867.326	455.923	906.384
Visitantes de crucero	1.687.016	15	980.506
Tripulación marítima	658.889	44.583	683.079
Tripulación aérea	99.758	71.539	116.141
Visitantes regionales	435.286	315.775	279.467
Visitante por razones humanitarias	21.286	5.996	8.659
Visitante con permiso de actividad remunerada	76	172	30
Trabajadores fronterizos	9.105	6.796	2.148
Diplomáticos	8.325	2.641	5.691
Extranjeros residentes en México	143.624	70.445	137.139
Temporales	70.651	33.354	59.088
Permanentes	72.973	37.091	78.051
Mexicanos	1.681.418	852.401	1.591.271
Residentes en el país	1.323.717	616.126	1.257.752
Residentes en el extranjero	262.933	180.048	250.219
Diplomáticos	1.385	639	1.145
Tripulación aérea	93.383	55.588	82.155

Source: Government of Mexico (2022)

Graphic 3.

Foreigners who entered Mexico (2020 - First semester 2022)



Source: Government of Mexico (2022)

From these data, the number of migrants who entered Mexico by air, land or sea was established. Most of the migrants, as can be seen later in Table 8, entered by air, followed by sea, and, finally, there are the migrants who entered the country by land. However, an important observation is the number of migrants who entered Mexico by land in 2021, surpassing the number of migrants who entered by sea by a significant difference. It is important to emphasize that, despite being official data from the Mexican government, it is not always the reality of the existing migratory flow within the national territory. In other words, there are many migrants who enter Mexico illegally and did not go through immigration control, therefore, they are not included in the official Mexican data.

Table 8.
Entry of Migrants to Mexico, according to the route of admission (2020-First semester of 2022)

Vía de entrada	2020	2021	Primer semestre 2022
Total de entradas	9.526.654	3.614.863	8.989.647
Vía aérea	5.913.557	2.761.785	6.261.917
Vía marítima	2.365.126	46.375	1.679.429
Vía terrestre	1.247.971	806.703	1.048.301

Source: Government of Mexico (2022)

In addition, the Mexican State conducted a survey on international migrants who had irregularities with their migratory status, such as lack of documents to enter, expired documentation, with irregular employment, who are in the process for an asylum or refuge, among others. for which they were detained and deported by the Mexican authorities. In the years 2020 and 2021, most deported migrants were from Central American countries such as Guatemala, Honduras, and El Salvador.

Latin American countries like Colombia, Ecuador, Venezuela, and Peru also make this list, and, surprisingly, the United States is also included. The information includes deported foreigners, returns assisted by the Government for those over 18 years of age, and for those under 17 years of age, as reflected below in Table 9. With this, the Mexican government indicates that the control measures migration has been strengthened, and there is better control at its borders, especially on the issue of irregular migration, deportations of migrants without the respective documentation for their entry into Mexico, and the Mexican state-assisted return of migrants to their countries of origin.

Table 9.

Foreigners returned by the Mexican immigration authority, according to the country of nationality (2021-First semester of 2022)

País de nacionalidad		
	2021	Primer semestre 2022
Total	23.940	26.131
Guatemala	8.834	11.262
Honduras	13.853	11.021
El Salvador	905	1.226
Cuba	24	793
Nicaragua	83	617
Colombia	40	602
Ecuador	33	139
Venezuela	3	131
Estados Unidos	128	98
Perú	4	70
Otro país	33	172

Source: Government of Mexico (2022)

3.3.2. Guatemala

Unlike the Mexican Government, which publishes data until the first quarter of 2022, in Guatemala there is migration information until the first semester of 2021. In addition, these data are published in the National Institute of Statistics of Guatemala, unlike Mexico, where the migratory data is published by the National Institute of Migration, specifically by the Unit of Migratory Policy, Registration, and Identity of Persons.

Regarding Ecuadorian migrants, according to migration data from the Ministry of the Government of Ecuador, since Mexico restored the visa for Ecuadorians, in September 2021 the entry of Ecuadorians to Guatemala increased by 229%. However, this did not last long, because that same month the Guatemalan government also issued a visa for Ecuadorians. As reflected below in table 10 and graph 4, during the year 2021, thousands of Ecuadorian migrants have entered Guatemala, with a total of 2,405 migrants, with the

highest peak of 873 Ecuadorians who entered Guatemalan territory in the month of September, all this because Mexico issued the visa as of that month, so Guatemala was chosen as Plan B for migrants.

However, as of October, the number of migrants fell radically, also due to Guatemala's measure of giving visas to Ecuadorians, which reflects that the measure gave positive results and the migratory wave in this country also decreased. On the other hand, comparing the same months of the year 2021 with 2022, an increase in Ecuadorian migrants traveling to Guatemala is reflected, without there being a lack of control in the figures.

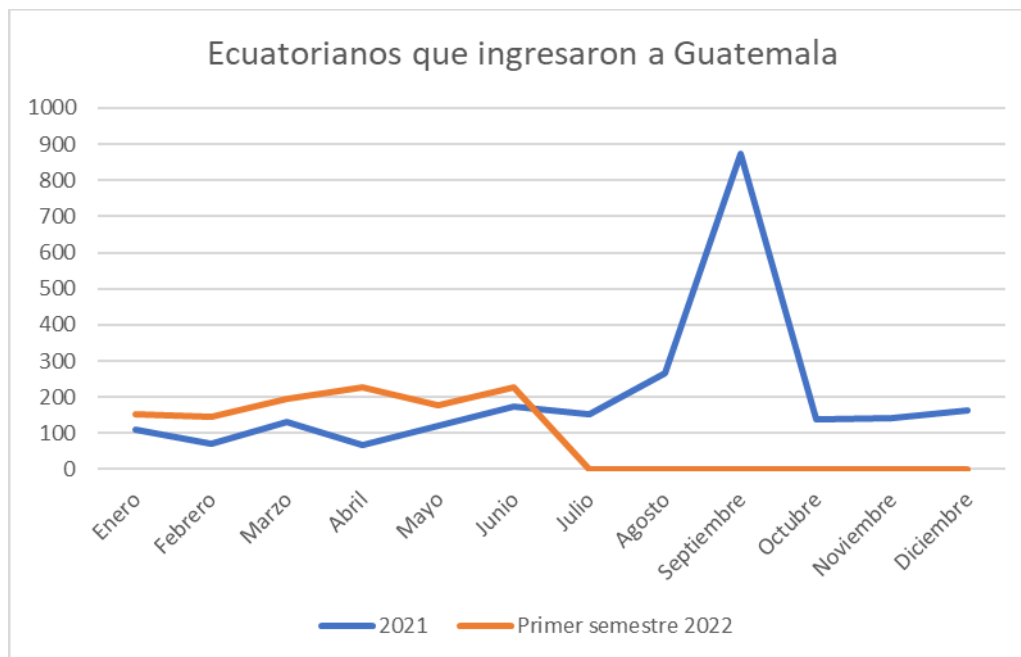
Table 10.
Ecuadorians who entered Guatemala (2021 – First semester of 2022)

Mes	2021	Primer semestre 2022
Enero	111	151
Febrero	70	146
Marzo	131	194
Abril	68	228
Mayo	121	177
Junio	173	227
Julio	153	-
Agosto	265	-
Septiembre	873	-
Octubre	137	-
Noviembre	141	-
Diciembre	162	-
Total	2.405	1.123

Source: Ministry of Government of Ecuador (2022)

Graphic 4.

Ecuadorians who entered Guatemala (2021 – first semester of 2022)



Source: Ministry of Government of Ecuador (2022)

With respect to Guatemalan immigration control data in general, as reflected below in Table 11, there are several countries of origin of foreigners who enter Guatemala. Most foreigners are from Central American countries such as Honduras, Nicaragua, El Salvador, Costa Rica, among others. In addition, Latin American countries such as Colombia, Ecuador, Venezuela, Bolivia, Brazil, Uruguay, and Peru are also on this list. Here, in the same way as in the results of Mexico, it is important to emphasize that the migratory flow may be different from what the Guatemalan government reports, due to the people who enter Guatemalan territory illegally and without going through the corresponding immigration control.

Table 11.
Immigration of persons born abroad (2020- First semester of 2021)

País de origen	Total migrantes extranjeros (2020 - Primer semestre 2021)
El Salvador	1.051
Colombia	885
República de Corea	597
Honduras	588
Estados Unidos de América	571
Nicaragua	548
Venezuela (República Bolivariana de)	497
México	419
Costa Rica	229
Cuba	156
China	152
España	136
Brasil	103
Ecuador	99
Perú	97
Argentina	87
Chile	77
Italia	77
Francia	69
Panamá	68
Ucrania	67
Alemania	62
República Dominicana	54
Canadá	47
República de China - Taiwán	45
Federación de Rusia	45
Bolivia (Estado Plurinacional de)	32
India	27
Suiza	27
Países Bajos	25
Japón	24
Bélgica	18
Uruguay	17
Israel	15
Reino Unido	14
Marruecos	6

Source: National Institute of Statistics Guatemala (2021)

The United States tops the list of people entering Guatemala. This is followed by Central American countries, such as El Salvador, which is in second position, and Latin American countries, with Colombia and Venezuela in third and fourth place, respectively. In the case of Ecuador, it is in a middle position and shares quite similar numbers with European countries such as France and Spain, and Latin America, such as Peru and Chile.

Table 12.
International immigration for work purposes, including refugees (2020-2021)

País de origen	Total ingreso migrantes (2020 - Primer semestre 2021)
Colombia	516
Venezuela (República Bolivariana de)	370
El Salvador	322
Honduras	253
México	234
Nicaragua	206
Estados Unidos de América	147
República de Corea	134
China	101
Costa Rica	89
Brasil	74
Cuba	68
Ucrania	66
España	65
Ecuador	62
Perú	56
Argentina	45
Chile	43
Panamá	37
Federación de Rusia	36
República Dominicana	32
Italia	26
Francia	23
Bolivia (Estado Plurinacional de)	23
India	21
Alemania	13
República de China - Taiwán	12

Source: Guatemalan Institute of Migration (2021)

Table 12 establishes the number of international migrants by age range, but they enter for other purposes, such as work, or with an irregular migratory status such as political asylum, or as refugees. In this case, Colombia and Venezuela are the countries that lead this list, with similar numbers of migrants entering Guatemala.

Followed by Colombia and Venezuela, there are South Korea, and Central American countries such as Nicaragua, El Salvador, and Honduras.

In the case of Ecuador, it is in lower positions in the table, which indicates that most Ecuadorians migrate to Guatemala for tourism, or as a connection to go to another country. However, even though the number of Ecuadorians who go to Guatemala for work, political asylum or refuge is much lower compared to countries such as Colombia or Venezuela, it is a number to consider for future migration studies.

3.4. Existing cases

Throughout history there have been several cases regarding a systematic violation of human rights by the restrictive immigration policies of Mexico and Guatemala. The violation can occur directly by the States, or indirectly, with organized crime groups focused on illegal migration, such as coyotes, human traffickers, white slave trade, among others, to which migrants' resort as last option to reach your destination.

As a first case, we have Diego Loja, an Ecuadorian who decided to migrate to the United States, due to economic and labor needs, and as he said, to fulfill the famous "American dream." Diego hired a coyote to help him cross the border into the United States. He had to travel to Honduras, to then go through Guatemala, and in the same way, through the border to Mexico.

Diego said that this network of coyotes made them sleep in warehouses, in forests, in trucks, for days, along with approximately 300 other migrants from different countries. In addition, they crowded 20-25 migrants in each wooden box to put them in trucks full of scrap so that the immigration authorities would not suspect.

When he arrived in the state of Veracruz in Mexico, unfortunately it was the end of his trip, because the Mexican immigration authorities conducted an operation and arrested him and many other migrants. Diego says that he did not suffer any aggression from the authorities or the coyotes, but he was intimidated by the latter who possessed high-caliber weapons and always demonstrated their power over the immigrants.

As a second case we have José, 41 years old, from Honduras. He is a farmer and due to the economic difficulties, he was going through, he decided to emigrate to Mexico. José collected 2,000 Mexican pesos and had to pass through Guatemala, to then reach Chiapas and finally to his destination Coatzacoalcos, Veracruz. Unlike the first case, José suffered discrimination and excessive use of force by immigration authorities.

José recounted: “One Thursday, already in Mexico, I went to buy a phone card to call my wife, I was walking calmly and a patrol car stopped and two policemen, a man and a woman, got out and, without further ado, they pushed me and started to insult me, that if I went somewhere, if I wanted to steal, if I had drugs, in short, many things that I did not understand why they told me that, they took me to a patrol with many people and they put us all in jail.

Together with other people, José arrived at a place called “El Veinte,” a kind of prison for undocumented migrants. According to José, the place was in terrible conditions, there was urine, human feces and it smelled bad. An officer approached the prisoners and said that if they wanted to leave, they had to pay a fine.

“Well, since what I told the police officers was true, I asked the officer that I wanted to see the judge, and yes, they did see the judge, who asked me very rudely: 'And what do you want? what were you doing?' I told him that I was only going to buy a phone card, that I was in the migrant's house and that he was not a criminal, but he asked me where I was from and I told him that I was from Honduras, and he started laughing and told me: “Well, for that alone, there is a \$300-peso fine and a 36-hour prison sentence.”

As a third case, we have the attack on a Guatemalan migrant truck on December 9, 2018. A group of assailants attacked the truck with several shots in the state of Veracruz, Mexico. A woman was killed and three people were injured in the attack. Like this case, there are many attacks on migrant trucks that transit through Mexico and are destined for the United States. Unfortunately, these people are the main target of aggression not only by organized crime groups, but also by state authorities.

As a last case, there is Manuel, a native of Mexico. He, like many others, was deported from the United States and was in Tijuana heading to a factory for work.

Manuel recounted, “a patrol arrived, two police officers got out and one of them told me that he had a report that someone was setting fire to that area, and I was the only one walking around at that time. He began to ask me, where I was going, if I used drugs, he asked me many things, and I explained to him where I was going and that I did not use drugs.

"They put me on top of the patrol to check my pants pockets, they took my cigarettes, my toilet paper and threw them away, then they found my 60 pesos and they wanted to take me away, and well, it's the only thing I had and they didn't let me , I began to struggle and they hit me in the stomach and in the arm, I lost my breath and they threw me to the floor, there I hurt my elbow, they took the 60 pesos from me and put me on the patrol car, they took about an hour there and half or two hours, until they took me to a judge around 10:00 or 11:00 in the morning, there was another person in the patrol, that one if they brought him in handcuffs. He told me that they had also taken all his money and that if he said anything they were going to take him to some gangsters to kill him (Guerrero Ortiz & Jaramillo Cardona, 2015). "

These are just four of the thousands of cases that occur each year. It is known that restrictive immigration policies have no responsibility for the actions of these people, but the need they have to migrate to have better days forces them to make risky decisions. Even, as in the last case, there are several authorities that are related to organized crime, something very unfortunate and that, as difficult as it may seem, should be corrected.

3.5. Impact on the exercise of the human rights of migrants

To establish whether there is an impact on the human rights of migrants, the rights that may be affected by migration policies must be specifically mentioned. For this, it is necessary to study the most important document on this subject, the Universal Declaration of Human Rights, prepared by the United Nations (UN).

All rights will be mentioned, and it will be affirmed or denied if there is a condition towards the exercise that migrants make of these by migratory policies. When relating migration to human rights, it is necessary to establish how they are affected when migrants want to exercise them. Therefore, the way in which the exercise of human rights by migrants is affected has been divided into two ways: direct and indirect.

When speaking of a direct effect, this refers to the fact that the migratory measures applied by the countries can affect the rights of migrants. For example, the right of free movement can be affected when a country applies a visa for migrants from a specific country, since they condition that they have that document to enter the country, otherwise they would not be authorized to do so. Another example of a condition is the right to equality. By this he means that when applying for a visa to a country to enter its territory, there is no equality, because many other countries do not need a visa to enter, so this right can be affected.

3.5.1. Universal Declaration of Human Rights

Law	Condition	Direct/Indirect
Right to life.	YES	Indirect
Right to freedom.	YES	Indirect
Right to security.	YES	Indirect
Right to legal personality.	YES	Indirect
Equality right.	YES	Direct
Right to effective remedies protected by the Constitution or the Law.	YES	Indirect
Right to be heard publicly in any accusation in criminal matters.	YES	Indirect
Right to presume innocence until proven otherwise.	YES	Indirect
Right to protection against interference.	YES	Indirect
Right to move freely and choose your residence, and to enter and leave any country.	YES	Direct
Right to seek political asylum.	YES	Indirect
Right to a nationality.	YES	Indirect
Right to marry and found a family.	YES	Indirect
Right to individual and collective property.	YES	Indirect
Right to freedom of thought, conscience, and religion.	YES	Indirect
Right to freedom of expression.	YES	Indirect
Right to freedom of assembly.	YES	Indirect
Right to participate in the government of your country.	NO	-
The right to social security.	YES	Indirect
Right to work.	YES	Indirect
Right to rest.	YES	Indirect

Right to an adequate standard of living.	YES	Indirect
Education rights.	YES	Indirect
Right to a cultural life.	YES	Indirect
Right to establish a social order to apply human rights.	YES	Indirect
Right to develop your personality.	NO	-
Nothing in this Declaration may be interpreted in the sense that it confers any right to the State, to a group or to an individual, to undertake and conduct activities or conduct acts tending to the suppression of any of the rights and freedoms proclaimed in this Declaration.	YES	Direct

Source: Universal Declaration of Human Rights (1948)

On the other hand, there are the rights that are affected indirectly. In other words, rights that are not affected by the migratory measures of a country, but that these measures can influence a disobedience of the population due to the need to migrate, whether due to economic, labor, security, among others. In short, the population seeks diverse ways to migrate illegally, such as coyotes or human traffickers.

Given this, various rights may be affected, such as the right to life, liberty, security, and to work. For example, the right to life, liberty, and security can be affected by the coyotes themselves by murdering, assaulting, or enslaving migrants during the journey, but it can also occur at the final destination by suffering discrimination by be undocumented migrants and without protection from the State.

As in this last case, human rights can also be affected by the lack of documents that migrants must have to have a legal stay in the final destination. Therefore, rights such as legal personality, effective remedies protected by the Constitution or the Law, to be heard publicly in any criminal accusation, to presume innocence until proven otherwise, to seek

political asylum, to a nationality, to marry and found a family, to individual and collective property, to social security, to work, to education, among others, may be affected by not having documents that legalize the stay by migrants, since , jobs, educational institutions, and state institutions request them to obtain all these benefits.

Conclusion

As a conclusion, a reason was established for which the States apply migratory policies, such as the control of organized crime focused on migrants, the control of the migratory flow, among others. Like all States, results are projected that may be those expected by the authorities, however, the actual results are different, since the flow has not been controlled, crime continues to grow and there are migratory waves that grow every day. For this reason, there are thousands of real cases of a violation of the human rights of migrants, by the State, or by smugglers and human traffickers. Finally, the human rights that migrants can exercise, and that are affected by the migration policies of the States, were classified, resolving that most of the rights established by the Universal Declaration of Human Rights if they are violated and omitted.

Conclusions

As a conclusion, the general concepts of migration and migration policies were studied, two especially important topics for this work. In addition, the causes of the migration of people, the regulations for international migration, as well as international organizations focused on migration. It was particularly important to review the history of international migration from its beginnings, and the history of Ecuadorian emigration since 1990, the decade in which the emergence of migratory waves began with a destination in different parts of the world, such as Europe or the United States. from America. On the other hand, the migratory policies of Mexico and Guatemala were analyzed, the reasons and their objectives to apply them, a study of their current migratory laws, the historical changes that they have had since 1990, the countries that were affected by these measures and the results. current in immigration control.

Finally, the impact of the migration policies of Mexico and Guatemala on compliance with and respect for the Human Rights of Ecuadorian migrants was studied, the reasons for applying more restrictive policies, the results expected in the future, the actual results in currently, the existing cases in which the human rights of migrants were affected, and the classification of human rights that are directly or indirectly affected by migration policies.

Migratory policies have as one of their objectives respects for human rights, but with a deep analysis as in this work, it was established that rights such as free mobility and equality are directly affected by putting more restrictive migratory measures, such as the case of the visa for Ecuadorians to enter Mexico and Guatemala. Due to this, people seek other ways to enter these countries undocumented, and this can have consequences, such as being a victim of human trafficking or even death, therefore, there is an indirect effect on human rights by these immigration policies.

Recommendations

Migration is a social phenomenon that is important to study and analyze the reasons why it occurs. When the migratory waves arise, where thousands of people leave their country of origin and emigrate to another destination, there are strong reasons behind all this. It is important to see the reasons why people decide to leave their native country, in all areas, by the State and personally.

In the case of Ecuador, there are several factors why people decide to leave the country in search of better days. There are economic factors, such as the crisis that has been plaguing the country for several years, which makes the quality-of-life drop, there are no job opportunities, and it is difficult to get ahead. Another factor is the political, where corruption appears and reigns in this area. And, finally, there is the social factor, where there is the lack of citizen security, and the different hit men, assaults, and massacres that occur every day throughout the national territory.

It is necessary to improve in all these areas, to end corruption, invest in security, in the creation of adequate employment, pay debts, create laws for the people and not for the interests of a few. Only in this way will people realize that Ecuador is being pushed forward by being within its borders. It is public knowledge that remittances contribute in large part to the Ecuadorian economy, but it is not the only thing that contributes to this; Ecuador has great wealth in oil, agriculture, tourism, among other things, to get ahead.

On the other hand, in Mexico and Guatemala border and migration security must be improved, because despite putting in place more restrictive measures, organized crime focused on migrants such as smugglers, or human traffickers continue to be talked about. Thousands of migrants suffer every day as victims of murders, robberies, being trafficked, for fulfilling the dream of migrating to improve their lifestyles.

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